



City of Rochester
Dept of Public Works

45 Old Dover Road
Rochester, NH 03867
Phone: (603) 332-4096
Fax: (603) 335-4352

Memo

To: Public Works and Buildings Committee
From: John B. Storer, PE
Director of City Services
Date: January 12, 2017
Subject: Public Works and Buildings Committee
Meeting Thursday January 19, 2017

There will be a Public Works and Buildings Committee Meeting on **Thursday January 19, 2017 at 7:00 PM. *This meeting will be held in Council Chambers, at City Hall.***

AGENDA

1. Approve Minutes of Public Hearing of December 15, 2016 regarding Wallace Street Brownfields Grant.
2. Approve Minutes of Regular Meeting of December 15, 2016.
3. Public Input
4. Wakefield Street
5. Colonial Pines
6. Annex
7. DPW Facility
8. LED Street Lights
9. Rt. 125 Pedestrian Bridge – supplemental appropriation for guardrail
10. Street Acceptance Recommendation – Huckins Lane
11. Preliminary Discussion – FY2018 Budgets
12. Permit status – MS4 & NPDES
13. Water Quality – disinfection byproducts update
14. Adjourn



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Memo

To: Public Works & Buildings Committee
From: John B. Storer, P.E. Director of City Services
CC: Dan Fitzpatrick, City Manager
Date: January 12, 2017
Re: January Meeting – Supporting Information

The following information is provided to support discussion of items on the Agenda.

Colonial Pines

The first critical step in expanding public sewer to the Colonial Pines neighborhood is getting a gravity sewer line beneath the Spaulding Turnpike. We've had hindrances to getting underway with that portion of the work, so wanted to provide a summary on the recent history.

The FY2016 Budget included \$1,200,000 towards construction and the FY2017 Budget included another \$1,000,000 towards this first portion of the work (\$2.2 million total). Plans & Specifications for crossing beneath the Spaulding Turnpike were wrapped up in September 2016. Copies were sent to NH DES, NH DOT and the Turnpike Division. To meet the requirements for crossing beneath the Turnpike, a rather large, 48-inch diameter, steel casing pipe had to be jacked beneath the Turnpike and sealed with high-pressure grout to eliminate any voids, thereby preventing any possible sink-holes beneath the Turnpike.

We only received 2 bids in early October 2016. Presumably the low number of bidders was due to the relative complexity of the project, plus some uncertainty with soil conditions and required dewatering. The complexity of the project also led to high prices. The low bidder was SUR Construction at \$2.43 million, which was well in excess of the project budget. We've reviewed the proposed work extensively with SUR Construction and have followed up with some additional geotechnical exploration work to help eliminate uncertainty with the existing soils and groundwater conditions. We also modified the jacking-pits for installing the casing pipe. Through ongoing negotiations with SUR Construction they have proposed a cost of \$1.96 million.

The project would have gotten underway, but we have not received final approval from either NH DOT or the Turnpike Division. Plans and an initial permit were submitted in September 2016, but there appears to have been a breakdown in communication between the NH DOT Utilities Division and the Turnpike Division. SUR Construction has been in regular contact with each, following up every few days.

SUR Construction's proposed construction schedule had them completing the work in March 2017, so we still have time to get the first portion of the project completed by spring 2017. We are expecting to execute a contract with SUR Construction by the end of January/first of February, pending authorization to proceed from DOT/Turnpike.

The proposed FY2018 CIP budget includes requests of \$2 million each of the next 3 years (FY18, 19 & 20) to complete the expansion of the sewer collection system into Colonial Pines.

LED Street Lights

The FY2018 CIP includes a request for \$350,000 to convert our Eversource-maintained city street lights to LED's. There are approximately 1,450 cobra-head style streetlights throughout the City. The cities of Dover and Portsmouth have just started the process to convert their lights to LED's and Affinity Lighting was the low bidder for both communities.

In Portsmouth, Affinity Lighting was the low bidder at \$391,129 to swap-out 1,687 old high-pressure-sodium (HPS) fixtures. The next lowest bidders were Tanko Lighting at \$413,847 and Siemens at \$416,371.

Affinity Lighting prepared a spreadsheet (attached) estimating the cost and impact of swapping out Rochester's lights. They estimated a total cost of \$342,560 for materials, labor & equipment. They project our annual Eversource bill would drop from \$215,194 to \$118,522. This is based on a decrease kWhr consumption of 576,451 annually on the existing HPS fixtures to 240,578 kWhrs on LED's.

Another benefit of switching to LED's is that the HPS fixtures have a relatively short life-expectancy. A typical HPS might be lucky to get 20,000 hours. Other municipal representatives indicate they typically see a 40 to 48-month life expectancy on the fixtures. Rochester is responsible for the cost of swapping out the existing HPS fixtures when they burn out. Eversource has 2 types of municipal street light accounts. One is essentially all-inclusive for maintenance and replacement of failed fixtures, but results in a much higher monthly and annual cost. The other plan provides a reduced monthly and annual rate, but the municipality pays the actual costs for Eversource to swap out failed fixtures. Rochester has been on this latter plan and Eversource indicates we could not switch to the all-inclusive plan.

Affinity Lighting indicates their LED's have in excess of a 100,000 hour life expectancy and should last 20 years.

We have been in touch with Eversource to begin the application process for a LED incentive that could be capped at \$100,000. Both Portsmouth and Dover appear to have qualified for the maximum incentive of \$100,000 from Eversource. If we secured this incentive, it cuts the City's expense to \$250,000 and project results in a 2.5 year payback.

We have included a Project Request in the proposed FY2018 CIP, but could get started sooner with a budget appropriation.

Rt 125 Pedestrian Bridge

When the Rt 125 Pedestrian Bridge was replaced on an emergency basis in January 2016, we intended to replace the wooden handrails that were located on the approaches to the bridge. From the old photo below, you can see the poor condition of the handrails.



As the project got underway, we learned that NH DOT would require a significantly upgraded guardrail system that was designed to restrain a vehicle from tumbling into the Cocheco River. The guardrail system had to withstand a vehicle impact and also be tall enough to serve as a handrail for people approaching the pedestrian bridge. Additionally, a section of the guardrail would have to be affixed to the bridge abutments. A sample photo of possible alternative is attached.



There was insufficient funding left in the emergency appropriation to replace the bridge. We had planned on utilizing Sidewalk Rehabilitation funds in the CIP, as we would have incorporated the new guardrail system with replacement of the sidewalks on both sides of the bridge. At the City Council Meeting of January 3, a concern was expressed to not use sidewalk CIP money. An alternative would be to seek a supplementary appropriation to complete design and installation of the required guardrail system.

An estimate for the required guardrail system is about \$40,000, depending on how it gets secured at the bridge abutments. We would like to seek a supplemental appropriation of \$50,000 to ensure adequate funds are available to complete replacement.

Street Acceptance – Huckins Lane

Assistant City Engineer Owen Friend-Gray prepared a Memo for discussion regarding the acceptance of Huckins Lane as a City Street. Huckins Lane is located off Chapman Road, down near the Barrington town line.

Apparently the City Council voted 9-2 in January 2008 to accept the street as a public way, but the formal paperwork was never completely finalized. Our DPW crew indicated we used to plow it and maintain it, but then stopped several years ago.

The issue just came up as one of the property owners along Huckins Lane was preparing to sell a vacant lot and realized it was never formally accepted as a City street.



2017 City of Rochester LED Street Lighting Upgrade

Updated: Dec. 1, 2016

City District Town Ledger #:
Rochester, NH 61 2 8001059-01 ROCHESTER (CITY OF) -EOL

| MUNICIPAL STREET LIGHTING SUMMARY | | | | | CURRENT LIGHTING (annual) | | | | SMART READY LED (annual) | | | | | UPGRADE PROJECT COSTS | | | | | | INCENTIVE | | |
|-------------------------------------|-------------|-----------|------------|-------------|---------------------------|-------------------------|--------------------|--------------------|--------------------------|-----------------------------------|---|----------------------|--------------------|-------------------------------------|--------------|-------------------------------|---------------------------------|----------------|------------------------------|--------------|-----------------|-------------|
| Current Lighting Description | Rated Watts | Size Code | Rate Class | Fixture Qty | Existing Rated Watts | Annual Cost Per Fixture | Total Annual Cost* | Total kWh Consumed | LED Rated Watts | Models | Annual Cost Per Fixture | Total Annual Cost* | Total kWh Consumed | Purchase Cost per Fixture | TOTAL COST | Installation Cost per Fixture | Total Purchase & Installed Cost | | TO BE VERIFIED BY EVERSOURCE | | | |
| | | | | 1,430 | | | | | | | \$3.39 per fixture per mo + \$0.0515 per rated watts per mo + \$0.10862 per kWh | | | MATERIAL COST FOR EVERSOURCE (GARY) | | | | | Incentive / Fixture | Product Code | Total Incentive | |
| 50HPS COBRAHEAD | 65 | 047 | 82 | 922 | 65 | \$129.02 | \$118,956 | 260,396 | 25 | Affinity S800-25W-40K-TX-10-GR-M | \$67.93 | \$62,630 | 100,152 | \$137.00 | \$126,314.00 | \$88.93 | \$81,997.77 | \$225.93 | \$208,311.77 | (\$100) | (\$92,200) | |
| 70HPS COBRAHEAD | 90 | 048, 065 | 82 | 15 | 90 | \$142.48 | \$2,137 | 5,866 | 25 | Affinity S800-25W-40K-TX-10-GR-M | \$67.93 | \$1,019 | 1,629 | \$137.00 | \$2,055.00 | \$88.93 | \$1,334.02 | \$225.93 | \$3,389.02 | (\$100) | (\$1,500) | |
| 100HPS COBRAHEAD | 130 | 051, 151 | 82 | 302 | 130 | \$184.67 | \$55,770 | 170,585 | 65 | Affinity S800-65W-40K-TX-10-GR-M | \$111.53 | \$33,681 | 85,292 | \$183.00 | \$55,266.00 | \$88.93 | \$26,858.27 | \$271.93 | \$82,124.27 | (\$100) | (\$30,200) | |
| 150HPS COBRAHEAD | 190 | 188 | 82 | 54 | 190 | \$226.47 | \$12,229 | 44,580 | 80 | Affinity S801-80W-40K-TX-10-GR-M | \$127.88 | \$6,905 | 18,770 | \$198.00 | \$10,692.00 | \$88.93 | \$4,802.47 | \$286.93 | \$15,494.47 | (\$100) | (\$5,400) | |
| 250HPS COBRAHEAD | 295 | 153 | 82 | 33 | 295 | \$281.29 | \$9,283 | 42,299 | 100 | Affinity S801-100W-40K-TX-10-GR-M | \$149.68 | \$4,939 | 14,339 | \$211.00 | \$6,963.00 | \$88.93 | \$2,934.84 | \$299.93 | \$9,897.84 | (\$100) | (\$3,300) | |
| 250MH COBRAHEAD | 295 | 173 | 82 | 1 | 295 | \$281.29 | \$281 | 1,282 | 100 | Affinity S801-100W-40K-TX-10-GR-M | \$149.68 | \$150 | 435 | \$211.00 | \$211.00 | \$88.93 | \$88.93 | \$299.93 | \$299.93 | (\$100) | (\$100) | |
| 400HPS COBRAHEAD | 460 | 187 | 82 | 1 | 460 | \$361.79 | \$362 | 1,999 | 180 | Affinity S802-180W-40K-TX-10-GR-M | \$236.87 | \$237 | 782 | \$318.00 | \$318.00 | \$88.93 | \$88.93 | \$406.93 | \$406.93 | (\$150) | (\$150) | |
| 50HPS SUBURBAN | 65 | 046 | 82 | 1 | 65 | \$129.02 | \$129 | 282 | 30 | TLWMA30XWMZZ | \$73.38 | \$73 | 130 | \$129.00 | \$129.00 | \$88.93 | \$88.93 | \$217.93 | \$217.93 | (\$50) | (\$50) | |
| 50HPS CARRIAGE | 65 | 044 | 82 | 82 | 65 | \$129.02 | \$10,580 | 23,159 | 27 | GKS28-27W-02D3 | \$70.11 | \$5,749 | 9,620 | \$99.00 | \$8,118.00 | \$88.93 | \$7,292.64 | \$187.93 | \$15,410.64 | (\$50) | (\$4,100) | |
| 100MH ACORN | 120 | 163 | 82 | 5 | 120 | \$184.67 | \$923 | 2,607 | 54 | GKS28-54W-02D3 | \$99.54 | \$498 | 1,173 | \$129.00 | \$645.00 | \$88.93 | \$444.67 | \$217.93 | \$1,089.67 | (\$50) | (\$250) | |
| 150HPS FLOODLIGHT | 190 | 053 | 82 | 5 | 190 | \$226.47 | \$1,132 | 4,128 | 100 | FLF100XK | \$149.68 | \$748 | 2,173 | \$297.00 | \$1,485.00 | \$88.93 | \$444.67 | \$385.93 | \$1,929.67 | (\$75) | (\$375) | |
| 250HPS FLOODLIGHT | 295 | 052 | 82 | 2 | 295 | \$226.47 | \$453 | 2,564 | 100 | FLF100XK | \$149.68 | \$299 | 869 | \$297.00 | \$594.00 | \$88.93 | \$177.87 | \$385.93 | \$771.87 | (\$75) | (\$150) | |
| 400HPS FLOODLIGHT | 460 | 157 | 82 | 6 | 460 | \$361.79 | \$2,171 | 11,992 | 150 | FLF150XK | \$204.17 | \$1,225 | 3,911 | \$349.00 | \$2,094.00 | \$88.93 | \$533.61 | \$437.93 | \$2,627.61 | (\$75) | (\$450) | |
| 1000HPS FLOODLIGHT | 1085 | 158 | 82 | 1 | 1085 | \$786.63 | \$787 | 4,714 | 300 | FLF300XK | \$367.67 | \$368 | 1,304 | \$499.00 | \$499.00 | \$88.93 | \$88.93 | \$587.93 | \$587.93 | (\$75) | (\$75) | |
| 1,430 | | | | | | | \$215,194 | 576,451 | | | | \$118,522 | 240,578 | avg | \$215,383 | avg | \$127,177 | avg | \$342,560 | | | |
| | | | | | | | | | | | | | | \$150.62 | \$215,383 | \$88.93 | \$127,177 | \$239.55 | \$342,560 | | | |
| *excludes current maintenance costs | | | | | | | | | | Annual Savings | | (\$96,672) (335,873) | | | | | | Incentive Cap | | (\$100,000) | | (\$138,300) |
| | | | | | | | | | | | | -44.9% -58.3% | | | | | | Net | | \$242,560 | | |
| | | | | | | | | | | Annual CO² Abatement (tons) | | (202) | | | | | | Simple Payback | | 2.51 | years | |

*excludes current maintenance costs

SIMPLE PAYBACK

| | | |
|-----------------|------------|-------------|
| Net Investment | \$242,560 | Payback |
| Annual Savings | (\$96,672) | 2.51 years |
| Monthly Savings | (\$8,056) | 30.1 months |

SAVINGS, RETURN ON INVESTMENT and 10yr CAPEX IMPACT*

| | | Cumulative Savings | Cumulative ROI | Cumulative CAPEX Impact (10yr) | | Cumulative Operating Hours | Cumulative CO ² Abatement (tons) | |
|------|-------------|--------------------|----------------|--------------------------------|-------------|----------------------------|---|-----------|
| Year | | | | CAPEX | Profit/Loss | | | |
| 1 | \$96,672 | (\$145,888) | -60% | (\$24,256) | \$72,416 | 4,345 | 1 | (201.5) |
| 2 | \$193,343 | (\$49,216) | -20% | (\$48,512) | \$144,831 | 8,690 | 2 | (403.0) |
| 3 | \$290,015 | \$47,455 | 20% | (\$72,768) | \$217,247 | 13,035 | 3 | (604.6) |
| 4 | \$386,686 | \$144,127 | 59% | (\$97,024) | \$289,663 | 17,380 | 4 | (806.1) |
| 5 | \$483,358 | \$240,799 | 99% | (\$121,280) | \$362,078 | 21,725 | 5 | (1,007.6) |
| 10 | \$966,716 | \$724,157 | 299% | (\$242,560) | \$724,157 | 43,450 | 10 | (2,015.2) |
| 15 | \$1,450,074 | \$1,207,515 | 498% | | | 65,175 | 15 | (3,022.9) |
| 20 | \$1,933,432 | \$1,690,873 | 697% | | | 86,900 | 20 | (4,030.5) |

*excludes current and future maintenance costs



City of Rochester, New Hampshire

PUBLIC WORKS DEPARTMENT

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www.rochesternh.net

INTEROFFICE MEMORANDUM

TO: John Storer PE, Director of City Services
Date: January 12, 2017
From: Owen Friend-Gray PE, Assistant City Engineer
SUBJECT: Street Acceptance: Huckins Lane
CC: Michael Bezanson PE, City Engineer

Huckins Lane is a private road that currently extends off of the end of Chapman Drive approximately 850' beyond the intersection of Chapman Drive and Jonathan Avenue and is the primary access to five (5) privately owned lots. The initial request for street acceptance was received from Gregory Govoni on behalf of two sets of abutters, John and Cheryl Huckins and John and Lydia Cupp, in a letter dated December 1, 2007 (attached). The city council then met on January 15, 2008 and voted on the acceptance of Huckins Lane (referred to as Chapman Drive in the Meeting Minutes) and the street was accepted by a 9 to 2 vote.

After the vote two of the three required deeds were in hand, but there was some confusion with the final deed and the matter was put aside and does not appear to have ever been finalized. We have researched all of the existing deeds and have received the final, third deed from the other abutter who currently owns the private road, David and Nancy Hussey.

With all three deeds in hand and updated plans, we believe that we should now revote on acceptance of Huckins Lane to formalize and legally complete the roadway acceptance process that was started previously.

GREGORY GOVONI
Counselor at Law
Post Office Box 34
Exeter, New Hampshire 03833
(603) 793-1899/ (603) 772-7112 (fax)

DEC 7 - 2007

New Hampshire
Massachusetts
Maine
Georgia
Florida

RECEIVED

DEC 07 2007

City of Rochester Council
c/o City Manager John Scruton
31 Wakefield Street
Rochester, NH 03867

CITY CLERK'S OFFICE
ROCHESTER, NH

December 1, 2007

Re: Huckins/ Cupp
Chapman Drive Extension

Dear Mr. Scruton:

As you know this office represents the interests of John D. and Cheryl A. Huckins and John F. and Lydia G.M. Cupp regarding their request for acceptance as a municipal roadway, that newly constructed portion of Chapman Drive that is located on their respective properties. In furtherance thereof they hereby respectfully request a hearing before the council on this matter at the January 15, 2008 meeting (or as soon thereafter as possible).

Pursuant thereto the following attachments are submitted for review by the Councilors and ultimately for inclusion in the record:

1. April 2, 2007 correspondence from Huckins/ Cupp setting forth their concerns and reiteration of their offer to deed a portion of their respective properties as a resolution;
2. copies of those proposed deeds referenced above;
3. July 12, 2006 correspondence from this office.

By way of summary and further clarification we request the following likewise be submitted as an overview:

The Council in an effort to resolve various issues relating to said Chapman Drive, including a safety concern, reached a compromise with Huckins and Cupp as well as with David and Nancy Hussey who also own property on Chapman Drive. Pursuant to that compromise Huckins and Cupp jointly constructed a hammerhead extension to Chapman Drive on their respective properties at their own expense (\$17,810.75) and under the scrutiny of the City Engineer to city roadway specifications. The compromise contained the only condition that this newly constructed portion would be accepted as a city roadway as an extension of Chapman Drive if it was built to city specifications. As previously indicated, each of the various phases of construction

were completed in conjunction with and passed the inspection of the City of Rochester Public Works Department, Thomas H. Willis, Jr. PE, City Engineer.

It is our understanding that the Council has hesitated to move forward to conclude this matter in accordance with the terms of the above-noted compromise because of a concern about a perceived restriction in the deed of conveyance into the Husseys' from their predecessor in Title the Burt's relating to a small wedge-shaped parcel of little or no actual market value. In actuality this is a non-issue which has unnecessarily impeded the Council from bringing this matter to the agreed upon resolution. The subject language contained in the Hussey's deed improperly attempts to legislate a matter which is the exclusive domain of the government and therefore, should be considered without force or effect as against public policy. Furthermore, by its own terms it does not contain a penalty clause (not even an automatic reverter) and therefore it is in the nature of merely a "wish or request" as opposed to a true restriction, and thus should likewise be ignored. Additionally this should further be rendered a non-issue and of no consequence as a result of my clients offer to indemnify the City. This indemnification would mean my clients would take responsibility for the defense of any claim made as well as any damages awarded as a result of the City acquiring title to the above referenced small-wedge-shaped parcel and accepting it as part of the roadway. The indemnification would apply no matter if the City took title through eminent domain, or voluntary conveyance from Hussey to Cupp/ Huckins to the City or otherwise.

My clients have done all that has been asked of them. They have constructed a road extension at their own expense and to City specifications. They stand ready to deed that portion of their respective properties to the City that pertain to this new portion of the roadway. They have worked with and included the Hussey's and gotten their agreement on this matter. And lastly they have taken the extraordinary step of offering to indemnify the City regarding the perceived problem of the language contained in the Hussey deed.

They have done what was required of them, they ask only for the Council to do what it is supposed to do in return for the good of the City in general and those most effected in particular.

Thank you for your attention to this request. Please do not hesitate to contact this office should you have any questions or if you find this submission or any part thereof to be inappropriate or erroneous.

Sincerely,



Gregory Govoni

Enclosures

CC: Huckins/ Cupp/ Hussey
Thomas H. Willis, Jr. PE

**ROCHESTER CITY COUNCIL MEETING
(RECONVENED FROM CITY COUNCIL MEETING OF JANUARY 2, 2008)
JANUARY 15, 2008
COUNCIL CHAMBERS
7:00 PM**

MEMBERS PRESENT

Councilor Grassie
Councilor Gray
Councilor Hamann
Councilor Healey
Councilor Keans
Councilor LaBranche
Councilor Lauterborn
Councilor Lundborn
Councilor Torr
Councilor Varney
Mayor Larochelle

MEMBERS EXCUSED

Councilor Lachapelle

OTHERS PRESENT

City Manager Scruton
Deputy City Manager LeBrun
Attorney Wensley
Commissioner Esterberg
Hannah Stickles, Police
Department
Brad Trafton, Council Chaplain
Michael Hopkins, Superintendent
Schools
John Cupp, Resident
John and Cheryl Huckins,
Residents
Bob Vachon,
Vachon & Clukey Auditors

MINUTES

1] CALL TO ORDER AND ADJOURN JANUARY 2, 2008 MEETING

Mayor Larochelle called the City Council meeting to order at 7:00 PM.

2] PLEDGE OF ALLEGIANCE

Mayor Larochelle led the Pledge of Allegiance.

3] OPENING PRAYER

Council Chaplain Brad Trafton offered the opening prayer.

4] ROLL CALL

Kelly Walters, City Clerk's Office, took roll call. All Councilors were present except for Councilor Lachapelle who had been excused.

5] ACCEPTANCE OF MINUTES

a] December 18, 2007 Special City Council Minutes

President Clinton and Senator Obama. He added that the Rochester Police Department excelled at its role to "serve and protect".

City Manager Scruton announced that Assistant Fire Chief Derek Peters, has submitted his resignation. He is expected to leave in April 2008.

City Manager Scruton invited any Council members that were interested in attending the Employee Recognition Reception.

c] Auditor's Presentation

Discussed after Chapman Drive.

d] City Manager's Report

- Chapman Drive

City Manager Scruton informed Council of the request for the City to accept Chapman Drive. Mr. Hussey has improved a portion of the road, along with Mr. Huckins and Mr. Cupp. He explained that a narrow strip of land has been the cause for the delay in the City's acceptance of the road. There had been a condition imposed by Mr. Burke. The condition stated that the road could not become a through road. Mr. Cupp has agreed to accept liability for any damages that might come as a result of the City constructing that portion of the road.

City Manager Scruton reminded Council of the agreement made in 2005 between the City and these owners. If Mr. Cupp and Mr. Huckins improved the road and installed the cul-de-sac, the City would accept the road. They did install the cul-de-sac to City standards and improved the road.

Mayor Larochelle asked Council if there were any objections to allowing members of the public, directly involved with this issue, to speak. Council did not object.

Mr. Cupp asked if Council received all the information that he presented to the City Manager. City Manager Scruton explained that it was in a previous Council packet. However, it is not in this Council packet.

Mr. Cupp said that one of the suggestions made by the Council back in 2005, was that all parties should get together and work it out. He said that even though Mr. Hussey was not present at the meeting, he (Mr. Cupp) assured the Council that all parties involved did work out the situation. He said that they did bring the road and cul-de-sac up to City standards.

Councilor Lundborn asked if the City Engineer approved the request. City Manager Scruton replied, yes. He added that the language for the indemnification is the last thing that needs to be cleared up.

Councilor Grassie felt he was misinformed from the very beginning. He would not approve the request with what he said was misleading information. He briefly gave details for his argument against acceptance of the street.

Councilor Keans asked the City Attorney if accepting this road could result in a legal action by Mr. Burke. City Attorney Wensley replied that there is always a possibility for a legal suit; in this case, there is a condition in the deed that would create a basis for litigation against the City, if it were breached. He added that there is another case that undermines this case, but does not eliminate the basis for a legal issue totally. It is not a clear case; it would need to be determined who has the right to enforce the condition and how long does that last.

Mr. Cupp asked Councilor Grassie who he felt was lying? He said all the abutters agreed to request that the City accept this road. Councilor Grassie began to respond but was interrupted by Councilor Lundborn who did not feel a one-on-one conversation should take place at the Council meeting. Councilor Grassie addressed the new members to discuss what he felt was misleading information back in 2005.

Councilor Lundborn **MOVED** to **ACCEPT** Chapman Drive as a City street. Councilor Torr seconded the motion. Councilor Varney asked the City Manager if the road had been paved and had it been through at least one winter. City Manager Scruton replied that the road was paved and this is the second winter. Councilor Varney asked if the City needed any surety on this road. City Manager Scruton said the City does not hold surety on this street. He gave a brief history of Chapman Drive and how it was brought up to the City's standards. Councilor Varney wanted to be assured that this was an open drainage system and that there were no hidden wetland issues involved. Commissioner Esterberg agreed with the open drainage and was not aware of any issues.

Mr. Huckins, resident, gave specific details of the improvements on the road. He said that it has been through a winter and a half and is still in good shape.

Mrs. Cheryl Huckins, resident, addressed Councilor Grassie's comment of someone lying. She said she researched the deeds herself; the condition was not placed on that deed until Mr. Burke subdivided the land and sold it to Mr. Hussey. She said many railroads put easements on their properties. In most cases, when they are sold the conditions are crossed off. She believed that this was the case with the piece of land sold to Mr. Hussey. Once the conditions are off, it does not contain any rights to the land.

Councilor Grassie requested a roll call vote for Chapman Drive. Councilor Healey seconded the motion. Council did not object. The **MOTION CARRIED** by a roll call vote of 9 to 2. Councilors Torr, Lauterborn, Gray, Varney, LaBranche, Hamann, Healey, Lundborn, and Mayor Larochelle voted in favor of the motion. Councilors Keans and Grassie voted against the motion. City Attorney Wensley suggested that the vote include the indemnification agreement. City Manager Scruton said that it should also include the deeds from Mr. Huckins and Mr. Cupp. Council did not object.

- Auditors' Report

Mr. Bob Vachon, Vachon, Clukay and Company, presented the Financial Audit for the fiscal year ended June 30, 2007. He congratulated the City on its efforts to improve the General Fund Balance Retention, which has greatly improved financially since 2003.

Councilor Keans asked Mr. Vachon his opinion on how the City of Rochester compared to other communities related to property assessments/tax increases. Mr. Vachon replied that the City of Rochester would rank favorably to other communities.

Councilor Keans inquired of the comment made in the report *that the City's general obligation bond rating remains at A3*. She asked what are some of the other criteria that are not mentioned. He said it could be attributed to capital spending, schools, the housing market and the job market. Some of these things may not be within the City's control. He added that the Fund Balance is within the City's control and is very important. He gave a few examples. Deputy City Manager LeBrun was invited to speak on the issue. Deputy City Manager LeBrun said that the Finance Office had worked diligently over a period of years to improve the City's Fund Balance, to help with the City's bond rating. The Finance Department is hopeful that the trend to increase the Fund Balance over the past few years will cause the City's bond rating to be increased at least one level. He added that the City has a new financial advisor to attend to the bond sale and he believes the City should have an increased bond rating. He said that he anticipates the bond sale will be before or around February 15, 2008.

Councilor Varney asked Mr. Vachon a question related to Contingent Liabilities. What does it mean to the City that it has recorded a reserve for the amount of total taxes unpaid of \$1,962,630? Mr. Vachon said that has been an ongoing matter that was recently resolved.

Councilor Lundborn asked how the City is affected by house values that are going down, while the assessments are remaining steady. Mr. Vachon said that it does not become an issue unless taxpayers are paying an inappropriate share of taxes compared to another home with the same market value.



City of Rochester, New Hampshire

PUBLIC WORKS DEPARTMENT

45 Old Dover Road • Rochester, NH 03867

(603) 332-4096

Fax (603) 335-4352

www.rochesternh.net

STREET ACCEPTANCE PROCEDURE

(January 3, 2012)

1. Write letter to Mayor & Council stating your intent. Copy to Planning Department & City Engineer in the Public Works Department
2. Include with letter:
 - ✓ Construction material testing
 - ✓ Compaction of base material prior to pavement
 - ✓ Sieve analysis of sub base and base material
 - ✓ Copy of drainage/utility and/or other easements in descriptive language (this will need to be included as part of the deed)
 - ✓ If sewer connection: copies of vacuum test of all manhole structures and pressure or mandrill test
 - ✓ If water connection: copies of main compression and bacteria tests
 - ✓ Descriptive deed, including all infrastructure that will be owned by the City, to be reviewed by City Attorney
 - ✓ Full set of as-built plans (as approved by the City Engineer) including 1 large mylar, 1 large paper copy, 1 11x17 paper copy, and 1 electronic copy to the Planning Department, if not already submitted earlier.
3. In order to receive a favorable recommendation from the Public Works Committee to the full Council the entire right of way must be completed including but not limited to:
 - ✓ Final (wearing surface) of asphalt pavement installed on all streets and sidewalks. This pavement shall be installed when the ground and air temperatures are above 50 degrees F, which usually does not occur after October 15.
 - ✓ All offsite improvements mandated by the Planning Board as part of the project are complete; a signoff from the Planning Department is required
 - ✓ All onsite amenities such as street trees, walking paths, gazebos, street furniture, other structures, and landscaping mandated by the Planning Board as part of the project are complete; a signoff from the Planning Department is required
 - ✓ All final grades and final vegetation within the right of way are complete and vegetation is established.
 - ✓ All permanent erosion control structures are complete, functioning, and vegetation established.
 - ✓ All street side and stormwater structures (e.g. detention basins) are functioning.
 - ✓ All mechanical equipment is tested, functioning, and complete operations and maintenance manuals are turned over to and accepted by the Public Works Department.



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- ✓ All construction debris and equipment are removed from the deeded right of way and restored to a finished appearance.
- 4. Upon acceptance by the City Council the following information must be submitted within 30 days:
 - ✓ Signed Warranty Deed to be delivered to the Rochester City Clerk who will record it at the Strafford County Registry of Deeds
 - ✓ Copy of signed Warranty Deed to the Planning Department

Note: The City will release all remaining surety except a minimum of two percent of the total construction cost of the road/infrastructure as determined by the City Engineer. This will typically be held for a period of 1 year to warrant the road and its associated infrastructure against defects.

Council Procedure

1. Mayor submits to Council during regular monthly meeting.
2. Council sends to Public Works Committee for recommendation.
3. Council receives recommendation from Public Works Committee.
4. Council votes at subsequent regular monthly meeting.

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