



**City Council Regular Meeting
February 7, 2023
Council Chambers
31 Wakefield Street
6:00 PM**

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: January 3, 2023 *consideration for approval***
P. 9
6. **Communications from the City Manager**
 - 6.1 **City Manager's Report P. 21**
 - 6.2 **City Land Purchase Process/Policy P. 47**
7. **Communications from the Mayor**
8. **Presentation of Petitions and Council Correspondence**
9. **Nominations, Appointments, Resignations, and Elections**
10. **Reports of Committees**
 - 10.1 **Appointments Review Committee P. 53**
 - 10.1.1 **New Appointment:** Brylye Collins – Zoning Board of Adjustments, Alternate Member, Seat H, *Term to expire 1/2/2026 consideration for approval* P. 57
 - 10.1.2 **New Appointment:** Tanya Hervey - Rochester Economic Development Commission, Regular Member, Seat D *Term to*

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City Clerk's Office

Expire 1/2/2024 consideration for approval P. 58

- 10.1.3 **Appointment:** Lance Powers – Zoning Board of Adjustments, Request for elevation from an Alternate to a Regular Member, Seat A *Term to expire 1/2/2024 consideration for approval P. 60*
- 10.1.4 **Reappointment:** Mark Collopy – Planning Board, Regular Member, Seat F *Term to expire 1/2/2026 consideration for approval P. 61*
- 10.2 Codes & Ordinances Committee P. 63
 - 10.2.1 **Committee Recommendation:** To install signs stating “two-hour parking between 8:00 AM – 8:00 PM, Monday through Saturday” in the two spaces across Summer Street from Tangles Salon *consideration for approval P. 64*
 - 10.2.2 **Committee Recommendation:** To direct the City Manager to develop a policy with the Director of Building and Licensing Services regarding EPA “Renovation, Repair, and Painting” certification numbers on building permits for Council consideration *consideration for approval P. 67*
 - 10.2.3 **Committee Recommendation:** To adopt the Code of Ethics, as amended, and to review biannually along with the Council Rules of Order, and to authorize distribution to all candidates filing for office or for City Boards/Commissions *consideration for approval P. 73*
- 10.3 Community Development – *No January meeting held*
- 10.4 Finance Committee P. 83
- 10.5 Planning Board P. 89
- 10.6 Public Safety P. 95
 - 10.6.1 **Committee Recommendation:** To change the speed limit to 25 mph from Strafford square down North Main Street to Chestnut Hill Road and post signs at both ends *consideration for approval P. 95*
 - 10.6.2 **Committee Recommendation:** To install “no parking” signs on the left side of Sarah Court (toward Harrison Ave) *consideration for approval P. 96*
 - 10.6.3 **Committee Recommendation:** to install “no parking”

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City Clerk's Office

striping south of the crosswalk on Wakefield Street near Linscott Court *consideration for approval* P. 97

10.6.4 **Committee Recommendation:** To stripe double yellow lines and 2 white lines on Chelsey Hill Road between Donald Street and Browning Drive *consideration for approval* P. 97

10.6.5 **Committee Recommendation:** To place “deer crossing” signs on Salmon Falls Road between Whitehall Road and Haven Hill Road in each direction at the technical discretion of DPW *consideration for approval* P. 97

10.7 Public Works P. 99

10.7.1 **Committee Recommendation:** To approve the pavement moratorium waiver for 2 Spruce Street with the conditions set for the pavement patch by the DPW *consideration for approval* P. 99

10.7.2 **Committee Recommendation:** To install no parking signs to protect the grass on portions of Innovation way (at the technical discretion of the Department of Public Works) *consideration for approval* P. 102

11. Old Business

11.1 Amendment to Chapter 275 of the General Ordinances of the City of Rochester regarding the Location and Boundaries of Zoning Districts *Second Reading and Consideration of Adoption* P. 135

12. Consent Calendar

13. New Business

13.1. Amendment to Chapter 275-21 of the General Ordinances of the City of Rochester Regarding Conditional Uses in the Granite Ridge District *first reading and refer to public hearing 2/22/23* P. 141

13.2. 60 Shaw Drive Application for Building Permit on a Class VI Road *Motion to approve or deny* P. 145

13.3. Resolution Authorizing Acceptance of \$10,000 Donation from Rochester Youth Hockey Boosters *first reading and consideration for adoption* P. 161

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- 13.4 Resolution Authorizing Amended CDBG Application Regarding the Hanson Pines Improvement Project *first reading and consideration for adoption* P. 165
- 13.5 Resolution Authorizing the Rochester Public Library to Apply for a National Endowment for the Humanities Grant of up to \$150,000.00 *first reading and consideration for adoption* P. 183
- 13.6 19 Gonic Road Development Agreement *Motion to approve or deny* P. 189
- 13.7 Resolution Approving Cost Items Associated with Proposed City of Rochester Multi-Year Collective Bargaining Agreement with Local 1451 International Association of Firefighters *first reading and consideration for adoption* P. 197
- 13.8 Resolution Approving Cost Items Associated with Proposed City of Rochester Multi-Year Collective Bargaining Agreement with New England Police Benevolent Association Local #23 (Police Patrol Personnel) *first reading and consideration for adoption* P. 221
- 14. Non-Meeting/Non-Public Session
 - 14.1. Non-Public Session – Personnel, RSA 91-A:3, II (a)
 - 14.2. Non-Public Session – Land, RSA 91-A:3, II (d)
- 15. Adjournment

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City Clerk's Office

**Regular City Council Meeting
January 3, 2023
Council Chambers
6:00 PM**

COUNCILORS PRESENT

Councilor Beaudoin
Councilor Berlin
Councilor de Geofroy
Councilor Desrochers
Councilor Fontneau
Councilor Gilman
Councilor Gray
Councilor Hainey
Councilor Hamann
Councilor Malone
Councilor Larochelle
Deputy Mayor Lachapelle
Mayor Callaghan

OTHERS PRESENT

Blaine Cox, City Manager
Katie Ambrose, Deputy City Manager
Terence O'Rourke, City Attorney
Peter Nourse, Director of City Services
Gary Boudreau, Chief of Police

COUNCILORS ABSENT

Minutes

1. Call to Order

Mayor Callaghan called the meeting to order at 6:00 PM.

2. Opening Prayer

Mayor Callaghan called for a moment of silence.

3. Pledge of Allegiance

Mayor Callaghan led the Pledge of Allegiance.

4. Roll Call

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

5. Acceptance of Minutes

5.1 Regular City Council Meeting: December 6, 2022

consideration for approval

Councilor Lachapelle **MOVED** to **ACCEPT** the December 6, 2022, Regular City Council meeting minutes. Councilor Malone seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

5.2 Special City Council Meeting: December 20, 2022
consideration for approval

Councilor Lachapelle **MOVED** to **ACCEPT** the December 20, 2022, Special City Council meeting minutes. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

6. Communications from the City Manager

6.1 City Manager's Report

City Manager Cox presented the following report:

Contracts and documents executed since last month:

- **Department of Public Works**
 - Award of Bid, Tata Estates Pump Station – Weston & Sampson
 - Certificate of substantial completion, WWTP Carbon storage – Apex Construction
 - Change Order, Strafford Square Utility Contract
- **Economic Development**
 - FY23 CAP Weatherization – Seasons Ln
 - FY22-FY23 CAP Weatherization – Bermuda Ln.
 - FY22-FY23 CAP Weatherization – Seneca Dr
- **IT**
 - Microsoft OpenValue Licensing Agreement

The following Standard Report has been enclosed:

- Personnel Action Report Summary

7. Communications from the Mayor

Mayor Callaghan read a proclamation in honor of the Cornerstone Visiting Nurses Association 110th Anniversary Celebration.

Mayor Callaghan **APPOINTED** the following Committee members as stated below:

7.1. Mayoral Reappointment: Mark Hourihane – Granite State Business Park TIF Advisory Board *Term to Expire on 12/31/2025*

7.2. Mayoral Reappointment: Peter Lachapelle – Granite Ridge Development District Advisory Board *Term to Expire on 12/31/2025*

8. Presentation of Petitions and Council Correspondence

No discussion.

9. Nominations, Appointments, Resignations, and Elections

9.1 Mayoral Appointment/Confirm by City Council: Jonathan Shapleigh – Chair of the Rochester Economic Development Commission *Term to Expire on 01/02/2026*

Mayor Callaghan nominated Jonathan Shapleigh to serve as the Chair of the Economic Development Commission, with a term to expire on 1/2/26. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** that nomination cease and the Clerk cast one ballot for Mr. Shapleigh. The **MOTION CARRIED** by a unanimous voice vote.

9.2 Mayoral Nomination/Confirm by City Council: Conservation Commission Chair – Michael Dionne *Term to Expire on 01/02/2026*

Mayor Callaghan nominated Michael Dionne to serve as the Chair of the Conservation Commission, with a term to expire on 1/2/26. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** that nomination cease and the Clerk cast one ballot for Mr. Dionne. The **MOTION CARRIED** by a unanimous voice vote.

9.3 GSBP and GRDD TIF Advisory Board Membership memos *information only*

Mayor Callaghan said information regarding the GSBP and GRDD TIF Advisory Board Membership can be found in the packet materials.

10. Reports of Committees

10.1 Appointments Review Committee

10.1.1 Reappointment: Kris Ebbeson - Rochester Economic Development Commission, Seat B, *Term to expire 1/2/2026 consideration for approval*

10.1.2 Reappointment: Timothy Jones - Rochester Economic Development Commission, Seat G *Term to Expire 1/2/2026 consideration for approval*

10.1.3 Reappointment: Marsha Miller - Rochester Economic Development Commission, Seat I *Term to expire 1/2/2026 consideration for approval*

10.1.4 Reappointment: Whitney Apgar - Rochester Economic Development Commission, Seat H *Term to expire 1/2/2026 consideration for approval*

10.1.5 Reappointment: Candy Bailey – Library Trustees Ward 3 *Term to expire 1/2/2026 consideration for approval*

10.1.6 Reappointment: Pam Hubbard – Library Trustees Ward 5 *Term to expire 1/2/2026 consideration for approval*

10.1.7 Reappointment: Michael King – Zoning Board of Adjustments, Seat E *Term to expire 1/2/2026 consideration for approval*

10.1.8 Reappointment: Lawrence Spector – Zoning Board of Adjustments, Seat D *Term to expire 1/2/2026 consideration for approval*

10.1.9 Reappointment: Daniel Nickerson – Conservation Commission, Seat E *Term to expire*

1/2/2026 consideration for approval

10.1.10 Reappointment: Michael McQuade – Planning Board, Alternate Seat N Term to expire 1/2/2026 consideration for approval

Mayor Callaghan nominated each individual as stated above. He read the names/positions aloud. Councilor Lachapelle seconded the nominations.

Councilor Lachapelle **MOVED** that nomination cease and the Clerk cast one ballot for each applicant as listed above. Councilor Desrochers seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Gray gave information about the next Appointments Review Committee meeting, which is scheduled prior to the January Workshop. Mayor Callaghan asked what time the meeting would start. Councilor Gray said the start of the meeting is dependent upon how many applicants are scheduled to meet with the Committee.

10.2 Community Development

No discussion.

10.3 Finance Committee

No discussion.

10.4 Planning Board

No discussion.

10.5 Public Safety

10.5.1 Committee Recommendation: To install an RRFB (rectangular rapid flashing beacon) on Columbus Avenue near KFC consideration for approval

Councilor Lachapelle **MOVED** to **APPROVE** the Committee's recommendation to install an RRFB on Columbus Avenue near KFC. Councilor Berlin seconded the motion. The City Council briefly discussed the unfortunate recent fatality, that occurred in this crosswalk. Councilor

Gray questioned if the accident occurred further down the road; however, Chief Boudreau confirmed the fatality occurred in the sidewalk near KFC. Councilor Berlin informed the City Council that the DPW has a Pedestrian Safety Improvement Fund, which will be used to cover the cost of this beacon. The **MOTION CARRIED** by a unanimous voice vote.

10.5.2 Committee Recommendation: to install a "hospital" sign on Salmon Falls Road eastbound approaching Whitehall Road at the discretion of DPW, contingent on the hospital purchasing the sign *consideration for approval*

Councilor Lachapelle **MOVED** to **APPROVE** the Committee's recommendation to install a "hospital" sign on Salmon Falls Road eastbound approaching Whitehall Road at the discretion of DPW, contingent on the hospital purchasing the sign. Councilor Berlin seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.5.3 Committee Recommendation: to install a "stop" sign at the intersection of Coleman and Richardson Street *consideration for approval*

Councilor Lachapelle **MOVED** to **APPROVE** the Committee's recommendation to install a "stop" sign at the intersection of Coleman and Richardson Streets. Councilor Berlin seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.5.4 Committee Recommendation: to place a triangle "pedestrian walking" sign 1 on each end of Chesley Hill Road *consideration for approval*

Councilor Lachapelle **MOVED** to **APPROVE** the Committee's recommendation to place triangle "pedestrian walking" signs – one on each end of Chesley Hill Road. Councilor Berlin seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

11. Old Business

No discussion.

12. Consent Calendar

No discussion.

13. New Business

13.1. Resolution Authorizing Supplemental Appropriation to the Sewer Capital Improvements Plan (CIP) Fund in the amount of \$50,000.00 for the Wastewater Treatment Facility (WWTF) Cybersecurity Project *first reading and consideration for adoption*

Mayor Callaghan read the resolution by title only as follows:

Resolution Authorizing Supplemental Appropriation to the Sewer Capital Improvements Plan (CIP) Fund in the amount of \$50,000.00 for the Wastewater Treatment Facility (WWTF) Cybersecurity Project

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 authorize a supplemental appropriation to the Sewer Capital Improvements Plan Fund in the amount of Fifty Thousand Dollars (\$50,000.00) for the WWTF Cybersecurity Project with the funding for said appropriation to be derived in its entirety from a State of New Hampshire ARPA Cybersecurity Implementation Grant funds.

Further, by adoption of this Resolution, the City of Rochester hereby accepts Fifty Thousand Dollars (\$50,000.00) in ARPA Grant funds from the State of New Hampshire.

Still further, by adoption of this Resolution, the Mayor and City Council of the City of Rochester authorize the City Manager to execute a State of New Hampshire ARPA Grant Agreement for the WWTF Cybersecurity Project in the amount of Fifty Thousand Dollars (\$50,000.00) and to execute all other necessary and related documents.

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.

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

13.2 Resolution for Supplemental Appropriation of \$566,700 to Department of Public Works (DPW) Sewer CIP Fund *first reading and consideration for adoption*

Mayor Callaghan read the resolution by title only as follows:

Resolution for Supplemental Appropriation of \$566,700 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 Five Hundred Sixty-Six Thousand Seven Hundred Dollars (\$566,700.00) 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 Eighty-Four Thousand Nine Hundred Sixteen and 68/100 Dollars (\$184,916.68), City of Dover, NH, One Hundred Eighteen Thousand Five Hundred Sixty-Eight and 68/100 Dollars (\$118,568.68), Town of Exeter, NH, One Hundred Twenty-Two Thousand Six Hundred Ninety-Eight and 14/100 Dollars (\$122,698.14), Town of Newington, NH, Seven Thousand Three Hundred Fifteen and 94/100 Dollars (\$7,315.94), Town of Rollinsford, NH, Three Thousand Seven Hundred Eighty-Four and 11/100 Dollars (\$3,784.11), Town of Milton, NH, Two Thousand Five Hundred Twenty-Two and 74/100 Dollars (\$2,522.74) and City of Rochester's Sewer Fund Retained Earnings One Hundred Twenty-Six Thousand Eight Hundred Ninety-Three and 71/100 Dollars (\$126,893.71).

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.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Desrochers seconded the motion. Councilor Fontneau asked about the funding of this resolution for the public's sake. Deputy City Manager Ambrose said that \$566,700 represents this calendar year's budget for the Municipal Alliance for Adaptive Management (MAAM) and Intermunicipal Agreement with the Cities of Dover, Portsmouth, Newington, Exeter, Milton, Rollinsford and Rochester, NH. She said the City of Rochester acts as the fiscal agent for the Municipal Alliance. She explained that the City of Rochester makes an appropriation for the total budget and subsequently, the other communities reimburse the City for that payment. She gave reasons why this year, the total contribution for the City of Rochester is \$126,893.71. The **MOTION CARRIED** by a unanimous voice vote.

13.3 Resolution Acknowledging the Requirements of RSA 199:4 *first reading and consideration for adoption*

Mayor Callaghan read the resolution by title only as follows:

Resolution Acknowledging the Requirements of RSA 199:4

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 acknowledge that, pursuant to RSA 199:4, the School Board of the City of Rochester is responsible for the care and control of all schoolhouse buildings indefinitely, until such time as said School Board of the City of Rochester determines that a schoolhouse building is no longer needed for public school purposes.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Desrochers seconded the motion. Councilor Hainey asked what this RSA actually means for the City in partnership with the School Department. Superintendent Repucci explained the relationship between the City and the School Department and summarized that this is basically an auditing

requirement. City Manager Cox agreed and said this does not change the relationship between the School/City; however, the wording clarifies/acknowledges what is already in State Statute. The **MOTION CARRIED** by a unanimous voice vote.

13.4 Amendment to Chapter 275 of the General Ordinances of the City of Rochester regarding the Location and Boundaries of Zoning Districts *first reading, refer to public hearing on 1/17/23, and refer to Planning Board*

Mayor Callaghan read the Amendment by title only and referred the matter to a Public Hearing and to the Planning Board. See Addendum A.

14. Non-Meeting/Non-Public Session

14.1. Non-Public Session – Personnel, RSA 91-A:3, II (A)

Councilor Lachapelle **MOVED** to enter into a Non-Meeting and a Non-Public Session for Personnel, RSA 91-A:3, II (a) at 6:18 PM. Councilor Malone seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote. Councilors de Geofroy, Beaudoin, Hamann, Desrochers, Lachapelle, Malone, Berlin, Hailey, Laroche, Gray, Gilman, Fontneau, and Mayor Callaghan voted in favor of the motion.

Councilor Lachapelle **MOVED** to exit the Non-Public Session at 6:57 PM. Councilor Beaudoin seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

15. Adjournment

Mayor Callaghan **ADJOURNED** the Regular City Council Meeting at 6:58 PM.

Respectfully Submitted,

Kelly Walters, CMC
City Clerk

Amendment to Chapter 275 of the General Ordinances of the City of Rochester
Regarding the Location and Boundaries of Zoning Districts

THE CITY OF ROCHESTER ORDAINS:

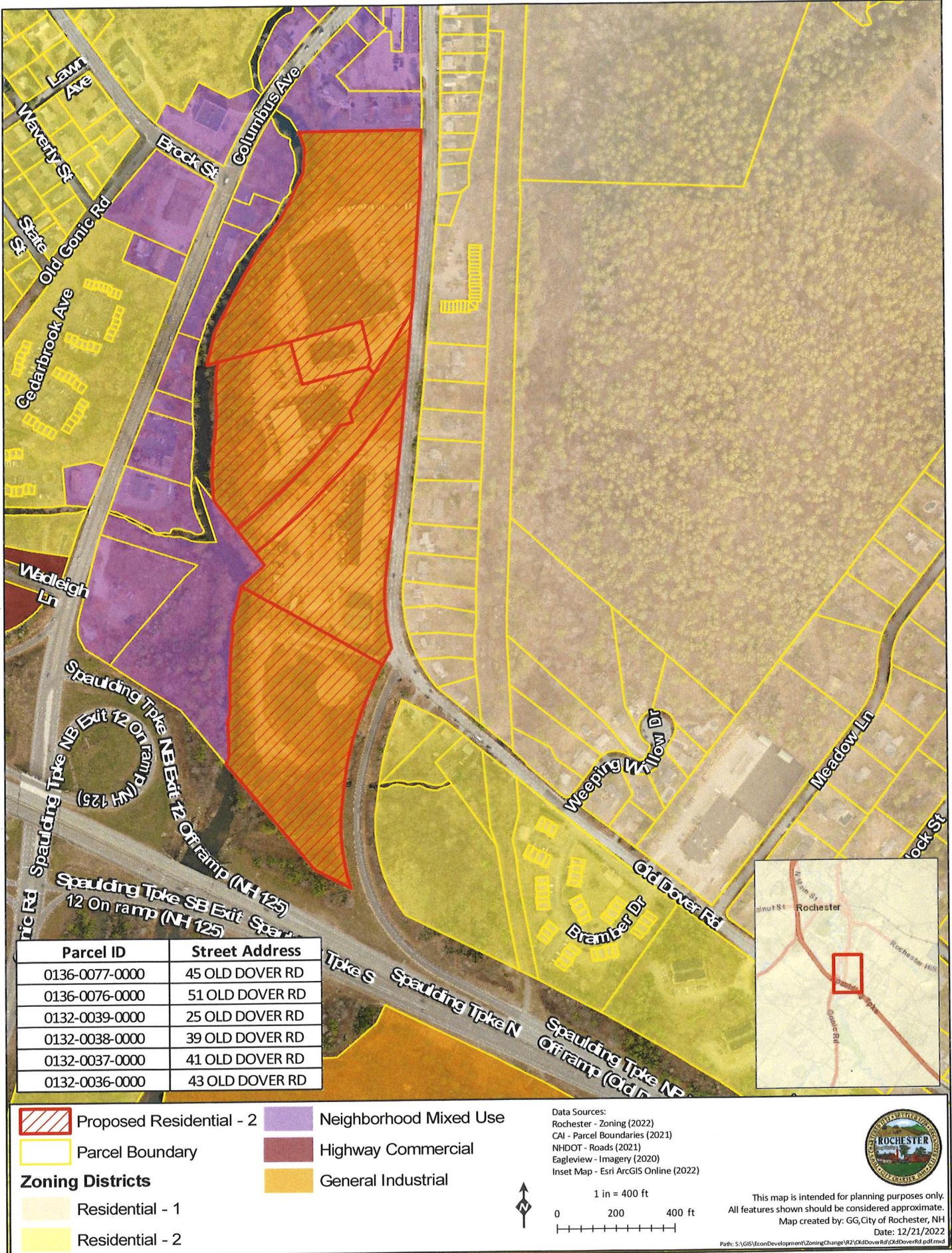
WHEREAS, Chapter 275-1.10 establishes that the location and boundaries of zoning districts within the City of Rochester are established as shown on a map titled, "City of Rochester Zoning Map."

WHEREAS, Chapter 275-1.10 further declares that the City of Rochester Zoning Map is incorporated by reference as part of Chapter 275 of the General Ordinances of Rochester regarding zoning.

WHEREAS, the Mayor and City Council of Rochester desire to amend the City of Rochester Zoning Map to convert certain properties from the General Industrial Zone to the Residential-2 Zone.

THEREFORE, the Mayor and City Council of Rochester ordain that properties shall be converted to the Residential-2 Zone in accordance with the Attached Exhibit. **(Exhibit A)**.

The effective date of these amendments shall be upon passage.

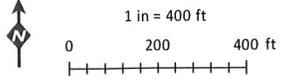


Parcel ID	Street Address
0136-0077-0000	45 OLD DOVER RD
0136-0076-0000	51 OLD DOVER RD
0132-0039-0000	25 OLD DOVER RD
0132-0038-0000	39 OLD DOVER RD
0132-0037-0000	41 OLD DOVER RD
0132-0036-0000	43 OLD DOVER RD

Zoning Districts

- Proposed Residential - 2
- Neighborhood Mixed Use
- Parcel Boundary
- Highway Commercial
- General Industrial
- Residential - 1
- Residential - 2

Data Sources:
 Rochester - Zoning (2022)
 CAI - Parcel Boundaries (2021)
 NHDOT - Roads (2021)
 Eagleview - Imagery (2020)
 Inset Map - Esri ArcGIS Online (2022)




This map is intended for planning purposes only.
 All features shown should be considered approximate.
 Map created by: GG, City of Rochester, NH
 Date: 12/21/2022
Path: S:\GIS\EconDevelopment\ZoningChange\VR2\OldDoverRd\OldDoverRd.pdf.mxd



City of Rochester, New Hampshire

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

CITY MANAGER'S REPORT January 2023

Contracts and documents executed since last month:

- **Department of Public Works**
 - Task Order Amendment – WTP Residuals Management **P. 23**
 - Engineering Design Phase Agreement – Ledgeview Sewer Pump Station **P. 24**
 - Technical Assistance Task Order – Underwood Engineers **P. 25**
 - Engineering Services proposal, Tufts Pond Dam Rehab **P. 26**
 - Final Change Order, DPW Sidewalks – Hutter Construction **P. 27**
 - ARPA Cybersecurity Implementation grant **P. 28**
 - Engineering Services Task Order, Ridge Phase 2 – Hoyle & Tanner **P. 30**
 - Temporary Engineering Services – Weston & Sampson **P. 31**
 - Change Order Rt 202A Water Main/Storage Tank – D&C Construction **P. 32**
 - Agreement for consulting services (PREP Engagement) – Brown & Caldwell **P. 33**
 - Change Order, WWTF Sidewall Blower – Apex Construction **P. 34**
 - Scope of Services, Reservoir Dam engineering – SLR International **P. 35**
- **Economic Development**
 - FY22-FY23 CAP Weatherization – 12-29 **P. 36**
 - FY22-FY23 CAP Weatherization – Monadnock **P. 37**
- **IT**
 - EDR Managed Threat Platform **P. 38**
- **Finance**
 - Agreement for Ambulance Services – Frisbie Hospital **P. 39**
 - Tax Map Maintenance – CAI Technologies **P. 40**
 - Application for Group Insurance – MetLife **P. 41**
- **Planning**
 - Parking Monetization Study **P. 42**
- **Police**
 - Animal Shelter Agreement **P. 43**
- **Recreation & Arena**
 - Fireworks Contract – Central Maine Pyrotechnics **P. 44**

The following standard report has been enclosed:

- Personnel Action Report Summary **P. 45**

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City Clerk's Office



City of Rochester, New Hampshire

PUBLIC WORKS DEPARTMENT

209 Chestnut Hill Road • Rochester, NH 03867

(603) 332-4096

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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 19, 2022

SUBJECT: **WTP Residuals Management
Lagoon Operations Pilot Phase Engineering TO Amendment**

CC: Peter Nourse, PE, Director of City Services

Attached is one (1) original Engineering Services Task Order Amendment for the WTP Residuals – Lagoon Pilot Phase. This contract is between the City and Underwood Engineers, Inc. for technical assistance, engineering evaluation, and related services. Underwood has been selected through the qualifications-based solicitation for on-call engineering services RFQ 21-19.

The fee for this contract amendment with Underwood is \$85,000.00. Funds are available for this contract in the following CIP account line:

- Water Fund 55016010-772000-19530

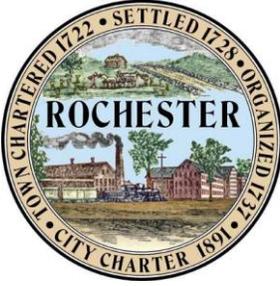
Katie - If you have any questions, please let me know. If not, please sign below and pass on to the City Manager for signature. The signed original Task Order document should be returned to DPW for distribution.

Signature _____

Katie Ambrose

Deputy City Manager/ Director of Finance & Administration

Attachment: Underwood TO #5 Amendment #1 dated December 15, 2022



City of Rochester, New Hampshire

PUBLIC WORKS DEPARTMENT

209 Chestnut Hill Road • Rochester, NH 03867

(603) 332-4096

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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 28, 2022

SUBJECT: **Ledgeview Drive Sewer Pump Station Rehabilitation Engineering Design Phase Agreement**

CC: Peter Nourse, PE, Director of City Services

Attached is an Agreement for Engineering Services for the final design of the Ledgeview Drive Sewer Pump Station Rehabilitation project. This contract is between the City and Weston & Sampson Engineers, Inc. for engineering design services in the amount of \$145,200.00. The contract has been approved by NHDES in draft form. Weston & Sampson has been selected through the qualifications based solicitation for on-call engineering services RFQ 21-19. Funds are available for this contract in the following account lines:

- Sewer Fund CIP account line: 55026020-771000-16543 (\$8,685.19)
- Sewer Fund CIP account line: 55026020-772000-17544 (\$61,982.78)
- Sewer Fund CIP account line: 55026020-772000-22558 (\$74,532.03)

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 of this contract should be returned to DPW for distribution. Thank you.

Signature _____

Katie Ambrose
Deputy City Manager/ Director of Finance & Administration

Attachment: Ledgeview PS Final Design Services Agreement with W&S



City of Rochester, New Hampshire
PUBLIC WORKS DEPARTMENT
45 Old Dover Road • Rochester, NH 03867
(603) 332-4096
www.RochesterNH.net

02/02/2023



INTEROFFICE MEMORANDUM

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

FROM: LISA J. CLARK, DPW DEPUTY DIRECTOR - OPERATIONS & ADMINISTRATION

DATE: December 29, 2022

SUBJECT: Underwood Engineers Task Order #4 Technical Assistance
Amount \$5,000

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

Attached please find one copy of the Underwood Engineer's Task Order #4 for City Manager Signature. The amount of \$5,000 for this task order is for work to provide technical assistance to the Wastewater Division to trouble shoot an area within the collection system that is experiencing periodic plugging. Underwood will assist the City to identify the physical, biological, and chemical aspects of the substance that is causing the problems within the City's collection System.

Underwood Engineers was selected for Technical Assistance and Infrastructure Engineering per RFQ 21-19 Professional Engineering Services.

The funding for this work is available in the Wastewater O&M Budget in the following account:

52602074-533000 = \$5,000.00

If you have any questions, please call, if none please pass on the City Manager for assistant. Please return document to me at the DPW for distribution.

Katie Ambrose Deputy City Manager / Director of Finance and Administration



City of Rochester, New Hampshire

PUBLIC WORKS DEPARTMENT

209 Chestnut Hill Road • Rochester, NH 03867

(603) 332-4096

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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 22, 2022

SUBJECT: **Tufts Pond Dam Rehabilitation
Initial Analysis and Assessment Phase Engineering Proposal**

CC: Peter Nourse, PE, Director of City Services

Attached is one (1) original Engineering Services Proposal for the Tufts Pond Dam Rehabilitation project – Analysis and Assessment Phase. This contract is between the City and SLR International Corp. for technical assistance, engineering evaluation, and related services. Milone & MacBroom, Inc. was been selected through the qualifications-based solicitation for on-call engineering services RFQ 21-19 for services related to dams. On January 6, 2020 Milone & MacBroom, Inc. was acquired by and merged into an international consulting firm known as SLR. The same professional staff that were proposed to the City under RFQ 21-19 are now providing services thru SLR to the City.

The fee for this contract with SLR is \$21,200.00. Funds are available for this contract in the following CIP account line:

- Water Fund 55016010-771000-22544

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

Signature _____

Katie Ambrose
Deputy City Manager/ Director of Finance & Administration

Attachment: SLR Engineering Proposal dated December 20, 2022



City of Rochester, New Hampshire
PUBLIC WORKS DEPARTMENT
45 Old Dover Road • Rochester, NH 03867
(603) 332-4096
www.RochesterNH.net

02/02/2023



INTEROFFICE MEMORANDUM

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

FROM: LISA J. CLARK, DPW DEPUTY DIRECTOR - OPERATIONS & ADMINISTRATION

DATE: December 29, 2022

SUBJECT: Hutter Construction Final Change #18
Amount Credit **-\$39,527.03**

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

Attached please find one copy of the Hutter Construction Final Change Order #18. This change reduces the contract by the \$39,527.03, which is the two-thirds the cost of the total amount to replace the defective sidewalks as agreed. The City has will contract the sidewalk replacement directly with SUR Construction at the quoted price of \$59,290.55.

The funds from this reduction are held in the City Retainage accounts and will need to be returned to the expense accounts as follows:

From Retainage 1501-220601 = \$19,763.51 return to CIP Expense Act 15013010-772000-20584
From Retainage 5001-220601 = \$9,881.76 return to CIP Expense Act 55016010-772000-20584
From Retainage 5002-220601 = \$9,881.76 return to CIP Expense Act 55026020-772000-20584

If you have any questions, please call, if none please pass on the City Manager for signature. Please return document to me a the DPW for distribution.

Katie Ambrose Deputy City Manager / Director of Finance and Administration



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner

02/02/2023



Blaine Cox
City Manager
45 Wakefield St
Rochester, NH 03867

December 19, 2022
VIA EMAIL

Subject: American Rescue Plan Act (ARPA)
Cybersecurity Implementation Grant: # CYB-ARPA-008
City of Rochester (NPDES # NH0100668)

Dear Mr. Cox,

Thank you for submitting an application to the American Rescue Plan Act Cybersecurity Implementation Grant Program. The New Hampshire Department of Environmental Services (NHDES) intends to award a **grant in the amount of \$50,000** to the City of Rochester for a cybersecurity implementation project.

To award the grant funds, a grant agreement must be approved by Governor and Executive Council. Please review the attached grant agreement documents carefully and if everything is acceptable, please complete the documents as follows:

1. Print the attached Grant Agreement and have the authorized representative sign page 1 and initial and date pages 2 and 3.
2. Print the attached Exhibits A-C and have the authorized representative initial and date the bottom of each page.
3. Submit an original [Certificate of Vote](#) signed and notarized.
4. Submit a current certificate of insurance, including proof of Workers' Compensation, in compliance with our coverage requirements as outlined in the Grant Agreement. The Certificate Holder should be "State of New Hampshire, Department of Environmental Services, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095."

Please return **single-sided hard copy versions** of the completed documents to:

NH Department of Environmental Services
Attn: Stephanie Nistico, Drinking Water and Groundwater Bureau
29 Hazen Dr, PO Box 95
Concord, NH 03302-0095

Once the required paperwork is returned, NHDES will submit the funding package to Governor and Council for approval. Please note that any work funded by the grant cannot be completed until after it has been approved by Governor and Council.

www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095
(603) 271-3503 • Fax: 271-3503 • TDD Access: 271-3503 • Relay NH 1-800-735-2964

Funding recipients must follow procurement requirements which are further detailed in the grant agreement, **EXHIBIT A SPECIAL PROVISIONS**. Recipients are responsible for ensuring that any procurement using State and Local Fiscal Recovery Funds (SLFRF), or payments under procurement contracts using such funds are consistent with the procurement standards set forth in the Uniform Guidance at 2 CFR 200.317 through 2 CFR 200.327, as applicable. The Uniform Guidance establishes in 2 CFR 200.319 that all procurement transactions for property or services must be conducted in a manner providing full and open competition, consistent with standards outlined in 2 CFR 200.320.

Please contact me if you have any questions about the grant agreement.

Sincerely,



Jennifer Brady
NHDES Cybersecurity Grant Program Coordinator
Wastewater Engineering Bureau
(603) 271-0734
Jennifer.E.Brady@des.nh.gov

Cc: Stephanie Nistico, NHDES

Attachments: Grant Agreement
Exhibits A-C



City of Rochester, New Hampshire

PUBLIC WORKS DEPARTMENT

209 Chestnut Hill Road • Rochester, NH 03867

(603) 332-4096

www.rochesternh.gov

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 15, 2022

SUBJECT: **The Ridge Phase 2 Public Infrastructure Improvements Engineering Design Task Order**

CC: Peter Nourse, PE, Director of City Services

Attached is a Task Order Agreement for Engineering Services for the design of the Ridge Phase 2 Public Infrastructure Improvements project. This contract is between the City and Hoyle, Tanner & Associates, Inc. (HTA) for engineering design services in the amount of \$635,000.00. HTA has been selected through the qualifications based solicitation for on-call engineering services RFQ 21-19. Funds are available for this project in the following account line:

Granite Ridge Development District TIF CIP 61083010-771000-16577

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 of this contract should be returned to DPW for distribution. Thank you.

Signature _____

Katie Ambrose
Deputy City Manager/ Director of Finance & Administration

Attachment: Ridge Phase 2 Infrastructure Improvements, HTA Task Order No. 5



City of Rochester, New Hampshire
PUBLIC WORKS DEPARTMENT
209 Chestnut Hill Road • Rochester, NH 03867
(603) 332-4096

02/02/2023



INTEROFFICE MEMORANDUM

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

FROM: **LISA J. CLARK, DPW DEPUTY DIRECTOR-OPERATIONS / ADMINISTRATION**

DATE: January 4, 2023

SUBJECT: Weston & Sampson – Temp Engineering Assistance
DPW Assistant Engineer SVC – Task Order 2023-01
Amount \$22,200.00

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

Attached please find (1) one copy of the Weston & Sampson Contract Task Order (TO) 2023-01 in the amount \$22,200. This amendment is for temporary engineering services due to staffing shortage. It is estimated for 10 hours per week for 12 weeks. The DPW Staff will continue the search for an Assistant City Engineer.

The Funds will be transferred from the following full time salary account lines:

From 13010057-511001 \$7,400.00 to Contracted Service Account #13010057-532200
From 51601057-511001 \$7,400.00 to Contracted Service Account #51601057-532200
From 52602057-511001 \$7,400.00 to Contracted Service Account #52602057-532200

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
209 Chestnut Hill Rd • Rochester, NH 03867
(603) 332-4096
www.RochesterNH.gov

02/02/2023



INTEROFFICE MEMORANDUM

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

FROM: Timothy Goldthwaite, PE, Assistant City Engineer

DATE: January 19, 2023

SUBJECT: Route 202A Water Main Extension and Storage Tank
D&C Construction Change Order No. 6 and 7

CC: Michael Bezanson, PE, City Engineer
Lisa Clark, Administrative Supervisor

Attached please find (1) a final electronic copy of Change Order #6 and #7 for the Route 202A Water Main Extension and Storage Tank Construction Contract. Change Order #6 addresses additional water main pipe restraint requirements into the project whereas Change Order #7 addresses contract time extension due to circumstances beyond the control of the contractor but does not affect contract price. If you have any questions concerning the above change orders feel free to give me a call.

Funds are available for this award in the following Water CIP account lines:

- 55016010-771000-20635

Katie - If you have any questions, please contact me. If not, please sign below and pass on to the City Manager for signature. Once completed, please return documents to DPW for Distribution.

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



City of Rochester, New Hampshire

Finance Office

31 Wakefield Street • Rochester, NH 03867-1917

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

MEMO

TO: Blaine Cox

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

DATE: January 25, 2023

RE: Brown & Caldwell Amendment #1 to Agreement for Consulting for PREP Engagement Amount \$77,000

Attached please find amendment #2 to the agreement for consulting services with Brown & Caldwell for Piscataqua Region Estuaries Partnership (PREP) engagement. The PREP engagement agreement is for consulting services for the Municipal Alliance for Adaptive Management (MAAM), which Rochester has executed as fiscal agent for MAAM. Amendment #2 modifies the scope of services to address consulting services in 2023. MAAM voted to approve amendment #2 and associated funding at their December 2022 meeting. Funding is available in the Sewer CIP fund and the MAAM communities will be invoiced for their share of the cost allocation.

Let me know if you have any questions.

Katie Ambrose

Deputy City Manager/Director of Finance & Administration

Enclosures: Amendment No. 2 to Agreement for Consulting Services Between City of Rochester, NH and Brown and Caldwell for PREP Engagement



City of Rochester, New Hampshire
PUBLIC WORKS DEPARTMENT
45 Old Dover Road • Rochester, NH 03867
(603) 332-4096
www.RochesterNH.net

02/02/2023



INTEROFFICE MEMORANDUM

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

FROM: LISA J. CLARK, DPW DEPUTY DIRECTOR - OPERATIONS & ADMINISTRATION

DATE: January 27, 2023

SUBJECT: Wastewater Treatment Facility – Sidewall Blower Project
Apex Construction - Change Order #1
Amount \$7,900.00

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

Attached please find one copy Apex Construction Contract Change Order #1. This change order to the Apex Construction Contract is for Apex to contract directly with and to coordinate the programming required with the City of Rochester's contracted vendor for Process Instrumentation and Controls, Wilson Controls.

Apex Construction was awarded this project for the Sidewall Blower Connections after the default of the original contractor to complete the project. The award was signed by City Manager on 1-24-2022. Per the City's Administrative Order of Consent (AOC) the deadline for this project's completion is 2/28/2023. Long lead times for equipment have caused significant delays.

The Funding for this scope of service is available in the Sewer O&M Account as follows:

52602074-533000 = \$7,900.00

If you have any questions, please call, if none please pass on the City Manager for signature. Please return document to me at the DPW for distribution.

Katie Ambrose Deputy City Manager / Director of Finance and Administration



City of Rochester, New Hampshire
PUBLIC WORKS DEPARTMENT
45 Old Dover Road • Rochester, NH 03867
(603) 332-4096
www.RochesterNH.net

02/02/2023



INTEROFFICE MEMORANDUM

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

FROM: LISA J. CLARK, DPW DEPUTY DIRECTOR - OPERATIONS & ADMINISTRATION

DATE: January 27, 2023

SUBJECT: SLR International
Water Treatment Facility - Emergency Action Plan (EAP)
Rochester Reservoir Dam – Engineering
Amount \$7,755.00

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

Attached please find one copy of the SLR International scope of service for signature. This proposal is to provide engineering assistance for preparation and submission of the EAP necessary per NHDES for this Rochester Reservoir Dam with High Hazard classification.

SLR International (formerly Milone and Macboom) were selected for City of Rochester Dam related project during the Engineering RFQ 21-19 Process.

The Funding for this scope of service is available in the Water Fund Engineering O&M Accounts as follows:

51601073-533002 = \$4,700.00

51601057-533002 = \$3,055.00

If you have any questions, please call, if none please pass on the City Manager for signature. Please return document to me at the DPW for distribution.

Katie Ambrose Deputy City Manager / Director of Finance and Administration



City of Rochester, New Hampshire
Economic Development Department
33 Wakefield Street, Rochester, NH 03867
(603) 335-7522, www.RochesterEDC.com

INTEROFFICE MEMORANDUM

TO: Blaine Cox, City Manager

FROM: Kiersten Wright, Community Development Coordinator/Grants Manager

DATE: December 29, 2022

SUBJECT: FY 22- 23 CAP Weatherization Assistance Program- CRMHP

CC: Cassie Givara, Deputy City Clerk

Please see attached the environmental review statement for the Community Action Partnership of Strafford County's planned repair and maintenance activities for FY 2022-2023. As per 24 CFR 58, the City of Rochester is the responsible entity for conducting environmental reviews for the Rochester Housing Authority. The environmental review statement requires the signature of the City Manager as the City of Rochester authority.

The environmental review statement was prepared by the Community Development Coordinator with assistance from Community Action Partnership.

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



02/02/2023

City of Rochester, New Hampshire
Economic Development Department
33 Wakefield Street, Rochester, NH 03867
(603) 335-7522, www.RochesterEDC.com

INTEROFFICE MEMORANDUM

TO: Blaine Cox, City Manager

FROM: Kiersten Wright, Community Development Coordinator/Grants
Manager

DATE: January 19, 2023

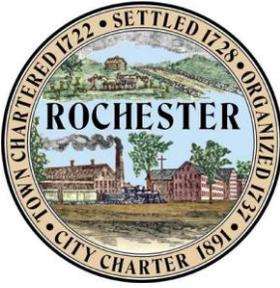
SUBJECT: FY 22- 23 CAP Weatherization Assistance Program- Monadnock

CC: Cassie Givara, Deputy City Clerk

Please see attached the environmental review statement for the Community Action Partnership of Strafford County's planned repair and maintenance activities for FY 2022-2023. As per 24 CFR 58, the City of Rochester is the responsible entity for conducting environmental reviews for the Rochester Housing Authority. The environmental review statement requires the signature of the City Manager as the City of Rochester authority.

The environmental review statement was prepared by the Community Development Coordinator with assistance from Community Action Partnership.

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



City of Rochester, New Hampshire

INFORMATION TECHNOLOGY SERVICES

31 Wakefield St • Rochester, NH 03867

www.rochesternh.net

INTEROFFICE MEMORANDUM

TO: Blaine City Manager
Katie Ambrose, Finance Director

FROM: Sonja Gonzalez, Chief Information Officer

DATE: January 12, 2023

SUBJECT: ATOM Group – Managed EDR - \$3,492/6months

CC:

Requesting electronic signature in document delivered to Blaine for EDR
Managed Threat Platform.

Sufficient funding is available in IT CIP account 15011020-773800-20599 IT
Security Project.

If you have any questions, please let me know. If not, please sign and pass on to
the City Manager for signature.

Signature _____

Katie Ambrose, Finance Director



City of Rochester, New Hampshire

Finance Office

31 Wakefield Street • Rochester, NH 03867-1917

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

Date: December 29, 2022

To: Blaine Cox, City Manager

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

RE: Agreement for Ambulance Services

Attached please find an Agreement for Ambulance Services with Frisbie Memorial Hospital effective January 1, 2023. This agreement has been reviewed by the City Attorney, Finance and the Fire Chief. Changes from the 2021 agreement include the change in the monthly payment under section 4.2 to \$90,500 monthly and the removal of former section 2.7.5 (a).

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: Frisbie Memorial Hospital – City of Rochester Ambulance Agreement



City of Rochester, New Hampshire

Finance Office

31 Wakefield Street • Rochester, NH 03867-1917

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

MEMO

TO: Blaine Cox

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

DATE: January 18, 2023

RE: CAI Technologies – Tax Map Maintenance Proposal \$10,200

Attached please find the annual agreement with CAI Technologies for tax map maintenance. The proposal is consistent with last year's agreement with the exception of a \$300 annual increase. This pricing is acceptable based on the increase in map changes due to new parcel development. Funding is available in account 11050070-533000.

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

Katie Ambrose

Deputy City Manager/Director of Finance & Administration

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



City of Rochester, New Hampshire

Finance Office

31 Wakefield Street • Rochester, NH 03867-1917

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

MEMO

TO: Blaine Cox

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

DATE: January 31, 2023

RE: MetLife Application for Group Insurance

Attached please find a MetLife Application for Group Insurance. This application enables the City and School Department to sponsor Paid Family Medical Leave Insurance for employees. There is no cost to the City to sponsor this insurance and sponsorship provides a cost savings to employees who elect to participate. Superintendent Repucci has reviewed and approved of the application. If executed, employee enrollment would occur in March with an April 1st start date.

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: MetLife Application for Group Insurance



PLANNING & DEVELOPMENT DEPARTMENT
City Hall Annex
33 Wakefield Street,
Rochester, New Hampshire 03867-1917
(603) 335-1338 - Fax (603) 330-0023
Web Site: www.rochesternh.net

Planning Board
Conservation Commission
Historic District Commission
Arts and Culture Commission

MEMO

To: Blaine Cox, City Manager; Katie Ambrose, Finance Director
From: Shanna B. Saunders, Planning Director
Date: January 20th 2023
Re: Parking Monetization Study

Attached please find a quote for the Parking Monetization Study. The study will cost \$9,800. I am requesting the City Manager approve and sign page 4.

There is sufficient funding in account # 11102051-533000.

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

02/02/2023

ROCHESTER POLICE DEPARTMENT



GARY M. BOUDREAU
Chief of Police

23 WAKEFIELD STREET
ROCHESTER NH, 03867-1933

BUSINESS (603) 330-7127
FAX (603) 330-7159
<https://police.rochesternh.gov>

"Dedication, Pride, Integrity"

POLICE COMMISSION

DEREK J. PETERS
Chairman
DAVID R. STEVENS
Vice-Chairman
DAVID E. WINSHIP, JR.
Commissioner

January 10, 2023



TO: Blaine Cox
City Manager

FROM: Gary M. Boudreau
Chief of Police

RE: Animal Shelter Service Agreement for stray animals.

Dear Mr. Cox:

Attached is an updated animal shelter service agreement with Pope Memorial Humane Society-Cocheco Valley to take in stray animals as needed for the Police Department.

Please review, sign and return the agreement and if you have any questions feel free to reach out to me.

Sincerely Yours,

Gary M. Boudreau
Chief of Police



02/02/2023

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

From: Lauren Krans, Director of Recreation & Arena

Date: December 27, 2022

CC: Sarah Ward, Admin. Asst. Recreation & Arena

RE: Firework Contract – Central Maine Pyrotechnics
Amount \$15,000

Please find the attached contract between the City of Rochester and Central Maine Pyrotechnics for a firework show at the Lilac Family Fun Festival.

Funding for the July 2023 firework show is available in the FY23 Recreation Special Event Fund- 61364020-589028.

If you have any questions, please let me know. If not, please sign and submit to the City Manager for signature. This document should be returned to Lauren Krans for distribution.

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

DEPT	NAME	POSITION	# of Employees	FT	PT	SEASONAL/TEMP	NEW HIRE	REHIRE	RETIREMENT	SEPARATED	STEP (CBA)	COLA (CBA)	MERIT PAY ADJ	NU PAY ADJ	PAY ADJ	PROMOTION	OTHER	MISC. INFO
ARENA	HANNAH JACOBS	SUPPORT STAFF 1	1			X		X										
ASSESSING	DARCY FREER	CHIEF ASSESSOR	1	X												X		DEPUTY ASSESSOR to CHIEF ASSESSOR
CITY CLERK	SUSAN MORRIS	ADMINISTRATIVE TECHNICIAN II	1	X							X							
CITY CLERK	JADA BURROWS	ADMINISTRATIVE TECHNICIAN II	1	X							X							
COMMUNICATIONS	RILEY KIRCHOFER	COMMUNICATIONS SPECIALIST	1	X						X								
COMMUNICATIONS	KATHERINE ROOT	COMMUNICATIONS SPECIALIST	1	X			X											
COMMUNICATIONS	REBECCA BEHR	PER DIEM DISPATCHER	1			X				X								
DPW	DANA WEBBER	PER DIEM ASST ENGINEER	1			X		X										
DPW	DONALD TIBBETTS	CUSTODIAN	1		X									X				
DPW	JOEL HERSOM	PUMP STATION MAINTENANCE	1	X													X	GRADE 1 SEWER CERTIFICATE
DPW	DAVID ROBERTS	PT GROUNDS	1		X		X			X								
DPW	LAURA MCDORMAND	ADMINISTRATIVE SERVICES & UTILITY BILLING SUPERVISOR	1	X												X		ADMINISTRATIVE ASSISTANT II TO ADMINISTRATIVE SERVICES & UTILITY BILLING SUPERVISOR
DPW	JONATHAN DAWES	FLEET MECHANIC	1	X			X											
DPW	ALEXANDRIA GARLAND	LIGHT EQUIPMENT OPERATOR	1	X			X											
FINANCE	ROLAND CONNORS	TEMP FINANCE	1			X				X								
FIRE	MIKE GEORGE	FIRE CAPTAIN	1	X							X							
FIRE	DAVID LEVESQUE	FIREFIGHTER	1	X							X							
FIRE	TYLER THURBER	FIREFIGHTER	1	X							X							
FIRE	JOHN HEALEY	FIREFIGHTER	1	X							X							
FIRE	CHAD FOSS	FIREFIGHTER	1	X							X							
IT	ANDREW WATKINS	DEPUTY CHIEF INFORMATION OFFICER	1	X										X				
LIBRARY	LAURA WAGEMAN	LIBRARY ASSISTANT	1		X		X											
POLICE	KATELYN MILLS	PATROL OFFICER	1	X			X											
POLICE	RACHEL HILL	PATROL OFFICER	1	X			X											
POLICE	DANIEL MONTOYA-GONZALEZ	PATROL OFFICER	1	X			X											
POLICE	JACK SETTELE	PATROL OFFICER	1	X			X											
POLICE	MICHAEL MCQUADE	PAPERWORK SERVICES OFFICER	1		X		X											
POLICE	DANIEL MONTOYA-GONZALEZ	PATROL OFFICER	1							X								
POLICE	JACOB BENJAMIN	PATROL SERGEANT	1	X							X							
POLICE	MANOLIN TERRERO	PATROL OFFICER	1	X													X	REFERRAL BONUS
RECREATION	HUNTER TRUEMAN	SUPPORT STAFF 1	1			X	X											
RECREATION	JADE TRUEMAN	SUPPORT STAFF 1	1			X	X											
RECREATION	CALEB VINCIGUERRA	SUPPORT STAFF 1	1			X	X											
RECREATION	JENNA PHILBROOK	SUPPORT STAFF 1	1		X		X											
RECREATION	JOHN LANO	SENIOR REFEREE	1			X	X											

*Intentionally
left blank...*

City Clerk's Office



City of Rochester Formal Council Meeting

AGENDA BILL

AGENDA SUBJECT	Land Purchase Policy
----------------	-----------------------------

COUNCIL ACTION ITEM <input checked="" type="checkbox"/>	INFORMATION ONLY <input type="checkbox"/>
---	---

FUNDING REQUIRED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	* IF YES ATTACH A FUNDING RESOLUTION FORM
---	---

RESOLUTION REQUIRED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
--

FUNDING RESOLUTION FORM? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
--

AGENDA DATE	February 7, 2023		
DEPT. HEAD SIGNATURE			
DATE SUBMITTED			
ATTACHMENTS	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	3

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	<i>Blaun Cox</i>

FINANCE & BUDGET INFORMATION

DIRECTOR OF FINANCE APPROVAL	
SOURCE OF FUNDS	
ACCOUNT NUMBER	
AMOUNT	
APPROPRIATION REQUIRED	YES <input type="checkbox"/> NO <input type="checkbox"/>

LEGAL AUTHORITY

Charter Sections 4 and 14.

SUMMARY STATEMENT

The City Manager requests the City Council's consideration of the attached Land Purchase Policy.

RECOMMENDED ACTION

Revision and Approval as the City Council deems appropriate.

To: Mayor and City Council
 From: City Manager Cox
 Date: January 23, 2023
 Subject: City Land Purchase Process

You will recall that earlier this year when the city purchased the parcel of land at 181 Highland Street in contemplation of siting a future fire station at that location, there were some concerns surrounding the purchase process. In response, I offer the City Council a draft city land Purchase process to consider and discuss. I am seeking specific policy direction from the City Council to guide my actions and that of city staff with future land acquisitions. Here are the proposed steps in chronological order.

1. **INITIATION** – The process is initiated when one of the following occurs:
 - a) A city department representative presents a proposal to the City Manager.
 - b) The City Manager receives an inquiry from a landowner seeking to sell a parcel of land to the city.
2. **SUITABILITY/ PURPOSE** – Once the process is initiated, city staff:
 - a) Conducts an initial assessment to determine whether the parcel is suitable for city acquisition, such as for an intended public use.
 - b) The Chief Assessor determines a value of the parcel that would be a reasonable purchase price to recommend to the City Council.
 - c) Appropriate city staff determine a generalized project scope needed to develop the parcel for its intended public use as well as a generalized estimate of the approximate project costs involved (this step may be postponed if the actual development is to be carried out at a later date).
3. **COUNCIL ACTION # 1** - City Manager presents the potential land purchase proposal to the City Council (in Non-Public Session per RSA 91-A:3, II (d)). City Council votes to direct the City Manager as follows:
 - a) If the City Council does not support the purchase proposal, it votes to direct the City Manager not to pursue negotiations with the Seller. No further steps are taken.
 - b) If the City Council is in general support of the purchase proposal, it votes to authorize City Manager to begin negotiations with Seller.
4. **COUNCIL ACTION # 2** - If City Council votes to authorize the City Manager to negotiate with the Seller, the Council may also stipulate (typically at the same non-public

meeting at which Council Action # 1 was taken) on the following terms of the **Purchase & Sales Agreement** document:

- a) Will a buyer's agent be retained by the city and at what percentage.
- b) An approved purchase price minimum-maximum range or a not-to-exceed maximum purchase price.
- c) An allowable deposit amount, none or a maximum; whether any deposit is refundable or non-refundable; will the deposit be tied to specific due diligence review results; and will a third party hold the deposit funds in escrow.
- d) Will a funding contingency clause be included allowing the city to withdraw from the deal if the City Council fails to identify and/or appropriate the funds for the purchase.

Note – If subsequent discussions with the Seller fail to reach agreement on a P&S per City Council stipulations, the City Manager may bring the purchase proposal back to the City Council for further discussion (in non-public session).

5. **DUE DILIGENCE PERIOD** - Once a P & S is signed by the Seller and City Manager, the City Manager and staff conducts/ carries out the Due Diligence Period. This generally includes soil samples, test borings, wet-land delineation, and other actions to determine the parcel's suitability for the contemplated public use, especially where construction is planned. The services of outside consultants are very likely needed for this step. Funding/ budget appropriation will need to be identified if due diligence incurs costs.

Note - If the Due Diligence process determines a lower purchase price is warranted or determines the property unsuitable for its intended public purpose, the City Manager adjusts his/ her final recommendation accordingly to the City Council (in non-public session).

6. **CITY COUNCIL ACTION # 3** – Once the Due Diligence process is completed and the City Manager determines that the parcel is suitable for its intended public use, the City Manager returns to the City Council seeking final approval of the purchase. Typically this step is done in public session. The City Council:
 - a) Votes to approve the purchase.
 - b) Votes to designate and/or appropriate the funding for the purchase.

Note - If the source of funding is Unassigned Fund Balance, per the City Code, the appropriation is approved after a First Reading, Public Hearing, Second Reading, and 2/3 vote for approval.

Note - If the Due Diligence process determines a lower purchase price is warranted or determines the property unsuitable for its intended public purpose, the City Manager makes an amended recommendation accordingly to the City Council (in non-public session).

7. **APPROVAL FOR CLOSING** – Upon final purchase approval and funding allocation/appropriation by the City Council, the City and Seller set date for Closing.
8. **CLOSING** - Closing occurs. City exchanges money for a Warranty Deed to property.
9. **UNSEALING MINUTES** – Once the purchase is completed, the City Council votes to unseal meeting minutes from all Non-Public Sessions related to the purchase.

Note – The City Council would unseal related meeting minutes at any point in the process if/ when negotiations are terminated without completing the purchase.

DRAFT

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City Clerk's Office



City of Rochester, New Hampshire

CITY COUNCIL –
APPOINTMENTS REVIEW COMMITTEE
31 Wakefield Street • Rochester, NH
03867 (603) 332-1167
www.RochesterNH.gov

Appointments Review Committee

January 17, 2023

City Hall Chambers – Conference Room

5:15 PM

Committee Members Present:

James Gray, Chair
Laura Hainey, Vice-Chair
Dana Berlin

Committee Members Excused:

Ashley Desrochers
Amy Malone

Minutes

Chair Gray called the meeting to order at 5:15 PM on January 17, 2023.

New appointment(s):

Chris Harrelson – Rochester Economic Development Commission, Seat D (New Appointment, Regular member) *Term to expire 01/2/2024*

Mr. Harrelson explained that he had moved to Rochester a year prior from Alabama. He works at a local bank in commercial lending. He gave his educational background in accounting and detailed how he interacts with Rochester’s residents and business owners through his career, helping businesses succeed in the community. He emphasized how a position on the REDC would dovetail with his employment and the relationship he holds with Rochester’s business community. Mr. Harrelson spoke of how the actions of the REDC have the potential to directly affect his job and clients.

Mr. Harrelson reported that he is currently on the Rochester Main Street Board of Directors and is a member of the Rotary Club.

Chair Gray explained that there are currently two applicants for the same REDC position, Seat D. The Committee will interview both and will make a recommendation to Council; either for one applicant, or indicating that both are equally qualified and allow Council to take a vote on who will fill the seat.

Chair Gray advised Mr. Harrelson of other opportunities on City boards and Commissions if he does not end up filling the REDC seat.

The Committee decided to hold off on a recommendation for REDC seat D until both candidates had been interviewed.

Brylye Collins – Zoning Board of Adjustments, Seat H (New Appointment, Alternate Member) Term to Expire 1/2/2026

Ms. Collins stated that she had moved to Rochester two years prior and gave details on her career background; primarily in talent acquisition and recruitment in the HR arena. She currently owns and runs her own talent consulting business in the City. She explained that she is currently an ambassador for the Rochester Chamber of Commerce and sits on the Board of Directors for Community Action Partnership. Ms. Collins said that although she does not have specific background or experience directly relevant to the ZBA, she is highly organized and a fast learner. Ms. Collins stated she been watching the ZBA meetings and has reviewed the NHMA guidelines to become familiar with the process and the criteria of which the board follows. She stated that the guidelines which the ZBA follows seem cut and dry; either the criteria is met or it is not and the board votes accordingly.

Chair Gray spoke about upcoming educational opportunities for land-use boards that Ms. Collins may be interested in pursuing.

Councilor Berlin **MOVED** to recommend to full Council the appointment of Brylye Collins as an alternate member of the Zoning Board of Adjustments, Seat H with a term to expire 1/2/26. Councilor Hailey seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Tanya Hervey – Rochester Economic Development Commission, Seat D (New Appointment, Regular member) Term to expire 01/2/2024

Ms. Hervey spoke about being a Rochester resident since the early 90s. For many years, she ran a photography business on Union Street, next to Hervey's Tire. Ms. Hervey currently works for the Rochester Chamber of Commerce and spoke about leaving her photography business in order to connect more with the community and a desire to work with people to be part of something bigger. Ms. Hervey said the mission of the Chamber of Commerce aligns directly with that of the REDC: to promote and foster a favorable economic environment in the City of Rochester.

The Committee discussed both candidates for REDC Seat D. It was stated that both candidates were highly qualified, with different strengths that they would bring to the board. Both candidates would be an asset to the REDC if seated. Chair Gray stated that it was beneficial to have a good mix of members on REDC consisting of both new and older business owners, and those that live, work, and own businesses in the community.

Councilor Berlin **MOVED** to recommend to full Council the appointment of Tanya Hervey as a regular member of the REDC, Seat D, with a term to expire 1/2/2024. Councilor Hailey seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Re-Appointments:

Mark Collopy – Planning Board, Seat F (Re-appointment, Regular Member) Term to Expire 01/2/2026

Lance Powers – Zoning Board of Adjustments, Seat A (Request to be elevated from alternate to regular member) Term to Expire 01/2/2024

Councilor Berlin **MOVED** to recommend to full Council the re-appointment of both Mark Collopy to the Planning Board, Seat F and Lance Powers elevation from an alternate to a regular member of the ZBA, Seat A with terms to expire as listed above. Councilor Hainey seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Chair Gray **ADJOURNED** the Appointments Review Committee meeting at 5:46 PM.

Respectfully submitted,

Cassie Givara
Deputy City Clerk



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

**STATEMENT OF INTEREST
BOARD AND COMMISSION MEMBERSHIP**

POSITION DESIRED: Economic Development Commission - Board

NEW RE-APPOINTMENT _____ REGULAR _____ ALTERNATE _____

NAME: Chris Harrelson

STREET ADDRESS: 52 Monroe Dr. Unit 8, Rochester NH

ZIP 03867

TELEPHONE:(H) 334.275.7670 (W) _____ E-MAIL christopherharrelson@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.)

The REDC's goal of promoting economic growth, vitality, and diversity
in Rochester businesses aligns with my professional goals as a local
banker and my personal goals as a community member.

Education - BS Accounting

Professional Experience - ~10 years business and commercial banking

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: Chris Harrelson



02/02/2023

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

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**STATEMENT OF INTEREST
BOARD AND COMMISSION MEMBERSHIP**

POSITION DESIRED: Zoning Board of Adjustment

NEW RE-APPOINTMENT _____ REGULAR _____ ALTERNATE

NAME: Brylye Collins

STREET ADDRESS: 40 D Topaz Ln Rochester, NH

ZIP 03839-5704 603 608 6217

TELEPHONE:(H) _____ (W) _____ E-MAIL brylyecollins@gmail.com

REGISTERED VOTER: (CIRCLE ONE) YES NO _____ WARD 3

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 interested in joining zoning board of adjustment to get more involved in the Rochester community. Please see attached resume for background

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]



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**STATEMENT OF INTEREST
BOARD AND COMMISSION MEMBERSHIP**

POSITION DESIRED: Economic Development Commission Member

NEW RE-APPOINTMENT _____ REGULAR _____ ALTERNATE _____

NAME: Tanya Hervey

STREET ADDRESS: 24 Union Street, Rochester NH
ZIP 03867

TELEPHONE:(H) _____ (W) _____ E-MAIL thervey@rochesternh.org

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

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

PLEASE SEE ATTACHED SHEET

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: Tanya Hervey

January 4, 2023

Dear Rochester City Council Members,

I would like to be considered for the Economic Development Commission Member slot that is open. I've been a Rochester resident for many years; I've lived downtown for over twenty years and operated a business downtown for the better part of a decade. My family has a well-established business in town that is over 100 years old. The economic climate of Rochester is important to my family and to me, as we live and work in the heart of the city.

As a profession, I am employed with the Greater Rochester Chamber of Commerce, who shares your mission to make Rochester a great place to work and play. I am very much interested in having a role on a like-minded team with the shared goal of helping Rochester grow and thrive and become a diverse community that is attractive to businesses, industries, families, and individuals.

If you will consider me for a seat on the Commission, I pledge to continually strive to learn, to bring value whenever I am able, and to be dedicated to meeting attendance and to the mission of the Commission.

Thank you for your time and consideration,

Tanya Hervey
24 Union Street, Rochester
603.842.2608
thervey@rochesternh.org



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

**STATEMENT OF INTEREST
BOARD AND COMMISSION MEMBERSHIP**

POSITION DESIRED: Zoning Board

NEW _____ RE-APPOINTMENT _____ REGULAR ALTERNATE _____

NAME: Lance Powers

STREET ADDRESS: 71 Whitehouse rd.

ZIP 03867

TELEPHONE: (H) 603-817-7249 (W) _____ E-MAIL integrity@Metrocast.net

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

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

Currently sit on the Zoning Board as an Alternant.

was on the Planning Board for 8-9 years before and left - as the Vice Chair

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: _____




City of Rochester, New Hampshire
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31 Wakefield Street • Rochester, NH 03867
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**STATEMENT OF INTEREST
BOARD AND COMMISSION MEMBERSHIP**

POSITION DESIRED: _____

NEW _____ RE-APPOINTMENT _____ REGULAR XX ALTERNATE _____

NAME: _____

STREET ADDRESS: _____

ZIP _____

TELEPHONE:(H) 603-833-7341 (W) _____ E-MAIL _____

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

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

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: Mark Collopy

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City Clerk's Office

Codes and Ordinances Committee

Councilor Peter Lachapelle, Chair
Councilor Steve Beaudoin, Vice Chair
Councilor Skip Gilman
Councilor Ashley Desrochers
Councilor Tim Fontneau



CODES AND ORDINANCES COMMITTEE
Of the Rochester City Council
Thursday, January 5, 2023
Council Chambers
6:00 PM

Minutes

1. Call to Order

Chair Lachapelle called the meeting to order at 6:00 PM. Deputy City Clerk Cassie Givara took a silent attendance. All Councilors were present. Mayor Callaghan was also present.

2. Public Input

Gregg DeNobile, resident, inquired if there would be a public hearing on any of the proposed actions included on the agenda. Mr. DeNobile questioned portions of the Code of Ethics as well as the guidelines for public input.

Susan Rice, resident, spoke about the process the Code of Ethics has gone through in Committee and how it will move forward to potentially be adopted.

Carol and Kathy, Tangles Salon, said that they are requesting two additional two-hour parking spaces in front of their business on Summer Street (agenda item 5).

3. Acceptance of the Minutes – no December minutes to accept

Chair Lachapelle **MOVED** to **AMEND** the agenda to include the acceptance of the minutes of the November 3, 2022 Codes and Ordinances Committee meeting. He explained that due to lack of quorum in December, there had been no meeting held and therefore the November meeting minutes had not been accepted. Councilor Desrochers seconded the motion. The **MOTION CARRIED** to accept the November 3, 2022 Codes and Ordinances minutes by a unanimous voice vote.

5. Constituent Item: 15 Summer Street Parking

Chair Lachapelle stated that if there were no objections, he would move agenda item #5 to the start of the agenda. He explained that the owner of Tangles Hair Salon had sent an email explaining the difficulty they are experiencing with lack of customer parking due to vehicles being parked long-term in the nearby spaces. This poses an issue for elderly clientele who are not able to walk the distance for their appointments. Councilor Fontneau confirmed that the two spaces directly in front of the business are two-hour spaces, and the owner is requesting that two additional spaces directly across the street be designated as two-hour spaces. Carol Fabian, owner, confirmed this is the case. Councilor Fontneau reported that the Parking Review Group has been looking at the possibility of adding additional two-hour spaces throughout the City in areas where this is an issue. Ms. Fabian recalled that there had been a vehicle parked in one of the spaces adjacent to her business for one month and another vehicle that was in a spot for six months with out-of-state plates. Ms. Fabian stated that she had contacted parking enforcement and was told that no laws were being broken and there were no regulations to prevent someone from parking long-term in these spaces.

Councilor Beaudoin suggested that the proposed signs state that the two-hour limit is during a designated period, such as 8:00 AM to 8:00 PM, to allow nearby residents the opportunity to use the spaces for parking when the business is closed. Ms. Fabian said that Tangles is typically open between 8/9:00 AM – 6:00 PM. Councilor Fontneau **MOVED** to recommend to full Council the installation of signs stating “two-hour parking between 8:00 AM – 8:00 PM, Monday through Saturday” in the two spaces across Summer Street from Tangles Salon. Councilor Beaudoin seconded the motion. Mayor Callaghan referenced City Ordinance Chapter 254-17(c) that speaks about exceptions to time limits in designated spaces. It states, “The Chief of Police may permit plumbers, electricians or other contractors to park or leave standing vehicles in front of buildings for a longer period of time than is provided for in this chapter provided it is essential for the work being carried on in said building.” Councilor Beaudoin agreed and said that customarily, if a contractor or other service provider is working in the area, they are able to park in these spaces as long as a sign is placed in their window stating their purpose for parking beyond the two-hour limit. The **MOTION CARRIED** by a unanimous voice vote.

4. Rules of Order Section 1.6 – Guidelines for Public Input (*addendum A*)

Mayor Callaghan said that this topic had been initiated several months prior through a desire to inform both the Council and members of the public what the guidelines are for public comment as well as what type of speech is protected.

Councilor Fontneau referred to the sentence in the first paragraph referenced by Mr. DeNobile during public input, which states, “...it must be clear that these meetings belong to the City Council.” He questioned if the word “belongs” was the most appropriate word to use. Attorney O’Rourke answered that this phrasing is fairly standard, and that the intent is to state that these are business meetings of the Council for the purpose of carrying out work, not public forums. Councilor Desrochers asked where this phrasing originated and gave her interpretation of the meaning behind the current verbiage. Mayor Callaghan said that the verbiage is based on Supreme Court decisions and common language used in statutes, and it is intended to indicate that these are business meetings. Attorney O’Rourke suggested changing the sentence as follows:

“...it must be clear that these **are business** meetings ~~belong to~~ **of** the City Council.”

Councilor Beaudoin read the excerpt: “This is the opportunity for members of the public to inform the City Council of their views and offer unique insights regarding topics the City Council is discussing.” Councilor Beaudoin stated that matters discussed and voted on at a Regular Council meeting could only be addressed by the public at the following workshop meeting; however, the topic will likely not be listed on that agenda. The way the sentence is currently written seems to prohibit the public from discussing items that do not appear on the agenda. He acknowledged that the public could write emails to elected officials sharing their opinion, but felt the current verbiage was stifling free speech and the public’s ability to respond to City business. Mayor Callaghan responded that the public has opportunity to speak at Committee meetings, through email, as well as at workshop meetings. He clarified that the public can, in fact, speak about *any* topic at a workshop meeting and it is not limited to items on the agenda. However, at a public hearing the speech is limited to items contained on the agenda.

Councilor Desrochers said that, in addition to emailing Councilors directly, there is an option on the City website to send email specifically for public input and at some Committee meetings, these emails will be read aloud.

Councilor Beaudoin reiterated that the verbiage, as written, indicates that the public can only speak about items that appear on the agenda. Chair Lachapelle suggested changing the verbiage to include items “...that Council is discussing *or has discussed*.” There was discussion of adding wording to include future agenda items for discussion as well. Councilor Fontneau clarified that public speech at workshop meetings is not limited to items that Council has discussed; it could cover anything a constituent desires. Attorney O’Rourke suggested the following edit:

“This is ~~the~~ *an* opportunity for members of the public to inform the City Council of their views and offer unique insights regarding topics *within* the City Council’s *purview* ~~is discussing~~.”

Councilor Beaudoin agreed that this language was less exclusionary and worked well. He read the final sentence, which states, “*Public input and comment are, therefore, limited to the purposes for which the City Council has requested the same.*” Councilor Beaudoin said that, given the changes that were made earlier in the paragraph, this sentence would also need to be amended to reflect the same intent. Councilor Fontneau reiterated that the public can speak about any topic during a workshop meeting, not only items on which the City Council has requested input. Mayor Callaghan agreed and stated that the sentence seemed to refer to public hearings as opposed to public input at a workshop meeting. The Mayor clarified that Public Hearing guidelines are already detailed in the Rules of Order, and suggested this sentence be struck in its entirety or changed to reflect that it refers only to public hearing comments. Attorney O’Rourke suggested changing the sentence to read, “*Public input ~~and comments~~ at a public hearing are, therefore, limited to the purposes for which the City Council has requested the same.*” Councilor Fontneau said there are two separate issues; input at a public hearing regarding a specific agenda item, and public input during a workshop meeting at which the public is not limited by topics on the agenda. Attorney O’Rourke agreed and suggested striking the sentence in its entirety: “~~Public input and comment are, therefore, limited to the purposes for which the City Council has requested the same.~~”

Councilor Beaudoin stated that he felt the current wording of this proposed addition is

intending to restrict speech by prohibiting “defamation, fighting words, or a criminal threat...” He acknowledged the value of curtailing fighting words or criminal threats, which are illegal, but felt that defamation was a free speech issue. He stated that if a Member is libeled or slandered by a speaker, it would be their right to pursue legal action for said libel/slander. He felt that the Council should not be held to a higher standard where they are above slander and the right to legal recourse for such. Councilor Beaudoin said that the current wording allowed the Chair to cut off a speaker if they made a claim “without evidence,” however, the City Council is not a court of law, which this may imply. Councilor Beaudoin read an excerpt from the NH Municipal Association (NHMA) regarding discriminatory speech and which cautioned against allowing a speaker to give praise but not allowing criticism. Mayor Callaghan acknowledged the need for equity in speech and not allowing praise while disallowing criticism. The Mayor stated that the law needs to be followed regardless of the content of the speech; during a public hearing the speaker needs to keep their remarks germane to the agenda items and refrain from making extraneous remarks regardless of whether they are positive or negative. It was clarified that during the public input portion of a workshop meeting, a speaker is able to offer either praise or criticism. Councilor Beaudoin pointed out the title of the proposed addition, which indicates the guidelines are for public input “including” during public hearings. He suggested the title be reworded to clarify that the guidelines are for public comment specifically at public hearings. Mayor Callaghan responded that the wording is relevant for both public hearings and public comment period during workshops; purposely defaming an individual is not allowed at either and he gave case law to support this. Councilor Beaudoin read additional excerpts from the NHMA article citing court opinions cautioning against the prohibition of defamatory or offensive speech and not allowing both critical and positive comment. Attorney O’Rourke explained that the court opinions cited in the NHMA article referenced by Councilor Beaudoin did not stand for what they purported to support. He gave details on the cases cited, which were not relevant to public input during meetings.

Attorney O’Rourke reiterated that these are just general guidelines. They do not say that a speaker will be removed or arrested, they just offer guidelines to which the speakers should adhere and the manner in which the Chair can respond if needed. Attorney O’Rourke did clarify that criminal threatening and defamation are unlawful and these guidelines do not prohibit a Councilor from pursuing legal action if desired.

Councilor Beaudoin reiterated that he felt the title should be changed to “Public input during public hearings;” otherwise, it infers that it relates to public comment during a workshop as well. Attorney O’Rourke stated that the intent is for the guidelines to apply to both public hearings and public input. Councilor Fontneau reiterated the need to distinguish between public hearings and public comment during a workshop; he pointed out that some of the changes made are specific to one circumstance or the other, but not both. He suggested there be two separate sections. Attorney O’Rourke stated that there is already a section in the Rules of Order specific to Public Hearings that details the guidelines discussed this evening; he stated that this section simply amplifies the verbiage already in place.

Councilor Beaudoin **MOVED** to keep section 1.6 of the Rules of Order regarding “Guidelines for Public Input” in Committee and to direct Attorney O’Rourke to make the changes suggested before bringing it back to Codes and Ordinances for a final review. Councilor Fontneau seconded the motion. Mayor Callaghan stated that the intent is simply to keep speakers on topic at public

hearings and to prohibit a speaker from defaming individuals during public comment. He suggested that the City Attorney could make the suggested corrections and edits without the need for the item to come back to Committee. The **MOTION CARRIED** to keep the item in Committee by a 4 to 2 hand count vote.

The Guidelines for Public Input was kept in Committee.

Councilor Desrochers directed the City Attorney to a couple more grammatical errors in the document that needed updating.

7. Discussion: Revision to City Building Permits adding option for EPA “Renovation, Repair, & Painting” certification number

Chair Lachapelle said, if there were no objections, that he would move item #7 on the agenda to occur before the Code of Ethics discussion so City Staff present for the discussion would not need to wait.

Councilor Desrochers restated that the purpose of this item is to raise awareness and to try to ensure that individuals are adhering to guidelines and laws that already exist. She explained that when a renovation is being done, this would alert those doing the work that there is a certification for the work being performed, and she emphasized the need for proper lead abatement in the City.

Councilor Desrochers explained that one of the concerns with this proposal had been if a certification number is requested on the building permit application, the City could potentially be held liable if the contractor does not supply or hold that certification. Bob Veno, Rochester Health Inspector, stated that there is a variety of wording related to this type of certification on applications throughout the State. He gave details on what verbiage could be used; Inspector Veno stated that the application could ask for the certification number, and if not provided, it would be a trigger to refer the applicant to the requirements.

Councilor Fontneau inquired about the possibility of adding the lead hazard control program fact sheet to the website or having it attached as part of the application process. Inspector Veno acknowledged that the Building and Licensing department already has similar brochures available next to the applications and said there are a variety of lead poisoning information links currently available on the “Health” page of the Building and Licensing website.

Councilor Desrochers inquired if having a field for the certification number on the applications would be beneficial. Inspector Veno said this option could be added. He stated that the City already asks for license numbers for electricians and plumbers, and this would be no different. Mr. Veno agreed that lead paint in the City of Rochester is a serious issue that affects both the health of our children and impacts the tax payers as well.

Councilor Beaudoin questioned if the City would be responsible for verifying the validity of the certification number being provided and questioned the liability to the City if an applicant falsified their information. He felt that leaving the certification number field as an option as opposed to mandatory would be best. Councilor Desrochers clarified that the intent was to keep this optional, not as a requirement. Mr. Veno said he would defer to the City Attorney to answer

questions regarding liability, but he suggested adding a field for the applicant to enter their certification number; if the number is not supplied, the City would provide the information for the applicant to obtain said certification.

Councilor Fontneau asked what the City's role in enforcement would be with this portion of the application. He inquired if the application would be denied if the certification number was not provided, as it would be for an electrician not providing their license number. He said there may be liability if the number is not provided on the application and the permit is still issued. Attorney O'Rourke suggested the Committee vote to send this item to full City Council in order to direct the City Manager to draft a policy along with the Director of Building and Licensing before coming back to full Council for consideration. Chair Lachapelle **MOVED** to send the item to full Council as detailed by the City Attorney. Councilor Desrochers seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

6. Code of Ethics and Conduct

Chair Lachapelle gave an overview of the history of the Code of Ethics, which has been in Committee and to full Council in some form or another for over a year. He stated it is now at a place to return to full Council for a vote. Chair Lachapelle **MOVED** to send the Code of Ethics, as amended, to the full City Council on February 7, 2023. Councilor Desrochers seconded the motion. Councilor Beaudoin stated he had a number of additional edits to the Code; however, he did not have these edits immediately accessible. Chair Lachapelle reiterated that this is a living document and there can be amendments made over time, even after adoption.

Councilor Beaudoin explained that at the State-level, new representatives are given ethics rules directly after being sworn in, and these rules are voted on at the very first session. He said that when Rochester officials are elected, they may be "completely unaware of these ethics which they need to abide by." He asked if each new Council would vote on the Code of Ethics before the rules become effective. Attorney O'Rourke responded that the adopted Rules of Order carry over into each new Council; however, every two years when a new Council is sworn in, the Codes and Ordinances Committee reviews the Rules of Order and makes amendments as needed at their first meeting. This Code of Ethics will be reviewed on the same schedule.

Mayor Callaghan suggested that the Code of Ethics be handed out to candidates filing for municipal office when they receive their copy of the City sign ordinance. Councilor Beaudoin agreed and felt that the Code of Ethics should not be distributed after a candidate has already won their seat, because the elected official may find that they do not agree with the rules laid out in this code of ethics and they may not want to follow the guidelines. Chair Lachapelle stated that he felt if that situation is encountered, the candidate should not be serving on Council in the first place. Councilor Fontneau pointed out that this Code affects both elected and appointed officials; those filing statements of interest for boards and commissions should also receive the Code of Ethics for review.

Chair Lachapelle restated his motion to clarify that, if adopted, the Code of Ethics will be reviewed every two years along with the Rules of Order and will be distributed to any candidate filing for office or for a position on a City Board or Commission. Attorney O'Rourke referenced the paragraph on the final page of the Code of Ethics, which reads. "...this document shall be

included in the regular orientations for candidates for City Council, applicants to Board, Committee and Commissions, and newly elected and appointed officials.” The document already directs the Code of Ethics to be distributed in these situations.

Councilor Desrochers stated that elected officials have a commitment to excellence, which is agreed upon when entering office and these are values that should be maintained by all members. Councilor Beaudoin inquired, if a candidate filing for office is given the Code of Ethics and does not agree with the content and does not want to abide by these “arbitrary” rules, if the City will deny them their right to run for election. Chair Lachapelle said this could be discussed at full Council. The **MOTION CARRIED** by a 5 to 1 hand count vote.

8. Other

Chair Lachapelle announced that the next Codes and Ordinances meeting would take place on Thursday, February 2, 2023.

9. Adjournment

Chair Lachapelle **ADJOURNED** the Codes and Ordinances meeting at 7:03 PM.

Respectfully Submitted,

Cassie Givara
Deputy City Clerk

Section 1.96 PUBLIC INPUT (Including during Public Hearings) – Guidelines for Public Comment.

The City Council hereby acknowledges and affirms the value of and need for public input as it conducts the City's business. Public input and comment periods during City Council and subcommittee meetings is an essential part of local government meetings. This is ~~an the~~ opportunity for members of the public to inform the City Council of their views and offer unique insights regarding topics ~~within the the City Council's purview. is discussing.~~ However, it must be clear that ~~these are business~~ meetings ~~of belong to~~ the City Council. The public does not participate in the decision-making process. The public's role is to provide input for the City Council's consideration in making its decisions. ~~Public input and comment are, therefore, limited to the purposes for which the City Council has requested the same~~

The receipt of constructive input must be balanced with the City Council's need to conduct its business in an orderly and fair manner. The meeting Chair must have discretion to curtail and even cut off public input which he/ she reasonably perceives to be irrelevant to the City Council's particular purposes or public input that constitutes defamation¹, fighting words², or a criminal threat³. Determining relevancy, although sometimes challenging, is fairly clear. Determining what constitutes appropriate criticism of elected and appointed officials versus unprotected speech is more challenging.

Although the Chair has the primary responsibility to enforce the rules, all members of the City Council and subcommittees have a responsibility to raise a Point of Order when appropriate. When that happens, the Chair determines whether the rules have violated and whether a speaker is allowed to continue. Any two Councilors can challenge the Chair's decision. In that event, by majority vote, the Council/ committee will decide whether the speaker is allowed to continue.

Citizens have a right to complain about elected officials as well as appointed officials, including City employees. These complaints are protected speech per the First Amendment to the U.S. Constitution. However, the City Council will not

¹ Defamatory statements are those that a speaker (a) knows to be false and defames the object of the statements; (b) makes with a reckless disregard for whether the statements are true or false; or (c) negligently fails to ascertain whether the statements are true. *McCarthy v. Manchester Police Dep't*, 168 N.H. 202, 210 (2015).

² "[F]ace-to-face words plainly likely to cause a breach of the peace by the" recipient. *State v. Oliveira*, 115 N.H. 559, 561 (1975).

³ RSA 631:4; *State v. Hanes*, 171 N.H. 173, 179 (2018).

allow defamation, fighting words, or criminal threats. These types of utterances are not protected by the First Amendment.

Comments identifying a specific action or a specific issue of concern are appropriate. However, accusations of wrongdoing or illegal acts without evidence are is defamatory and will be not allowed.

Example of protected speech: The City Manager was wrong to eliminate parking in downtown Gonic. He failed to consider the needs of the residents who live there in the downtown that need the parking in close proximity. He incorrectly determined that the parking obstructed the view of northbound motorists.

Example of an unprotected utterance: The City Manager was wrong to eliminate parking in downtown Gonic. He did this because he took a bribe from the landowner adjacent to the parking.

Citizens who wish to submit a criticism regarding elected and/ or appointed officials are encouraged to do so in writing or to meet with appropriate officials in a non-public setting to convey their input. However, if a citizen wishes to make a public criticism, the City Council recognizes the right to do so if it is conveyed in a manner that is -legitimate speech.

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City Clerk's Office



City of Rochester, NH

**Code of Ethics and Conduct
For
Elected and Appointed Officials**

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Adopted ____ 2023

A. ETHICS

The citizens and businesses of the City of Rochester are entitled to have fair, ethical and accountable local government. To this end, the public should have full confidence that their elected and appointed officials:

- Comply with both the letter and spirit of the laws and policies affecting the operations of government.
- Are independent, impartial, and fair in their judgment and actions.
- Use their public office for the public good, not for personal gain; and
- Conduct public deliberations and processes openly, unless required by law to be confidential, in an atmosphere of respect and civility.

Therefore, members of the City Council, all Boards, and Committees and Commissions shall conduct themselves in accordance with the following ethical standards:

1. **Act in the Public Interest.** Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of Rochester and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before them.
2. **Comply with both the spirit and the letter of the Law and City Policy.** Members shall comply with the laws of the nation, the State of New Hampshire, and the City of Rochester in the performance of their public duties.
3. **Conduct of Members.** The professional and personal conduct of members while exercising their office must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, Boards, Committees and Commissions, the staff or public.
4. **Respect for Process.** Members shall perform their duties in accordance with the processes and rules of order established by the City Council.
5. **Conduct at Public Meetings.** Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand.
6. **Decisions Based on Merit.** Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations. When making adjudicative decisions (those decisions where the member is called upon to determine and apply facts peculiar to an individual case), members shall maintain an open mind until the conclusion of the hearing on the matter and shall base their decisions on the facts presented at the hearing and on the personal knowledge of a Member on the issue presented to the rest of the City Council at said hearing.
7. **Communication.** Council Members shall avoid posting to social media in regards to any adjudicative matters pending before the body. Outside of adjudicative matters pending before the body, members of the Council/Commission/Board/Committee are advised not to participate in discrimination or harassment, even if the identified behaviors are not targeting a protected class, consisting of unwelcome conduct, sexual or otherwise, whether verbal, physical, or visual. Harassing conduct includes, but is not limited to: slurs or negative stereotyping; bullying, threatening, intimidating or other hostile acts; degrading jokes and displays or circulation of graphic material that degrades or shows hostility; and physical touching. Members are also advised to never demean or personally attack an employee regarding the employee's job performance in public.
8. **Conflict of Interest.** In order to assure their independence and impartiality on behalf of the common good and

compliance with conflict-of-interest laws, members shall use their best efforts to refrain from creating an appearance of impropriety in their actions and decisions. Members shall not use their official positions to influence government decisions in which they have (a) a material financial interest, (b) an organizational responsibility or personal relationship which may give the appearance of a conflict of interest, or (c) a strong personal bias.

A member who has a potential conflict of interest regarding a particular decision shall disclose the matter to the City Attorney and reasonably cooperate with the City Attorney to analyze the potential conflict. If advised by the City Attorney to seek advice from other appropriate entities, a member shall not participate in a decision unless and until he or she has requested and received advice allowing the member to participate. A member shall diligently pursue obtaining such advice. The member shall provide the Mayor and the City Attorney a copy of any written request or advice and conform his or her participation to the advice given. In providing assistance to members, the City Attorney represents the City and not individual members.

All members will maintain an updated financial disclosure statement in the Office of the City Clerk. The Financial Disclosure Statement shall be updated annually as of June 30th. Forms shall be based on the form used by the State to implement RSA 15-A prepared by the City Clerk for approval by the City Council and made available to all members for this purpose.

Financial Disclosure Statement shall mean a written statement, given under oath:

Listing an individual's primary source of annual income.

Listing any sources of income, whether or not connected with the City of Rochester which individually produce income in an amount greater than Ten Thousand Dollars (\$10,000.00) calculated annually on a per calendar year basis.

Listing capital assets in an amount greater than Ten Thousand Dollars (\$10,000.00) related to matters before the Council in which the member has a special interest. "Special Interest" means an item over which the Council has jurisdiction so that a change in law, a contracting decision, the granting of a license or permit, or other decision of the Council would have a greater potential impact on the Member than on the general public.

Financial Disclosure Statements shall be public records and shall be returned to the member Six (6) months after leaving office.

In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and if they have a conflict of interest regarding a particular decision, shall not, once the conflict is ascertained, participate in the decision and shall not discuss or comment on the matter in any way to any person including other members unless otherwise permitted by law.

9. **Gifts and Favors.** Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office that is not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.
10. **Confidential Information.** Members must maintain the confidentiality of all written materials and verbal information provided to members which is confidential or privileged. Members shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial, or other private interests.

11. **Use of Public Resources.** Members shall not use public resources which are not available to the public in general (e.g., City staff time, equipment, supplies or facilities) for private gain or for personal purposes not otherwise authorized by law.
12. **Representation of Private Interests.** In keeping with their role as stewards of the public interest, members of Council shall not appear on behalf of the private interests of third parties before the Council or any Board, Committee, Commission or proceeding of the City, nor shall members of Boards, Committees and Commissions appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.
13. **Advocacy.** Members shall represent the official policies or positions of the City Council, Board, Committee or Commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Rochester, nor will they allow the inference that they do. Councilmembers and Board, Committee and Commission members have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention or display endorsements during Council meetings, or Board, Committee and Commission meetings, or other official City meetings.
14. **Policy Role of Members.** Members shall respect and adhere to the council-manager structure of the Rochester City government. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by City staff, Boards, Committees and Commissions, and the public. Except as provided by the City Charter and Code, members shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions.
15. **Independence of Boards, Committees and Commissions.** Because of the value of the independent advice of Boards, Committees and Commissions to the public decision-making process, members of Council shall refrain from using their position to unduly influence the deliberations or outcomes of Board, Committee and Commission proceedings.
16. **Positive Workplace Environment.** Members shall support the maintenance of a positive and constructive workplace environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to staff.

B. CONDUCT GUIDELINES

The Conduct Guidelines are designed to describe the manner in which elected and appointed officials should treat one another, City staff, constituents, and others they come into contact with while representing the City of Rochester.

1. Elected and Appointed Officials' Conduct with Each Other in Public Meetings

Elected and appointed officials are individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even though individuals may not agree on every issue.

a) Honor the role of the chair in maintaining order

It is the responsibility of the Mayor, as chair to keep the comments of members on track during public meetings. Members should honor efforts by the chair to focus discussion on current agenda items. If there

is disagreement about the agenda or the chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.

b) Practice civility and decorum in discussions and debate

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of debate by a free democracy in action. Free debate does not require nor justify, however, public officials to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments.

c) Avoid personal comments that could offend other members

If a member is personally offended by the remarks of another member, the offended member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other member to justify or apologize for the language used. The chair will maintain control of this discussion.

d) Demonstrate effective problem-solving approaches

Members have a public stage and have the responsibility to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

2. Elected and Appointed Officials' Conduct with the Public in Public Meetings

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

a) Be welcoming to speakers and treat them with care and gentleness.

While questions of clarification may be asked, the official's primary role during public testimony is to listen.

b) Be fair and equitable in allocating public hearing time to individual speakers.

The chair will determine and announce limits on speakers at the start of the public hearing process.

c) Practice active listening

It is disconcerting to speakers to have members not look at them when they are speaking. It is fine to look down at documents or to make notes but reading for a long period of time or gazing around the room gives the appearance of disinterest. While you cannot be required to listen to public speakers in a certain way, it is advised that all members remain conscious of their actions during such time as member of the public might be speaking. To the best of your ability, remain focused on the speaker and avoid noise and distractions.

Members shall be cognizant of non-verbal body language and facial expressions that could be interpreted as disbelief, anger, or boredom.

Members shall make attempts to listen actively and respectfully to City staff, members of the public and other Members whenever possible.

d) Maintain an open mind

Members of the public deserve an opportunity to influence the thinking of elected and appointed officials.

e) Ask for clarification, but avoid debate and argument with the public

Only the chair – not individual members – can interrupt a speaker during a presentation. However, a member can ask the chair for a point of order if the speaker is off the topic or exhibiting behavior or

language the member finds disturbing.

3. Elected and Appointed Officials' Conduct with City Staff

Governance of a City relies on the cooperative efforts of elected officials, who set policy, appointed officials who advise the elected, and City staff who implement and administer the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by everyone for the good of the community. The council is committed to providing an environment that is free from discrimination and harassment, even if the identified behavior is not targeting a protected class.

Harassment consists of unwelcome conduct, sexual or otherwise, whether verbal, physical, or visual. Harassing conduct includes, but is not limited to slurs or negative stereotyping; bullying, threatening, intimidating or other hostile acts; degrading jokes and display or circulation of graphic material that degrades or shows hostility; and physical touching

a) Treat all staff as professionals

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

b) Do not disrupt City staff from their jobs

Elected and appointed officials should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met. Do not attend City staff meetings unless requested by staff – even if the elected or appointed official does not say anything, his or her presence implies support, shows partiality, may intimidate staff, and hampers staff's ability to do their job objectively.

c) Never publicly criticize an individual employee

Elected and appointed officials should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the City Manager through private correspondence or conversation. Appointed officials should make their comments regarding staff to the City Manager or the Mayor.

d) Do not get involved in administrative functions

Elected and appointed officials acting in their individual capacity must not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.

e) Do not solicit political support from staff

Elected and appointed officials should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

f) No Attorney-Client Relationship

Members shall not seek to establish an attorney-client relationship with the City Attorney, including his or her staff and attorneys contracted to work on behalf of the City. The City Attorney represents the City and not individual members. Members who consult with the City Attorney cannot enjoy or establish an attorney-client relationship with the attorney.

4. Council Conduct with Boards, Committees and Commissions

The City has established several Boards, Committees and Commissions as a means of gathering more community input. Citizens who serve on Boards, Committees and Commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

- a) *If attending a Board, Committee or Commission meeting, be careful to only express personal opinions*
Councilmembers may attend any Board, Committee or Commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation – especially if it is on behalf of an individual, business or developer – could be viewed as unfairly affecting the process. Any public comments by a Councilmember at a Board, Committee or Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City Council.
- b) *Limit contact with Board, Committee and Commission members to questions of clarification*
It is inappropriate for a Councilmember to contact a Board, Committee or Commission member to lobby on behalf of an individual, business, or developer, and vice versa. It is acceptable for Councilmembers to contact Board, Committee or Commission members in order to clarify a position taken by the Board, Committee or Commission.
- c) *Respect that Boards, Committees and Commissions serve the community, not individual Councilmembers*
The City Council appoints individuals to serve on Boards, Committees and Commissions, and it is the responsibility of Boards, Committees and Commissions to follow policy established by the Council. But Board, Committee and Commission members do not report to individual Councilmembers, nor should Councilmembers feel they have the power or right to threaten Board, Committee and Commission members with removal if they disagree about an issue. Appointment and re-appointment to a Board, Committee or Commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Board, Committee or Commission appointment should not be used as a political "reward."
- d) *Be respectful of diverse opinions*
A primary role of Boards, Committees and Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Councilmembers may have a closer working relationship with some individuals serving on Boards, Committees and Commissions, but must be fair and respectful of all citizens serving on Boards, Committees and Commissions.
- e) *Keep political support away from public forums*
Board, Committee and Commission members may offer political support to a Councilmember, but not in a public forum while conducting official duties. Conversely, Councilmembers may support Board, Committee and Commission members who are running for office, but not in an official forum in their capacity as a Councilmember.

C. SANCTIONS

- a) **Acknowledgement of Code of Ethics and Conduct**
Councilmembers who do not sign an acknowledgement that they have read and understand the Code of Ethics and Conduct shall not be assigned intergovernmental assignments or Council subcommittees by the Mayor. Members of committees appointed by the Mayor and/or the City Council who do not sign an acknowledgement that they have read and understand the Code of Ethics and Conduct are not eligible to hold office.

b) *Ethics Training for Local Officials*

Councilmembers, City Treasurer, City Clerk, Board, Committee and Commission Members who are out of compliance with State or City mandated requirements for ethics training shall not represent the City on intergovernmental assignments or Council subcommittees, and may be subject to sanctions.

c) *Behavior and Conduct*

The City of Rochester's Code of Ethics and Conduct expresses standards of ethical conduct expected for members of the City of Rochester Council, Boards, Committees and Commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. The chairs of Boards, Committees and Commissions and the Mayor and Council have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Ethics and Conduct are brought to their attention.

d) *Councilmembers*

Councilmembers who intentionally and repeatedly do not follow proper conduct may be reprimanded by the Mayor or formally censured by the Council, lose committee assignments (both within the City of Rochester and with intergovernmental agencies) or other privileges afforded by the Council.

Further, any Councilmember found in violation of this Code or any other misconduct in office may also be subject to the following sanctions imposed by the Council:

1. Required to attend and successfully complete training related to the nature of the violation.
2. Required to pay any monetary costs associated with investigating violations.
3. Required to issue a formal, sincere apology.
4. Removed from office in accordance with Section 70 of the City Charter.

Failure to comply with any sanctions imposed by the Council will be considered a violation of this Code and an act of misconduct in office.

Individual Councilmembers should point out to the offending Councilmember perceived infractions of the Code of Ethics and Conduct. If the offenses continue, then the matter should be referred to the Mayor in private. If the Mayor is the individual whose actions are being questioned, then the matter should be referred to the Deputy Mayor. It is the responsibility of the Mayor (Deputy Mayor) to initiate action if a Councilmember's behavior may warrant sanction. If no action is taken by the Mayor (or Deputy Mayor), then the alleged violation(s) can be brought up with the full Council.

e) *Board, Committee and Commission Members:*

Counseling, verbal reprimands and written warnings may be administered by the Mayor to Board, Committee and Commission members failing to comply with City policy. These lower levels of sanctions shall be kept private to the degree allowed by law. Copies of all written reprimands administered by the Mayor shall be distributed in memo format to the chair of the respective Board, Committee or Commission, the City Clerk, the City Attorney, the City Manager, and the City Council.

The City Council may impose sanctions on Board, Committee and Commission members whose conduct does not comply with the City's policies, up to and including removal from office. Any form of discipline, short of removal imposed by Council shall be determined by a majority vote of elected members of the Council at a noticed public meeting and such action shall be preceded by a Report to Council with supporting documentation.

When deemed warranted, the Mayor or majority of Council may call for an investigation of Board, Committee or Commission member conduct. Also, should the City Manager or City Attorney believe an

investigation is warranted, they shall confer with the Mayor or Council. The Mayor or Council shall ask the City Manager or the City Attorney to investigate the allegation and report the findings.

These sanctions are alternatives to any other remedy that might otherwise be available to remedy conduct that violates this code or state or federal law. In order to protect and preserve good government, any individual including the City Manager and the City Attorney after complying with the State of New Hampshire Bar Rules of Professional Conduct, who knows or reasonably believes a member acts or intends or refuses to act in a manner that is or may be a violation of law reasonably imputable to the organization, or in a manner which is likely to result in substantial injury to the organization, may report the violation to the appropriate governmental authorities.

D. IMPLEMENTATION

The Code of Ethics and Conduct is intended to be self-enforcing and is an expression of the standards of conduct for members expected by the City. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions.

For this reason, this document shall be included in the regular orientations for candidates for City Council, applicants to Board, Committee and Commissions, and newly elected and appointed officials. Members entering office shall sign the below acknowledging they have read and understand the Code of Ethics and Conduct. In addition, the Code of Ethics and Conduct shall be periodically reviewed by the City Council, Boards, Committees and Commissions, and updated it, as necessary.

I affirm that I have read and understand the City of Rochester Code of Ethics and Conduct for Elected and Appointed Officials

Signature

Date

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City Clerk's Office

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Finance Committee

Meeting Minutes

Meeting Information

Date: January 10, 2023

Time: 6:00 P.M.

Location: 31 Wakefield Street

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

City staff present: Finance Director Katie Ambrose. Deputy Finance Director Mark Sullivan. Director of City Services, Peter Nourse. Lisa Clark, Deputy Director of Public Works.

Agenda & Minutes**1. Call to Order**

Mayor Callaghan called the Finance Committee meeting to order at 6:00 PM.

Councilor Beaudoin led the Pledge of Allegiance.

Deputy City Clerk Cassie Givara took the roll call attendance. All Councilors were present.

2. Acceptance of Minutes: December 13, 2022

Councilor Lachapelle **MOVED** to **ACCEPT** the minutes of the December 13, 2022 Finance Committee meeting. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

3. Public Input

There was no one present for public input.

4. Unfinished Business: None

No discussion.

5. New Business-**5.1.1 White Farm Auction**

Finance Director Ambrose explained that following Councilors Beaudoin's request at the

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December Finance Committee meeting, the City had decided to look into the White Farm Auctions to determine if it could generate higher revenues for the City's surplus property. Ms. Ambrose said that the City had reached out to the auctioneers and reviewed data from prior auctions. The Department of Public Works staff has also reviewed the stats from vehicles they have most recently traded in order to have a comparison.

Deputy Finance Director Mark Sullivan said that he had been in touch with the auctioneers (St. Jean/JSJ Auctions). The auctioneers had indicated that there were both buyers and sellers premiums on each item in the auction. Mr. Sullivan said that he was not certain if the provided list of recent sales from the auction were the gross prices or if they accounted for these fees. The auctioneers offered to host an auction for the City of Rochester if the City desired; however, Mr. Sullivan stated that when the City has had local auctions in the past, they have not been successful. He acknowledged that the White Farm has a larger audience, but cautioned that the additional fees along with transportation costs need to be considered. Mr. Sullivan said that the next time DPW has a vehicle of some value that needs replacement, the City could do a trial at the White Farm as well as checking with local dealership for trade-in values for comparison. Mr. Sullivan said it is difficult to make a comparison on vehicles that have sold at White Farm for a higher value than similar vehicles through trade-in without knowing all the factors such as mileage and vehicle condition. Councilor Beaudoin said that the information received by the auctioneers was inaccurate; he spoke to the administrator of the White Farm and there is no seller's premium for these auctions.

Mayor Callaghan asked about the current surplus equipment policy. Deputy Director Sullivan stated that the City's largest area of surplus equipment is vehicles. He explained that the current procedure is to use vehicles needing replacement as a trade-in for reduction of the purchase price on a new vehicle.

Peter Nourse, Director of City Services, explained that up until a decade ago, DPW hosted their own auctions; however, these auctions were difficult to oversee. DPW then started the "trade up" process with vendors through which new vehicles were being purchased and found that the returns were higher with this process. He explained that typically the vehicles which were being used for trade in value were in rough shape. The average trade in value had been 8% of the new purchase cost over the past 23 purchases. Director Nourse reported that JSJ Auctions also hosts online auctions unaffiliated with the White Farm. These auctions take place year-round with no seller premiums, and the auctioneer claims that vehicles rarely go unsold. Director Nourse explained that the White Farm holds auctions twice yearly, in May and October, whereas JSJ online auctions are year-round. He spoke of the possibility of running a trial with an auction with the next DPW vehicle needing to be replaced.

Councilor Beaudoin posited that an auction at the White Farm might command a higher selling price than an online auction where the bidder is not able to physically view/examine the vehicle in-person. Director Nourse stated that without running a trial, there is no way to determine if this assumption is correct. Councilor Beaudoin asked if there were vehicles due for replacement within the next several months that could coincide with the White Farm auction. Director Nourse stated that the next vehicle replacement would not need to be done until May of 2024.

Mayor Callaghan asked if there would need to be Committee action or a Council vote in order to trial the online auction. Finance Director Ambrose stated that the Deputy Finance Director's purview as purchasing agent would allow him to explore alternative options to the current policy. Director Ambrose

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stated that the City also needed to consider that, with the potential of utilizing auctions, DPW would need to wait until they had the replacement vehicle on site so they would not be short a vehicle. She suggested that DPW review the vehicle replacement schedule to determine if any of the replacements could be on the correct schedule for an auction trial.

Councilor Beaudoin asked about the current policy for replacement of items such as printers, computers and other office items used in City departments and whether these items are leased or owned. Deputy Director Sullivan explained which items are leased and which items, such as computers, are owned. However, in the past when the City has included computer equipment in an auction, the results have been underwhelming. He said that typically with items such as computers, it is more common to have to pay a service to remove the items when they are being replaced as opposed to being able to sell them at auction.

Director Nourse stated that with an auction, the proceeds would go to the General Fund as opposed to the Vehicle CIP fund to be used toward the cost of a new vehicle. This would result in DPW needing to approach Council for supplemental appropriations for the purchase of replacement vehicles. Deputy Director Sullivan explained that if auctions are utilized, DPW might need to request more money in their annual vehicle CIP to bridge this gap.

Councilor Beaudoin suggested the City look into auctioning items such as generators, welders, and air compressor, which the DPW may need to replace on a regular basis. Councilor Hamann expressed concern that if there was a 15-months lag between a vehicle auction and the time when the vehicle could be traded in, there could be significant lost value as well as a DPW asset being tied up in the meantime. He felt that the City potentially receiving a nominal increase in money for these vehicles via auction was not worth it.

Councilor Gray pointed out that the Finance Department already has the authority to explore alternative options to current policy, such as auctions, for vehicle sales or trade-ins and Committee action is not necessary. He suggested that if these alternative options are chosen, that it is reported back to the Finance Committee how it worked.

5.1.2 DHHS Lease Agreement-Community Center

Director Ambrose explained that DHHS is currently leasing 18,000 sq. feet. of office space and an additional 1,750 sq. feet of storage space at the Community Center for \$302,217.50 annually. Their current lease is a 2-year extension of the original lease, and will expire on April 30, 2024. She said that the State has requested a 10-year extension. The State had originally indicated that there would need to be renovations to the space prior to a lease renewal, however, the Community Center CIP project for carpet replacement and repainting is sufficient for their needs. Mayor Callaghan stated that the current DHHS lease expires in 15-months and the City is looking for guidance on whether this lease should be extended and, if so, for how long.

Director Ambrose stated that the City needed to consider their potential needs for this space moving forward, as well as the health of the Community Center fund. Councilor Larochelle asked if the rent the State is currently paying for this space is market value and if there was a benefit to the citizens of Rochester having DHHS at the current location. Ms. Ambrose said with the lease

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extension, the rate could not be increased more than 3% annually; if a new lease is signed instead of an extension, the City might be able to get a better rate. She acknowledged that there is room to increase the rate as it falls below current market value. She said there is a benefit to Rochester residents having DHHS located at the Community Center.

Councilor Lachapelle agreed that 10-years was too long for a lease; the City may have need for this office space at some point in the future. He suggested a 5-year lease as opposed to 10-years and supported negotiating a higher rental fee for the space.

Councilor Beaudoin asked if the cost of utilities were included in the lease. Director Ambrose confirmed they were included. Councilor Beaudoin inquired about the cost of the renovations. Director Nourse said that the CIP project for carpet replacement (along with some flooring replacement) would be a total of \$86,000. He clarified that City staff would do the paintings portion of the project in-house.

Councilor Hamann asked for clarification on whether the proposal was for an extension of the current lease or a new lease. He said he would support a lease extension for a year or two, but if it was anything longer he supported signing a new lease and negotiating an increased rate. Councilor Lachapelle speculated that the lease extension could be amended and revised to better suit the City's needs; otherwise, he would also support an entirely new lease.

Councilor Hailey asked the length of the average lease for other organizations in the Community Center. Lisa Clark, Deputy Director of Public Works, said that most of the current leases are for 5-year terms although some are 2-year leases.

Councilor Gray suggested postponing the decision on how long to extend the lease until they can negotiate the escalator cost. He spoke about revising the contract to potentially raise the 3% annual increase higher, or to increase by the consumer price index (CPI), whichever is higher. He stated that this make could make the lease more attractive to the City. He acknowledged the benefit of having DHHS at the Community Center, close to both City Welfare and on a bus route, and speculated that they would have difficulty finding another location suitable to their needs.

Councilor Larochelle asked if there could be a contract negotiated with annual increases according to the CPI. Director Ambrose said that the City could have some flexibility with terms when negotiating a new lease as opposed to an extension. She clarified that there is a City lease as well as a lease through the State containing some standard language. She asked Deputy Director Clark to speak about how these leases would work. Deputy Director Clark said that the City follows the standard language of the State lease. She suggested reviewing the leases and rates that the State has in other locations throughout the State. She said the last time such a review was done, it was found that Rochester's rate with the State was one of the lowest.

Councilor Hailey asked if there was much empty space in the Community Center currently. Deputy Director Clark said there was not much empty space in the Community Center.

Councilor Beaudoin said his understanding is that the State dictates what they will pay per square foot, although he is unsure if there are escalator clauses built into their contracts. He suggested getting this information and reviewing further before a decision is made on whether to renew the lease and for

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what duration. Deputy Director Clark said that DHHS has been leasing the location since the mid-90s. The original lease was negotiated at a price per square foot and has been increased incrementally over the years; the last increase being 2.9% with the 2-year lease extension. She stated that DHHS has been on extensions since 2005. The State had looked for other locations in the past, but had been unsuccessful with securing one.

Mayor Callaghan said the City would do further review before coming back to the Finance Committee for discussion.

Reports from Finance & Administration

5.2.1 Monthly Financial Report Summary-December 31, 2022

Deputy Finance Director Sullivan reported that non-property tax revenues continue to be strong with no concerns currently. He explained that he had added a category to the report showing the DPW winter maintenance expenses, which are currently at 7% due to the mild winter.

Deputy Director Sullivan said that the Community Center fund is experiencing some trouble, with expenses exceeding revenues for quite some time; in 2015 there was a fund balance of \$375,000 but at the close of Fiscal Year 2022 the fund ended in the negative. He gave further details and said that the City needs to start considering the future of the property and whether it should eventually become a City facility. Councilor Beaudoin inquired, besides DHHS, what other tenants had space in the Community Center. Deputy Director Sullivan gave an overview of the current tenants. Councilor Beaudoin suggested looking at the current leases and determining if any of the rents can be increased. Director Ambrose said that DPW has an upcoming CIP project to review and analyze City owned facilities to assess not only mechanical needs, but also space needs. She said she would like to include the Community Center in this assessment to determine whether the City should utilize more of the building for City functions or to make the Community Center more self-funding and increase the leases accordingly.

Mayor Callaghan asked if it was likely the Police Department and/or Fire Department would come to Council for a supplemental appropriation based on their current percentage of overtime expenditures. Deputy Director Sullivan explained that they have surplus in their salaries and benefits budget, and unless something significant happened with the bottom-line of their budget, they would not need a supplemental.

6. Other

No discussion.

7. Adjournment

Mayor Callaghan **ADJOURNED** the Finance Committee meeting at 6:37 PM.

Respectfully Submitted,

Cassie Givara, Deputy City Clerk

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City Clerk's Office

City of Rochester Planning Board
Monday January 9, 2023
City Hall Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on January 30, 2023)

Members Present

Mark Collopy, *Chair*
Robert May, *Vice Chair*
Peter Bruckner
Keith Fitts
James Hayden
Matthew Richardson
Mark Sullivan
Dave Walker

Members Absent

Don Hamann, *excused*
Michael McQuade, *excused*

Alternate Members Present

Alexander de Geofroy
Rick Healey

Staff: Shanna B. Saunders, *Director of Planning & Development*
Ryan O'Connor, *Senior Planner*

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

I. Call to Order

Chair, Mark Collopy called the meeting to order at 6:30 p.m.

II. Roll Call

Senior Planner, Ryan O'Connor conducted roll call.

III. Seating of Alternates

Mr. Collopy asked Councilor de Geofroy to vote in place of Councilor Hamann.

IV. Communications from the Chair

Mr. Collopy welcomed Rick Healey back to the Board. He said Mr. Healey served on the Board a few years ago and comes with a wealth of information and knowledge.

V. Approval of minutes for December 5, 2022

Ms. Saunders explained staff received a comment from Anne Carter who spoke at the December meeting. She said Ms. Carter requested a change to the minutes to reflect her comment to state she mentioned two subdivisions and that the two lots met various requirements even though the properties are outside of the Blue Hills requirements.

A motion was made by Mr. Walker and seconded by Mr. de Geofroy to approve the December 5, 2022 meeting minutes with the amendment as stated. The motion carried unanimously.

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

A. Public comment

Ray Wayman of 55 Ida Circle spoke about drainage issues within the development. He said there is a culvert in front of his house with a manhole cover on top of it which is higher than the dirt around it so the water runs beside it and washes it out. Mr. Wayman said further east in the same ditch is a depression that water sits in rather than running down to where it should run. He said he would like that section of drainage fixed before the road gets accepted as a City Street.

Mr. Wayman said the residence do not have trash removal, the Home Owners Association is supposed to provide trash removal but they don't because the HOA is the development company (it hasn't been turned over to the citizens).

Ms. Saunders said the developer has reached out regarding street acceptance. She said staff is working with the developer on some punch list items before street acceptance can happen.

B. Discussion of general planning issues

There were no general planning issues to discuss.

VII. Continued Applications

A. [CEM3 Holdings II, LLC, 146 Old Dover Road](#) (by Berry Surveying) 2-lot subdivision Case# 140 – 72 – R1 – 22

Joe Berry of Berry Surveying and Engineering presented the application for a minor subdivision and conditional use permit. Mr. Berry explained the lot has frontage on both Old Dover Road and Lowell Street which is depicted on the plan. He said in the summer of 2022 a full boundary and topographic survey was done. Mr. Berry explained the proposed subdivision will front on Old Dover Road and there is a wetland that bisects the entire length of the property from front to back. Mr. Berry explained they require a conditional use permit due to the logging and excavation that has taken place. He said the agent working for the owner was unaware of the buffer boundaries and pulled some stumps and pushed debris into the fifty-foot buffer of the wetland. Mr. Berry went on to explain the reclamation plan they have submitted. He said the Conservation Commission has reviewed the plan and recommended a change to the seeding mix which has been submitted to the Board.

Mr. Collopy opened the public hearing. There was no one from the public present to speak; Mr. Collopy brought the discussion back to the Board.

Ms. Saunders explained the project required an after the fact conditional use permit which has gone to the Conservation Commission for review. She said the Conservation Commission recommended approval with the condition the seed mix used to restore the wetlands contain native species. Ms. Saunders said staff recommends the application be accepted as complete.

A motion was made by Mr. Walker and seconded by Mr. Bruckner to accept the application as complete. The motion carried unanimously.

Ms. Saunders said staff recommends approval of the CUP and Subdivision with the conditions stated.

A motion was made by Mr. Walker and seconded by Mr. Bruckner to approve the Conditional Use Permit. The motion carried unanimously.

A motion was made by Mr. Walker and seconded Mr. Hayden to approve the 2-lot subdivision with the conditions as stated. The motion carried unanimously.

VIII. Extensions

A. [Real Estate Advisors, Jeremiah Lane](#) Extension request to meet General and Subsequent conditions Case# 223 – 21 – A – 16

Mr. Walker asked how many extensions the developer has been granted. Mr. O'Connor said they have received one 12-month extension. Mr. Walker asked if a reason was given for the need for a second extension. Mr. Connor explained the reason given was that market conditions didn't allow for development at this time.

There was a brief discussion regarding the number of extensions the Board would give in the future. Ms. Saunders explained that if the ordinance hasn't changed since the time of the original approval and the conditions around the property is such that the traffic study and drainage study are not outdated there is no reason not to grant an extension.

Hunter Adams, representative for Real Estate Advisors explained the developer has been trying to sell the property but a sale hasn't been worked out. Mr. Adams further explained they have been trying to find a developer who is willing to take on the property.

A motion was made by Mr. Sullivan and seconded by Mr. Fitts to approve the extension to December 16, 2023 as requested. The motion carried unanimously.

B. [Waterstone Rochester, LLC, The Ridge Marketplace](#) Extension request to meet Precedent Conditions Case# 216 – 11 – GRD – 22

Mr. Walker asked how many extensions have been granted for this project. Mr. O'Connor said this would be the first extension. Mr. Sullivan asked which project this extension is for. Ms. Saunders said this is for the Italian restaurant and retail space.

A motion was made by Mr. Walker and seconded by Mr. Fitts to approve the extension to April 14, 2023 as requested. The motion carried unanimously.

C. [Wesson Realty, LLC, Pickleball Facility, 389 Gonic Road](#) Extension request to meet Precedent Conditions Case# 262 – 73&74 – HC – 22

A motion was made by Mr. Walker and seconded by Mr. de Geofroy to approve the extension to July 11, 2023 as requested. The motion carried unanimously.

IX. New Applications

A. Timothy & Sally Fontneau, 14 Highland Street & 928,932 Portland Street (by Berry Surveying) Lot Line Revision Case# 103 – 72,104,105 – NMU – 22

Joe Berry of Berry Surveying and Engineering presented the plan for a lot line revision. Mr. Berry explained the applicant would like to revise the lot lines in order to make the lots more useable. He said lot 34 only has 31 feet of frontage and current property line is right up against the structure. Mr. Berry explained there will be an access easement because the proposed new property line will go down the middle of the existing driveway.

Mr. Berry explained all three lots are currently developed with either single family or multi-family homes and they are requesting a waiver to show utilities within 100 feet of the property site. He said none of the lots have any utilities that will be affect due to the lot line revision.

Mr. Collopy opened the public hearing. There was no one from the public present to speak; Mr. Collopy brought the discussion back to the Board.

Ms. Saunders explained staff recommends a modification to the plan to reflect removal of the shed that is shown before final plans are submitted. She said there would be an added subsequent condition for the shed to be removed by June 30, 2023. Ms. Saunders said draft easement documents must be submitted as part of precedent conditions.

Ms. Saunders said staff recommends the application be accepted as complete.

A motion was made by Mr. Walker and seconded by Mr. Hayden to accept the application as complete. The motion carried unanimously.

Ms. Saunders said staff recommends approval of both the waiver and the lot line revision with the changes as stated.

A motion was made by Mr. Walker and seconded by Mr. de Geofroy to approve the waiver request. The motion carried unanimously.

A motion was made by Mr. Walker and seconded Mr. de Geofroy to approve the lot line revision with the conditions as stated.

Mr. Fitts asked why the shed needs to be moved. Ms. Saunders explained with the lot line revision the shed would be within the setback and it needs to be relocated away from the property line.

The motion for approval carried unanimously.

B. Green & Company, Old Gonic Road Townhomes, 19 Old Gonic Road (by Jones & Beach) Site Plan to construct 174 townhomes. Case# 131 – 10 – R2 – 21

Ms. Saunders explained the applicant has requested a continuance because they are still working on some legal paperwork regarding sewer capacity upgrade. She said they would like to be continued to the January 23, 2023 meeting.

A motion was made by Mr. Bruckner and seconded by Mr. Walker to continue the application to the January 23, 2023 meeting as requested.

Mr. Walker recalled during the preliminary review of this application the Board had requested the buildings that abut State Street be moved further away from the property line in order to give the

single family homes more privacy. He said looking at the plans the buildings on the corner are still rather close.

Mr. Hayden expressed concerns about the width of Old Gonic Road and whether or not the road can handle the increase of vehicles.

Ms. Saunders said there is a traffic study and language regarding an off-site exaction included in the packet.

The motion for continuance carried unanimously.

X. Final Plans Approval

- A. [Waterstone Rochester, LLC, The Ridge Marketplace](#) Review Completion of Precedent Conditions, Final Decision. Case# 216 – 11 – GRD – 22

Ms. Saunders said this item is to be continued because they were unable to meet the precedent conditions in time for the meeting.

FINAL PLANS APPROVAL/DECISION

Ms. Saunders explained The Supreme Court made a decision based on the City of Dover that says the Planning Board approval with precedent conditions has a certain amount of time to meet the conditions before returning to the Board to prove they have met the conditions for final approval. Ms. Saunders said staff will put together a memo laying out whether or not the precedent conditions have been met. Once the conditions have been met and the Board gives final approval that is when the appeal clock starts. Ms. Saunders explained going forward projects will have a two-part approval process.

Mr. Sullivan asked if the Board would have to vote a second time. Ms. Saunders said yes, the first vote would approve the project with precedent conditions, the second vote would give final approval after precedent conditions have been met which will start the 30-day appeal clock.

Mr. Hayden asked who has the authority to determine whether a plan change is minor or not. Ms. Saunders said staff would try to make the interpretation with the Boards guidance.

XI. Other Business

A. Planning Update

Ms. Saunders told the Board members she sent an email regarding the Planning Board Retreat meeting which will be held on January 31, 2023 at 7:00pm located at the new Department of Public Works facility on Chestnut Hill Road.

Ms. Saunders let the Board know Ashley Greene is leaving the City to start a new career that offers a little more flexibility and work at home hours.

B. Other

There was no other business to discuss.

IX. Adjournment

A motion was made by Mr. Walker and seconded by Mr. de Geofroy to adjourn the meeting at 7:15pm. The motion carried unanimously.

Respectfully submitted,

Crystal Galloway,
Planner I

and

Shanna B. Saunders,
Director of Planning & Development

**Public Safety Committee
Draft Meeting Minutes
January 18, 2023
6:00 PM
Council Chambers**

Members Present

Councilor Peter Lachapelle, Chair
Councilor Dana Berlin
Councilor Alexander de Geofroy
Councilor Skip Gilman
Councilor Amy Malone

Others Present

Michael Bezanson, PE, City Engineer
Gina Golden-Silvestro, GIS/AM Technician
Deputy Chief Jason Thomas, PD
Robert Benoit, Mitchell Hill BBQ, 50 N. Main St
Sergei Markovskii, 119 Oak Street

Minutes

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

1. Approve Minutes from Public Safety Meeting.

Councilor Berlin MOVED to approve the minutes from December 21, 2022. Councilor Malone seconded the motion. MOTION CARRIED by a unanimous voice vote.

2. Public Input

Members of the audience present were there for specific items on the agenda.

3. Crosswalk Lights and Speeding Issues on North Main Street (Request from Mayor Callaghan)

Item # 7 was moved up on the agenda. Robert Benoit, owner of Mitchell Hill BBQ at 50 North Main Street, was present to discuss safety issues with downtown crosswalks and speeding issues on North Main Street. Mr. Benoit mentioned that due to traffic speed safety concerns they will probably no longer offer outside dining. He said vehicles are going too fast and they cannot see pedestrians in the crosswalk on North Main Street at Factory Court; he said there are truly safety issues in this area. Mr. Benoit said a flashing light may work in this area like the one recently installed in downtown Gonic and wanted to know if it was a portable sign. Mr. Bezanson stated that it is not a portable sign. Mr. Benoit said the flashing light by the Lilac City Grille does work for pedestrians crossing the road; you really notice it. He requested that the speed limit be dropped to 25 mph. Mr. Bezanson said that after the last action by City Council for a Rectangular Rapid Flashing Beacon (RRFB) on Columbus Avenue by KFC there likely was not enough budget remaining for the installation of another during this fiscal year. Councilor Berlin said this area would be perfect for a raised speed table crosswalk. Councilor de Geofroy asked if there was a list of crosswalks that needs signs and lights. Mr. Bezanson said the Committee as a whole could come up with a list of crosswalks for safety improvements. Councilor Lachapelle said we should focus on downtown right now. ***Councilor Lachapelle MOVED to change the***

speed limit to 25 mph on North Main Street from Strafford Square through downtown to South Main Street at the intersection with Franklin Street and from that intersection on South Main Street through downtown to Wakefield Street at the intersection with Chestnut Hill Road. Councilor de Geofroy seconded the motion. MOTION CARRIED by a unanimous voice vote.

4. Oak Street-Sign near 119 Oak Street (kept in committee)

Sergei Markovskii of 119 Oak Street was present to discuss the issue of the roadside ditch that is pretty deep right before his driveway with practically no shoulder and the road turns slightly left in the westbound direction in this area. There have been numerous incidents where a car drifts off the road into the ditch and smashes into his driveway. Mr. Bezanson stated that there is no shoulder to be able to place delineators. An option is to extend the culvert and that this work can be done in house the cost would be labor and materials. Mr. Bezanson said they would have to go out check the area closely to make sure the water would flow correctly and find the correct pipe size then the area can be filled in and delineators can be placed. Kept in committee. Mr. Bezanson will check the area for a proper water flow and pipe size for a possible culvert extension in this area.

5. Emergency Call Box (Request from Councilor Berlin) Kept in Committee

This item has been removed from the agenda.

6. Intersection of Summer and Columbus-Request to change Pedestrian Walk Sign to Push button (Request came in from City Manger's office)

Mr. Bezanson will update the Committee when he has information. Mr. Bezanson said that the walk signal is very short and that DPW staff tried to fix this in house but could not. The contractor we use for traffic lights will be called in to look at this signal. Kept in committee.

7. Sarah Court-Request to install "no parking" signs (kept in committee)

Councilor Lachapelle summarized the issue and said that Waste Management trucks back down Sarah Court and the automatic arm is on the righthand side of the truck. Mr. Bezanson said for winter maintenance DPW uses a loader with a push blade; the snow is piled at the end of the road until it is removed with a loader and trucked away. ***Councilor Berlin MOVED to recommend to full Council to install "no parking" signs on the left side looking down Sarah Court. Councilor Malone seconded the motion. MOTION CARRIED by a unanimous voice vote.***

8. Salmon Falls Road Noise Abatement Signs (Request from Councilor Gilman)

Councilor Lachapelle summarized the issue. This item will be discussed at the February Public Safety Committee meeting. He stated that he does not want the residents to fight, but wants to discuss the pros and cons of both sides.

9. Other

Wakefield Crosswalk in front of Grace Community Church

Councilor de Geofroy said there is a parking spot that large vehicles park in and when

people are trying to cross you cannot see them. Councilor Lachapelle said he thinks there a policy that you can park with in a certain distance of a crosswalk. Mr. Bezanson said yes you cannot park a certain distance in advance of a crosswalk. **Councilor de Geofroy MOVED to recommend to full Council to install “no parking” striping south of the crosswalk on Wakefield Street near Linscott Court. Councilor Malone seconded the motion. MOTION CARRIED by a unanimous voice vote.**

North Main Street Crosswalk

Councilor Gilman said he thought it was good idea to add the flashing lights to the North Main Street crosswalk discussed earlier in the meeting. Councilor Lachapelle said they would work on a policy for raised tables and flashing lights for next month and ask Councilor Berlin if he wanted to start it. Councilor Berlin said he already has.

Chelsey Hill Road Striping Follow-up

Mr. Bezanson shared an update from last month’s discussion regarding striping on Chesley Hill Road. He said that DPW has an annual contract with a cost for road striping by the foot. Chelsey Hill Road is approximately 7,200 feet long; this year’s cost to stripe the entire roadway length once would be \$1,850.00. Councilor Lachapelle thinks that would be great, but wondered whether it makes more sense to only stripe a certain section around the curves. Mr. Bezanson said he measured the area including the two curves and it is approximately 1,900 feet long; that equates to an amount of approximately \$500.00 with this year’s rates. Councilor Berlin asked if it could be separated the double yellow and white lines. Mr. Bezanson said yes they can, but he would recommend striping the double yellow and the white edge lines around the curves. **Councilor Lachapelle MOVED to recommend to full Council to stripe double yellow and two white lines on Chelsey Hill Road between Donald and Browning. Councilor de Geofroy seconded the motion. MOTION CARRIED by a unanimous voice vote.**

Salmon Falls Road Deer Crossing Sign

Councilor Lachapelle said that he received an email from Councilor Fontneau mentioning that he had a constituent that has requested “deer crossing” signs on Salmon Falls Road between Whitehall and Haven Hill Roads. Deputy Chief Thomas had provided Councilor Lachapelle with data that there were 8 deer hit in that area in the last year. Mr. Bezanson said there is a standard MUTCD sign for deer crossing, but does not know if DPW has any in stock. **Councilor Lachapelle MOVED to recommend to full Council to place “deer crossing” signs on Salmon Falls Road between Whitehall Road and Haven Hill Road in each direction at the discretion of DPW. Councilor Berlin seconded the motion. MOTION CARRIED by a unanimous voice vote.**

Councilor Lachapelle ADJOURNED the meeting at 6:57 PM.

The minutes were respectfully submitted by Laura J. McDormand, Admin and Utility Billing Supervisor

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City Clerk's Office

Public Works and Buildings Committee
City Hall Council Chambers
Meeting Minutes
January 19, 2023 7PM

MEMBERS PRESENT

Councilor Donald Hamann, Chairman
Councilor Jim Gray, Vice Chairman
Councilor John Larochelle
Councilor Steve Beaudoin
Councilor Alexander de Geofroy

OTHERS PRESENT

Peter C. Nourse PE, Director of City Service
Lisa Clark, Deputy Director DPW
Dan Camara, Coordinator GIS & Asset Mgmt.
Mark Sullivan, Main Street Org. Board Representative
Ms. Matthews, Realtor
Renee Bourdeau, Geosyntec MS4 Consultant

MINUTES

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

1. Approval of November 17, 2022 Meeting Minutes

Councilor Larochelle made a motion to accept the minutes of the November 17, 2022 as presented. Councilor de Geofroy seconded the motion. The motion passed unanimously.

2. Public Input

Main Street – Board Member Mark Sullivan addressed the Committee seeking approval of a Main Street project to improve the area of the 44-48 North Main Street Alleyway. He stated that Main Streets ideas included removable decking, chairs, and tables. He also noted that there would be likely be artwork and painting. Mr. Sullivan asked if this is something the Public Works Committee might approve if they came back with more concrete plans. Councilor de Geofroy indicated approval of the idea and stated he would be interested. Councilor Gray suggested using Community Block Development Grant (CDBG) Funding. Mr. Sullivan stated that this would be funded by the Main Street Program Funds. Ms. Clark stated that the Main Street Design Committee has asked DPW to obtain pricing for a future more permanent project for setting a concrete landing in the area to be funded by Main Street. Mr. Sullivan stated this request would be for simple plan to get it in place for use this summer. Councilor Hamann expressed interest and stated he would look forward to seeing the plan.

2 Spruce Street – Paving Moratorium waiver request. Mr. Nourse stated that this request came in after this meeting agenda was approved. He noted that the street was paved in 2018 and is nearly at the end of the 5-year paving moratorium. Mr. Nourse stated that Ms. Matthews was here to answer any questions and at this time. He stated she has pulled the necessary permits for water and sewer connections and that this request is

for a new single family home construction. He stated that the DPW will support the request with the stipulation that the contractor will patch the road following all DPW conditions.

Councilor Larochelle made a motion to recommend that the full City Council approve the pavement moratorium waiver for 2 Spruce Street with the conditions set for the pavement patch by the DPW. Councilor Beaudoin seconded the motion. The motion passed unanimously.

Mr. Nourse informed Ms. Matthews that the final approval will take place at the February 7, 2023 Regular Council Meeting and that she will have her contractor work with DPW on the pavement restoration plan.

3. Municipal Separate Storm Sewer Permit Program Update (MS4).

Mr. Nourse stated that this is a periodic update item for the Committee regarding the City's National Pollution Discharge Elimination System (NPDES) MS4 Permit that is issued every five years by the Environmental Protection Agency (EPA). He explained the last permit was issued in 2017. Mr. Nourse stated that this permit regulates storm water from the City's MS4 infrastructure into water bodies that are impaired. The MS4 public infrastructure systems is a system that conveys, and sometimes treats stormwater, into receiving water bodies. Mr. Nourse stated that this includes roads, catch basins, pipes, curbs, gutter, ditches, manmade channels, and storm drains that are owned and operated by a government entity. He explained that certain geographic areas of the City are regulated by the permit. He stated in general, these are areas with impervious cover and MS4 infrastructure. The permit requires the elimination of sewer and other contaminants, prior to entry into the MS4 infrastructure. He stated that our rivers are listed as impaired from bacteria, pathogens and in some cases metals, dissolved oxygen, ph, and the Cocheco is a tributary of the Great Bay which is impaired for nitrogen. Mr. Nourse stated that the City has invested resources and that the City is in a good position of compliance. Mr. Nourse introduce Renee Bourdeau from Geosyntec as the City's consultant for MS4 Permit Compliance. Ms. Bourdeau presented a PowerPoint presentation and discussed the process of permitting, the history of the City's permit, the permit requirements past and present, the status of compliance and requirements of the current permit that will continue into the next permit. This presentation is attached to minutes. Ms. Bourdeau explained the current permit objectives include public education, public involvement, illicit discharge detection and elimination (IDDE), a construction site stormwater control program and good housekeeping and pollution control prevention. She described current and future measures being used for compliance and she discussed need for maintenance of the City's MS4 infrastructure. Ms. Bourdeau noted that there is City infrastructure on private property that requires easements for maintenance and she stated that we are currently in the process of making sure those easements are documented. Ms. Bourdeau stated that the City is in compliance with the current permit and that she expects the next permit to include continued IDDE as that was given a ten year guideline in the 2017 permit, and she expect additional language the will require the City to retrofit City properties to include stormwater treatment practices, and she expects language that will require additional tracking, mapping and accounting for the City Stormwater treatment practices.

4. Construction Costs Inflation Alert

Mr. Nourse stated that the agenda packet had included a report from the Associated

General Contractors of America. He explained the report as an alert detailing the effects of the escalating construction cost. This report is attached to the minutes. Mr. Nourse stated the report gives information on the volatility in materials cost, the supply chain bottlenecks and the tight labor market. He explained that this report details the reasons we are currently experiencing construction project delays and price escalations and he noted some advice for future project was also contained.

5. External Funding Grants / Loans

Mr. Nourse stated that the DPW has been aggressively seeking grants and State of NH State Revolving Fund loans (SRF). He stated that we do this as it allows us opportunities to improve infrastructure that due to budget constraints would either take us much longer to implement or not be possible using only local funds. He displayed the attached spreadsheet that shows we have approximately fifteen projects in progress with a total value of over seventeen million dollars in grant funding. This amount is over 40% of the total project values. He stated that the SRF loans also provide 10-15% principal forgiveness on the total loan value. He stated that there are about five projects totaling several million dollars, including the Rt11 Projects. He stated that NHDOT has provided us with project managers, and we should be able to start moving these projects forward. Mr. Nourse explained the footnotes and asterisk on the spreadsheet. He acknowledged that supplemental appropriations are a sensitive issue with some folks, but explained they are often necessary due to the grant and loan award schedule of the NHDES SRF and Grant programs. These award schedules are out of sync with the City's process as we get notified late in the calendar year of the award and funding must be in place prior to June.

6. Winter Operations Policy Update

Mr. Nourse stated attached to the agenda was a draft update to the Departments Snow Policy. He stated that staff has been working on updating the policy as the previous one was last updated December of 2009. Mr. Nourse stated that policy is compliant with the RSA's regarding Municipal Liability. Mr. Nourse stated the policy has a stated goal to provide timely, efficient and cost effective winter maintenance for the benefit of the City's residents and the general motoring public. He stated that the goal remains the same. He stated that the 2009 policy is dated, verbose and lengthy. Mr. Nourse stated that it references specific equipment and personnel that we no longer have or use. He stated it also does not specify the area like private roads we do not maintain and he stated that it also needs to be updated for public facing processes. Mr. Nourse stated that when read by the public it would give the impression that we are employing resources and procedures that we are not. Mr. Nourse stated that it is a department goal to update and simplify the document. Mr. Nourse stated the RSA to not require that we have a policy, but explained it is important to have a policy that states the goals and objectives and to demonstrate for liability purposes that we are following our own internal policy. He stated that he had discussed the policy with the City Attorney and that this policy does not require City Council approval but Mr. Nourse wanted to inform the Committee that the Department is working to update and improve the existing policy. Mr. Nourse stated he would welcome input from the Committee and noted the 2009 policy is on the City's website for comparison. Councilor Haman asked if the Director needed comments tonight. Mr. Nourse stated there is not a rush, but does want to get the edits completed. Councilor de Geofroy suggested that it would be easier to review if they had a copy of the 2009 version for comparison. Ms. Clark stated that it is on the City Website on the

Department of Public Works page under Snow Removal & Ice Control. Councilor de Geofroy also noted that in section 17.0 Execution – we may also want to add a line for Labor Shortages as manpower shortages would also impact execution of the policy. The Committee agreed to review the policy and to bring any additional suggestions back to next month's meeting.

7. Innovation Way – Ruts

Mr. Nourse stated that he had been asked to add this issue to the agenda as there had been complaints of roadside ruts due to large semi-trucks and vehicles parking in the grass area. Mr. Nourse stated that he has spoken with staff working in the area and they have noted that it is not just trucks causing the problem, it is also cars from a local business that prohibits smoking at their facility and employees are driving out to this location for breaks. Mr. Nourse suggested either using delineators at road edge, no parking signs or both. Councilor Haman suggested no parking signs. The Committee discussed the issue, and the consensus was to put up No Parking signs to protect the grass

Councilor Hamann made a motion to install no parking signs at the DPW discretion to protect the grass area. The motion was seconded by Councilor Gray. The motion pass unanimously.

8. Eastern Avenue Sewer Pipe

Mr. Nourse explained that as part of the Sewer System Master Plan (SSMP) we have videoed tens of thousands of feet of the sewer system to determine the type of pipe, the condition of the pipe and to determine any concerns with inflow or infiltration. Mr. Nourse stated that we have found significant issues with the sewer mains on Eastern Avenue, Walnut Street and Summer Street. Mr. Nourse displayed pictures from the video of Eastern Avenue. He stated that there is approximately 7600 feet of 18 inch reinforced concrete pipe that runs from Highland Avenue to Allen Street that was installed in 1970. Mr. Nourse stated that concrete is rarely use for sewer pipe and there is severe deterioration in the first 300 feet coming in from Highland Avenue. He stated there is significant infiltration from ground water and manholes are also deteriorated. He explained there are fractures, exposed rebar and the seals are either missing or falling out and he displayed pictures from video that depicted these issues. Mr. Nourse stated that this is a major trunk line of sewer and there are nine pump stations feeding into this line. He discussed a major break at Highland Street that happened a few years ago that caused significant traffic issues and cost during the emergency repair. He also discussed the poor condition of the vitrified clay pipe on Walnut Street and Summer Street. He described this pipe as very brittle and stated that it was commonly used in the 1930's through the 1960's. Mr. Nourse stated that there will be a request in the FY2024 Budget Capital Improvement Plan (CIP) for cured in place linings to repair these areas as the repair is absolutely necessary. He described the cured in place lining as a cost effective repair method that eliminates the excavation of the pipe and will give it an additional life expectancy up to 50 years. He stated that it is also resistant to hydrogen sulfide gas that has led to the significant deterioration in these areas. He described the process used for installation and explained that the installer can install as much as 1000 ft per day.

Councilor Beaudoin asked how the flow is handled during the process. Mr. Nourse stated the flow is diverted via pumps and hoses from the area under construction. He stated that

they do this in segments. The Committee discussed the cost effectiveness of the pipe lining vs emergent excavated repairs. Mr. Nourse stated as the SSMP continues there will likely be more areas that are found in need of repair. He stated that 200,000 feet of the system has been smoked looking for inflow and infiltration. Councilor Hamann asked if it was likely that more issues would be found prior to the review of this next budget. Mr. Nourse stated it is possible but that the budget will be used for the projects based on the priority needs of the system. He explained that Eastern Avenue sewer is the priority at this time.

9. Other:

Rapid Reflective Flashing Beacon (RRFB) – Councilor Beaudoin asked if this was going out to bid. Mr. Nourse stated that it would not be. He stated that our contractor for Traffic Signals repairs and maintenance will be providing us with a quote and completing the work. He stated the one we will be installing at Columbus / Upham crosswalk will include downcast lighting that will illuminate each side of crosswalk, but that there will also be a light installed on the telephone pole.

Tree Limb Trimming Chestnut Hill Road – Councilor de Geofroy stated that he had been in contact with a resident that stated the need for trimming of branches over the roadway on Chestnut Hill Road and Little Falls Bridge Road. He and Mr. Nourse stated they both drove the route and did not see significant issues. Mr. Nourse asked the Councilor for contact information and stated he would call and discuss with resident.

Lighting at Strafford Square and North Main Street Councilor Hamann asked the Director for information on the lighting in that area. Mr. Nourse stated he would look into it and get back to the Councilor.

Councilor Hamann adjourned the meeting at 8:25 PM.

Minutes respectfully submitted by Lisa J. Clark, DPW Deputy Director Operations & Administration.



STORMWATER PROGRAM UPDATE

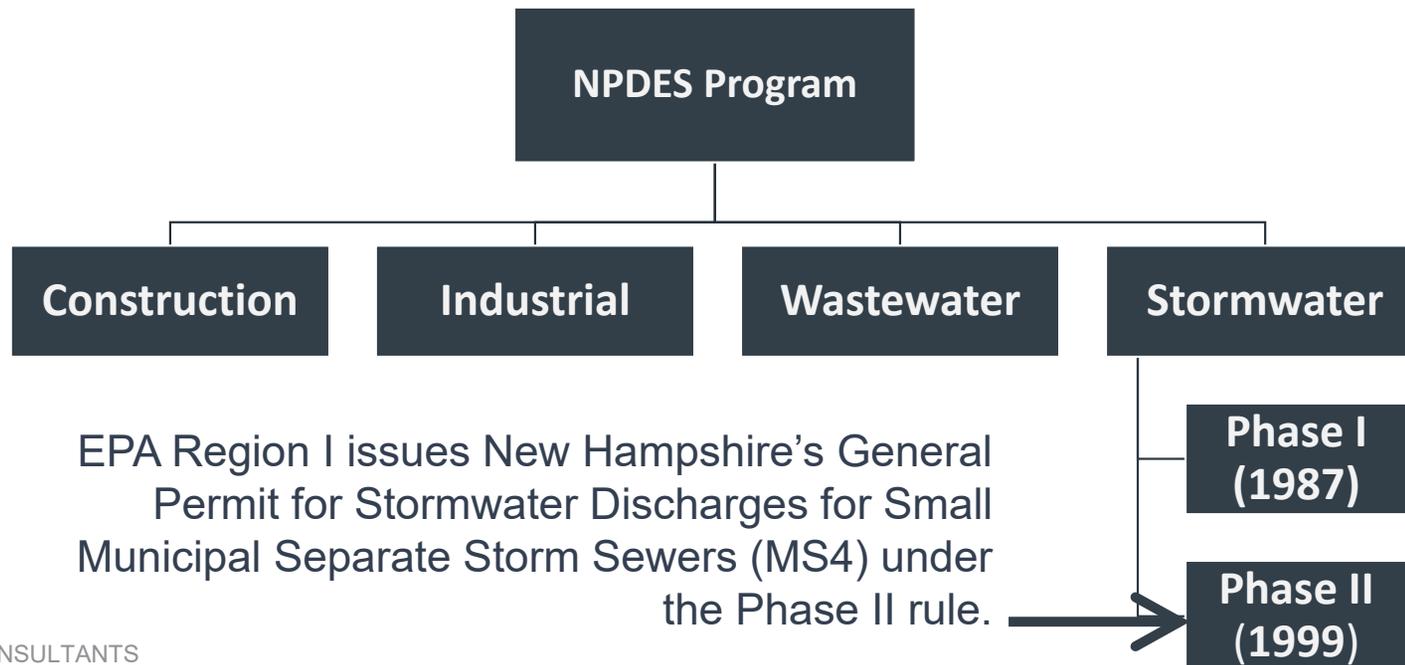
Public Works and Buildings Committee Update

January 19, 2023

GEOSYNTEC CONSULTANTS

NPDES OVERVIEW

Clean Water Act of 1972 established the National Pollutant Discharge Elimination System (NPDES)



MS4 PERMIT OVERVIEW



- 2017 MS4 Permit
 - Applicable to 60 Traditional MS4s and 3 Non-traditional MS4s
 - Additional requirements compared to 2003 permit
 - 5 Year Permit Period (Expires June 30, 2023)
- DPW Overall Objectives
 - Develop and Implement new MS4 Permit Requirements



**MINIMUM
CONTROL
MEASURES
(MCMS)**

Stormwater Management Program (SWMP)

MCM#1: Public Education

MCM#2: Public Involvement

MCM#3: Illicit Discharge Detection and Elimination

MCM#4: Construction Site Stormwater Runoff Control Program

MCM#5: Post Construction Site Stormwater Control Program

MCM#6: Good Housekeeping and Pollution Prevention

TMDL/WATER QUALITY LIMITED REQUIREMENTS

Supplemental Permit Requirements:

Implement targeted Best Management Practices (BMPs) to reduce identified pollutants causing impairment in high-priority water bodies

City of Rochester Action Items

Bacteria/Pathogens Impairment

- Increased Ranking for Outfalls in IDDE Program
- Additional Public Education and Outreach Requirements

Nitrogen Impairment

- Additional Public Education and Outreach Requirements
- Additional Good Housekeeping & Pollution Prevention Measures
- Nitrogen Reduction Tracking
- Additional Stormwater Management Requirements

Metals Impairments

- Additional Good Housekeeping & Pollution Prevention Measures
- Additional Stormwater Management Requirements

COMPLIANCE SCHEDULE

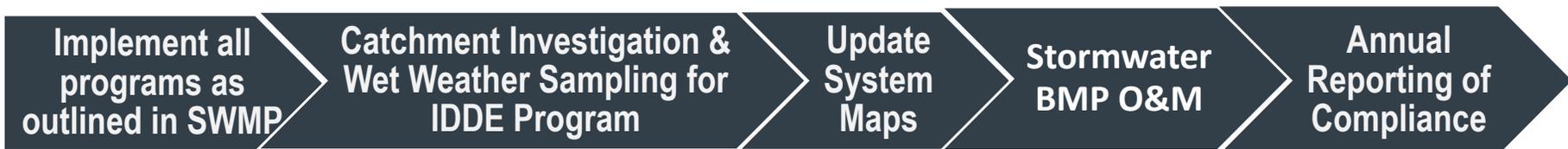
Completed Year 4 Activities



Ongoing and Planned Year 5 Activities



Future Activities





BENEFITS TO ROCHESTER

GEOSYNTEC CONSULTANTS

- Ongoing satisfactory compliance with 2017 MS4 requirements
- Improved water quality in receiving waters
- Expanded public education on stormwater management
- Improved tracking and inspection of stormwater assets
- Reduction of illicit discharges to City's storm drain system
- Prioritization for structural stormwater BMP retrofits of City-owned properties

MS4 APPLICABILITY

MS4 Permit applies to all City-owned property and assets within the regulated area, which includes those maintained by the School Department.

- Area of City-Owned Property (including school): 2,626 acres
- Area of City-Owned Property within MS4 regulated area (including school): 1,365 acres
- Area of School Maintained Property within City: 149 acres
- Area of School Maintained Property within MS4 regulated area: 149 acres
- Number of City Owned Facilities/Parcels (including school owned): 165 parcels
- Number of School Maintained Facilities/Parcels: 9 parcels

Have conducted outreach with the School Department and Maintenance Staff to educate them on the permit requirements



RECENT PROGRESS



CITY STORMWATER ASSETS

- 5,000 catch basins
- 860 drain manholes
- 165 outfalls
- 35 Culverts
- 800,000 linear feet of drainpipes and culverts (6" - 84" diameter)
- 78 City-owned and maintained stormwater treatment practices

STORMWATER TREATMENT PRACTICE INSPECTION

- Inspected 78 practices in Fall 2021
 - Identify/confirm treatment practice type
 - Identify maintenance needs
- Level of Effort to Revive Practice
 - High (\$\$\$): 11 practices
 - Medium (\$\$): 19 practices
 - Low (\$): 24 practices
 - Annual O&M: 23 practices

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LOCATION: WINKLEY FARM LANE

**SEDIMENT BUILD-
UP CREATING
LIMITED CAPACITY**



LOCATION: NORWAY PLAINS ROAD

**WOODY VEGETATION
LIMITING CAPACITY OF
POND**



LOCATION: EBONY DRIVE

**SEDIMENT BUILD-
UP CREATING
LIMITED CAPACITY**



LOCATION: INDUSTRIAL WAY

**EROSION
ALONG A
BASIN SIDE
SLOPE**



LOCATION: MISTY LANE

**WOODY VEGETATION,
LEAVES, AND BRUSH
LIMITING CAPACITY
OF POND**

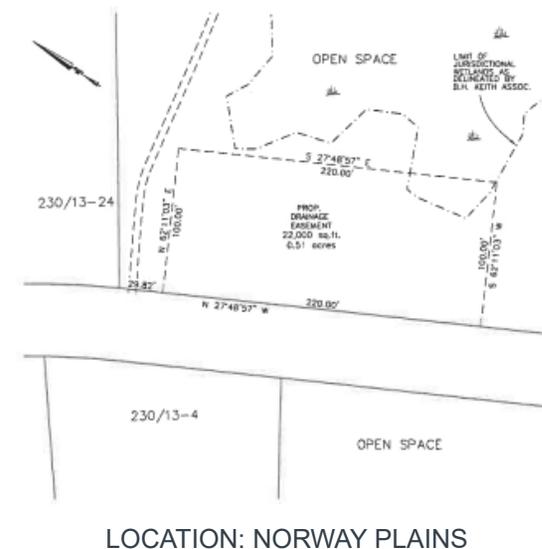


WHY IS MAINTENANCE IMPORTANT?

- Reduces flooding
- Improves water quality
- Allows the City to get nitrogen load reduction for Great Bay Total Nitrogen General Permit Adaptive Management Plan & Settlement Agreement

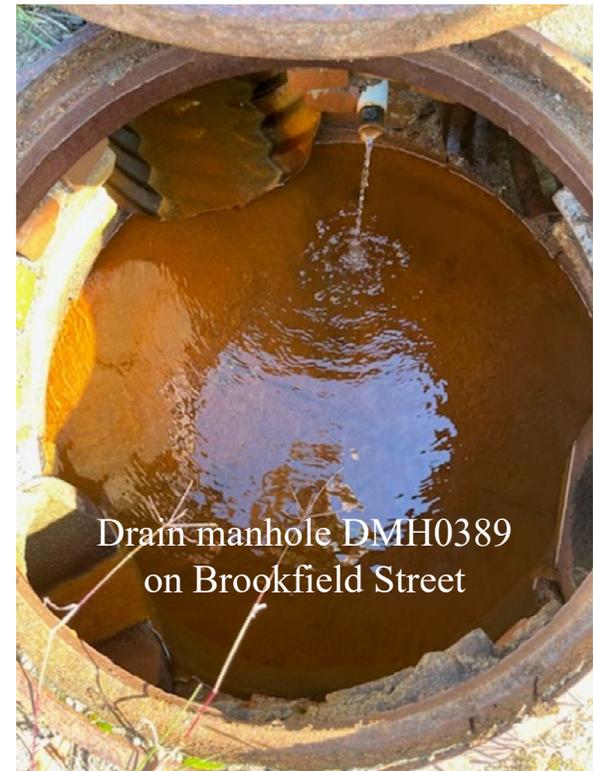
STORMWATER EASEMENTS

- Does the City have easements in place to maintain stormwater treatment practices?
- Easement locations were not recorded in GIS
- Conducted a records review (paper and electronic)
 - 64 treatment practices have easements
 - 14 still need research/verification
- Next step: Record easement in GIS



CATCHMENT INVESTIGATION

- Investigate each outfall to look for evidence of illicit discharge or connections
 - Any discharge to the storm drain that is not comprised of 100% stormwater
- Starting at the outfall look for dry weather flow or evidence of an illicit connection (odor, turbidity, floatables)
 - If flow is observed sampling is conducted
 - Make observations through entire outfall catchment area
- Collecting asset data (inverts, diameters, pipe type)



Drain manhole DMH0389
on Brookfield Street

CATCHMENT INVESTIGATION

165 Outfalls need to be investigated

- 11 Complete
- 38 are on-going
 - 6 have signs of illicit connection/discharge – need additional investigation
 - 36 need wet weather sample before they can be considered complete
- All outfalls need to be investigated by June 30, 2028

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17



WET WEATHER SAMPLING

- 1 sample required at all 165 outfalls
- Required before a catchment investigation can be complete
- 54 Completed
- All sampling need to be completed by June 30, 2028

NEXT MS4 PERMIT

- Draft anticipated in Q1 2023
- IDDE program would remain the same (10-year program)
- Additional water quality impairment requirements (Appendix H)
 - Retrofit of City properties to include stormwater treatment practices
 - Tracking and accounting requirements for City stormwater treatment practices

QUESTIONS





AGC
THE CONSTRUCTION
ASSOCIATION

DEC

2022

CONSTRUCTION INFLATION ALERT

For nearly three years the U.S. construction industry has been buffeted by unprecedented volatility in materials costs, supply-chain bottlenecks, and a tight labor market. To help project owners, government officials, and the public understand how these conditions are affecting contractors and their workers, the Associated General Contractors of America (AGC) has posted frequent updates of the Construction Inflation Alert.

New challenges keep emerging, even as some conditions improve. Overall inflation rates and economic growth have cooled, while congestion at West Coast ports has eased. These changes have led some owners to assume that construction costs and completion times must also have improved. Unfortunately, this is not the case for a large number of projects, materials, and contractors.

Demand for infrastructure, manufacturing, and power construction appears to be strong and likely to strengthen further, perhaps for several years to come. In any case, the cost of construction materials and labor does not generally move in sync with the overall economy. In short, owners should not assume that delaying projects will enable them to avoid volatility and disruptions in construction costs, delivery times, and labor supply, even if the economy slows significantly.

Meanwhile, Russia's ongoing attack on Ukraine and Western sanctions against Russia have disrupted production and transport of dozens of commodities. China's prolonged lockdown of Shanghai and other areas in an attempt to control the spread of covid has also affected production and shipping. New variants of covid, as well as a growing number of people with lingering or recurrent symptoms ("long-haul covid"), add to uncertainty about labor supply.

This version of the Alert is the eighth update since the first edition was posted in March 2021—an indication that the situation remains far from "normal." This document will continue to be revised to keep it timely as conditions affecting demand for construction, labor supply, and materials costs and availability change. Each new version is posted here: <https://www.agc.org/learn/construction-data/agc-construction-inflation-alert>.

Readers are invited to send comments and feedback, along with "Dear Valued Customer" letters or other information about materials costs and supply-chain issues, to AGC of America's chief economist, Ken Simonson, ken.simonson@agc.org.

Recent changes in input costs

Earlier editions of this guide highlighted the extreme runup in materials costs that began in early 2020. More recently, prices have moved in divergent directions for different materials. But, on balance, they continue to climb at a much higher rate than the consumer price index (CPI), the most commonly cited measure of inflation.

The extent of these increases is documented by the Bureau of Labor Statistics (BLS). BLS posts producer price indexes (PPIs) around the middle of each month for thousands of products and services (at www.bls.gov/ppi). Most PPIs are based on the prices that sellers say they charged for a specific item on the 11th day of the preceding month. Producers include manufacturers and fabricators, intermediaries such as steel service centers and distributors, and providers of services ranging from design to trucking.

The index declined at the beginning of the pandemic but began climbing on a year-over-year basis in August 2020. As prices rose at unprecedented rates for a wide range of construction inputs, the index accelerated steeply, rising at a record-high annual rate of 24% in June 2021. Year-over-year increases remained at or above 20% from May 2021 through April 2022.

Since the spring of 2022, prices have tumbled for lumber and most metals products, and the PPI for nonresidential construction inputs moderated to an 11.2% rate of increase from October 2021 to October 2022. But that is still far higher than the 7.7% annual rate of increase in the CPI over the same interval. In fact, as Figure 1 shows, the yearly increase in the PPI for nonresidential construction inputs has exceeded consumer price inflation every month since August 2020.

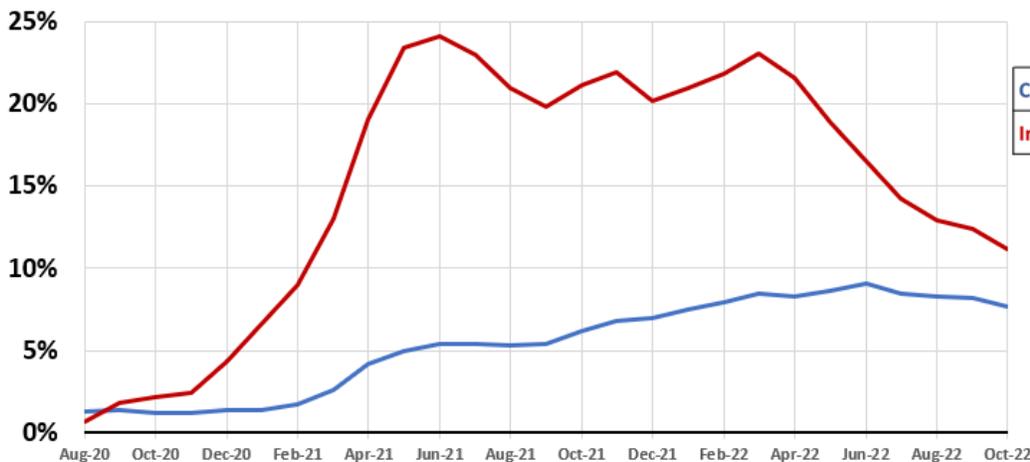
11.2%

The PPI for nonresidential construction inputs rose 11.2% in 12 months

Figure 1

Costs for new nonresidential construction vs. consumer prices

Year-over-year change in PPI for construction inputs and CPI
August 2020 - October 2022, not seasonally adjusted



	12 months to:	
	Aug-20	Oct-22
CPI	1.3%	7.7%
Inputs PPI	0.7%	11.2%

Source: Bureau of Labor Statistics, consumer price index, www.bls.gov/cpi; producer price index, www.bls.gov/ppi

The actual increase in costs varies a lot by type of material. Figure 2 shows the change in PPIs for four material inputs and four types of subcontractors in October 2022 from one month earlier (September 2022) and one year earlier (October 2021). The monthly change in materials costs ranged from a decrease of 0.7% for asphalt paving mixtures and blocks to 9.8% for #2 diesel fuel, while year-over-year changes varied from 14.1% for concrete products to 61.5% for diesel fuel. (Contractors use diesel fuel for their own trucks and offroad equipment. The price of fuel is also reflected in the cost of the thousands of truckloads needed to deliver equipment and materials to jobsites and haul away dirt, debris, and equipment. In addition, many materials require large quantities of diesel fuel or other petroleum-based energy to mine, mix, or manufacture.)

Subcontractors' prices reflect their own materials costs, labor costs, and the degree of tightness in the market for their services. Notably, the PPI for all four types of subcontractors rose far more than the 7.7% increase in the CPI from October 2021 to October 2022: 21.5% for roofing contractors, 18.8% for electrical contractors, 15.7% for plumbing contractors, and 10.9% for concrete contractors.

Prices for many inputs have been extremely volatile, making it difficult for contractors to predict even near-term prices reliably. For instance, the PPI for diesel fuel, which jumped 9.8% from September to October, had declined 12.8% just two months earlier. Conversely, the PPI for steel mill products fell 6.6% from September to October but increased 10.5% from April to May.

Several factors are likely to keep some costs high in 2023, with the possibility of further price spikes. Russia's cutoff of natural gas to central and western Europe has led to a surge in natural-gas prices as the United States exports more liquefied gas to Europe. That affects the cost of construction plastics, glass, and other products that use natural gas as a feedstock or fuel source. Similarly, European demand for diesel fuel, sanctions against Russian oil, and attempts by the "OPEC+" group of oil producers to limit supplies have kept diesel and asphalt prices elevated and subject to large swings.

61.5%

The PPI for diesel fuel increased 61.5% from October 2021

Figure 2

Wide variation in construction input cost trends

Change in producer price indexes (not seasonally adjusted)

	Oct 2022 change from:	
	Sep 2022	Oct 2021
#2 diesel fuel	9.8%	61.5%
Architectural coatings (paint, etc.)	1.1%	27.5%
Asphalt paving mixtures and blocks	-0.7%	20.7%
Concrete products	0.1%	14.1%
<u>Subcontractor price indexes, nonresidential building work</u>		
Roofing contractors	1.9%	21.5%
Electrical contractors	2.1%	18.8%
Plumbing contractors	3.7%	15.7%
Concrete contractors	1.1%	10.9%

Source: BLS, producer price indexes, www.bls.gov/ppi

Given such volatility, owners should not expect contractors' bid prices to mirror a short-term decline in prices for certain inputs or in the overall index for nonresidential inputs, let alone changes in the CPI. The CPI measures the cost of a "basket" of consumer goods and services, which has very little relation to the items driving construction costs.

Input costs and bid prices

Some owners may be under the misimpression that contractors' bid prices are closely linked to changes in input costs. In fact, the two often diverge, as has occurred over the past three years.

The pandemic drastically disrupted production and distribution of many construction materials and caused sharp changes in demand for numerous goods and structure types. Unanticipated price spikes occurred for many inputs—to record levels for lumber, steel, and copper products.

Contractors did not immediately pass along these increases in bid prices. Demand for some project types and in some regions remained weak; as a result, firms refrained from passing through a portion of costs in order to win contracts. In other cases, contractors may have assumed prices would fall by the time they had to purchase the materials.

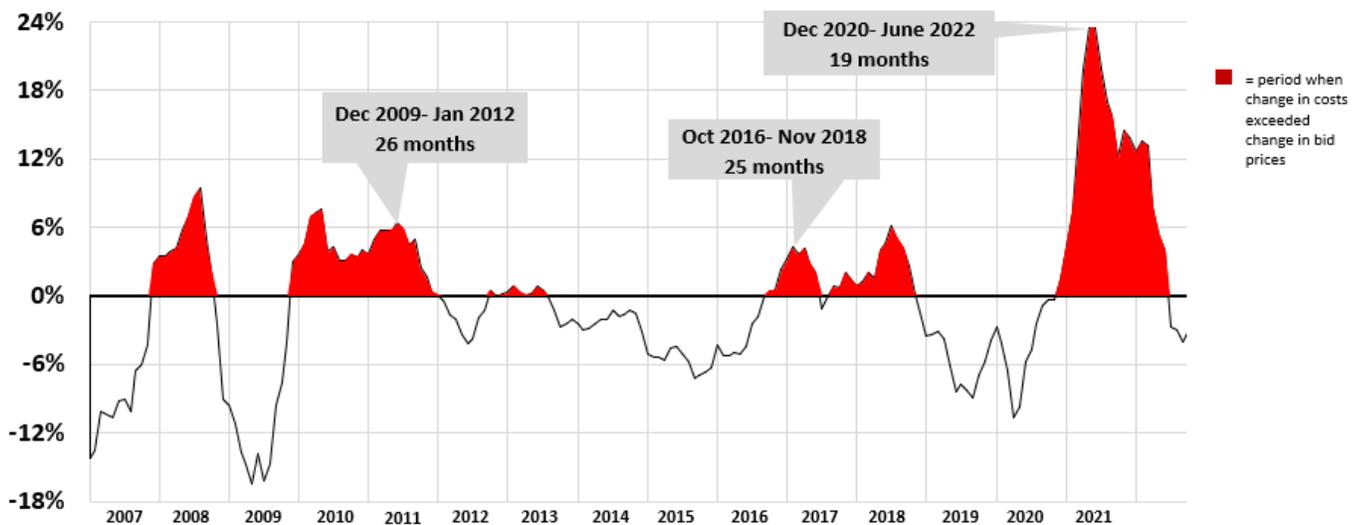
As demand for construction heated up in 2021 and inflation became established throughout much of the economy, contractors did raise prices to a greater extent. But bid price increases did not “catch up” with increases in input costs until the summer of 2022.

Figure 3 shows the difference in the year-over-year change in input prices (specifically, the PPI for goods inputs to nonresidential construction) minus the change in bid prices (in this case, for new school construction building construction; other comparisons are similar). Periods in red show months when cost increases exceeded bid price increases, while periods below the 0% line show the reverse.

Figure 3

Cost squeeze on contractors can last two years or more

Difference between year-over-year change in materials costs vs. bid prices, Jan 2007-Oct 2022



Source: Source: Bureau of Labor Statistics, www.bls.gov/ppi, producer price indexes for goods inputs to nonresidential construction (material costs) and new school building construction (bid prices)

Over the 16-year history of the series, the number of months and total areas of the two differentials are similar. This is to be expected: If contractors consistently experienced cost increases that exceeded the increases in their bids, they would go out of business. Conversely, if bid-price increases consistently outran costs, other firms would enter the business, driving down profitability.

From December 2020 to June 2022, a period of 19 months, the year-over-year change in materials costs exceeded the year-over-year change in bid prices. Although there were two such intervals that lasted even longer, the gap was three times as great (in the summer of 2021) as in previous episodes, meaning the profit squeeze was much more intense.

As Figure 3 shows, the duration and amplitude of these differences vary greatly and unpredictably. The implication for owners in the current environment is they should not assume a moderation in materials cost increases will be associated with an immediate or proportionate change in bid prices.

Supply chain issues

From the first days of the pandemic, availability and delivery times for materials have been never-ending headaches for construction firms. Recently, shortages and extended lead times have moderated or disappeared for some items but have worsened for others.

On the positive side, port congestion on the West Coast has lessened. Waiting times for lumber and steel products have returned to pre-pandemic levels. There have not been any recent events with supply impacts as severe as the February 2021 freeze in Texas that decimated the production of resins for construction plastics.

Not all bottlenecks have cleared up, however. Contractors continue to be affected by the much-publicized shortage of computer chips. Not only is the construction industry a major buyer of pickup trucks that are in short supply, but deliveries of construction equipment also have been held up by a lack of semiconductors.

Lead times remain unusually long for electrical transformers. In fact, some utilities are reportedly refusing to hook up new construction because they are saving their remaining supply for emergencies. The sole U.S. producer of electrical steel used in transformers has been unable to keep up with demand.

Perhaps the most consequential and long-lasting supply chain issue involves cement and concrete products. Shortages of cement had spread from a few states early in 2021 to 43 states by October, according to the Portland Cement Association. No cement capacity has been added in the United States since 2009. At the same time, the supply of two other “cementitious materials” that are added to some concrete mixes—fly ash and slag—has diminished with the shutdown of coal-fired power plants that supplied those materials as a byproduct of burning coal. (Those closures have also reduced the supply of artificial gypsum for making wallboard.) Exceptionally low water levels in the Mississippi River have limited barge movements of cement in the middle of the country.

43 states

Cement shortage appeared in
43 states by October 2022

Meanwhile, demand for ready-mixed and precast concrete has increased. As a result, many suppliers have placed contractors on allocation, meaning they receive a percentage of previous years’ orders (or possibly none if they are new customers). When contractors can’t pour as much concrete as needed at one time, project completions are delayed, with attendant cost increases. The Portland Cement Association has indicated that additional cement production capacity will come online in the spring of 2023. Some states may receive more cement from Mexico. But availability is likely to remain tight in many areas, particularly as demand increases once projects funded by the Infrastructure Investment and Jobs Act of 2021 and other recent laws and bond issues get underway.

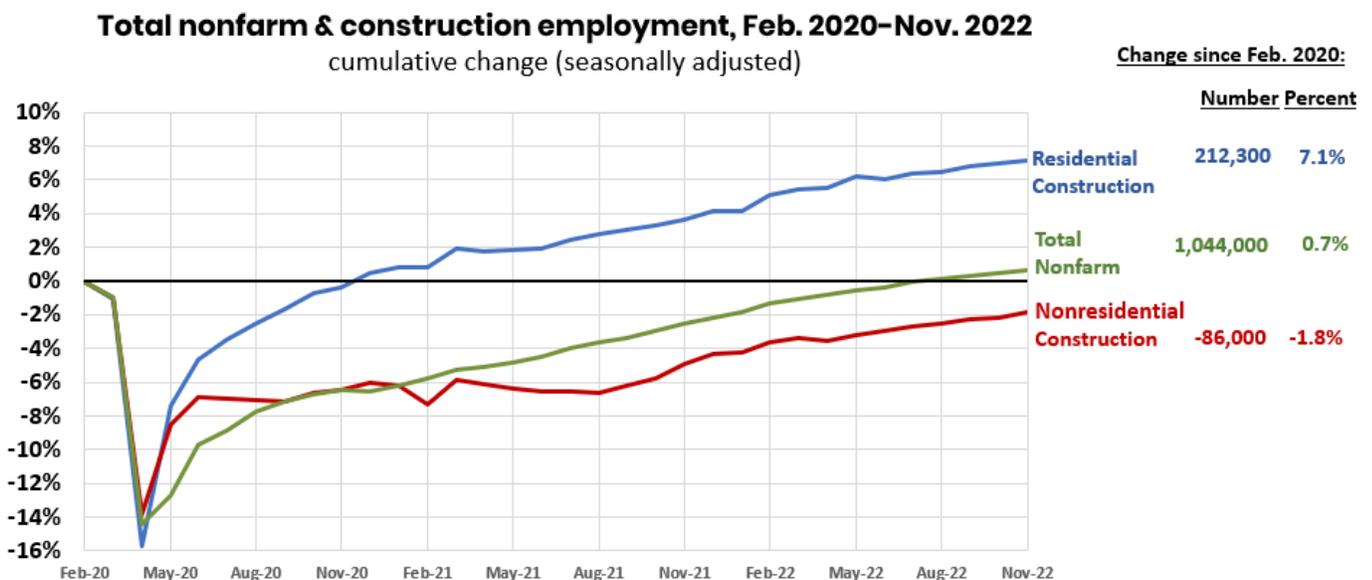
Furthermore, the last three years have shown that the supply chain for many items remains fragile and can easily be disrupted by governmental interventions such as covid-induced shutdowns in China, natural disasters such as hurricanes and freezes, or “one-off” events such as strikes or lockouts of rail or port workers.

Labor supply and costs

Construction employment has bounced back well from the early months of the pandemic. However, construction firms are far short of the number of workers they have been seeking. They have partially closed the gap by getting more overtime from the workers they have, but this cannot continue indefinitely.

As shown in Figure 4, construction industry employment declined by 15% from February to April 2020—a loss of 1.1 million employees in just two months. While both residential and nonresidential construction employment rebounded somewhat in May 2020, for more than a year after that date employment stalled among nonresidential firms—nonresidential building and specialty trade contractors plus civil and heavy engineering construction firms. During that period, thousands of experienced workers moved into residential construction (homebuilding and remodeling), found jobs in other sectors, or left the workforce completely.

Figure 4



Source: BLS current employment statistics, <https://www.bls.gov/ces/>

By November 2022, seasonally adjusted construction employment totaled 7,750,000, or 126,000 more than in February 2020. But there was a large shift between residential and nonresidential subsectors. Compared to February 2020 levels, residential construction firms had added more than 210,000 workers, while employment in nonresidential construction was still down 86,000 employees or 1.8%, as shown in Figure 4.

There is strong evidence that the construction industry would have added many more workers if they had been available. As shown in Figure 5, job openings in construction at the end of October totaled 377,000 (not seasonally adjusted), exceeding the 341,000 workers hired during the month. This gap never occurred before 2021 but has occurred in most months of 2022, implying that construction firms are having increasing difficulty filling positions and would have hired twice as many workers each month as they were able to, if there had been enough qualified applicants.

Figure 5



Source: Source: Bureau of Labor Statistics, www.bls.gov/jlt, JOLTS

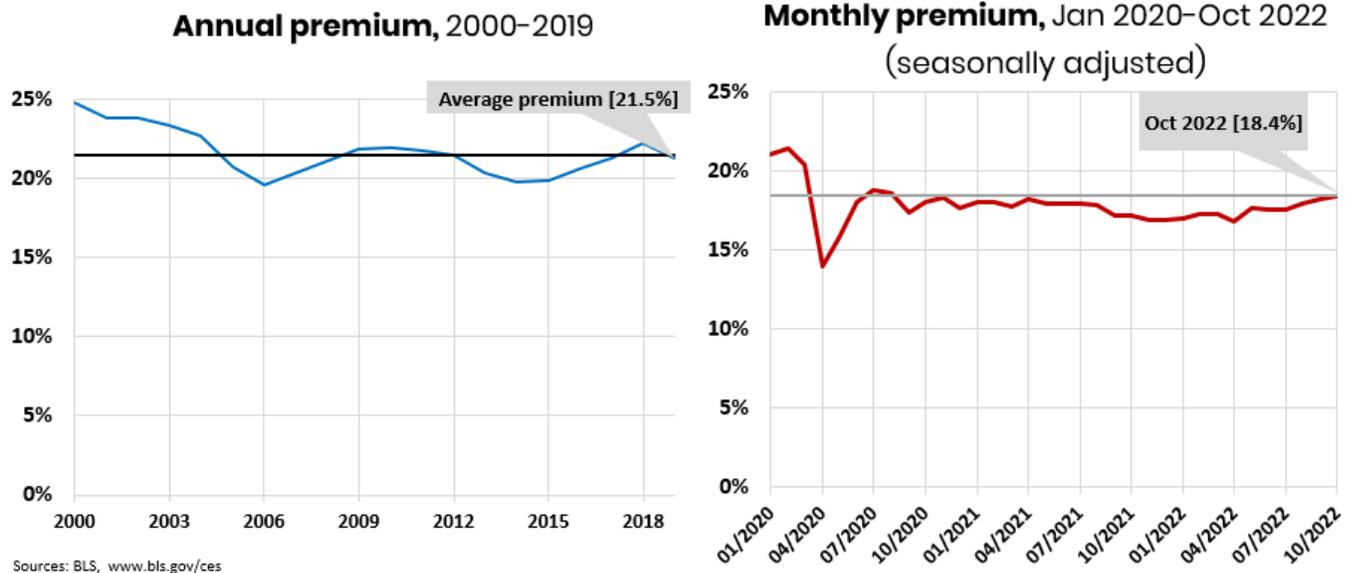
In order to attract, retain, and bring back workers, construction firms are raising pay. Average hourly earnings in construction for “production and nonsupervisory employees”—mainly hourly craft workers—rose 6.1% from November 2021 to November 2022. That was roughly three times as large as the 2.0% increase that occurred three years earlier, in the 12 months ending in November 2019.

Despite the acceleration in wages, until recently construction pay has not risen as fast since the beginning of the pandemic as in other industries. Historically, as shown in Figure 6, contractors paid a “premium” to attract workers willing to work in the conditions, locations, and hours required for construction. Specifically, average hourly earnings for production workers in construction were 20-23% higher than for than the average for all private sector employees, until the onset of the pandemic. This premium shrank to 15% at the start of the pandemic as restaurants, warehouses, delivery services, and other industries drastically increased pay, and the premium has remained around 17% or less for the past 2-1/2 years. Other industries now offer greater flexibility regarding hours and worksites, including work from home, working conditions that are not possible for construction.

Figure 6

Construction wage “premium” vs. total private sector

Excess of average hourly earnings for production/ nonsupervisory employees in construction vs. private sector



These differences imply that construction wages will have to rise even more steeply to restore (and perhaps expand) the pay premium. In addition, it is likely that contractors will pay more overtime to make up for the workers they don't have. They may also turn more to offsite production and onsite drones, robotics, 3-D printers, and other ways of reducing the number or skill level of the workers they employ.

What can contractors and owners do?

Contractors can provide project owners with timely and credible third-party information about changes in relevant material costs and supply-chain snarls that may impact the cost and completion time for a project that is underway or for which a bid has already been submitted.

Owners can authorize appropriate adjustments to design, completion date, and payments to accommodate or work around these impediments. Nobody welcomes a higher bill, but the alternative of having a contractor go out of business because of impossible costs or timing is likely to be worse for many owners.

For projects that have not been awarded or started, owners should start with realistic expectations about current costs and the likelihood of increases. They should provide potential bidders with accurate and complete design information to enable bidders to prepare bids that minimize the likelihood of unpleasant surprises for either party.

Owners and bidders may want to consider price-adjustment clauses that would protect both parties from unanticipated swings in materials prices. Such contract terms can enable the contractor to include a smaller contingency in its bid, while providing the owner an opportunity to share in any savings from downward price movements (as has occurred at various times in recent months with lumber, diesel fuel, and metals prices). The ConsensusDocs set of contract documents (www.consensusdocs.org) is one source of industry-standard model language for such terms. The ConsensusDocs website includes a price escalation resource center (<https://www.consensusdocs.org/price-escalation-clause/>).

The parties may also want to discuss the best timing for ordering materials and components. Buying items earlier than usual can provide protection against cost increases. But purchase before use entails paying sooner for the items; potentially paying for storage, security against theft and damage, and insurance; and the possibility of design changes that make early purchase unwise.

Conclusion

The construction industry continues to be in the midst of a period of exceptionally volatile and sometimes fast-rising costs for a variety of materials, compounded by major supply-chain disruptions and difficulty finding enough workers—a combination that threatens the financial health of many contractors. No single solution will resolve the situation, but there are steps that government officials, owners, and contractors can take to lessen the pain.

Federal trade policy officials can act immediately to end tariffs and quotas on imported products and materials. With many U.S. mills and factories already at capacity, bringing in more imports at competitive prices will cool the overheated price spiral and enable many users of products that are in short supply to avoid layoffs and shutdowns.

The federal government can improve the labor supply by allowing employers to sponsor more foreign-born workers to fill positions for which there are not enough qualified applicants. In addition, the federal government should fund and approve more apprenticeship and training programs to enable students and career-switchers to acquire the skills needed for construction trades.

Officials at all levels of government should review all regulations, policies, and enforcement actions that may be unnecessarily driving up costs and slowing importation, domestic production, transport, and delivery of raw materials, components, and finished goods.

Owners need to recognize that fast-changing materials costs and availability require a quick decision regarding bids and requests for changes. For new and planned projects, owners should expect quite different pricing from previous estimates. They may want to consider building in more flexibility regarding design, timing, or cost-sharing.

Contractors need, more than ever, to closely monitor costs and delivery schedules for materials and to communicate information with owners, both before submitting bids and throughout the construction process.

Materials prices do eventually reverse course. Owners and contractors alike will benefit when that happens. Until then, cooperation and communication can help reduce the damage.

Projects Currently in Progress

Funding Sources	Project	Current Project Estimate	Grant Amounts	SRF Loans	Total Project grant,srf loan, cash and bond Revenue	Funding process & project numbers
NHDOT 80% / 20%City Bond	Strafford Square	\$3,800,000.00	\$1,360,000.00		\$1,360,000.00	* 16531 & 23558
NHDOT 90% / 10% City Bond	Old Dover Road Tebbetts	\$1,600,000.00	\$1,426,658.40		\$1,585,176.00	22532 & 23527
CWSRF Loan & City Bond*	Col Pines Phase 3 Gen & Sewer Fund Reimburs	\$4,520,000.00		\$4,000,000.00	\$4,520,000.00	20549SWR & 21518 GEN
CWSRF Loan & City Bond*	Woodman General Fund & Sewer Fund reimb	\$9,250,000.00		\$4,900,000.00	\$9,250,000.00	* 20538 & 22580
CWSRF Loan & City Bond	Rt. 11 Pump Station	\$1,270,000.00		\$1,200,000.00	\$1,270,000.00	18545, 20559 & 22563
CWSRF Loan/possible bond	Tara Estates	\$1,325,000.00		\$1,325,000.00	\$1,325,000.00	22558
ARPA 100% phase 2	Sewer System Master Plan	\$100,000.00	\$100,000.00		\$100,000.00	** 22581
ARPA & CWSRF Loan	Ledgeview Pump Station	\$1,265,000.00	\$379,500.00	\$885,000.00	\$1,264,500.00	*** 22578
CWSRF & ARPA	Secondary Clarifier	\$1,340,000.00	\$390,000.00	\$950,000.00	\$1,340,000.00	*** 22561 \$350K & 22579 \$990K
CWSRF	WWTP Asset Management		\$30,000.00			** 19521
ARPA	Cyber Security APP in progress	\$50,000.00	\$50,000.00		\$50,000.00	** pending act#
DCDS	Septage Receiving Facility	\$825,000.00	\$825,000.00			20558
DWGWTF loan & Grant, MTBE Grant, Private Contr, City Cash & Bond	Rt202A Water Main & Tank	\$12,725,000.00	\$8,744,000.00	\$1,293,000.00	\$12,725,000.00	* 19532 & 20635
ARPA 100%	Water System Asset Mgmt	\$100,000.00	\$100,000.00		\$100,000.00	** 22583
DWGTf Grant & Loan, ARPA & City Bond	Cochecho Well Improvement	\$5,600,000.00	\$2,240,000.00	\$2,860,000.00	\$5,600,000.00	*** 22582
City ARPA&City Bond	20" Transmission Line	\$2,400,000.00	\$2,000,000.00		\$2,400,000.00	22570 City ARPA funds
		\$46,170,000.00	\$17,645,158.40			

Projects Pending Start Up

NHDOT / City Bond	Capacity Improvement Rt11 Assumes 80/20	\$3,100,000.00	\$2,480,000.00			Design funded 23553 Const Funds FY28 CIP
NHDOT / City Bond	Safety Improvements RT11 Assumes 80/20	\$3,200,000.00	\$2,560,000.00			Design funded 23554 Const Funds FY27 CIP
CWSRF 100%	Phase 2 Stormwater 100% Principal forgivenes	\$100,000.00	\$100,000.00			Not Funded Yet
CWSRF 100%	Nutrient Load Reduction	\$100,000.00	\$100,000.00			Not Funded Yet
		\$6,500,000.00	\$5,240,000.00			

Pre-Apps Submitted June 2022

Funding Program	Project		Requested Amount		Projects to be ranked by SRF& Possibly Awarded
DWSRF	Lead Service Inventory Assesment & Replace	unknown	\$100,000.00		Principal forgiveness for SRF 10-15%
DWSRF	Round Pond Reservoir Improvements		\$7,000,000.00		
DWSRF	Salmon falls Booster Pump Station upgrade		\$2,900,000.00	Priority #1?	
DWSRF	Tufts Pond Reservoir Dam Improvements		\$350,000.00		
DWSRF	WTP Electrical Upgrades		\$2,100,000.00		
DWSRF	WTP Residuals Handling Improvements		\$9,500,000.00		
CWSRF	Colonial Pines Sewer Extension phase 4		\$9,100,000.00		
CWSRF	Salmon Falls Rd Sewer Pump Station upgrade		\$1,700,000.00		
CWSRF	Sewer System Master Plan Yr 3		\$356,323.00		
CWSRF	Stormwater Utility Feasibility Study		\$100,000.00		
CWSRF	WWTF Asset Management		\$30,000.00		
CWSRF	WWTF Nutrient load Reduction Plan		\$100,000.00		
CWSRF	WWTF Standby Power Generator		\$1,500,000.00		
	Total Outside Funding Requests		\$34,836,323.00		

Current Rate SRF Loans 2.536%

- General Fund
- Water Fund
- Sewer Fund

No Asterik means funded by annual CIP process

* Required Supplemental due to short funding after bidding

** Funded with Supplemental and is 100% Grant

*** Funded with FY2022 Supplemental due to NHDES Schedule FY2023 Request reduced due to supplemental

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City Clerk's Office

Amendment to Chapter 275 of the General Ordinances of the City of Rochester
Regarding the Location and Boundaries of Zoning Districts

THE CITY OF ROCHESTER ORDAINS:

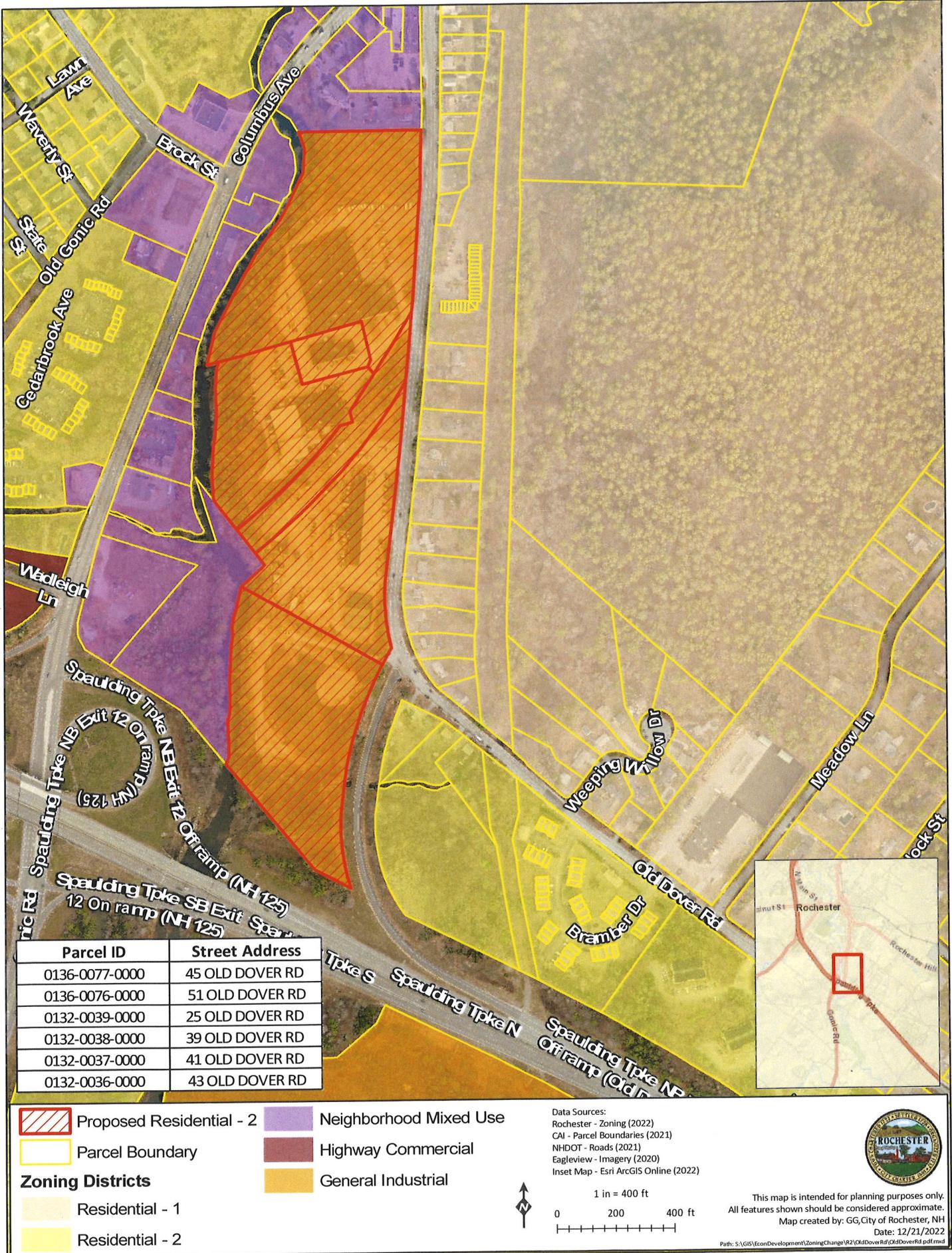
WHEREAS, Chapter 275-1.10 establishes that the location and boundaries of zoning districts within the City of Rochester are established as shown on a map titled, "City of Rochester Zoning Map."

WHEREAS, Chapter 275-1.10 further declares that the City of Rochester Zoning Map is incorporated by reference as part of Chapter 275 of the General Ordinances of Rochester regarding zoning.

WHEREAS, the Mayor and City Council of Rochester desire to amend the City of Rochester Zoning Map to convert certain properties from the General Industrial Zone to the Residential-2 Zone.

THEREFORE, the Mayor and City Council of Rochester ordain that properties shall be converted to the Residential-2 Zone in accordance with the Attached Exhibit. **(Exhibit A)**.

The effective date of these amendments shall be upon passage.

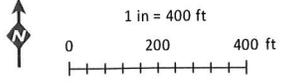


Parcel ID	Street Address
0136-0077-0000	45 OLD DOVER RD
0136-0076-0000	51 OLD DOVER RD
0132-0039-0000	25 OLD DOVER RD
0132-0038-0000	39 OLD DOVER RD
0132-0037-0000	41 OLD DOVER RD
0132-0036-0000	43 OLD DOVER RD

Zoning Districts

-  Proposed Residential - 2
-  Neighborhood Mixed Use
-  Parcel Boundary
-  Highway Commercial
-  Residential - 1
-  General Industrial
-  Residential - 2

Data Sources:
 Rochester - Zoning (2022)
 CAI - Parcel Boundaries (2021)
 NHDOT - Roads (2021)
 Eagleview - Imagery (2020)
 Inset Map - Esri ArcGIS Online (2022)



This map is intended for planning purposes only. All features shown should be considered approximate.
 Map created by: GG, City of Rochester, NH
 Date: 12/21/2022

Path: S:\GIS\EconDevelopment\ZoningChange\VR2\OldDoverRd\OldDoverRd.pdf.mxd



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

COUNCIL ACTION ITEM <input type="checkbox"/>
INFORMATION ONLY <input type="checkbox"/>

FUNDING REQUIRED? YES <input type="checkbox"/> NO <input type="checkbox"/>
* IF YES ATTACH A FUNDING RESOLUTION FORM

RESOLUTION REQUIRED? YES <input type="checkbox"/> NO <input type="checkbox"/>

FUNDING RESOLUTION FORM? YES <input type="checkbox"/> NO <input type="checkbox"/>

AGENDA DATE	
DEPT. HEAD SIGNATURE	
DATE SUBMITTED	
ATTACHMENTS YES <input type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

FINANCE OFFICE APPROVAL	
SOURCE OF FUNDS	
ACCOUNT NUMBER	
AMOUNT	
APPROPRIATION REQUIRED YES <input type="checkbox"/> NO <input type="checkbox"/>	

LEGAL AUTHORITY

--

SUMMARY STATEMENT

[Empty box for Summary Statement]

RECOMMENDED ACTION

[Empty box for Recommended Action]

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	12012453	513001	TBD	\$25,000.00	-	-
2				-	-	-
3				-	-	-
4				-	-	-

Revenue

	Org #	Object #	Project #	Fed Amount \$	State Amount \$	Local Amount \$
1	TBD	TBD	TBD	\$25,000.00	-	-
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

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City Clerk's Office

Amendment to Chapter 275 of the General Ordinances of the City of Rochester
Regarding Conditional Uses in the Granite Ridge District

THE CITY OF ROCHESTER ORDAINS:

That Chapter 275 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows (additions in red):

§275-21.4 Conditions for particular uses.

*
*
*

R. Granite Ridge District Residential Housing-§275.8

The Commercial footprint of fifty-five percent (55%), and Residential footprint of forty-five percent (45%) may be adjusted to increase the residential footprint percentage. The applicant shall demonstrate that a residential need exists which current market conditions are not adequately serving, or that commercial market conditions have changed which makes the 55% commercial footprint requirement economically unfeasible.

The completion and occupancy allocations of fifty percent (50%) of the residential development that may be occupied prior to the completion of between twenty-five to fifty percent (25%-50%) of the non-residential structures may be adjusted to increase the residential percentage. The applicant shall demonstrate that either residential or commercial market conditions are impacting the ability to comply with the allocation.

The effective date of these amendments shall be upon passage.



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

July 6, 2022

Mr. Mark Collopy
 Chair
 City of Rochester Planning Board
 31 Wakefield Street
 Rochester, NH 03867

RE: Expansion of the Downtown Commercial Zone

Dear Chairman Collopy:

As part of the City's strategy for the redevelopment of the downtown area, the Department of Economic Development is seeking a change in classification for the properties listed below and outlined in Exhibit A.

These parcels are currently zoned Residential-2 (R2) and Econ Dev is requesting they be re-designated as Downtown Commercial (DC).

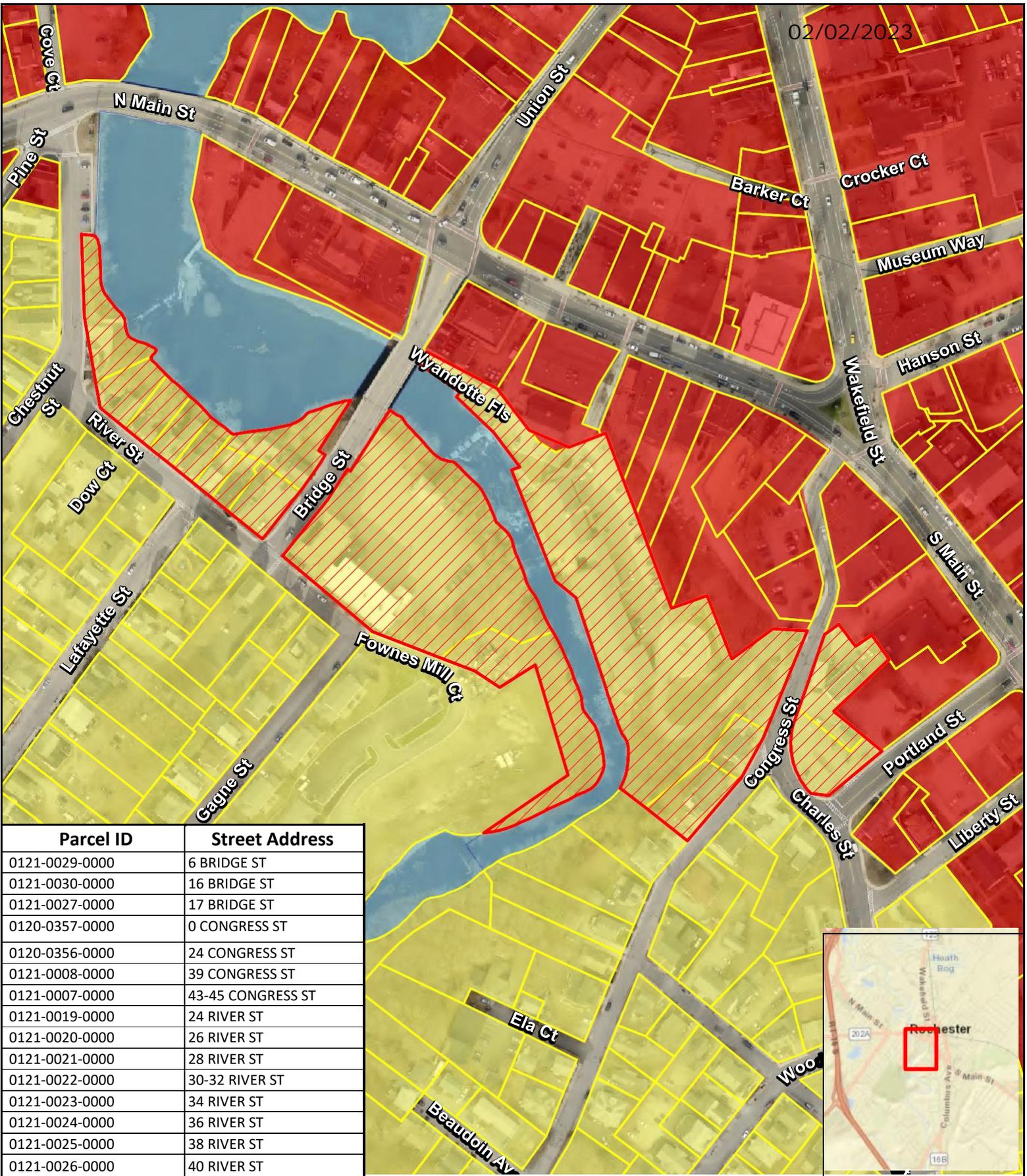
Parcel ID	Street Address
0121-0029-0000	6 Bridge Street
0121-0030-0000	16 Bridge Street
0121-0027-0000	17 Bridge Street
0120-0357-0000	0 Congress Street
0120-0356-0000	24 Congress Street
0121-0008-0000	39 Congress Street
0121-0007-0000	43-45 Congress Street
0121-0019-0000	24 River Street
0121-0020-0000	26 River Street
0121-0021-0000	28 River Street
0121-0022-0000	30-32 River Street
0121-0023-0000	34 River Street
0121-0024-0000	36 River Street
0121-0025-0000	38 River Street
0121-0026-0000	40 River Street

The rezoning of these parcels would allow for future development more in line with the DC redevelopment strategy of increased density within our urban center.

If the recent success of the City's downtown redevelopment efforts are to continue, we need to evaluate where future growth could and should go. Expanding the DC Zone to include these parcels will provide additional options for redevelopment and growth.

Sincerely,

Michael Scala
 Director of Economic Development



Parcel ID	Street Address
0121-0029-0000	6 BRIDGE ST
0121-0030-0000	16 BRIDGE ST
0121-0027-0000	17 BRIDGE ST
0120-0357-0000	0 CONGRESS ST
0120-0356-0000	24 CONGRESS ST
0121-0008-0000	39 CONGRESS ST
0121-0007-0000	43-45 CONGRESS ST
0121-0019-0000	24 RIVER ST
0121-0020-0000	26 RIVER ST
0121-0021-0000	28 RIVER ST
0121-0022-0000	30-32 RIVER ST
0121-0023-0000	34 RIVER ST
0121-0024-0000	36 RIVER ST
0121-0025-0000	38 RIVER ST
0121-0026-0000	40 RIVER ST



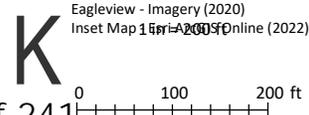
- Legend**
- Proposed Downtown Commercial
 - Parcel Boundary

- Zoning Districts**
- Residential 2
 - Downtown Commercial
 - Water

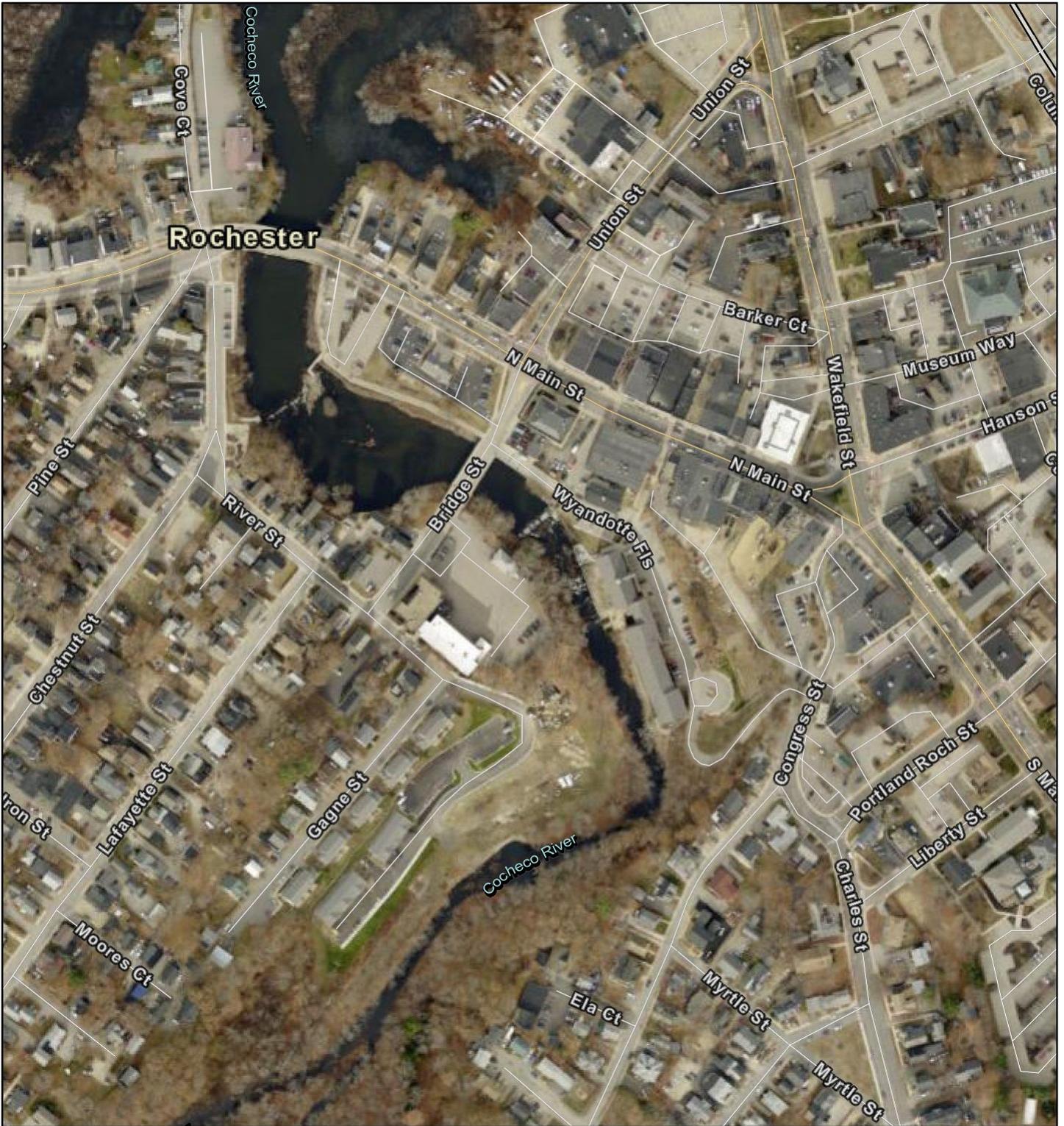
Data Sources:
 Rochester - Zoning (2022)
 CAI - Parcel Boundaries (2021)
 NHDOT - Roads (2021)
 Eagleview - Imagery (2020)
 Inset Map 1 for 2022 Online (2022)



This map is intended for planning purposes only.

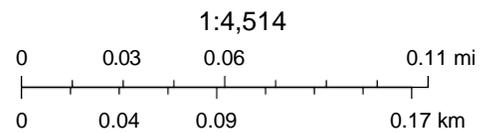


All features shown should be considered approximate.



7/6/2022, 12:22:24 PM

 Tax Parcels
Parcel Info



Esri, HERE, Garmin, GeoTechnologies, Inc., NGA, USGS, Esri Community Maps Contributors, Rochester GIS, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA



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 60 Shaw Drive Building Permit Application- GNM Solar 17, LLC
--

COUNCIL ACTION ITEM <input checked="" type="checkbox"/> INFORMATION ONLY <input type="checkbox"/>
--

FUNDING REQUIRED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> * IF YES ATTACH A FUNDING RESOLUTION FORM
--

RESOLUTION REQUIRED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
--

FUNDING RESOLUTION FORM? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
--

AGENDA DATE	February 7, 2023		
DEPT. HEAD SIGNATURE	Terence O'Rourke, City Attorney		
DATE SUBMITTED	January 26, 2023		
ATTACHMENTS	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

DIRECTOR OF FINANCE APPROVAL	
SOURCE OF FUNDS	
ACCOUNT NUMBER	
AMOUNT	
APPROPRIATION REQUIRED	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>

LEGAL AUTHORITY

RSA 674:41 and City Ordinance §275-26.6

SUMMARY STATEMENT

The applicant is requesting a building permit on Shaw Drive, a Class VI road within the city. Building Permits on Class VI road are regulated by RSA 674:41 and City Ordinance §275-26.6. In the City, building permits on Class VI roads are only permitted for single-family, farming, and forestry. The applicant received approval from the Land Use Board to operate a blueberry farm and a Power Generation Utility at 60 Shaw Drive. Under City Ordinance, the City Council is not allowed to approve a building permit on a Class VI road for a Power Generation Utility.

RECOMMENDED ACTION

Vote to Deny Building Permit.

TITLE LXIV PLANNING AND ZONING

CHAPTER 674 LOCAL LAND USE PLANNING AND REGULATORY POWERS

Regulation of Subdivision of Land

Section 674:41

674:41 Erection of Buildings on Streets; Appeals. –

- I. From and after the time when a planning board shall expressly have been granted the authority to approve or disapprove plats by a municipality, as described in RSA 674:35, no building shall be erected on any lot within any part of the municipality nor shall a building permit be issued for the erection of a building unless the street giving access to the lot upon which such building is proposed to be placed:
- (a) Shall have been accepted or opened as, or shall otherwise have received the legal status of, a class V or better highway prior to that time; or
 - (b) Corresponds in its location and lines with:
 - (1) A street shown on the official map; or
 - (2) A street on a subdivision plat approved by the planning board; or
 - (3) A street on a street plat made by and adopted by the planning board; or
 - (4) A street located and accepted by the local legislative body of the municipality, after submission to the planning board, and, in case of the planning board's disapproval, by the favorable vote required in RSA 674:40; or
 - (c) Is a class VI highway, provided that:
 - (1) The local governing body after review and comment by the planning board has voted to authorize the issuance of building permits for the erection of buildings on said class VI highway or a portion thereof; and
 - (2) The municipality neither assumes responsibility for maintenance of said class VI highway nor liability for any damages resulting from the use thereof; and
 - (3) Prior to the issuance of a building permit, the applicant shall produce evidence that notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds; or
 - (d) Is a private road, provided that:
 - (1) The local governing body, after review and comment by the planning board, has voted to authorize the issuance of building permits for the erection of buildings on said private road or portion thereof; and
 - (2) The municipality neither assumes responsibility for maintenance of said private roads nor liability for any damages resulting from the use thereof; and
 - (3) Prior to the issuance of a building permit, the applicant shall produce evidence that notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds for the lot for which the building permit is sought; or
 - (e) Is an existing street constructed prior to the effective date of this subparagraph and is shown on a subdivision plat that was approved by the local governing body or zoning board of adjustment before the municipality authorized the planning board to approve or disapprove subdivision plats in accordance with RSA 674:35, if one or more buildings have been erected on other lots on the same street.
- II. Whenever the enforcement of the provisions of this section would entail practical difficulty or unnecessary hardship, and when the circumstances of the case do not require the building, structure or part thereof to be related to existing or proposed streets, the applicant for such permit may appeal from the decision of the administrative officer having charge of the issuance of permits to the zoning board of adjustment in any municipality which has adopted zoning regulations in accordance with RSA 674, or, in municipalities in which no board of adjustment exists, to the local legislative body, or to a board of appeals, whichever is appropriate, in

02/02/2023
accordance with RSA 674:14 and 674:15, including the requirement for a public hearing. In a municipality which does not require building permits, direct application may be made to the zoning board of adjustment, or the local legislative body, or the board of appeals for permission to erect the building. In passing on such appeal or application, the board of adjustment, local legislative body, or board of appeals may make any reasonable exception and shall have the power to authorize or issue a permit, subject to such conditions as it may impose, if the issuance of the permit or erection of the building would not tend to distort the official map or increase the difficulty of carrying out the master plan upon which it is based, and if erection of the building or issuance of the permit will not cause hardship to future purchasers or undue financial impact on the municipality. Any such decision made in this connection by a board of adjustment, local legislative body, or by a board of appeals pursuant to this section and RSA 674:14 and 674:15 shall be in writing, together with the reasons for the decision, and shall be subject to review in the manner described in RSA 677.

II-a. Municipalities may except any lot, including island lots for islands served exclusively by boats, from the requirements of paragraphs I and II by an affirmative vote of the local legislative body pursuant to RSA 675, first submitted to the planning board for its approval and:

- (a) If approved by the board, approved by a majority of those present and voting at a regular or special meeting of the local legislative body; or
- (b) If disapproved by the planning board, approved by not less than 2/3 of those present and voting at a regular or special meeting of the local legislative body.

III. This section shall supersede any less stringent local ordinance, code or regulation, and no existing lot or tract of land shall be exempted from the provisions of this section except in accordance with the procedures expressly set forth in this section. For purposes of paragraph I, " the street giving access to the lot " means a street or way abutting the lot and upon which the lot has frontage. It does not include a street from which the sole access to the lot is via a private easement or right-of-way, unless such easement or right-of-way also meets the criteria set forth in subparagraphs I(a), (b), (c), (d), or (e).

IV. In addition to the requirements for the erection of buildings in paragraph I and notwithstanding the exceptions provided in paragraph II, the planning board for a county in which there are located unincorporated towns or unorganized places shall require every building which is erected on leased land located within an unincorporated town or unorganized place to have a building permit. A building permit shall be required under this paragraph regardless of the proximity of the building to any street or highway. The county shall, by resolution, authorize the planning board to issue building permits under this paragraph.

Source. 1983, 447:1. 1988, 131:2, 3. 1989, 266:20. 1995, 291:10. 1998, 344:6. 2002, 270:1, 5. 2004, 154:1, 2. 2005, 226:1, 2, eff. Sept. 3, 2005.

§ 275-26.6. Class VI roads.

Development on Class VI roads is regulated as follows:

A. General terms.

- (1) State law. This section is adopted pursuant to RSA 674:41. In case of conflict between this section and RSA 674:41, RSA 674:41 shall be determining.
- (2) Uses. Single-family use, farming, and forestry are the only permitted uses on lots accessed from Class VI roads.
- (3) Accessory uses. Any uses customarily accessory to a single-family residence may be established on the property. However, only home occupations-1 and -2 (for which there is only one employee other than household members) are permitted.
- (4) Subdivision. Any new lots to be subdivided out of existing lots on Class VI roads shall have a minimum frontage on the Class VI road of 300 feet and a minimum lot size of three acres.

B. Approval process. Shall be subject to the provisions of RSA 674:41.

C. Other provisions.

- (1) The applicant is not specifically required to maintain the road as part of any authorization for a building permit but he/she is urged to do so, on his/her own or in coordination with other property owners.
- (2) It is recognized that any applicant who chooses to build on a Class VI road does so at his/her own risk. If in the future abutting landowners seek to upgrade a Class VI road to a Class V road then the landowners, rather than the City of Rochester, shall be entirely responsible for the costs of upgrading that road (i.e., to be paid for by an individual developer, abutting landowners jointly through a private agreement, or through a betterment tax on abutting landowners if approved by City Council).
- (3) Any modifications to the road in the future must be approved by the City of Rochester Public Works Department.
- (4) If any Class VI road is brought up to City standards the reclassification to a Class V road must be approved by the Rochester City Council.
- (5) The Planning and Development Department shall maintain a record of Class VI roads or portions of Class VI roads upon which the City Council has authorized issuance of building permits.
- (6) See the Transportation Master Plan for a partial list of Class VI roads in the City.

City of Rochester Zoning Board of Adjustment
Wednesday September 14, 2022
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on, 2022)

Members Present

Leo Brodeur, *Vice Chair*
Michael King

Members Absent

James Connor, excused
James Hayden, excused
Larry Spector, excused

Alternate Members Present

Lance Powers
Matthew Winders
Laura Zimmerman

Staff: Shanna B. Saunders, *Director of Planning & Development*
Crystal Galloway, *Planner I*

These minutes serve as the legal record of the meeting and are in the format of an overview of the Zoning Board of Adjustment meeting. It is neither intended nor is it represented that this is a full transcription. A recording of the meeting is on file online at www.rochesternh.net for a limited time for reference purposes.

Vice Chair Leo Brodeur called the meeting to order at 7:00 p.m.

The recording secretary, Crystal Galloway, conducted roll call.

3. Seating of Alternates:

Mr. Brodeur said the voting members for the meeting would be Michael King, Lance Powers, Matthew Winders, Laura Zimmerman, and himself

4. Approval of Minutes:

A motion was made by Mr. Winders and seconded by Mr. King to approve the minutes from the August 10, 2022 meeting. The motion carried unanimously.

5. Rehearing:

Z-22-16 GNM Solar 17, LLC Seeks a *Variance* from Table 18-D to permit power generation utility in the agricultural zone.

Location: 60 Shaw Drive, Tax Map 240 Lot 49 in the Agricultural Zone.

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Created on 9/15/2022

Attorney FX Bruton of Bruton and Berube presented the application for a variance. He passed out a preliminary site plan for the purpose of going to the Planning Board if they are granted the variance. Mr. Bruton said it shows a depiction of what they are proposing to do with the solar panels along with a 50 foot by 50 foot blueberry patch under each panel which is intended to be used with the farming aspect. Mr. Bruton explained the residential property next to the site has a commercial aspect, the parcel behind the site is the Albany manufacturing facility.

Mr. Bruton said the property is unique because it is located on a class six road which would make the lot difficult to use for a commercial use. He said there is an active railroad along the side of the lot along with significant wetlands which are identified on the plan that was handed out. Mr. Bruton said the lot is close to the airport who the applicant has been working with and gained approval to locate the solar farm on the parcel. He said in addition, there are high voltage power lines going through the property. He said there is a high-voltage, three-phase tie-in located adjacent to the lot which are different than high voltage tension lines. Mr. Bruton said the parcel was looked at specifically for the tie-in lines which makes it unique.

Mr. Bruton went through the five criteria. He said it was important for the Board to know fifty percent of the power generated will go to the Rochester school system.

Mr. Bruton said the spirit of the ordinance is observed because the project represents a reasonable use of the property when balanced with the location, zone, and historic use of the property. Allowing the solar panels increases farm production, an agricultural use, encourages the most appropriate use of land in the agricultural district.

Substantial justice is done by granting the variance because it allows the applicant's property to be reasonably utilized, considering abutting property uses. This proposal does not burden the public in any way, and substantially benefits the applicant by allowing him to reasonably use his property with no detrimental effect to surrounding property.

The project will not affect neighboring property value because it is consistent with other uses in the near vicinity and promoted in the existing district.

There is no fair and substantial relationship between the general public purpose of the ordinance's provision prohibiting solar panels on the property, and the specific application of this provision to the property because the use specifically promotes agriculture, and the property abuts the industrial district where surplus power may be easily off-loaded.

The purposed use is a reasonable one because the agricultural zone was created to promote expansion of agricultural activity. The solar panels serve the dual purpose of sustainably powering the property's farm operation while providing a microclimate designed to increase crop production and decrease water consumption. Mr. Bruton said these symbiotic uses preserve existing farms, promote expansion of agricultural activity, and are reasonable given the property's proximity to the industrial district where surplus power is off-loaded.

Mr. King asked if the school district will be charged for the electricity or if the applicant is giving it to them. Mr. Bruton said the school will be charged but it will be a decreased amount.

Ms. Zimmerman asked if they have a study showing there will not be an impact on the wetlands or environment. Mr. Bruton said the plan shows they will be staying away from the wetlands. The applicant Packy Campbell explained the property was delineated by a Wetland Scientist; the surveyors took that information in order to create the existing conditions plan. He added any other use would have some type of impact on the wetlands.

Mr. Brodeur asked what the height and width of the solar panel is. Mr. Campbell explained the whole thing is approximately 1,100 square feet, the post sits on a pedestal and holds the tracker solar panel which is 32 feet in height at it's tallest angle.

Mr. Brodeur asked what the dollar value is that the City of Rochester would be saving in the power going to the schools. Mr. Campbell said the City would save approximately \$34,751.64.

Mr. Brodeur asked if the solar panels would improve the crop of blueberries. Mr. Campbell said it would and went on to explain the process.

Mr. Brodeur opened the public hearing. There was no one from the public present to speak; Mr. Brodeur brought the discussion back to the Board.

Mr. Brodeur asked for the City's position. Ms. Saunders said a variance is granted when the property can't be used reasonably in the manner that meets the ordinance because of special conditions of the property. She said at the time she reviewed the application she did not think that was the instance, as only a couple of the special conditions were included in the application, however many more conditions were mentioned tonight. The Board can make the decision that whether or not there are not unique conditions of the property. She said the fact that the power infrastructure is there is definitely a unique characteristic of the property that could be sighted if the Board wants to approve the application based on that. Ms. Saunders said the Board has to decide whether or not the property has enough unique characteristics to not be developed in the way the ordinance asks it to be, which is single family or agricultural use. Power Generation is allowed in the City in the Industrial Zones. Ms. Saunders said this is going to be a 50,000 square foot facility, which fits under the power generation definition in the ordinance, which is an industrial use on this agricultural parcel.

Ms. Zimmerman asked for the definition of Power Utility generation facility – Saunders' read that into the record.

Mr. Brodeur closed the public hearing and asked the board to discuss the finding of fact.

Mr. Powers questioned the spirit of the ordinance. He questioned the surrounding property value regardless of what the applicant stated, saying there is a property next to this parcel that is undeveloped that he believes the value would be diminished. Mr. Powers said the applicant must establish the property is burdened by the zoning restriction in a manner that is distinct from other similarly situated properties. He said the property next door is the same shape, size, and characteristics.

Mr. King says that he supports the fact that this project fits into the surrounding community and feels that the property has several hardship characteristics. He read what the applicant wrote in the application about hardship and questioned whether the hardship was with the applicant or the property.

Mr. Winders asked if research could be done to figure out how many other properties might have the special spur hook up. Saunders mentioned that info may be hard to obtain from Eversource but she could try. Winders asked the Chair if he could reopen the public hearing to ask the applicant.

The chairman reopened the hearing to allow the applicant to speak. The applicant said, yes this lot is special with that 36,000 Volt line. There may be one or two other lots that have this tie-in.

The chairman re-closed the public hearing.

A motion was made by Mr. Winders and seconded by Mr. King to approve case Z-22-16 as presented because in previous discussion he feels they met all five criteria and proved the hardship due to the unique characteristics of the property with the electrical connection, the proximity of the airport, the transmission lines, and the railroad. The motion carried 3 to 2 by a roll call vote. Mr. Powers and Mr. Brodeur opposed.

Z-22-23 86 Church Street, LLC Seeks a Variance from Section 30.3.A to permit an expansion of a previously approved non-conforming use to allow additional multi-family dwellings in the Agricultural District.

Location: 84 and 86 Church Street, Map 258 Lots 7 & 8 in the Agricultural Zone.

Attorney Steven Hyde said there was no discussion of the five criteria at the original meeting in June. Mr. Hyde explained the property is located in the agricultural zone and had been previously improved by multi-family dwelling units based on prior approvals before the zoning change. He said the request is to expand the use but it would require a variance from Section 30.3 to allow the expansion of a nonconforming use.



PLANNING & DEVELOPMENT DEPARTMENT
City Hall Annex
33 Wakefield Street
Rochester, New Hampshire 03867-1917
(603) 335-1338 - Fax (603) 330-0023
Web Site: www.rochesternh.gov

Planning Board
Zoning Board
Conservation Commission
Historic District Commission
Arts & Culture Commission

AMENDED NOTICE OF DECISION (see 11-28-22 Letter)

November 23, 2022

GHM Solar 17, LLC
Packy Campbell
123 Washington Street
Rochester, NH 03867

Re: Site Plan to install 60 50 solar trackers with blueberry bushes Case# 240 – 49 – A – 22

Dear Applicant:

This is to inform you that the Rochester Planning Board at its November 7, 2022 meeting **APPROVED** your application as referenced above.

"Applicant", herein, refers to the property owner, business owner, individual(s), or organization submitting this application and to his/her/its agents, successors, and assigns.

Precedent Conditions [Office use only. Date certified: _____; Plan recorded? _____;]

All of the precedent conditions below must be met by the applicant, at the expense of the applicant, prior to the plans being certified by the Planning Department. Certification of the plans is required prior to issuance of a building permit or recording of any plans. Once these precedent conditions are met and the plans are certified the approval is considered final.

*Please note** If all of the precedent conditions are not met within 6 calendar months to the day of the board's approval – by May 7, 2023 - the board's approval will be considered to have lapsed and resubmission of the application will be required. It is the sole responsibility of the applicant (or his/her agent) to ensure that these conditions are met by this deadline. We urge the applicant to carefully track his/her progress in meeting the individual conditions. See RSA 674:39 on vesting.

- 1) A Conditional Use Permit is required to be approved by the Conservation Commission. The Site Plan must address any concerns or comments associated with a Conditional Use Permit decision; significant plan modifications may require additional Planning Board approval.
- 2) Plan modifications. The plan drawings are to be modified as follows:
 - a. Please make any plan changes as required by the Conservation Commission including any modifications to the wetlands buffer restoration plan.
 - b. Please depict on the plan where the underground electric will be located going under the railroad tracks and tying into the existing large electrical infrastructure on Airport Drive.
- 3) Plan notes. Add the following notes (or equivalent) to the plan drawings:
 - a. Please update any notes as required by the Conservation Commission.
- 4) Copies of draft easements to be submitted to the City for review and approval.
- 5) State plane coordinates. The plans are to be tied into the State Plane Coordinate System.
- 6) Current Use. The subject property or a portion of it is presently in Current Use. This parcel has 27.00 acres of land all in Current Use and will be issued a Land Use Change Tax for all acreage disturbed. The applicant must provide to the City of Rochester Assessing Department a revised current use map and/or any other items needed to assure that the requirements of RSA 79-A and the New Hampshire Department of Revenue's Administrative Rules are satisfied. We encourage you to contact the Assessing Department at 332-5109 as soon as possible to discuss with them the financial ramifications of converting current use land. It will facilitate the process for you if you contact the department well in advance of commencing the project.
- 7) This parcel is within the "Aviation Overlay District, (AOD)" in the Zoning Ordinance. In order to confirm the proposal meets the technical specifications of the AOD please submit a letter to the Pease Development Authority (PDA) asking them to review the proposal. Please submit a copy of this letter to the Planning Department, or follow up with the Planning Department if there are any issues with the proposal or plan. If the City does not hear from the PDA within 2 weeks of this letter being submitted to them the City will consider the specifications of the AOD to have been met to the satisfaction of the PDA. The City may grant an extension to this 2-week time frame if requested by the PDA.
- 1) Inspections. In accordance with RSA 676:4-b the applicant must sign the Construction Inspection Services Agreement and make a cash deposit to cover the expected costs of inspections, in an amount that is determined by the Public Works Department. The amount in the fund is an estimate and additional funds may be required depending upon complexity and quality of work. The inspections will be conducted by the City of Rochester Public Works Department or its designee, such as a 3rd party inspection firm. The applicant must pay for inspections – at an hourly rate as determined by the Public Works Department, or based upon 3rd party inspection firm hourly rates – of the site, including all new infrastructure serving the site.
- 6) Pre-Construction meeting. A preconstruction meeting is required prior to the start of work. Please contact the Department of Planning and Development to schedule this no more than 2 week prior to breaking ground; The pre-construction meeting agreement is to be signed by the property owner prior to signing of final plans.
- 7) Other permits. All required Municipal, State and Federal permits must be obtained – including any Driveway/Curb Cut permit, Excavation Permit, Chapter 218 Stormwater Permit, NHDES AOT Stormwater Permit, NHDES Wetlands Permits, Cross Connection Control Permit, etc., as appropriate – with copies of permits or confirmation of approvals delivered to the Planning Department.

- 8) Drainage maintenance. If applicable, a drainage maintenance agreement approved by Public Works must be executed and recorded with this Notice of Decision at the time certified plans are recorded. In order to comply with the Stormwater Management IOP Manual, DPW staff shall be allowed periodic access to the parking areas for inspections related to the annual stormwater infrastructure report compiled for the City Engineer.
- 9) Requirements of RSA 674:41 I(c) with respect to developing property abutting a Class VI road are to be followed. Please submit a draft notice for the limits of municipal responsibility of the Class VI Road for the proposed project area as per (RSA 674:41, I(c)1), prior to final plan submittal. Note that City Council will need to authorize the allowance of building permits on a Class VI Road (RSA 674:41, I(c)3). The application will be requested to be on the Council agenda for December 6th.
- 10) Final Drawings. (a) four sets of large black-line plus (b) one set of 11" x 17" final approved site plan drawings plus (c) one electronic version by pdf or flash drive must be on file with the City. *Each individual sheet in every set of drawings must be stamped and signed by the land surveyor, engineer, or architect responsible for the site plans.* (The applicant need only submit additional black-line sets of drawings or individual sheets, as needed, to make five complete sets – consult the Planning Department). At the discretion of the Planning Department minor changes to drawings (as required in the precedent conditions, above) may be marked by hand. Note: If there are significant changes to made to the plans, as specified above, one full size paper check print must be sent to the Planning Department for review prior to producing these final drawings. Once the plan is recorded at the Registry of Deeds, submit two 11x17 recorded copies of the plan. Assessing will need an 11x17 recorded copy of the plan.
- 11) Recording. The plat, this notice of decision (per RSA 676:3 III), and deed (a deed is required if the lots are owned by two separate parties or if one lot is sold prior to recording of this plat) must be recorded together at the Strafford County Registry of Deeds within six calendar months to the date the plat is certified (e.g. if certified September 9th they must be recorded by March 9th). See RSA 478:1-a regarding plat requirements. Failure to comply with this requirement herein shall render the lot line adjustment null and void.

General and Subsequent Conditions

All of the conditions below are attached to this approval.

1. Construction Cost estimate for this project shall be submitted for review and approval. Estimate shall be based on the Department of Public Works Construction Surety Schedule and shall include a 10% Contingency. Costs for items not specifically addressed in the Surety Schedule will be based on 1) City standards, 2) NHDOT weighted averages, 3) industry standards, or 4) contractor estimates.
2. Performance Guarantee. If applicable, prior to issuance of a building permit or beginning site work, the applicant shall provide site improvement and restoration security. The performance guarantee shall be an amount equal to 10% of the approved Construction Cost Estimate (including a 10% contingency) to ensure the proper and timely completion of site work and site restoration within the development. Before the subdivision/site plan can be recorded, lots deeded to third parties, or structures occupied the applicant shall provide a cost estimate of remaining site work including labor, and provide the City with a security in the form of either letter of credit or cash equal to 110% of the estimated cost for remaining work. (Any existing surety being held at this time may be converted

toward this amount). This amount shall include preparation of as-built plans. Construction Cost estimate for this project shall be submitted for review and approval. Estimate shall be based on the Department of Public Works Construction Surety Schedule and shall include a 10% Contingency.

3. Costs for items not specifically addressed in the Surety Schedule will be based on 1) City standards; 2) NHDOT weighted averages; 3) industry standards; or 4) contractor estimates. This full surety must remain in place until the road is accepted or a Home Owner Association is created to define ownership and responsibility of the road and road drainage. If phased, the surety can be permitted per phase.
4. Erosion control shall be properly installed on site PRIOR to any construction. Erosion control shall be properly maintained throughout construction; any breaks or breaches shall be repaired within 48 hours of the storm event.
5. Wetland buffer areas shall not be impacted by any construction activities (other than those impacts permitted under the CUP and DES wetlands permit). Wetland buffers shall be marked with construction tape markers placed on trees or on wooden stakes prior to any onsite activity, and such markers shall be maintained throughout construction. Wetland Buffers shall be marked with Conservation Overlay District tags prior to CO's for homes (available for a nominal fee at the Rochester Planning Office), and such markers shall be maintained in perpetuity.
6. All outdoor lighting (including security lights) shall be down lit and shielded so no direct light is visible from adjacent properties and roadways;
7. A Surveyor is to submit a signed letter to the Planning Department stating that the new lot corner monuments have been set (Subdivision Regulation 6.1) and that reference pins have been set on all easement bounds (Subdivision Regulation 5.7.4)
8. As-Built. Three sets of full size (measuring at least 22" x 34") or black line paper plus 1 set of 11" x 17" plus one digital pdf copy of the as-built site plans (or "record drawings") stamped and signed by the Engineer or Surveyor are to be submitted to the Planning Department prior to issuance of the Certificate of Occupancy (or use/occupancy of the site where no CO is required). The as-built drawings must include the following language or equivalent: "This as-built drawing substantially conforms with the final plans approved by the City of Rochester Planning Board and certified by the Planning and Development Department except for the following significant modifications: ...". If no significant modifications were made simply state "none". Otherwise, itemize the modifications on the as-built or on an accompanying letter. The Department relies on the good judgement and good faith of the Engineer/Surveyor in determining which modifications should be considered significant (for example, minor adjustments in locations of plant materials would not be significant whereas relocation of a catch basin would be).

As-builts are to include State Plane Coordinates. A copy of the Asbuilt line work is also to be submitted as a CAD file that is georeferenced to that same coordinate system.

All applicants requiring a Stormwater Management and Erosion Control Plan shall submit relevant pollutant accounting information to the Planning Department as required by the Department of Public Works. Required information shall be submitted at the time of as-builts.

9. Execution. The project must be built and executed exactly as specified in the approved application unless changes are approved by the City.

10. Approvals. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case of conflicting information between documents, the most recent documentation and this notice herein shall generally be determining.
11. Violations. In the event of any violations of these conditions of approval or of any pertinent local, state, or federal laws – such as those regarding erosion and sedimentation control, wetlands, stormwater management, and general site development standards – the City of Rochester reserves the right to take any appropriate permissible action, including, but not limited to, withholding of building permits, withholding of certificates of occupancy, withholding of driveway permits, revocations of permits/approvals, referring violations to other agencies, and calling of bonds.
12. Other permits. It is the responsibility of the applicant to obtain all other local, state, and federal permits, licenses, and approvals which may be required as part of this project. Contact the City of Rochester's Building, Zoning and Licensing Department at 332-3508 regarding building permits. Please also contact the City of Rochester Fire Department at 330-7182 to ensure that the proposed building meets all Fire Codes. Finally, please contact the Department of Public Works for any stormwater, sewer, or water permits or fees that are required.
13. APPEAL PROCESS: Pursuant to RSA 677:15, an aggrieved party may appeal this decision to the Strafford County Superior Court within 30 days of the date the Board voted to approve or disapprove the application, or to the ZBA pursuant to RSA 676:5, III within 30 days of the date the Board made its decision.

Sincerely,



Ryan O'Connor
Senior Planner

Cc: File
Norway Plains – Scott Lawler
SP-22-15

Book:5091 Page:31E Doc # 230000956 01/25/2023 10:40:28 AM
Book 5091 Page 31 Page 1 of 2Catherine A. Berube
Register of Deeds, Strafford County

ACKNOWLEDGEMENT, WAIVER AND RELEASE
PURSUANT TO R.S.A. 674:41

NOW COMES GNM SOLAR 17, LLC, a New Hampshire limited liability company with a principal place of business located at PO Box 77, Town of Farmington, State of New Hampshire 03835-0077, and in accordance with the requirements of R.S.A. 674:41, hereby issue this Acknowledgement, Waiver and Release for the purpose of inducing the City of Rochester to issue to them a building permit with respect to their property situate at 60 Shaw Drive in the City of Rochester, Tax Map 240 Lot 049, such property having no access from a Class V or better highway, the same taking access off of Shaw Drive, a Class VI road, and in support of the same, state as follows:

1. That GNM Solar 17 (the "Owner"), is, by virtue of a deed from Heath W. Beaudoin and Darcy R. Beaudoin, said deed dated August 25, 2021 and recorded in the Strafford County Registry of Deeds at Book 4946, Page 485 of the Strafford County Records, owner of record of a certain tract or parcel of land (hereinafter the "subject premises") situate off Shaw Drive, so-called, in the City of Rochester, County of Strafford, State of New Hampshire, said property shown as Tax Map 240, Lot 049 on the tax maps of the City of Rochester circa 2022.
2. Access to the subject premises is provided solely by frontage on the said Shaw Drive, a Class VI Road within the meaning of New Hampshire RSA 674:41, said road owned by the City of Rochester.
3. The said GNM Solar 17, LLC, for itself and its heirs, successors and assigns, hereby acknowledge and agree that the City of Rochester, by issuing a building permit with respect to the subject premises, neither assumes responsibility for the maintenance of the aforesaid Class VI road, nor does the City of Rochester assume liability for any damages resulting from the use thereof. GNM Solar 17, LLC, on behalf of the company and its successors and assigns, hereby waive any and all rights to maintenance of the aforesaid Class VI road by the City of Rochester and release the City of Rochester from any responsibility for maintenance thereof and/or from liability for any

damages resulting from the use of the aforesaid Class VI road by the said GNM Solar 17, LLC and its successors, assigns and others.

IN WITNESS WHEREOF, I have executed the within on behalf of the said GNM Solar 17, LLC on this the 23rd day of January, 2023.

[Signature]
Witness

[Signature]
GNM Solar 17, LLC
By: W. Packy Campbell, Member
Duly Authorized

STATE OF NEW HAMPSHIRE
COUNTY OF STRAFFORD, ss.

The foregoing was acknowledged before me by W. Packy Campbell, Member of GNM Solar 17, LLC, a New Hampshire limited liability company, on behalf of the limited liability company. Before me,

Dated: 1/23/23

[Signature]
Notary Public/Justice of the Peace
My Comm. Exp.: 12/19/23



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City Clerk's Office

Resolution Authorizing Acceptance of \$10,000.00 Donation from Rochester Youth Hockey Boosters

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 accept a Ten Thousand Dollar (\$10,000.00) donation from the Rochester Youth Hockey Boosters to be used for the purchase and installation of synthetic ice surfaces at the Rochester Ice Arena.

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City Clerk's Office

Agenda Item

Agenda Item Name: Rochester Youth Hockey Boosters Donation for Synthetic Ice

Date Submitted: 1/26/23

Name of Person Submitting Item: Lauren Krans Director of Recreation

E-mail Address: lauren.krans@rochesternh.gov

Meeting Date Requested: 2/7/23

Issue Summary Statement: Rochester Youth Hockey Boosters would like to donate \$10,000 to the Arena for the purchase of a synthetic ice surface to be installed at the Rochester Arena. This synthetic ice surface would be installed in the corner of rink side of the arena in the corner at the end of the bleachers. Recreation and Arena staff will determine the specific equipment and size to be purchased based on what is the best fit for this specific area. This equipment is low maintenance and provides additional training space for skating skills, specifically for goalies. The addition of this equipment is aligned with the department's mission and will enhance the Rochester Arena's already strong reputation as a hub for ice program offerings.

Recommended Action: Accept donation of \$10,000.

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City Clerk's Office

**Resolution Authorizing Amended CDBG Applications Regarding the Hanson Pines
Improvement Project**

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

WHEREAS, the Mayor and City Council approved One Hundred Nine Thousand Eight Hundred Eighteen and 75/100 Dollars (\$109,818.75) for the Hanson Pines Improvement Project (the “Project”) as part of the FY23 CDBG Plan; and

WHEREAS, the Department of Housing and Urban Development (HUD) informed the City that the Project should be separated into two (2) separate project applications; and

WHEREAS, the separation of the Project into two (2) separate project applications does not affect the approved FY23 CDBG Plan.

THEREFORE, the Mayor and City Council authorize the submittal of one Pickle Ball Court Project application in the amount of Eighty Seven Thousand Fifty Dollars (\$87,050.00) and one Teen Area/Cameras Project application in the amount of Twenty Two Thousand Seven Hundred Sixty Eight and 75/100 Dollars (\$22,768.75).

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City Clerk's Office



City of Rochester Formal Council Meeting

AGENDA BILL

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

AGENDA SUBJECT CDBG Amended Applications FY23
--

COUNCIL ACTION ITEM <input checked="" type="checkbox"/> INFORMATION ONLY <input type="checkbox"/>
--

FUNDING REQUIRED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> * IF YES ATTACH A FUNDING RESOLUTION FORM
--

RESOLUTION REQUIRED? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
--

FUNDING RESOLUTION FORM? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
--

AGENDA DATE	February 7, 2023	
DEPT. HEAD SIGNATURE	Michael Scala, Signature on file	
DATE SUBMITTED	January 31, 2023	
ATTACHMENTS	YES <input type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED

COMMITTEE SIGN-OFF

COMMITTEE	Community Development Committee
CHAIR PERSON	Laura Hailey

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

FINANCE OFFICE APPROVAL	
SOURCE OF FUNDS	CDBG-HUD
ACCOUNT NUMBER	
AMOUNT	\$109,818.75
APPROPRIATION REQUIRED	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

LEGAL AUTHORITY

4 CFR § 91.1 requires the submission of an Annual Action Plan for the City of Rochester to continue to receive Community Development Block Grant funding.

SUMMARY STATEMENT

The City of Rochester receives federal grant funding through the Community Development Block Grants (CDBG) program, which is administered through the U.S. Department of Housing & Urban Development (HUD). The FY23 Annual Action plan was approved by City Council on July 6, 2022.

Rochester Recreation Department was approved for \$109,818.75 for the Hanson Pines Improvement project with FY23 CDBG Funding. This amount includes \$25,000 from the prior year CDBG funds. After review with the City's HUD rep, HUD stated that the nature of the project should be separated into two parts as the Pickleball courts will take a longer time than the Teen Area/Cameras and extend the project. HUD prefers that any project that can be closed be closed as soon as possible, rather than wait.

The Rec Department has updated their applications into two separate applications that require the City's approval. Funding for the two projects does not exceed \$109,818.75 and has been split into 1.) Pickleball Courts- \$87,050 and 2.) Teen Area/Cameras - \$22,768.75.

At the January 30, 2023, Community Development Committee meeting, the Committee recommended that City Council approve the Recreation Department's amended applications to reflect the above mentioned changes.

RECOMMENDED ACTION

Recommend approving amended applications for The Recreation Department as submitted above for the FY23, CDBG allocation.



City of Rochester, New Hampshire
 Office of Economic & Community Development
 31 Wakefield Street • Rochester, NH 03867
 (603) 335-7522
www.RochesterNH.net



OVERVIEW

Remarque: Vous pouvez obtenir ce document en français gratuitement. S'il vous plaît contacter la Division du développement communautaire de la Ville de Rochester pour l'assistance.

Aviso: Puede obtener este documento en español de forma gratuita. Comuníquese con la División de Desarrollo Comunitario de la Ciudad de Rochester para obtener ayuda.

The City of Rochester is an entitlement community that receives Community Development Block Grant (CDBG) funding from the U.S. Department of Housing and Urban Development (HUD). CDBG funds may be used to carry out a wide range of community development activities directed toward revitalizing neighborhoods, economic development, and providing improved community facilities and services for lower-income residents.

Eligible Activities:

1. The proposed activity or project meets one of the following HUD National Objectives:
 - a) benefit low and moderate income persons;
 - b) activities that aid in the prevention of slums or blight; or
 - c) other community development needs to address a federally declared emergency.
2. The proposed activity or project qualifies as an “eligible activity” pursuant to HUD regulations.
3. The project or activity directly addresses one or more of the Goals and Objectives that will be adopted as part of the FY21-FY25 Consolidated Plan. See “Goal and Objectives” below.
4. Through the application, the applicant and the proposed project or activity, demonstrates capacity to comply with all HUD and CDBG related requirements
5. Public facilities projects, as demonstrated through the application process, have a high likelihood of beginning within the year and being completed within two years.
6. Seventy percent (70%) of the clientele for the proposed project or activity will qualify as “presumed benefit” or very low, low or moderate income.
7. A minimum of 51% of the clientele for the proposed project or activity will qualify as “presumed benefit” or very low, low or moderate income.

Presumed Benefit Clientele: Abused/neglected children, homeless persons, persons with /HIVAIDS, elderly persons, severely disabled adults, migrant farm workers, battered spouses/domestic violence victims, illiterate adults

Eligible Expenses: The cost of labor, supplies, and/or materials required for the provision of services to agency clientele.

Tracking of Expenses: Grant recipients must be able to specifically identify and document how the CDBG funds were expended on an eligible activity.

APPLICATION REVIEW PROCESS

This is a competitive grant program with no guarantee of funding. Once applications are submitted to the Office of Economic & Community Development, they will be reviewed to ensure that each applicant meets the minimum requirements of the CDBG program. A report of all applicants will be developed that summarizes certain key elements throughout the application to provide a more detailed comparison view. Full applications will be provided to the Rochester Community Development Committee for their review throughout January, February, and March 2021. Each member of the Committee will determine his or her level of support for each applicant based on the information provided and will make recommendations to the full City Council in February or March 2021. City Council will vote on the final grant allocations in May 2021. During this process, applicant agencies will be notified as to any opportunities to present their application in person to the Community Development Committee and/or full City Council (optional but strongly recommended).

CONSTRUCTION / FACILITIES PROJECT REQUIREMENTS

The City of Rochester's CDBG grant program is federally funded through the U.S. Department of Housing and Urban Development (HUD). As such, a number of federal laws and regulations apply to CDBG funds and CDBG grant applicants and recipients. For construction and facilities projects—projects that involve some element of physical work, as opposed to funding for salaries, equipment, etc.—the Davis-Bacon Act, environmental review regulations, and Section 3 regulations apply.

Davis-Bacon Act Requirements:

The Davis-Bacon Act requires the payment of a federal minimum wage rate to laborers. The wage rate is subdivided into specific job classifications. Current wage rate determinations can be obtained from <http://www.wdol.gov/dba.aspx>. Language pertaining to Davis-Bacon requirements must be included in all subcontracts related to the project. Also, the wage rate determination and U.S. Department of Labor "Know Your Rights" poster must be posted at the project site, and weekly payroll sheets must be submitted to the City for review and approval. The Community Development Coordinator will visit the project site to conduct site interviews with the laborers during the actual performance of the project.

Please make sure that the three bids/quotes you receive for your project include Davis-Bacon wage rates, which may be higher than the contractors' usual wages.

Environmental Review Requirements:

The National Environmental Policy Act applies to all HUD-funded projects. An environmental review, which is conducted by the Community Development Coordinator, must be completed before any work on the project can begin. This includes what HUD describes as "choice-limiting activities," per 24 CFR 58.22, which include:

- Property acquisition (buying and leasing)
- Entering into contracts for project-related work
- Demolition
- Rehabilitation
- Construction
- Site improvements

Please note that a project becomes a “HUD project” upon submission of this grant application.

APPLICATION SUBMISSION INSTRUCTIONS

Intent to submit:

Please provide email notification of your intent to submit an application by **October 18, 2021** to julian.long@rochesternh.net.

Application Deadline:

Applications will be accepted by email only. Applications are due by 4:00 p.m. on November 19, 2021. Please submit your complete and signed application to Kiersten Wright, Community Development Coordinator, at Kiersten.Wright@Rochesternh.gov

APPLICATION

APPLICANT INFORMATION	
Organization Rochester Recreation and Arena	Tax ID
Name of Program or Project Teen Recreation Area	
Name of Executive Director Lauren Kans	
Mailing Address 150 Wakefield St Suite 1, Rochester NH 03867	
Physical Address 150 Wakefield St Suite 1, Rochester NH 03867	
Contact Person Steve Trepanier	603-335-6749
E-Mail steve.trepanier@rochesternh.gov	Website www.rochesterrec.com

ACTIVITY or PROJECT INFORMATION

ACTIVITY OR PROJECT INFORMATION
Amount of Rochester CDBG funds requested for activity/project: \$ 22768.75
<p>Provide a brief summary of the <i>activity</i> or <i>project</i> for which the funds are requested. Keep responses to one or two sentences (<i>i.e. After School Care for K-4th grade students. Repair of homeless shelter roof.</i>) The Recreation Department is changing its original proposal from a teen seating area and rather install 3 tiered bleachers around the perimeter of the basketball courts as an alternate to building a teen area as well as installation of security cameras.</p>

PROJECT LOCATION
Location(s) where services will be provided or physical improvements will be made. 24 Yeagley Way

BENEFICIARIES
<p>Beneficiaries:</p> <p>For <u>FY 2023 (7/1/2022 – 6/30/2023)</u> please provide the <i>estimated</i> number of unduplicated Rochester beneficiaries that will benefit from this CDBG funded activity or project, not necessarily your entire client population (Note: these numbers will be monitored during the funding year): : Free and open access to outdoor recreation areas benefits low/moderate income individuals who cannot afford the cost of a membership to the YMCA or fitness clubs. The benefits of outdoor exercise and activities are well-documented and those individuals who are low/moderate income especially can improve their physical, emotional and social health and wellness, help address obesity issues, and reduce medical costs by increasing their physical activity. According to the Harvard School of Public Health, there are significantly more recreational facilities available in wealthier, predominantly white communities than in low-income ones (<i>Environmental barriers to activity</i>. Obesity Prevention Source. (2016, April 8). Retrieved</p> <p>For <u>FY 2021 (7/1/2021 – 6/30/2022)</u> please provide the number of unduplicated Rochester beneficiaries that have benefited from this activity or program to date (not necessarily your entire client population):</p>

Were Rochester CDBG funds used to fund this activity or project in FY 2022 (7/1/2021 – 6/30/2022): no

If so, how much?

Beneficiary type: (e.g. Homeless Individuals, Low-Income Households, etc.) High school /middle school aged youths.

NARRATIVE – PUBLIC FACILITY PROJECT ONLY

Please provide the following information for the proposed project (*not the organization*):

Describe the nature of the project: Installation of 4 Aluminum Bleachers to place near basketball courts to allow Teens from Rochester an area to meet up after school that is not the park younger children use. Since many teens use the basketball courts, this will allow teens more seating areas to use during games after school.

Describe how the project will ultimately benefit Rochester low/moderate income individuals or Rochester presumed benefit populations : About 46% of students district wide and 33% of Spaulding High School students are eligible for Free/reduced lunch, and approximately 16% are living in single family homes. According to the NH Department of Education, 43.4% of students in the Rochester district are economically disadvantaged (*Rochester: Profile: Explore New Hampshire schools*. Profile. (n.d.). Retrieved October 20, 2021, from <https://ireport.education.nh.gov/districts/461.profile> .), compared to the statewide average of 28.25%. The available of recreation space expressly for teens will provide them with opportunities for recreation that is safe and appropriate for their age. This helps ensure their safety and will reduce the harm or damage they cause elsewhere and preserves the existing playground for the age group for which is was intended. This project is the direct benefit to residents of Rochester, when 51% of residents are low or moderate income. In a community where such a significant percentage of the population is economically challenged, access to recreation opportunities are of critical importance.

Describe how the project addresses natural hazards such as the prevention of flooding, mitigation of winter storms, potential soil erosion, etc. (if applicable) NA

Proposed project starting date: 3/15/23 bleachers will be ordered and an install date of 5/15/23

Proposed project completion date: 8/1/23 date may change based on IT project roll out.

Provide a total project cost broken down by major phases of the project (purchase property, clearing & grading, foundation, building construction, etc.):

Phase 1: Purchase aluminum bleachers 3 tier x 15' long 1979.95 each qyt 4
Adjustments to chain link fence and site work preparation 2548.95.00

Phase 2: Installation of security cameras 10,000.00 determined in first application though city IT department
Contingency for phase 2 300.00

Note: Written estimates, based upon the information provided above, are required and must be submitted with this application. Estimates must be prepared by qualified individuals/companies. Please include three estimates.

PERFORMANCE OUTCOME MEASURES	
Provide the <u>outcomes</u> proposed & the <u>method of measurement</u>. You may list multiple outcomes.	
Outcome	Measurement
Example 1: Decrease in number of "latch-key kids" Example 2: Decreased dependence on emergency care facilities for non-emergency care of low/mod adults	Example 1: # of children who participate in afterschool program Example 2: Increase in number of low/mod income residents that seek care from health program.
Would mitigate teens from congregating in the playground area designated for younger children.	Base this on monthly/annual reports from PD and call received.
Will give the teens an area to spend time after school.	Staff will be able to observe the use and will follow up with the monthly/annual reports from PD and calls received.
Will help with the overall security of the playground/basketball courts and all activities will be visible from the main street traffic and not behind and out of site from the road with the original application.	

DESCRIPTION OF ORGANIZATION
Please provide a description for the <u>organization or agency</u> that is undertaking the activity or project. Rochester Recreation and Arena Department in conjunction with Rochester Public Buildings and Grounds and City IT department.

I CERTIFY THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND CORRECT AND THAT IT CONTAINS NO FALSIFICATIONS, MISREPRESENTATIONS, INTENTIONAL OMISSIONS, OR CONCEALMENT OF MATERIAL FACTS.

I FURTHER CERTIFY THAT NO CONTRACTS WILL BE AWARDED, FUNDS COMMITTED (INCLUDING PURCHASE OR LEASE AGREEMENTS), OR CONSTRUCTION BEGUN ON THE PROPOSED PROJECT PRIOR TO ISSUANCE OF A RELEASE OF FUNDS BY THE CITY OF ROCHESTER.

I FURTHER CERTIFY THAT ADMINISTRATION OF ANY GRANT MONIES RECEIVED SHALL BE ADMINISTERED IN COMPLIANCE WITH ALL U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT REGULATIONS, THE ANTI-DISPLACEMENT POLICY OF THE CITY OF ROCHESTER, AND THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970 AND ITS AMENDMENTS.

 Steve Trepanier

1/30/23

PRINTED NAME:

DATE

PRINTED TITLE:



City of Rochester, New Hampshire
 Office of Economic & Community Development
 31 Wakefield Street • Rochester, NH 03867
 (603) 335-7522
www.RochesterNH.net



OVERVIEW

Remarque: Vous pouvez obtenir ce document en français gratuitement. S'il vous plaît contacter la Division du développement communautaire de la Ville de Rochester pour l'assistance.

Aviso: Puede obtener este documento en español de forma gratuita. Comuníquese con la División de Desarrollo Comunitario de la Ciudad de Rochester para obtener ayuda.

The City of Rochester is an entitlement community that receives Community Development Block Grant (CDBG) funding from the U.S. Department of Housing and Urban Development (HUD). CDBG funds may be used to carry out a wide range of community development activities directed toward revitalizing neighborhoods, economic development, and providing improved community facilities and services for lower-income residents.

Eligible Activities:

1. The proposed activity or project meets one of the following HUD National Objectives:
 - a) benefit low and moderate income persons;
 - b) activities that aid in the prevention of slums or blight; or
 - c) other community development needs to address a federally declared emergency.
2. The proposed activity or project qualifies as an “eligible activity” pursuant to HUD regulations.
3. The project or activity directly addresses one or more of the Goals and Objectives that will be adopted as part of the FY21-FY25 Consolidated Plan. See “Goal and Objectives” below.
4. Through the application, the applicant and the proposed project or activity, demonstrates capacity to comply with all HUD and CDBG related requirements
5. Public facilities projects, as demonstrated through the application process, have a high likelihood of beginning within the year and being completed within two years.
6. Seventy percent (70%) of the clientele for the proposed project or activity will qualify as “presumed benefit” or very low, low or moderate income.
7. A minimum of 51% of the clientele for the proposed project or activity will qualify as “presumed benefit” or very low, low or moderate income.

Presumed Benefit Clientele: Abused/neglected children, homeless persons, persons with /HIVAIDS, elderly persons, severely disabled adults, migrant farm workers, battered spouses/domestic violence victims, illiterate adults

Eligible Expenses: The cost of labor, supplies, and/or materials required for the provision of services to agency clientele.

Tracking of Expenses: Grant recipients must be able to specifically identify and document how the CDBG funds were expended on an eligible activity.

APPLICATION REVIEW PROCESS

This is a competitive grant program with no guarantee of funding. Once applications are submitted to the Office of Economic & Community Development, they will be reviewed to ensure that each applicant meets the minimum requirements of the CDBG program. A report of all applicants will be developed that summarizes certain key elements throughout the application to provide a more detailed comparison view. Full applications will be provided to the Rochester Community Development Committee for their review throughout January, February, and March 2021. Each member of the Committee will determine his or her level of support for each applicant based on the information provided and will make recommendations to the full City Council in February or March 2021. City Council will vote on the final grant allocations in May 2021. During this process, applicant agencies will be notified as to any opportunities to present their application in person to the Community Development Committee and/or full City Council (optional but strongly recommended).

CONSTRUCTION / FACILITIES PROJECT REQUIREMENTS

The City of Rochester's CDBG grant program is federally funded through the U.S. Department of Housing and Urban Development (HUD). As such, a number of federal laws and regulations apply to CDBG funds and CDBG grant applicants and recipients. For construction and facilities projects—projects that involve some element of physical work, as opposed to funding for salaries, equipment, etc.—the Davis-Bacon Act, environmental review regulations, and Section 3 regulations apply.

Davis-Bacon Act Requirements:

The Davis-Bacon Act requires the payment of a federal minimum wage rate to laborers. The wage rate is subdivided into specific job classifications. Current wage rate determinations can be obtained from <http://www.wdol.gov/dba.aspx>. Language pertaining to Davis-Bacon requirements must be included in all subcontracts related to the project. Also, the wage rate determination and U.S. Department of Labor "Know Your Rights" poster must be posted at the project site, and weekly payroll sheets must be submitted to the City for review and approval. The Community Development Coordinator will visit the project site to conduct site interviews with the laborers during the actual performance of the project.

Please make sure that the three bids/quotes you receive for your project include Davis-Bacon wage rates, which may be higher than the contractors' usual wages.

Environmental Review Requirements:

The National Environmental Policy Act applies to all HUD-funded projects. An environmental review, which is conducted by the Community Development Coordinator, must be completed before any work on the project can begin. This includes what HUD describes as "choice-limiting activities," per 24 CFR 58.22, which include:

- Property acquisition (buying and leasing)
- Entering into contracts for project-related work
- Demolition
- Rehabilitation
- Construction
- Site improvements

Please note that a project becomes a “HUD project” upon submission of this grant application.

APPLICATION SUBMISSION INSTRUCTIONS

Intent to submit:

Please provide email notification of your intent to submit an application by **October 18, 2021** to julian.long@rochesternh.net.

Application Deadline:

Applications will be accepted by email only. Applications are due by 4:00 p.m. on November 19, 2021. Please submit your complete and signed application to Kiersten Wright, Community Development Coordinator, at Kiersten.Wright@Rochesternh.gov

APPLICATION

APPLICANT INFORMATION	
Organization Rochester Recreation and Arena	Tax ID
Name of Program or Project Pickleball courts	
Name of Executive Director Lauren Kans	
Mailing Address 150 Wakefield St Suite 1, Rochester NH 03867	
Physical Address 150 Wakefield St Suite 1, Rochester NH 03867	
Contact Person Steve Trepanier	603-335-6749
E-Mail steve.trepanier@rochesternh.gov	Website www.rochesterrec.com

ACTIVITY or PROJECT INFORMATION

ACTIVITY OR PROJECT INFORMATION
Amount of Rochester CDBG funds requested for activity/project: \$
Provide a brief summary of the <i>activity</i> or <i>project</i> for which the funds are requested. Keep responses to one or two sentences (<i>i.e. After School Care for K-4th grade students. Repair of homeless shelter roof.</i>) Addition of 2 pickle ball courts to the James Foley Community Center campus.

PROJECT LOCATION
Location(s) where services will be provided or physical improvements will be made. 150 Wakefield St. TBD with Rochester Public Works.

BENEFICIARIES
<p>Beneficiaries:</p> <p>For FY 2023 (7/1/2022 – 6/30/2023) please provide the <i>estimated</i> number of unduplicated Rochester beneficiaries that will benefit from this CDBG funded activity or project, not necessarily your entire client population (Note: these numbers will be monitored during the funding year)</p> <p>For FY 2021 (7/1/2021 – 6/30/2022) please provide the number of unduplicated Rochester beneficiaries that have benefited from this activity or program to date (not necessarily your entire client population): The Recreation department offers pickleball to approximately 300 seniors throughout the year inside and out and now the demand is working its way to the younger population. The opportunity to host tournaments on official courts will draw more interest.</p> <p>Were Rochester CDBG funds used to fund this activity or project in FY 2022 (7/1/2021 – 6/30/2022): no</p> <p>If so, how much?</p>

Beneficiary type: (e.g. Homeless Individuals, Low-Income Households, etc.) All ages and all levels of income.

NARRATIVE – PUBLIC SERVICE ACTIVITY ONLY

Please provide a detailed description for the proposed **activity** (*not the organization*). This section should describe the use of funds, why the funds are needed and how the funds will ultimately benefit Rochester low-moderate income individuals.

Please indicate who prepared the overall cost estimate for the activity.

NARRATIVE – PUBLIC FACILITY PROJECT ONLY

Please provide the following information for the proposed **project** (*not the organization*):

Describe the nature of the project: Installation of 2 dedicated pickle ball courts
The Rochester Recreation Department recognizes the popularity and importance of outdoor recreation opportunities for adults. We plan to install two pickleball courts at the Hanson Pines Park that will be available for public use. According to the USA Pickleball Association the sport of pickleball grew 21.3% in 2020 (*Pickleball fact sheet*. USA Pickleball. (2021, August 2). Retrieved October 21, 2021, from <https://usapickleball.org/about-us/organizational-docs/pickleball-fact-sheet/>) and is growing internationally as well. It is one of the fastest-growing sports in the country for several reasons: people of all abilities can play, it is social and provides healthy exercise for all athletic abilities. Currently, the tennis courts are being used for pickleball since currently there are no outdoor pickleball courts. Installation of two pickleball courts at Hanson Pines will ensure that the tennis courts will remain available for their intended use.

Describe how the project will ultimately benefit Rochester low/moderate income individuals or Rochester presumed benefit populations : Free and open access to outdoor recreation areas benefits low/moderate income individuals who cannot afford the cost of a membership to the WYMCA or fitness clubs. The benefits of outdoor exercise and activities are well-documented and those individuals who are low/moderate income especially can improve their physical, emotion and social health and wellness, help address obesity issues, and reduce medical costs by increasing their physical activity. According to Harvard School of Public Health, there are significantly more recreation facilities available in wealthier, predominantly white communities than in low-income ones (Environmental barriers to activity. Obesity Prevention Source. (2016, April 8). Retrieved October 20, 2021, from <https://www.hsph.harvard.edu/obesity-prevention-source/obesity-causes/physical-activity-environment/>). Rochester’s median household income is just over \$60,000 (significantly below the state’s median income of almost \$78,000), and in 2019, 10% of the population was below the poverty level. Further, based on the most recent HUD Date available, the Entire city of Rochester is 51% low to moderate income. The pickleball courts provide convenient and open access to outdoor activity which can improve the general health and well-being of low/moderate income individuals who use them.

This project is the direct benefit to residents of Rochester, when 51% of residents are low or moderate income. In a community where such a significant percentage of the population is economically challenged, access to recreation opportunities are of critical importance.

Describe how the project addresses natural hazards such as the prevention of flooding, mitigation of winter storms, potential soil erosion, etc. (if applicable) NA

Proposed project starting date: 5/1/23

Proposed project completion date: NA

Provide a total project cost broken down by major phases of the project (purchase property, clearing & grading, foundation, building construction, etc.):

Note: Written estimates, based upon the information provided above, are required and must be submitted with this application. Estimates must be prepared by qualified individuals/companies. Please include three estimates

PHASE COST

Pickleball phase 1 (start) \$22,375.00 anticipated start date 7/15/23 based on securing proper footprint on property

Pickleball phase 3 (fencing) \$22,375.00 anticipated start date 9/15/23 based on product and vendor availability

Pickleball phase 4 (completion) \$22,375.00 anticipated start date 11/15/23 based on product and vendor availability

Construction cost contingency \$19,925.00

TOTAL budget 87,050.00

PERFORMANCE OUTCOME MEASURES

Provide the outcomes proposed & the method of measurement. You may list multiple outcomes.

Outcome	Measurement
Example 1: Decrease in number of "latch-key kids" Example 2: Decreased dependence on emergency care facilities for non-emergency care of low/mod adults	Example 1: # of children who participate in afterschool program Example 2: Increase in number of low/mod income residents that seek care from health program.
Offer free to low cost instructional programs	Able to track participants in introductory programs and drop in times
Offer tournaments and extra courts	Request to reserve courts for events
Added activity to summer camps and user groups	

DESCRIPTION OF ORGANIZATION

Please provide a description for the organization or agency that is undertaking the activity or project. Rochester Recreation and Arena with the assistance of Department of Public Buildings and Public works.

AUDIT AND EVALUATION

Does your organization have an annual CPA audit or other financial statement?

If yes, please submit most recent audit or financial statements as an attachment to this application.

Is your organization evaluated by outside agencies or programs?

If yes, please note the agency/program and how often the evaluation occurs.

I CERTIFY THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND CORRECT AND THAT IT CONTAINS NO FALSIFICATIONS, MISREPRESENTATIONS, INTENTIONAL OMISSIONS, OR CONCEALMENT OF MATERIAL FACTS.

I FURTHER CERTIFY THAT NO CONTRACTS WILL BE AWARDED, FUNDS COMMITTED (INCLUDING PURCHASE OR LEASE AGREEMENTS), OR CONSTRUCTION BEGUN ON THE PROPOSED PROJECT PRIOR TO ISSUANCE OF A RELEASE OF FUNDS BY THE CITY OF ROCHESTER.

I FURTHER CERTIFY THAT ADMINISTRATION OF ANY GRANT MONIES RECEIVED SHALL BE ADMINISTERED IN COMPLIANCE WITH ALL U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT REGULATIONS, THE ANTI-DISPLACEMENT POLICY OF THE CITY OF ROCHESTER, AND THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970 AND ITS AMENDMENTS.

Steve Trepanier

1/30/2023

PRINTED NAME:

DATE

PRINTED TITLE:

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City Clerk's Office

**Resolution Authorizing the Rochester Public Library to Apply for a National Endowment
for the Humanities Grant of up to \$150,000.00**

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 authorize the Rochester Public Library to apply for a National Endowment for the Humanities Grant in an amount up to One Hundred Fifty Thousand Dollars (\$150,000.00). The City shall serve as the fiscal sponsor of the grant, but it shall not be required to provide any matching funds.

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City Clerk's Office



City of Rochester Formal Council Meeting

AGENDA BILL

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

AGENDA SUBJECT Rochester Public Library- Cultural and Community Resilience Program Grant

COUNCIL ACTION ITEM <input checked="" type="checkbox"/> INFORMATION ONLY <input type="checkbox"/>
--

FUNDING REQUIRED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> * IF YES ATTACH A FUNDING RESOLUTION FORM
--

RESOLUTION REQUIRED? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
--

FUNDING RESOLUTION FORM? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
--

AGENDA DATE	February 7, 2023	
DEPT. HEAD SIGNATURE	Michael Scala, Signature on file	
DATE SUBMITTED	January 31, 2023	
ATTACHMENTS YES <input type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	

COMMITTEE SIGN-OFF

COMMITTEE	Community Development Committee
CHAIR PERSON	Laura Hailey

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

FINANCE OFFICE APPROVAL	
SOURCE OF FUNDS	National Endowment for The Humanities
ACCOUNT NUMBER	
AMOUNT	\$150,000
APPROPRIATION REQUIRED YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	

LEGAL AUTHORITY

--

SUMMARY STATEMENT

The Rochester Public Library (RPL) would like to apply for a grant for up to \$150,000 through the National Endowment for The Humanities. The Grant is The Cultural and Community Resilience grant, a division of Preservation and Access.

The Cultural and Community Resilience program supports community-based efforts to mitigate climate change and COVID-19 pandemic impacts, safeguard cultural resources, and foster cultural resilience through identifying, documenting, and/or collecting cultural heritage and community experience. The program prioritizes projects from disadvantaged communities in the United States or its jurisdictions, and NEH encourages applications that employ inclusive methodologies.

RPL would like to apply for the grant and requires a fiscal sponsor to accept the funds in the event they are awarded. The RPL would use the funds in order to preserve the remainder of their microfilms (78 reels) plus some fragile local historical documents within their special collections.

The City would be required to be the fiscal sponsor for this grant but would **not** be required to provide any matching funds in order to receive the grant. The City would only be accepting funds on behalf of the RPL.

At the January 30, 2023 Community Development Committee meeting, the Committee recommended that the City Council agree to be the fiscal sponsor for RPL in order to apply for this grant.

RECOMMENDED ACTION

Recommend agreeing that the City be the library's fiscal sponsor in their application for \$150,000 through the National Endowment for The Humanities.



Cultural and Community Resilience

Division of Preservation and Access

Grant Snapshot

Maximum award amount: \$150,000

Open to: Organizations

Expected output: Digital Surrogate Collections; Oral History Collections; Physical Archival Collections; Plans for Community Documentation

Period of performance: Up to two years

Application available: January 17, 2023

Optional draft due: April 11, 2023

Deadline: May 16, 2023

Expected notification date: December 31, 2023

Project start date: February 1, 2024 – September 1, 2024

Contact the Division of Preservation and Access Team
preservation@neh.gov

If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services.

The Cultural and Community Resilience program supports community-based efforts to mitigate climate change and COVID-19 pandemic impacts, safeguard cultural resources, and foster cultural resilience through

identifying, documenting, and/or collecting cultural heritage and community experience. The program prioritizes projects from disadvantaged communities in the United States or its jurisdictions, and NEH encourages applications that employ inclusive methodologies. This NOFO covers the January and May 2023 deadlines.

You can watch a pre-recorded webinar [here](#).

Step 1

Step 1 Review your application package

Read the Notice of Funding Opportunity to ensure you understand all the expectations and restrictions for projects delivered under this program and are prepared to write the most effective application.

Application materials

[Cultural and Community Resilience Notice of Funding Opportunity 2023](#)

[Grants.gov application package for Cultural and Community Resilience](#)

[Cultural and Community Resilience FAQ, 2023](#)

Step 2

Step 2 Register for a SAM number and an account on Grants.gov

Step 3

Step 3 Complete your application package

DEVELOPMENT AGREEMENT

This DEVELOPMENT AGREEMENT is made effective on _____, 2023 by and between the City of Rochester, New Hampshire, a municipal corporation, (hereafter "Rochester") of 31 Wakefield Street, Rochester, New Hampshire 03867 and Green & Company Building and Development Corp., a corporation formed under the laws of the State of New Hampshire, with a business address of P.O. Box 1297, North Hampton, New Hampshire 03862 (hereafter "Green"), Green and Rochester are sometimes individually referred to as "Party" and collectively referred to as the "Parties."

WHEREAS, Green proposes to develop the parcel located at 19 Old Gonic Road, Rochester, New Hampshire into a One Hundred Seventy (170) unit residential development project to be known as Bayberry Commons ("Bayberry"); and

WHEREAS, in order to accommodate the number of residential units at Bayberry upgrades to the RT 125 Sewer Pump Station shall be required. The upgrades to the Sewer Pump Station are temporary upgrades in order to accommodate the sewer flows of the Bayberry development, and will be decommissioned in the year 2030 (approximately) when a full RT 125 Sewer Pump Station capital improvements project is commissioned.

WHEREAS, both Parties recognize the importance of the Bayberry project and its contribution to improving the state of New Hampshire housing shortage, and have agreed as follows:

1. City of Rochester Obligations Offsite Improvements:

- a) City of Rochester shall upgrade the RT 125/Columbus Avenue Sewer Pump Station. City of Rochester agrees to escalate the aforementioned temporary RT 125 Sewer Pump Station upgrade and shall, in good faith, endeavor to complete said upgrades within thirty-six months (36) months from the date of Green receiving Final Approval of the project. Final Approval shall mean receipt of all Federal, State and local approvals and permits, with all conditions satisfied and site plans signed and recorded, including utilities and municipal services for the development, with all appeal periods expired or all appeals resolved.
- b) City of Rochester also agrees to collaborate with the New Hampshire Department of Environmental Services (NHDES) regarding any permits necessary to complete the upgrade.
- c) City of Rochester assures that upon application of the first dwelling unit building permit there shall be access to sufficient water and sewer system capacity for the project.

2. Green Obligations:

- a) Green agrees to pay City of Rochester One Hundred Seven Thousand Dollars (\$107,000.00) as a contribution to the Route 125 Pump Station temporary upgrade upon receiving Final Approval on the project. Final Approval shall mean receipt of all Federal, State and local approvals and permits, with all conditions satisfied and site plans signed and recorded, including utilities and municipal services for the development, with all appeal periods expired or all appeals resolved.

- b) Further, Green agrees to guarantee a cumulative property tax revenue generation, on newly created assessed values, from the Bayberry project of Two Hundred Fifty Dollars (\$250,000) within four (4) assessing cycles following the date of Final approvals, which is hereby referred to as the "Measurement Year". If Green fails to meet this threshold by the fourth assessing cycle, Green shall pay to the City of Rochester the deficit between the actual cumulative property tax generated, and the guaranteed amount. The assessing cycle is April 1st to March 31st of each year, and the City of Rochester's Assessing Department shall identify the newly created assessed values from the Bayberry project on which the new property tax revenue calculation shall be measured. The Measurement Year may be extended by (12) twelve months provided Green submits a notice request for extension ninety 90 days prior to the first Measurement Year. The request shall demonstrate reasonable supporting conditions.

- c) Green shall enter into an Escrow Agreement (the "Escrow Agreement") in favor of the City of Rochester. Green shall pay Two Hundred and Fifty Thousand Dollars (\$250,000.00) into a City of Rochester controlled escrow account upon issuance by City of the first building permit for first building dwelling unit. The Escrow Agreement will provide that if, commencing on the Measurement Year, the cumulative increase in property tax revenue generated from the Bayberry project does not equal or exceed the property tax revenue generation guarantee Green will pay to the City the deficit between the actual cumulative property tax revenue generated and the \$250,000 guaranteed. The City shall, within thirty (30) days after the expiration of any Measurement Year, provide Green with its calculation of the cumulative property tax revenue generated and any deficit in the guarantee. The City shall have the right to draw out of the escrow account sufficient funds to meet the property tax revenue generation deficit, and will provide notice to Green of any such draw on the escrow. Green shall also enter into a Guaranty agreement with the City incorporating the terms of the guaranty provided for herein.

- d) Examples of the guarantee Measurement Year and progression are as follows;
- 1) Measurement Year the cumulative property tax generation is \$250,000. Guarantee is satisfied, escrow shall be released.
 - 2) Measurement Year the cumulative property tax generation is \$0.00. Deficit of \$250,000 is drawn from the escrow.
 - 3) Measurement Year the cumulative property tax generation 200,000. Deficit of \$50,000 is drawn from the escrow, balance of escrow shall be released.
 - 4) If the cumulative \$250,000 property tax revenue generation is reached prior to the Measurement Year then guarantee is satisfied and escrow shall be released.
- e) Further, in the event the City of Rochester collects additional exactions from other developers after the acceptance of this agreement the City of Rochester shall apply those additional exaction amounts as an offset against the property tax revenue generation guarantee, and make the appropriate reductions to the amounts held in escrow.

- 3. Indemnification.** Green shall fully defend, indemnify, and hold harmless Rochester from any and all claims, lawsuits, demands and causes of action, liability, loss, damage related to its obligations under this Memorandum of Understanding. This indemnification applies to and includes, without limitation, the payment of all penalties, fines, judgments, awards, decrees, reasonable attorneys' fees, and related costs or expenses, and any reimbursements to Rochester for all legal fees, expenses, and costs incurred by it.
- 4. Force Majeure.** The time for performance by either party of any obligation set forth in any term, provision or covenant of this Agreement shall be deemed extended by the period of time lost due to delays resulting from acts of God, casualties, strikes, lockouts, unavailability of building materials or laborers (for construction work or general staffing), civil unrest, acts of terrorism, floods, hurricanes, windstorms, material or labor restrictions by any governmental authority having jurisdiction over the upgrades, enforcement of governmental regulations or requirements, present or future governmental restrictions, regulations, controls, inaction and/or delays, contagious or infectious disease outbreaks or other public health emergencies in the geographic area where the upgrades are to occur, such as, but not limited to, epidemics, pandemics or impositions of quarantine and/or travel restrictions by any governmental authority

- having jurisdiction over the upgrades, inaction and/or delays of any utility service provider and any other cause not within the control of Green or Rochester or its respective agents, employees, contractors or suppliers (except financial inability), as the case may be.
- 5. Authority to Enter Agreement.** Each Party warrants that the individuals who have signed this Agreement have the actual legal authority and right to make this Agreement and bind each respective Party.
 - 6. Amendment; Modification.** No supplement, modification, or amendment of this Agreement shall be binding unless executed in writing and signed by the Parties.
 - 7. Waiver.** No waiver of any default shall constitute a waiver of any other default or breach, whether of the same or other covenant or condition. No waiver, benefit, privilege, or service voluntarily given or performed by a Party shall give the other Party any contractual right by custom, estoppels, or otherwise.
 - 8. Attorneys' Fees and Costs.** If any legal action or other proceeding is brought in connection with this Agreement, the successful or prevailing Party, if any, shall be entitled to recover reasonable attorneys' fees and other related costs, in addition to any other relief to which the Party is entitled.
 - 9. Entire Agreement.** This Agreement constitutes the entire agreement between the Parties related to the matters specified herein, and supersedes all prior oral or written statements or agreements between the Parties related to such matter.
 - 10. Enforceability, Severability, and Reformation.** If any provision of this Agreement shall be held invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. The intent of the Parties is to provide as broad an indemnification as possible under the laws of the State of New Hampshire. In the event that any aspect of this Agreement is deemed unenforceable, the Court is empowered to modify this Agreement to give the broadest possible interpretation permitted by the laws of the State of New Hampshire.
 - 11. Applicable law.** This Agreement shall be governed exclusively by the laws of the State of New Hampshire, without regard to conflict of law considerations.
 - 12. Exclusive Venue and Jurisdiction.** Any lawsuit or legal proceeding arising out of or relating to this Agreement in any way whatsoever shall be exclusively brought and litigated in the state courts of Strafford County, New Hampshire. Each Party expressly consents and submits to this exclusive jurisdiction and exclusive venue. Each Party consents to the dismissal of any lawsuit that they bring in any other jurisdiction or venue.
 - 13. Signatures.** This Agreement shall be signed on behalf of Rochester by Blaine Cox, City Manager and on behalf of Green by Richard W. Green, President, effective as of the date written above.

CITY OF ROCHESTER, NEW HAMPSHIRE

Acknowledged by: _____
Blaine Cox, City Manager

Date: _____, 2023

GREEN & COMPANY BUILDING AND DEVELOPMENT CORP.

Acknowledged by: _____
Richard W. Green, President

Date: _____, 2023



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 City of Rochester Development Agreement with Green & CO-Bayberry Project 19 Gonic Road	
COUNCIL ACTION ITEM <input checked="" type="checkbox"/> INFORMATION ONLY <input type="checkbox"/>	FUNDING REQUIRED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> * IF YES ATTACH A FUNDING RESOLUTION FORM
RESOLUTION REQUIRED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	FUNDING RESOLUTION FORM? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>

AGENDA DATE	1-27-23		
DEPT. HEAD SIGNATURE	Mark Sullivan Deputy Finance Director		
DATE SUBMITTED	2-1-23		
ATTACHMENTS YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	5	
Development Agreement			

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

FINANCE OFFICE APPROVAL	Mark Sullivan Deputy Finance Director
SOURCE OF FUNDS	N/A
ACCOUNT NUMBER	N/A
AMOUNT	N/A
APPROPRIATION REQUIRED YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	N/A

LEGAL AUTHORITY

City Council	
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SUMMARY STATEMENT

The Green & Co proposed (170) unit housing development at 19 Old Gonic Rd necessitates an upgrade to the Rt 125/Columbus Ave pump station. The desire of the City to have Green & Co pay an offsite exaction to the project of \$107,000 as well as provide an additional overall financial guarantee of \$250,000 requires a Development Agreement. The enclosed Development Agreement shall be explained in full by Deputy Finance Director Mark Sullivan. The request is to allow the City Manager to enter into the agreement.

RECOMMENDED ACTION

Council Approval to allow City Manager to enter into the agreement.

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left blank...*

City Clerk's Office

**RESOLUTION APPROVING COST ITEMS ASSOCIATED WITH
PROPOSED
CITY OF ROCHESTER
MULTI-YEAR COLLECTIVE BARGAINING
AGREEMENT WITH
LOCAL 1451
INTERNATIONAL ASSOCIATION OF
FIREFIGHTERS**

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

That pursuant to, and in accordance with, the provisions of Chapter 273-A of the New Hampshire Revised Statutes Annotated, the cost items associated with the multi-year year collective bargaining agreement between the City of Rochester and the INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF) Local 1451 Bargaining Unit, covering the period July 1, 2023 to June 30, 2027, as set forth in the proposed contract, and as more particularly detailed on the attached "**EXHIBIT A: IAFF LOCAL 1451 – JULY 2023**," which includes a summary financial analysis of the annual costs of the contract to the City provided by the Rochester Director of Finance, is hereby approved. The provision of funds necessary to fund the aforementioned, and hereby approved, collective bargaining agreement "cost items" in the first year of the agreement will be contained in the Fiscal Year 2024 operating budget of the City.

International Association of Fire Fighters Local 1451 (IAFF)

City Health Contribution	80/20	80/20	80/20	80/20	80/20
Health Plan	ABSOS 20/40 RX 10/20/45 DED \$1000/\$3000				
City Health Contribution	100/0	100/0	100/0	100/0	100/0
Health Plan	ABSOS 25/50 RX 10/20/45 DED \$3000/\$9000				
Projected Health Increase		7.60%	6.00%	6.00%	6.00%
	Current FY23	FY24	FY25	FY26	FY27
Wages					
Base Wage	\$2,212,217.28	\$2,512,211.52	\$2,658,605.04	\$2,773,046.64	\$2,864,752.80
Holiday Pay	\$86,695.57	\$132,857.34	\$140,599.31	\$146,651.51	\$151,501.35
Educational Incentive	\$22,600.00	\$22,600.00	\$22,600.00	\$22,600.00	\$22,600.00
Total Wages	\$2,321,512.85	\$2,667,668.86	\$2,821,804.35	\$2,942,298.15	\$3,038,854.15
Dollar Change		\$346,156.01	\$154,135.48	\$120,493.80	\$96,556.00
% Change		14.91%	5.78%	4.27%	3.28%
Benefits					
Medicare	\$33,661.94	\$38,681.20	\$40,916.16	\$42,663.32	\$44,063.39
Health Insurance	\$427,135.73	\$459,598.04	\$487,173.93	\$516,404.36	\$547,388.62
Opt Out	\$19,400.00	\$19,400.00	\$19,400.00	\$19,400.00	\$19,400.00
Dental	\$9,600.00	\$9,600.00	\$9,600.00	\$9,600.00	\$9,600.00
Life	\$432.00	\$432.00	\$432.00	\$432.00	\$432.00
Total Benefits & Rollups	\$490,229.66	\$527,711.24	\$557,522.09	\$588,499.68	\$620,884.01
Dollar Change		\$37,481.58	\$29,810.85	\$30,977.60	\$32,384.32
% Change		7.65%	5.65%	5.56%	5.50%
Totals					
Total Wages, Benefits & Rollups	\$2,811,742.51	\$3,195,380.10	\$3,379,326.43	\$3,530,797.83	\$3,659,738.16
Dollar Change		\$383,637.59	\$183,946.33	\$151,471.40	\$128,940.33
% Change		13.64%	5.76%	4.48%	3.65%

40 Total Employees (Firemen, Captain & Lieutenant) - 100% FT



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 IAFF Local 1451 Collective Bargaining Agreement

COUNCIL ACTION ITEM <input checked="" type="checkbox"/> INFORMATION ONLY <input type="checkbox"/>	FUNDING REQUIRED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> * IF YES ATTACH A FUNDING RESOLUTION FORM
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RESOLUTION REQUIRED? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	FUNDING RESOLUTION FORM? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
--	--

AGENDA DATE	February 7, 2023		
DEPT. HEAD SIGNATURE			
DATE SUBMITTED	1/27/2023		
ATTACHMENTS YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	19	

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

DIRECTOR OF FINANCE APPROVAL	
SOURCE OF FUNDS	
ACCOUNT NUMBER	
AMOUNT	
APPROPRIATION REQUIRED YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	

LEGAL AUTHORITY

NH RSA 273-A: Public Employee Labor Relations

SUMMARY STATEMENT

The Collective Bargaining Agreement (CBA) between Local 1451 International Association of Firefighters (IAFF) and the City expires on June 30, 2023. The negotiating teams for both sides reached a Tentative Agreement (TA) and the IAFF personnel ratified the agreement. It now comes to the City Council for consideration for final approval.

RECOMMENDED ACTION

Adoption of this CBA.

ARTICLE IV: HOURS OF DUTY

Overtime Pay:

Employees shall be paid overtime for all work performed in excess of their regular duty as specified in paragraph 4.1. Overtime pay shall be one and one-half (1½) times the employee's standard hourly rate, excepting and excluding private duty work, provided further, an employee shall be paid for a minimum of three (3) hours for each period of overtime duty which is not in part of his or her regular shift assignment. Overtime checks shall be computed and paid in the paycheck for the work period in which the overtime work was performed. Payment of the minimum three (3) hour overtime will be excluded for those members who report for shift work ~~fifteen (15)~~ **thirty (30)** minutes prior to the start of their normal duty shift. ~~and fifteen (15) minutes after the end of their normal duty shift.~~

ARTICLE V: COMPENSATION

- 5.1 ~~Effective July 1, 2021, employees shall be placed on the Merit Track, based upon their current wage in accordance with the Initial Merit Track Placement Worksheet. Thereafter, eligible employees may advance on the Merit Track one increment effective the first full pay period including their anniversary date of hire if approved by the City Manager as set forth below. Employee's that receive a 10% or higher wage increase upon the initial placement on the Merit Track shall not receive a Merit Track advancement on their anniversary date of hire in the first fiscal year of the contract.~~
- 5.2 ~~Thirty (30) days prior to the employee's anniversary date of hire **or promotion**, the Captains and Lieutenants shall complete a draft evaluation of each Firefighter within the bargaining unit. The evaluation shall utilize the evaluation instrument attached as Exhibit A. The Captain or Lieutenant shall meet with each Firefighter at least fifteen (15) days prior to the anniversary date of hire to discuss the draft evaluation.~~
- 5.3 ~~The Captains and Lieutenants shall thereafter consult with the Deputy Chief of Operations on the final contents and ratings contained within the performance appraisal forms. The Deputy Chief of Operations shall thereafter fill out a Merit Track Advancement Worksheet for each Firefighter based upon the recommendations of the Captains and Lieutenants. The Deputy Chief of Operations or designee shall notify the employee of the assigned score on the Merit Track Advancement Worksheet prior to the worksheet being forwarded to the Fire Chief.~~
- 5.4 ~~Thirty (30) days prior to the anniversary date of hire for Captains and Lieutenants, the Deputy Chief of Operations shall complete a draft evaluation for each Captain and Lieutenant. The evaluation shall utilize the evaluation instrument attached as Exhibit A. The Deputy Chief of Operations shall meet with each Captain and lieutenant at least fifteen (15) days prior to the anniversary date of hire to discuss the draft evaluation.~~
- 5.4 ~~Thirty (30) days prior to the anniversary date of hire or in the case of promoted employees, date of promotion for Captains and Lieutenants, the Deputy Chief of Operations shall complete a draft evaluation for each Captain and Lieutenant. The evaluation shall utilize the evaluation instrument attached as Exhibit A. The Deputy Chief~~

of Operations shall meet with each Captain and lieutenant at least fifteen (15) days prior to the anniversary date of hire to discuss the draft evaluation.

- ~~5.5 — The Deputy Chief of Operations shall thereafter consult with the Assistant Fire Chief on the final contents and ratings contained within the Captain's and Lieutenant's performance appraisal forms. The Assistant Fire Chief shall thereafter fill out a Merit Track Advancement Worksheet based upon the recommendations of the Deputy Chief of Operations. The Assistant Fire Chief or designee shall notify the employee of the assigned score on the Merit Track Advancement Worksheet prior to the worksheet being forwarded to the Fire Chief.~~
- ~~5.6 — After completion of the Merit Track Advancement Worksheet, the Fire Chief shall consider the employee's written evaluation (Exhibit A), the employee's personnel file, the recommendations of the command staff, and such other information that the Fire Chief may determine in his/her discretion is relevant before making a recommendation to the City Manager to grant or deny Merit Track advancement. Provided however, no employee shall be denied a Merit Track advancement if they received a score of 70 or better on the Merit Track Advancement Worksheet. Conversely, no employee shall be recommended for Merit Track advancement if they have scored lower than 70 points of the Merit Track Advancement Worksheet. Merit Track advancement will not be withheld because of financial considerations of the Department or the City. The Fire Chief shall make his recommendation to the City Manager no later than seven (7) days following the employee's anniversary date.~~
- ~~5.7 — Any unit employee that is denied Merit Track advancement, may ask for a meeting with the City Manager within 10 days of notification as required in paragraphs 3 and 5 above.~~

5.1 Employees pay shall fall on a step of the Merit Track as referenced in Appendix A Wage/Step Plan. If the written performance evaluation shows continued satisfactory performance, employees may advance on the Merit Track one increment, effective the first full pay period, including their anniversary date of hire or promotion, if approved by the City Manager as set forth below.

Each employee of the bargaining unit will receive an evaluation annually, prior to their anniversary date of hire. To provide a fair and balanced evaluation, each employee's evaluation will be finalized with input from at least two levels of supervisors. The evaluators will utilize the evaluation instrument attached as exhibit A.

The employees currently assigned direct supervisor is responsible for completing a draft evaluation and consulting with the employee on the contents of the draft evaluation at least fifteen (15) days prior to the employee's anniversary date of hire. The evaluator will consult with their direct supervisor on the contents of the draft evaluation prior to consulting with the employee.

Thereafter, the evaluators will finalize the evaluation, have the employee review, and sign the document, and forward the evaluation to the designated Operations Chief Officer for completion of the Merit Track Advancement Worksheet. The Chief Officer will notify the employee of the results of the worksheet and then forward to the Fire Chief.

The Fire Chief will review all documentation and approve or deny the final evaluation. If approved, the Fire Chief will forward to the City Manager for consideration of Merit Track advancement. No employee will be denied a merit track advancement if they receive a score of 70 or better on the Merit Track Advancement Worksheet. Conversely, no employee will be recommended for Merit Track advancement if they have scored lower than 70 points on the Merit Track Advancement Worksheet. Merit Track advancement will not be withheld because of financial considerations of the department or the city. The fire chief will make his recommendation to the city manager no later than seven days following the employee's anniversary date.

Any unit employee that is denied Merit Track advancement, may ask for a meeting with the city manager within 10 days of notification.

5.8-5.2 Notwithstanding the foregoing, any employee that is ultimately denied Merit Track advancement shall be placed on a formal improvement plan and may request a reevaluation anytime between 90 and 120 days after the denial of Merit Track Advancement. If the Fire Chief, after consulting with the Assistant Chief, agrees that the reevaluation will result in a change in the recommendation for Merit Track advancement based upon current performance, the Chief shall recommend Merit Track advancement to the City Manager. If approved by the City Manager, any such adjustment will be effective thereafter and shall not be retroactive. The Fire Chief's decision not to recommend Merit Track advancement based upon the reevaluation may be appealed to the City Manager. The recommendation and approval of all Merit Track advancements shall not be arbitrarily or unreasonably withheld.

5.9-5.3 In the event that an employee is disciplined, and that discipline is overturned through the grievance process, the employee's performance evaluation will be redone as will the Merit Track Worksheet. To the extent the employee was denied Merit Track advancement based upon the overturned discipline, the employee shall receive a Merit Track Advancement retroactive to the anniversary date of hire.

5.10-5.4 The Merit Tracks attached hereto (APPENDIX A) will be adjusted as follows:

- a. Effective July 1, 2023, 0%
- b. Effective July 1, 2024, 4%
- c. Effective July 1, 2025, 3%
- d. Effective July 1, 2026, 2%

ARTICLE VI Local 1451 Promotion Proposal

6.4 Promotion: ~~In matters affecting promotion, demotion and transfer of employees within the department, seniority shall govern subject to fitness and ability. The determination of an employee's fitness and ability shall be the sole right and responsibility of the CITY, as measured against the following considerations:~~

- ~~— a. Has the physical qualification to do the work;~~
- ~~— b. Has experience related to do the job;~~
- ~~— c. Performs the work in the manner required by the CITY;~~
- ~~— d. Cooperates with supervisors and observes rules and regulations;~~
- ~~— e. Protects the property and interests of the CITY;~~
- ~~— f. Reports for work promptly and regularly;~~
- ~~— g. Maintains Harmonious relations with coworkers;~~
- ~~— h. Has a positive attitude toward advancement and the assumption of additional responsibility.~~

The City and Unit recognize that the method of promotional testing is crucial to the development of a good and competent officer group. In view of this, the City will continue to issue promotions based on a fair and equitable testing process, which measures ability and competency in accordance with the following:

The promotional candidate shall have all the minimum qualifications outlined in the department policy **(Reference General Order Admin Promotional Policy 15)** prior to the date of the written exam. ~~The Department will post; the reading list for the exam, eligibility, date of the exam, parts, and weights of each phase of the exam, a minimum of 60 days in advance of the exam~~ **List of reference materials will not be altered, but available per policy referenced above; policy will not be changed until after completion of the exam.**

Eligibility for Fire Lieutenant Examination process;

-Have four (4) continuous years of full-time firefighting experience with the Rochester Fire Department as a full-time firefighter.

-Fire Officer I

Eligibility for Fire Captain Examination process;

-Current full-time Rochester Fire Lieutenants who have successfully completed the probationary period as Lieutenant.

-Fire Officer II

A promotional roster for Fire Lieutenant and Fire Captain shall be valid for two (2) years after the promotional list is published. The department shall maintain an active promotional roster for Fire Lieutenant as well as a separate promotional roster for Fire Captain at all times.

Fire Lieutenant and Fire Captain Vacancies shall be filled from their respective promotional rosters.

~~Any Department Policy regarding promotions or the promotional process may not be altered within 365 days of the test announcement.~~

ARTICLE XI: SPECIAL LEAVE

Bereavement Leave shall be granted as follows:

- 1.) Bereavement leave of five (5) working days, without any loss of pay in the event of death of:**
 - **Spouse/Partner**
 - **Child/Step Child**

- 2.) Bereavement of three (3) working days, without any loss of pay in the event of death of his/her:**
 - **Mother/Step Mother/Mother-in-Law**
 - **Father/Step Father/Father-in-Law**
 - **Brother/Step Brother**
 - **Sister/Step Sister**
 - **Grandchild/Step Grandchild**
 - **Daughter-in-Law**
 - **Son-in Law**

- 3.) Bereavement of one (1) working day with pay, for the purpose of attending the funeral, shall be granted an employee in the event of the death of his/her:**
 - **Aunt/Uncle**
 - **Niece/Nephew**
 - **Grandparent/Step/in-Law**
 - **Sister-in-Law**
 - **Brother-in-Law**

- 4.) Under extenuating circumstances, two (2) additional days with pay may be granted under sections 1, 2, and 3 above with the written request to your appr department director or his/her designee and final approval from the City Manager.**

11.3 Military Leave:

Any member of the Department who is called to active military service as a member of the Armed Forces of the United States of America, or who is engaged in activities in the Reserve Forces of the United States of America or the National Guard, shall be granted a leave of absence equivalent to two calendar weeks without a loss of pay or employment rights to perform such duties. Such leave shall be considered "Military Leave". "Without loss of pay" means the City will augment any military leave pay received by the unit member from the federal government up to the ~~gross net~~ wages the unit member would have received had he/she been working for the City during the same pay period.

ARTICLE XII: VACATIONS

12.1 ~~Each covered full-time fire fighter or officers shall be granted a vacation in each fiscal year without loss of pay. Such vacations shall be computed in the following manner:~~

~~Employees hired prior to 7/1/2017: After commencement of the first year of continuous full-time employment, each employee shall accrue paid vacation time at the rate of 9.00 hours for each month of full-time employment during each employment year through and including the fifth (5th) employment year. After the commencement of the sixth (6th) year of full-time employment, each employee shall accrue paid vacation time at the rate of 13.00 hours for each month of full-time employment during each employment year through and including the tenth (10th) employment year. After commencement of the eleventh (11th) year of full-time employment, each employee shall accrue paid vacation at the rate of 16.0 hours for each month of full-time employment during each employment year through and including the fifteenth (15th). After commencement of the sixteenth (16th) year of full-time employment, each employee shall accrue paid vacation at the rate of 18.0 hours for each month of full-time employment during the month of full-time employment during each calendar year thereafter:~~

~~Illustrative Table:~~

0 - 60 months	108 hours
61 - 120 months	156 hours
121 - 180 months	192 hours
181 - to retirement	216 hours

~~Employees hired on or after 7/1/2017: Each eligible employee shall be granted non-cumulative vacation days (see illustrative table below) each year granted on the employee's anniversary date of hire. Upon separation from City service, the maximum vacation pay out shall be an amount equal to the annual allotment.~~

~~Each employee shall accrue paid vacation time at the rate of 9.00 hours for each month of full-time employment during each employment year through and including the fifth (5th) employment year. After the commencement of the sixth (6th) year of full-time employment, each employee shall accrue paid vacation time at the rate of 13.00 hours for each month of full-time employment during each employment year through and including the tenth (10th) employment year. After commencement of the eleventh (11th) year of full-time employment, each employee shall accrue paid vacation at the rate of 16.0 hours for each month of full-time employment during each employment year through and including the fifteenth (15th). After commencement of the sixteenth (16th) year of full-time employment, each employee shall accrue paid vacation at the rate of 18.0 hours for each month of full-time employment during the month of full-time employment during each calendar year thereafter:~~

~~Illustrative Table (hired on or after 7/1/2017)~~

12 – 60 months	108 hours
61 – 120 months	156 hours
121 – 180 months	192 hours
181 – to retirement	216 hours

~~12.1 Staff captains, hired after July 1, 2012, shall be granted vacation time without loss of pay. Such vacation shall be accrued in the following manner:~~

~~Employees hired prior to 7/1/2017: After commencement of the first year of continuous full time employment, each employee shall accrue paid vacation at a rate of 6.66 hours for each month of full time employment during each year through and including the fifth (5th) year of employment. After commencement of the sixth year (6th) of full time employment, each employee shall accrue paid vacation at a rate of 10 hours for each month of employment during each year through and including the tenth year (10th) of employment. After commencement of the eleventh (11th) year of full time employment, each employee shall accrue paid vacation at a rate of 12 hours for each month of employment for each year through and including the fifteenth year (15th) year of employment. After commencement of the sixteenth (16th) year of full time employment, each employees shall accrue paid vacation at a rate of 13.33 hours for each month of employment for each year thereafter.~~

Illustrative table:

0-60 months	80 hours
61-120 months	120 hours
121-180 months	144 hours
180--retirement	160 hours

~~Employees hired on or after 7/1/2017: Each eligible employee shall be granted non-cumulative vacation days (see illustrative table below) each year granted on the employee's anniversary date. Vacation days are to be used within the year they are granted.~~

~~Illustrative table (hired on or after 7/1/2017):~~

0-60 months	80 hours
61-120 months	120 hours
121-180 months	144 hours
180--retirement	160 hours

- ~~12.2 — Vacations shall be subject to approval by the Fire Chief or his designee and shall be chosen by shift seniority, except that no more than two weeks shall be selected at one time by each employee until all shift employees have been given a chance to choose their preferred two weeks' vacation.~~
- ~~12.3 — Any member of the Fire Department may select any vacation period, during the calendar year, subject to Section 2 above. It is understood that selection of Christmas as a time of vacation shall be rotated based upon seniority for each shift to avoid the most senior person always monopolizing a Christmas vacation period.~~
- ~~12.4 — An employee may take vacation with forty-eight (48) hours notice under unusual circumstances.~~
- ~~12.5 — For employees hired prior to 7/1/2017: The maximum accumulation of vacation shall be one and one-half the yearly earning rate for each employee. When an employee achieves that level of accumulation he/she shall cease to earn additional vacation until the accumulation amount is reduced.~~
- ~~_____~~
- ~~_____ For employees hired after 7/1/2017: The maximum accumulation of vacation shall be the yearly earning rate for each employee. When an employee achieves that level of accumulation he/she shall cease to earn additional vacation until the accumulation amount is reduced.~~
- ~~12.6 — Lieutenants and Shift Captains shall be permitted to sell back to the City up to forty two (42) vacation hours per fiscal year.~~
- ~~12.7 — Vacation time shall be charged on an hour for hour basis. Vacation will be used in blocks of twelve (12) hours (0700-1900 or 1900-0700) or 24 hours (0700-0700).~~
- ~~12.8 — Vacation time for staff captains, hired after July 1, 2012, shall be taken in eight (8) hour increments.~~

ARTICLE XII: VACATIONS

12.1 Each covered full-time fire fighter or officers shall be granted a vacation in each fiscal year without loss of pay.

12.2 Vacation time will be accrued on a bi-weekly basis in accordance with the following table:

0 - 60 months	108 hours
61 - 120 months	156 hours
121 - 180 months	192 hours
181 - to retirement	216 hours

12.3 Vacation time may be used after completion of the first six (6) months of employment (12-month probationary period)

12.4 For employees hired after 7/1/2017: The maximum accumulation of vacation shall be the yearly earning rate for each employee. When an employee achieves that level of accumulation, he/she shall cease to earn additional vacation until the accumulation amount is reduced.

12.5 For employees hired prior to 7/1/2017: The maximum accumulation of vacation shall be one and one-half the yearly earning rate for each employee. When an employee achieves that level of accumulation, he/she shall cease to earn additional vacation until the accumulation amount is reduced.

12.6 Vacations shall be subject to approval by the Fire Chief or his designee.

12.7 An employee may take vacation with forty-eight (48) hours' notice under unusual circumstances.

12.8 Employees shall be permitted to sell back to the City up to forty-two (42) vacation hours per fiscal year.

12.9 Vacation will be used in blocks of twelve (12) hours (0700-1900 or 1900-0700) or 24 hours (0700-0700).

ARTICLE XVIII: PAID DETAILS

- 18.1 Work assigned through the Fire Department, but not paid out of the Fire Department budget will be considered outside details and paid at a special rate.

These rates are established by calculating the OT rate (1.5x the hourly rate) of the highest step of a particular rank and increasing that calculated rate by fifteen percent (15%).

All outside details will be paid at a minimum of four (4) hours

ARTICLE XVII: PAID HOLIDAYS

- 17.1 ~~Each permanent fire fighter shall be paid by separate check for each of the following holidays~~ **Each permanent fire fighter, lieutenant, and captain shall be paid (12 hours) straight time rate for each of the following holidays in addition to their weekly pay on the first pay period of the fiscal year.**

New Year's Day	Columbus Day
Civil Rights Day (7/1/17)	Veteran's Day
Washington's Birthday	Thanksgiving Day
Memorial Day	Day After Thanksgiving
Independence Day	Christmas Day
Labor Day	

~~Firefighters, lieutenants and captains shall receive a day's pay (12 hours) and the staff captains at 8 hours for each of the above holidays, in addition to his/her regular weekly pay, payment to be made within the last pay period of June and the last pay period in November. Staff captains hired after, July 1, 2012, shall receive holiday pay only if they actually work the holiday.~~

- 17.2 When the employee terminates his/her employment for any reason, he/she shall receive payment for all holiday pay due him/her, up to the time of termination.
- 17.3 Employees who work on the following paid holidays shall be paid at time and one-half (½) rates for all hours worked: Independence Day, Thanksgiving Day, and Christmas Day

ARTICLE XIX: INSURANCE

19.1 Medical:

Employees shall be eligible to participate in the ABSOS20/40/1KDED(07)-RX10/20/45 medical plan. The City will contribute an amount equal to 80% of the ABSOS20/40/1KDED(07)-RX 10/20/45 medical plan.

- A. All employees shall be provided with comprehensive medical insurance coverage by the City of Rochester. The City's contribution to medical insurance premiums will be limited to 80% of the total premium of PLAN A towards PLAN A, PLAN B, or PLAN C.**

Plan A – ABSOS20/40/1KDED(07L) - RX10/20/45

Plan B – ABSOS25/50/3KDED – RX 10/20/45

Plan C – Lumenos2500(07L) – RX Anthem

- **The employee share of premiums shall be paid by the individual employee through payroll deductions.**

19.5 OPT OUT Incentive:

Commencing July 1, 2012, all eligible employees who choose not to participate in the health insurance afforded under this agreement shall receive an additional payment of one thousand dollars (\$1,000) for a single plan, sixteen hundred dollars (\$1600) for a two person plan and twenty four hundred (\$2400) dollars for the family plan. The employee shall be required to submit proof that the employee is otherwise covered by another health insurance plan. Payment shall be made in the first pay period of December of each year of the election.

19.6 Dental:

All employees covered by this agreement are provided with the Northeast Delta Dental Plan through the Local Government Center Health Trust. That plan or one with the same or greater benefits is provided by the City with the City paying up

to two hundred thirty dollars – (\$230.00) annually towards the cost of the benefit. Employee pays costs above that amount through payroll deduction. The Base Option V Coverage A, B; Mid Option III Coverage A, B, C and High Option I coverage A, B, C, and D are available to the employee in either Single, Two Person or Family Plans

All employees covered by this agreement shall be offered provided a Delta Dental Plan through HealthTrust. The City contributes up to three hundred dollars (\$300.00) per year towards the cost of this benefit. Employees shall pay the premium cost above \$300.00 through payroll deduction for any coverage chosen. The plans shall be offered shall include coverage for Single, Two-Person or Families as follows: Base Option 5 Coverage A, B; Mid Option 3D Coverage A, B, C and High Option 1S coverage A, B, C, and D .

19.5 Employees that have medical coverage through their spouse may choose to “opt out” of participation in the city sponsored plan. If employees opt out, they will receive a portion of the monthly premium savings that can be used to offset the cost of other benefits or receive it as taxable compensation in their paychecks throughout the year. The amount the employee can receive depends on their eligible coverage level, as shown in this chart:

Eligible Coverage Level*	Annual Opt-Out Amount
Family Coverage	\$2,400
2-Person Coverage	\$1,600
Single Coverage	\$1,000

**Eligible coverage level refers to the number of eligible dependents the employee has.*

To opt out, employees must provide proof of comprehensive insurance coverage elsewhere.

ARTICLE XXI: EDUCATIONAL INCENTIVE PROGRAM

The CITY agrees to pay the following amounts annually to those employees attaining or maintaining the following certifications/credits:

Fire fighter Level III	\$400.00
15 College credits in a fire-related discipline	\$300.00
30 College credits in a fire-related discipline	\$500.00

Payments shall be added to the base salary of those qualifying in accordance with this

Article after appropriate documentation is supplied by the employee to Human Resources. Payment is accomplished in equal increments throughout the year. In addition, overtime compensation is based upon the base salary including educational incentive pay.

Employees hired after June 30, 2021 shall not be entitled to the educational incentives for 15 or 30 college credits.

ARTICLE IX: SICK LEAVE & WORK CONNECTED INJURIES

9.7 Personal Days:

Each **full-time** employee shall be entitled to twenty-four (24) hours of non-cumulative personal time per year granted on the employee's anniversary date. Personal time may be taken for any purposes except as substitution for suspension as a result of disciplinary action. Personal time must be scheduled and approved by the Department head in accordance with the employee's preference and the needs of the Department, as long as at least twenty-four (24) hours notice is provided. ~~Notwithstanding the foregoing, probationary employees with have up to 48 hours of personal time for use during that period in which the employee is ineligible for any other paid leave. After satisfactorily completing probation, any remaining hours shall be forfeited and the employee shall have only such personal time as otherwise set forth in this contract. If the employee fails to satisfactorily complete probation, any remaining hours shall not be paid at the time of separation.~~ Personal time will be charged on an hour for hour basis.

SEPARATION PAYMENTS AND BENEFITS

- **For full-time employees, ‘Retirement or Retire’ as used in this Agreement shall mean withdrawal from active service having been granted a retirement allowance by the New Hampshire Retirement System (NHRS) and the employee actually drawing such a retirement allowance no later than 90 days after separation.**
- **For full-time and part-time employees, ‘Resignation’ shall be defined as voluntarily separating from employment with the City other than for the purposes of retirement.**
- **Dismissal During the Probationary Period. If at any time during the probationary period, the agency head determines that the services of a new or rehired employee have been unsatisfactory, the employee may be dismissed from his/her position without right of appeal or grievance. Written notice of such dismissal shall be given to the employee.**

Upon receipt of a signed letter of intent to separate from the service with the City of Rochester, a severance payment shall be issued as follows:

1. **Vacation: Upon resignation or retirement, 100% of accumulated vacation after completion of the 6 months probationary period. If an employee resigns from the City during his/her probationary period, vacation pay-out will be pro-rated based upon his/her service time. The maximum vacation payout shall not exceed one and one-half times the annual accrual amount.**
2. **Sick: Upon retirement of an employee, fifty percent (50%) of all accumulative sick leave shall be paid if the employee has been granted a retirement allowance from the NHRS and is drawing such an allowance within 90 days of separation.**
3. **Personal: Upon resignation or retirement, 100% of accumulated personal time.**
4. **Compensatory Time (Comp Time): Upon resignation or retirement, 100% of accumulated comp time.**
5. **Holiday Lump Sum: When the employee terminates his/her employment for any reason, he/she shall receive payment for all holidays pay due him/her, up to the time of termination**
6. **The employee shall not receive any accrued benefits except compensatory time if the employee is dismissed during the probationary period.**

Sick and vacation benefits, the number of days for each shall be based upon the employee’s accruals and his/her current hourly rate at the time of separation.

In the event of termination by reason of death, while employed by the Rochester Fire Department, said payment in the amount of 75% of accrued sick leave shall be made to his/her beneficiary.

Clothing: All turnout gear shall be returned to the Department upon separation from employment.

Local 1451 Training Coverage Proposal

~~21.3 Whenever there is a full shift complement one (1) Captain, one (1) Lieutenant and six (6) Privates and no overtime has been incurred by the City to keep the shift full, one (1) member of the shift may attend classes without providing coverage for his/her absence, providing the course to be attended is within one (1) hour driving radius of the fire station. When overtime has been incurred by the City, Officers and Firefighters will be able to attend classes if they provide coverage.~~

21.3 Employees may attend classes approved by the Fire Chief. If the class falls on a day the employee is on duty, the employee may attend the class on duty with approval from the Fire Chief.

FY24 movement											
Grade	1	2	3	4	5	6	7	8	9	10	11
Firefighter FY24 with \$22.90 start & 2.75% Steps	22.90	23.53	24.18	24.84	25.52	26.23	26.95	27.69	28.45	29.23	30.04
Lieutenant 2.75% between steps after 7%	32.14	33.03	33.93	34.87							
Captain 2.75% between steps after 7%	37.31	38.34	39.39	40.47							
FY25 4% COLA											
Grade	1	2	3	4	5	6	7	8	9	10	11
Firefighter	23.82	24.47	25.14	25.84	26.55	27.28	28.03	28.80	29.59	30.40	31.24
Lieutenant	33.43	34.35	35.29	36.26							
Captain	38.80	39.87	40.97	42.09							
FY26 3% COLA											
Grade	1	2	3	4	5	6	7	8	9	10	11
Firefighter	24.53	25.21	25.90	26.61	27.34	28.09	28.87	29.66	30.48	31.31	32.18
Lieutenant	34.43	35.38	36.35	37.35							
Captain	39.97	41.07	42.20	43.36							
FY27 2% COLA											
Grade	1	2	3	4	5	6	7	8	9	10	11
Firefighter	25.02	25.71	26.42	27.14	27.89	28.66	29.44	30.25	31.09	31.94	32.82
Lieutenant	35.12	36.09	37.08	38.10							
Captain	40.77	41.89	43.04	44.22							

*Intentionally
left blank...*

City Clerk's Office

**RESOLUTION APPROVING COST ITEMS ASSOCIATED WITH
PROPOSED
CITY OF ROCHESTER
MULTI-YEAR COLLECTIVE BARGAINING
AGREEMENT WITH
NEW ENGLAND POLICE BENEVOLENT
ASSOCIATION
LOCAL #23 (Police Patrol Personnel)**

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

That pursuant to, and in accordance with, the provisions of Chapter 273-A of the New Hampshire Revised Statutes Annotated, the cost items associated with the multi-year year collective bargaining agreement between the Rochester Police Commission and the NEW ENGLAND POLICE BENEVOLENT ASSOCIATION (NEPBA) Local #23 Bargaining Unit, covering the period July 1, 2023 to June 30, 2027, as set forth in the proposed contract, and as more particularly detailed on the attached "**EXHIBIT A: NEPBA LOCAL #23 – JULY 2023**," which includes a summary financial analysis of the annual costs of the contract to the City provided by the Rochester Director of Finance, is hereby approved. The provision of funds necessary to fund the aforementioned, and hereby approved, collective bargaining agreement "cost items" in the first year of the agreement will be contained in the Fiscal Year 2024 operating budget of the City.

New England Police Benevolent Association Local #23 (NEPBA)

City Health Contribution	80/20	80/20	80/20	80/20	80/20
Health Plan	ABSOS 20/40 RX 10/20/45 DED \$1000/\$3000				
City Health Contribution	100/0	100/0	100/0	100/0	100/0
Health Plan	ABSOS 25/50 RX 10/20/45 DED \$3000/\$9000				
Projected Health Increase		7.60%	6.00%	6.00%	6.00%
	Current FY23	FY24	FY25	FY26	FY27
Wages					
Base Wage	\$3,364,042.14	\$3,861,243.58	\$4,117,157.78	\$4,332,758.45	\$4,529,760.97
Early Report	\$105,123.98	\$120,663.86	\$128,661.18	\$135,398.70	\$141,555.03
Holiday Pay	\$142,324.89	\$163,360.31	\$174,187.44	\$183,309.01	\$191,643.73
Educational Incentive	\$8,500.00	\$8,500.00	\$8,500.00	\$8,500.00	\$8,500.00
Longevity	\$7,000.00	\$7,500.00	\$8,000.00	\$9,000.00	\$10,000.00
Total Wages	\$3,626,991.01	\$4,161,267.75	\$4,436,506.41	\$4,668,966.16	\$4,881,459.73
Dollar Change		\$534,276.73	\$275,238.66	\$232,459.75	\$212,493.57
% Change		14.73%	6.61%	5.24%	4.55%
Benefits					
Medicare	\$52,591.37	\$60,338.38	\$64,329.34	\$67,700.01	\$70,781.17
Health Insurance	\$477,453.82	\$513,740.31	\$544,564.72	\$577,238.61	\$611,872.92
Opt Out	\$32,800.00	\$32,800.00	\$32,800.00	\$32,800.00	\$32,800.00
Dental	\$12,000.00	\$12,000.00	\$12,000.00	\$12,000.00	\$12,000.00
Life	\$3,078.00	\$3,078.00	\$3,078.00	\$3,078.00	\$3,078.00
Total Benefits & Rollups	\$577,923.19	\$621,956.69	\$656,772.07	\$692,816.62	\$730,532.09
Dollar Change		\$44,033.50	\$34,815.38	\$36,044.55	\$37,715.47
% Change		7.62%	5.60%	5.49%	5.44%
Totals					
Total Wages, Benefits & Rollups	\$4,204,914.20	\$4,783,224.44	\$5,093,278.48	\$5,361,782.78	\$5,611,991.82
Dollar Change		\$578,310.24	\$310,054.04	\$268,504.30	\$250,209.04
% Change		13.75%	6.48%	5.27%	4.67%

57 Total Employees (Patrol & Sergeant) - 100% FT



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 NEPBA Local #23 Collective Bargaining Agreement

COUNCIL ACTION ITEM <input checked="" type="checkbox"/> INFORMATION ONLY <input type="checkbox"/>	FUNDING REQUIRED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> * IF YES ATTACH A FUNDING RESOLUTION FORM
--	--

RESOLUTION REQUIRED? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	FUNDING RESOLUTION FORM? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
--	--

AGENDA DATE	February 7, 2023		
DEPT. HEAD SIGNATURE			
DATE SUBMITTED	1/27/2023		
ATTACHMENTS YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	17	

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

DIRECTOR OF FINANCE APPROVAL	
SOURCE OF FUNDS	
ACCOUNT NUMBER	
AMOUNT	
APPROPRIATION REQUIRED YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	

LEGAL AUTHORITY

NH RSA 273-A: Public Employee Labor Relations

SUMMARY STATEMENT

The Collective Bargaining Agreement (CBA) between the New England Police Benevolent Association Local #23 (NEPBA) and the City expires on June 30, 2023. The negotiating teams for both sides reached a Tentative Agreement (TA) and the NEPBA personnel ratified the agreement. It now comes to the City Council for consideration for final approval.

RECOMMENDED ACTION

Adoption of this CBA.

ARTICLE ELEVEN: COMPENSATION

- A.** 1. ~~Effective January 1, 2020, employees shall be placed on one of the two attached Merit Tracks (Patrol or Sergeant) based upon rank and years of service (in accordance with agreed to worksheet). Thereafter, employees~~ **Employees** will be eligible for a Merit Track advancement effective the first full pay period including their anniversary date of hire or promotion date based upon the results of a performance evaluation process that shall include, but not be limited to, a written evaluation performed by the employee's supervisor. The Chief of Police will consider the written evaluation, the personnel file, the recommendations of the command staff, and such other information the Chief may determine in his/her discretion is relevant before making a recommendation to the Police Commission for Merit Track advancement. The Police Chief shall develop a merit Advancement Worksheet with a total of one hundred available points assigned to the above-referenced categories. Employees that do not receive a score of 70 or better shall not be recommended for Merit Track advancement. The Police Commission may accept the Chief's recommendation. Merit Track advancement will not be diminished because of financial considerations of the Department or the City.
2. ~~The minimum and maximum pay ranges~~ **merit tracks** attached hereto will be adjusted as follows:
- A. Effective July 1, ~~2021~~**2023**: **0.0%**
 - B. Effective July 1, ~~2022~~**2024**: **3.0%**
 - C. Effective July 1, ~~2022~~**2025**: **2.5%**
 - D. Effective July 1, ~~2022~~**2026**: **2.0%**
3. Any employee that is denied Merit Track advancement, may request a re-evaluation anytime between 90 and 120 days after the anniversary date. If the Chief, after consulting with the supervisor, agrees that a re-evaluation may result in an adjustment of the merit pay decision based upon a significant improvement in performance, the supervisor shall evaluate the member's performance since the anniversary date and provide the results to the command staff. Based on the supervisor's re-evaluation, the recommendations of the command staff, and other information, the Chief will have sole discretion to make a final decision on whether a Merit Track advancement shall be awarded... Any such adjustment will be effective on the date of the Chief's decision and shall not be retroactive. The Chief's decision on the re-evaluation may be

appealed to the Police Commission.

F. FTO Incentive: Field Training Officers will receive a ~~one dollar (\$1.00)~~ **two dollars and fifty cents (\$2.50)** per hour stipend during the time actively assigned a trainee by the Patrol Division Commander.

G. Longevity: Effective July 1, 2020, and upon completion of twenty (20) continuance years of service with the Rochester Police Department, patrol officers and sergeants shall receive a one-time payment per year of one thousand five hundred dollars (\$1,500) payable in the first full pay period following the employee's anniversary date of hire.

Effective July 1, 2020, and upon completion of fifteen (15) continuance years of service with the Rochester Police Department, patrol officers and sergeants shall receive a one-time payment per year of one thousand dollars (\$1,000) payable in the first full pay period following the employee's anniversary date of hire. This amount shall not be paid retroactively or be prorated. The employee must be employed by the City of Rochester at the time the payment is made to be eligible.

H. On Call Incentive: Effective July 1, 2020, full time employees that have been assigned to a regular ~~position~~ **position** in detectives (not a special or temporary assignment) shall receive a ~~fifty dollar (\$50) per week~~ **twenty five dollars (\$25.00) per day** availability stipend for any complete week they are on call and are required to respond outside of their scheduled work hours.

ARTICLE TWELVE: HOURS OF WORK - OVERTIME

B. All authorized duty in excess of the employee's regularly scheduled ~~eight (8) hours of work per day~~ **work day**, or forty (40) hours per week shall be compensated for at the rate of time and one-half (1/2) the employee's regular hourly pay, subject to Article Eleven, Section E. Call-back pay. Any person who has left their place of employment and is recalled to work prior to the next normal shift will be paid for a minimum of three (3) hours at the rate of time and one-half; provided, further, that an employee who is called back for overtime or emergency work and who completes the required task and returns to his/her residence within the three (3) hours minimum guarantee may be called back for additional emergency or overtime without an additional three (3) hours minimum work guarantee. It is the purpose and intent of this section to assure an employee of at least three (3) hours of pay at overtime rates for the inconvenience of being called back to work between normal shifts, but not to be separately paid for several call-backs within the three (3) hour minimum

guarantee period. Call-back pay does not start until the officer arrives at the station or other duty location.

The Parties agree to enter into a six (6) month Pilot Program moving Sergeants to a twelve (12) hour scheduled work day. Unless otherwise agreed, either Party may elect to terminate the Pilot Program with thirty (30) days prior notice to the other. During the trial period, the schedules/wages shall be adjusted to ensure the continued payment of briefing pay. The Pilot program may be extended on such terms and conditions as mutually agreed to by the Parties.

The Parties agree to enter into a six (6) month Pilot Program moving Patrol to a ten (10) hour scheduled work day. Unless otherwise agreed, either Party may elect to terminate the Pilot Program with thirty (30) days prior notice to the other. During the trial period, the schedules/wages shall be adjusted to ensure the continued payment of briefing pay. The Pilot program may be extended on such terms and conditions as mutually agreed to by the Parties.

- F.** Shift Assignment Work assignments for the ~~three~~ **six (6)** month periods shall be made by seniority choice. Days off will remain constant for each assignment throughout all shift changes. The Chief of Police or his designee shall cause a list to be posted thirty (30) days prior to the next shift change containing a list of officers in seniority position and the assignments to be filled for the tour-of-duty the officer is assigned (night or day shift). The night shift will include all positions on the evening and midnight shifts through 8:00 am. Within two (2) days, excluding days off, vacation or sick leave each position which is to be filled will be filled by seniority choice; the officer having the highest seniority having the first choice, etc. This will not apply to positions assigned to outside details, or overtime. The seniority for the Sergeants will be based upon time in grade.
- I.** Compensatory time is permitted in lieu of overtime compensation if a request for such by the employee is approved by the Chief or Police or designee in advance of the overtime work. Compensatory time shall be granted at the rate of one and one-half (1.5) hours for each hour of overtime worked. Maximum accrual of compensatory time shall be 100 hours. ~~If not taken, the Department may elect to pay off accumulated compensatory time at the end of the fiscal year.~~ An employee may not request compensatory time in lieu of overtime when the maximum has been reached. **Any compensatory time unused at the end of the last full pay period in June will be paid at the current hourly rate in the last full payroll period in June.**

On any day that the Canine Officer is not scheduled for an on-duty shift, he or she will receive one (1) hour of overtime compensation for caring for, training and feeding the animal.

The Canine Officer shall not receive more than one (1) hour of compensation in any calendar day for caring for, training and feeding the animal. The Canine Officer shall be eligible for Call-back pay in accordance with the "Call-back pay" provisions of Article Twelve (including subparagraph a)). The Canine Officer will not be eligible for Call-back pay or any extra compensation for activities related to caring for, training or feeding the animal, included but not limited to veterinarian appointments, purchasing food and supplies, self-initiated training, or wearing communications equipment. If the Canine Officer is assigned by the Department to training, the Canine Officer is entitled to overtime in accordance with the collective bargaining agreement.

The Canine Officer will be required to ~~wear a pager or~~ **carry a** cell phone and live within the City of Rochester or any of its mutual aid communities.

- K. **Effective July 1, 2023, an employee's seniority shall be based upon the date of completion of the Field Training Program for the purposes of shift bidding. In the case where two officers are released from Field Training Program on the same week, seniority shall be based upon the employee's graduating evaluation grade at NHPSTC with highest grade granted more seniority.**

ARTICLE THIRTEEN: HOLIDAYS

- A. The following days shall be paid holidays for the Rochester

Police Department:

New Year's Day

Columbus Day

Civil Rights Day

Veteran's Day

Washington's Birthday

Thanksgiving Day

Memorial Day

Day after Thanksgiving

Independence Day

Christmas Labor Day

Members of the Police Department shall receive a day's pay for each of the above holidays, in addition to his/her regular weekly pay, ~~payment to be made June 30th and the first full pay period in November.~~ **Payment will be made during the pay period when the holiday is observed.**

- B. ~~When the employee terminates his/her employment for any reason, he/she shall receive payment for all holiday pay due him/her, up to the time of termination.~~ MOVE TO SEPARATION PAYMENTS AND BENEFITS ARTICLE

ARTICLE FOURTEEN: SICK LEAVE AND WORK CONNECTED INJURIES

- B. Sick Leave:** ~~Sick leave~~ Employees shall be granted at the rate of one (1) day per month, to be credited on the last day of the month of employment, the unused portion accumulating up to a maximum of **1100 hours** days. ~~during the term of this Agreement for any bargaining unit members hired prior to the signing date of this Agreement. As of July 1, 2016, any newly hired employee may accumulate up to a maximum of fifty (50) sick leave days.~~ Sick leave may be used for employee illness and to attend doctor's appointments. Whenever practicable, doctor's appointments will be scheduled so as to minimize impact on employee's attendance at work. ~~Up to three days each year may be used to care for an employee's immediate family member. For the purposes of this Article, the term "immediate family member" shall include; spouse, child, stepchild, mother, father or other dependents living in the employee's household.~~
- C.** The Parties to this Agreement hereby agree that an employee out of work due to a job connected injury or illness shall receive Workers' Compensation. The difference between the amount paid to the employee through Workers' Compensation and his/her ~~net~~ regular wage shall be paid to the employee by the employer for a period of the first ninety (90) calendar days of said job connected injury; said amount shall not be charged against the employee's accumulated sick leave or vacation time. The actual payment of wages under this section shall be a combination of the Workers' Compensation benefit as determined by the Department of Labor and a supplemental payment by the City of Rochester which will be the difference between the Workers' Compensation payment and the employee's ~~net~~ regular compensation, to be paid on a bi-weekly basis.

At the end of the first ninety (90) day calendar period of said job connected injury, the employee shall continue to receive both the Workers' Compensation benefit and the difference between that benefit and the employee's regular ~~net~~ compensation, except that the differential between the Workers' Compensation benefit and the employee's regular ~~net~~ compensation, shall be charged against the employee's accrued sick leave, if any, and thereafter, against vacation leave. The employee may elect to receive only the Workers' Compensation benefit and decline to receive the differential between the Workers' Compensation benefit and the regular weekly compensation, so as to avoid the charge against sick leave or vacation leave. The Police Chief may extend the

first ninety (90) day calendar period without the difference between the Workers' Compensation and the employee's regular ~~net~~ compensation shall not be charged against the employee's accrued sick leave or vacation time. During this extended period, no accrual of benefits shall be earned.

Provided further, that after expiration of the first ninety (90) calendar day period the Chief of Police shall at once order a complete physical and/or mental examination of said employee by two (2) registered physicians; and if the report of their examination establishes the injury as one which permanently incapacitates said employee, application shall be made for retirement under the provisions of the New Hampshire Retirement Law. The commencement of payments under the New Hampshire Retirement Law shall end the employer's obligation for payment of vacation time and/or accumulated sick leave under this section. Provided further, that if it is determinate immediately after an employee is injured, by two (2) registered physicians selected by the Chief of Police, that an employee will not be able to return to his/her regular duties at any time in the future, the employer shall not be obligated to pay the difference between Workers' Compensation and the employee's regular ~~net~~ wage for the time periods of injury as outlined above.

~~The employee shall turn Workers' Compensation checks into the City in exchange for their regular City checks during their entire absence. The City agrees to continue paying the employee's retirement payments while the employee is unable to work due to the injury or illness.~~

- E. Earned Personal Leave:** Each employee who does not use any sick leave for a period of ninety (90) consecutive days shall be entitled to one (1) day paid leave for each such ninety (90) consecutive days and for each successive sixty (60) consecutive days directly thereafter. An employee cannot accrue more than forty-eight (48) hours of personal leave. Said leave to be taken at the discretion of the Chief of Police and the Chief of Police shall not unreasonably refuse to grant said leave.
- F. Personal Leave:** Each employee shall be entitled to two (2) personal days per contract year (pro-rated to the nearest full day for a partial year of service). Personal days shall be taken only in full one-day increments. Personal days not used will be lost at the end of the contract year and no compensation will be paid for unused personal days. The scheduling of personal days off shall be done in accordance with Article 15. C. of this Agreement.
- G. Upon retirement from the New Hampshire Retirement System or twenty (20) years of continuous service with the City of Rochester, an employee shall be paid for fifty (50%) percent of accrued sick leave at his/her regular rate of pay and**

~~upon death while employed by the Rochester Police Department, the employee's heirs shall be paid one hundred (100%) percent of accrued sick leave at his/her regular rate of pay.~~ **MOVE TO SEPARATION PAYMENTS AND BENEFITS ARTICLE**

- H. Family Sick:** ~~Up to three~~ **Three (3)** additional days each year with pay [with no accumulation **non-accumulative** from year to year] **will be given to employees on the first day of the month following his/her anniversary date of hire. This family sick time** may be taken by an employee when the ill health of a member of the employee's immediate family requires the employee's care. For purposes of this section, an employee's immediate family shall be deemed to be the spouse, domestic partner, child, stepchild, mother, father or other dependents, as determined by the Internal Revenue Service's five point test; (Package 1040-1 Pub 12115Q, 1995). An exception may be made by the Chief of Police where extenuating circumstances exist.
- I. Parental Leave:** All full-time employees shall be eligible to receive one extra week (5 days) of paid vacation time during any calendar year in which they or their current spouse have a birth or adoption of a child (or children). The employee shall have one calendar year from the date of birth or adoption in which to use the extra week of vacation or it is forfeited.

ARTICLE FIFTEEN: VACATIONS

A. Definitions:

1. "Vacation Week" means forty (40) work hours as they occur in a normal calendar week of employment with the Rochester Police Department.

2. "Vacation Day" **shall mean the number of** work hours as they occur **in the employee's regularly** calendar **scheduled work** day of employment with the Rochester Police Department.

3. "Vacation Day" shall mean the number of work hours as they occur in the employee's regularly scheduled work day of employment with the Rochester Police Department.

~~3~~ 4. "Seniority" means the number of years of continuous service with the Rochester Police Department.

B. Full time police officers of the Rochester Police Department are eligible for the following schedule of vacation weeks:

~~—After commencement of the first year of continuous full-time employment, each employee shall accrue paid vacation time at the rate of 6.66 hours for each month of full-time employment during each employment year through and including the fifth (5th) employment year. After the commencement of the sixth (6th) year of full-time employment, each employee shall accrue paid vacation~~

~~time at the rate of 11.33 hours for each month of full-time employment during each employment year through and including the tenth (10th) employment year. After commencement of the eleventh (11th) year of full-time employment, each employee shall accrue paid vacation at the rate of 13.33 hours for each month of full-time employment during each month of full-time employment during each month of full-time employment during each calendar year thereafter.~~

Illustrative Table

~~0 – 5 yrs. 6.66 hours/mo. 2 wks./yr.
 6 – 10 yrs. 11.33 hours/mo. 3 wks. & 2 days/yr.
 11 – 20 yrs. 13.33 hours/mo. 4 wks./yr.~~

B. The provisions of this section shall only apply to full-time regular employees.

C. Vacation time may be used after the completion of the first six (6) months of employment (probationary period).

D. Vacation time shall accrue on a bi-weekly basis (1/24th) of the annual allotment.

E. Vacation time shall be allotted, on an annual basis, in accordance with the following table:

Illustrative Table

0 – 5 years	3 weeks/year
6+	4 weeks/year

F. The Maximum accrual of vacation time at any point in time shall not exceed one and one-half (1.5) times the annual allotment. Upon reaching the maximum accrual amount, further accruals shall be suspended until such time as usage reduces the total accrued vacation time below the maximum allowed.

~~D. At the termination of his/her employment for any reason, the employee or his/her heir shall be compensated for all vacation time he/she has accrued, with such pay prorated for the number of days due in that year calculated from the employee’s employment anniversary date to the day he/she leaves employment and receives that portion of the vacation pay he/she would be entitled to for that~~

~~year. Upon severance of employment, the maximum accumulation shall be one and one-half (1.5) times the annual accumulation amount. MOVE TO SEPARATION PAYMENTS AND BENEFITS ARTICLE~~

- ~~G. Employees shall be paid for all unused vacation leave upon separation from service. MOVE TO SEPARATION PAYMENTS AND BENEFITS ARTICLE~~

ARTICLE SIXTEEN: MEDICAL INSURANCE

- ~~A. 1. The City's contribution to medical insurance premiums will be limited to 80% of the total premium of Plan A or B:~~

~~PLAN A ABSOS20/40/1KDED RX10/20/45~~

~~PLAN B LUMENOS~~

- A. 1. All employees shall be offered comprehensive medical insurance coverage by the City of Rochester. The City's contribution to medical insurance premiums will be limited to 80% of the total premium of PLAN A towards either PLAN A, PLAN B, or PLAN C.**

Plan A – ABSOS20/40/1KDED(07L) - RX10/20/45

Plan B – ABSOS25/50/3KDED – RX 10/20/45

Plan C – Lumenos2500(07L) – RX Anthem

(a) The employee's share of premiums shall be paid by the individual employee through payroll deductions.

~~2. The City will offer to full-time employees the opportunity to setup a pre-tax flexible spending account (FSA) and/or dependent care account (DCA) as allowed under IRS Section 125. Maximum annual contribution for FSA to be determined on May 1st of each year. Details to enroll **regarding these programs** will be available during the open enrollment period.~~

~~3. During the term of the Agreement the Union agrees to participate in the City's "Insurance Cost Containment Committee" for the purpose of reviewing and providing recommendations regarding insurance options for the successor negotiations.~~

- B. The City and the Union agree that the City reserves the right to select and substitute alternate health plans to replace the existing health plans identified above. Such alternate plans must provide employees with services that are**

equal or comparable to the above mentioned plans The Union will also agree that the City may add any other plans as long as the plans are optional.

- B. **OPT OUT:** ~~Commencing on July 1, 2007 all **All** eligible bargaining unit employees who choose not to participate in the health insurance benefits afforded under this Agreement shall receive an additional payment in the amount of one thousand dollars (\$1000.00) for the single plan, sixteen hundred dollars (\$1,600.00) for the two person plan or twenty four hundred dollars (\$2,400.00) for the family plan. The employee shall be required to submit proof that he/she is otherwise covered under another comprehensive health insurance plan in order to exercise this option. Payment shall be made to the employee during the first pay period in December of each year in **semi-monthly** increments of 1/24th of the annual payment. This payment shall not add to the base pay or the grade pay range of any Officer for the purposes of calculating any pay related benefits. Any such payment is taxable income.~~

18.2 Employees that have comprehensive medical coverage other than through a state or federal exchange, may choose to “opt out” of participation in the city sponsored plan. If employees opt out, they will receive a portion of the monthly premium savings that can be used to offset the cost of other benefits or receive it as taxable compensation in their paychecks throughout the year. The amount the employee can receive depends on their eligible coverage level, as shown in this chart:

Eligible Coverage Level*	Annual Opt-Out Amount
Family Coverage	\$2,400
2-Person Coverage	\$1,600
Single Coverage	\$1,000

**** Eligible coverage level refers to the number of eligible dependents the employee has.***

To opt out, employees must provide proof of comprehensive insurance coverage elsewhere.

ARTICLE SEVENTEEN: DENTAL INSURANCE

~~The City will provide to employees the opportunity to select New Hampshire Municipal Association Trust Dental Insurance coverage from any of the three (3) options offered by the City. (Option I, Option III, or Option V). The City will contribute up to three~~

~~hundred (\$300.00) yearly to cover the premium costs of this benefit. The employee will pay the remainder of the premium, if any, by payroll deduction.~~

All employees covered by this agreement shall be offered provided a Delta Dental Plan through HealthTrust. The City contributes up to three hundred dollars (\$300.00) per year towards the cost of this benefit. Employees shall pay the premium cost above \$300.00 through payroll deduction for any coverage chosen. The plans shall be offered shall include coverage for Single, Two-Person or Families as follows: Base Option 5 Coverage A, B; Mid Option 3D Coverage A, B, C and High Option 1S coverage A, B, C, and D .

ARTICLE EIGHTEEN: OTHER LEAVE

~~A. Bereavement leave shall be granted as follows:~~

~~—For the purpose of this article the term “bereavement leave” means “a leave of absence granted to an employee upon a death occurring in the employee’s family.”~~

~~1. —Bereavement leave of five (5) consecutive days work and non-working days from the date of death without any loss of pay in the event of death of a spouse, child, father, mother, sister, or brother.~~

~~2. —Special leave of three (3) consecutive days including work and non-working days from the date of death without any loss of pay in the event of death of his/her:~~

~~—Father in law, —Mother in law or relative domiciled in the employee household.~~

~~3. —Special leave of one (1) working day with pay, for the purpose of attending the funeral, shall be granted an employee in the event of the death of his/her:~~

~~—Grandmother —Sister/Brother in Law~~

~~—Grandfather —Grandchild~~

~~—Aunt —Son/Daughter in Law~~

~~—Uncle~~

A. Bereavement Leave shall be granted as follows:

(1) Bereavement leave of five (5) working days, without any loss of pay in the event of death of:

- Spouse/Partner**

- **Child/Step Child**
- (2) **Bereavement of three (3) working days, without any loss of pay in the event of death of his/her:**
- **Mother/Step Mother/Mother-in-Law**
 - **Father/Step Father/Father-in-Law**
 - **Brother/Step Brother**
 - **Sister/Step Sister**
 - **Grandchild/Step Grandchild**
 - **Daughter-in-Law**
 - **Son-in Law**
- (3) **Bereavement of one (1) working day with pay, for the purpose of attending the funeral, shall be granted an employee in the event of the death of his/her:**
- **Aunt/Uncle**
 - **Niece/Nephew**
 - **Grandparent/Step/in-Law**
 - **Sister-in-Law**
 - **Brother-in-Law**
- (4) Under extenuating circumstances, two (2) additional days with pay may be granted under sections 1, 2, and 3. above with the written approval of the Chief of Police or his/her designee.

ARTICLE NINETEEN: SENIORITY, PROMOTION, LAYOFF

- A.** Seniority shall mean length of continuous actual service within the Police Department as a regular **permanent** police officer computed by time spent on the payroll plus approved absences including educational, military and sick leave. Service with other departments and credit for such should not be considered as seniority.
- B.** A police officer shall not acquire seniority during his/her probationary period [~~12 months~~] but thereafter his/her seniority shall date from the date of his/her appointment as a regular police officer. In the event that more than one (1) employee is appointed on the same date, then seniority shall be determined according to the grade received on the entrance examinations [oral and written combined].
- H. Rehired Employees:** Any **non-probationary** officer who terminates employment and is rehired within a ~~ninety (90) day~~ **six (6) month** period shall retain his/her seniority, **excluding the time not employed by the department. Rate of pay, assignment and rank shall be determined by the Commission.** After ~~ninety (90) days~~ have elapsed, a rehired employee shall not have seniority rights restored and shall start as if a new employee.

ARTICLE TWENTY: CLOTHING ALLOWANCE AND MAINTENANCE

- ~~C.~~ All items covered by the above allowances shall be returned to the Department upon termination of employment. **MOVE TO SEPARATION PAYMENTS AND BENEFITS ARTICLE**
- C. The City will provide to all employees one set of Department approved black fatigues ~~(shirt and pants)~~ **training uniform** to be worn for the purposes of in-house training.
- D. (New) Employees assigned to Problem Oriented Policing shall receive a taxable annual clothing allowance of \$300 per year.**

ARTICLE TWENTY-TWO: OUTSIDE DETAILS, PRIVATE DUTY ASSIGNMENTS

- A. For private duty work assignments through the Police Department for full-time police officers through the rank of Sergeant, the following rate of pay shall apply for all work performed on behalf of either profit or non-profit individuals or entities:

~~Forty six dollars and ninety cents (\$46.90) per hour, to~~ The **outside detail and private duty rate shall be established by the Commission using the following methodology.** ~~be adjusted July 1 of each year by the percentage change in the CPI for Boston Brockton Nashua for the previous calendar year.~~

These rates shall be determined by calculating the OT rate (1.5x the hourly rate) of the highest step of the applicable rank and increasing that calculated rate by 1.5%. To the extent that Article Eleven (A.) provides for an increase in the hourly rate for any rank, the rates outlined in this Article will be automatically increased accordingly.

ARTICLE TWENTY-FIVE: MISCELLANEOUS

- A. The parties to this Agreement shall cooperate in the enforcement of safety rules and regulations.
- B. Probation:** All new employees shall serve a probationary period of one (1) year from their date of hire (if already certified) or six (6) months after completion of field training (FTO). During this time, he/she will have no seniority rights. However, upon completion of his/her probationary status, the ~~one (1) year~~ **probationary time** served shall count as a portion of his/her seniority, and this shall apply to any employee hired prior to this Agreement.

**ARTICLE TWENTY-SEVEN: SEPARATION PAYMENTS
AND BENEFITS**

- **For full-time employees, 'Retirement or Retire' as used in this Agreement shall mean withdrawal from active service having been granted a retirement allowance by the New Hampshire Retirement System (NHRS) and the employee actually drawing such a retirement allowance no later than 90 days after separation.**
- **For full-time and part-time employees, 'Resignation' shall be defined as voluntarily separating from employment with the City other than for the purposes of retirement.**
- **Dismissal During the Probationary Period. If at any time during the probationary period, the agency head determines that the services of a new or rehired employee have been unsatisfactory, the employee may be dismissed from his/her position without right of appeal or grievance. Written notice of such dismissal shall be given to the employee.**

Upon receipt of a signed letter of intent to separate from the service with the City of Rochester, a severance payment shall be issued as follows:

- 1. Vacation: Upon resignation or retirement, 100% of accumulated vacation after completion of the 6 months probationary period. If an employee resigns from the City during his probationary period, vacation pay-out will be pro-rated based upon his service time. The maximum payout shall not exceed one and one-half (1.5) times the annual accrual amount.**
- 2. Sick: 50% of accumulated sick time up to a maximum of 880 hours shall be paid if the employee has been granted a retirement allowance from the NHRS and is actually drawing such an allowance within 90 days of separation.**
- 3. Sick: 50% of accumulated sick time up to a maximum of 880 hours shall be paid if the employee submits his/her resignation and has completed twenty (20) years of continuous service with the City of Rochester at the time of separation.**
- 4. Personal: Upon resignation or retirement, 100% of accumulated personal time.**
- 5. Earned Personal: Upon resignation or retirement, 100% of accumulated earned personal time.**
- 6. Compensatory Time (Comp Time): Upon resignation or retirement, 100% of accumulated comp time.**

- 7. Longevity: Upon resignation or retirement, pro-rated amount calculated from the employee's anniversary date of hire to the employee's date of separation.**
- 8. The employee shall not receive any accrued benefits except compensatory time if the employee is dismissed during the probationary period.**

For purposes of determining sick and vacation benefits, the number of days for each shall be based upon the employee's accruals and his/her per diem rate at the time of separation.

In the event of termination by reason of death, while employed by the Rochester Police Department, said payment in the amount of 100% of accrued sick leave shall be made to his/her beneficiary.

Clothing: All items covered in Article Twenty shall be returned to the Department upon separation from employment.

ARTICLE TWENTY-EIGHT: DURATION AND RENEWAL

The provisions of this Agreement will be effective as of City Council approval, supplementing and superseding the prior wages, hours and other economic benefits, except as otherwise herein provided, and will continue and remain in full force and effect until **June 30, 2027**, and thereafter will automatically renew itself for successive terms of one (1) year each, unless either the Commission or the Union gives written notice to the other pursuant to State law that it desires to renegotiate specified sections of this Agreement. Any sections of this Agreement which require the expenditure of public funds for its implementation shall not be binding unless and until the necessary appropriations have been made by the City Council. No cost item in this agreement shall be retroactive unless specifically approved as a retroactive cost item by the City Council.

THIS IS NOT PART OF THE CBA

MASTER PATROL OFFICER

- Must have completed 10 years of sworn service with the Rochester Police Department. Military deployments shall not count against this time. The Chief of Police shall consider police service outside of Rochester Police Department, but only up to 50% of service time shall be considered. (AND)
- Must have no discipline for the year prior to designation.(AND)
- Must have scored a minimum of 82.5 on last evaluation. (AND)

- Have completed an approved supervisors course or has least two (2) highly specialized areas of instruction*, investigation or other related skill areas that enhance to the officer's overall effectiveness and value to the department. Examples of specialization could include: Polygraph Operator, SCRTOU, DRE, Accident Reconstruction Team, Crime Scene Technician, Field Training Officer, Crisis Intervention Team Officer. If an employee has completed at least one full year in a full time specialized assignment such as Detective, K-9 Handler, Problem Oriented Policing Officer, this may be used to substitute as one area of a specialization.

Upon meeting all requirements an officer shall petition the Chief of Police for Master Patrol Officer status on their anniversary month.

Failure to meet the any of the above requirements may result in removal from the Master Patrol Officer status and return to top step patrol officer. If an officer who has been removed from Master Patrol Officer status may seek to be reinstated on their next anniversary date if they meet all of the above requirements.

*Areas of instruction examples: firearms, defensive tactics, Taser, OC, baton, driving instructor, response to active shooter, CPR & 1st Aide,

NEPBA CBA – TA 11/2022

	No COLA		WITH 3% COLA		WITH 2.5% COLA		WITH 2% COLA	
PATROL	7/1/2023		7/1/2024		7/1/2025		7/1/2026	
STEP	Hourly	Annual	Hourly	Annual	Hourly	Annual	Hourly	Annual
1	28.17	58,593.60	29.02	60,351.41	29.74	61,860.19	30.34	63,097.40
2	29.16	60,644.38	30.03	62,463.71	30.78	64,025.30	31.40	65,305.81
3	30.18	62,766.93	31.08	64,649.94	31.86	66,266.19	32.50	67,591.51
4	31.23	64,963.77	32.17	66,912.68	32.97	68,585.50	33.63	69,957.21
5	32.33	67,237.50	33.30	69,254.63	34.13	70,985.99	34.81	72,405.71
6	33.30	69,254.63	34.29	71,332.27	35.15	73,115.57	35.85	74,577.89
7	34.29	71,332.27	35.32	73,472.24	36.21	75,309.04	36.93	76,815.22
8	35.32	73,472.24	36.38	75,676.40	37.29	77,568.31	38.04	79,119.68
9	36.38	75,676.40	37.47	77,946.69	38.41	79,895.36	39.18	81,493.27
10	37.47	77,946.69	38.60	80,285.10	39.56	82,292.22	40.35	83,938.07
10 or MASTER PATROL equal to SERGEANT 1	NA	NA	39.75	82,675.22	40.74	84,742.10	41.56	86,436.94
SERGEANT								
STEP	Hourly	Annual	Hourly	Annual	Hourly	Annual	Hourly	Annual
1 changes to Master Patrol	38.59	80,267.20	inactive	inactive	inactive	inactive	inactive	inactive
2 changes to 1	39.75	82,675.22	40.94	85,155.47	41.96	87,284.36	42.80	89,030.05
3 changes to 2	41.14	85,568.85	42.37	88,135.91	43.43	90,339.31	44.30	92,146.10
4 changes to 3	42.58	88,563.76	43.86	91,220.67	44.95	93,501.19	45.85	95,371.21
5 changes to 4	44.07	91,663.49	45.39	94,413.39	46.53	96,773.73	47.46	98,709.20