



City of Rochester Dept of Public Works

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Memo

To: Public Works and Buildings Committee
From: John B. Storer, PE
Director of City Services
Date: March 10, 2016
Subject: Public Works and Buildings Committee
Meeting Thursday March 17, 2016

There will be a Public Works and Buildings Committee Meeting on **Thursday March 17, 2016 at 7:00 PM. *This meeting will be held in Council Chambers, at City Hall.***

AGENDA

1. Approve Minutes from February 18, 2016 meeting
2. Public Input
3. Utility Billing Quarterly Billing Issue
4. East Rochester Irrigation Pond – referred by Planning Board
5. Annex Renovation
6. Milton Road EDA – Review of Bids
7. Pavement Priorities
8. FY17 Budget Discussion
9. Class VI Roads
10. Tiger Grant Application - N. Main to Wakefield Connector
11. Wakefield Street – Design Authorization
12. Gonic Dams, Removal Update
13. Other

Public Works and Buildings Committee

February 18, 2016

Council Chambers

7PM

MEMBERS PRESENT

Councilor Ralph Torr – Chairman

Councilor Ray Varney- Vice Chairman

Councilor Sandy Keans

Councilor Donald Hamann

Councilor Thomas Willis

OTHERS PRESENT

Councilor James Gray

Councilor Robert Gates

Dan Fitzpatrick, City Manager

John B. Storer, Director of City Services

Chris Bowlen, Director of Recreation, Arena & Youth Services

Peter Bruckner, Historic Commission

Mark Sullivan, 25 Denali Drive

Chris Bowlen, Director of RAYS

MINUTES

Chairman Torr called the Public Works and Buildings Committee to order at 7:00 PM.

1. Approve minutes from January 21, 2016 meeting -

The Chairman requested a recommendation on last month's minutes.

Councilor Varney made a motion to accept minutes as presented for the January 21, 2016 Meeting. The motion was seconded by Councilor Hamann. The Motion passed unanimously.

2. Public Input

Mark Sullivan of 25 Denali Drive asked if the residents that are in the Milton Road Economic Development Grant Sewer Extension project would be receiving informational letters regarding tying into to the sewer system and the cost associated with that work. Mr. Storer explained that the project is out to bid now and once the results are received they would have the necessary information to put that letter out. The bid opening is March 17, 2016. Mr. Sullivan inquired about the ordinance that requires residents to connect to the sewer during the project, or when their current system fails, or the property transfers ownership. Specifically he would like to know if there is a system in place that triggers the required connection. Councilor Willis stated that when he was the City Engineer this came up often and all realtors are aware of the ordinance. Mr. Storer stated he would look into it and get back to Mr. Sullivan.

Councilor Gates stated he was at the meeting to discuss the exterior brick and mortar on the Annex Building. He stated that he and Councilor Abbott were discussing the subject and that Councilor Abbott had suggested due to better insulation and heating retention the existing brick and mortar structure would not see the same warming and drying cycle. Councilor Gates suggested that this could cause additional deterioration of the outside brick structure. Mr. Storer assured the Councilor that this had been discussed with the architects and that they are aware of the concerns of the Councilors. Mr. Bruckner also stated that this issue is being addressed and will be taken into consideration of final plans.

Arena Roof Concerns – Chris Bowlen the Director of Recreation, Arena and Youth Services asked to speak to the Committee regarding the Arena roofing project. He stated that he has previously discussed roof issues with the City Council and he distributed a hand out depicting the roof structure of the building. He stated that the Consultant is looking to determine the cost of the current project. He stated that the project requires a large amount of steel and labor intensive steel work to bring the structure up to current building codes. He stated that early estimates put the project about one hundred and fifty thousand dollars over budget. He stated they are still looking at other alternatives. Mr. Bowlen also stated that there is currently a floor system project scheduled for FY18 and that they would hold off on the roof project in order to do all of the construction at the same time. He stated that it would plan construction for summer of 2017. There was discussion of weighing the cost of the construction of a new building against the cost of all of the renovations necessary. Mr. Bowlen stated he would keep the Council up to date with regards to findings and would continue to watch snow loads and contract snow removal as necessary.

3. **City Hall Annex**

Mr. Storer stated that the Annex project is at 65% design and there have been no floor plan changes, with the minor exception to the administrative area of both planning and Building, Licensing and Zoning. The Reception desks have been adapted to address the Councilor concerns regarding the security of the work spaces during afterhours meetings. The Reception areas will have gates that can be slid into place for security. Mr. Storer stated that the cost estimate for restoration of the historic façade is now at fifty-five thousand and he believes that with the current budget estimates that could be included into the base bid costs. He said that there will be other aesthetic bid alternatives to be separated out and completed based on funding. He cited the cupola as one bid add on. Mr. Bruckner stated that he is still looking for grants and private funding sources. He stated that the L-CHIP grant administrators have encouraged us to participate by submitting an application and stated that project reimbursements after the fact are not completely ruled out. Mr. Storer asked for direction as to future updates or presentations. Councilor Varney stated to continue providing summaries and updates should be sufficient, but he did not see the need for additional Consultant presentations at this time.

The Committee was in agreement and stated that updates with plan drawings were helpful.

4. William Allen School Traffic Pattern Change

Mr. Storer stated that the City Councils' previous direction was for the DPW to implement the necessary changes and to put up no parking signs at their discretion to make the new traffic pattern work. He stated that he and the engineers have looked at the new proposed traffic pattern change around the school and that they have had the busses run the route, and the areas of concern are on the North side of Woodman Street, between Myrtle and Davyanne Locke Lane and on the east corner of Davyanne Locke Lane and Woodman Street. He stated that these areas should be posted no parking in order to accommodate the bus and safety vehicle traffic. His initial recommendation would be to post no parking permanently in these areas but believed he should discuss this with the Committee. If that is acceptable Mr. Hopkins says that with one weeks' notice he can make the change. Councilor Keans stated that it should not be 24 hour no parking it should be only the times when school is in session. Councilor Willis stated in order for it to be enforceable for the Police Department it must state specific times. Mr. Storer stated that he would recommend ½ hour before and after the times that the traffic for school begins. Councilor Varney stated that he thought it should come back to Council at the next meeting with a recommendation for times. Mr. Storer stated that he would get that on the agenda.

5. Winter Operations and Parking Bans

Mr. Storer stated that the current email alert system seems to be working. He stated that of the 27 cars that called into the PD for being in the way this last storm, only 5 were towed. He stated that the current system and all other email or text systems that staff had looked into require that the residents sign up for the notifications. This includes the current Code Red system used by the Police Department. Mr. Storer stated that we could implement the phone recorded system for residents to dial into with minimal costs. We would post seasonal signage with the number. Councilor Keans stated that the problem is most likely worse when it is for the downtown clean up after the storms and people might not realize there is a ban. Mr. Storer stated that the staff posted the electronic message boards out during the day in hopes of additional notification and removed them when the work was completed. Councilor Varney stated that it all seemed to be working and no changes were warranted.

6. City Hall Parking Lot

Mr. Storer stated that he had had been ask to check into the parking situation at the City Hall Complex area. He stated that he had counted approximately 99 employee needed spaces at peak City Hall, PD and RFD operating hours. With the addition of 4 more spots needed for Economic Development moving to the Annex that would be 103. He stated that there are approximately 135 spots available with an additional 8 spaces on Wakefield Street. Councilor Varney stated that the parking is limited and that makes it

even more important for staff to avoid using the spaces that are reserved for visitor parking.

7. Underground Fuel Storage Removal:

Mr. Storer stated that staff had obtained a quote for the estimated cost to remove the underground fuel storage tank located between City Hall and the new Annex building. He stated the estimate for removal is estimate is four thousand one hundred and fifty dollars. Mr. Storer said that he had gone with the preference of the Committee for complete removal and pending any contamination results he stated he could get the removal completed. Mr. Storer asked for the Committee recommendation for funding the project. Councilor Varney suggested a general fund cash supplemental appropriation. Mr. Storer stated he would do an agenda bill for the next Council Meeting.

8. Downtown Crosswalk /Sidewalk Illumination

Mr. Storer stated that he had been asked to look into the Councilor and Resident complaints of poor lighting on crosswalks and sidewalks in the downtown area. Mr. Storer stated that he had looked at additional mast arm type lights that could be added to existing light poles, but stated that at some crosswalks there are no light post near enough to help illuminate the crosswalks. There was discussion on the addition of signage. Councilor Willis stated that there are recommendations in the Manual of Uniform Traffic Control Devices (MUTCD) but stated that in the downtown historic districts these often conflict with the historical intentions of the area. Councilor Keans mentioned that there is a crosswalk at the traffic signal near the Central Fire Station that does not have pedestrian crossing button. Mr. Storer asked if the addition of light poles, signage and crosswalk locations in the downtown should be presented as a capital improvement project of its own. Mr. Fitzpatrick stated that he would like to see a capital project proposed.

9. Fieldstone Village – Mr. Storer stated that since the mention of this project at last month's committee meeting he has met with staff and reviewed the consultant reports to determine the scope of the project. He stated that he has also been discussing the project with Mr. Creteau from SUR Construction. Mr. Storer stated that the department would like to do the project as a design build with SUR using the pricing in the Construction Contracted Services bid to save the City the expense of drawing up bid documents and going out to formal bid. Mr. Storer stated that the project basically entails running a parallel line down Village Lane to tie in the existing lines and services to that main. He stated that we would have a master meter for billing and determining leaks within the private piping servicing the cooperative. This would meet the Co-ops expectations and the State of NH expectations.

10. Paving Cost and Paving Priorities – Mr. Storer stated that staff had looked into the cost of asphalt and the impact of the low petroleum costs on the asphalt. He stated that he was surprised that there was not a significant cost savings due to the low petroleum cost. He stated that the City's current bid with Pike Industries does have a clause for the escalation

and de-escalation of asphalt cost. He stated that the work is basically a per ton cost. Councilor Varney suggested appropriating funds in advance of the City's CIP Budget process in order to get this year's FY17 paving done early in the season when the temperatures are better for doing so. Mr. Storer stated that he may or may not need to do a contract extension with Pike. He stated that he would look into that. The Committee was in agreement to fund the paving in advance and the City Manager stated he would look into the impacts for the budget with Blaine Cox. Councilor Varney suggested paving Lowell Street all the way to the intersection. Mr. Storer agreed that the area near the Arena and the culvert replacement is also rough. Councilor Gray asked about the Union Street Parking lot and Mr. Storer stated that it is not in the best shape. He believed this was going to be an Economic Development CIP Project. Councilor Keans stated it was not in that bad of shape. Mr. Storer discussed the need for a pavement evaluation process that placed numerical values on roads in regards to the onsite conditions. He stated the UNH Technical Center no longer does the Road Surface Management System (RSMS) evaluations, but he believes there are other programs out there. He has been in discussion with the Director from Dover regarding their ongoing Pavement Condition Index Program that they recently awarded. Mr. Storer estimates it might cost \$60,000 to \$70,000 for a consultant to do a similar assessment for Rochester. Mr. Storer stated that he will get up to date pavement estimates for the Whitehouse Road, Tebbetts Road (Lowell to Rt 108), Lowell Street (Tebbetts to Columbus), Old Dover Road/Columbus Intersection and Hansonville Road. He stated that he will bring the estimates back to the committee next month with the total funding amount to be requested. The Committee was in favor of a supplemental appropriation for the total amount prior to the FY2017 budget.

11. Paving Moratorium

Mr. Storer stated that the current Chapter 15 City Ordinance places a 3 year moratorium for cutting into newly paved streets. He stated that the City currently invests a considerable amount of funds paving and reconstructing streets and when a street is cut into it immediately reduces the integrity of the pavement. He stated that he would like to see the moratorium extended to five (5) years. Mr. Storer stated that he has tentatively placed this ordinance change on the agenda for the next Codes and Ordinance Committee. Councilor Keans and Haman stated they are in support of the change. Councilor Varney stated that this does not need to go to the other Committee. He stated that this committee can make a recommendation to the full Council. The Council can approve or send it to the committee. Mr. Storer stated that there is a large project in the works that may want to cut into several newly paved streets. Councilor Willis stated that when the pavement is cut the constructor is supposed to submit plans and specifications for restoration and there are times where bonds need to be placed.

Councilor Hamman made a motion to recommend that the Chapter 15 Ordinance be

updated to state a 5 year moratorium for cutting into newly paved streets. The motion was seconded by Councilor Willis. The Motion passed unanimously.

12. Salmon Falls Sewer EDA Project

Mr. Storer stated that the EDA Project is now out to bid. Mr. Storer stated that the original project budget was 3.8 million. He stated that he had looked through the minutes of last year's meetings and noticed where Mr. Nourse had let the Committee know that running the sewer across the Kodiak & Denali Roads through to Salmon Falls Road was going to cost additional funds. He stated that current engineering estimates are for 4.5 million. Mr. Storer also stated that there are three sections of the project that the EDA has deemed non-participating. He stated he would have the definite bid results for next month's committee meeting and he would update the committee then.

13. Franklin Street, Western Ave and Western Ave Pump Station

Mr. Storer stated that the project is on track to go out to bid in March. He stated that one permit was still pending with NHDES. He informed the committee that the project has been given a 319 Grant in the amount of one hundred and twenty-five thousand for a stormwater piece that includes a rain garden. He stated he would update the committee next month.

14. Other

China Palace Parking Lot – Mr. Storer stated that the current plan is going before the Technical Review Group and that staff will be reaching out to Stella Goon regarding the plans for funding the project 50/50 City Funds/Private contribution.

Winter Maintenance – Mr. Storer stated that he had looked at the budget due to Councilor Keans's questions at last weeks City Council meeting. He stated that there have been 17 treatable events and that we have put down 2500 tons of salt to date. He stated that although it seems like very little snow and freezing temperatures have occurred, we have been out more than it would seem. He said that there are times when it is said we are doing too much, and times when it is said that we are doing too little. He believes the department has a good balance and that the safety of the public is always our top concern.

Eastern Avenue – Councilor Gray stated that he had noticed marking on Eastern Avenue and wanted to know if the Director knew what they were for. Mr. Storer stated that he would look into it. Mr. Willis suggested an Eversource project in the area might be the reason.

Councilor Varney made a motion for adjournment at 8:57 PM. Councilor Willis seconded the motion. The motioned passed unanimously.

Minutes respectfully submitted by Lisa J. Clark, City of Rochester Office Manager.



Public Works & Buildings Committee March 17, 2016 Agenda Item

Agenda Item #3 – Utility Billing – Quarterly Billing Inquiry

Summary:

Resident Paul Dumont believes the City should institute monthly billing for water and sewer utility service. Mr. Dumont submitted an editorial letter to Fosters on February 16 (copy attached) and assume he has reached out to City Councilors as well.

Background:

Mr. Dumont has a residence and two rental properties on Church Street. One of the rental properties experienced an internal water leak and the tenant apparently did not report the issue in a timely fashion. Over a 3-month billing cycle the leak resulted in a high water and sewer bill in excess of \$1,000. Mr. Dumont made an appeal to the Utility Advisory Board. The Board was sympathetic to the issue, but the water passed through the meter and the customer is responsible for monitoring use. The UAB did grant a 25% hardship waiver to Mr. Dumont's high bill.

As a follow-up, Blaine Cox and I met with Mr. Dumont at his residence. Discussion focused on the current City policies and billing practices. Mr. Dumont was very cordial, but expressed frustration that water and sewer bills should be read monthly.

Due to the cost and impact to staff – I would not recommend monthly billing at this time. However, if quarterly billing continues, some consideration could be given to instituting a Leak Abatement Policy. During periods of heavy snow in the winter it is not uncommon to conduct an "estimated" read. Meter reading staff might be tied up plowing, or are unable to access the meter register on a home. The result is that a customer could go 6 months, or 2 billing cycles, before getting a read based on actual consumption. If a leak occurs, it is possible that it could go undetected for 6 months.

Rochester has not invested in radio-read meters, so staff must walk up to each home individually and use a read device to physically touch a transmitter on the side of the house. It normally takes our meter reader up to 3 weeks to complete a read cycle. Some utilities have moved to monthly billing, but only after implementing radio-read technology. In the community that I came from all the water meters, in a City of similar size to Rochester, could be read within a 3 hour period using radio-read equipment. The elected body I used to report to considered moving to monthly reads, but bills were outsourced to a 3rd party vendor for processing, printing and mailing. The cost per bill was \$0.62. No one wanted to move from quarterly billing costs of 4 times per year at \$2.48 total per customer, to monthly billing costs of 12 times per year at \$7.44 total. Consideration also needs to be given to staff demands in the billing office for processing 3 times as many bills. We have slightly more than 7,000 metered accounts. With quarterly billing we process just under 30,000 bills annually. With monthly billing this would jump to about 85,000 bills.

If a switch was made to monthly billing, it is likely we would need additional help to read all meters monthly and part-time help in the billing office to process all the bills.

Perhaps as a concession to remaining on quarterly billing, some water utilities do allow for consideration of leak abatements. Attached is copy of the Town of Exeter's policy as an example.

Back in Maine I had conducted a brief telephone survey to inquire what some of the larger Cities were doing for consideration of leak abatement requests. A summary is provided below:

Bangor – No abatements, charged for whatever goes through meter

KKW – 1 abatement every 10 years, bill cut in half for portion over normal use

Augusta – 1 abatement every 3 years, bill cut in half for portion over normal use

Kennebec – each abatement request to Trustees, there was only one ever granted

Portland - 1 abatement every 5 years, bill cut in half for portion over normal use

Brunswick-Topsham – 1 abatement, no time limit, bill cut in half above normal use

In all situations the Abatement Policies held customers liable for maintaining adequate plumbing. Most of their policies had language to the effect, *"If the source of high demand is a leak due to customer negligence, such as failure to maintain plumbing and fixtures in good repair or to protect from freezing, the customer shall be held responsible for the entire bill"*

Residents can monitor their own water use by simply checking the water meter register on a regular basis. If residents have inquired, we have instructed them how to read the register and how to monitor if water is passing through the meter. The water meters have a register much like an analog odometer in a car. There is also a rotating pin that only spins when water is being used. These type of inquiries are rare, but they do occur.

Unfair water billing policy

Feb. 16 - To the Editor:

An open letter to the mayor and city council of Rochester:

First said is the quality of water is great and the rates for water and the disposal of it are fair. The council of the past set up an enterprise fund to make sure that these dollars were not mixed with municipal funds. This is working very well.

Then why am I complaining about the billing procedure?

My last billing cycle before Christmas was for \$1202 when normally it runs around \$175 and needless to say it took away my Christmas spirit. After checking the meter, I did find that the meter was correct and found the unknown leak and had it repaired that very same day. The only time that I knew I was using that much water is when I received the bill. I called the water department about the bill and they said that I could appeal it and I did.

The appeal was held on Dec. 14 and many things were discussed especially about a monthly bill versus a 3-month billing cycle. The minutes of this meeting are posted on the advisory utility results. The members were very polite and very sympathetic about my problems but were unable to do what I wanted, but they did give me some relief by deducting \$248 and leaving a balance of \$992, the most that they could do under city policy. I questioned why they don't bill monthly and they said it was too expensive to do this. I paid the entire amount with the understanding that I would seek to change the billing process.

My argument is that electric, telephone, cable bills come in on a monthly level, and I believe that water bills should be the same as the others. If any monthly bills come in out of the ordinary, then something can be done to rectify the problem before it becomes a bigger dollar amount. I can see why a 3-month cycle was established by past councils and that is because water and sewer rates were very inexpensive, but over the years, because of EPA and other sources, the cost of these services have really mounted up and can no longer be acceptable as a token bill.

I would respectfully ask the mayor and council to adopt this kind of policy and let the utility advisory committee deal with such an issue.

If the city continues to maintain the 3-month billing practice, then the city should allow this.

When an owner appeals a big unusual bill that comes in because of an unknown water leak, then that bill should be divided into three parts: the first part should be one third of the full amount of the bill and the other 2 parts should be rated on the regular usage. This is a fair way of doing this. I don't like to waste water or money. I sincerely hope that you go on a monthly billing cycle or the above plan.

Paul J. Dumont
Rochester

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Few clouds, 11 °C / 51.8 °F


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Water/Sewer Abatement Policy/Procedure



unpreventable water release.

Policy/Procedure:

1. All customer requests to abate any portion of a metered water bill that is unusually high due to unpreventable leakage shall be reviewed by Town staff on a case-by-case basis. In order to qualify for abatement, a customer's excess consumption must exceed the greater of 100% or 35,000 gallons above their normal average consumption. The customer must also prove that the deficiency responsible for leakage has been repaired or corrected. This policy only applies to leaks that have occurred within the previous six (6) months of the date of the abatement request.
2. In the event that a customer cannot determine the source or cause of the abnormally high consumption, the customer is required to hire a private licensed plumber to assist the customer in trying to determine said source or cause. If the plumber is unable to determine the source or cause of the abnormally high consumption, the Town can only speculate that the customer has located and repaired or corrected said source. If the customer claims that said source never existed, the Town shall test the meter and make an adjustment to the bill in accordance with NHPUC requirements for meters found to be over-recording. If the meter test reveals an accurate or under-recording meter, the customer shall be held responsible for the entire bill plus the cost of meter testing and shipping/handling.
3. In the event the source or cause of the abnormally high consumption is related to a leak due to customer negligence such as the failure to maintain internal (private) plumbing fixtures in good repair and/or protect plumbing from freezing, the customer shall be held responsible for the entire bill.
4. In the event the abnormally high consumption has occurred due to "unpredictable leakage" not caused by customer negligence, ignorance or unfortunate circumstances, as determined by Town staff and the Water & Sewer Advisory Committee, the Town shall consider granting a one-time abatement, per account, during any ten-year period, up to half of the water consumption above normal consumption. The abatement calculation may consider compensation from any other sources, including insurance policy claims,

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etc. Normal consumption will be the average of at least the previous three years' consumption history, for similar billing periods, unless deemed otherwise by the Town staff or Committee. The Town staff and Committee reserve the right to grant adjustments on water use or sewer use or both.

5. The customer may be required to submit a written statement from their homeowner's insurance policy provider stating what portion, if any, of the leak is covered by insurance.

6. The Town shall not disconnect service (for abnormally high consumption) provided the customer pays the entire amount due within the normal payment period or enters into payment arrangements for the excessive amount and is in good standing on all current billings.

7. Landlords will be responsible for tenant bills in accordance with this policy. Failure by a tenant to pay water and sewer charges will not excuse the landlord of any outstanding obligations.

Procedures:

The following example shows how the abatement is calculated based on rates in effect on 1/1/08:

	Consumption	Dollar Amount
Total Usage	75,000 gal	\$405.75
3 year average	30,000 gal	\$162.30
Excess above average	45,000 gal	\$243.45
Half of excess abated	(22,500 gal)	(\$121.72)
Remaining excess Customer responsibility	22,500 gal	\$121.72
3 year average	30,000 gal	\$162.30
Total remaining bill due		\$284.02

Severability:

To the extent this policy is in conflict with State law, State law will prevail.

Supporting Documents

 Water Sewer Policy

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Contact

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Upcoming Events

Water & Sewer Advisory
Committee
Wed, Mar 9th 6:30pm

Heritage Commission
Wed, Mar 9th 7:00pm - 10:00pm

Planning Board
Thu, Mar 10th 7:00pm - 10:00pm

Zoning Board of Adjustment
Tue, Mar 15th 7:00pm - 10:00pm

Historic District Commission
Thu, Mar 17th 7:00pm - 10:00pm

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Public Works & Buildings Committee March 17, 2016 Agenda Item

Agenda Item #4 – East Rochester Irrigation Pond

Summary:

The Planning Board, at their February 22 Meeting, referred an item to the Public Works Committee for their consideration. It involved reviewing a non-permitted pond discovered on City-acquired property at 828 Portland Street.

Background:

At their February 22 Meeting, the Planning Board reviewed an application for a 9 lot subdivision at 788 & 794 Portland Street submitted by Tom Aubert. In reviewing stormwater drainage issues for the proposed development, there appears to be a concern that a man-made pond on the abutting City acquired property may be contributing to problems. An abutting resident testified at the meeting that *“the main focus should be on filling in the pond as it has caused many problems and it’s a breeding ground for mosquitos.”*

Planning Board member Mark Sullivan recommended this item get referred to Public Works.

DPW’s best guess is that the pond was illegally constructed as a source of irrigation water for the prior occupant of the land. It serves no valid purpose and could likely be filled in and replaced with a drainage swale.

On a related note – several concerns have been shared about the overall wet conditions in that general area of East Rochester. Bedrock is very shallow, and it appears to be trapping water at its surface resulting in high seasonal water tables. Also, a 2002 Engineering Study that reviewed inflow and infiltration (I/I) sources in the general area suggested that as much as 165,000 gallons per day were entering the sanitary sewer system through leaks in the piping or manholes. The area has since be rehabilitated to eliminate I/I sources.



Public Works & Buildings Committee March 17, 2016 Agenda Item

Agenda Item #5 – Annex Renovation

Summary:

Design work continues to progress rapidly. Oak Point Architects expects to deliver a 100% set of final plans on April 8. We could proceed to bid any time thereafter.

Background:

Oak Point submitted a 65% review set of plans on February 4. Oak Point met with City on a few occasions. On February 11 there was a meeting to focus specifically on the computer, telephone and general Information Technology needs. Another larger meeting was held on February 18 with Oak Point and City representatives from Planning, BZLS, Economic Development, MIS and DPW. Minutes of that meeting are attached for reference.

Engineering staff conducted a detailed review of the plans and specifications and we are working with Oak Point to address some final design items.

We have requested a few graphics from Oak Point to share with the Public Works Committee. At the very least, we should have an architectural view of the front elevation view of the Annex to show how the façade will be restored.

There have been numerous design challenges to maximize usable space while still complying with current building code. A limited-use, limited-occupancy elevator is included for ADA compliance. Two stairwells were required for access/egress, but they were designed with narrow corridors to minimize impact on overall footprint. Two separate entrances for City visitors were utilized, such that both BZLS and Planning have entrances on either side of their administrative areas.

There will be logistical challenges to maintain ADA access to City Hall during construction. Some spaces in the municipal parking lot will need to be utilized for a construction staging area.

At this point the architects estimate the project remains within the allocated budget.



MEETING MINUTES – 65% SUBMISSION REVIEW MEETING

Date: February 18, 2016

Project: City Hall Annex – City of Rochester
31 Wakefield Street, Rochester, NH

Attendees:

City of Rochester

John Storer	Public Works	603-332-4096	john.storer@rochesternh.net
Michelle Mears	Staff Planner	603-335-1338	michelle.mears@rochesternh.net
Jennifer Marsh	Economic Development	603-509-1910	Jennifer.marsh@rochesternh.net
Jim Grant	Director, BZL Services	603-335-7500	jim.grant@rochesternh.net

Rochester Historic District Commission

Peter Bruckner	Architect	603-332-7264	peterb@pjbruckner.com
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Oak Point Associates

Steve Towne	Civil Engineer	603-431-4849	stowne@oakpoint.com
Jason Chenard	Mechanical Engineer	603-431-4849	jchenard@oakpoint.com
Mike Cook	Mechanical Designer	603-431-4849	mcook@oakpoint.com
Peter MacGovern	Architect	603-431-4849	pmacgovern@oakpoint.com
Wayne Whippie	Electrical Engineer	603-431-4849	wwhippie@oakpoint.com
Hilary McGinness	Electrical Engineer	603-431-4849	hmcginness@oakpoint.com
Ken Weston	Project Manager	603-431-4849	kweston@oakpoint.com

The purpose of the meeting was to review the 65% Submission. The following items were discussed:

1. P. MacGovern stated that the west façade restoration remains a bid option at this point and is estimated to be a \$55,000 net add to the project cost. The base bid estimate contains an \$88,000 design contingency thus the hope is that the façade restoration can be folded into the base bid scope.
2. M. Mears outlined grant opportunities that the city is pursuing. These include the following:
 - a. Moose Plate Application: \$10,000 to go toward the façade restoration
 - b. Jane's Trust: Application of intent for \$55,000 to go toward the façade restoration
 - c. L-Chip: Applications are due in May and the awards are given in December. Annex project may receive award retro-actively.
3. W. Whippie mentioned possible rebates through the Everource program. OPA is to present information regarding credits available for the use of energy efficient fixtures.
4. S. Towne stated that bids will include unit pricing for rock removal and removal of unsuitable sub-grade. Additionally the estimate includes an allowance for the city's procurement of a construction easement on the abutting properties. Sheet CD101 shows suggested width of easement. J. Storer to verify \$10,000 cost.

5. J. Storer is to investigate with EnviroVantage if there is a hazardous materials report and forward to OPA.
6. J. Storer stated that the City is to remove the existing underground oil tank pending Town Council approval (expected at 02/18/16 Council meeting).
7. S. Towne noted that fire lane striping has been included at parking lot (Sheet CS101). J. Storer noted that the city is planning on redoing the entire parking lot during the summer of 2017 and fire lane striping shown is acceptable.
8. S. Towne noted that the outside patio on the west side of the building was moved away from the building some (compared to 35 percent) to provide greater privacy to first floor offices.
9. S. Towne noted that special connections will be provided between downspouts and the underground drainage piping system.
10. S. Towne noted that the only new site lighting will be the replacement of two lights at the west side pathway. W. Whippie stated that exterior lighting on City Hall will be utilized to light the path between the buildings. The new pathway lights are required to be Dark Sky compliant. Existing lights are thought to be connected to junction box on old Dos Amigos building. Drawings will include a note for the contractor to field verify existing conditions, power feed and control to the front sidewalk site lighting. OPA to perform calculations to determine if replacing four lights instead of two or if removing four lights and installing two is more appropriate solution. New lights are to be connected to power from the Annex and Site controlled by a photocell on the building, rather than fixture mounted, so all fixtures turn on/off at the same time. City prefers the capped fixture type (Sternberg Lighting, M960SRLED Monterro Series), and "medium level" of illumination is acceptable. NOTE: In IES terms, this equates to medium activity level and Lighting Zone LZ2. The City is to let OPA know what existing bulb light output is. Wireless controls option is not to be included with this project. A handhole will be provided for future extension of the site lighting circuit, with the expectation that the older site lighting fixtures will be replaced in the future.
11. The new fence on the north side of the building will be cedar and located 1 foot into the city's property. Ferns will be planted between the new fence and the building to prevent weeds.
12. J. Storer is to coordinate a hydrant flow test. J. Chenard stated that the pressure is not expected to be a problem, but the data is necessary to provide to the contractors.
13. J. Storer stated that the existing sanitary sewer pipe will be cleaned and lined. A new 4 inch liner pipe connection will be required inside the building.
14. P. Bruckner stated that the west side path should be developed more as a programmed space that could be utilized by the public rather than a decorative spot to walk through. J. Storer stated that the programming can be looked at as a future project.
15. OPA to add a site plan showing existing conditions to Wakefield street, keynote and show temp HC parking striping on the flip side of existing spaces, keynote and show suggested barricaded temp pedestrian accessible route through the const site to the City Hall door, show suggested temp const fencing limits and traffic corridors.
16. S. Towne noted that temporary striping will be required for handicapped parking and that maintaining handicapped access to City Hall will be required. OPA to indicate project constraints

to the access on the plans. J. Storer suggested that the city utilize a public relations campaign to let the public know arrangements may need to be made to accommodate handicapped access prior to attending City Hall during the construction period.

17. W. Whippie stated that there may be some possible coordination between this project and the Fire Station electrical service project with the potential in the Annex project to provide empty conduits below grade on the north side of the building.
18. J. Storer noted some cost should added to the estimate for the contractor being required to follow dictated means and methods for the structural work.
19. J. Storer stated that the wires and cable tray between the Annex and City Hall will be removed by the city.
20. J. Storer is to coordinate roof visualization access for OPA, either through a lift or fire department.
21. P. Bruckner suggested that the existing connector glass and framing be salvaged and possibly re-used for the fire department memorabilia display. J. Storer stated that the city could remove the framing.
22. P. MacGovern stated that OPA had performed water absorption testing on the existing brick and that water sealant may be required. However, sealant is not recommended by Secretary of Interior Standards for Historic Preservation. OPA to perform further testing.
23. P. Bruckner suggested that pin-up space be provided on the walls of the conference room.
24. J. Chenard presented the intended mechanical system. P. Bruckner suggested that a LEED checklist be utilized to determine the project against possible LEED certification.
25. H. McGinness stated that the lighting fixtures in the offices have been changed from wall mount to pendant mount and from step-dim to fully dimmable. Fixtures will be LED type.
26. W. Whippie stated that once the fire department is provided with its own generator under another project, the existing 60 kW generator capacity will be available to serve additional City Hall and Annex electrical loads during an extended utility power outage. OPA will continue to develop suggested priority list and summarize the remaining available generator capacity to J. Storer for review. Current priority is:
 - a. City communications equipment in City Hall already served by the existing Generator.
 - b. City communications equipment within Data room in Annex (including that Data room HVAC).
 - c. *Not specifically discussed at meeting* - Annex Fire alarm panel and associated equipment (these items will also include their own batteries as required by codes).
 - d. *Not specifically discussed at meeting* - Annex Basement Sump Pumps.
 - e. Existing City Hall Boiler, controls and circulation pumps to keep building tempered, not for occupancy. (City Hall boiler will be the heating source for Annex).
 - f. Annex heating controls and recirculation pumps to keep building tempered, not for occupancy.
27. J. Storer stated that he will be reviewing the submission drawings and specifications in further detail in the next week and will forward additional review comments.

The above items are true to the best of the writer's knowledge. If there are any errors or omissions, please notify Ken Weston at Oak Point Associates within seven (7) calendar days of receiving these minutes. If no corrections or additions are made to this document by that date, they will become permanent record.





Public Works & Buildings Committee March 17, 2016 Agenda Item

Agenda Item #6 – Milton Road EDA Project

Summary:

Bids will be opened the afternoon of March 17. The bid date was selected to allow for discussion of bid results at the Public Works Committee later that evening. An amount of \$3.89 million has been appropriated for the project. Based on estimates from our consultants, we expect bid prices for the entire project will come in higher than what has been appropriated.

Background:

The original project budget dated back to the FY2013 Budgets. Since that time the scope of the project has changed slightly. The sewer portion was designed to serve Market Basket by gravity, as opposed to them having a pump station. This forced some of the sewer lines to run with a rather deep depth of burial approaching 13 and 14 feet. An original budget summary is provided below.

		Revenue from Grant	Market Basket	City Funds Project	Total Estimated Project Value
<u>SEWER 62%</u>	\$2,398,500.00	\$1,199,250.00	\$310,000.00	\$ 889,250.00	\$2,398,500.00
<u>WATER 18%</u>	\$707,200.00	\$353,600.00	\$90,000.00	\$ 263,600.00	\$707,200.00
<u>HWY /DRAIN 20%</u>	\$786,500.00	\$393,250.00	\$100,000.00	\$ 293,250.00	\$786,500.00
	\$3,892,200.00	\$1,946,100.00	*\$500,000.00	\$ 1,446,100.00	\$3,892,200.00

*Additional \$50,000 is committed from Market Basket

It is likely that a few of the sewer extensions will be considered as “non-participating” for EDA funds as they fall outside the core project to get sewer extended to Route 125. These include shorts runs of:

- 245 feet on end of Kodiak;
- 230 feet on Denali Drive; and
- 1,400 feet on Salmon Falls Road (from entrance to apartments at 63 Salmon Falls Road up to point past Sunview Lane).

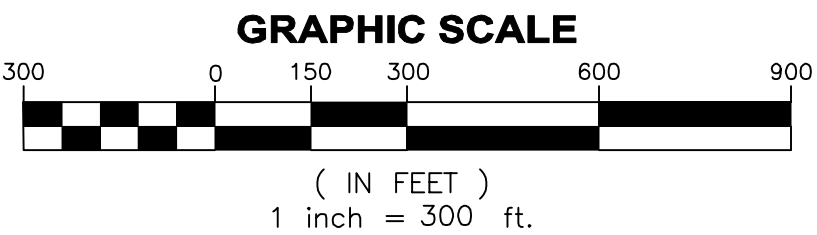
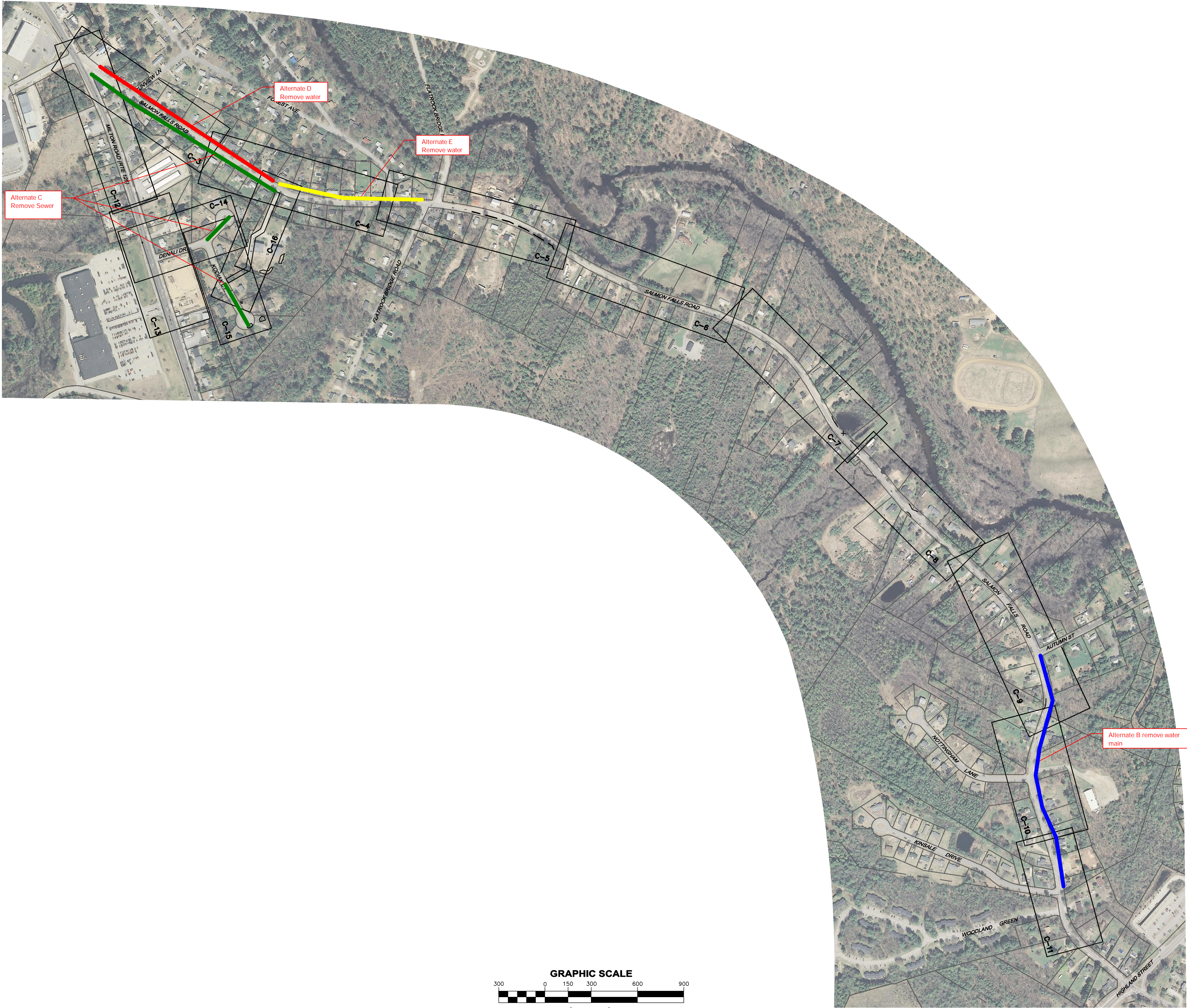
The project is being bid with up to 5 sequential deductive alternates that will provide flexibility for possibly reducing the scope of work to meet specific budget constraints. Wright-Pierce prepared estimates that range from a low of \$3.83 million with all the alternatives, up to a high of \$5.78 million for the entire project. Copies are attached – please note that the estimates include allowances for construction administration and inspection services. We are still evaluating options for these services to help control costs.

As of 3/9/16, nine contractors had taken out plans & specifications. We hope the engineer's estimates are high, and that early season competitive bids will lead to good pricing.

**Salmon Falls Road and Milton Road Water and Sewer
Project Cost Matrix
2/12/2016**

			STA 78 to STA 95	STA 1 to STA 17	STA 1 to STA 17	STA 17 to STA 12
		PVC Pipe Sub	Remove Water	Remove Sewer	Remove Water	Remove Water
	Base Bid	Base Bid-A	Base Bid-A-B	Base Bid-A-B-C	Base Bid-A-B-C-D	Base Bid-A-B-C-D-E
Sewer	\$ 1,059,537.33	\$ 1,059,537.33	\$ 1,059,537.33	\$ 1,059,537.33	\$ 1,059,537.33	\$ 1,059,537.33
Non Participating Sewer/Road	\$ 251,710.65	\$ 251,710.65	\$ 251,710.65	\$ -	\$ -	\$ -
Water	\$ 1,926,903.33	\$ 1,752,103.33	\$ 1,420,907.73	\$ 1,420,907.73	\$ 1,121,537.73	\$ 913,347.73
Roadway	\$ 1,743,976.94	\$ 1,743,976.94	\$ 1,572,378.79	\$ 1,537,878.79	\$ 1,357,475.46	\$ 1,216,894.79
Construction Subtotal	\$ 4,982,128.26	\$ 4,807,328.26	\$ 4,304,534.51	\$ 4,018,323.86	\$ 3,538,550.53	\$ 3,189,779.86
5% Contingency	\$ 249,106.41	\$ 240,366.41	\$ 215,226.73	\$ 200,916.19	\$ 176,927.53	\$ 159,488.99
Construction	\$ 5,231,234.67	\$ 5,047,694.67	\$ 4,519,761.24	\$ 4,219,240.05	\$ 3,715,478.05	\$ 3,349,268.85
Design	\$ 154,500	\$ 154,500	\$ 154,500	\$ 154,500	\$ 154,500	\$ 154,500
CA	\$ 145,000	\$ 145,000	\$ 145,000	\$ 145,000	\$ 145,000	\$ 145,000
Full Time Inspection	\$ 248,000	\$ 248,000	\$ 230,800	\$ 213,600	\$ 196,400	\$ 179,200
Assumed Construction Days	300	300	280	260	240	220
Project Total	\$ 5,778,734.67	\$ 5,595,194.67	\$ 5,050,061.24	\$ 4,732,340.05	\$ 4,211,378.05	\$ 3,827,968.85

Currently Approved Budget \$ 3,892,000
EDA fund match maximum \$ 1,946,000
Alternate C, D, and E have not been approved by EDA yet.



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DRAWING INDEX

DRAWING
C-2

DESIGNED BY: DDL/WTE		SUBMISSIONS/REVISIONS		APP'D		DATE	
CAD COORD: WTE		NO					
CAD: WTE							
CHECKED BY: CDB							
DATE:							
APPROVED BY:							
DATE: FEB. 2016							
PROJECT NO: 12928B							



Public Works & Buildings Committee March 17, 2016 Agenda Item

Agenda Item #7 – Pavement Priorities

Summary:

Attached is a revised estimate of pavement projects for consideration for FY 2017.

Background:

Based on last month's Public Works Committee Meeting, a couple of the Pavement Priorities have been adjusted. Looking at the existing FY 2016 Budget, an amount of \$445,000 is allocated for the completion of the surface coat on Gear Road, and for complete repavement of Ledge View. That leaves a projected surplus of \$174,000 from 2016 for potential carryover.

Notes on a couple of the changes: the Union Street & City Hall Municipal Lots have been pushed down the list; additional segments of Lowell Street were added; Tebbetts was pushed down the list as DPW made some temporary repairs, such that we could revisit at a later date. Hansonville was held as sort of an anchor project for the following year budget cycle.

Based on an inquiry at the City Council Meeting of March 1, we are researching reconstruction/repair options for Woodside Lane. Woodside Lane is indeed in poor shape. It has experienced accelerated deterioration due to improper drainage and sub-par base material. The road is experience significant rutting within the travel lanes.

The City accepted the roadway in December 2005 and the meeting minutes reference concerns with its condition. ***Excerpt from Dec 5, 2005 Council Meeting - City Manager Steele stated that the last street to discuss was Woodside Lane. It is off Four Rod Road. He mentioned that he has been out to the site several times. He opined that if that project were presented today, it would never have received approval. That was built twenty years ago. The land is very wet. It is a very poor place to build. The developer never should have been allowed to build there. The drainage is bad in the street. Those drainage problems have not been tended to properly for years.***

FY17 Proposed Paving List

Revision Date: 3/10/2016

Street Name	Cost Estimate	Cumulative Total	Last Paved	Comments
Whitehouse Road	\$500,000	\$500,000	1990 (est.)	
Lowell Street (Hillside - Tebbetts)	\$300,000	\$800,000	2005	previously proposed (FY15 estimate)
Add Lowell St. (Hillside - Harding)	\$180,000	\$980,000		
Add Lowell St. (Harding - Columbus)	\$55,000	\$1,035,000		
Columbus Ave./Old Dover Rd. Intersection	\$85,000	\$1,120,000	'02/'05/'06	previously proposed (FY16 estimate)
Hansonville Rd. (Including portion of Flagg Rd.)	\$400,000	\$1,520,000	2001/2002	previously proposed (FY16 estimate)
Tebbetts Road (portions Lowell St. to Rte. 108)	\$125,000	\$1,645,000	2004	previously proposed (FY15 estimate)
Union Street Municipal Parking Lot	\$140,000	\$1,785,000		previously proposed (FY16 estimate)
City Hall Municipal Parking Lot	\$100,000	\$1,885,000		previously proposed (FY16 estimate)
Sheepboro Road	\$210,000	\$2,095,000	2006	previously proposed (FY13 estimate)
Weeping Willow Drive	\$70,000	\$2,165,000	2004	previously proposed (FY16 estimate)
Eastern Avenue (Allen St. to Fieldstone Ln.)	\$275,000	\$2,440,000	2003	previously proposed (FY16 estimate)
French Hussey Road	\$75,000	\$2,515,000	1990 (est.)	previously proposed (FY16 estimate)
Sullivan Farm Drive	\$125,000	\$2,640,000	2005	previously proposed (FY16 estimate)
Four Rod Road	\$500,000	\$3,140,000	2012 shim	previously proposed (FY13 estimate)
Jackson Street	\$65,000	\$3,205,000	1990 (est.)	previously proposed (FY15 estimate)
Rockledge Road	\$78,000	\$3,283,000	2003	previously proposed (FY14 estimate)
Boulder Avenue	\$64,000	\$3,347,000	2003	previously proposed (FY14 estimate)
Conifer Circle	\$48,000	\$3,395,000	2004	previously proposed (FY14 estimate)

Total: \$3,395,000

Other Options:

Myrtle Street	\$50,000		1990 (est.)	Mill & Overlay only. Future project area.
Woodman Street	\$45,000		1990 (est.)	Mill & Overlay only. Future project area.
	\$25,000			Pavement Shim only (no cold-plane/mill).

FY16 Projected Carryover: \$ 174,000
 Department Requested FY17 Budget: \$ 770,000
 Total Projected Available Funds: \$ 944,000

\$445,000 allocated to complete Gear & Ledgeview



Public Works & Buildings Committee March 17, 2016 Agenda Item

Agenda Item #8 – FY 17 Budget Discussion

Summary:

We have been working with the City Manager and Finance Department on some minor adjustments to the proposed budget FY 2017 CIP Budget.

Wanted to draw attention to 2 items that we feel are critical. The DPW Vehicle Replacement Budget includes replacement of 2 plow trucks at approximately \$153,000 each. We have also included a budget item of \$70,000 for a comprehensive Pavement Condition Assessment of all City Streets.

Background:

We have 14 plow trucks for our main plowing routes. There are 12 six-wheel trucks and 2 ten-wheel trucks. The life expectancy of these trucks is about 15 years. We do not have indoor storage for these vehicles, nor do we have a dedicated wash bay for regular removal of winter road salt. We should be averaging replacement of about 1 truck per year. We have not replaced a plow truck in the last 3 budgets. The average age of our plow trucks is 2005.

There are approximately 175 miles of streets for the City to plow and maintain. Several plow runs already approach 3.5 to 4 hours to complete. Reducing trucks would significantly lengthen the time to complete routes. It is not uncommon to have 1 or 2 trucks go down for repairs during a storm, which adds to the burden of the crews.

The FY 14, 15 & 16 Budgets did not replace any plow trucks. We have 4 trucks that are vintage 2001 or older (#54 – 1999 vintage; #18 – 2000 vintage; #55 – 2000 vintage; and #15 – 2001 vintage). A summary sheet of the main 14 plow trucks is attached.

Next year we anticipate replacing the Road Grader. It is 2000 vintage and has been subject to major repairs the last 2 winters. This year exhaust manifold broke off damaging the upper block. Last year the rear end transmission case needed delicate, emergency welding. It is a critical piece of equipment for removal of snow along North Main Street and Columbus Avenue. We also still have several segments of unpaved roads where it is used for regular grading.

We strongly recommend replacing 2 plow trucks this budget cycle. That would mean we replaced 2 trucks over the last 4 years. We can't backslide further.

Another budget item has been proposed for a comprehensive Pavement Condition Assessment of all the City's paved roadways. An amount of \$70,000 is requested. Then intent is to conduct an automated assessment of all the City's roadways by having a specialized laser-equipped vehicle drive every segment of roadway. The vehicle helps develop a Pavement Condition Index (PCI) rating for each segment of roadway on a scale of 1 to 100. The assessment process is based on ASTM distress rating methodology to objectively quantify ratings.

The process would develop an overall PCI rating for the City's entire network of roads, and would include recommendations for annual reconstruction, repavement, and crack sealing to either maintain or improve the City's overall PCI rating. The effort would guide future projects to ensure limited funds are most objectively spent on areas of pressing need. Both Somersworth and Dover have recently undertaken identical projects.

Summary of Main Plow Trucks - 14 Total, and Grader

DPW Veh.#	Plate #	Vin #	Year	Make	Model	Brief Description	Account	Mileage	Life Exp	Year Scheduled for Replacement	Wheel Count
6	G20396	1HTWAAAR38J676784	2008	INTL	PERM	WHITE DUMP INTERNATIONAL	HWY	31,309	15	2023	6
8	G19947	1HTWAAAR48J563250	2008	INTL	7300	WHITE DUMP - INTERNATIONAL	HWY	35,238	15	2023	6
9	G21105	1HTWXAHT19J158996	2009	INTL	7600	WHITE DUMP	HWY	42,943	15	2024	10
10	G23469	1HTWDAAR5DH332060	2013	INTL	7400 SFA	INTERNATIONAL DUMP TRUCK	HWY	12,230	15	2028	6
12	G19946	1HTWXAHT18J563268	2008	INTL	7600	INTERNATIONAL DUMP TRUCK	HWY	57,000	15	2023	10
15	G02273	1GDP7H1C21J501853	2001	GMC	TC7H042	GMC PICK DUMP	HWY	31,755	15	2016	6
16	G18102	1GDP8C1CX5F519218	2005	GMC	C8500	GMC WHITE DUMP	HWY	50,700	15	2020	6
17	G18892	1GDP8C1C26F413167	2006	GMC	C8C042	GMC WHITE/BLACK DUMP	HWY	48,779	15	2021	6
18	G02308	1GDP7H1C1YJ504768	2000	GMC	TC7H042	GMC WHITE/BLACK DUMP	HWY	60,615	15	2015	6
19	G17385	1GDP8C1C44F513171	2004	GMC	F8B042	GMC ORANGE DUMP	HWY	49,374	15	2019	6
20	G23446	1HTWDAAR7DH332061	2013	INTL	7400	INTERNATIONAL DUMP TRUCK	HWY	12,661	15	2028	6
27	G02265	726AVHP30978	2000	CHAMP	726A	YELLOW CONEQ CHAMPION GRADER	HWY	6020.4 hours	15	2015	
54	G06301	1GDP7H1C0XJ505957	1999	GMC	TCH042	ORANGE/GREEN GMC DUPM	HWY	64,121	10	2009	6
55	G03850	1GBP7H1C1YJ505668	2000	CHEV	CC7H042	ORANGE/GREEN PICKUP	HWY	53,139	15	2015	6
65	G20397	1HTWAAAR38J677627	2008	INTL	7300	INTERNATIONAL WORKSTAR	HWY	25,472	15	2023	6

2005.5 = Average Age of Fleet

4 trucks are 2001 vintage or older



Public Works & Buildings Committee March 17, 2016 Agenda Item

Agenda Item #9 – Class VI Roads

Summary:

We plan to install signs and a chain to restrict motorized vehicle access to Two Rod Road. Off-road vehicles are impacting wetlands along the road and the City has a liability to protect those from damage.

Additionally, we are reviewing legal liability and whether we should post additional signs at other Class VI roads that warn prospective travelers that City maintenance responsibilities end and travelers are proceeding at their own risk.

Background:

A resident reported concerns about off-road vehicles accessing portions of Class VI Two Rod Road. The road would be best described as a rough woods trail and vehicles were rutting portions of the road and causing erosion problems. The resident's complaints went to NH DES and NH DOT, and eventually forwarded to City staff.

We had a representative from NH DES inspect the site along with our Assistant City Engineer. DES indicated the City is responsible for protecting damage to portions of wetlands that fall within the limits of the Class VI road.

In review with the City Attorney, we decided to restrict motorized access and will install signs and a gate at each of the road. We will be issuing notices to the abutting property owners.

We have to balance the public's right to access the public way, while still protecting the wetlands from damage. RSA 231:21-a states that gates and bars may be placed on a Class VI highway, but they may not be locked. However, this section also allows the City to regulate use of the highway.

In reviewing State statutes, it appears prudent that the City install warning signs at its other Class VI highways alerting prospective travelers that the City's maintenance responsibilities end and the travelers should proceed at their own risk.

RSA 231:50 clarifies the City is relieved from any maintenance obligations.

RSA 215-A:15 allows the regulation of Off Highway Vehicles.

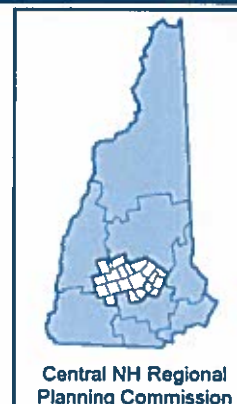
FACT SHEET: CLASS VI ROADS

July 2005

The following Fact Sheet was created to provide basic information regarding Class VI Roads and the statutes governing them. For more specific information or a legal analysis, please review the NH Statutes carefully and speak with your municipal attorney.

Class VI highways are defined as: "... all other existing public ways, and shall include all highways discontinued as open highways and made subject to gates and bars, except as provided in paragraph III-a [boating access highway], and all highways which have not been maintained and repaired by the town in suitable condition for travel thereon for 5 successive years or more except as restricted by RSA 231:3, II." (RSA 229:5, VII)

Keep in mind that while Class VI Roads are defined as "subject to gates and bars," any such structures must not interfere with the lawful public use of the road as defined by the local ordinances. The Board of Selectmen has the authority to regulate said structures. "Gates and bars" were historically erected by abutting property owners to confine livestock; however, today, the associated liability potential is much greater and should be carefully considered.



Two ways for a Class V road to become a Class VI road:

1. Discontinued subject to gates and bars (RSA 231:45 and 229:5, VII)
 - Requires a vote by the Legislative Body (Town Meeting or City Council).
 - The warrant article should explicitly describe the location and that the road would be "discontinued subject to gates and bars".
2. Not maintained for a period of at least 5 successive years (RSA 229:5 and 231:45-a)
 - Historically, most of the State's Class VI roads are a result of this provision.
 - Roads that became discontinued because of this provision could revert to Class V status if they are regularly maintained for a period of at least 5 successive years by the municipality. (RSA 229:5, VI)

Building on Class VI Roads

Three steps must be taken for building to be allowed on a Class VI Road (RSA 674:41 I(c)) :

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.

A key to successfully managing development on Class VI roads is for the town to adopt a consistent policy. While a number of considerations may become part of a thoughtful policy, there are a couple common approaches:

- Allowing development with the appropriate waivers of liability.
- Limiting development to within a certain distance, e.g. 600 feet, of a Class V or better road.
- Requiring that the developer bring the road (or the portion between the development and the nearest better class road) up to Class V standards.

Any decision by the Board of Selectmen not to approve a building permit may be appealed to the Zoning Board of Adjustment which may grant an exception. (RSA 674:41, II)

Class VI Road Liability

"Towns shall be relieved of all obligation to maintain, and all liability for damages incurred in the use of, discontinued highways or highways discontinued as open highways and made subject to gates and bars." (RSA 231:50)

A good practice for municipalities to follow is the posting of signs at the beginning of Class VI roads notifying the public that the road is unmaintained and traveled at the users' own risk.

Regulation

One of the most asked questions about the regulation and use of Class VI roads is concerning Off Highway Recreational Vehicles (OHRVs).

- Defined in RSA 215-A:6, "Off highway recreational vehicle" means any mechanically propelled vehicle used for pleasure or recreational purposes running on rubber tires, belts, cleats, tracks, skis or cushion of air and dependent on the ground or surface for travel, or other unimproved terrain whether covered by ice or snow or not, where the operator sits in or on the vehicle."
- "With bylaws or ordinances city or town councils and boards of selectmen may regulate the operation of OHRVs within city or town limits, providing they do not conflict with provisions of this chapter." (RSA 215-A:15 I)
- There is no automatic right for OHRVs to travel on Class VI Roads. Through RSA 215-A:6 IX, Boards of Selectmen and Town/City Councils may, following a public hearing, allow the use of Class IV, V, or VI roads by OHRVs.

Regarding snowmobiles, RSA 215-A:7 II specifies that Boards of Selectmen or Town/City Councils may authorize the use of Class IV, V, or VI roads that are not maintained during the winter for use by snow traveling vehicles.

The Board of Selectmen of a municipality has the power to regulate local highways without requiring any action at a town meeting. (RSA 41:11)

The Board of Selectmen is given the same powers as a Town or City Council provided in RSA 47:17.

Regarding Class VI roads, "...the municipality shall have the same regulatory authority over such highways as is the case with class V highways, including but not limited to the authority to regulate their use pursuant to RSA 41:11 and RSA 47:17, VII, VIII and XVIII." (RSA 231:21-a II)

Complete Discontinuance

While Class VI roads are "discontinued subject to gates and bars," that standing is very different from being completely discontinued.

Municipalities have the power to completely discontinue a road by a vote at town meeting. (RSA 231:43) The effect of completely discontinuing a road is the dissolution of the public right of way. With the ending of the public interest, the land returns entirely to the control of the abutting land owners.

In some situations, the municipality holds a fee simple title to the land beneath the right-of-way. While this more unusual for older roads, it has become

increasingly common with newer development roads. The intent of the town to keep or relinquish the fee simple title should also be addressed in the warrant article concerning the discontinuance of the road.

While the town may vote to completely discontinue a road, any private easements that follow the public right of way, e.g. utilities, would still be intact.

In situations where the discontinuance of a road is in question, the burden of proof that it has been discontinued resides with those who wish to show it as discontinued. In other words, public rights of way are presumed to exist until proven otherwise.

Additional Resources:

A Hard Road to Travel: New Hampshire Law of Local Highways, Streets and Trails. Local Government Center, 2004
New Hampshire Planning and Land Use Regulation. New Hampshire Office of Energy and Planning, 2004
Model Class VI Building Permit Policy. <http://www.cnhrpc.org/planning/ClassVIBuildingPolicy.pdf>, 2001

For more information, please contact Nicholas Alexander, Transportation Planner, Central NH Regional Planning Commission at 226-2020. Please contact us with any suggestions for future Fact Sheet topics.



Public Works & Buildings Committee March 17, 2016 Agenda Item

Agenda Item #10 – Tiger Grant, N. Main to Wakefield Connector

Summary:

Applications for Tiger Grants are due by April 29, 2016. Does the City have any projects that should be pursued with a Tiger Grant? Staff suggests consideration of the Connector Road linking North Main Street to Wakefield Street.

If this project remains feasible, it would have a major impact on the proposed reconstruction of Wakefield Street. We don't have a current Transportation Master Plan that suggests how to deal with increased congestion in the downtown corridor.

Background:

Tiger Grants are discretionary project funding from the US Department of Transportation. "Tiger" denotes Transportation Investment Generating Economic Recovery. Minimum grant awards for an urban area like Rochester are \$5 million. They are focused on large projects of significant impact. Per their website – *"FY 2016 TIGER discretionary grants will fund capital investments in surface transportation infrastructure and will be awarded on a competitive basis for projects that will have a significant impact on the nation, a metropolitan area, or a region. The 2016 TIGER grant program will focus on capital projects that generate economic development and improve access to reliable, safe and affordable transportation for communities, both urban and rural."*

For projects located in urban areas, the minimum award is \$5 million.

The only potential project that would exceed the \$5 million threshold is the theoretical connector road. Existing DPW engineering staff is unfamiliar with the project, but we did find "Final Report – Traffic Study for Proposed Connector Road, North Main Street to Wakefield Street" that was prepared in April 2007 by CLD Consulting Engineers. The report cover sheet and a schematic map are attached from that report.

Development along Route 11, combined with the construction of Strafford Square, will put a focus on traffic flow and congestion in the downtown. Problems are only expected to get worse.

The City appears to have invested heavily in acquiring necessary land on the east side of the Cocheco River in anticipation of the project. Over \$700,000 was spent acquiring parcels in 2005 & 2006. The City still retains these parcels.

The Engineering Study noted the connector road would help relieve traffic congestion in the downtown, but there were significant environment impacts and residential opposition to overcome.

FINAL REPORT

TRAFFIC STUDY
FOR
PROPOSED CONNECTOR ROAD
NORTH MAIN STREET TO WAKEFIELD STREET
ROCHESTER, NEW HAMPSHIRE

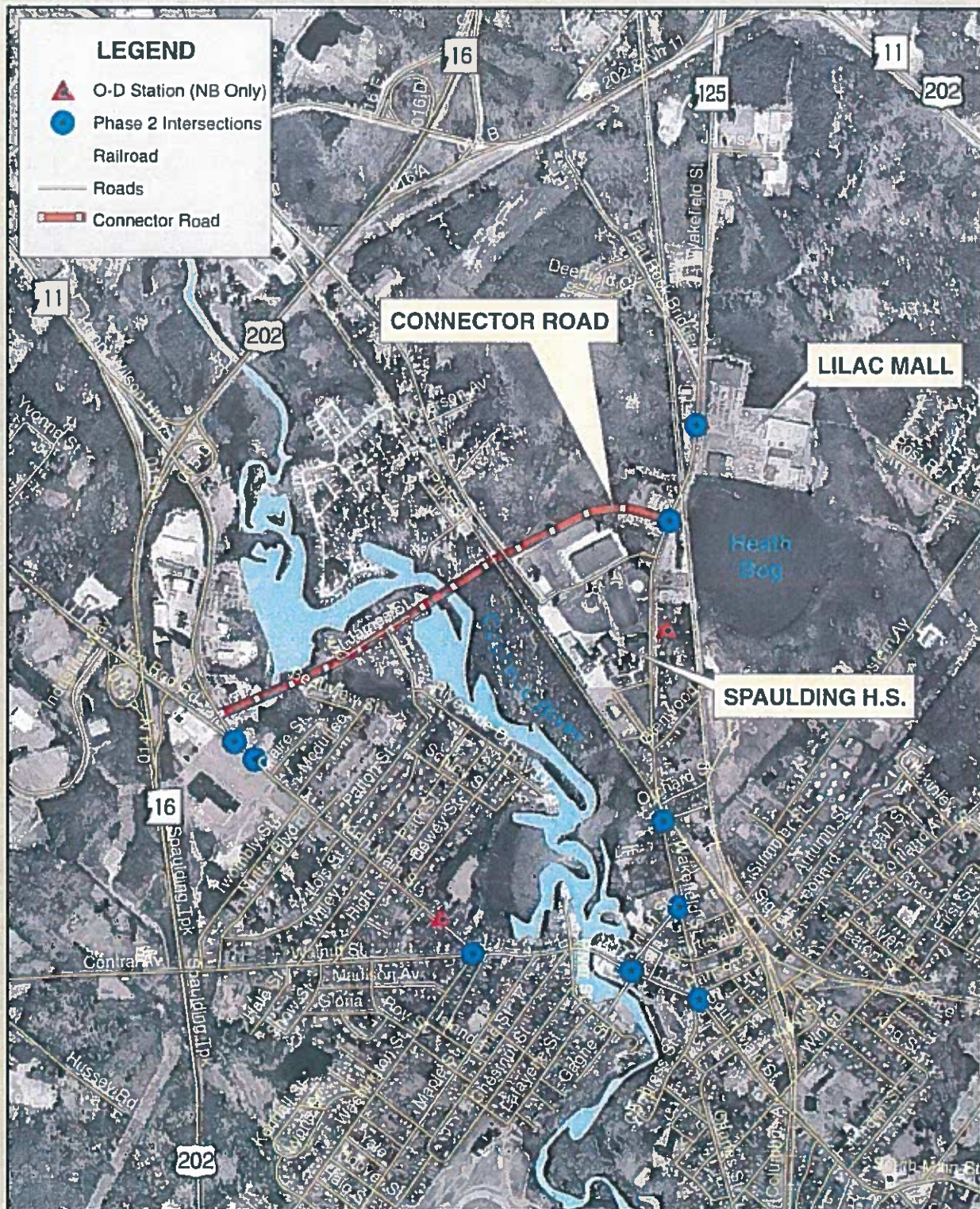
April 2007

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New Hampshire • Vermont • Maine

CLD Reference No. 03-0368



Rochester **Origin-Destination Study** **Figure 1- Study Area**



November 2008
 Scale: 1:10,000 and 1:20,000
 Checked in ArcGIS 9 using ArcView



Public Works & Buildings Committee March 17, 2016 Agenda Item

Agenda Item #11 – Wakefield Street, Design Authorization

Summary:

The reconstruction of Wakefield Street was included in the FY 2016 CIP Budget. The engineering design remains on hold, pending authorization to proceed.

Consideration should be given whether the proposed Connector Road remains viable, or whether a comprehensive Transportation Master Plan might suggest modifications to this key gateway to the City.

Background:

The FY 2016 CIP Budget included a combined total of \$4.2 million (highway, water & sewer) for the reconstruction of Wakefield Street, from Union Street out to Chestnut Hill Road intersection. Preliminary design work has been completed, but the project remains on hold.

Part of the reason for placing a hold on the project was to review the financial impact of all the proposed CIP Projects in regards to the City's Debt Limit and Tax Cap. Some large projects like Strafford Square, Annex Renovation, and new DPW Facility disrupt what might be a "normal" CIP bonding cycle of \$8 million +/- every 2 years.

Mark Sullivan presented information at the February Finance Committee Meeting that the City could fund all projects as presented; it just reduces the buffer to the Debt Limit, although significant debt drops off in 2025.

We could proceed with complete reconstruction of Wakefield Street, but if the Connector Road remains viable, we should consider the potential impacts of modify the Chestnut Hill Road intersection and the impact on adding more vehicles to this section.

If the Connector Road is a dead project, we should consider improving Wakefield Street within the guidelines of an overall Downtown Traffic Master Plan to ensure we are adequately addressing increase volume and congestion in the downtown. Problems are only expected to get worse with continued growth on Route 11 and the construction of Strafford Square Roundabout.



Public Works & Buildings Committee March 17, 2016 Agenda Item

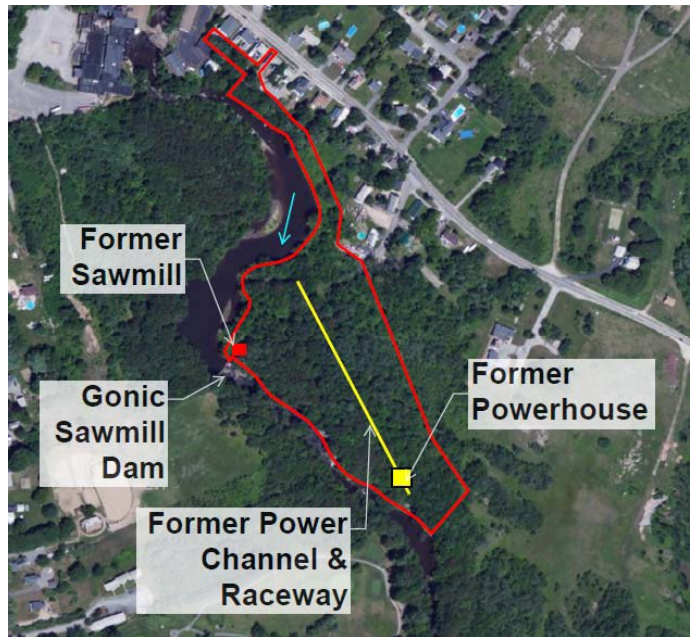
Agenda Item #12 – Gonic Dams, Removal Update

Summary:

New Hampshire Department of Environmental Services (NHDES) has again asked the City to accept funds to be used to advance the removal of the Gonic Dam and Gonic Sawmill Dam on the Cocheco River. The scope of work includes a limited groundwater quality assessment for the property at 17 Quaker Lane. No City funds will be expended for this effort. The City will not be taking any sort of ownership interest in the property by its involvement in this effort. An Agenda Bill will likely be presented to City Council in either April or May to accept the State funds for this effort.

Background:

Both the Gonic Dam and the Gonic Sawmill Dam are structurally deficient and no longer serve their intended purposes. A feasibility study completed in 2005 revealed that the removal of both dams was the preferred alternative and determined that the project was both technically and financially feasible. The removal of these two dams will have three primary benefits: improved public safety, improved fish passage, and improved water quality. There is an estimated 10,000 cubic yards of contaminated sediment detained by these dams. This sediment must be removed and ultimately disposed of as part of the dam removal project. The parcel at 17 Quaker Lane has been proposed as a dewatering site for the sediment or potentially a final disposal site. Historically, this site was the location of the Gonic Sawmill, which included the Gonic Sawmill Dam, a hydroelectric powerhouse,



17 Quaker Lane site location map

and a partially concrete-lined channel that supplied water from the impoundment upstream of the dam to the powerhouse, referred to as the former power channel. In an effort to understand the potential environmental liabilities currently associated with the site, an Environmental Site Assessment (ESA) was initiated. A Phase I ESA was completed in 2013 and an initial Phase II ESA was completed in 2014. Based upon the findings of the ESA, NHDES has requested a limited groundwater quality assessment of the site. The currently proposed scope addresses this request and is the next step toward removal of these dams.