

**Regular City Council Meeting
September 6, 2022
Council Chambers
6:00 PM**

COUNCILORS PRESENT

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

OTHERS PRESENT

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

COUNCILORS EXCUSED

MINUTES

1. Call to Order

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

2. Opening Prayer

Mayor Callaghan invited Fr. Schultz, Our Lady of the Holy Rosary Parish, to offer the opening prayer.

3. Pledge of Allegiance

Councilor Beaudoin was asked to lead the Pledge of Allegiance.

4. Roll Call

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

Councilor Lachapelle **MOVED** to **ENTER** a non-meeting with legal counsel at 6:04 PM. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a roll call vote of 13 to 0. Councilors de Geofroy, Beaudoin, Hamann, Desrochers, Lachapelle, Malone, Berlin, Hainey, Larochelle, Gray, Gilman, Fontneau, and Mayor Callaghan voted in favor of the motion.

Mayor Callaghan reconvened the meeting at 6:28 PM.

5. Acceptance of Minutes

5.1 Regular City Council Meeting: August 2, 2022

Councilor Lachapelle **MOVED** to **ACCEPT** the Regular City Council meeting minutes of August 2, 2022. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

5.2 Special City Council Meeting: August 16, 2022

Councilor Lachapelle **MOVED** to **ACCEPT** the minutes of the August 16, 2022, Regular City Council Meeting. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

6. Communications from the City Manager

City Manager Cox had no other communications other than what is listed in the report below.

6.1 City Manager's Report

City Manager Cox stated that there are no changes to his written report, which is in the packet as follows:

Contracts and documents executed since last month:

- **Department of Public Works**
 - Drainage Easement Agreement, 117 and 121 Old Dover Road
 - Notice to Proceed – Apex Construction
 - Task Order, Granite Ridge Phase II – Hoyle Tanner
 - Scope of Services, Katie Lane drainage – S.U.R.
 - Change Order, Rt. 11 Sewer Pump Station – Northeast Earth Mechanics

- Change Order, Woodman Area Infrastructure – S.U.R.
- **Economic Development**
 - FY23 Municipal Contracts – East Rochester Library & COAST
 - FY22/FY23 CAP Weatherization
 - Dumpster License – MSR Holdings
- **Finance**
 - FY22 Audit Engagement Letter - Melanson
 - ARPA Grant Agreement – Gonic Dam
- **Planning**
 - Preservation Company Contract

Standard Reports

- **Personnel Action Report Summary**

City Manager Cox reported that the City Council has received ten electronic public input comments as follows:

- *James Gray Plan to Ban Books*, submitted by Kate Baker (Tilton, NH)
- *Rochester Public Library*, submitted by Danielle Ballou (Ward 3 – Rochester, NH)
- *September 6th Council Meeting Re: Topic #13.3 – Book Ban*, submitted by Jennifer Rhode (Dover Resident)
- *Stop the Attack on Our Library and LGBT Youth*, submitted by Julian Long (Rochester Resident)
- *No to Book Banning*, submitted by Chuck Rhoades (Dover Resident)
- *Book Banning*, submitted by Jeremiah Minihan (Resident)
- *Councilor Gray's Request to Ban books*, submitted by Amy Michael (Rochester Resident)
- *No Book Bans Ever*, submitted by Amanda Hendsbee (Rochester Resident)
- *I Am Against Government Censorship*, submitted by Devon Christen (Rochester Resident)
- *Sculpture in Central Square*, submitted by Susan Page (Rochester Resident)

7. Communications from the Mayor

Mayor Callaghan expressed appreciation for the residents of Gonic

who attended the last Planning Board Meeting held on August 22, 2022, to speak about the following Agenda Item: *Changing in Zoning Request on Pickering Road*. He said, as a result of the amount of interest in the proposed zoning changes in that area, there will be a Community Engagement Session held on September 22, 2022, from 7 PM to 9 PM at Gonic School. There will be more information forthcoming from the Rochester Post.

Mayor Callaghan said if there are no objections from the City Council, he will amend the agenda in order to move a New Business Item to be discussed at this time as follows:

13.1 Councilor Gray Agenda Item –

- **Request to Discuss Book Policies at Rochester Public Library**

Councilor Berlin said this agenda item has the strong appearance of targeting a very specific class of people. Councilor Berlin **MOVED** to **REMOVE** this item from the Agenda. Councilor Desrochers seconded the motion.

Councilor Gray explained that Foster's Daily Democrat reported that he (Councilor Gray) was seeking to ban books; however, the previous minutes and the City Council recording of that meeting both reflect that his intention was to seek a review of the policy/ordinances to review books. He was seeking to take appropriate action upon such materials that show sexual contact between individuals depicted as children. He said that that these materials should not remain in the Children's section of the library and rather should be moved to the young adult/adult section of the library. He took issue with the newspaper article, which in his opinion did not reflect his intention.

Councilor Larochelle asked if a Council member has the "right" to place a topic on the agenda and, if so, does the City Council have the authority to remove such an agenda item. City Attorney O'Rourke said the agenda can be amended by a two-thirds vote of the City Council.

Councilor Lachapelle supported removing the agenda item and clarified that there is no proposed action for this item but rather it was placed on the agenda as a discussion topic. Councilor Desrochers supported the motion and said the City Council does not have the authority to act on this matter and therefore it should be removed from the agenda. She added that the discussion could be harmful to some

people. Councilor Malone acknowledged the supporters in the audience and said this is not the “job” of the City Council and the agenda item should be removed.

Councilor Fontneau supported removing the item from the agenda; however, he did have concerns that by removing the item the City Councilors do not have an opportunity to discuss the disgrace that the subject matter has caused. Councilor Berlin said by removing the topic immediately and not entertaining the discussion of the matter, that it shows the City Council disagrees with it completely. Councilor de Geofroy gave reasons why he supported the motion to remove the agenda item as well. The **MOTION CARRIED** to remove the item from the agenda by a roll call vote of 12 to 1. Councilors Hainey, Malone, Gilman, Larochelle, de Geofroy, Desrochers, Fontneau, Berlin, Beaudoin, Hamann, Lachapelle, and Mayor Callaghan voted in favor of the motion. Councilor Gray voted against the motion.

8. Presentation of Petitions and Council Correspondence

No discussion.

9. Nominations, Appointments, Resignations, and Elections

9.1. Resignation: Amy Marie Regan – Arts & Culture Commission, Seat E *consideration for approval*

Councilor Lachapelle **MOVED** to **ACCEPT** the resignation, with regret, for Amy Marie Regan. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

9.2. Resignation: Jamie Kinsley – Arts & Culture Commission, Seat H *consideration for approval*

Councilor Lachapelle **MOVED** to **ACCEPT** the resignation, with regret, for Jamie Kinsley. Councilor Malone seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Desrochers expressed regret in regard to the members leaving the Commission and expressed excitement for the new members who are proposed to be appointed.

10. Reports of Committees

10.1 Appointments Review Committee

10.1.1 New Appointment: Nicole Lee – Arts & Culture Commission, Seat E *Term to expire 7/1/2023 consideration for approval*

10.1.2 New Appointment: Marie Lejeune – Arts & Culture Commission, Seat A *Term to expire 7/1/2025 consideration for approval*

10.1.3 Re-Appointment: Brett Johnson – Utility Advisory Board, Seat D *Term to expire 1/2/2025 consideration for approval*

Councilor Gray **MOVED** to **APPROVE** all three appointments as stated above. Councilor Hamann seconded the motion. Mayor Callaghan asked if there were any objections. The **MOTION CARRIED** by a unanimous voice vote.

10.2 Codes & Ordinances Committee

10.2.1 Committee Recommendation: to approve the amendment to Chapter 167-24 of the General Ordinances of the City of Rochester regarding Trapping and Bear Baiting *consideration for approval*

Councilor Lachapelle read the title of the amendment as follows:

§ 167-24 Trapping and Bear Baiting Prohibited.

Except when necessary for the health, safety, and welfare of the community or the animal, trapping of fur-bearing animals and bear baiting shall be prohibited upon all City-owned property.

Councilor Lachapelle gave a brief overview of the matter. He **MOVED** to **ACCEPT** the **AMENDMENT** as written above. Councilor Beaudoin seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.3 Community Development Committee

10.3.1 Resolution Amending the Adopted FY 2023 Rochester CDBG "Action Plan for the City of Rochester, N.H." for Dover Adult Learning

**and Haven *first reading and consideration
for adoption***

Councilor Hainey read the resolution as follows:

**RESOLUTION AMENDING THE ADOPTED AN FY 2023 ROCHESTER
CDBG "ACTION PLAN FOR THE CITY OF ROCHESTER, N.H." FOR
DOVER ADULT LEARNING AND HAVEN**

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

That the FY 2023 Rochester CDBG "Action Plan for the City of Rochester, N.H." be and hereby is amended to allow the application of Dover Adult Learning Center to use Five Thousand Dollars (\$5,000.00) previously committed to rent expenses to be used for rent expenses and for utilities, a copier, and Internet related expenses and to allow the application of HAVEN to use Two Thousand Dollars (\$2,000.00) previously committed to pay a Shelter Program Manager to be used for rent and utilities.

This Resolution is effective upon adoption.

Councilor Hainey explained that the original request for additional funding was intended to be used for rent for the Dover Adult Learning Center and HAVEN; however, the amended request would include utilities as well.

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

10.4 Finance Committee

**10.4.1 Committee Recommendation: To approval of
all six new positions as recommended by the
Personnel Advisory Board with the updated
recommendation for the Business Analysts
Position from Grade 10 to Grade 11
consideration for approval P. 113 & 117**

Mayor Callaghan referred to the packet for more information about the six new positions as recommended by the Personnel Advisory Board. Councilor Lachapelle **MOVED** to **APPROVE** all positions as stated above.

Councilor Desrochers seconded the motion. The **MOTION CARRIED** by a majority voice vote.

- a. Business System Analyst
- b. GIS Asset Management Coordinator
- c. Water System Superintendent
- d. Waste System Superintendent
- e. Deputy Director of Public Works – Technical Services
- f. Deputy Director of Public Works – Operations and Administration

10.5 Planning Board

No discussion.

10.6 Public Safety

10.6.1 Committee Recommendation: to install temporary “no parking” signs on Pickering Road for one month near the crosswalk to the fire hydrant *consideration for approval*

Councilor Lachapelle explained that this section of Pickering Road has been reviewed by the Public Safety Committee a number of times.

Councilor Lachapelle **MOVED** to **APPROVE** the Committee Recommendation to install temporary “no parking” signs on Pickering Road for one month near the crosswalk to the fire hydrant. Councilor Malone seconded the motion. Councilor Berlin said that he requested that this section of the road be reviewed by the Public Safety Committee because of a situation he witnessed with the crosswalk. Councilor Larochelle shared a story about his experience with that section of the road and stated that he supported the motion as well. The **MOTION CARRIED** by a unanimous voice vote.

10.6.2 Committee Recommendation: To install “no thru trucks” signs on Colby Street *consideration for approval*

Councilor Lachapelle **MOVED** to **APPROVE** the Committee Recommendation to install “no thru trucks” signs on Colby Street.

Councilor de Geofroy seconded the motion. Councilor Hainey asked if there was enough room for the large trucks to make this turn if they were not permitted down Colby Street. Councilor Lachapelle replied yes. Councilor Berlin agreed and said the right turn on Colby Street is a sharper turn than the other option near the traffic light. Councilor Beaudoin asked about the possibility of trucks being diverted down Church Street. Councilor Lachapelle said it could be a potential problem with Church Street being very narrow. He stated that the discussion about the possibility of converting Colby Street to a one-way street was held in Committee.

Mayor Callaghan asked if the City Engineer supported the motion as stated above. Councilor Lachapelle replied yes. The **MOTION CARRIED** by a unanimous voice vote.

10.6.3 Committee Recommendation: To install a "dead end" sign on Creteau Street *consideration for approval*

Councilor Lachapelle **MOVED** to **APPROVE** the Committee Recommendation to install a "dead end" sign on Creteau Street. Councilor Malone seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

11. Old Business

11.1 Amendment to the General Ordinances of the City of Rochester Creating Chapter 260A Regarding Water Development Connection Fee *second reading and consideration for adoption*

Councilor Larochelle had one additional question about the Finance Committee minutes. He referred to page 2 of the Finance Committee minutes, which states that Jonathan Rice, Chief Assessor, said that the primary residence, retirement savings, second homes, as well as multiple other items, were included on the list of assets being considered to determine eligibility for these exemptions. Councilor Larochelle disagreed that the primary home should be included on the list of assets being considered for an elderly exemption.

Mayor Callaghan read the resolution relative to creating Chapter 260A Regarding Water Development Connection Fee for a second time. *See Addendum A.*

Councilor Lachapelle **MOVED** to **ADOPT** the Amendment. Councilor Desrochers seconded the motion.

Councilor Beaudoin spoke against the motion. He said the City has already passed a 10% water and sewer rate increase. He gave reasons why he felt this action is not necessary: He said the granting of these waivers would not be vetted through a public process. He believed that large developers would be granted waivers as opposed to the small homeowners and he believed the entire process is just a "money grab." Councilor Beaudoin felt the adoption should be delayed for at least a year or two in order to see if the problem resolves itself and, if not, the implementation of such an ordinance could be re-visited at that time.

Councilor Beaudoin spoke about the cost of inflation and its impact on residents. He said the implementation of this ordinance is not in line with offering affordable housing in Rochester.

Mark Sullivan, Deputy Finance Director, said the projections on which the connection fees were based were calculated with guidance of the Utility Advisory Board (UAB). He explained that the user rates were not gradually increased as they should have been over the years, which has caused the deficit issue. This ordinance would establish a revenue source to stabilize the rate increases moving forward. The funds would essentially be raised only through these new development revenues.

Mayor Callaghan wished to confirm that only one waiver to the current policy was requested in the last ten years, which was denied. Mr. Sullivan replied that was correct.

Councilor Fontneau disagreed with comments made by Councilor Beaudoin. He said the new development connection revenue would actually stabilize the user fee rates and it would also generate revenue to be used for Capital Improvement Projects (CIP). He supported the motion based on the fairness to charging the fees to the new developers rather than raising the rates to all users in order to pay for new development.

Councilor de Geofroy said it seems that by not implementing this ordinance now that the City is essentially asking the ratepayer to pay for these large developments, which he felt would be unfair. He stated that the City should ensure that the large developers are paying their

fair share for the impact that new development has on the user rate fees.

Councilor Desrochers expressed her concerns and struggles over adopting this ordinance; however, she felt that the comments made by Councilor Fontneau and Councilor de Geofroy do make a lot of sense.

Councilor Beaudoin said it might be true that no waivers have been requested/granted in the last ten years; however, the implementation of this ordinance will have a greater impact on more new developers/single family homes, which may cause an increase in the amount of waivers to be requested/granted moving forward. He reiterated that this is why he felt the waiver process should be made public.

Mayor Callaghan restated the motion to adopt and called the question. The **MOTION CARRIED** by a 9 to 4 roll call vote. Councilors Berlin, Desrochers, Fontneau, Hamann, Hailey, Lachapelle, Larochelle, de Geofroy and Mayor Callaghan voted in favor of the motion. Councilors Gray, Beaudoin, Malone and Gilman voted against the motion.

11.2 Resolution to Chapter 260-33 'Water Rate and Fee Schedule' *second reading and consideration for adoption*

Mayor Callaghan read the resolution for a second time. See Addendum B.

Councilor Lachapelle **MOVED** to **ADOPT** the amendment. Councilor Desrochers seconded the motion. The **MOTION CARRIED** by a 9 to 4 roll call vote. Councilors de Geofroy, Hailey, Larochelle, Berlin, Lachapelle, Fontneau, Hamann, Desrochers, and Mayor Callaghan voted in favor of the motion. Councilors Gilman, Gray, Beaudoin, and Councilor Malone voted against the motion.

11.3 Resolution to Chapter 200 of the General Ordinances of the City of Rochester Regarding Sewer Development Connection Fee *second reading and consideration for adoption*

Mayor Callaghan read the resolution for a second time. See Addendum C.

Councilor Lachapelle **MOVED** to **ADOPT** the Amendment. Councilor Desrochers seconded the motion. Councilor Fontneau echoed

his same comments regarding the implantation of the development connection fees. The **MOTION CARRIED** by a 9 to 4 roll call vote. Councilors Lachapelle, Larochelle, Hainey, Desrochers, Berlin, de Geofroy, Fontneau, Hamann, and Mayor Callaghan voted in favor of the motion. Councilors Gilman, Gray, Malone and Councilor Beaudoin voted against the motion.

11.4 Resolution to Chapter 200-33 "Wastewater Rate and Fee Schedule" *second reading and consideration for adoption*

Mayor Callaghan read the resolution for a second time. See Addendum D.

Councilor Lachapelle **MOVED** to **ADOPT** the Amendment. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a 9 to 4 roll call vote. Councilors Fontneau, Larochelle, Hainey, Desrochers de Geofroy, Berlin, Lachapelle, Hamann, and Mayor Callaghan voted in favor of the motion. Councilors and Councilors Gray, Malone, Gilman and Councilor Beaudoin voted against the motion.

12. Consent Calendar

No Discussion.

13. New Business

13.1 Resolution authorizing supplemental appropriation of \$903,579.04 from the sewer fund retained earnings for costs associated with Methuen Construction settlement agreement *first reading and consideration for adoption*

Mayor Callaghan read the resolution as follows:

Resolution Authorizing Supplemental Appropriation in the amount of \$903,579.04 for the the Methuen Construction Settlement Agreement

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 authorized a supplemental appropriation in the amount of Nine Hundred Three Thousand Five Hundred Seventy Nine and 04/100 Dollars

(\$903,579.04) to cover the costs associated with the Settlement Agreement with Methuen Construction related to the Biosolids Dewatering System and Carbon Storage Building Contract. The supplemental appropriation will be derived in its entirety from the Sewer Fund Retained Earnings.

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. The **MOTION CARRIED** by a roll call vote of 13 to 0. Councilors Malone, Gray, Hamann, de Geofroy, Beaudoin, Desrochers, Lachapelle, Gilman, Hailey, Fontneau, Larochelle, Berlin, and Mayor Callaghan voted in favor of the motion.

13.2 Resolution Pursuant to RSA 47:1-c, IV Rescinding the City of Rochester Economic Development Special Reserve Fund
first reading and refer to Public Hearing September 20, 2022

Mayor Callaghan read the resolution by title only as follows and referred the matter to a Public Hearing to be held on September 20, 2022:

Resolution Pursuant to RSA 47:1-c, IV Rescinding the City of Rochester Economic Development Special Reserve Fund

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

By adoption of this Resolution, the City Council, by majority vote, answers in the affirmative to the following question: Shall we rescind the provisions of RSA 47:1-b to restrict revenues from the so-called Host Community Fees to expenditures for the purposes outlined in §7-63 (A)(2) of the Code of the City of Rochester?

By adoption of this Resolution, the City Council rescinds the City of Rochester Economic Development Special Reserved Fund effectively immediately.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts

and/or account numbers as necessary to implement the transactions contemplated by this Resolution.

Councilor Larochelle asked that this process be explained to the public regarding what this action would entail.

Deputy City Manager Ambrose said an Economic Development Non-Capital Reserve Fund was recently created, with the intent to replace the existing Economic Development Special Reserve Fund. She explained that now that the new fund has been created, the next step is to discontinue the fund that it is replacing, *as stated in the above resolution*.

13.3 Councilor Gray Agenda Item –

- **Request to Discuss Book Policies at Rochester Public Library**

This agenda item was removed earlier in the meeting.

13.4 Resolution Authorizing the Acceptance of a Juvenile Alcohol Grant from the State of New Hampshire in the amount of \$250.00 *first reading and consideration for adoption*

Mayor Callaghan read the resolution by title only as follows:

Resolution Authorizing the Acceptance of a Juvenile Alcohol Grant from the State of New Hampshire in the amount of \$250.00

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

The City hereby accepts a Juvenile Alcohol Grant of Two Hundred Fifty Dollars (\$250.00) from the State of New Hampshire to be used by the Rochester Police Department as part of its New Hampshire Juvenile Court Diversion Network SBIRT Program.

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

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

14. Non-Meeting/Non-Public Session

Councilor Hainey **MOVED** to enter into Non-Public Sessions under Personnel, RSA 91-A:3, II(a) at 7:10 PM. Councilor de Geofroy seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote of 13 to 0. Councilors Gray, Laroche, Hainey, Desrochers, Gilman, Lachapelle, de Geofroy, Berlin, Fontneau, Beaudoin, Malone, Hamann, and Mayor Callaghan voted in favor of the motion.

Councilor Lachapelle **MOVED** to exit the Non-Public Session at 8:18 PM. Councilor Malone seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Lachapelle **MOVED** to seal the minutes indefinitely because it is determined that divulgence of this information likely would affect adversely the reputation of any person, other than a member of the Board. Councilor Malone seconded the motion. The **MOTION CARRIED** by a unanimous roll vote. Councilors Desrochers, Gray, Hamann, de Geofroy, Beaudoin, Hainey, Lachapelle, Gilman, Malone, Fontneau, Laroche, Berlin, and Mayor Callaghan voted in favor of the motion.

15. Adjournment

Mayor Callaghan **ADJOURNED** the Regular City Council meeting at 8:19 PM.

Respectfully submitted,

Kelly Walters, CMC
City Clerk

Chapter 260A

Water Development Connection Fee

§260A-1 Authority.

The City of Rochester is authorized pursuant to RSA 38:278 and RSA 38:2837 to assess a Water Development Connection Fee on new connections and development to help meet the additional water system demands created by the new development including capital construction and improvement of the City's water system. Said fees are assessed on a capacity-buy in approach as set forth in §260A-54 below.

§260A-2 Definitions.

This Chapter incorporates by reference the Definitions found in the City of Rochester Water Ordinance, Chapter 260, §260-2, as amended.

§260A-3 Purpose.

These regulations shall govern the assessment of connection fees upon new development connections ~~and development~~ to the City's Public Water System to generate capital funds to maintain, improve and expand the water system to minimize the effect on existing customers in a fair and equitable manner.

§260A-4 Water Development Connection Fee

The water development connection fee or assessment imposed pursuant to these provisions only upon new development connections ~~and development~~, including subdivisions, building construction and other land use changes, ~~are~~ based on a capacity-buy in approach. This approach applies, where to new users that are required to invest in the equity of the City's Public Water System at a rate that reflects prior investments by of existing users per unit of total capacity to raise funds to meet the demands and impacts created by the new development connections ~~and development~~ to the City's water treatment and distribution facilities, inclusive of the system defined herein as the Public Water System. The water development connection fee shall not apply to any capital projects, including new connections or repairs, improvements, replacements, or expansion of the public water system initiated by the City, as approved by the City Council.

§260A-5 Calculation of Fees

The water development connection fee is calculated as a per gallon per day charge by dividing the net equity in user paid capital assets by the capacity of the respective water system in gallons per day. The portion of the water system capacity assigned to any new user is determined based on New Hampshire Water Usage Unit Design Standards, as contained in Table 1008-1 in Env-Wq 1000 of the New Hampshire Code of Administrative Rules. The Code of Administrative Rules can be found at:

<https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/2020-01/Env-Wq%201000.pdf>

§260A-6 Assessment and Collection of Fees

The water development connection fee will be assessed by the Department at the time of application only for new connections pursuant to Article I, §260-4. The fee shall not be assessed for any existing connections or developments. The fees shall be collected at the time of application for connection in accordance with §260-4 above; however, the Department and applicant may establish an alternate, mutually acceptable schedule of payment of water development connection fees. If an alternate schedule for payment of fees is established, the Department may require the applicant to post surety, in the form of a cash bond, letter of credit or performance bond to guaranty future payment of the assessed impact fees. The Department and City reserve the right to annual review and amend the water development connection fees as necessary.

§260A-7 Waivers

A. An applicant may request a full or partial waiver from the Department of the water development connection fee assessments imposed by this ordinance. ~~from the Department.~~ The amount of any such waiver, including ~~shall not exceed~~ the value of the land, facilities constructed ~~ed~~ion, or other like-kind contributions or improvements to be made by the applicant ~~at person~~ toward public capital facilities in lieu of a water development connection fee shall not exceed the value of the water development connection fee. -

B. The applicant must exclude from a waiver application the ~~any~~ value of any on-site and/or off-site contributions or improvements that the applicant is ~~are~~ required by the Department or City to implement or construct as a result of a plan or development approval. The required on or off-site contributions or improvements as a result of a plan or development approval by the City must be, ~~which the applicant would completed by the applicant in addition to or~~ regardless of the water development connection fee under this ordinance. The value of contributions or improvements proposed as a waiver to offset the connection fee by the applicant shall be credited only towards facilities of a like kind. All costs incurred by the Department for the review of a proposed waiver, including reasonable consultant and counsel fees, shall be paid by the applicant requesting a waiver.

~~BC.~~ An applicant may apply to the Department for a waiver of a portion or the full amount of the water development connection fee, where such waiver application is accompanied by an independent fee calculation study that documents the proportionate capital cost impacts of the new connection or development. The Department shall review any such study, and in its discretion, and make a recommendation to the City Manager as to ~~decide~~ whether a waiver should be ~~is~~ granted or denied. The City Manager shall approve all waiver applications. All costs incurred by the Department for review of any such study shall be paid by the applicant.

§260A-8 Administration of Water Development Connection Fees

A. All funds collected shall be properly identified and promptly transferred for deposit into an individual capital facilities connection fee account for the water facilities for which fees are assessed, and shall be used solely for the purposes specified in this ordinance. The water development connection fee account shall be a capital reserve fund account and the City shall not accrue these fee revenues to the general fund.

B. Payment, administration, collection, custody and records for the water development connection fee

account shall be done by the Finance Department upon the direction of the City Manager.

C. The Department shall provide p a detailed report to the City Council at the end of each the fiscal year ~~providing an account identifying of~~ all public water system facilities expenses funded through impact water development connection fees, as well as all waivers requested and granted, ~~during the prior year, and that the report shall also include a summary of all waivers granted~~ occurred during the fiscal year being reported.
prior year.

E. Funds withdrawn from the water development connection fee account shall be used solely for the purpose of acquiring, constructing, expanding or equipping those public water system facilities identified in this ordinance.

§ 260A-9 Appeals.

Any party aggrieved by any decision, regulation or provision under this Article, as amended, from time to time, shall have the right to appeal said decision first to the Department. The Department ~~which~~ shall issue a decision within 30 calendar days of receipt of the appeal. If said appeal is denied by the Department, then the aggrieved party shall have the right to appeal to the Utility Advisory Board within thirty days (30). ~~and then to the City Manager.~~

§ 260A-10 Additional rules and regulations; amendments.

The City reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to this Article, which additional rules and regulations, to the extent appropriate, shall be a part of this Article.

§ 260A-11 When effective

This Article shall be in full force and effect immediately following its passage, as provided by law.

A. Quarterly water rates. [Amended 11-1-2016; 2-6-2018; 5-5-2020; 8-2-2022]

- (1) Residential customers without exemption: six dollars and forty-one cents (\$6.41) per 100 cubic feet of water use.
- (2) Residential customers with exemption: two dollars and seventy-seven cents (\$2.77).
- (3) Commercial and industrial customers: six dollars and forty-one cents (\$6.41).
- (4) Unmetered residential customers:
 - (a) Per quarter per unit without exemption: one hundred seventy-one dollars and fifty-six cents (\$171.56).
 - (b) Per quarter per unit with exemption: eighty-five dollars and seventy-six cents (\$85.76).
- (5) Minimum fee:
 - (a) Per quarter per unit without exemption: twenty-four dollars and thirty-five cents (\$24.35).
 - (b) Per quarter per unit with exemption: nineteen dollars and fifty-four cents (\$19.54).

B. Fees.

- (1) Installation: a minimum of three hundred dollars (\$300.) or estimated cost of installation, in advance one hundred dollars (\$100.).
- (2) Installation and repair license: one hundred dollars (\$100.) per year.
- (3) Bad check: twenty-five dollars (\$25.) plus all associated fees.
- (4) Service reactivated following payment when shut off due to nonpayment: sixty dollars (\$60.).
- (5) Service shutoff or turn on by request: thirty dollars (\$30.).
- (6) Temporary service: see installation fees; water charges will be billed accordingly.
- (7) Private fire protection service: see installation fees.
- (8) Private fire hydrant service connection: one hundred fifty dollars (\$150.) per hydrant per fiscal year. For purposes of this subsection, a private fire hydrant shall mean any fire hydrant located outside the public right-of-way and/or located on property other than that owned by the City of Rochester but which is connected to the public water system. Any private hydrant located behind a water meter on that property shall be exempt from this charge.
- (9) Swimming pools: fees based on volume used times unit rate.
- (10) Meter repair or testing: thirty dollars (\$30.) per visit plus cost of transportation of meter to testing facility and cost of testing.
- (11) Meter damage: fifty dollars (\$50.).
- (12) Backflow prevention devices: all costs associated with installation, repair, or inspection paid by owner. Inspection costs shall be not less than minimum service charge.

- (13) Violations: all costs to correct violation paid by owner.
- (14) Minimum service charge: thirty dollars (\$30.) per visit.
- (15) Meter tampering charge: a reconnection fee of not less than one hundred dollars (\$100.) nor more than five hundred dollars (\$500.).
- (16) Minimum charge for road maintenance between December 1 and March 31: two hundred dollars (\$200.).
- (17) System development fees: three dollars and seventeen cents (\$3.17).

Chapter 200-7-T

Sewer Development Connection Fee

§200-7-T-1 Authority.

The City of Rochester is authorized pursuant to RSA 31-~~139~~ 141 to assess a Sewer Development Connection Fee on new connections and development to help meet the additional Sewer system demands created by the new development including capital construction and improvement of the City's Sewer system. Said fees are assessed on a capacity-buy in approach as set forth in §200-7-T-4 below.

§200-7-T-2 Definitions.

This Chapter incorporates by reference the Definitions found in the City of Rochester Sewer Ordinance, Chapter §200, as amended.

§200-7-T-3 Purpose.

These regulations shall govern the assessment of connection fees upon new development connections ~~and development~~ to the City's Public Sewer System to generate capital funds to maintain, improve and expand the Sewer system to minimize the effect on existing customers in a fair and equitable manner.

§200-7-T-4 Sewer Development Connection Fee

The Sewer development connection fee or assessment imposed pursuant to these provisions only upon new development connections ~~and development~~, including subdivisions, building construction and other land use changes, ~~are~~ based on a capacity-buy in approach. -, This approach applies to where new users that are required to invest in the equity of the City's Public Sewer System at a rate that reflects prior investments by ~~of~~ existing users per unit of total capacity to raise funds to meet the demands and impacts created by the new development connections ~~and development~~ to the City's Sewer treatment and distribution facilities, inclusive of the system defined herein as the Public Sewer System. The sewer development fee shall not apply to any capital projects, including new connections or repairs, improvements, replacements, or expansion of the public sewer system initiated by the City, as approved by the City Council.

§200-7-T-5 Calculation of Fees

The Sewer development connection fee is calculated as a per gallon per day charge by dividing the net equity in user paid capital assets by the capacity of the respective Sewer system in gallons per day. The portion of the Sewer system capacity assigned to any new user is determined based on New Hampshire Sewer Usage Unit Design Standards, as contained in Table 1008.01 in Env-Wq 1008.3 of the New Hampshire Code of Administrative Rules. The Code of Administrative Rules can be found at:

<https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/2020-01/Env-Wq%201000.pdf>

§200-7-T-6 Assessment and Collection of Fees

The Sewer development connection fee will be assessed by the Department at the time of application for new connections pursuant to Article I, §200-7-T-4. The fee shall not be assessed for any existing connections or developments. The fees shall be collected at the time of application for connection in accordance with §200-7-T-4 above; however, the Department and applicant may establish an alternate, mutually acceptable schedule of payment of Sewer development connection fees. If an alternate schedule for payment of fees is established, the Department may require the applicant to post surety, in the form of a cash bond, letter of credit or performance bond to guaranty future payment of the assessed impact fees. The Department and City reserve the right to annual review and amend the Sewer development connection fees as necessary.

§200-7-T-7 Waivers

A. ~~A.~~ An applicant may request a full or partial waiver from the Department of the ~~S~~sewer development connection fee assessments imposed by this ordinance from the Department. The amount of any such waiver, including ~~shall not exceed~~ the value of the land, facilities construction, or other like-kind contributions, or improvements to be made by the applicant that person toward public capital facilities in lieu of a Sewer development connection fee shall not exceed the value of the sewer development connection fee.

B. ~~—~~ The applicant must exclude from a waiver application the any-value of any on-site and/or off-site contributions, or improvements that the applicant isare required by the Department or City to implement, or construct as a result of a plan or development approval. The required on or off-site contributions or improvements as a result of a plan or development approval by the City must be completed by which the applicant in addition to or would complete regardless of the ~~S~~sewer development connection fee under this ordinance. The value of contributions or improvements proposed as a waiver to offset the connection fee by the applicant shall be credited only towards facilities of a like kind. All costs incurred by the Department for the review of a proposed waiver, including reasonable consultant and counsel fees, shall be paid by the applicant requesting a waiver.

CB. An applicant may apply to the Department for a waiver of a portion or the full amount of the Sewer development connection fee, where such waiver application is accompanied by an independent fee calculation study that documents the proportionate capital cost impacts of the new connection or development. The Department shall review any such study, and in its discretion, make a recommendation to the City Manager as to ~~decide~~ whether a waiver should be ~~is~~ granted or denied. The City Manager shall approve all waiver applications. All costs incurred by the Department for review of any such study shall be paid by the applicant.

§200-7-T-8 Administration of Sewer Development Connection Fees

A. All funds collected shall be properly identified and promptly transferred for deposit into an individual capital facilities connection fee account for the Sewer facilities for which fees are assessed, and shall be used

solely for the purposes specified in this ordinance. The ~~s~~Sewer development connection fee account shall be a capital reserve fund account and the City shall not accrue these fee revenues to the general fund.

B. Payment, administration, collection, custody and records for the ~~S~~sewer development connection fee account shall be done by the Finance Department upon the direction of the City Manager.

C. The Department shall ~~provide make~~ a ~~detailed~~ report to the City Council at the end of ~~each the~~ fiscal year ~~providing an account summarizing of identifying~~ all public ~~S~~sewer system facilities ~~expenses~~ funded through ~~sewer development connection impact~~ fees, ~~including as well as all waivers requested and granted,~~ during that occurred during the fiscal year being reported. the prior year.

E. Funds withdrawn from the Sewer development connection fee account shall be used solely for the purpose of acquiring, constructing, expanding or equipping those public Sewer system facilities identified in this ordinance.

§ 200-7-T-9 Appeals.

Any party aggrieved by any decision, regulation or provision under this Article, as amended, from time to time, shall have the right to appeal said decision first to the Department. The Department ~~which~~ shall issue a decision within 30 calendar days of receipt of the appeal. If said appeal is denied by the Department, then the aggrieved party shall have the right to appeal to the Utility Advisory Board within thirty days (30). ~~and then to the City Manager~~

§ 200-7-T-10 Additional rules and regulations; amendments.

The City reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to this Article, which additional rules and regulations, to the extent appropriate, shall be a part of this Article.

§ 200-7-T-11 When effective

This Article shall be in full force and effect immediately following its passage, as provided by law.

§ 200-33 Wastewater Rate and Fee Schedule.

Addendum D

[Amended 7-1-2000; 6-26-2007; 2-5-2008; 5-6-2008; 6-10-2008; 6-16-2009; 8-18-2009; 6-21-2011; 11-20-2012; 11-1-2016; 2-6-2018; 3-5-2019; 5-5-2020]

A. Quarterly wastewater rates. [Amended 8-2-2022]

- (1) Residential customers without exemption: eight dollars and seventeen cents (\$8.17) per 100 cubic feet of water use.
- (2) Residential customers with exemption: five dollars and forty-three cents (\$5.43) per 100 cubic feet of water use.
- (3) Commercial and industrial customers: eight dollars and seventeen cents (\$8.17) per 100 cubic feet of water use.
- (4) High-volume customers (i.e., customers using more than 5,000 units** monthly): seven dollars and thirty-six cents (\$7.36) per 100 cubic feet of water use. **Note: For purposes of this section the word "unit" shall mean 100 cubic feet or 748 gallons of water use.
- (5) Unmetered residential customers:
 - (a) Per quarter per unit without exemption: two hundred fifty-two dollars and forty-two cents (\$252.42).
 - (b) Per quarter per unit with exemption: one hundred twenty-six dollars and nineteen cents (\$126.19).
- (6) Sewer metered customers: eight dollars and seventeen cents (\$8.17) per 100 cubic feet.
- (7) Minimum fee:
 - (a) Per quarter per unit without exemption: thirty-seven dollars and seventy-four cents (\$37.74).
 - (b) Per quarter per unit with exemption: thirty dollars and four cents (\$30.04).

B. Septage discharge: fifty-five dollars (\$55.) per 500 gallons or portion thereof.

C. RV septage discharge: sixteen dollars (\$16.) flat fee.

D. Graywater disposal: thirty dollars (\$30.) per 2,000 gallons or portion thereof.

E. TKN surcharge:

- (1) Ceiling limit: 60 pounds per day TKN.
- (2) Surcharge fee: one dollar and eighteen cents (\$1.18) per pound of TKN.

F. Fees.

- (1) Permit and inspection fee: fifty dollars (\$50.).
- (2) Wastewater discharge permit fee: fifty dollars (\$50.).
- (3) Reserve capacity assessment: ~~two~~ four dollars and thirty-three cents ~~\$2~~ (\$4.33) per gallon.