



**Reconvened Regular City Council Meeting
January 11, 2022
Council Chambers
*Immediately following the Finance Committee Meeting***

Agenda

1. Call to Order
2. Opening Prayer
3. Pledge of Allegiance
4. Roll Call
5. Acceptance of Minutes
 - 5.1 Regular City Council Meeting: December 7, 2021 *consideration for approval* P. 7
6. Communications from the City Manager
 - 6.1 City Manager's Report P. 31
7. Communications from the Mayor
 - 7.1 Mayoral Appointments of Subcommittees P. 51
8. Presentation of Petitions and Council Correspondence
 - 8.1 Creation of Special joint committee of the School Board and City Council P. 53
 - 8.2 Correspondence from Public Health Network P. 55
9. Nominations, Appointments, Resignations, and Elections
 - 9.1 **Resignation:** Nancy Carignan, Recreation & Arena Committee *consideration for approval* P. 61
 - 9.2 **Resignation:** Tim Fontneau, Planning Board (Regular Member) *consideration for approval*

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City Clerk's Office

- 9.3 **Resignation:** Lance Whitehill, Planning Board (Alternate member) *consideration for approval* P. 62
- 9.4 **Resignation:** Paul Giuliano, Zoning Board of Adjustments (Regular member) *consideration for approval* P. 63
- 9.5 **Resignation:** Mark Hourihane, Rochester Economic Development Commission (Regular member) *consideration for approval* P. 64
- 9.6 **Resignation:** Lionel Sylvain, Planning Board (Regular Member) *consideration for approval* P. 65
- 9.7 **New Appointment:** Jeremiah Minihan – Historic District Commission, Alternate Member *term to expire 1/02/2023 consideration for approval* P. 67
- 9.8 **Mayoral Nomination/Confirm by City Council:** Arts and Culture (Government Representative - Ashley Desrochers) *Term to Expire on 1/2/2024*
- 9.9 **Mayoral Nomination/Confirm by City Council:** Opera House – Board of Directors (City Council Representative – Christopher Rice) *Term to Expire on 1/2/2024*
- 9.10 **Mayoral Nomination/Confirm by City Council:** Historic District Commission (City Council Representative - Laura Hainey) *Term to Expire on 1/2/2024*
- 9.11 **Mayoral Nomination/Confirm by City Council:** Planning Board Regular Member – Donald Hamann *Term to Expire on 01/02/2024*
- 9.12 **Mayoral Nomination/Confirm by City Council:** Planning Board Alternate Member – Ashley Desrochers *Term to Expire on 01/02/2024*
- 9.13 **Mayoral Nomination/Confirm by City Council:** Recreation and Arena Commission, Regular Member – Dana Berlin *Term to Expire on 01/02/2024*
- 9.14 **Appointment:** Rochester Economic Development (Chair – Paul Giuliano) *Chair Term to Expire on 01/02/2024*
- 9.15 **Appointment:** Rochester Recreation & Arena Commission (Chair – Sheila Colson) *Chair Term to Expire on 01/02/2024*

10. Reports of Committees

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10.1 Appointments Committee

10.1.1 Reappointment memo for review P. 69

10.2 Codes & Ordinances Committee P. 71

10.2.1 February 3, 2022 meeting – Review of Council Rules of Order

10.3 Public Safety P. 79

10.3.1 Committee Recommendation: To relocate the current streetlight at the corner of Hoover and Washington to the utility pole across the street *consideration for approval* P. 81

10.4 Public Works P. 85

11. Old Business

12. Consent Calendar

13. New Business

13.1 Resolution for Supplemental Appropriation of \$422,805 to Department of Public Works (DPW) Sewer CIP Fund *first reading and consideration for adoption* P. 89

14. Other

15. Non-Public/Non-Meeting

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

16. Adjournment

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City Clerk's Office

**City Council Regular Meeting
December 7, 2021
Council Chambers
31 Wakefield Street
6:30 PM**

COUNCILORS PRESENT

Councilor Abbott
Councilor Beaudoin
Councilor Bogan
Councilor Fontneau
Councilor Gray
Councilor Hailey
Councilor Hamann
Councilor Hunt-Hawkins
Councilor Lachapelle
Councilor Rice
Deputy Mayor Walker
Mayor Lauterborn

OTHERS PRESENT

Blaine Cox, City Manager
Katie Ambrose, Deputy City Manager
Terence O'Rourke, City Attorney

COUNCILORS ABSENT

Councilor Hutchinson

Minutes

1. Call to Order

Mayor Lauterborn called the meeting to order at 6:30 PM. She indicated that Councilor Lachapelle requested to attend the meeting remotely. She asked Councilor Lachapelle if it was reasonably impractical for him to be physically present at this meeting. Councilor Lachapelle confirmed that it was reasonably impractical for him to attend the meeting in person. Mayor Lauterborn stated that it is required that all votes be taken by means of roll call whenever one or more members are participating remotely.

2. Opening Prayer

Mayor Lauterborn requested a moment of silence.

3. Pledge of Allegiance

Mayor Lauterborn led the Pledge of Allegiance.

4. Roll Call

Kelly Walters, City Clerk, called the roll. All City Councilors were present except for Councilor Hutchinson who was absent. Councilor Lachapelle indicated that he was attending the meeting remotely and was alone in the room where he is located.

5. Acceptance of Minutes

5.1 Regular City Council Meeting: November 3, 2021 ***consideration for approval***

Councilor Rice **MOVED** to **ACCEPT** the Regular City Council meeting minutes of November 3, 2021. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote of 11 to 0. Councilors Rice, Walker, Hunt-Hawkins, Bogan, Lachapelle, Hamann, Hainey, Abbott, Gray, Fontneau, and Mayor Lauterborn voted in favor of the motion. Councilor Beaudoin wished to abstain from the vote since he was not present at the meeting in question.

5.2 City Council Special Meeting: November 16, 2021 ***consideration for approval***

Councilor Walker **MOVED** to **ACCEPT** the Special City Council meeting minutes of November 16, 2021. Councilor Rice second the motion. The **MOTION CARRIED** by a roll call vote of 12 – 0. Councilors Hainey, Beaudoin, Rice, Walker, Bogan, Lachapelle, Fontneau, Abbott, Hunt-Hawkins, Hamann, Gray, and Mayor Lauterborn voted in favor of the motion.

6. Communications from the City Manager

6.1 City Manager's Report

The City Manager's Report is as follows:

Contracts and documents executed since last month:

Department of Public Works

- Construction Easement – 158 N Main Street
- 2021 NHDOT Road Safety Audit Application
- Recommendation to sign bid agreement- Colonial Pines sewer
- Administrative order of consent, NPDES Permit

- Construction contract – Carbon storage facility
- Construction Change order, New DPW – Hutter Construction
- Agreement of rental – J&D Power Equipment
- Purchasing Waiver , exception to bidding threshold – J&D Power
- Engineering Services Task order - 2021 pavement condition assessment
- Recommendation to Award Bid, Rt 202A Water Main Extension – D&C Construction
- Construction change order – Strafford Square Intersection
- Scope of Service, Rt 202A Water Main Ext Tank Site – SUR
- Non-Disturbance & Access Agreement – DPW Facility Solar array
- Engineering Services Task Order – Underwood Engineers

Economic Development

- FY22 CDBG Environmental Review – CAP Weatherization 11-19
- FY22 CDBG Environmental Review – CAP Weatherization 11-19 #2
- FY22 CDBG Environmental Review – CAP Weatherization 11-29
- FY22 CDBG Environmental Review – CAP Weatherization 11-30

IT Department

- Broadband service contract – Atlantic Broadband

The following standard reports have been enclosed:

- Personnel Action Report Summary

City Manager Cox said there is an update on the Willand low-barrier Seasonal Shelter. He said the shelter began operations on November 29, 2021. He said data has been collected and provided by Betsey Andrews Parker, MPH, Community Action Partnership as follows:

(Data Collected for the Willand Low Barrier Seasonal Shelters - November 29, 2021 through December 5, 2021)

24 Female
36 Male
60 Total Served

City Manager Cox added that the total number of bed nights were 197. He said no veterans were in need of service during this first report; however, nine of the residents serviced did have a disability. He indicated that the lowest number of bed nights was 21 and the highest was 38, which equates to an overall average of 28 clients each night. He reported the following totals per City:

Dover	23
Rochester	15
Somersworth	9
Portsmouth	6
Farmington	2
Hampton	1
Middleton	1
Nashua	1
New Market	1
Rollinsford	1
Total:	60

City Manager Cox stated that the City Council Rules of Order establishes the order of the agenda for the Inauguration; however, he requested to adjust this year's Inauguration Agenda by moving the "Election of Deputy Mayor" under Agenda item # 6. He distributed a proposed Agenda for the Inauguration and gave details of the process. The City Council briefly discussed the matter and the City Attorney concluded that the City Clerk handles that particular agenda and stated that no vote is required to make the change.

7. Communications from the Mayor

7.1 Reading from Rochester Poet Laureate Ed Pacht

Mayor Lauterborn proudly announced that Ed Pacht is the newly appointed Poet Laureate for the City of Rochester. She said he is the third Poet Laureate selected since the program began. She said the selection is made by the Arts & Culture Commission in conjunction with the Director of the Rochester Public Library.

Matt Wyatt, Chair of the Arts & Culture Commission, addressed the City Council to introduce Ed Pacht. Mr. Wyatt gave a brief history of how Ed's love of the Arts in Rochester earned him the title of Poet Laureate.

Ed Pacht said he has been taken by surprise by his appointment as Poet Laureate and never sought any type of position; however, he is honored to serve the City in this manner. He gave a brief history of his life in or near Rochester since 1980. He chose two poems to read, *the latter of which was requested by Mayor Lauterborn*:

Caught & Crowned by Ed Pacht
With no Mills by Ed Pacht

Mr. Wyatt presented Mr. Pacht with a Poet Laureate Crown and a gift from a local artist. Mayor Lauterborn expressed appreciation for both poems and said the poem entitled "With No Mills" was first recited by Mr. Pacht at the Arts & Culture Award Ceremony this fall. Mr. Wyatt thanked Mayor Lauterborn for all her work over many years with the Arts & Culture Commission.

8. Presentation of Petitions and Council Correspondence

No discussion.

9. Nominations, Appointments, Resignations, and Elections

9.1 Resignation: Terry Garland, Zoning Board of Adjustments, alternate member *consideration for approval*

Councilor Walker **MOVED** to **ACCEPT** the resignation from Terry Garland, Zoning Board of Adjustment, with regret. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a 12 – 0 roll call vote. Councilors Lachapelle, Rice, Gray, Hainey, Abbott, Bogan, Fontneau, Hamann, Beaudoin, Walker, Hunt-Hawkins, and Mayor Lauterborn voting in favor of the motion.

10. Reports of Committees

10.1 Appointments Committee

10.1.1 New Appointment: Jeremiah Minihan – Historic District Commission, *Alternate Regular member term to expire 1/02/2023*

consideration for approval

- 10.1.2 New Appointment: Craig Brady – Recreation & Arena Commission, Alternate member term to expire 1/02/2024
*consideration for approval***
- 10.1.3 New Appointment: Palana Hunt-Hawkins – Arts & Culture Commission, Regular member term to expire 7/01/2023
*consideration for approval***
- 10.1.4 Reappointment: Shawn Libby – Utility Advisory Board Regular member term to expire 1/02/2024
*consideration for approval***

Councilor Bogan requested to group the above appointments into one motion. There were no objections. She **MOVED** to **APPROVE** all appointments and reappointments as stated above. Councilor Walker seconded the motion and made one correction. He said the Alternate member for the Historic Commission should actually be titled a Regular member. Councilor Bogan concurred. The **MOTION CARRIED** by a 12 – 0 roll call vote. Councilors Hamann, Walker, Hunt-Hawkins, Fontneau, Abbott, Gray, Rice, Bogan, Hailey, Lachapelle, Beaudoin, and Mayor Lauterborn voted in favor of the motion.

Councilor Bogan stated that the Committee is attempting to meet later this month; however, no meeting date has been set at this time. Councilor Walker stated that the Planning Board has a number of positions open at this time. He requested that the Appointments Committee meet and make those recommendations. He suggested that there could be a Special Meeting added to the Workshop Agenda in December. He cautioned that there may not be enough members on the Planning Board for a quorum in January and that the Planning Board is scheduled to meet prior to the Regular City Council meeting in January.

10.2 Codes & Ordinances Committee

- 10.2.1 Code of Ethics *motion to accept***

Councilor Lachapelle **MOVED** to **ACCEPT** the Codes of Ethics Policy. Councilor Walker seconded the motion. Councilor Lachapelle thanked the Police Commission and School Board for their input with creating this document. He hoped this policy, if adopted, would be reviewed every two years along with the City Council Rules of Order.

Councilor Gray spoke against the motion to accept the Code of Ethics. He stated that much of the material is already covered in other areas of city or state government policies. He said the way in which it is written would require that each Councilor keeps an eye on other Councilors and report any potential wrong-doings, including but not limited to more minor violations such as speeding, noise violations, or even shoveling snow on to a side-walk. He referenced the signature requirement from each City Councilor that is essentially a promissory note stipulating that they will abide to the policy and report malfeasance, as stated prior. He said the policy requires reporting according to the "spirit of" or "letter of the law". He felt that the policy went too far down the wrong path and suggested it would be best to make the following amendments to the policy: changing the word "require" to "guidelines", removing the signature requirement, and making a few other small adjustments. Councilor Lachapelle said the Code is written with common sense and it depicts the behavior that any elected official should already be displaying. He said as an elected official behavior, as seen by the public, is held to a higher standard. He said a lot of work has gone into the creation of this policy. He hoped to see this policy take effect in January, 2022, ready for the on-set of the newly elected City Council.

Mayor Lauterborn requested a vote on the motion. The **MOTION FAILED** by a roll call vote of 4 to 8. Councilors Rice, Hainey, Lachapelle, and Hunt-Hawkins voted in favor of the policy. Councilors Walker, Gray, Hamann, Beaudoin, Fontneau, Abbott, Bogan, and Mayor Lauterborn voted against the motion.

Mayor Lauterborn said the topic should stay in Committee in order to make adjustments.

Councilor Walker said the Codes and Ordinances Committee discussed another Amendment last Thursday, which was an Amendment to Chapter 254 of the General Ordinances regarding Storage of RV's; however, the proposed Amendment is not on this agenda, as it was not recommended to the full City Council. He said only the Committee members turned this proposed ordinance down and it should be presented to the full City Council for a vote. Councilor Hamann seconded

the motion. Councilor Rice said the Committee had a quorum at the meeting and Chapter 254 was defeated at the Committee level. He said a vote must be taken to suspend the rules of order to add anything additional to the agenda at this point. Councilor Walker reiterated that the item should have been included on the agenda. The City Council debated the issue. City Attorney O'Rourke confirmed that a vote to suspend the rules is in order to amend the agenda. Councilor Walker **MOVED** to Suspend the Rules of Order to **AMEND** the Agenda to include Chapter 254. Councilor Hamann seconded the motion. The **MOTION FAILED** by a roll call vote of 7 to 6. Councilors Abbott, Bogan, Beaudoin, Hamann, Walker, and Mayor Lauterborn voted in favor of the motion. Councilors Rice, Fontneau, Lachapelle, Hunt-Hawkins, Gray, and Councilor Hainey voted against the motion. *The motion failed to receive the required two-third majority of the votes.*

10.3 Fidelity Committee

No discussion.

10.4 Planning Board

Councilor Walker said the Committee had a discussion about a proposed expansion project for Eversource Utilities, and that there were members from the public who attended the meeting and stated their opposition to the project. The Planning Board decided to schedule a Site-Walk meeting on December 18, 2021 to review the proposed plans for expansion. The expansion project would include installing a tall storage unit for four of their large utility trucks.

10.5 Public Safety

10.5.1 Committee Recommendation: To install a streetlight at the intersection of Blackwater Road and Tebbetts Road *consideration for approval*

Councilor Hamann **MOVED** to **APPROVE** the Committee's recommendation to install a streetlight at the Intersection of Blackwater Road and Tebbetts Road. Councilor Gray seconded the motion. The **MOTION CARRIED** by a 12 – 0 roll call vote. Councilors Bogan, Abbott, Hainey, Walker, Lachapelle, Rice, Gray, Hunt-Hawkins, Fontneau, Beaudoin, Hamann, and Mayor Lauterborn voted in favor of the motion.

Councilor Hamann announced that the next meeting would take

place on December 15, 2021, at 6:00 PM.

10.6 Public Works

Councilor Walker stated that there are no action items at this time.

11. Old Business

11.1 Amendment to Chapter 275 of the General Ordinances of the City of Rochester regarding Impact Fees *second reading and consideration for adoption*

Councilor Walker **MOVED** to read the Amendment to Chapter 275 regarding Impact Fees for a second time. Councilor Hamann seconded the motion. Councilor Walker explained that this amendment would rescind the Impact Fee ordinance, which would result in a refund to all single-family homeowners and developers charged thus far. The total amount collected has been \$99,812. The **MOTION CARRIED** by a 12 to 0 vote. Councilors Hunt-Hawkins, Gray, Hamann, Rice, Beaudoin, Walker, Lachapelle, Hainey, Fontneau, Abbott, Bogan, and Mayor Lauterborn voted in favor of the motion. Mayor Lauterborn read the Amendment to the Ordinances for the second time as follows:

REPEAL THIS ENTIRE SECTION:

§ 275-27.3

Impact fees.

A. Purpose. This section is enacted pursuant to RSA 674:16 and 674:21: [Amended 1-7-2020]

(1) To assess new development for its proportionate share of the public capital facility costs.

B. Authority. [Amended 1-7-2020]

(1) Impact fees may be assessed to new development to compensate the City of Rochester and the School Department for a proportionate share of the cost of the capital facility needs occasioned by new development. Any person who seeks a building permit for new development may be required to pay an impact fee in the manner set forth herein.

(2) The Planning Board may, as a condition of approval of any subdivision or site plan, and when consistent with applicable Board

regulations, require an applicant to pay an impact fee for the applicant's proportional share of public facilities affected by the development.

- (3) Nothing in this section shall be construed to limit the authority of the Planning Board or the City to require exactions for off-site improvements, other conditions of approval, or to assess other fees governed by other statutes, ordinances, or regulations.
- C. Definitions. For the purposes of this section, the following terms shall have the meanings indicated:

IMPACT FEE

A fee or assessment imposed upon development, including subdivision or building construction, in order to help meet the needs occasioned by that development for the construction or improvement of capital facilities owned or operated by the City of Rochester or the Rochester School Department, including and limited to water treatment and distribution facilities; wastewater treatment and disposal facilities; sanitary sewers; stormwater, drainage and flood control facilities; public road systems and rights-of-way; municipal office facilities; public school facilities; public safety facilities; solid waste collection, transfer, recycling, processing and disposal facilities; public library facilities; and public recreational facilities not including public open space. [Amended 1-7- 2020]

NEW DEVELOPMENT

- (1) An activity that results in any one of the following:
 - (a) The creation of a new dwelling unit or units;
 - (b) The conversion of a legally existing use, or additions thereto, which would result in a net increase in the number of dwelling units;
 - (c) Construction resulting in a new nonresidential building or a net increase in the floor area of any nonresidential building; or
 - (d) The conversion of an existing use to another use if such change results in an increase in the demand on public capital facilities that are the subject of impact fee assessments. [Amended 1-7- 2020]
- (2) New development shall not include the replacement of an existing manufactured home or the reconstruction of a structure that has been destroyed by fire or natural disaster where there is no change in size, density, type of use, and where there is no net increase in demand on public capital facilities.

OFF-SITE IMPROVEMENTS

Highway, drainage, sewer, or water upgrades or improvements that are

necessitated by a development but which are located outside the boundaries of the property, as determined by the Planning Board during the course of subdivision or site plan approval. [Added 1-7-2020]

D. Assessment methodology.

- (1) Proportionality. The amount of the impact fee shall be calculated by the Planning Board to be a proportional share of municipal capital improvement costs which is reasonably related to the capital needs created by the development, and to the benefits accruing to the development from the capital improvements financed by the fee. The Planning Board may prepare, adopt, or amend studies or reports that are consistent with the above standards, and which define a methodology for impact fee assessment for public capital facilities, and impact fee assessment schedules therefor.
- (2) Existing deficiencies. Upgrading of existing facilities and infrastructure, the need for which is not created by new development, shall not be paid for by impact fees.

E. Administration.

- (1) Accounting. In accord with RSA 673:16, II, and 674:21, V(c), impact fees shall be accounted for separately, shall be segregated from the City's general fund, may be spent upon order of the City Council, and shall be used solely for the capital improvements for which they were collected, or to recoup the cost of capital improvements made in anticipation of the needs which the fees were collected to meet. In the event that bonds or similar debt instruments have been or will be issued by the City of Rochester or the Rochester School District for the funding of capital improvements that are the subject of impact fee assessment, impact fees from the appropriate related capital facility impact fee accounts may be applied to pay debt service on such bonds or similar debt instruments.
- (2) Assessment. All impact fees imposed pursuant to this section shall be assessed at the time of Planning Board approval of a subdivision plan or site plan. When Planning Board approval is not required, or has been made prior to the adoption or amendment of the impact fee ordinance, impact fees shall be assessed prior to, or as a condition for, the issuance of a building permit or other appropriate permission to proceed with development, as determined by the Building Inspector. Impact fees shall be intended to reflect the effect of development upon municipal and/or school facilities at the time of the issuance of the building permit. [Amended 1-7-2020]

- (3) Security. In the interim between assessment and collection, the Building Inspector may require developers to post bonds, issue letters of credit, accept liens, or otherwise provide suitable measures of security so as to guarantee future payment of assessed impact fees.
 - (4) Collection. Impact fees shall be collected as a condition for the issuance of a certificate of occupancy. If no certificate of occupancy is required, impact fees shall be collected when the development is ready for its intended use. Nothing in this section shall prevent the Building Inspector, with the approval of the Planning Board, and the assessed party from establishing an alternate, mutually acceptable schedule of payment. [Amended 1-7-2020]
 - (5) Refund of fees paid. The current owner of record of property for which an impact fee has been paid shall be entitled to a refund of that fee, plus accrued interest, under the following circumstances:
 - (a) When either the full or partial portion of the impact fee, whichever is applicable, has not been encumbered or legally bound to be spent for the purpose for which it was collected within a period of six years from the date of the full and final payment of the fee; or
 - (b) When the City of Rochester or, in the case of school impact fees, the Rochester School District has failed, within the period of six years from the date of the full and final payment of such fee, to appropriate its proportionate non-impact fee share of related capital improvement costs.
- F. Appeals.
- (1) A party aggrieved by a decision made by the Building Inspector regarding the assessment or collection of impact fees authorized by this section may appeal such decision to the Planning Board.
 - (2) In accord with RSA 676:5, III, appeals of the decision of the Planning Board in administering this section may be made to Superior Court, as provided in RSA 676:5, III, and 677:15.
- G. Waivers. The Planning Board may grant full or partial waivers of impact fees where the Board finds that one or more of the following criteria are met with respect to the particular public capital facilities for which impact fees are normally assessed:

- (1) An applicant may request a full or partial waiver of school impact fees for those residential units that are lawfully restricted to occupancy by senior citizens age 55 or over in a development that is also maintained in compliance with the provisions of RSA 354-A:15, Housing for Older Persons. The Planning Board may waive school impact fee assessments on such age-restricted units where it finds that the property will be bound by lawful deeded restrictions on occupancy by senior citizens age 62 or over for a period of at least 20 years. [Amended 1-7-2020]
- (2) A person may request a full or partial waiver of impact fees for construction within a subdivision or site plan approved by the Planning Board prior to the effective date of this section. Prior to granting such a waiver, the Planning Board must find that the proposed construction is entitled to the five-year exemption provided by RSA 674:39, pursuant to that statute. This waiver shall not be applicable to phases of a phased development project where active and substantial development, building and construction has not yet occurred in the phase in which construction is proposed. [Amended 3-5-2019]
- (3) The Planning Board may agree to waive all or part of an impact fee assessment and accept in lieu of a cash payment a proposed contribution of real property or facility improvements of equivalent value and utility to the public. Prior to acting on a request for a waiver of impact fees under this provision that would involve a contribution of real property or the construction of capital facilities, the Planning Board shall submit a copy of the waiver request to the City Council for its review and consent prior to its acceptance of the proposed contribution. The value of contributions or improvements shall be credited only toward facilities of like kind and may not be credited to other categories of impact fee assessment. The applicant shall pay all costs incurred by the City for the review of such proposal, including consultant and counsel fees.
- (4) The Planning Board shall waive all of an impact fee assessment for properties located in the Downtown Commercial District, with the district boundaries defined as the boundaries that exist at the time of the approval of this amendment. [Amended 1-7-2020]
- (5) The impact fee assessment for accessory dwelling units shall be waived with the stipulation that this waiver is reviewed every two years. [Added 1-7-2020]

Councilor Walker **MOVED** to **ADOPT** the Amendment. Councilor Hamann seconded the motion. Councilor Hailey requested the accurate

numbers associated with Impact Fees. She referred to Councilor Elect Berlin's testimony spoken at the most recent Workshop, which conflicted with Councilor Walker's figures.

Councilor Walker said there were 6 to 8 single-family homes, plus two lot divisions which had been required to pay the Impact Fees prior to the Planning Board setting the fee at \$0. He said all the larger developments had been granted waivers. The Planning Board was in agreement that if single-family homeowners were to be charged Impact Fees, they should simply stop charging fees all together until a solution could be sought. Councilor Walker said approximately \$100,000 has been collected from single-family homeowners and that money could be returned if this motion passes. Councilor Hainey asked how long the City has been collecting Impact Fees. Councilor Hamann confirmed that the Planning Board starting collected such fees in January, 2020.

Councilor Hainey stated that she understood that Impact Fees assist with off-setting the Tax Rate for new development. She questioned if eliminating the Impact Fees would have a negative impact on the tax rate.

Councilor Gray said as long as the Planning Board has the Impact Fees set at zero, rescinding the ordinance will not have a great affect; however if the ordinance is rescinded, it might take longer to re-instate the Impact Fees without the ordinance on the books. Councilor Gray said he has always been opposed to impact fees and felt that the City of Rochester should never have assessed an Impact Fee for the Schools due to the declining school population. He gave a brief overview of why Impact Fees exist and how the declining School population is cause for concern regarding the charging of Impact Fees. He reiterated that a vote on this matter makes no real difference if the fees are currently set at zero. Councilor Fontneau retorted that this vote does make a difference to the single-family homeowners anticipating a refund if this motion passes. He said that rescinding this ordinance would allow the Planning Board to refund the homeowners of these fees collected since January 2020. He stated that the ordinance regarding Impact Fees has been on the books for many years; however, in January 2020 the Planning Board first decided to set a fee. He spoke about a scenario in which a single-family homeowner currently living in the City of Rochester who moved within the City onto an existing lot and were, in turn, charged Impact Fees. The intent of Impact Fees is to collect fees from larger developments; however, the City Attorney has confirmed that no exceptions could be made regarding who pays Impact Fees and the collection off fees needs to be equitable. Furthermore, the larger developments were often grandfathered and/or received waivers against paying any of the fees. As a result, it was the single-family homeowners most effected by the Impact Fees.

Councilor Fontneau understood if this motion fails then the ordinance stays in place and it means the Planning Board must wait seven years prior to granting any reimbursements.

Councilor Rice asked if the City Council could keep the ordinance in place and take a vote to reimburse the fees collected dating back to January, 2020.

Deputy City Manager Ambrose clarified that the Finance Committee reviewed the process of reimbursing the Impact Fees and what happens if the ordinance is rescinded. She said the decision would be vetted through the Finance Committee/City Council to expend the funds or reimburse those home owners.

Councilor Rice asked if the City Council could vote to retain the ordinance but refund the Impact Fees to the homeowners. City Attorney O'Rourke said refunding Impact Fees is already covered under the ordinance; however, simply refunding fees based on the reasons discussed this evening is not considered under the current ordinance.

Councilor Rice voiced his concerns about some of the types of homes which were charged Impact Fees such as mobile and modular homes and if that money would be given to LLC's rather than the individual homeowners. He questioned who would receive the reimbursement the homeowner or the LLC? City Attorney O'Rourke said all collected Impact Fees can only be reimbursed to the current owner of the property.

Councilor Rice spoke against the motion to rescind the Impact Fee ordinances.

Councilor Hamann asked if the motion fails to rescind the Impact Fee ordinance if the City Council could still act to reimburse the funds. City Attorney O'Rourke outlined the legalities of the issue; however, if the City does not expend the funds, he believed a reimbursement could be accomplished. The City Council debated the matter further. Several Councilors supported leaving the ordinance in place if the money could be refunded to the homeowners. Several Councilors disclosed they own single-family land lots, which could be developed. *The situation described by Councilor Gray and others werenot deemed to be a conflict of interest.*

Councilor Rice **MOVED** to **AMEND** the motion to the General Ordinances § 275-27.3 by striking out the first sentence as follows: ~~REPEAL THIS ENTIRE SECTION~~ § of 275-27.3, which would essentially keep the ordinance in place. He further amended the motion to include a

reimbursement in the amount of \$99,812.27 of Impact Fees collected to be paid to the current homeowners. Councilor Hamann seconded the motion. The **MOTION** to **CARRIED** to **AMEND** the motion by a 12 – 0 roll call vote. Councilors Gray, Abbott, Hainey, Walker, Lachapelle, Rice, Bogan, Fontneau, Beaudoin, Hunt-Hawkins, Hamann, and Mayor Lauterborn voted in favor of the motion.

Mayor Lauterborn called for a vote on the motion as amended. The **MOTION CARRIED** by a 12 – 0 roll call vote. Councilors Hamann, Hainey, Walker, Gray, Lachapelle, Rice, Bogan, Fontneau, Beaudoin, Hunt-Hawkins, Abbott, and Mayor Lauterborn voted in favor of the motion.

11.2 Resolution Approving certain renumbering on Tebbetts Road *first reading and consideration for adoption*

Councilor Walker **MOVED** to read the Resolution for a first time by title only. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a 12 – 0 roll call vote with Councilors Fontneau, Abbott, Hainey, Walker, Gray, Hunt-Hawkins, Rice, Bogan, Beaudoin, Lachapelle, Hamann, and Mayor Lauterborn voting in favor of the motion. Mayor Lauterborn read the resolution by title only for a first time as follows:

Resolution Authorizing Certain Renumbering on Tebbetts Road

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

That the following addresses on Tebbetts Road will be renumbered as follows:

- 284 Pickering Road becomes 5 Tebbetts Road
- 5 Tebbetts Road becomes 11 Tebbetts Road
- Tebbetts Road becomes 26 Tebbetts Road
- Tebbetts Road becomes 28 Tebbetts Road
- 14 Tebbetts Road becomes 40 Tebbetts Road
- 36 Tebbetts Road becomes 94 Tebbetts Road
- 50 Tebbetts Road becomes 0 Tebbetts Road
- 42 Tebbetts Road becomes 112 Tebbetts Road
- 47 Tebbetts Road becomes 115 Tebbetts Road
- 44 Tebbetts Road becomes 116 Tebbetts Road
- 57 Tebbetts Road becomes 121 Tebbetts Road
- 53 Tebbetts Road becomes 125 Tebbetts Road
- 59 Tebbetts Road becomes 133 Tebbetts Road

- 70 Tebbetts Road becomes 152 Tebbetts Road
- 74 Tebbetts Road becomes 158 Tebbetts Road
- 76 Tebbetts Road becomes 164 Tebbetts Road
- 78 Tebbetts Road becomes 170 Tebbetts Road
- 81 Tebbetts Road becomes 179 Tebbetts Road
- 85 Tebbetts Road becomes 183 Tebbetts Road
- 86 Tebbetts Road becomes 188 Tebbetts Road
- 88 Tebbetts Road becomes 190 Tebbetts Road
- 87 Tebbetts Road becomes 191 Tebbetts Road
- 91 Tebbetts Road becomes 199 Tebbetts Road
- 94 Tebbetts Road becomes 200 Tebbetts Road
- 95 Tebbetts Road becomes 203 Tebbetts Road
- 97 Tebbetts Road becomes 211 Tebbetts Road
- 100 Tebbetts Road becomes 216 Tebbetts Road
- 106 Tebbetts Road becomes 234 Tebbetts Road
- 122 Tebbetts Road becomes 251 Tebbetts Road
- 125 Tebbetts Road becomes 261 Tebbetts Road
- 127 Tebbetts Road becomes 267 Tebbetts Road
- 131 Tebbetts Road becomes 275 Tebbetts Road
- 130 Tebbetts Road (Ranch) becomes 274 Tebbetts Road
- 130 Tebbetts Road (New Englander) becomes 280 Tebbetts Road
- 133 Tebbetts Road becomes 287 Tebbetts Road
- 142 Tebbetts Road becomes 290 Tebbetts Road
- 141 Tebbetts Road becomes 309 Tebbetts Road
- 143 Tebbetts Road becomes 319 Tebbetts Road
- 145 Tebbetts Road becomes 345 Tebbetts Road
- 178 Tebbetts Road becomes 358 Tebbetts Road
- 197 Tebbetts Road becomes 379 Tebbetts Road
- Lot 0244-0005-0006 becomes 294 Tebbetts Road
- Lot 0244-0005-0005 becomes 302 Tebbetts Road
- Lot 0243-0005-0004 becomes 308 Tebbetts Road
- Lot 0244-0005-0003 becomes 314 Tebbetts Road

These changes are made in order to be in compliance with the standards articulated by the National Emergency Number Association and RSA 231:133 and 133-a.

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Hamann seconded the motion.

Councilor Walker said there were three different options discussed at the last Workshop. He understood that the option that is being voted upon this evening would essentially renumber every single lot or house. Councilor Rice concurred and said that was the option presented at the Public Hearing.

Councilor Gray spoke against the motion. He said City staff gave the Council unacceptable solutions the first time this was presented, which resulted in the proposal coming back to Council; and the proposal was found not to be in accordance with the State guidelines. He said the option in front of Council this evening is not in accordance with the City Ordinance which he said stated that the lowest number shall start at the side of the street closest to the statue of Parson Main. He said only three to five house numbers really need to be changed. He added that other communities have invested in house number signs to resolve some of their e-911 issues and that Rochester should do the same for this road. He gave details about other options available. Councilor Gray stated that he would vote against the motion. Councilors Beaudoin, Fontneau and Rice gave reasons why they would vote against the motion as well.

Mayor Lauterborn called for a vote on the motion. The **MOTION FAILED** by a 3 to 9 roll call vote with Councilors Hainey, Hamann, and Lachapelle voting in favor of the motion. Councilors Abbott, Beaudoin, Bogan, Fontneau, Gray, Hunt-Hawkins, Rice, Walker, and Mayor Lauterborn voting against the motion.

12. Consent Calendar

No discussion.

13. New Business

13.1 RSA 79-E Extension for 22 South Main Street *consideration for approval*

Councilor Walker **MOVED** to **APPROVE** the request for an Extension for the 22 South Main Street project. Councilor Hamann seconded the motion.

Councilor Beaudoin stated that he supported both of the RSA 79-E extension request on the Agenda this evening. They both make compelling statements, which he agrees are factual about cost of lumber over the last year. He added that he would not likely support such extensions if they are presented to the City Council next year. Councilor Rice agreed and suggested that in the future, the developer be requested to submit a memorandum to the City Council explaining their specific situation and maybe a sketch of what the project shall look like once finished. The **MOTION CARRIED** by a 12 – 0 roll call vote with Councilors Rice, Walker, Hunt-Hawkins, Bogan, Lachapelle, Hamann, Beaudoin, Hainey, Abbott, Gray, Fontneau, and Mayor

Lauterborn voted in favor of the motion.

13.2 RSA 79-E Extension for 73-77 North Main Street *consideration for approval*

Councilor Walker **MOVED** to **APPROVE** the request for an Extension for the 22 South Main Street project. Councilor Rice seconded the motion. The **MOTION CARRIED** by a 12 – 0 roll call vote with Councilors Hainey, Beaudoin, Rice, Walker, Bogan, Lachapelle, Fontneau, Abbott, Hunt-Hawkins, Hamann, Gray and Mayor Lauterborn voted in favor of the motion.

13.3 Resolution in Support of New Hampshire Department of Transportation (NHDOT) Exit 10 Feasibility Study *first reading and consideration for adoption*

Councilor Walker **MOVED** to read the resolution for the first time by title only. Councilor Rice seconded the motion. The **MOTION CARRIED** by 12 – 0 roll call vote with Councilors Beaudoin, Abbott, Hunt-Hawkins, Lachapelle, Gray, Walker, Bogan, Hamann, Hainey, Fontneau, Rice, and Mayor Lauterborn voted in favor of the motion. Mayor Lauterborn read the resolution for the first time by title only as follows:

Resolution in Support of New Hampshire Department of Transportation (NHDOT) Exit 10 Feasibility Study

WHEREAS: The NHDOT 2023-2032 Ten Year Transportation Improvement Plan includes an update to the Exit 10 Feasibility Study for preliminary engineering;

WHEREAS: The Rochester City Council continues to support the opportunity for a new exit off the Spaulding Turnpike that would improve transportation access to our community, compliment land development, and contribute to economic development for Rochester and the Region; and

WHEREAS: The City of Rochester stands ready to support officials of NHDOT in partnership to move this important transportation project to implementation;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF ROCHESTER THAT:

The City of Rochester urges the Governor, Executive Council, and Legislature to approve the update to the NHDOT 2023-2032 Ten Year

Transportation Improvement Plan regarding the Exit 10 Feasibility Study and further urge that the creation of Exit 10 be move expeditiously.

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Hamann seconded the motion

Councilor Rice questioned if this feasibility study would focus on the area between the toll booth and Exit 9. Councilor Walker replied yes. Councilor Rice said it seems that this study has already occurred a few times in the past and questioned how many residents would be displaced if the final plan passed. Councilor Walker replied that this is only the study and that information is not yet available. Councilor Rice said he would not support another study for this area and would vote no.

Councilor Gray gave an overview of other documents which are provided in the City Council packet. He said the residents in this area were vocal about their feelings on Exit 10 more than a few years ago. He said the Planning Board has since approved projects located in direct line of the corridor referenced in the study. He said a better place for that particular exit would be across from the old land-fill on Old Dover Road (Route 16-B). He said there are other important projects that should take precedence over this one. He named Route 11 and/or Route 125 as areas in need of improvement or an extension of the highway sound-barriers. He said he would only support this project if it was low on the priority list of projects for DOT funding.

Mayor Lauterborn called for a vote upon the motion. The **MOTION FAILED** by a 5 to 7 roll call vote. Councilors Lachapelle, Hainey, Abbott, Hunt-Hawkins, and Mayor Lauterborn voted in favor of the motion. Councilor Rice, Gray, Bogan, Fontneau, Hamann, Beaudoin, and Councilor Walker voted against the motion.

13.4 Resolution Authorizing the Acceptance of a \$17,500.00 United States Department of Justice (USDOJ) Vest Grant by the City of Rochester and Supplemental Appropriation in Connection Therewith
first reading and consideration for adoption

Councilor Walker **MOVED** to read the resolution for a first time by title only. Councilor Rice seconded the motion. The **MOTION CARRIED**

by a 12 – 0 roll call vote with Councilors Hamann, Walker, Hunt-Hawkins, Fontneau, Abbott, Gray, Rice, Bogan, Hainey, Lachapelle, Beaudoin, and Mayor Lauterborn voting in favor of the motion. Mayor Lauterborn read the resolution by title only for a first time as follows:

Resolution Authorizing the Acceptance of a \$17,500.00 United States Department of Justice (USDJ) Vest Grant by the City of Rochester and Supplemental Appropriation in Connection Therewith

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

That a Seventeen Thousand Five Hundred Dollar (\$17,500.00) USDJ Vest Grant is hereby accepted by the City.

Further, the City Council authorizes a supplemental appropriation to the Police Department in the amount of Seventeen Thousand Five Hundred Dollar (\$17,500.00) with the entirety of the supplemental appropriation being derived from said Grant.

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

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Rice seconded the motion. The **MOTION CARRIED** by a 12 – 0 roll call vote with Councilors Walker, Gray, Hamann, Rice Beaudoin, Hainey, Lachapelle, Hunt-Hawkins, Fontneau, Abbott, Bogan and Mayor Lauterborn voting in favor of the motion.

13.5 Unsealing of Non-public minutes. *Motion to unseal the following* :

Councilor Walker **MOVED** to **UNSEAL** the Non-Meeting minutes of the list provided below:

13.5.1 August 21, 20218, RSA 91-A:3, II(d) Land

13.5.2 September 18, 2018, RSA 91-A:3, II(d) Land

- 13.5.3 October 16, 2018, RSA 91-A:3, II(a) Personnel and II(d) Land**
- 13.5.4 November 13, 2018, RSA 91-A:3, II(d) Land**
- 13.5.5 December 4, 2018, RSA 91-A:3, II(d) Land**
- 13.5.6 January 15, 2019, RSA 91-A:3, II(a) Personnel**
- 13.5.7 April 16, 2019, RSA 91-A:3, II(a) Personnel**
- 13.5.8 May 21, 2019, RSA 91-A:3, II(a) Personnel**
- 13.5.9 June 18, 2019, RSA 91-A:3, II(a) Personnel**
- 13.5.10 June 18, 2019, RSA 91-A:3, II(d) Land**
- 13.5.11 July 2 ,2019, RSA 91-A:3, II(d) Land**
- 13.5.12 July 16, 2019, RSA 91-A:3, II(d) Land**
- 13.5.13 August 20, 2019, RSA 91-A:3, II(d) Land**
- 13.5.14 September 3, 2019, RSA 91-A:3, II(d) Land**
- 13.5.15 September 17, 2019, RSA 91-A:3, II(d) Land**
- 13.5.16 October 15, 2019, RSA 91-A:3, II(d) Land**
- 13.5.17 January 7, 2020, RSA 91-A:3, II(d) Land, 294 Rochester Hill**
- 13.5.18 January 7, 2020, RSA 91-A:3, II(d) Land, Scenic/Salinger**
- 13.5.19 February 4, 2020, RSA 91-A:3, II(d) Land**
- 13.5.20 February 18, 2020, RSA 91-A:3, II(d) Land**
- 13.5.21 March 3, 2020, RSA 91-A:3, II(d) Land**
- 13.5.22 April 7, 2020, RSA 91-A:3, II(d) Land**

- 13.5.23 April 21, 2020, RSA 91-A:3, II(d) Land**
- 13.5.24 May 12, 2020, RSA 91-A:3, II(d) Land**
- 13.5.25 September 1, 2020, RSA 91-A:3, II(d) Land and
II (a) Personnel**
- 13.5.26 October 4, 2020, RSA 91-A:3, II(d) Land**
- 13.5.27 January 19, 2021, RSA 91-A:3, II (j)
Consideration of exempt Confidential,
Commercial, and Financial information**

Councilor Rice seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote of 12 – 0 with Councilors Abbott, Bogan, Beaudoin, Rice, Fontneau, Hamann, Lachapelle, Hunt-Hawkins, Walker, Gray, Hainey, and Mayor Lauterborn voting in favor of the motion.

14. Other

Mayor Lauterborn presented the following City Councilors, who are not continuing on the City Council at this time, with Certificates of Service:

- Palana Hunt-Hawkins (2 Years of Service)
- Jeremy Hutchinson (4 Years of Service)
- Thomas Abbott (6 Years of Service)
- Donna Bogan (8 Years of Service)

Mayor Lauterborn invited any of these individuals to speak or share about their experience.

Councilor Bogan wished to thank everyone for giving her an opportunity to serve the City of Rochester in this manner. She expressed gratitude at meeting new people and learning so much about the City. She wished the new City Councilors good luck with serving the City over the next two years. Councilor Abbott “dittoed” her remarks.

Councilor Lachapelle asked if there was a Finance Committee and/or Workshop meeting in December. Mayor Lauterborn confirmed that the Finance Committee has been canceled; however, no decision has been made on holding the Workshop or adding a Special to that meeting.

Mayor Lauterborn proudly presented Deputy Mayor Walker with an engraved clock for his service (over twenty years). Deputy Mayor Walker said it has been an honor to serve with fellow members of the City Council. He thanked the citizens of Rochester and particularly those living in Ward 4 who elected him to serve for so many terms. He thanked the City Manager and congratulated him on the best City staff that he was privileged to serve with. He thanked the City staff for their service.

Deputy Mayor Walker proudly presented Mayor Lauterborn with an engraved clock for her service as Mayor. He congratulated her on a job well down over the last six months. He also presented Mayor Lauterborn with an engraved clock for her service as a Councilor (over 20 years). He shared that Mayor Lauterborn was always studious and thoughtful. He said she will be sorely missed. Mayor Lauterborn said it has been a great run and thanked her constituents of Ward 2, who have always been so kind to her; especially over the last six months as she served as Mayor for the City of Rochester. She said there are many intrinsic rewards in serving your community, which she has enjoyed dearly, with new found friendships. She said for those continuing to serve on the City Council "God Bless you and thank you".

15. Adjournment

Mayor Lauterborn Adjourned the Regular City Council meeting at 7:48 PM.

Respectfully submitted,

Kelly Walters, CMC
City Clerk



City of Rochester, New Hampshire

OFFICE OF THE CITY MANAGER
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CITY MANAGER'S REPORT December 2021

Contracts and documents executed since last month:

- **Department of Public Works**
 - Task Order, Rt 202A Water Main Ext – Wright Pierce **P. 33**
 - Agreement/Notice to proceed – D&C Construction **P. 34**
 - Contract, WWTP secondary clarifier – Brown & Caldwell **P. 35**
 - Contract, UV light disinfection system replacement – Brown & Caldwell **P. 36**
 - Estimate/Scope of service, Demolition of 11 Barker Ct – SUR **P. 37**
 - Change Order, Little Falls Bridge turn lane **P. 38**
- **Economic Development**
 - FY22 CDBG Environ. Review – CAP Weatherization Hope at Haven Hill, 36 Charles Street **P. 39**
 - FY22 CDBG Environmental Review – CAP Weatherization 12-3 **P. 40**
 - Environmental Review for exempt activity – Easter Seals **P. 41**
 - FY22 CDBG Environ. Review – CAP Weatherization, Easter Seals **P. 44**
 - Scope of Work, subdivision survey, 28 and 32 N. Main St – Berry Engineering **P. 45**
 - Grant application certification – Easter Seals **P. 46**
 - FY22 CDBG Environ. Review – CAP Weatherization 12-21 **P. 47**
- **Finance**
 - MPX Service Agreement amendment **P. 48**

The following standard report has been enclosed:

- Personnel Action Report Summary **P. 49**

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left blank...*

City Clerk's Office



City of Rochester, New Hampshire
PUBLIC WORKS DEPARTMENT
45 Old Dover Road • Rochester, NH 03867
(603) 332-4096
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01/06/2022



INTEROFFICE MEMORANDUM

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

FROM: LISA J. CLARK, ADMINISTRATIVE SUPERVISOR

DATE: November 30, 2021

SUBJECT: Wright Pierce – Task Order-Construction Administration
Rt. 202A Water Main extension & Storage Tank Project
Total Amount \$730,000

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

Attached please find (1) one copy of the Wright Pierce Task Order associated with the Construction Administration on the Rt. 202A Water Main Extension & Tank Project. Wright Pierce Engineering was selected for CIP Infrastructure Projects per RFQ 21-19.

The funding for project is available in the following Account:

55016010-771000-19532 = \$730,000.00 Rt. 202A Water Main Ext & Tank Project

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)

INTEROFFICE MEMORANDUM

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

FROM: Dana Webber, PE, Assistant City Engineer

DATE: December 8, 2021

SUBJECT: Agreement and Notice to Proceed Bid No. 22-15
Route 202A Water Main Extension and Storage Tank

CC: Michael Bezanson, PE, City Engineer
Peter Nourse, PE, Director of City Services

Attached please find (1) an electronic copy of Agreement for Construction Contract between the City and D&C Construction Company for construction of Route 202A Water Main Extension and Storage Tank. The pricing for this project is per bid pricing in Bid #21-15.

The contract amount is \$10,472,302.00, which includes the bid alternate for Dustin Homestead connection in the amount of \$118,830.00. This project will be funded in part through reimbursements from the NH Drinking Water Trust Fund and the MtBE Remediation Fund. Funds are available for this award in the following Water CIP account lines:

- | | |
|-------------------------|-----------------------------------|
| • 55016010-771000-19532 | \$8,114,798.03 |
| • 55016010-771000-20635 | \$2,238,673.97 |
| • 55016010-771000-22571 | \$ 55,000.00 (Bid Alt B - Dustin) |
| • 55016010-771000-19533 | \$ 63,830.00 (Bid Alt B - Dustin) |

Please sign Page 7 of the attached Agreement. Also, please sign the attached Notice to Proceed to be issued to D&C Construction Company. The Notice to Proceed is dated December 15, 2021 which will be the official contract start date.

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 Agreement and Notice to Proceed documents should be returned to DPW for distribution.

Signature

Katie Ambrose
Deputy City Manager/ Director of Finance & Administration



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01/06/2022



INTEROFFICE MEMORANDUM

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

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

DATE: December 10, 2021

SUBJECT: Brown & Caldwell WWTP Secondary Clarifier D
Design Phase Engineering
Amount \$32,000

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

Attached please find (1) one copy of the Brown & Caldwell Contract associated with the replacement of the secondary clarify mechanical mechanisms at the WWTP. Brown and Caldwell Engineers were selected for CIP Infrastructure Projects per RFQ 21-19.

The funding for project is available in the following CIP Account:

55026020-772000-22561 = \$32,000

Note: this project has been approved for \$390,000 in State ARPA Grant funds that will could be applied toward the construction phase of the project.

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)



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01/06/2022



INTEROFFICE MEMORANDUM

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

FROM: LISA J. CLARK, ADMINISTRATIVE SUPERVISOR

DATE: December 10, 2021

SUBJECT: Brown & Caldwell WWTP UV Disinfection System
Consultant Evaluation
Amount \$27,200

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

Attached please find (1) one copy of the Brown & Caldwell Contract associated with an evaluation regarding alternatives to replace the existing ultraviolet light (UV) disinfections system. Brown and Caldwell Engineers were selected for CIP Infrastructure Projects per RFQ 21-19.

The funding for project is available in the following O&M Account:

52602074-533000 = \$27,200.00 Other Professional Services

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)



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01/06/2022



INTEROFFICE MEMORANDUM

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

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

DATE: December 16, 2021

SUBJECT: SUR Construction
Demolition – 11 Barker Court
Amount \$51,921.25 +Asbestos Mitigation \$7,040. Total amount \$58,961.25

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 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 the demolition of the building at 11 Barker Court. Not included in this scope will be additional charges for asbestos testing, abatement and monitoring currently estimated at an additional \$7,040.00. (Scope listed it as \$2,420 and is now estimated at \$9,125.25 a difference of \$7,040) The total Purchase order amount will be \$58,961.25. The contractor will only bill for actual charges with 5% mark up on sub-contractor invoices as specified in the Contracted Service Bid.

The funds available for this project are \$75,000 in the following account:

15011010-772000-22502 - SUR \$58,961.25

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

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

DATE: December 17, 2021

SUBJECT: Little Falls Bridge Road Right Turn Lane Project (#22-01)
Change Order No. 1

CC: Peter Nourse, PE, Director of City Services

Attached is Change Order No. 1 for the Little Falls Bridge Road Right Turn Lane project. This Change Order document includes final quantity adjustments for many of the individual unit pay items, as well as an adjustment in the unit cost for one of the pavement items due to difference in final quantity being more than 25% of the estimated quantity as allowed by contract. No contract time adjustments are made by this Change Order; and, the total net change in cost to the contract by this Change Order is a decrease of \$19,111.27. Additional funds are not needed for this Change Order, since this Change Order represents a credit to the project budget.

Katie - If you have any questions, please let me know. If not, please sign below and forward to the City Manager for signature. The signed original Change Order No. 1 should be returned to DPW for distribution. Thank you.

Signature _____

Katie Ambrose
Deputy City Manager/ Director of Finance & Administration

Attachment: Little Falls Bridge Road Right Turn Lane, Change Order No. 1

Date: December 7, 2021

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 FY 2022 Community Development Block Grant (CDBG) environmental review for the insulation and oil tank replacement at Hope at Haven Hill's 36 Charles Street location. 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: December 3, 2021

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 FY 2022 Community Development Block Grant (CDBG) environmental review for the repair of an existing heating system in a manufactured home located in the eastern-central 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.



Attachment 5-1
Environmental Review for Exempt Activity
Pursuant to 24 CFR Part 58.34(a)

Project Name: Easter Seals Champlin Place Senior Affordable Housing Project

Responsible Entity (Municipality): City of Rochester

Sub-Recipient (if different than Responsible Entity): Easter Seals NH

Preparer: Julian Long, Rochester Community Development Coordinator

Certifying Officer Name and Title: Blaine Cox, Rochester City Manager

Project Address: 215 Rochester Hill Rd., Rochester, NH 03867

Total CDBG Grant Amount: \$1,000,000.00

Exempt CDBG Activity Estimated Amount: \$50,000.00

Description of the Proposed Project:
Easter Seals New Hampshire, Inc. ("Easterseals," "ESNH") proposes to build a multifaceted community resource on its 143 acre site on Rochester Hill Road in Rochester. Champlin Place is a property that is uniquely situated to provide critical affordable, supportive housing for older adults facing housing insecurity.

LEVEL OF ENVIRONMENTAL REVIEW DETERMINATION

(please pick one or both from below)

☒ **Activity/Project is Exempt per 24 CFR 58.34(a)**

As Chief Certifying Official of the Applicant, I hereby certify that the activities from the above mentioned project have been reviewed and determined to be Exempt activity(ies) per 24 CFR 58.34 as follows (check those that apply):

<input type="checkbox"/>	58.34(a) (1). Environmental & other studies, resource identification & the development of plans & strategies;
<input type="checkbox"/>	58.34(a) (2) Information and financial services;
<input checked="" type="checkbox"/>	58.34(a) (3) Administrative and management activities;
<input type="checkbox"/>	58.34(a) (4) Public services that will not have a physical impact or result in any physical changes, including but not limited to services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation and welfare or recreational needs;
<input type="checkbox"/>	58.34(a) (5) Inspections and testing of properties for hazards or defects;
<input type="checkbox"/>	58.34(a) (6) Purchase of insurance;
<input type="checkbox"/>	58.34(a) (7) Purchase of tools;
<input type="checkbox"/>	58.34(a) (8) Engineering or design costs;

<input type="checkbox"/>	58.34(a) (1). Environmental & other studies, resource identification & the development of plans & strategies;
<input type="checkbox"/>	58.34(a) (9) Technical assistance and training;
<input type="checkbox"/>	58.34(a) (10) Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair, or restoration activities necessary only to control or arrest the effects from disasters or imminent threats to public safety including those resulting from physical deterioration;
<input type="checkbox"/>	58.34(a) (11) Payment of principal and interest on loans made or obligations guaranteed by HUD;
<input type="checkbox"/>	Other _____ Requires CDFA approval

CDBG ENVIRONMENTAL REVIEW COMPLIANCE CHECKLIST FOR 24 CFR §58.6

1. §58.6(a) and (b) Flood Disaster Protection Act of 1973, as amended; National Flood Insurance Reform Act of 1994

HUD State-administered assistance through the Community Development Block Grant (CDBG) Program is considered a "formula grant made to States." By law, the restriction on financial assistance for acquisition and construction purposes in special flood hazard areas is not applicable to "formula grants made to States." 24 CFR 58.6(a)(3). Compliance with this section is not applicable for CDBG-financed projects.

2. §58.6(c) Coastal Barrier Improvement Act, as amended by the Coastal Barriers Improvement Act of 1990 (16 U.S.C. 3501) Not Applicable *Please Move on to the next section CDFA 11/13/14.*

Per FEMA's and the US Fish & Wildlife Service's web sites; New Hampshire does not have designated Coastal Barrier Resource System areas/communities. (Per Federal Consistency Coordinator, New Hampshire Costal Program DES 11/13/2014).

3. §58.6(d) Runway Clear Zones and Clear Zones [24 CFR §51.303(a) (3)]

- a. Is your project located near Concord, Manchester or Portsmouth Airports?

Yes ☐ No ☒

If No, compliance with this section is complete.

If Yes, continue below.

- b. Does the project involve the sale or purchase of existing property?

Yes ☐ No ☒

If No, compliance with this section is complete.

If Yes, continue below.

01/06/2022

- c. Is the project located within 2,500 feet of the end of a civil airport runway (Civil Airport's Runway Clear Zone) or within 15,000 feet of the end of a military runway (Military Airfield's Clear Zone)?

Yes ☐ No ☒

If No, compliance with this section is complete.

If Yes, Notice must be provided to buyer. The notice must advise the buyer that the property is in a Runway Clear Zone or Clear Zone, what the implications of such a location are, and that there is a possibility that the property may, at a later date, be acquired by the airport operator. The buyer must sign a statement acknowledging receipt of this information, and a copy of the signed notice must be maintained in this ERR.

To determine if your project falls in the Clear zone please use the following link. Radius Tool: <http://www.freemaptools.com/radius-around-point.htm> input your address on top, go below the map and fill in the feet space, click on map and the radius will be shown. If you have questions please call CDFA.

Cite and attach source document (Map indicating project site in proximity to end of runway):

For more information see:

Airport Information: <https://www.hudexchange.info/environmental-review/airport-hazards/>
<http://www.airnav.com/airports/>

HUD Airport Hazards Guidance: <https://www.onecpd.info/environmental-review/airport-hazards/>

Notice to Prospective Buyers: <https://www.onecpd.info/resource/2758/notice-prospective-buyers-properties-in-runway-clear-zones/>

With reference to the above Program activity(ies)/Project, I, the undersigned officer of the grantee, accept responsibility under the National Environmental Policy Act for environmental reviews, decisions and actions. By my signature below, I certify that I am authorized to, and do personally accept the jurisdiction of the Federal Court for enforcement of the aforesaid responsibilities. In addition, we request that the environmental conditions attendant to the above referenced grant activities be released so that, upon Governor and Council approval (where applicable), funds may be drawn down for Exempt (§58.34). I understand that any activities not listed above are subject to all rules applicable to 24CFR58 and that funds may be not be obligated without a notice of removal of environmental conditions from CDFA

Responsible Entity Agency Official Signature:

Name/Title/Organization: City of Rochester

Authorized Certifying Officer Signature _____

Name/Title: Blaine Cox, City Manager

Preparer Name: Julian Long, Community Development Coordinator

Preparer Signature: _____

Date: 12/3/2021



Any costs incurred prior to contract approval by the Governor and Executive Council (if applicable) of the State of New Hampshire will be at the risk of the applicant. You may not incur any cost except for those authorized by CDFA prior to release of funds notification. All applicable State and Federal regulations including but not limited to procurement and debarment apply to the activities stated above.

Date: December 6, 2021

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 review for the Easter Seals affordable senior housing project. The review was prepared by SRW Environmental Consulting and reviewed by the Community Development Coordinator. The City Council approved the city partnering with Easter Seals to submit a grant application to New Hampshire Community Development Finance Authority for the project at the November 16, 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.



City of Rochester, New Hampshire 01/06/2022
Office of Economic & Community Development
33 Wakefield Street, Rochester, NH 03867
(603) 335-7522, www.RochesterEDC.com

MEMO

TO: Blaine Cox, City Manger

CC: Terence O'Rourke, City Attorney, Katie Ambrose, Deputy City Manager / Director of Finance

FROM: Michael Scala, Director of Economic Development

DATE: December 9, 2021

RE: Berry Engineering Subdivision Survey of 28 and 32 North Main Street

Blaine:

Please find attached the Scope of Work from Berry Engineering concerning a subdivision survey of both 28 and 32 North Main Street.

Econ Dev has reached an agreement to acquire a portion of both lots for our redevelopment of Water Street. This acquisition will require a subdivision within both lots.

Deputy City Manager Ambrose has approved a waiver to contract with Berry based on the previous survey work they had done for the city in that area.

If you are satisfied with the document, please review, sign, and scan back to me.

Thank you,

A handwritten signature in black ink, appearing to read "Michael Scala", written over a light blue horizontal line.

Michael Scala
Director of Economic Development

Kathryn Ambrose, Deputy City Manager

TO: Blaine Cox, City Manager
FROM: Julian Long, Community Development Coordinator
DATE: December 14, 2021

RE: Easter Seals Request Grant Application – Certification

At the November 16, 2021 special meeting, the City Council approved submission of a Community Development Block Grant CARES Act (CDBG-CV) grant application to the New Hampshire Community Development Finance Authority (CDFA) for funds to construct senior affordable housing at Easter Seal's property at 215 Rochester Hill Rd., Rochester, NH 03867. As part of the application, a certification form must also be submitted, and the City Manager must sign the policy as the authorized official.

Please sign and date the attached certification form, *before a public notary*, and return to Julian Long. Thank you very much.

Date: December 21, 2021

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 FY 2022 Community Development Block Grant (CDBG) environmental review for the bathroom floor replacement 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.



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: December 9, 2021

RE: MPX Service Agreement Amendment No. 1

Attached please find an amendment to the MPX service agreement for tax bill printing and direct mail services. Associated funding is available in General Overhead – Other Professional Services 11080050-533000 for the printing & processing and Tax Collector - Postage Fees 11070070- 553400 for postage.

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: MPX Amendment No. 1 to Agreement to Purchase Services

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City Clerk's Office

ROCHESTER CITY COUNCIL COMMITTEE APPOINTMENTS

FINANCE: Chair Mayor Paul Callaghan, Vice Chair Peter Lachapelle, Councilor Donald Hamann, Councilor James Gray, Councilor Laura Hainey, Councilor John Larochelle, Councilor Steve Beaudoin

PUBLIC WORKS: Chair Councilor Hamann, Vice Chair Councilor James Gray, Councilor Steve Beaudoin, Councilor Chris Rice, Councilor John Larochelle.

PUBLIC SAFETY: Chair Councilor Chris Rice, Vice Chair Councilor Peter Lachapelle, Councilor Skip Gilman, Councilor Amy Malone, Councilor Dana Berlin

APPOINTMENTS: Chair Councilor James Gray, VC Councilor Laura Hainey, Councilor Amy Malone, Councilor Ashley Desrochers, Councilor Dana Berlin

COMMUNITY DEVELOPMENT: Chair Councilor Laura Hainey, VC Councilor Skip Gilman, Councilor Tim Fontneau, Councilor Amy Malone, Councilor John Larochelle.

CODES & ORDINANCES; Chair Councilor Peter Lachapelle, VC Councilor Steve Beaudoin, Councilor Skip Gilman, Councilor Ashley Desrochers, Councilor Tim Fontneau

Planning Board: Councilor Don Hamann, Alternate Councilor Ashley Desrochers

Recreation and Arena Commission: Councilor Dana Berlin

Arts and Culture: Councilor Ashley Desrochers

Opera House: Councilor Chris Rice

Historic Commission: Councilor Laura Hainey

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City Clerk's Office



City of Rochester, New Hampshire

Office of the City Manager
Office of the School Superintendent
Rochester, New Hampshire

January 4, 2022

Mayor Callaghan
Rochester City Council
Inter-Office Mail

Mayor Callaghan,

The Building Committee of the Rochester School Board adopted a motion on November 3, 2021, seeking a joint City Council and School Board meeting to discuss the perceived need for a new school building project.

Per the applicable statute, RSA 199:3, it is still premature to form a Joint Building Committee. However, the School Board recognizes that it may wish to propose the building of a new school facility in a relatively short time frame and seeks City Council input as soon as practical.

As a result, we seek your consideration to create a Special Committee per the City Council's Rules of Order Section 4.5 and the Charter Section 37. Further, we seek your consideration that this committee be a joint committee of the School Board and City Council charged to discuss the anticipated need for a school building project.

Respectfully,

Kyle Repucci
Superintendent of Schools

Blaine M. Cox
City Manager

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City Clerk's Office



Regional Recommendations

Publish Date:

December 22, 2021

Contact:

Scott Schuler (they/them)
Complex - Incident Commander
sschuler@transformativehc.com

The Omicron variant poses significant health challenges in the coming weeks. It was first identified in early November and has rapidly become the dominant variant. In one week, Omicron increased from 13% to 73% of the cases in the US. New Hampshire is at risk for a collapsed healthcare system, perhaps to a greater extent than other states in the US. The timing could not be worse for a highly transmissible variant to arrive in New Hampshire. The gravity of this situation necessitates this first external analysis of the situation and call to action from the public health community.

Included information comes from local public health officials in New Hampshire who do not have the authority to speak publicly and local epidemiologists (including Megan W Harvey, PhD), and the written position and research of a variety of CDC releases, epidemiologists, infectious disease practitioners, virologists, and public health experts in the US and globally. I have consulted with these sources for the duration of the pandemic, and while always hoping to be wrong when making predictions of virus-related challenges, our group has thus far been very accurate in predicting the situation in New Hampshire. Information on the Omicron variant and on risk reduction strategies is outlined below. I recommend you act as soon as possible.



There are three major areas of concern when a new variant is identified: 1) Is the variant more transmissible than the currently dominant variant?, 2) Does the variant cause more severe disease than the currently dominant variant?, and 3) Does the variant evade vaccine and/or prior infection immunity?

The evidence regarding transmissibility is clear. Lab data and real-world data indicate that the Omicron variant is far more infectious than all prior variants, including the Delta variant. Many reputable public health and infectious disease experts are comparing Omicron to the transmissibility of Measles or possibly greater. This will create a significant increase in cases. The speed with which the Omicron variant out-competed the Delta variant is cause for significant concern within our communities and our health care system, especially given the current state of our hospitals.

The evidence regarding immune evasion is compelling. The vaccines remain our best protection from infection and severe disease, but the vaccines are less effective against the Omicron variant than against prior variants. Two doses of an mRNA vaccine (Moderna and Pfizer) or one dose of the adenovirus platform vaccine (Johnson and Johnson) provide limited protection against infection. Some studies are finding effectiveness rates of just 10-20% reduction in risk of infection. The risk of severe disease is low, even after infection, however. Individuals who have received a booster dose do appear to have significantly improved protection against infection.



Most studies are finding that those who are fully vaccinated and have a booster dose have about a 70% reduction in risk of infection and, similarly, low risk of severe disease if they are infected. Those with prior infection are at significant risk of re-infection. Early evidence indicates that less than 10% of those sampled have an initial immune response against Omicron (meaning, re-infection is likely, although the severity of disease is likely to be milder than if they had no prior infection).

It is too soon to know if the Omicron variant causes more severe, equivalent severity, or milder disease than prior variants. How well the vaccines prevent severe illness and death in the US will also be unknown for a few weeks. Even in the best-case scenario, that the Omicron variant causes milder disease, the increase in cases will cause further capacity issues within the health care system, negatively impacting health outcomes both among those hospitalized with COVID-19 and those who need care for any health concern. The best long-term strategy for getting through an Omicron surge is to continue increasing vaccine access for people to receive their initial dose or a booster dose. There are also important short-term risk reductions strategies that should begin immediately, if not already in place. Please consider taking actions on these within the allowable purview of New Hampshire law.



Please stay well and make decisions to take care of each other. We can get through this surge and the pandemic as a community, working together.

Recommendations to Municipalities

1. Mitigation and Prevention Measures

- a. Mandate masking in all retail establishments.
 - i. If unable:
 1. Mandate vaccinations for all restaurant workers and patrons
 2. Mandate masking in all City Buildings
 - ii. Mandate city staff wear masks in all indoor locations while performing City job responsibilities (regardless of property ownership)
- b. Mandate vaccination + booster dose for all City Staff
- c. Mandate vaccination + booster dose for all first responders who interact with populations at risk (EMS, PD, FD)
- d. Review your Emergency Operation Plan and Declare a Local Emergency as allowable or create a resolution to emphasize the gravity of the situation for the public and allow any ordinance alterations allowed under RSA 21-P:39 and RSA 21-P:35, V referenced in RSA 21-P:39, IV
- e. Implement social distancing of at least 6 feet in all indoor locations, not for the purpose of preventing transmission from one person to the next but for the purpose of reducing the number of people within a public indoor space at any given time, especially in unmasked locations such as indoor dining.
- f. Make repeated public statements from various municipal departments about the importance of universal masking
- g. Make repeated public statements by Mayor and Board/City councilors about the importance of universal masking
- h. Update all city buildings with MERV-13 air filtration
- i. Institute air purifying methods in public complexes
- j. Push community health messaging across social media platforms and public access channels, encouraging universal masking, social distancing, and ventilation



2. Host Vaccination Clinics

- a. Request vaccination clinics from the state mobile team
- b. Request facilitation/staffing for clinics from your respective Public Health Network
 - i. If your municipality is not providing us assistance with staffing, administration, or coordination please consider whatever you can provide to assist.
 - 1. *If you already are, THANK YOU, this is helping the entire region and from a public health perspective regional access is as important to your own municipality as your own community's access.*
- c. Publicize clinics widely and educate about the importance of vaccinations and the booster dose repeatedly, even when not in your town
- d. Assist us in publicizing vaccine information for residents who are still considering if they should receive the vaccine

3. Testing

- a. Offer at-home antigen tests to members of your community. Libraries and other easily accessible locations would be a great start. (Not sure how the funding/supply flow will evolve for this. I will personally help find funding solutions if you need assistance)
- b. Encourage frequent testing (PCR and antigen)
- c. Consider testing mandates for non-vaccinated individuals to enter certain types of establishments (particularly when not masked or when interacting with high risk individuals)
- d. Establish a “test to stay” policy, when supply allows, for staff to stay at work after exposure
 - i. If you are unfamiliar with this model, please reach out

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City Clerk's Office

December 13, 2021

City of Rochester
31 Wakefield Street
Rochester, NH 03867

Boards and Committees,

This letter is to tender my resignation from the Recreation and Arena Commission, effective this 13th day of December, 2021.

Feel free to contact me with any questions or concerns.

Regards,


Nancy M. Carignan

RECEIVED

DEC 15 2021

**CITY CLERK'S OFFICE
ROCHESTER, NH**

From: Lance Whitehill <lwhitehill87@gmail.com>
Sent: Monday, November 15, 2021 2:21 PM
To: Crystal Galloway <crystal.galloway@rochesternh.net>; Shanna Saunders
<shanna.saunders@rochesternh.net>
Subject: Lance Whitehill Resignation

Good evening Shanna and Crystal,

I hope this brief email finds you well,

I regret to inform you that I must resign from the Rochester Planning Board as an alternate member. After completing my masters degree I figured I would have enough time at night to help the community that I reside in. Unfortunately, I was wrong. My wife and I are raising 3 amazing kids, Mackenzie (age 4), Brooklyn (age 3) and Elijah (9 months) and they take up a lot of time, especially at night for our bed time routines. Lately they have caught 1 sickness after another (I blame daycare) and it doesn't seem to end. At this time I need to take a step back and give my family all my nightly attention and help my wife as much as possible.

I want you all to know that I really enjoyed being a part of the board as well as all the members on it. I hope to someday come back to the board when my kids have grown a little and require less attention from me.

I wish you all the best and that you have a great holiday season,

Lance Whitehill

From: Paul G. Giuliano <pgiuliano@ccsnh.edu>

Sent: Thursday, December 23, 2021 8:49 AM

To: Blaine Cox <blaine.cox@rochesternh.net>; Paul Callaghan <paul.callaghan@rochesternh.net>

Subject: ZBA resignation

Gentlemen,

It is with regret that I must resign from my alternate position on the Rochester Zoning Board of Adjustment. It has been an honor to serve with the Chairman, members, and alternates for the past 2 years.

Sincerely,

Paul Giuliano

Director

Great Bay Community College

5 Milton Rd Suite 32

Rochester NH 03867

pgiuliano@ccsnh.edu

603-427-7740

From: Mark Hourihane <mhourihane@hcarealestate.com>
Date: January 3, 2022 at 10:49:12 AM EST
To: Jennifer Marsh <jennifer.marsh@rochesternh.net>, Michael Scala
<michael.scala@rochesternh.net>, "Jonathan D. Shapleigh" <Shapleigh@banknh.com>
Subject: My retirement from REDC

Please accept this as my "retirement" from REDC. I have thoroughly enjoyed my tenure on the committee. I've made many new friends and hope that I was able to be a positive force on the committee. It's always good to have fresh faces and ideas and I'd like to step aside and let a new recruit add that freshness.

I still intend to work closely with the REDC in my capacity as Chair of Commissioners of the Rochester Housing Authority to move forward with a solution for the Wyandotte Falls property that is beneficial to the RHA and the City of Rochester.

As we enter our 25th year of existence at Hourihane, Cormier & Associates, I intend to keep doing what I love here for a long time. If I can ever be of assistance to the REDC, please let me know.

Best wishes to all for a Happy and Healthy New Year.

Mark Hourihane

VII. Board Elections

Mr. Sylvain announced on December 6, 2021, it will be his last meeting. He will be resigning.

Mr. Sylvain made a motion to nominate Mark Collopy as Chairman of the Planning Board. David Walker seconded the motion. The motion carried by a unanimous voice vote.

Mr. Sylvain opened the floor to nominate Vice Chair.

Mr. Collopy made a motion to nominate Robert May as the Vice Chair of the Planning Board. Mr. Sylvain seconded the motion. The motion carried by a unanimous voice vote.

Mr. Cox, City Manager, thanked Mr. Sylvain for his many years of service on the Planning Board.

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City Clerk's Office



01/06/2022

RECEIVED

OCT 01 2021

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

CITY CLERK'S OFFICE
ROCHESTER, NH

STATEMENT OF INTEREST
BOARD AND COMMISSION MEMBERSHIP

POSITION DESIRED: HISTORIC DISTRICT COMMISSION

NEW ✓ RE-APPOINTMENT _____ REGULAR _____ ALTERNATE ✓

NAME: JEREMIAH AMINIHAN

STREET ADDRESS: 38 LOS ST ROCHESTER

ZIP 03866

TELEPHONE: (H) 332-2912 (W) _____ E-MAIL JEREMIAH-AMINIHAN@GMAIL.COM

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 AM A LONG-TIME ROCHESTER RESIDENT. I HAVE PREVIOUSLY SERVED ON THE TRUSTEES OF THE PUBLIC LIBRARY AND I CURRENTLY VOLUNTEER AS AN USHER AT THE OPERA HOUSE. I AM INTERESTED IN REVITALIZING THE CITY WHILE ALSO PRESERVING ITS HISTORIC CHARACTER.

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: [Signature]

10. Reports of Committees

10.1 Appointments Committee

- 10.1.1 **New Appointment:** Jeremiah Minihan – Historic District Commission, **Alternate Regular member term to expire 1/02/2023 consideration for approval**
- 10.1.2 **New Appointment:** Craig Brady – Recreation & Arena Commission, **Alternate member term to expire 1/02/2024 consideration for approval**
- 10.1.3 **New Appointment:** Palana Hunt-Hawkins – Arts & Culture Commission, **Regular member term to expire 7/01/2023 consideration for approval**
- 10.1.4 **Reappointment:** Shawn Libby – Utility Advisory Board **Regular member term to expire 1/02/2024 consideration for approval**

Councilor Bogan requested to group the above appointments into one motion. There were no objections. She **MOVED** to **APPROVE** all appointments and reappointments as stated above. Councilor Walker seconded the motion and made one correction. He said the Alternate member for the Historic Commission should actually be titled a Regular member. Councilor Bogan concurred. The **MOTION CARRIED** by a 12 – 0 roll call vote. Councilors Hamann, Walker, Hunt-Hawkins, Fontneau, Abbott, Gray, Rice, Bogan, Hainey, Lachapelle, Beaudoin, and Mayor Lauterborn voted in favor of the motion.



City Clerk's Office
 City Hall - First Floor
 31 Wakefield Street, Room 105
 ROCHESTER, NEW HAMPSHIRE 03867-1917
 (603) 332-2130 - Fax (603) 509-1915
 Web Site: <http://www.rochesternh.net>



To: Appointments Committee

From: Cassie Givara/Deputy City Clerk

Date: Revised January 6, 2022

Subject: Outstanding statements of interest for reappointments

Below, please find a list of statements of interest for reappointment that have been received since the last Appointments Review Committee meeting in December 2021. The candidates below are all regular members of their boards/committees whose terms expired in January of 2022 or prior.

REAPPOINTMENTS

Kevin Barry	Rec & Arena Commission	Term to Expire 1/02/2024
Molly Meulenbroek	Historic District Commission, (Current Chair)	Term to Expire 1/02/2025
Ralph Sanders	Utility Advisory Board	Term to Expire 1/02/2024
Kristin Ebbeson	REDC	Term to Expire 1/02/2023
David Colson	Rec & Arena Commission	Term to Expire 1/02/2025
Dale Bickford	Rec & Arena Commission	Term to Expire 1/02/2024
Bruce Jolin	Library Trustees	Term to Expire 1/02/2025
Leo Brodeur	Zoning Board	Term to Expire 1/02/2025
Sheila Colson	Rec & Arena Commission	Term to Expire 1/02/2025
Richard Clough	Rec & Arena Commission	Term to Expire 1/02/2025
Mark Jennings	Conservation Commission	Term to Expire 1/02/2024
Thomas Jean	Personnel Advisory Board	Term to Expire 1/02/2024

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City Clerk's Office

Codes and Ordinances Committee

Councilor Peter Lachapelle, Chair
Councilor Tom Abbott
Councilor Chris Rice
Councilor Laura Hainey



Others Present

Terence O'Rourke, City Attorney
City Councilor Steven Beaudoin
City Councilor David Walker

**CODES AND ORDINANCES COMMITTEE
Of the Rochester City Council
Thursday, December 2, 2021
Council Chambers
6:00 PM**

Minutes

1. Call to Order

Chairman Lachapelle called the Codes and Ordinances Committee meeting to order at 6:00 PM. Deputy City Clerk Cassie Givara took a silent roll call attendance. All Councilors were present except for Councilor Abbott, who was excused.

2. Public Input

There was no one present in Council Chambers to speak during public input.

3. Acceptance of the Minutes

3.1 October 7, 2021

Councilor Rice **MOVED** to **ACCEPT** the minutes of the October 7, 2021 Codes & Ordinances Committee meeting. Councilor Hainey seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

4. Code of Ordinances Review

4.1 Amendment to Chapter 254 of the General Ordinance of the City of Rochester regarding storage of Recreational vehicles, travel trailers, campers and boats (*Addendum A*)

Attorney O'Rourke gave a brief history of this amendment to the ordinances and the changes that had been made thus far based on discussion at the last Codes meeting as well as staff suggestions. The Department of Public works had identified a problem with prohibiting vehicles from being in the public right of way; parking is an allowable use within the right of way unless otherwise posted. The police department also had concerns regarding regulation and difficulty in enforcement of this amendment due to the varying conformation of City streets and the way the right of way extends from the centerline. Attorney O'Rourke stated that it appeared that the opposition to the amendment was due to lack of clarity of the problem that is actually being solved. Councilor Rice agreed that this amendment seemed to be looking for a problem which doesn't exist in the City, and passing such an amendment is unnecessary.

Councilor Hainey reported that the camper, which had been parked on Dewey Street which originally initiated this proposed amendment, had been moved and was no longer an issue.

Councilor Rice **MOVED** to **DENY** the amendment to Chapter 254 of the General Ordinances of the City of Rochester regarding vehicle storage. Councilor Hainey seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

4.2 Chapter 275-29 of the General Ordinances of the City of Rochester regarding signage (*Addendum B*)

Chairman Lachapelle gave background regarding what had initiated this discussion. During election season, there had been complaints received about political signage not being allowed in the City's right-of-way. He stated that if political signage is allowed, the City would not be able to prohibit any/all other types of signage from also being placed in the right-of-way. Chairman Lachapelle stated that the ordinance, as written, is working and he did not support any changes.

Chairman Lachapelle reported that one of the arguments for allowing political signage had been that some candidates do not have the time to campaign, and their signage is a way to get their name out there. Chairman Lachapelle asserted that if there is not adequate time to campaign, then there is likely not adequate time to attend meetings if elected. He suggested that names on a sign are less likely to get a candidate elected than campaigning and actually meeting constituents. Councilor Rice agreed that getting out and meeting constituents, going door-to-door and becoming familiar with the community is more beneficial in elections than political signage.

Councilor Walker commented that one of the arguments in favor of changing the sign ordinance was that it gave an advantage to incumbents who have name recognition while the potentially younger, lesser-known candidates are unable to place their signs in these areas for more public visibility.

Councilor Beaudoin stated that legal counsel had indicated in the past that if political signs are allowed in the right-of-way, the City would not be able to differentiate between some types of signs and disallow other signage. This could cause the City's rights-of-way to be cluttered with all types of signage.

Attorney O'Rourke clarified that the City is able to control the types of signage that would be allowed (size/dimensions), but could not regulate the content contained on those signs.

Councilor Rice and Councilors Hainey both indicated that they did not support the repeal of this section of the sign ordinance to allow political signage in the right-of-way. Attorney O'Rourke stated that there is not currently a proposal or amendment in writing, so there is no further action needed at this time if the committee chooses not to move forward.

Councilor Hainey asked individuals placing signs to be cognizant of the areas in which their signs are being placed. She spoke about inappropriate language on signage in school zones and advised caution and awareness of children seeing certain content on signage.

5. Other

Chairman Lachapelle stated that he would not be setting a date for the next Codes & Ordinances Committee meeting and would wait until the new Council is seated and the committee appointments have been made.

Attorney O'Rourke stated at the first Codes & Ordinances Committee meeting after a new Council is seated is normally when the Council Rules of Order are reviewed. Chairman Lachapelle said that if the Code of Ethics is accepted at the December City Council meeting, this Code could be included in the review on the same schedule as the Rules of Order. Councilor Walker suggested that when the Rules of Order are reviewed, there should be verbiage which could add available Councilors as alternates to boards and committees. These councilors could be appointed by the chair or vice chair as temporary members to prevent a lack of quorum at meetings where members are absent.

6. Adjournment

Chairman Lachapelle **ADJOURNED** the Codes & Ordinance Committee meeting at 6:13 PM.

Respectfully Submitted,

Cassie Givara
Deputy City Clerk

Amendment to Chapter 254 of the General Ordinances of the City of Rochester Regarding Storage of Recreational Vehicles, Travel Trailers, Campers, Automobile Utility Trailers and Boats

THE CITY OF ROCHESTER ORDAINS:

That Chapter 254 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows (additions in *italics*):

§ 254-28 Additional parking regulations.

D. Storage of recreational vehicles, travel trailers, campers, automobile utility trailers and boats. Recreational vehicles, travel trailers, campers, automobile utility trailers or boats shall not be stored within the City's right of way off the traveled portion of any roadway. "Storage" and "stored" means parking in the prohibited area for a continuous period more than forty-eight hours. No such equipment shall be used for living, sleeping, housekeeping, or recreational purposes while located in the City's right of way.

The effective date of these amendments shall be upon passage.

§ 275-29.9. Prohibited signs.

The following devices and locations shall be specifically prohibited:

- A. Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device, or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic.
- B. Except as provided for elsewhere in this article, signs encroaching upon or overhanging public rights-of-way. No sign shall be attached to any utility pole, light standard, street tree or any other public facility located within the public right-of-way.
- C. Signs which blink, flash or are animated by lighting in any fashion that would cause such signs to have the appearance of traffic safety signs and lights, or to have the appearance of municipal vehicle warnings from a distance.
- D. Any sign attached to, or placed on, a vehicle or trailer parked on public or private property, except for signs meeting the following conditions:
 - (1) The primary purpose of such a vehicle or trailer is not the display of signs.
 - (2) The signs are magnetic, decals or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle.
 - (3) The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used or available for use in the daily function of the business to which such signs relate.
- E. Vehicles and trailers used primarily as static displays, advertising a product or service, or utilized as storage, shelter or distribution points for commercial products or services for the general public. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- F. Snipe signs.

§ 275-29.12. General provisions.

- A. Conformance to codes. Any sign hereafter erected shall conform to the provisions of this article or regulation within this jurisdiction.
- B. Signs in rights-of-way. No sign other than an official traffic sign or similar sign shall be erected within two feet of the lines of any street, or within any public way, unless specifically authorized by other ordinances or regulations of this jurisdiction or by specific authorization of the City Council after a recommendation is made by the Licensing Board.
- C. Projections over public ways. Signs projecting over public walkways shall be permitted to do so only subject to the projection and clearance limits either defined

§ 275-29.13 Specific Sign Requirements

§ 275-29.13

brightness levels specified in this subsection.

- (5) The brightness shall not exceed 0.3 footcandle at night.
- (6) Flashing or animated signs (including temporary interior window displays or banners) of red, amber, or green colored lights shall not be permitted.
- H. Flags. Each store front may be allowed one "open" or "welcome" flag that is positioned at a height so as not to impede the flow of pedestrians.
- I. Home occupation signs. See Article 24, Home Occupations. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- J. Marquee. No marquee shall be erected unless designed by a registered structural engineer and approved by the Director of Building, Zoning, and Licensing Services. It may extend over the sidewalk across the right-of-way to the curblin provided it has a minimum height above the sidewalk of 10 feet above the curb level and does not exceed five feet in height.
- K. Off-premises signs. Off-premises signs are prohibited except for the following signs if permission is granted from the owner of the off-premises location. A setback of at least five feet is required for these signs and they shall not be placed in the road right-of-way (i.e., they must be placed on private property).
 - (1) One freestanding sign per business directing people to the site. The sign may not exceed two square feet per side or four feet in height. No illumination is allowed. It may include only the name and/or logo, with simple directions. The sign must be durable and constructed of solid, finished materials.
 - (2) A real estate sign, one per premises, shall not exceed six square feet per side.
 - (3) Yard sale signs (see Subsection V).
 - (4) A sign for an office park or industrial park may be erected at the entrance to the park on an out parcel or within the road right-of-way, with the approval of the City Manager.
 - (5) A promotional banner for a special event may be placed anywhere in the City, including across a public road, if approved by the City Manager.
 - (6) Two seasonal agricultural directional signs not to exceed four square feet each are permitted when intended to direct patrons to a farm for the purpose of purchasing or picking seasonal agricultural produce or products during the season within which the produce is available for sale or harvest.
 - (7) One portable sign on the sidewalk in front of businesses in the Downtown Commercial District, Special Downtown Overlay District, and Neighborhood Mixed-Use District lying in density rings.
 - (8) Road signs.
- L. Political signs; political advertising. The following provisions are in addition to the

political advertising controls established under RSA 664:14, 664:17, and 664:2, as amended:

- (1) Political advertising shall be defined in RSA 664:2, as amended. No political advertising shall be placed or affixed upon any public property, including City rights-of-way. No political advertising shall be placed or affixed upon private property without the owner's consent.
- (2) Signature, identification, and lack of authorization shall be in accordance with RSA 664:14, as amended.
- (3) Political signs shall not be erected in the City Adopt-A-Spots or the Rochester Common.
- (4) Removal of signs shall be in accordance with RSA 664:17, as amended.
- (5) The area and location of signs used in conjunction with uses allowed by the Board of Adjustment as special exceptions shall also be approved by the Planning Board and shall conform to the sign regulations for the district in which they are located. The area and location of such signs shall be in harmony with the character of the neighborhood in which they are located.
- (6) Political signs shall not require a sign permit. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

M. Portable signs. Portable signs shall be permitted only in the Downtown Commercial District, Special Downtown Overlay District, and Neighborhood Mixed-Use District lying in density rings, subject to the following limitations:

- (1) No more than one such sign may be displayed on any property, and the sign shall not exceed a height of four feet or an area of eight square feet per side.
- (2) Any portable sign that is placed on a sidewalk:
 - (a) Shall be situated directly in front of the business(es) which is being advertised.
 - (b) Shall not block passage along the sidewalk, including passage for handicapped persons, and shall not present a safety hazard.
- (3) May be displayed during business hours only.
- (4) Appropriately placed to minimize appearance of clutter as determined by the Director of Building, Zoning, and Licensing Services.
- (5) Only one sign per individual business.

N. Projecting signs. Signs are permitted in the following zones:

- (1) Multiple projecting signs shall be permitted on buildings having multiple occupants provided only that one projecting sign per occupant will be permitted.

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City Clerk's Office

**Public Safety Committee
Draft Meeting Minutes
December 15, 2021
6:00 PM
Council Chambers**

Members Present

Councilor Peter Lachapelle, Vice Chair
Councilor Palana Hunt-Hawkins
Councilor Chris Rice

Members Absent

Councilor Don Hamann, Chair (Excused)
Councilor Jeremy Hutchinson (Unexcused)

Others Present

Councilor David Walker
Michael Bezanson, PE, City Engineer
Deputy Chief Gary Boudreau, PD
Captain Jason Thomas, PD
Interim Fire Chief Perry Plummer, FD
Assistant Chief Tim Wilder, FD
Dan Camara, GIS Asset Mgmt. Technician
Robert Skinner, 2A Central Avenue
Larry Edgerly, 48 Lowell Street

Minutes

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

- 1. Approve Minutes from November 17, 2021, Public Safety Meeting.**
Councilor Rice made a motion to approve the minutes from November 17, 2021. The motion was seconded by Councilor Hunt-Hawkins. Unanimous voice vote carried the motion.
- 2. Public Input**
The members of the public present at the meeting were there to discuss specific items already on the agenda.
- 3. 2A Central Avenue-Parking Concerns Requesting “2 Hour” Parking Signs**
Councilor Lachapelle summarized the issue. Robert Skinner of 2A Central Avenue expressed concerns about the use of the parking spaces across the street from his apartment on Central Avenue. The tenants across the street have their own off-street parking spaces, but choose to use the spaces on Central Avenue. Mr. Skinner stated that sometimes he can’t get into his parking space. He said that if there were “four hour” parking signs installed, the Police Department could enforce that. Sometimes big delivery trucks and trash trucks have difficulty getting down the road; Porter’s Pub on Hanson Street gets deliveries every few days. He stated that spots are taken over at night. Councilor Walker said that parking enforcement typically stops after 5 PM. Mr. Skinner said they do not park up close to the curb in the spots, especially after snowstorms in the winter. Councilor Walker said that

the parking spaces belong to the public not to the apartment buildings. He also said that not parking within the striped parking spaces can be enforced. Councilor Rice asked if someone could speak to the landlord, Mr. Lee, or have someone send a letter asking the tenants to park in their parking spots, not in the public parking spots. Councilor Lachapelle will draft a letter for City staff review that could be sent to the landlord. Councilor Rice will get in touch with Mr. Skinner to get the landlords contact information so they can get something sent to the landlord.

4. Lowell Street-Signage Area of Arena (kept in committee)

Councilor Lachapelle summarized the issue. Larry Edgerly was present to talk about signage on Lowell Street in the area of the Arena. Mr. Edgerly said because Lowell Street is so straight motorists tend to speed right by the Arena. The line-of-sight is limited for vehicles entering and leaving the Arena due to the vertical curvature of the road; speeding vehicles exacerbate the issue. Mr. Edgerly asked whether the speed limit sign at the beginning of Lowell Street could be moved down a little; people don't see it. ***Councilor Rice made a motion 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. The motion was seconded by Councilor Hunt-Hawkins. Unanimous voice vote carried the motion.***

Mr. Edgerly also asked whether another 30 MPH speed limit sign could be installed in the westbound direction near the conservation area. ***Councilor Rice made a motion to install a 30 MPH speed limit sign in the westbound direction on Lowell Street just beyond Goodwins Way at the discretion of DPW. The motion was seconded by Councilor Hunt-Hawkins. Unanimous voice vote carried the motion.***

Mr. Edgerly provided copies of a sketch that he had drawn of a suggested yellow caution sign showing the street and side streets. Councilor Rice asked if there was a similar sign that can be adopted. Mr. Bezanson said he had looked up advance warning signs that would be applicable for this area. He said the MUTCD has an advance warning sign for "Double Side Roads", which is diamond shaped sign showing the road and two side roads and is very similar to what Mr. Edgerly has suggested. Mr. Bezanson said he is not sure that driveways could be added to the sign. Councilor Walker asked if there are any signs for frequent entering of vehicles. Mr. Bezanson said there is something like that for trucks but not really for an arena; he suggested that the advanced warning signs would be good for this area. ***Councilor Rice made a motion 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. The motion was seconded by Councilor Hunt-Hawkins. Unanimous voice vote carried the motion.***

5. Flat Rock Bridge Road/Salmon Falls Road Intersection Safety Concerns (kept in committee)

Councilor Lachapelle summarized the issue. Mr. Bezanson said he did not have an update on this agenda item.

6. Squamanagonic Gate Discussion (kept in committee)

Councilor Lachapelle summarized the issue. No one was present to discuss this agenda item; this was kept in committee.

7. Charles Street-Request for “No parking between hours of 2:30 PM and 3:30 PM on Northbound side of Charles Street between Academy and Hope on Haven Hill Driveway (kept in committee)”

Councilor Lachapelle summarized the issue. The Superintendent of Schools was present last month to discuss this item; no action was taken. Mr. Bezanson updated the Committee that the infrastructure project for this area has been advertised for bids and construction should begin in the spring.

8. Tebbetts Road and Blackwater Road Intersection-Safety Concerns

Councilor Lachapelle summarized the issue. He stated that the streetlight request was approved. Mr. Bezanson said guardrails are designed to redirect not to take head on collisions. Councilor Walker suggested chevron signs in the area. Mr. Bezanson stated that chevron signs are installed in the area. Mr. Bezanson said that he will talk to DPW staff about trimming back more of the woody growth, but that right now there are no leaves so it is easy to see through. Mr. Lachapelle will reach out to the owners to explain what has been done and the decision not to place a guardrail on this area.

9. Tebbetts Road-Renumbering

No action taken on this agenda item.

10. Street-light Request Corner of Hoover Street and Washington Street

Councilor Lachapelle summarized the issue. Councilor Walker said this request came in from a constituent from 11 Washington Street. It's very dark around 98 Washington Street at the corner of Hoover Street, and people hang out in the area. Mr. Bezanson said there is a streetlight across the street; he suggested talking to Eversource to see if this could be moved to the utility pole on the corner of Washington and Hoover. ***Councilor Rice made a motion to move the current streetlight that is across the street to the utility pole on the corner of Hoover and Washington Streets. The motion was seconded by Councilor Hunt-Hawkins. Unanimous voice vote carried the motion.***

11. 197 Columbus Avenue-Requesting Handicap Spot

Councilor Lachapelle summarized the issue. This is in front of the hair salon at the location of the old Lamper & Son Hardware store. ***Councilor Rice made a motion to approve installing a handicap spot near 197 Columbus Avenue. The motion was seconded by Councilor Hunt-Hawkins.*** Mr. Bezanson said there are already two handicap spaces nearby on Hanson Street and have recently added a handicap space in the municipal parking lot across the street. Councilor Walker asked if the driveway on the side was part of the lot. Chief Boudreau said he believes it is. ***Councilor Rice withdrew his motion. Councilor Hunt-Hawkins also withdrew her second.*** This was kept in committee to talk to the

Planning Department about on-site parking at this building.

12. E911 Update

Councilor Lachapelle summarized the issue. Assistant Chief Wilder said that the E911 Committee will be meeting with the City Manager to discuss how to move forward with these types of issues in the future.

13. Emergency Management Update

Councilor Lachapelle summarized the issue. Interim Fire Chief Plummer said they have been busy at the state and local level with boosters. They coordinated boosters for school children and teachers at the schools, as well as boosters for City employees. The booster blitz happened on Saturday at the Armory with just under 1000 people and this is one of the 4 sites in the State that will continue to offer boosters. The Fire Department have been helping with staffing the operation at the Armory. The Seabrook emergency management non-graded exercise happened and Interim Fire Chief Plummer thanked Deputy Chief Boudreau for participating in the exercise. Emergency Management Performance Grant Program is currently on hold as they revamp the program, so currently no funds available from that program.

14. Other

Portable Speed Limit Signs Update

Council Rice asked about the portable speed feedback signs. Deputy Chief Boudreau got the specifications on the Evolis Radar Speed Limit sign. For two of them the cost will be \$5,950.00. Councilor Lachapelle asked Deputy Chief Boudreau if he sees a benefit in these signs. Chief Boudreau said yes there is a benefit. ***Councilor Rice made a motion to send to the Finance Committee a request to purchase two Evolis Radar Speed Limit signs. The motion was seconded by Councilor Hunt-Hawkins. Unanimous voice vote carried the motion.***

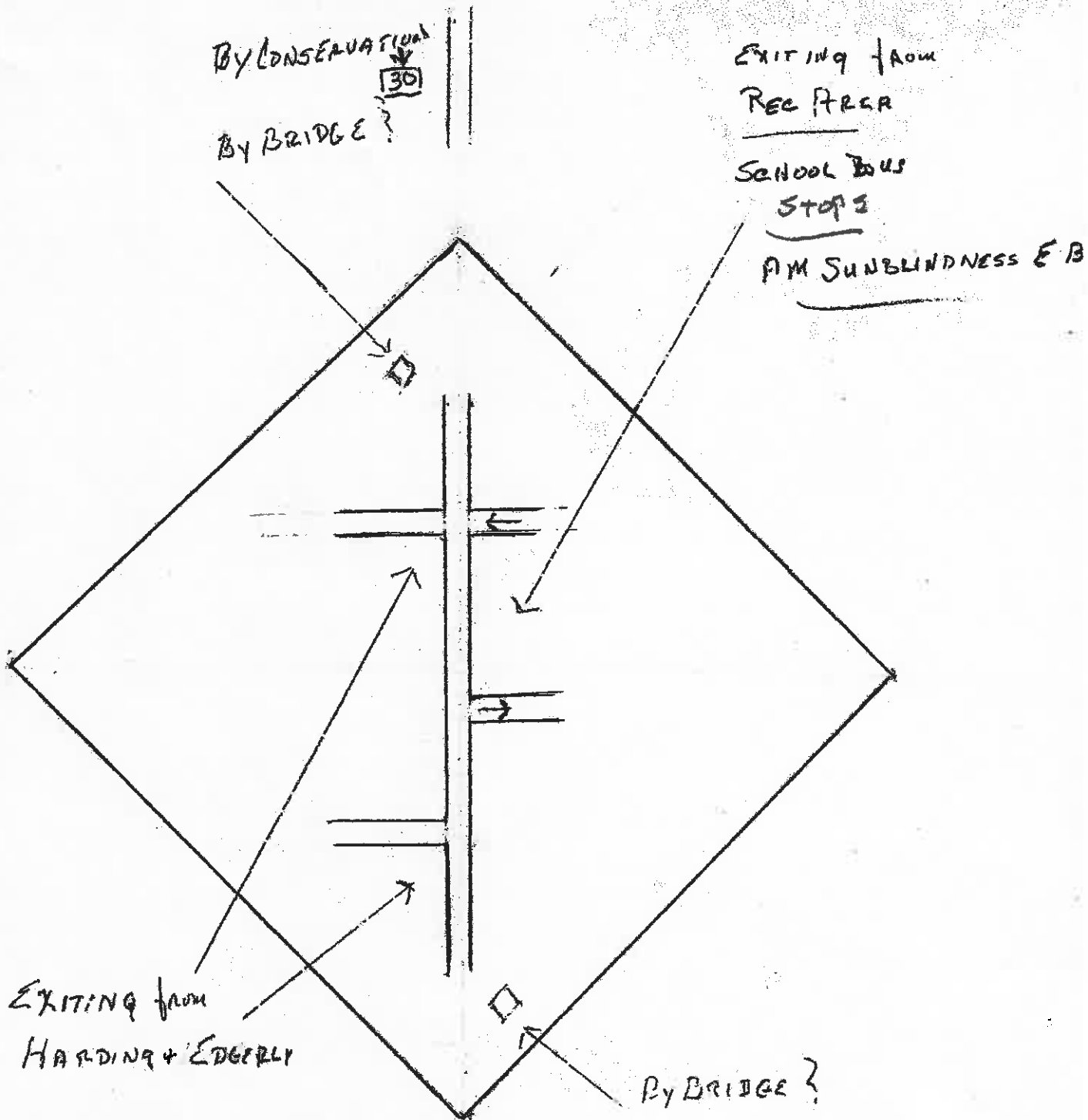
Spaulding Commons Booster Clinic

Councilor Rice wanted to thank the Chief and staff at the Booster Clinic at Spaulding Commons; he was in and out within 20 minutes. He encourages everyone to get theirs.

Councilor Lachapelle adjourned the meeting at 7:00 PM.

The minutes were respectfully submitted by Laura J. McDormand, Admin. Assistant II.

EAST



SUGGESTIONS BY
LAWRENCE EDGERLY
48 Lowell ST
332-4496

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City Clerk's Office

Public Works and Buildings Committee
City Hall Council Chambers
Meeting Minutes
December 16, 2021

MEMBERS PRESENT

Councilor David Walker, Chairman
Councilor Jim Gray- Vice Chairman
Councilor Chris Rice

OTHERS PRESENT

Councilor Don Hamann – present via Microsoft Teams Meet
Peter C. Nourse PE, Director of City Service
Daniel Camara, GIS / Asset Management

MINUTES

Councilor Walker called the Public Works and Building Committee to order at 7PM

1. Public Input

None

2. Cleaning, Sanitary and Baby Wipes – DO NOT FLUSH

Mr. Nourse stated that this topic of discussion has come up previously and he would like to convey the concerns again. He described the problems cause due to wipes of all types being flushed. He discussed the significant financial impacts and the hazards to City Staff that have to manually clear the clogs. He noted that this is a nationwide problem that can only be corrected through public outreach as the legislators are not ready to prohibit the packaging that states they are flushable. Mr. Nourse stated that the DPW will be putting up a new posting on the City's website and he wanted to let the Councilor know.

3. American Rescue Plan Act (ARPA) Infrastructure Update

Mr. Nourse stated that the ARPA funding was \$350 Billion nationwide and 11 Billion to NH. He stated that funds came in through Municipalities like Rochester, it also came in to the State of NH to be given out as loans and grants through NHDES State Revolving Fund (SRF) programs. He named the Cleanwater SRF, and Drinking SRF & Groundwater SRF as the sources. He stated that of the \$6 Million that is coming to the City the DPW submitted 6 Water and Wastewater projects, and were awarded funds towards two of those projects. The DPW received 2 million for the Water Transmission Pipe lining and \$600 thousand toward the Rt. 202A Water Main Extension Project. He stated that there were 5 projects not funded at the City level and he stated that the City submitted these projects for State of NH Funds in both Drinking Water and Cleanwater SRF categories. He stated we received a \$1.6 million Grant from the Drinking Water Fund to be used on the Cocheco Well Upgrade Project. The total project cost is \$5.6 million. So that would be almost 30% of the project. He stated for this project we also have submitted and been recommended to receive an additional grant of \$560,000 toward the project from Drinking Water Trust Fund (DWTF), bringing the total grant amount to

40% of the project. Mr. Nourse stated that the DWTF Grants like to see multiple funding sources and that the award may be based partly on that criteria. He stated on the Wastewater side we have submitted several projects to the Cleanwater State Revolving Fund Loan (CWSRF) program and those are prioritized by NHDES and they would be using that prioritization list for the distribution of the ARPA funds. He said they have limited that to \$2 million per Community. Mr. Nourse discussed that the Septage Receiving Facility Project is a \$900,000 project that was submitted by Senator Shaheen for the Congressional Delegated Grant Funding Program (CDG), but this program has not yet been funded and it is unclear if it will be. He stated that CWSRF Program has noted that if not funded by the CDG program the CWSRF will fund it at 30% from the ARPA Funding. Mr. Nourse stated that CWSRF has committed \$100,000 of the ARP funds for Sewer System Master Plan, which is 100% of this project and they have committed \$379,500 in ARPA funds toward the Ledgeview Drive Pump Station Project which is a \$1,265,000 project. In addition to the ARPA Funds the CWSRF loan program will grant 10% principal forgiveness for this pump station upgrade project, for a total grant and forgiveness amount of \$468,050. Mr. Nourse stated that CWSRF has also awarded 30% ARPA funding for the Wastewater Treatment Plant Secondary Clarifier Project. He stated the total project amount is \$1,300,000 and the ARPA grant award is \$390,000, plus the additional 10% for CWSRF loan forgiveness at \$130,000. The total grant and forgiveness for this project is \$520,000. He stated that there are a number of projects that are lower on the CWSRF priority listing but will not make the cut for additional ARPA funds. Mr. Nourse stated that there is also 45 Million of Federal Infrastructure project funds coming to the State of NH to be used on roadway and bridge projects. He noted that the Rt. 11 Capacity Improvement Project has been bumped from the FY31 to FY28 due to these additional funds but the Rt.11 Safety Improvements have gone from FY26 to FY27 for some reason that he does not know.

4. **New DPW Updated**

Mr. Nourse stated that the facility is at 96% complete including construction, installation and start-up of equipment. Total completed and stored to date is \$17,249,575 with approximately \$900,000 being retained, there is about \$667,000 left to bill. He stated the contingency is at 69% remaining and there are several outstanding change orders that will lessen that number. Councilor Rice asked if the remaining changes are going to be costly. Mr. Nourse stated that there are two changes pending that will be costly. The first is the lift equipment at approximately \$72,000 for equipment and stair and duct bank modifications and the second is the changes necessary for the sander bay platforms. He said he doesn't know that cost yet, but as these will be steel modifications he expect it to be costly. Mr. Nourse stated that the Public Works Committee and others had toured the facility on December 3, 2021. Mr. Nourse reviewed all of the mechanical testing, startup and inspection that are going on at the facility now and he stated the contractor is working on the administrative area punch list. Mr. Nourse stated that Eversource and Unitil had come through and completed their final walk through for the energy savings incentive programs. He stated that combined there will be approximately \$100,000 coming from the two. Mr. Nourse stated that the building had been given a Occupancy Permit (OP) for the administrative spaces, but the rest of the building OP is pending the installation of an arc fault interrupter. He explained that the administrative and engineering staff would move to the new location on 12/22/2021 and the Utility Billing

Staff will be moving on 12/28/2021. He mentioned that the New City Council will be touring the building on 1/7/2021.

5. 45 Old Dover Road – Environmental Assessment -

Mr. Nourse stated that the Phase 1 Assessment was completed last summer and there were 9 Recognized Environmental Conditions (REC) based on documented spill events that had occurred at the facility. He stated that the Phase II Assessment looked at these sites and others for hazardous contaminants. They used ground water monitor wells, borings and soil sampling. Among others contaminants they looked for PCBs, VOCs, COVCs and 1 phordioxanes and PAHs. He stated that given the facility history, these are some of the contaminants you might find. Mr. Nourse stated that the findings noted elevated PH and Arsenic slightly above the ambient groundwater standard and PFAS just at the ambient ground water standard of 12 parts per million. He quoted the report stating “The Phase II findings did not support and/or did not strongly support the 9 REC that had been reported.” He stated that elevated levels of PAH and Arsenic may not make the property suitable to unrestricted residential land use, if future development for residential use is considered it may require additional sampling and soils management to assess extent of PAHs and Arsenic Levels in the soil and to mitigate potential risk. Mr. Nourse stated that overall the report is favorable and complete. He stated that it will be sent in to EPA for approval, but for now the City Council can reference the report and determine how they would like to market the site. He stated the City’s assessed value of the two parcels that make up the site is \$2,314,500.00. Councilor Hamann discussed marketing sooner rather than later. Mr. Nourse mentioned that the facility will be occupied until March and then it would take several months to clean out.

6. Stormwater – Long Term Management Program:

Mr. Nourse stated that the DPW will be submitting a request in the FY2023 Budget for a Storm Water Feasibility Study. The agreement with the Conservation Law Foundation (CLF) requires that a Storm Water Utility must be considered by February of 2024. This study will meet that criteria and give the City the information to consider the financial implications of developing a Storm Water Utility and the processes for treating storm water. Mr. Nourse shared the six topics to be considered in a Storm water Feasibility Study:

1. Financial – What does it cost now to comply with the regulations and what would it cost in the future.
2. Rate based Development – parcel land use data / rate methodology
3. Public Out Reach
4. Credit incentive program required by RSA
5. Billing / Funding Alternatives
6. A Storm Water Utility Ordinance that specifies fees, credits program and governance of the funds.

Mr. Nourse stated that historically these storm water management has been funded by the general fund, which are the tax payers. This includes street sweeping, catch basin cleaning and drainage facility cleaning. There are alternatives for funding that could include funding the storm water operation with permit fees or creating a Storm Water Utility that would operate as an enterprise fund like the water and sewer funds. He stated that there are pros and cons to each of these methods. Mr. Nourse stated that a Storm Water Task Force would be developed to guide the feasibility study. The task

force would be made up of City Staff, City Decision makers (Councilors) and Business owners. Mr. Nourse stated that he is starting to develop a list of knowledgeable staff members to ask to participate. He stated that typically it would be the City Manager, the City Engineer, Director of Finance, Director of Planning, GIS Coordinator, a representative from the Public Works Committee, and another City Councilor. He stated that members from the public an industry owner, business people or someone from the Chamber of Commerce.

7. **Other.:**

NHDOT Spaulding Turnpike Sound Barrier Project / Toll Booth Removal –

Councilor Gray stated that there are residents bordering this project area that have concerns. He stated that he is working with NHDOT to have meeting with the residents at the new DPW Facility in January. He stated that there would be residents and representatives from NHDOT at the meeting.

Brock Street – Councilor Walker stated that the Unitil Cuts on Brock Street have recessed and should be patched in the spring.

Winter Operation – Mr. Nourse stated that many of the City’s plow staff are new to the City and some our new to plowing anywhere. He expects this year to be a learning year for them. He asked that if the Councilors receive any complaint they pass them on to him and he will be sure to address them.

Phosphorus / Metals Permit – Mr. Nourse stated that he has concern that the City may receive a new draft permit regarding the phosphorus discharge limits at the WWTP. He wanted to let the Committee know that he is planning to have the legal team in to update the new City Council with these new concerns regarding phosphorus and to bring them up to date on the nitrogen permit negotiations of the last several years.

Pavement Conditions Assessment – Mr. Nourse informed the Committee that the high tech vehicle has been in the City recently and that they have gathered all of the information to update the pavement conditions index (PCI). He explained that this \$1 million dollar van is used to gather all of the pavement conditions and he explained that this is completed about every 5 years. He said the update will not be available to much later in the year. He explained that the last time the PCI was run, with the approximate 1 million in funding, Estes Road came up to be reclaimed and paved. He said to do this road correctly it will likely eat up all of this year’s pavement rehabilitation funds and the new PCI information will be used in next year’s recommendations.

Councilor Hamann stated that as it was Councilor Walkers last night as the Chair of this Committee he would like to thank Councilor for the years of service on the Public Works Committee. He thanked him and stated that wished the Councilor well.

Councilor Walker adjourned the meeting at 7:42 pm.

Minutes respectfully submitted by Lisa J. Clark, City of Rochester Administration and Utility Billing Supervisor.

**Resolution for Supplemental Appropriation of \$422,805 to Department of Public Works
(DPW) Sewer CIP Fund**

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

That the Mayor and City Council of the City of Rochester hereby appropriate an amount not to exceed Four Hundred Twenty-Two Thousand Eight Hundred Five Dollars (\$422,805.00) to the Sewer CIP Fund for the purpose of paying costs associated with the NPDES permit through the Municipal Alliance for Adaptive Management (MAAM) and Intermunicipal Agreement with the Cities of Dover, Portsmouth, Newington, Exeter, Milton, Rollinsford and Rochester, NH, and further;

The City of Rochester, Department of Public Works in accordance with the provisions of the Intermunicipal Agreement shall act as the fiscal agent for the Municipal Alliance for Adaptive Management. The source of funds related to carrying out the activities approved by the MAAM shall be derived from City of Portsmouth, NH, One Hundred Seventy Six Thousand Eighty Eight and 67/100 Dollars (\$176,088.67), City of Dover, NH One Hundred Twelve Thousand Nine Hundred Eight and 15/100 Dollars (\$112,908.15), Town of Newington, NH, Six Thousand Nine Hundred Sixty Six and 67/100 Dollars (\$6,966.67), Town of Rollinsford, NH, Three Thousand Six Hundred Three and 45/100 Dollars (\$3,603.45), Town of Milton, NH, Two Thousand Four Hundred Two and 30/100 Dollars (\$2,402.30) and City of Rochester's Sewer Fund Retained Earnings One Hundred Twenty Thousand Eight Hundred Thirty Five and 75/100 Dollars (\$120,835.75).

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.

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left blank...*

City Clerk's Office



01/06/2022

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 NPDES Permit MAAM 2022 FundingCOUNCIL ACTION ITEM ☒
INFORMATION ONLY ☐FUNDING REQUIRED? YES ☒ NO ☐
* IF YES ATTACH A FUNDING RESOLUTION FORMRESOLUTION REQUIRED? YES ☒ NO ☐FUNDING RESOLUTION FORM? YES ☒ NO ☐

AGENDA DATE	January 11, 2022		
DEPT. HEAD SIGNATURE	Peter C. Nourse, PE signature on file City Clerk's office		
DATE SUBMITTED	1/4/2022		
ATTACHMENTS	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	2

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

DIRECTOR OF FINANCE APPROVAL	
SOURCE OF FUNDS	Sewer Fund – MAAM communities & retained earnings
ACCOUNT NUMBER	55026020-771000-22XXX
AMOUNT	\$422,805
APPROPRIATION REQUIRED	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

LEGAL AUTHORITY

City Council Resolution

SUMMARY STATEMENT

This agenda bill requests a supplemental appropriation in the amount of \$422,805.00. This appropriation is the annual contribution for CY22 that the Municipal Alliance for Adaptive Management (MAAM) voted to approve at their December 2nd meeting in accordance with the terms of the intermunicipal agreement relative to the total nitrogen NPDES general permit.

The City of Rochester acts as fiscal agent for the MAAM and will need to gross appropriate in order to pay invoices on behalf of the communities in the MAAM. Rochester staff would invoice the other communities for their contribution following adoption of the supplemental appropriation.

The \$422,805 total contribution from the communities of Portsmouth, Dover, Rochester, Newington, Milton and Rollinsford will fund \$316,000 to the Piscataqua Region Estuaries Partnership for 2022 monitoring activities, \$50,000 to fund the 2022 agreement with Brown & Caldwell, \$50,000 for the Pollutant Tracking & Accounting database and \$6,405 for MAAM website development.

The appropriation of \$422,805 will have the following funding sources:

\$176,088.67 City of Portsmouth

\$120,835.75 City of Rochester - Sewer Fund Retained Earnings

\$112,908.15 City of Dover

\$6,966.67 Town of Newington

\$3,603.45 Town of Rollinsford

\$2,402.30 Town of Milton

RECOMMENDED ACTION

Authorize supplemental appropriation in the amount of \$422,805 citing \$176,088.67 from Portsmouth, \$112,908.15 from Dover, \$6,966.67 from Newington, \$3,603.45 from Rollinsford, \$2,402.30 from Milton and \$120,835.75 from Rochester's Sewer Fund Retained Earnings Account as funding sources.

AGENDA BILL - FUNDING RESOLUTION**EXHIBIT**Project Name: Date: Fiscal Year:

Fund (select):

GF Water Sewer Arena CIP Water CIP Sewer CIP Arena CIP Special Revenue Fund Type: Lapsing 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				-	-	-
2				-	-	-
3				-	-	-
4				-	-	-

Revenue

	Org #	Object #	Project #	Fed Amount \$	State Amount \$	Local Amount \$
1				-	-	-
2				-	-	-
3				-	-	-
4				-	-	-

DUNS # CFDA # Grant # Grant Period: From
To

If de-authorizing Grant Funding appropriations: (select one)

Reimbursement Request will be reduced Funds will be returned

MAAM - COST ALLOCATION SHARE

FACILITY NAME			CY22 Cost	
	DESIGN FLOW	SHARE		
			\$	422,805.00
Large (> 2 MGD)				
Rochester	5.03	28.58%	\$	120,835.75
Portsmouth	6.13	34.83%	\$	147,261.06
Dover	4.70	26.70%	\$	112,908.15
Exeter	-	0.00%	\$	-
Durham	-	0.00%	\$	-
Somersworth	-	0.00%	\$	-
Subtotal	15.86	90.11%	\$	381,004.96
Small (<2 MGD)				
Pease ITP	1.20	6.82%	\$	28,827.61
Newmarket	-	0.00%	\$	-
Epping	-	0.00%	\$	-
Newington	0.29	1.65%	\$	6,966.67
Rollinsford	0.15	0.85%	\$	3,603.45
Newfields	-	0.00%	\$	-
Milton	0.10	0.57%	\$	2,402.30
Subtotal	1.74	9.89%	\$	41,800.04