



**City of Rochester, NH  
Preamble for December 1, 2020  
Regular City Council Meeting**

Good Evening, as Chairperson of the City Council, I am declaring that an emergency exists and I am invoking the provisions of RSA 91-A:2, III (b). Federal, state, and local officials have determined that gatherings of 10 or more people pose a substantial risk to our community in its continuing efforts to combat the spread of COVID-19. In concurring with their determination, I also find that this meeting is imperative to the continued operation of City government and services, which are vital to public safety and confidence during this emergency. As such, this meeting will be conducted without a quorum of this body physically present in the same location.

a.) **Public Input:** Due to the ongoing situation with COVID-19, the City of Rochester will be taking extra steps to allow for public input, while still ensuring participant safety and social distancing. In lieu of attending the meeting, those wishing to share comments, when permitted, with the City Council (Public Hearing and/or Workshop settings) are encouraged to do so by the following methods:

- **Mail:** City Clerk/Public Input, 31 Wakefield Street, Rochester, NH 03867 (*must be received at least three full days prior to the anticipated meeting date*)
- **email** [PublicInput@rochesternh.net](mailto:PublicInput@rochesternh.net) (*must be received no later than 4:00 pm of meeting date*)
- **Voicemail** 603-330-7107 (*must be received no later than 12:00 pm on said meeting date in order to be transcribed*)

Please include with your correspondence the intended meeting date for which you are submitting. *All correspondence will be included with the corresponding meeting packet (Addendum).*

In addition to the above listed public access information, the City Council will be allowing the public to enter Council Chambers and speak in person during the Public Input portion of this meeting. In an effort to adhere to CDC guidelines: enter only at the front Wakefield Street entrance and exit on the side closest to the police department and adhere to 6-foot social distancing while inside. Hand sanitizer and facemasks will be available at the Wakefield Street entrance. Participants will be admitted into Council Chambers one at a time to speak, and will exit directly thereafter. Please note; the seating in Council Chambers will not be available for the public during meetings.

At this time, I also welcome members of the public accessing this meeting by phone. The public can call-in to the below number using the conference code. This meeting will be set to allow the public to "listen-in" only, and there will be no public comment taken via conference line during the meeting.

Phone number: 857-444-0744      Conference code: 843095

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City Clerk's Office

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b.) **Roll Call:** Please note that all votes that are taken during this meeting shall be done by Roll Call vote.

Let's start the meeting by taking a Roll Call attendance. When each member states their name (and/or ward), also please state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law. (Additionally, Council members are required to state their name and ward each time they wish to speak.)

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**Regular City Council Meeting  
December 1, 2020  
Council Chambers  
31 Wakefield Street  
and remotely via Microsoft Teams  
6:30 PM**

**Agenda**

- 1. Call To Order**
- 2. Roll Call**
- 3. Opening Prayer**
- 4. Pledge of Allegiance**
- 5. Acceptance of Minutes**
  - 5.1 Regular City Council Meeting: November 10, 2020  
*consideration for approval* P. 11**
- 6. Communications from the City Manager**
  - 6.1 City Manager's Report P. 75**
- 7. Communications from the Mayor**
- 8. Presentation of Petitions and Council Correspondence**
- 9. Nominations, Appointments, Resignations, and Elections**
- 10. Reports of Committees**
  - 10.1 Appointments Committee P. 89**

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**10.1.1 Re-Appointment:** Janet Davis, Rochester Economic Development Commission (Regular Member) – *term to expire 1/02/2024 consideration for approval*

**10.1.2 Re-Appointment:** Paul Giuliano, Rochester Economic Development Commission (Regular Member)– *term to expire 1/02/2024 consideration for approval*

**10.1.2.1 Re-Appointment:** Paul Giuliano, Planning Board (Alternate Member) – *term to expire 1/02/2024 consideration for approval*

**10.1.3 Re-Appointment:** Lionel Sylvain, Planning Board (Regular Member/Chair) – *term to expire 1/02/2024 consideration for approval*

**10.1.4 Re-Appointment:** Peter Bruckner, Planning Board (Regular Member) – *term to expire 1/02/2024 consideration for approval*

**10.1.4.1 Re-Appointment:** Peter Bruckner, Historic District Commission (Regular Member) – *term to expire 1/02/2024 consideration for approval*

**10.1.5 Re-Appointment:** Therese Dwyer, Planning Board (Regular Member) – *term to expire 1/02/2024 consideration for approval*

## **10.2 Community Development P. 91**

**10.2.1 Resolution to Amend the Community Development Block Grant (CDBG) Funds for Fiscal Year 2021 *first reading and refer to public hearing* P. 93**

## **10.3 Fidelity Committee P. 99**

## **10.4 Finance Committee P. 107**

**10.4.1 Resolution Authorizing the Change of Funding Sources and De-authorizing Previous Appropriations of the Department of Public Works EDA Salmon Falls Road Capital Improvement Plan Project and Supplemental Appropriation from General Fund Unassigned Fund**

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**Balance in an amount not to exceed \$17,674.28 *first reading and refer to public hearing* P. 113**

**10.5 Planning Board P. 121**

**10.6 Public Safety P. 131**

**10.6.1 *Committee Recommendation:* To have DPW order 3 new signs with revised parking time limits and work with Economic Development to place the signs on North Main Street and in the Union Street parking lot *consideration for approval* P. 135**

**10.7 Public Works P. 139**

**10.7.1 *Committee Recommendation:* To support legislative efforts for the proper labeling and disposal of non-woven sanitary wipe products *consideration for approval* P. 143**

**11. Old Business**

**11.1 Resolution Authorizing a Supplemental Appropriation in the Amount of \$290,000.00 for the Purchase of 11 Barker Court *second reading and consideration for adoption* P. 169**

**11.2 Resolution Authorizing Supplemental Appropriation to the Department of Public Works (DPW) CIP Fund in the Amount of \$200,000.00 for the Milton Road/Amarosa Drive/Salmon Falls Road Intersection Improvement Project *second reading and consideration for adoption* P. 179**

**12. Consent Calendar**

**13. New Business**

**13.1 Resolution Deauthorizing Department of Public Works (DPW) CIP Fund 1501 Project Funding For Various Projects in the Amount of \$254,985.92 and Deauthorization of Bond Authority *first reading and consideration for adoption* P. 185**

**13.2 Resolution Authorizing a Supplemental Appropriation in the Amount of \$270,000.00 for the Purchase of 8 Amarosa Drive**

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and 0 Milton Road *first reading and refer to public hearing*  
P. 189

**13.3 Resolution Authorizing the Renumbering of 4 Jessica Drive to  
6 Jessica Drive in Compliance with E911 Standards *first  
reading and consideration for adoption* P. 195**

**13.4 Resolution Authorizing the Acceptance of a \$10,896.00  
Highway Safety Grant by the Rochester Police Department  
(RPD) and Supplemental Appropriation in Connection  
Therewith *first reading and consideration for adoption* P. 201**

**14. Other**

**15. Non - Public**

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

**16. Adjournment**

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**Regular City Council Meeting  
November 10, 2020  
Council Chambers  
31 Wakefield Street  
and remotely via Microsoft Teams  
6:49 PM**

**COUNCILORS PRESENT**

Councilor Belken  
Councilor Bogan  
Councilor Gray  
Councilor Hainey  
Councilor Hamann  
Councilor Hutchinson  
Councilor Rice  
Councilor Walker  
Deputy Mayor Lauterborn  
Mayor McCarley

**OTHERS PRESENT**

Blaine Cox, City Manager  
Katie Ambrose, Deputy City Manager  
Terence O'Rourke, City Attorney  
Peter Nourse, Director of City Services  
Paul Toussaint, Chief of Police  
  
Shanna Saunder, Director of Planning

**COUNCILORS ABSENT/EXCUSED**

Councilor Abbott  
Councilor Lachapelle

**Minutes**

**1. Call To Order**

Mayor McCarley called the City Council Regular meeting to order at 6:49 PM and read the following preamble:

Good Evening, as Chairperson of the City Council, I am declaring that an emergency exists and I am invoking the provisions of RSA 91-A:2, III (b). Federal, state, and local officials have determined that gatherings of 10 or more people pose a substantial risk to our community in its continuing efforts to combat the spread of COVID-19. In concurring with their determination, I also find that this meeting is imperative to the continued operation of City government and services, which are vital to public safety and confidence during this emergency. As such, this meeting will be conducted without a quorum of this body physically present in the same location.

a.) **Public Input:** Due to the ongoing situation with COVID-19, the City of Rochester will be taking extra steps to allow for public input, while still ensuring

participant safety and social distancing. In lieu of attending the meeting, those wishing to share comments, when permitted, with the City Council (Public Hearing and/or Workshop settings) are encouraged to do so by the following methods:

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b.) **Roll Call:** Please note that all votes that are taken during this meeting shall be done by Roll Call vote.

Let's start the meeting by taking a Roll Call attendance. When each member states their name (and/or ward), also please state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law. (Additionally, Council members are required to state their name and ward each time they wish to speak.)



## **2. Roll Call**

Deputy City Clerk Cassie Givara took the roll. The following Councilors were present in Council Chambers: Councilors Belken, Gray, Hainey, Hamann, Rice, Walker, Deputy Mayor Lauterborn and Mayor McCarley. The following Councilors were connecting remotely and indicated that they were alone in the location from which they were attending: Councilors Bogan, Hutchinson, and Lachance. Councilors Abbott and Lachapelle were excused.

## **3. Opening Prayer**

In lieu of an opening prayer, City Manager Cox played a video of the One Voice Children's Choir singing Maroon 5's "Memories."

## **4. Pledge of Allegiance**

Mayor McCarley led everyone present in the Pledge of Allegiance.

## **5. Acceptance of Minutes**

### **5.1 Regular City Council Meeting: October 6, 2020** ***consideration for approval***

Councilor Walker **MOVED** to approve the minutes of the October 6, 2020 Regular City Council meeting. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a 11-0 roll call vote with Councilors Hainey, Lauterborn, Hutchinson, Rice, Walker, Gray, Bogan, Hamann, Belken, Lachance, and Mayor McCarley voting in favor.

### **5.2 Special City Council Meeting: October 20, 2020** ***consideration for approval***

Councilor Walker **MOVED** to approve the minutes of the October 6, 2020 Regular City Council meeting. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a 11-0 roll call vote with Councilors Rice, Walker, Belken, Bogan, Hamann, Lauterborn, Hainey, Gray, Hutchinson, Lachance and Mayor McCarley voting in favor.

## **6. Communications from the City Manager**

### **6.1 City Manager's Report**

City Manager Cox thanked City Staff who had helped at the November 3, 2020 election; not only the City Clerk staff who ran the election, but staff from

other departments who assisted with food delivery, the absentee ballot process, supplies, and help at the polling places. He also thanked SUR Construction for their help supplying electronic message boards directing voters to the polling places.

City Manager Cox also thanked Bob Veno, City Health Officer, for his support of the schools during their recent issues with COVID.

## **7. Communications from the Mayor**

Mayor McCarley indicated that the next day was Veteran's Day and there would be a ceremony at the Rochester Common where veterans will lay a wreath at 11:11 AM. Somersworth is also dedicating their new veteran's park, and the mayors from Dover, Rochester and Somersworth will all be present with the presentation being filmed.

### **7.1 Tri-Cities Mayors' Challenge Pledge**

Councilor Hutchinson reported that this item is an initiative which was brought to the Fidelity Committee in an attempt to eradicate homelessness in NH veterans. The pledge will be signed by all three Tri-City Mayors at the veteran's park ceremony in Somersworth the following day. In signing this pledge, Dover, Rochester and Somersworth will be joining 77 other communities in NH to work towards the goal of ending veteran homelessness.

### **7.2 Proclamation: The Ridge Art Walk**

Mayor McCarley read the proclamation declaring November 10, 2020 as "The Ridge Celebrates Art Day." She encouraged everyone to go to the Ridge and see the art work which the Spaulding High School students have displayed.

### **7.3 Proclamation: Rochester City Clerks and Election Officials Week, November 16 – 22**

Councilor Rice read the proclamation declaring the week of November 16 – 22 as Rochester City Clerks and Election Officials week. Mayor McCarley agreed that the election went very well and thanked all those involved.

## **8. Presentation of Petitions and Council Correspondence**

No Discussion.

## **9. Nominations, Appointments, Resignations, and Elections**

No Discussion.

## 10. Reports of Committees

- **Appointments Committee** (*added to revised agenda*)

**New Appointment:** James Hayden, Zoning Board of Adjustments, Regular Member – *Term to expire 1/02/2021 consideration for approval*

**Re-Appointment:** Marsha Miller – Rochester Economic Development Committee, Regular Member – *Term to expire 1/02/2023 consideration for approval*

**Re-Appointment:** Mark Hourihane – Rochester Economic Development Committee, Regular Member – *Term to expire 1/02/2023 consideration for approval*

**Re-Appointment:** Eli Barnes – Utility Advisory Board, Regular Member – *Term to expire 1/02/2023 consideration for approval*

Mayor McCarley **MOVED** to approve all of the above listed appointments with the terms as listed. Councilor Walker seconded the motion. The **MOTION CARRIED** by an 11 – 0 roll call vote with Councilors Hamann, Walker, Hutchinson, Belken, Lachance, Gray, Rice, Bogan, Hainey, Lauterborn, and Mayor McCarley all voting in favor.

### 10.1 Codes & Ordinances Committee

**10.1.1 Committee Recommendation:** to accept the amendments to Chapter 16 (Alarm Systems) of the City Ordinances as presented by City staff *consideration for approval*

Councilor Lauterborn **MOVED** to accept the changes to Chapter 16 of the City Ordinances. Councilor Rice seconded the motion. The **MOTION CARRIED** by an 11- 0 roll call vote with Councilors Belken, Gray, Hamann, Rice, Lauterborn, Hainey, Hutchinson, Walker, Lachance, Bogan, and Mayor McCarley all voting in favor.

*Amendments to Chapter 16 – Addendum A*

**10.1.2 Committee Recommendation:** To accept the

**amendments to Chapter 75 (Fire and Fire Safety) as  
presented by City Staff *consideration for approval***

Councilor Lauterborn **MOVED** to accept the changes to Chapter 75 of the City Ordinances. Councilor Rice seconded the motion. The **MOTION CARRIED** by an 11- 0 roll call vote with Councilors Rice, Gray, Hainey, Bogan, Hutchinson, Lachance, Hamann, Lauterborn, Walker, Belken, and Mayor McCarley all voting in favor.

*Amendments to Chapter 75 – Addendum B*

**10.2 Fidelity Committee**

Councilor Hutchinson gave an update on the Fidelity Committee's work. He stated that the original plan to use the Care Pharmacy property as a cold weather shelter had fallen through; it was deemed too costly to bring the building up to code and the work necessary would push the opening of the facility well into winter. Councilor Hutchinson reported that there had been a new location sourced in Dover; The Garrison Hotel. There are CARES act funds as well as other grant funds available for this shelter. He stated that there are 30 rooms being offered in one wing of the hotel, but the Committee is still looking for overflow facilities due to the anticipated need being greater than the hotel can provide.

Mayor McCarley stated that Chris Bowlen, Director of Recreation and Arena, will be presenting at the next City Council meeting in regards to the Recover Friendly Workplace initiative.

**10.3 Finance Committee**

Mayor McCarley reported that the finance committee had spent a great deal of time at their last meeting discussing the questions which had arisen in regards to the school department's supplemental appropriation and the accounting of the numbers. The School Department is now being asked to report to the Finance Committee on a monthly basis with updates. There was also discussion on the cost of the election.

**10.4 Planning Board**

Councilor Walker said that the Planning Board had met on November 1. They had discussed the mural ordinance and cleared up some legal questions on the matter. He stated there would be some amendments made to the ordinance and it would come back to the Planning Board the following month.

## **10.5 Public Safety**

### **10.5.1 Committee Recommendation: to make the North Main Street municipal parking lot one-way access with traffic entering in the northern driveway closest to the bridge and exiting from the driveway closest to the new Citizens Bank *consideration for approval***

Councilor Hamann **MOVED** to make the North Main Streets municipal parking lot one-way access with traffic entering in the northern driveway closest to the bridge and exiting from the driveway closest to Citizen's Bank. Councilor Rice seconded the motion. The **MOTION CARRIED** by an 11-0 roll call vote with Councilors Rice, Walker, Belken, Bogan, Hamann, Lauterborn, Hainey, Gray, Hutchinson, Lachance, and Mayor McCarley voting in favor.

## **10.6 Public Works**

### **10.6.1 Committee Recommendation: To approve the streets, as submitted by DPW, for paving *consideration for approval***

Councilor Walker **MOVED to** approve the street list for paving. Councilor Lachance seconded the motion. The **MOTION CARRIED** by an 11-0 roll call vote with Councilors Hainey, Lauterborn, Hutchinson, Rice, Walker, Gray, Bogan, Hamann, Belken, Lachance, and Mayor McCarley voting in favor.

### **10.6.2 Resolution Authorizing Supplemental Appropriation to the Department of Public Works (DPW) CIP Fund in the Amount of \$200,000.00 for the Milton Road/Amarosa Drive/Salmon Falls Road Intersection Improvement Project *first reading and refer to public hearing***

Councilor Walker **MOVED** to read the resolution for a first time by title only. Councilor Rice seconded the motion. The **MOTION CARRIED** by an 11-0 roll call vote with Councilors Hamann, Walker, Hutchinson, Belken, Lachance, Gray, Rice, Bogan, Hainey, Lauterborn and Mayor McCarley voting in favor. Councilor Walker read the resolution for a first time by title only as follows:

### **Resolution Authorizing Supplemental Appropriation to the**

**Department of Public Works (DPW) CIP Fund in the Amount of \$200,000.00 for the Milton Road/Amarosa Drive/Salmon Falls Road Intersection Improvement Project**

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

That the amount of Two Hundred Thousand Dollars (\$200,000.00) is hereby appropriated as a supplemental appropriation to the DPW CIP Fund for the purpose of paying costs associated with the Milton Road/Amarosa Drive/Salmon Falls Road Intersection Improvement Project. The funding for this supplemental appropriation shall be derived in its entirety from the General Fund Unassigned Fund Balance.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such multi-year, non-lapsing accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution.

Councilor Walker **MOVED** to refer the resolution to a public hearing. Councilor Rice seconded the motion. The **MOTION CARRIED** by an 11-0 roll call vote with Councilors Belken, Gray, Hamann, Rice, Lauterborn, Hainey, Hutchinson, Walker, Lachance, Bogan, and Mayor McCarley all voting in favor.

Councilor Walker inquired when the public hearing would be held. Mayor McCarley clarified that the public hearing would take place on Tuesday, November 17.

**11. Old Business**

**11.1 Resolution Authorizing Supplemental Appropriation to the Department of Public Works (DPW) CIP Fund in the Amount of \$1,000,000.00 for the FY 2021 Paving Rehabilitation Program *second reading and consideration for adoption***

Councilor Walker **MOVED** to read the resolution for a second time by title only. Councilor Rice seconded the motion. The **MOTION CARRIED** by an 11 – 0 roll call vote with Councilors Rice, Gray, Hainey, Bogan, Hutchinson, Lachance, Hamann, Lauterborn, Walker, Belken, and Mayor

McCarley all voting in favor. Mayor McCarley read the resolution for a first time by title only as follows:

**Resolution Authorizing Supplemental Appropriation to the  
Department of Public Works (DPW) CIP Fund in the Amount of  
\$1,000,000.00 for the FY 2021 Paving Rehabilitation Program**

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

That the amount of One Million Dollars (\$1,000,000.00) is hereby appropriated as a supplemental appropriation to the DPW CIP Fund for the purpose of paying costs associated with the FY 2021 Paving Rehabilitation Program. The funding for this supplemental appropriation shall be derived in its entirety from the General Fund Unassigned Fund Balance.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such multi-year, non-lapsing accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution.

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Rice seconded the motion. Councilor Rice asked if it was known how much money was remaining in the paving budget. Director Nourse stated that he did not have an exact amount; there could be upwards of \$470,000, but there are still invoices outstanding. He stated that he hoped to have approximately \$1.4 million going into this project. The **MOTION CARRIED** by an 11 – 0 roll call vote with Councilor Rice, Walker, Belken, Bogan, Hamann, Lauterborn, Hainey, Gray, Hutchinson, Lachance, and Mayor McCarley voting in favor.

**11.2 Resolution Authorizing Supplemental  
Appropriation to the Department of Public Works  
(DPW) CIP Fund in the Amount of \$250,000.00 for the  
FY 2021 Sidewalk Replacement Program *second  
reading and consideration for adoption***

Councilor Walker **MOVED** to read the resolution for a second time by title only. Councilor Rice seconded the motion. The **MOTION CARRIED** by an 11 – 0 roll call vote with Councilors Hainey, Lauterborn, Hutchinson, Rice, Walker, Gray, Bogan, Hamann, Belken, Lachance, and Mayor McCarley all voting in favor. Mayor McCarley read the resolution for a second time by title only as follows:

**Resolution Authorizing Supplemental Appropriation to the  
Department of Public Works (DPW) CIP Fund in the Amount of  
\$250,000.00 for the FY 2021 Sidewalk Replacement Program**

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

That the amount of Two Hundred Fifty Thousand Dollars (\$250,000.00) is hereby appropriated as a supplemental appropriation to the DPW CIP Fund for the purpose of paying costs associated with the FY 2021 Sidewalk Replacement Program. The funding for this supplemental appropriation shall be derived in its entirety from the General Fund Unassigned Fund Balance.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such multi-year, non-lapsing accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution.

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Rice seconded the motion. Councilor Hainey asked where the sidewalks being replaced are located. Director Nourse stated the sidewalk replacement was taking place on Oak Street. The **MOTION CARRIED** by an 11 – 0 roll call vote with Councilors Hamann, Walker, Hutchinson, Belken, Lachance, Gray, Rice, Bogan, Hainey, Lauterborn, and Mayor McCarley voting in favor.

**12. Consent Calendar**

No discussion.

**13. New Business**

**13.1 Amendment to Chapter 200 of the General Ordinances  
of the City of Rochester Regarding Sewers *first reading  
and consideration for adoption***

Councilor Walker **MOVED** to read the amendment for a first time. Councilor Rice seconded the motion. The **MOTION CARRIED** by an 11 – 0 roll call vote with Councilors Belken, Gray, Hamann, Rice, Lauterborn, Hainey, Hutchinson, Walker, Lachance, Bogan, and Mayor McCarley voting in favor.

Councilor Walker **MOVED** to **ADOPT** the amendments to Chapter 200. Councilor Rice seconded the motion. Councilor Hainey inquired why these changes were being proposed. Director Nourse stated that these changes are



required by the EPA and DES. The changes are considered non-substantial modifications not requiring a public hearing; they relate to industrial users in industrial pre-treatment programs and they provide flexibility for sampling or pass throughs as well as citing specific penalties for violations. Director Nourse gave some further clarifications on the changes being recommended. Councilor Rice asked if this would affect commercial users or if they were already up to this standard. Director Nourse stated there is already a robust program in place and he did not feel there would be any impact. The **MOTION CARRIED** by an 11- 0 roll call vote with Councilors Rice, Gray, Hainey, Bogan, Hutchinson, Lachance, Hamann, Lauterborn, Walker, Belken, and Mayor McCarley all voting in favor.

*Amendments to Chapter 200 – Addendum C*

**13.2 Resolution Confirming Results of the October, 2020 Virtual Public Auction *first reading and consideration for adoption***

Councilor Walker **MOVED** to read the resolution for a first time by title only. Councilor Rice seconded the motion. The **MOTION CARRIED** by an 11- 0 roll call vote with Councilors Rice, Walker, Belken, Bogan, Hamann, Lauterborn, Hainey, Gray, Hutchinson, Lachance, and Mayor McCarley all voting in favor. Mayor McCarley read the resolution for a first time by title only as follows:

**Resolution Confirming Results of the October, 2020 Virtual Public Auction**

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

That the following result of the October, 2020 Virtual Public Auction is confirmed as follows:

<b><u>Property</u></b>	<b><u>Purchaser</u></b>	<b><u>Amount</u></b>
24 Cherokee Drive	David Roy Family Trust	\$17,100.00

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Rice seconded the motion. The **MOTION CARRIED** by an 11 – 0 roll call votewith Councilors Hainey, Lauterborn, Hutchinson, Rice, Walker, Gray, Bogan, Hamann, Belken, Lachance, and Mayor McCarley voting in favor.

**13.3 Resolution Accepting NH Department of Environmental Services (NHDES) Grant, in Connection with 2021 Household Hazardous Waste Day and Authorizing City Manager to Enter Into a Contract with NHDES not to exceed \$13,350.00 *first reading and consideration for adoption***

Councilor Walker **MOVED** to read the resolution for a first time by title only. Councilor Rice seconded the motion. The **MOTION CARRIED** by an 11 – 0 roll call vote with Councilors Hamann, Walker, Hutchinson, Belken, Lachance, Gray, Rice, Bogan, Hainey, Lauterborn, and Mayor McCarley all voting in faavor. Mayor McCarley read the resolution for a first time by title only as follows:

**Resolution Accepting  
NH Department of Environmental Services (NHDES) Grant,  
in Connection with 2021 Household Hazardous Waste Day  
and Authoring City Manager to Enter Into a  
Contract with NHDES not to exceed \$13,350.00**

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

That a NHDES Grant, in the amount not to exceed Thirteen Thousand Three Hundred Fifty Dollars (\$13,350.00) to the City of Rochester, for the purpose of hosting hazard mitigation, is hereby accepted by the City of Rochester. The associated revenue and expenses accounts have previously been approved by the Council in the Department of Public Works 2021 operating budget of the City of Rochester.

Additionally, the City Manager of the City of Rochester, be, and hereby is authorized to enter into a contract with the NHDES with respect to such grant and the conduct of the aforementioned 2021 Household Hazardous Waste Day.

Furthermore, to the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution.

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Rice seconded the motion. The **MOTION CARRIED** by an 11 – 0 roll call vote with

Councilors Belken, Gray, Hamann, Rice, Lauterborn, Hainey, Hutchinson, Walker, Lachance, Bogan, and Mayor McCarley all voting in favor.

**13.4 Resolution Authorizing a Supplemental Appropriation in the Amount of \$290,000.00 for the Purchase of 11 Barker Court *first reading and referral to public hearing***

Councilor Walker **MOVED** to read the resolution for a first time and refer to public hearing. Councilor Rice seconded the motion. The **MOTION CARRIED** by a 10 -1 roll call vote with Councilors Rice, Hainey, Bogan, Hutchinson, Lachance, Lauterborn, Walker, Belken, and Mayor McCarley all voting in favor and Councilor Gray voting opposed. Mayor McCarley read the resolution for a first time by title only as follows:

**Resolution Authorizing a Supplemental Appropriation in the Amount of \$290,000.00 for the Purchase of 11 Barker Court**

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

That the amount of Two Hundred Ninety Thousand Dollars (\$290,000.00) is hereby appropriated as a supplemental appropriation for the purpose of paying costs associated with the purchase of 11 Barker Court. The funding for this supplemental appropriation shall be derived in its entirety from the General Fund Unassigned Fund Balance.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such multi-year, non-lapsing accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution.

Mayor McCarley stated that the Public Hearing would take place prior to the City Council Workshop meeting on November 17.

**13.5 Resolution Accepting \$726,914.00 GOFERR Coronavirus Relief Funds from the State of New Hampshire *first reading and consideration for adoption***

Councilor Walker **MOVED** to read the resolution for a first time by title only. Councilor Rice seconded the motion. The MOTION CARRIED by an 11 - 0 roll call vote with Councilors Walker, Rice, Bogan, Belken, Hamann,

Lauterborn, Hainey, Gray, Hutchinson, Lachance and Mayor McCarley all voting in favor. Mayor McCarley read the resolution for a first time by title only as follows:

**Resolution Accepting \$726,914.00 GOFERR Coronavirus Relief Funds  
from the State of New Hampshire**

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

That the amount of Seven Hundred Twenty Six Thousand Nine Hundred Fourteen Dollars (\$726,914.00) in State of New Hampshire Governor's Office for Emergency Relief and Recovery Coronavirus Relief Funds is hereby accepted.

Further, that the amount of Fifty Four Thousand Five Hundred Dollars (\$54,500.00) is hereby accepted to the Economic Development Fund to reimburse for costs associated with the City's Small Business Grants Program and that the amount of Six Hundred Seventy Two Thousand Four Hundred Fourteen Dollars (\$672,414.00) is accepted to the General Fund as unanticipated revenue.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such multi-year, non-lapsing accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution.

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Rice seconded the motion. The **MOTION CARRIED** by a 10 – 1 roll call with Councilors Lauterborn, Hainey, Hutchinson, Rice, Walker, Gray, Bogan, Hamann, Belken, and Mayor McCarley all voting in favor and Councilor Lachance voting opposed.

**13.6 Resolution Authorizing Acceptance and  
Appropriation of NH State Council On The Arts Grant *first  
reading and consideration for adoption***

Councilor Walker **MOVED** to read the resolution for a first time by title only. Councilor Rice seconded the motion. The **MOTION CARRIED** by an 11 – 0 roll call vote with Councilors Hamann, Walker, Hutchinson, Belken, Lachance, Gray, Rice, Bogan, Hainey, Lauterborn, and Mayor McCarley all

voting in favor. Mayor McCarley read the resolution for a first time by title only as follows:

**RESOLUTION AUTHORIZING ACCEPTANCE AND APPROPRIATION  
OF NH STATE COUNCIL ON THE ARTS GRANT**

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Rice seconded the motion. Councilor Walker inquired what the grant amount would be because the amount was not listed on the original resolution. Shanna Saunders, Director of Planning, stated that the grant is for \$5625 with a \$5000 cash match and some in-kind match requirements. Councilor Rice read the revised resolution in its entirety as follows:

**RESOLUTION AUTHORIZING ACCEPTANCE AND APPROPRIATION  
OF NH STATE COUNCIL ON THE ARTS GRANT**

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

WHEREAS, that a New Hampshire State Council on the Arts grant in the amount of Five Thousand Six Hundred Twenty Five Dollars (\$5,625.00) has been awarded tentatively to the City of Rochester's Planning Department and is hereby accepted by the City of Rochester;

WHEREAS, the aforesaid grant requires a cash match by the City of Rochester in the amount of Five Thousand Dollars (\$5,000.00), which shall be derived from the City of Rochester's Economic Development Department O&M Community Services account.

FURTHER, that the sum of Ten Thousand Six Hundred Twenty Five Dollars (\$10,625.00) be, and hereby is, appropriated to a non-lapsing Special Revenue Fund to be created for the purpose of carrying out the purposes of the New Hampshire State Council on the Arts grant;

FURTHER, that an in-kind grant match of Two Thousand Five Hundred Dollars (\$2,500.00), represented by the Planning Department's staff time is hereby authorized;

FURTHER, that the City Manager is authorized to enter into a grant agreement and any other contracts with the New Hampshire State Council on the Arts

that are necessary to receive and administer the grant funds detailed above;  
and

FURTHER, to the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution.

Councilor Lachance inquired about the purpose of this grant. Director Saunders said the purpose was to fund an art walk downtown. There would be approximately 10 pieces of arts in varying mediums with a walking map for patrons. There was discussion on how the art would be sourced and who approves the art pieces.

Councilor Rice asked if there was a proposed location for these pieces. Mayor McCarley said that the locations would be decided based upon the individual pieces of art, so the locations are to be determined. The **MOTION CARRIED** by an 11 – 0 roll call vote with Councilors Belken, Gray, Hamann, Rice, Lauterborn, Hainey, Hutchinson, Walker, Lachance, Bogan and Mayor McCarley all voting in favor.

**13.7 Motion Authorizing the City Manager to initiate investigations into feasibility of solar farm options with City of Rochester solar consultant *first reading and consideration for adoption***

Councilor Walker **MOVED** to read the proposed motion for a first time. Councilor Rice seconded the motion. The **MOTION CARRIED** by an 11 – 0 roll call vote with Councilors Gray, Rice, Hainey, Bogan, Hutchinson, Lachance, Hamann, Lauterborn, Walker, Belken, and Mayor McCarley all voting in favor. Councilor Walker **MOVED** to **APPROVE** the motion. Councilor Belken seconded the motion. Councilor Rice inquired if the City already had a consultant or if there were several they were choosing between. City Manager Cox stated that the City already has a consultant that they are working with. Councilor Rice asked if there was a cost associated with using the consultant. Director Nourse said that this consultant is being used on the DPW facility as well as exploring options for a solar farm. They would like to establish a letter of intent to give the consultant authority to move forward, but at this time they are not asking for any investment from the City and there is no current cost associated. In the future, they may come back to council with monetary requests. The **MOTION CARRIED** by an 11 – 0 roll call vote with Councilors

Rice, Walker, Belken, Bogan, Hamann, Lauterborn, Hainey, Gray, Hutchinson, Lachance, and Mayor McCarley all voting in favor.

**13.8 Resolution Authorizing the Acceptance of a \$16,154.00 U.S. Department of Justice (USDOJ) Ballistic Vest Grant by the Rochester Police Department (RPD) and Supplemental Appropriation in Connection Therewith *first reading and consideration for adoption***

Councilor Walker **MOVED** to read the resolution for a first time by title only. Councilor Rice seconded the motion. The **MOTION CARRIED** by an 11 – 0 roll call vote with Councilors Hainey, Lauterborn, Hutchinson, Rice, Walker, Gray, Bogan, Hamann, Belken, Lachance, and Mayor McCarley voting in favor. Mayor McCarley read the resolution for a first time by title only as follows.

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Rice seconded the motion. Councilor Rice asked Chief Toussaint if this would allow the entire department to have the outer carry vests. Chief Toussaint replied that the outer carry vests were purchased using JAG grant funding and the all of the patrol officers currently had them. Councilors Hamann, Walker, Hutchinson, Belken, Lachance, Gray, Rice, Bogan, Hainey, Lauterborn, and Mayor McCarley all voting in favor.

**14. Other**

Councilor Lachance requested that each council member be supplied a link and invitation to all board and committee meetings. Mayor McCarley indicated that this could be done going forward.

**15. Non-Public**

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

Councilor Lauterborn **MOVED** at 7:56 PM to enter into non-public session under RSA 91-A:3, II (d), Land. Council Walker seconded the motion. The **MOTION CARRIED** by an 11 – 0 roll call vote with Councilors Belken, Gray, Hamann, Rice, Lauterborn, Hainey, Hutchinson, Walker, Lachance, Bogan, and Mayor McCarley all voting in favor.

Councilor Lauterborn **MOVED** to exit the non-public session at 9:03 PM and to seal the minutes of the non-public session as disclosure would render the proposed action ineffective. The **MOTION CARRIED** by a 9 – 2 roll call vote with Councilors Rice, Gray, Hainey, Bogan, Lachance, Hamann, Lauterborn, Walker, and Mayor McCarley voting in favor and Councilors Hutchinson and

Belken voting opposed.

**16. Adjournment**

Mayor McCarley **ADJOURNED** the Regular City Council meeting at 9:05 PM.

Respectfully Submitted,

Cassie Givara  
Deputy City Clerk



Deletions are show as ~~strikethroughs~~ and Additions are in red

## Chapter 16

# Alarm Systems

**[HISTORY: Adopted by the City of Rochester 6-6-1995 as Ch. 33 of the 1995 Code; amended 6-6-2006. Subsequent amendments noted where applicable.]**

### GENERAL REFERENCES

Fires and fire safety — See Ch. 75.

#### § 16-1 Purpose.

The purpose of this chapter is to provide minimum standards for operation and regulations applicable to ~~emergency fire alarm systems~~, burglar alarm systems, alarm businesses and alarm users.

#### § 16-2 Alarm user permit required.

Within 60 days after the effective date of this chapter, every alarm user shall obtain an alarm user permit for each alarm system he/she operates within the City of Rochester. This permit shall be obtained through the Communications Center which is located in the Police Department.

#### § 16-3 Alarm user permit application.

- A. The alarm user applying for the permit required in § 16-2 of this chapter shall state on the permit application prescribed by the Chief of the Police Department ~~or Fire Department~~ his/her name, the address of the residence or business or businesses where the alarm system has been installed, his/her telephone number, and at least two persons who can be reached any time day or night and who are authorized to respond to an alarm signal and who can open the premises in which the system is installed.
- B. Any false statement or misrepresentation of a material fact made by an applicant for the purpose of obtaining a user's permit or renewal, or while making a change thereto, shall be sufficient cause for refusal to grant or revocation of a permit.

#### § 16-4 Alarm user permit fee.

- A. Fee. There will be a permit fee of twenty-five dollars (\$25.) for the installation of a new alarm system. For each year after the initial installation, the renewal fee shall be ten dollars (\$10.). All permits shall be renewed each year by April 1. Any renewal fee not paid within 30 days of April 1 shall be subject to a late fee of ten dollars (\$10.) in addition to the renewal fee.
- B. Fee exceptions. If a residential alarm user is over 65 years of age and is the primary resident of the dwelling and if no business is conducted in the residence, a user's permit may be obtained without the payment of a fee. Federal, state, county or local government agencies that operate an alarm system shall be exempt from payment of a fee.

#### § 16-5 Misuse of alarm user information.

The information contained in the alarm user permit application required by § 16-3 and other information received by the Chief of the Police Department ~~or Fire Department~~, through correspondence or communications with the alarm user, shall be securely maintained and restricted to inspection by the Chief of the Police Department ~~or Fire Department~~ or certain police ~~or fire officers~~, or City employees specifically

assigned the responsibility for handling and processing alarm user permits in the course of their duties. If one of those persons is found to have purposely or knowingly revealed the information contained in an alarm user permit application or in correspondence or communications with an alarm user to any person for any purpose not related to this chapter or official law enforcement matters, or without the express written consent of the alarm user supplying such information, he/she shall be guilty of a violation.

**§ 16-6 Operating system without permit; penalty.**

Any alarm system user who operates or permits to be operated any alarm system without first obtaining a permit as required by this chapter, or who operates or permits to be operated an alarm system when such permit has expired, shall be guilty of a violation and, upon conviction, shall be fined not less than one hundred dollars (\$100.).

**§ 16-7 Operating system after revocation or suspension of permit; penalty.**

Any alarm system user who, after having a permit revoked or suspended and after exhausting his/her right to a hearing, fails to disconnect his/her alarm system, or reconnects his/her system prior to the restoration of his/her permit, shall be guilty of a violation and, upon conviction, shall be fined not less than one hundred dollars (\$100.).

**§ 16-8 False alarms.**

- A. For the purpose of this chapter, a false alarm shall be defined as an alarm signal eliciting a response by police or fire personnel when a situation requiring a response by police or fire personnel does not exist, but does not include an alarm signal caused by violent conditions of nature.
- B. Any case where a false alarm is received in excess of six alarms in any calendar year from an alarm system for which an alarm user permit has been obtained, a service charge of one hundred dollars (\$100.) shall be levied.
- C. If the false alarm is due to an alarm system malfunction that is in the process of being repaired or where immediate steps are taken to identify or correct the problem and notification has been made to the dispatch center as applicable, the Chief of the Police Department ~~or Fire Department~~ may waive the civil assessment. Refusal to pay the civil assessment within 30 days of the assessment shall be punishable as a violation and may be cause for revocation of the alarm user's permit. **[Amended 3-5-2019]**

**§ 16-9 Revocation procedure.**

- A. If the Police Department, in the case of a burglar alarm, ~~or the Fire Department, in the case of a fire alarm,~~ has recorded false alarms in excess of limits stated in § 16-8, the Chief of the Police Department ~~or Fire Department~~ shall notify the permit holder in writing and request the permit holder to submit a report within 15 days describing efforts to discover and eliminate the cause(s) of the false alarms. If the alarm user reasonably requests an extension of time to file said report based upon some extraordinary circumstances, the Chief of the Police Department ~~or Fire Department~~ may extend the 15 days for a reasonable time. If the permit holder fails to submit his/her report within the specified period, the Chief of the Police Department ~~or Fire Department~~ shall notify the alarm user that his/her permit to operate an alarm system has been revoked, and under such circumstances the user shall not be entitled to a hearing as hereinafter provided.
- B. If the alarm user submits a report as required by Subsection A of this section but the Chief of the Police Department ~~or Fire Department~~ finds the report unsatisfactory, then the Chief of the Police Department ~~or Fire Department~~ may issue a written notice of his/her intent to revoke the alarm user's permit.

- C. If after submission of a report required by Subsection A of this section which is satisfactory to the Chief of the Police Department ~~or Fire Department~~ the alarm system of the permit holder incurs two or more false alarms during the same calendar year, the Chief of the Police Department ~~or Fire Department~~ may issue a written notice of his/her intent to revoke the alarm user's permit.
- D. Upon receipt of a notice of intent to revoke an alarm user's permit, the permit holder may, within 10 days of such receipt, submit a written request for a hearing before the Licensing Board setting forth the reasons that his/her permit should not be revoked. Written notice of the time, date and place of the hearing shall be served to the permit holder at least five days prior to the date set for the hearing.
- E. At the hearing before the Licensing Board, the holder of the permit or his/her authorized representative shall have the right to be made aware of the circumstances leading to revocation of the alarm permit and to present evidence on his/her own behalf. After the hearing, the Licensing Board may either issue an order of revocation, withdraw the notice of revocation or allow a reasonable time, not to exceed 15 days, in which the alarm user must take action to eliminate the cause(s) of the false alarms.

**§ 16-10 Application for revoked user permit.**

- A. An alarm user whose permit has been revoked may apply for a revoked user permit as provided in § 16-9 of this chapter. The Chief of the Police Department ~~or Fire Department~~ shall not be required to issue a revoked user permit unless he/she is satisfied that the user's system has been properly serviced and its deficiencies corrected. The Chief of the Police Department ~~or Fire Department~~ may also impose reasonable restrictions and/or conditions that shall appear on the permit and shall provide for automatic revocation on the occurrence of four false alarms in the remaining permit year.
- B. In situations where a user permit is revoked under the conditions in Subsection A of this section, there shall be no appeal to the Licensing Board and said revocation shall remain in effect for the remainder of the calendar year.
- C. The fee for reissuance of a user permit shall be seventy-five dollars (\$75.).

**§ 16-11 Violations and penalties.**

Unless otherwise provided, any person, firm or corporation within the boundaries of the City of Rochester who or which violates any provision of this chapter shall be guilty of a violation and, upon conviction, shall be punished by a fine of not more than five hundred dollars (\$500.). Each day during which a violation continues shall be considered a separate offense.

**§ 16-12 When effective.**

The provisions of this chapter shall take effect upon its passage.

Deletions are show as ~~strike throughs~~ and Additions are in red

## Chapter 75

### Fires and Fire Safety

[HISTORY: Adopted by the City of Rochester as indicated in article histories. Amendments noted where applicable.]

#### GENERAL REFERENCES

~~Alarm systems — See Ch. 16.~~

Building construction and property maintenance — See Ch. 40.

Nuisances — See Ch. 149.

#### Article I

##### Fire Department

[Adopted 6-6-1995 as Ch. 22 of the 1995 Code; amended 6-6-2006; 8-7-2018]

#### § 75-1 Appointment and requirements of Fire Chief.

[Amended 3-5-2019]

Upon appointment, the Fire Chief shall within six months establish residence within the City's boundaries. The Fire Chief shall work under the direct supervision of the City Manager in accordance with the provisions of Section 18 of the Rochester City Charter. The Fire Chief shall manage the Fire Department and consult with and advise the City Manager on all matters pertaining to the equipment and control of the Fire Department. Subject to the approval of the City Manager, the Fire Chief shall make rules and regulations for the internal operation of the Fire Department as he/she deems necessary and shall keep the same posted in the fire station and other buildings of the Department.

#### § 75-2 Transfer of authority in Chief's absence.

The Assistant Chief shall be senior in rank to the Deputy Chief and Fire Marshal and in the absence of the Chief shall perform all the duties and have the powers of the Chief. In the absence of the Fire Chief and Assistant Fire Chief, the Fire Chief shall designate an Acting Chief who shall perform all the duties and accept all the responsibilities of the Fire Chief per RSA 154:5 and 154:7 until such time as the Fire Chief or Assistant Fire Chief returns and assumes his/her duties.

#### § 75-3 Taking equipment and apparatus outside of City.

The Fire Chief or his/her designee shall be notified by dispatch whenever an apparatus responds to an incident outside of the City. The Chief shall notify the City Manager ~~whenever practical and convenient~~ when an apparatus is to be outside the City for extended periods or other circumstances **as necessary as** determined by the Chief **or designee**.

#### Article II

##### Fire Prevention

[Adopted 6-6-1995 as Ch. 23 of the 1995 Code]

#### § 75-4 Fire Safety Rules and Regulations.

The rules and regulations of the State Fire Marshal as they are now constituted and as they are from time to time amended are hereby adopted as and for the Fire Safety Rules and Regulations of the City of Rochester. The full text of such rules and regulations may be obtained by any person at the office of the Chief of the Fire Department of the City of Rochester.

#### § 75-5 Enforcement officer.

The words "officer" and/or "local authorities" wherever used in the rules and regulations of the State Fire Marshal adopted in the foregoing section shall be deemed to refer to the Chief of the Rochester Fire Department **or designee or the Authority Having Jurisdiction.**

#### ~~§ 75-6 Smoke detector wiring.~~

~~{Amended 2-8-2000}~~

~~When installing one hundred twenty volt hard wired smoke detectors in any type occupancy, the smoke detector shall be wired to a lighting circuit.~~

#### § 75-7 Outdoor fires.

No person shall kindle, light, or otherwise start an outdoor fire in the City of Rochester for any purpose whatsoever without first having obtained a written permit **in accordance with RSA 227-L:17.** ~~without cost, from the Chief of the Rochester Fire Department. All such permits shall be in writing and in such form as the Chief of the Rochester Fire Department shall prescribe and shall set forth any conditions or restrictions which, in the opinion of the Fire Chief, shall be reasonably necessary and prudent to ensure the safe performance of permitted activities.~~

**Commented [1]:** Editor's Note: See also § 149-1, Burning of refuse and garbage.

#### § 75-8 Provisions for rapid entry.

A. For purposes of rapid entry in cases of emergencies or required access to buildings after hours, any new construction on the following type occupancies occurring after the date of the adoption of this article will require a Knox-Box® to be installed on such premises:

- (1) Assembly.
- (2) Educational.
- (3) Mercantile.
- (4) Business.
- (5) Industrial.
- (6) Apartment complex.

B. The Fire Chief shall have authority to require any other type of building, not listed above, to install a Knox-Box® to meet rapid entry requirements, if in his/her discretion public safety considerations require such installation.

#### ~~§ 75-9 Public safety amplification system required in large facilities.~~

~~{Amended 1-2-2007}~~

~~The purpose of this system is to provide minimum standards to ensure a reasonable degree of reliability for emergency services communications from within certain buildings and structures within the City to and from~~

~~emergency communications centers. It is the responsibility of the emergency service provider to get the signal to and from the building site.~~

~~A. Applicability. The provisions of this section shall apply to:~~

- ~~(1) New buildings greater than 50,000 square feet;~~
- ~~(2) Existing buildings over 50,000 square feet when modifications, alterations or repairs exceed 50% of the value of the existing building(s) and are made within any twelve month period or the usable floor area is expanded or enlarged by more than 50%; and~~
- ~~(3) All sublevels, regardless of the occupancy, over 10,000 square feet.~~

~~B. Radio coverage.~~

- ~~(1) Except as otherwise provided in this section, no person shall erect, construct or modify any building or structure or any part thereof, or cause the same to be done, which fails to support adequate radio coverage for firefighters and police officers.~~
- ~~(2) The City's Fire Department, with consideration of the appropriate emergency services department, shall determine the frequency range or ranges that must be supported. [Amended 3-5-2019]~~
- ~~(3) For the purposes of this section, adequate radio coverage shall constitute a successful communications test between the equipment in the building and the communications center for all appropriate emergency service providers for the building.~~

~~C. Inbound into the building.~~

- ~~(1) A minimum average in building field strength of 2.25 microvolts (-100 dbm) for analog and five microvolts (-93 dbm) for digital systems throughout 85% of the area of each floor of the building when transmitted from the City's police dispatch center and the appropriate emergency service dispatch centers which are providing fire and emergency medical protection services to the building.~~
- ~~(2) If the field strength outside the building where the receive antenna system for the in building system is located is less than -100 dbm for analog or -93 dbm for digital systems, then the minimum required in building field strength shall equal the field strength being delivered to the receive antenna of the building.~~
- ~~(3) As used in this section, 85% coverage or reliability means the radio will transmit 85% of the time at the field strength and levels as defined in this section.~~

~~D. Outbound from the building.~~

- ~~(1) A minimum average signal strength of 112 microvolts (-6 dbm) for analog and five microvolts (+1 dbm) for digital systems as received by the City's police dispatch center and the appropriate emergency service dispatch centers which are providing fire and emergency medical protection services to the building.~~

- (2) ~~FCC authorization. If amplification is used in the system, all FCC authorizations must be obtained prior to use of the system. A copy of these authorizations shall be provided to the City's Fire Department.~~

~~E. Enhanced amplification systems:~~

- (1) ~~Where buildings and structures are required to provide amenities to achieve adequate signal strength, they shall be equipped with any of the following to achieve the required adequate radio coverage: radiating cable system(s), internal multiple antenna system(s) with an acceptable frequency range and an amplification system(s) as needed, voting receiver system(s) as needed, or any other City approved system(s).~~
- (2) ~~If any part of the installed system or systems contains an electrically powered component, the system shall be capable of operation on an independent battery or generator system for a period of at least eight hours without external power input or maintenance. The battery system shall automatically charge in the presence of external power.~~
- (3) ~~Amplification equipment must have adequate environmental controls to meet the heating, ventilation, cooling and humidity requirements of the equipment that will be utilized to meet the requirements of this section. The area where the amplification equipment is located must be free of hazardous materials such as fuels, asbestos, etc. All communications equipment, including amplification systems, cable and antenna systems, shall be grounded with a single point ground system of five ohms or less. The ground system must include an internal tie point within three feet of the amplification equipment. System transient suppression for the telephone circuits, AC power, radio frequency (RF) cabling and grounding protection are required as needed. **[Amended 3-5-2019]**~~
- (4) ~~The following information shall be provided to the Fire Department by the builder:~~
- (a) ~~A blueprint showing the location of the amplification equipment and associated antenna systems which includes a view showing building access to the equipment; and~~
- (b) ~~Schematic drawings of the electrical, backup power, antenna system and any other associated equipment relative to the amplification equipment, including panel locations and labeling.~~

~~F. Testing procedures; method to conducts tests. Tests shall be made using frequencies close to the frequencies used by the police and appropriate emergency services. If testing is done on the actual frequencies, then this testing must be coordinated within the City's Fire Department. All testing must be done on frequencies authorized by the FCC. A valid FCC license will be required if testing is done on frequencies different from the police, fire or emergency medical frequencies.~~

~~G. Measurements shall be made using the following guidelines:~~

- (1) ~~With a service monitor using a unity gain antenna on a small ground plane;~~
- (2) ~~Measurements shall be made with the antenna held in a vertical position at three to four feet above the floor;~~
- (3) ~~A calibrated service monitor (with a factory calibration dated within 24 months) may be used to do the~~

~~test;~~

- ~~(4) The telecommunications unit representative for the City may also make simultaneous measurements to verify that the equipment is making accurate measurements. A variance of three db between the instruments will be allowed; and~~
- ~~(5) If measurements in one location are varying, then average measurements must be used.~~
- ~~(a) All testing shall be done in the presence of a Fire Department representative at no expense to the City or appropriate emergency services department.~~
- ~~(b) Signal strength, both inbound and outbound as defined above, shall be measured on each and every floor above and below ground, including stairwells, basements, penthouse facilities and parking areas of the structure. The structure shall be divided into fifty foot grids and the measurements shall be taken at the center of each grid.~~
- ~~H. Annual tests. Annual tests will be conducted by the City's telecommunications unit or appropriate emergency services department. If communications appear to have degraded or if the tests fail to demonstrate adequate system performance, the owner of the building or structure is required to remedy the problem and restore the system in a manner consistent with the original approval criteria. The re-testing will be done at no expense to the City or the appropriate emergency services department as required in the original testing procedures.~~
- ~~I. Field testing. Police and fire personnel, after providing reasonable notice to the owner or his/her representative, shall have the right to enter onto the property to conduct field testing to be certain the required level of radio coverage is present. Certificates of occupancy may be denied for new and existing buildings for failure to comply with these requirements.~~

**§ 75-10 Administration and enforcement.**  
**[Amended 3-7-2006; 3-3-2015; 3-5-2019]**

The authority having jurisdiction for the administration and enforcement of this article shall be the Fire Chief of the City of Rochester **or designee.**

A. The fee schedule under this article shall be as follows:

- (1) Tank removal: twenty-five dollars (\$25.).
- (2) Blasting: twenty-five dollars (\$25.).
- ~~(3) Incident report: five dollars (\$5.).~~
- (4) Fire ~~Marshal's investigation~~ **Department Incident** report: twenty-five dollars (\$25.).
- (5) Photographs (fire scene): fifteen dollars (\$15.).
- ~~(6) CD photos (fire scene): fifteen dollars (\$15.).~~
- (7) Fire alarm system plan review: one dollar (\$1.) per device or fifty dollars (\$50.) minimum.



- (8) Sprinkler system plan review: one dollar (\$1.) per device or fifty dollars (\$50.) minimum.
  - (9) Commercial hood fire suppression: one dollar (\$1.) per device or fifty dollars (\$50.) minimum.
  - (10) Clean agent: one dollar (\$1.) per device or fifty dollars (\$50.) minimum.
  - (11) Initial inspection: free of charge.
  - (12) Reinspections (sprinkler systems, fire alarm systems, commercial hood fire suppression, clean agent): fifty dollars (\$50.) per person with one hundred dollars (\$100.) minimum.
  - (13) Listed agent: twenty-five dollars (\$25.) per year, per restriction.
  - (14) False alarm, fire alarm activation: one hundred seventy-five dollars (\$175.) after two ~~consecutive false alarms~~ **alarms (as defined by RSA 644:3) or two improper activations not related to actual emergencies;** per calendar year.
- B. The fine for working without a permit or license is one hundred seventy-five dollars (\$175.).

**§ 75-11 (Reserved)**

**§ 75-12 Fire Department access.**

**[Amended 6-6-2006]**

Before construction on commercial buildings, a residential street or a private street with two or more duplexes or single-family dwellings may begin, Fire Department access roads shall be designed **as per the rules and regulations of the State Fire Marshal and adopted codes** and maintained to support the imposed loads of fire apparatus and shall be provided with a surface suitable for all-weather driving capabilities.

**§ 75-13 Inspections; control of fire hazards.**

**[Amended 6-6-2006]**

The Chief or his/her designee shall examine or cause to be examined, at regular intervals, all places where combustible material may be collected or deposited and cause the same to be removed by the tenants, occupants or owners of such place, at their expense, whenever, in the opinion of the Fire Chief **or designee**, such removal is necessary for the security of the City against fires. A record of all such inspections shall be kept by the Chief or his/her designee.

**§ 75-14 Violations and penalties.**

**[Amended 6-6-2006; 5-2-2017]**

Any person, persons, firm, corporation or partnership who or which shall violate any provision of this article shall be guilty of a violation punishable by a fine of not less than one hundred dollars (\$100.) or not more than five hundred dollars (\$500.). Each day that the violation continues to exist shall constitute a separate offense. The owner of record of any property upon which a violation of this article occurs shall be held strictly liable for any violation occurring on his/her or its property and shall be guilty of a violation in the same manner as stated above.

**§ 75-15 Sprinkler requirements for certain dwellings.**

**[Amended 3-6-2007]**

In addition to sprinkler requirements for structures under the provisions of the applicable NFPA (National Fire Protection Association) code and/or any other applicable law or regulation, all newly constructed

**Commented [2]:** Editor's Note: Former § 75-11, Means of escape, as amended, was repealed 8-6-2019.

duplexes, triplexes and single-family dwelling unit combination structures that are attached to each other shall be sprinklered in accordance with National Fire Protection Association (NFPA) code standards as contained in the New Hampshire State Fire Code.

**§ 75-16 Fireworks.**

**[Added 3-4-2008; amended 11-9-2010; 4-2-2013]**

- A. In accordance with the provisions of RSA 160-C, it shall be illegal for any person, firm, partnership or corporation to offer for sale, expose for sale, sell at retail, purchase, possess, use, explode or display any permissible fireworks within the City of Rochester, except as specifically provided for in this section.
- B. As used in this section, the following terms shall have the meanings indicated:

**DISPLAY**

The use, explosion, activation, ignition, discharge, firing or any other activity which is intended to cause or which causes a firework to do what it was manufactured to do.

**FIRE CHIEF**

The Fire Chief of the City of Rochester or his/her designee.

**PERMISSIBLE FIREWORKS**

Those consumer firework devices defined as "permissible fireworks" in RSA 160-C, as the same currently exists or as, from time to time, hereinafter amended.

**POLICE CHIEF**

The Police Chief of the City of Rochester or his/her designee.

- C. Permit required. No person shall use, discharge or explode any permissible fireworks without a permit issued by the City of Rochester. **[Added 2-14-2017]**
  - (1) Any person wishing to obtain a permissible fireworks display permit shall apply to the Licensing Board at least 15 days prior to the display. The time frame may be waived at the discretion of the Police and Fire Chiefs. **[Amended 5-2-2017]**
  - (2) The applicant shall provide the following information:
    - (a) Date of application.
    - (b) Name, address, and telephone number of applicant.
    - (c) Address of location where the display will be held.
    - (d) Diagram of the display location, showing the location of all nearby property lines, nearby buildings, public ways, nearby trees, electrical and telephone lines or other overhead obstructions, and the location of any nearby storage of flammable or combustible liquids or gases.
    - (e) Name of the owner of the property where the display will be held.

- (f) Intended date and time of display, including a possible rain date.
  - (g) Written authorization of the property owner, if different from the applicant.
  - (h) Signature of the applicant.
- (3) Permit fee. The fee for a permissible fireworks display shall be five dollars (\$5.) per event. The fee shall be paid at the time of application and is nonrefundable.
- (4) Site inspections.
- (a) Prior to issuing a permit, the Police Chief or the Fire Chief may conduct an inspection of the display site to determine whether a permissible fireworks display can be held in a safe manner.
  - (b) If, in the opinion of the Licensing Board, the proposed site is not suitable for the safe display of permissible fireworks, the application for a permit shall be denied. **[Amended 5-2-2017]**
- D. Subject to and in accordance with the provisions of Chapter 160-C of the New Hampshire Revised Statutes Annotated it shall be lawful to possess and/or display permissible fireworks upon compliance with the following requirements:
- (1) A person who is 21 years of age or older may display permissible fireworks on private property with the written consent of the owner or in the owner's presence, subject to the provisions of this section and RSA 160-C and any other applicable ordinance, regulation or statute.
  - (2) No display of permissible fireworks shall be permitted within the City except between the hours of 6:00 p.m. and 11:00 p.m. on the following holiday: Fourth of July (including the evening of July 3 beginning at 6:00 p.m., including from such time until 12:00 midnight on any rain date established for the annual City-wide fireworks display), after obtaining a permit. **[Amended 6-6-2013; 2-14-2017; 9-3-2019]**
  - (3) The display of permissible fireworks shall be of such a character, and so located and conducted, that it shall not be hazardous to property or endanger any person. In accordance with the provisions of RSA 160-C, permissible fireworks shall not be permitted on public property and must be at least 50 feet from nearby buildings, nearby trees, electrical and telephone lines or other overhead obstructions, and the location of any nearby storage of flammable or combustible liquids or gases.
  - (4) No permissible fireworks may be used, discharged, exploded, or displayed during periods of very high or extreme fire danger as determined by the Fire Chief or the New Hampshire Division of Forests and Lands.
  - (5) Permissible fireworks may be used, discharged, exploded, or displayed in a manner such that any and all discharge debris shall remain within the property lines of the lot on which the display originates.
  - (6) Anyone using permissible fireworks shall be responsible for removing any debris accumulated due to the discharge of fireworks that fall onto the public way, public property, and any private property within 24 hours. Anyone failing to remove such debris shall be financially responsible for its cleanup. **[Amended 3-5-2019]**

- (7) Display of permissible fireworks shall be permitted on public property the evening of July 3 beginning at 6:00 p.m., including from such time until 12:00 midnight on any rain date established for the annual City-wide fireworks display, provided that such display shall be authorized in a duly issued block party application/permit from the City's Licensing Board covering the public property on which the display is to occur. **[Added 6-4-2013; amended 9-3-2019]**
- E. A violation of this section shall be subject to the penalties provided for in § 75-14 of this article.
- F. This section shall be construed consistently with New Hampshire Code of Administrative Rules Chapter Saf-C 2600, as made applicable by state statute and as adopted by reference in § 75-4 of this article, and is not meant to repeal any section thereof. Nothing in this section shall be interpreted so as to conflict with the provisions of Chapter 160-B or 160-C of the New Hampshire Revised Statutes Annotated, as currently written, or as from time to time hereafter amended. If any subsection, sentence, clause, phrase or portion of this section is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, independent provision and such holding shall not affect the validity of the remaining portions thereof.
- G. The Police Chief or Fire Chief may suspend the use of permissible fireworks for any of the following reasons:
  - (1) Unfavorable weather conditions, including but not limited to lightning storms or high wind conditions exceeding 20 miles per hour or higher.
  - (2) If any person under the age of 21 possesses, uses, discharges or explodes or used, discharged or exploded any permissible firework device.
  - (3) If any person who is using, discharging, exploding, or displaying the permissible fireworks appears to be under the influence of alcohol or drugs.
  - (4) If, in the opinion of the Police Chief or Fire Chief, the use, discharge, exploding, or display of permissible fireworks would create a threat to public safety.
- H. The Police Chief and/or Fire Chief is authorized to seize, take, remove or cause to be removed, at the expense of the owner, all firework devices that are being discharged in violation of this section.
- I. The City Manager, Mayor, and/or the City Council may declare a special event of cultural or civic significance and authorize the display of fireworks on the same terms as Subsection D(2) on particular days to celebrate those special events. **[Added 2-14-2017]**

**§ 75-17 Listed Agent Program.**  
**[Added 3-3-2015]**

In accordance with NFPA 1:2009 1.13, or the applicable adopted section of the current code, the Rochester Fire Department enacts the Listed Agent Program. The Fire Chief or his/her designee shall promulgate administrative rules for the management of the Listed Agent Program.

**§ 75-18 Regulation of fire alarms.**  
**[Added 3-3-2015]**

The Fire Chief or his/her designee shall promulgate administrative rules for the management of the installation and maintenance of fire alarms.

**Amendment to Chapter 200 of the General Ordinances of the City of Rochester Regarding Sewers**

THE CITY OF ROCHESTER ORDAINS:

That Chapter 200 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows (deletions ~~struck out~~ additions in **RED**):

## Chapter 200 Sewers

**[HISTORY: Adopted by the City of Rochester 6-6-1995 as Ch. 16 of the 1995 Code. Amendments noted where applicable.]**

**GENERAL REFERENCES**

Building construction and property maintenance — See Ch. 40.

Health and sanitation — See Ch. 94.

Stormwater management — See Ch. 218.

Water — See Ch. 260.

### Article I Sewer Use

**§ 200-1 Definitions.**

Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

**ACT OR “THE ACT”**

**The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. Section 1251, et seq.**

**BEST MANAGEMENT PRACTICES (BMPs)**

**Schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed under Section 200-3 (A) and Section 200-16 (C)(1) & (3) [40 C.F.R. 403.5 (a)(1) and (b)]. BMPs include treatment requirements, operating procedures to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.**

**BIOCHEMICAL OXYGEN DEMAND (BOD)**

The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20° C., expressed in milligrams per liter.

**BUILDING DRAIN**

That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

**BYPASS**

The intentional diversion of waste streams from any portion of an industrial user's pretreatment facility.

**CATEGORICAL PRETREATMENT STANDARD OR CATEGORICAL STANDARD**

**Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1317) that apply to a specific category of the Users and that appear in 40 C.F.R Chapter I, Subchapter N, Parts 405-471.**

**CATEGORICAL INDUSTRIAL USER (CIU)**

**An Industrial User subject to a Categorical Pretreatment Standard or Categorical Standard.**

**COMBINED SEWER**

A sewer intended to receive both wastewater and stormwater or surface water.

**COMMISSIONER**

The Commissioner of Public Works or his/her designee. See § 7-18A of the City Code.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

**DOMESTIC WASTEWATER or SANITARY SEWAGE**

Normal water-carried household and toilet waste or waste from sanitary conveniences, excluding groundwater, surface water, or stormwater.

**EASEMENT**

An acquired legal right for specific use of land owned by others.

**FLOATABLE OIL**

Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

**GARBAGE**

The animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

**GREASE**

Includes the fats, oils, waxes and other related constituents found in wastewater.

**GRIT**

Sand, gravel, cinders, or other heavy solid materials that have subsiding velocities or specific gravities substantially greater than those of the organic putrescible solids in wastewater. Grit also includes eggshells, bone chips, seeds, coffee grounds, and large organic particles, such as food or wastes.

**INDUSTRIAL USER**

A source of the introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c) or (d) of the Federal Clean Water Act, 33 U.S.C. § 1251 et seq.

**INDUSTRIAL WASTES**

The wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

**INTERFERENCE**

A discharge which, alone or in conjunction with a discharge or discharges by other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal and therefore causes a violation of the City's National Pollutant Discharge Elimination System (NPDES) permit or prevents sewage sludge use or disposal in compliance with applicable federal, state or local statutes, or with regulations or permits issued thereunder.

**MAXIMUM DAILY DISCHARGE LIMITATION**

The highest allowable discharge of a pollutant measured during a calendar day or any twenty-four-hour period that reasonably represents a calendar day.

**MAY**

Is permissive (see "shall").

**MONTHLY AVERAGE DISCHARGE LIMITATION**

The highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

**NATIONAL CATEGORICAL PRETREATMENT STANDARD**

Any regulation effective as of the date of discharge containing pollutant discharge limits promulgated by the Environmental Protection Agency (EPA) in accordance with Section 307(b) and (c) of the Federal Clean Water Act, 33 U.S.C. § 1251 et seq., which apply to a specific category of industrial users and which appear in 40 CFR, Chapter 1, Subchapter N, Parts 405 through 471.

**NATIONAL PRETREATMENT STANDARD**

Any regulation effective as of the date of discharge containing pollutant discharge limits promulgated by the EPA under Section 307(b) and (c) of the Federal Clean Water Act, 33 U.S.C. § 1317, applicable to industrial users.

**NATURAL OUTLET**

Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

**NEW SOURCE**

Any facility from which there is or may be a discharge of pollutants, construction of which began after the publication of proposed pretreatment standards under Section 307(c) of the Federal Clean Water Act, 33 U.S.C. § 1251 et seq., which will apply to such source if such standards are thereafter promulgated, provided that:

- A. The facility is constructed at a site at which no other source is located;
- B. The facility totally replaces the process or production equipment that causes the discharge of pollutants



at an existing source; or

- C. The production or wastewater generating processes of the facility are substantially independent of an existing source at the same site.

#### **PASS-THROUGH**

A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, cause a violation of the City's NPDES permit.

#### **PERSON**

Any individual, firm, company, association, society, corporation, or group, including all federal, state, and/or local government entities and any other legal entity.

#### **pH**

The logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen-ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of  $10^{-7}$ .

#### **POTW or PUBLICLY OWNED TREATMENT WORKS**

A wastewater treatment works which is owned by a state or municipality. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial waste of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW wastewater treatment works. The term also means the municipality which has jurisdiction over discharges to and the discharges from such a treatment works.

#### **PRETREATMENT REQUIREMENT**

Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, imposed on an industrial user.

#### **PRIVATE SEWER**

That portion of the sewer defined as the "building drain."

#### **PROCESS WASTEWATER**

Wastewater that excludes sanitary, non-contact cooling and boiler blowdown wastewaters.

#### **PROPERLY SHREDDED GARBAGE**

The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.

#### **PUBLIC SEWER**

A common sewer controlled by a governmental agency or public utility.

#### **SANITARY SEWER**

A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial

plants, and institutions together with minor quantities of groundwater, stormwater, and surface water that are not admitted intentionally.

#### **SCREENING LEVEL**

That concentration of a pollutant which under baseline conditions would cause a threat to personnel exposed to the pollutant or would cause a threat to structures of wastewater facilities. To be administered as limits applicable to a particular discharge, the screening levels must be adjusted to account for conditions at the point of discharge which differ from baseline conditions.

#### **SEWAGE**

The spent water of a community. The preferred term is "wastewater."

#### **SEWER**

A pipe or conduit that carries wastewater or drainage water.

#### **SEWER SERVICE**

The extension from the building drain to the public sewer; also called "house connection," "building sewer," or "sewer lateral."

#### **SHALL**

Is mandatory (see "may").

#### **SIGNIFICANT INDUSTRIAL USER (SIU)**

Any industrial user subject to a National Categorical Pretreatment Standard and any other industrial user that discharges 25,000 gallons per day or more of process wastewater to the POTW, contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW, or is designated by the Environmental Protection Agency, the State of New Hampshire or the City on the basis that the industrial user has a reasonable potential to adversely affect the POTW's operation or to violate a pretreatment standard or requirement.

#### **SIGNIFICANT NONCOMPLIANCE**

Any industrial user who violates one or more of the criteria outlined at 40 CFR 403.8(f)(2)(viii)(A) to (H).

#### **SLUG**

Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average twenty-four-hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

#### **STORM DRAIN (sometimes termed "storm sewer")**

A drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

#### **SUSPENDED SOLIDS (SS)**

Total suspended matter that either floats on the surface of or is in suspension in water, wastewater, or other liquids and that is removable by laboratory filtering as prescribed in Standard Methods for the

Examination of Water and Wastewater and referred to as "nonfilterable residue."

#### **UNPOLLUTED WATER**

Water of quality equal to or better than the effluent criteria in effect or water that would not cause a violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

#### **WASTEWATER**

The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.

#### **WASTEWATER FACILITIES**

The structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

#### **WASTEWATER RATES AND CHARGES**

A separate listing of all deposits, water rates, charges, and fees and can be obtained from the Department of Public Works or the Business Office.

#### **WASTEWATER TREATMENT WORKS**

An arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant."

#### **WATERCOURSE**

A natural or artificial channel for the passage of water either continuously or intermittently.

#### **§ 200-2 Plan of sewer systems.**

It shall be the duty of the Commissioner to keep a chart or plan upon which shall be represented the streets and places in and through which the sewer pipes are laid, and upon which chart shall be designated, by appropriate figures and characters, the exact size and length of the pipes, the precise location in such streets, and places of each pipe and each connection therewith, each branch Y, T, manhole and flush tank.

#### **§ 200-3 Use of public sewers required.**

- A. It shall be unlawful for any person to place, deposit or permit to be deposited any human or animal excrement, garbage, or objectionable waste in any unsanitary manner on public or private property within the City of Rochester, or in any area under the jurisdiction of said City.
- B. It shall be unlawful to discharge to any natural outlet within the City of Rochester, or in any area under the jurisdiction of said City, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with federal, state and local requirements.
- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater within the sewer service area. When a private wastewater disposal system is found to be in failure, it is the duty of the owner and/or his/her agent to contact the City to determine if the property falls within the sewer service area. **[Amended 3-5-2019]**

- D. The owner(s) of all houses, buildings, or property used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the City, is hereby required at the owner's expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within 90 days after date of official notice to do so, provided that said public sewer is within 100 feet of the building. **[Amended 6-6-2017]**
- E. Structures within 100 feet of the public sewer and currently served by private wastewater disposal facilities shall connect to the public sewer within 90 days after an official notice to do so. The City may grant a waiver to this requirement for properties with existing adequate sewage disposal systems which can be proven by the property owner to comply with applicable state and local regulations, to have been designed by a designer licensed in New Hampshire and to have been approved for construction by the New Hampshire Department of Environmental Services after January 1, 1985. The cost of connection to the public sewer shall be borne by the property owner; however, if a sewer stub exists the cost of the portion of the connection within the public right-of-way shall be borne by the Rochester Sewer Enterprise Fund. For the purpose of this subsection, "structures" shall mean houses, buildings, or property used for human occupancy, employment, recreation, or other purposes. **[Amended 2-14-2017; 6-6-2017]**
- F. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.

**§ 200-4 Private wastewater disposal.**

- A. Where a public sanitary sewer is not available under the provisions of § **200-3D**, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of state law.
- B. The type, capacities, location, layout and installation (including inspection) of a private wastewater disposal system shall comply with all requirements of the New Hampshire Department of Environmental Services (DES). No permit shall be issued for any new private wastewater disposal system employing subsurface soil absorption facilities where the lot area is less than is required by subdivision lot size requirements of DES. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- C. At such time as public sewer becomes available to a property served by a private wastewater disposal system, as provided in § **200-3D**, after connection to the public sewer any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material. **[Amended 6-6-2017]**
- D. The owners shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the City. All sludge removal from private disposal systems shall be performed by licensed operators and disposed of at state-licensed facilities. At no time should any quantity of industrial waste be discharged to a private wastewater disposal facility.
- E. No building permits or any final Planning Board approvals shall be issued without prior state approvals

and permits being issued.

- F. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer pursuant to RSA 147:8.

**§ 200-5 Application for service.**

- A. All applications for sewer service must be made at the Department of Public Works office on a work order form, stating fully and truly the character of the wastewater to be discharged into the sewer system. The customer or his/her duly authorized agent must sign such application. All applications shall be accompanied by payment of the permit and inspection fee set forth in § **200-33**, Wastewater Rate and Fee Schedule.
- B. If any installation or repair work is to be performed by the Department of Public Works or its agent, an estimate of the cost of the work will be prepared by the Department of Public Works.
- C. A deposit equal to the estimated cost or a payment agreement shall be made with the Business Office before work is begun on a new service, or a repair to existing service, to be applied against the cost of the work necessary to successfully serve the property. Actual costs will be determined upon completion of the work and the customer charged or refunded as the case may be.
- D. All financial obligations involved in such transactions shall be adjusted immediately upon the completion of the work in the interests of all parties involved.
- E. The Commissioner may waive the deposit for emergency repair purposes.
- F. Applicants may enter into agreements, at the discretion of the City of Rochester, to pay all costs in equal installments over a period of time. Late payments shall accrue interest at the same rate charged by the City for overdue property tax bills. Such agreements shall be recorded with the Strafford County Register of Deeds at the expense of the applicant. In the event property is conveyed, all monies owed to the City of Rochester shall be remitted in full. **[Amended 3-5-2019]**

**§ 200-6 Service installation and repair.**

- A. The Department of Public Works or its agent or the developer's or property owner's contractor shall install all new sewer services.
- B. The property owner is responsible for the costs incurred for the repair and maintenance of all existing sewer services from the property line to the building or structure.
- C. If a developer or property owner installs new services, the Department of Public Works must approve all materials and inspect the installation. All charges incurred during this work are the responsibility of the developer or property owner. If a developer's or property owner's contractor's installation is found to be incorrect, it shall be the developer's or property owner's responsibility to have it corrected.
- D. Annually, before any contractor or company shall install or repair any portion of a wastewater system within the City of Rochester, such contractor or company shall obtain an installation and repair license from the Department of Public Works authorizing such entity to perform installations or repairs to such system. Licenses shall be valid from January 1 through December 31 for any given year. The Department of Public Works shall issue such license only to contractors or companies which

demonstrate the ability to perform wastewater system installation and repairs in a workmanlike manner, consistent with standards maintained by the Department of Public Works. All applicants shall be required to submit evidence of general liability insurance. The City Manager shall establish an annual fee for such license. This fee shall be listed in § **200-33**, Wastewater Rate and Fee Schedule. [**Amended 3-5-2019**]

- E. Any contractor or company installing or repairing any portion of the wastewater system must receive written authorization from the Department of Public Works and may be required to provide a performance bond or escrow account in the name of the City for the total (100%) of the estimated cost of work.
- F. The Department of Public Works shall have an easement 10 feet on each side of the sewer service for its entire length for installation or repairs to the service.
- G. The customer shall be charged for all materials and labor associated with initial installation or subsequent repairs due to the negligence of the customer. The Department of Public Works shall do its best to return the easement to its prior condition; however, it will be the customer's responsibility to repair and replace any damaged property within the aforementioned easement.
- H. Ordinarily, no new service pipes or extensions of mains will be installed between December 1 and March 31. An additional charge shall be applied to the customer for road maintenance during these winter conditions if service or extension is allowed, consisting of the minimum charge listed in § **200-33**, Wastewater Rate and Fee Schedule, or the actual cost associated with such road maintenance, if greater.

§ 200-7 **Sewer services and connections.**

- A. No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a license pursuant to § **200-6D** and written authorization pursuant to § **200-6E**.
- B. There shall be two classes of sewer permits: for residential service and for service to establishments producing commercial and/or industrial wastes. In either case, the owner(s) or his/her agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Commissioner. A permit and inspection fee as listed in § **200-33**, Wastewater Rate and Fee Schedule, for a sewer permit shall be paid to the City at the time the application is filed. This fee shall be paid regardless of whether the installation is to be accomplished by the Department of Public Works or the developer or property owner. [**Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)**]
- C. In addition to the permit requirements of Subsection **B** above, any new construction or use other than a single-family home which exceeds 500 gallons per day of discharge, as estimated by New Hampshire Administrative Rules Section Env-Wq 1008.03, Table 1008-1, shall be required to also obtain a wastewater discharge permit and pay the reserve capacity assessment. Application for such permit shall be made to the Department of Public Works together with the wastewater discharge permit fee as listed in § **200-33**, Wastewater Rate and Fee Schedule. All such requests for a wastewater discharge permit are subject to the approval of the Commissioner based on the existing sewer line's ability to handle the

increased discharge. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

- D. All costs and expenses incidental to the installation and connection of a new sewer service shall be borne by the owner(s). The owner(s) shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the sewer service. If installation and connection are accomplished at a location where the City has previously installed a sewer stub, the Sewer Enterprise Fund will bear the cost of installation of the sewer stub. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- E. A separate and independent sewer service shall be provided for every building, except that where one building stands at the rear of another or can be connected to the rear building through an adjoining alley, courtyard, or driveway, the front building sewer may be extended to the rear building and the whole considered as one building sewer. This exception shall be allowed only when no other reasonable alternative exists to provide a separate and independent sewer service for each building. The City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.
- F. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Commissioner, to meet all requirements of this article.
- G. The size, slope, alignment, materials of construction of a sewer service, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the City.
- H. Whenever possible, the sewer service shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the sewer service.
- I. No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a sewer service or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- J. The connection of the sewer service into the public sewer shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the City or the procedures set forth in appropriate specifications of the American Society for Testing and Materials (ASTM) and the Water Environment Federation Manual of Practice No. 9. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Commissioner before installation. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- K. All public sewers shall be laid by the Commissioner or his/her employees or by a licensed contractor, but the Commissioner shall have authority to prescribe rules as to such other material to be used as is not herein specified, and all work shall be done as directed by him/her and subject to his/her inspection, and the pipe trench shall be kept open until the work has been so inspected. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

- L. The applicant for the sewer permit shall notify the Commissioner when the sewer service is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Commissioner or his/her representative. A minimum of 24 hours' notice is required. If the sewer service is buried prior to inspection, the applicant may be required to uncover the sewer service and connection.
- M. No private sewer shall pass under another house or within four feet of the wall thereof except by written permission of the Commissioner.
- N. In addition to the afore-described permit, the Commissioner may also require, prior to commencing construction work for any private sewer, a like certificate evidencing the deposit of any amount equal to the estimated cost of such construction and/or a satisfactory guarantee that the actual cost of such construction will be paid in full upon completion of the work.
- O. The Commissioner shall keep a written report of his/her inspection of all such private sewer lines.
- P. All excavations for sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City at the expense of the owner.
- Q. Any person proposing a new discharge into the system, or a discharge of listed or characteristic waste, or an increase in the volume or in the strength or character of pollutants that are discharged into the system, shall notify the Commissioner at least 60 days prior to the proposed change or connection. Proposed new discharges from residential or commercial sources involving loading exceeding 50 population equivalents (5,000 gallons per day), any new industrial discharge, or any alteration in either flow or waste characteristics in industrial discharge must be approved by the New Hampshire DES.
- R. The Department of Public Works will approve plans for new systems, extensions, or replacement sewers. No plans will be approved which allow rainwater from roofs, streets, and other areas and groundwater from foundation drains to enter into the sanitary sewer system. Separate storm drain systems must be provided.
- S. Whenever any sewer service shall become clogged, broken, or obstructed, out of order, or detrimental to the use of any public sewer, or unfit for sewerage purposes in that part situated outside of any street or private way in which public sewers are laid, the owner, agent, occupant or person having charge of any building or premises in which such sewer service is located shall, when directed by the Commissioner, remove, reconstruct, alter, cleanse, or repair said sewer, as the condition thereof may require. In case of neglect or refusal to comply with such notice within five days after the same is given, the Commissioner may cause such sewer to be removed, reconstructed, repaired, altered, or cleansed, as he/she may deem expedient, at the expense of such owner, agent, occupant or other person so notified, who shall also be liable for a penalty in accordance with § 200-20, Violations and penalties. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- T. Reserve capacity assessments.
- (1) Proposed multifamily dwellings, new subdivisions, and commercial, industrial or business structures within sewer service area or expansion of such structures.



- (a) Property owner or applicant shall file a sewer connection application with the Department of Public Works. All applicants discharging over 500 gallons per day, as determined by New Hampshire Administrative Rules Section Env-Wq 1008.03, Table 1008-1, are required to file for a wastewater discharge permit. All property owners are subject to a reserve capacity assessment fee as listed in § **200-33**, Wastewater Rate and Fee Schedule, for all existing and projected future usage. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- (b) If it is determined that insufficient capacity exists for the projected flows, the applicant shall be responsible for all costs for upgrading and improving the sewers necessary to serve the project.
- (2) Proposed multifamily dwellings, new subdivisions, and commercial, industrial or business structures outside sewer service area or expansion of such structures.
- (a) Applicants must investigate all possible means to obtain City sewer. If it is determined that a feasible means of providing City sewer service is possible, the property owner or applicant shall file a sewer connection application with the Department of Public Works. All applicants discharging over 500 gallons per day shall file for a wastewater discharge permit. All property owners are subject to a reserve capacity assessment fee as listed in § **200-33**, Wastewater Rate and Fee Schedule, for all existing and projected future usage.
- (b) If it is determined that insufficient capacity exists for the projected flows, the applicant shall be responsible for all costs for upgrading and improving the sewers necessary to serve the project.
- (3) The City Manager may waive the reserve capacity assessment if deemed in the best interests of the City.

**§ 200-8 Sewer only meters.**

**[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

- A. Sewer only properties may be metered via the private water supply line. A common meter will be provided for rented units or lots. All meters will be maintained by the Department of Public Works, but the customer will be charged for any damage to meters caused by abnormal conditions, i.e., freezing, fire, tampering, etc. The Department of Public Works will set only one meter for any one service and the owner of the premises shall be liable for the entire amount of wastewater generated on the premises irrespective of leases of individual customers.
- B. Meters are installed for measurement of all water used by the consumer. Customers shall provide a clean, dry, warm, safe, and accessible place (always free from debris) for installation of a meter. The location shall be easily accessible by a person in the upright position for reading, maintaining, and changing.
- C. All customers billed for wastewater must keep their own fixtures, and service pipes within their property lines, in good repair and fully protected from injury by frost, and all such pipes and connections shall conform to the Rochester Plumbing Code.

**§ 200-9 Sewer deduct meter.**

**[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

Upon application and approval by the Department of Public Works, a customer may install a meter to measure water that will not be disposed of in the City's sewer system. The purpose of the meter would be to

meter uses including, but not limited to, in-ground sprinkler systems, outside spigots, and commercial air-conditioning systems. The cost of the meter, inspection, and installation by the City is entirely the responsibility of the customer. The meter will fully meet the requirements of § **200-8** of this article.

**§ 200-10 Meter repairs.**

**[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

- A. All meters shall be kept in repair by the Department of Public Works except when damaged by the customer or by his/her negligence, including freezing. In case of any such damage, the cost of repairs shall be charged to the owner of the premises.
- B. If the reader is out of repair or fails to register, the customer will be charged at the average daily consumption as shown by the reader when in order or the flat rate structure, whichever is less. Subsequently, if the actual amount of water metered is determined to be different than the amount previously estimated, the charge will be on the subsequent billing by the difference between the two.
- C. If a customer, after being so notified, does not allow the Department of Public Works access in order to test and/or correct a faulty meter or reader, the customer's subsequent bill will be 1.5 times the average daily consumption as historically shown on the meter.
- D. No person, except the duly authorized agent of the Department of Public Works, shall be allowed to reset, take off, or repair a meter.

**§ 200-11 Meter testing.**

**[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

- A. Only the Department of Public Works shall replace or remove and test all meters. No meter shall be placed in service or permitted to remain in service if the error of registration exceeds 2% or as established by the latest American Water Works Association (AWWA) meter standards, whichever is less.
- B. The Department of Public Works may test a meter for accuracy in registration upon complaint of the sewer consumer. There shall be a minimum service charge for any complaint-driven service call. The minimum service charge shall be as listed in § **200-33**, Wastewater Rate and Fee Schedule. Any meter found to be accurate in accordance with this article will not be replaced by the Department of Public Works due to a complaint.
- C. Should the meter in question be found to be within the accuracy limits established by the latest AWWA meter standards, all applicable fees associated with testing shall be paid by the customer. If the meter in question is found to be inaccurate, all fees will be waived.
- D. The percent of error of registration shall be taken as the average of the error at the intermediate and maximum rates of test flow. Any determination of charges shall be based on this average error.

**§ 200-12 Sealing of meter.**

**[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

Upon completion of adjustment and test of any meter under the provisions of these rules, the Department of Public Works shall affix thereto a suitable seal in such a manner that the adjustment of registration of the meter cannot be tampered with without breaking the seal. Disruption of the seal will be cause for

discontinuance of service.

**§ 200-13 Tampering with meter.**

**[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

- A. No customer or his/her agent shall perform a tampering event with regard to a meter without having first received written consent and authorization of the Commissioner of Public Works or his/her designee to take such action. In the event that the Commissioner of Public Works and/or his/her designee shall determine that a customer and/or his/her agent has performed a tampering event with respect to a meter, such customer shall be subject to the following charges:
- (1) A charge in an amount based upon the actual metered usage to such meter prior to the tampering event, if determinable.
  - (2) A charge in an amount based upon twice the estimated usage for the premises serviced by the meter in question during the preceding billing period(s) or the corresponding billing period(s) during the year immediately preceding such tampering event, whichever is greater.
  - (3) A charge for all costs associated with the repair and/or replacement of such meter.
  - (4) A reconnection fee as listed in § **200-33**, Wastewater Rate and Fee Schedule.
- B. Anything in Subsection A above to the contrary notwithstanding, should a customer or his/her agent, as a result of an emergency or other circumstances beyond his/her control, perform a tampering event with respect to a meter, without having received the prior written consent and authorization of the Commissioner of Public Works or his/her designee, such customer may, upon appeal to the Utility Advisory Board in accordance with the provisions of § **200-30** and within its discretion, be relieved of any and all of the charges listed in Subsection A(1) through (4) above, provided that such customer shall have notified the Department of Public Works, in writing, of the tampering event in question within three business days of the occurrence of such event.

**§ 200-14 Outside reader.**

**[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

All customers shall be required to have an outside reader with radio read capability for their meter. The outside reader shall be installed at a place on the premises acceptable to the City and according to the specifications available at the Department of Public Works. The customer shall be responsible for repairs or replacement of damaged outside readers and associated wiring when damage is due to abuse, neglect, and/or negligence of the customer. The City shall render a bill for labor, equipment, and materials for all such repairs or replacement. The outside reader and appurtenances shall be the property of the City. The customer shall be responsible for providing safe access to City personnel for reading. The customer shall remove potential hazards and nuisances such as snow, ice, vegetation, and dogs from the outside reader's access. Exceptions may be granted by the Commissioner of Public Works, in which case reasonable access shall be granted to Department of Public Works personnel for the purposes of reading and maintenance. If satisfactory access is not provided, the City reserves the right to produce an estimated bill.

**§ 200-15 Inspections.**

**[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

The Department of Public Works employees or its agents shall be allowed access to the customer's premises

between the hours of 8:00 a.m. and 6:00 p.m. for examination of pipes, fixtures, connections, the quality of water used, and manner of use.

**§ 200-16 Illicit connection to public sewers.**

- A. No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer.
- B. Stormwater and unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or a natural outlet approved by the Commissioner. Industrial cooling water or process waters require an NPDES permit prior to discharge to a storm sewer or natural outlet. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- C. No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
  - (1) Any gasoline, benzene, naptha, fuel oil, or other flammable or explosive liquid, solid, or gas, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140° F. or 60° C. using the test methods specified in 40 CFR 261.21.
  - (2) Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment processes, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.
  - (3) Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.
  - (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater facilities, such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
  - (5) Any pollutant(s) released in a discharge at a flow rate or pollutant concentration which will cause pass-through or interference.
  - (6) Wastewater containing petroleum oil, non-biodegradable cutting oils, or products of mineral oil in concentrations of more than 25 milligrams per liter or in such other amounts that will cause interference or pass-through.
  - (7) Wastewater sufficiently hot to inhibit biological activity in the POTW resulting in interference or to cause the influent at the wastewater treatment facilities to exceed 104° F. (40° C.), unless the EPA Regional Administrator, at the request of the Commissioner, approves alternate temperature limits.
  - (8) Any waters or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter, or containing substances which may solidify or become viscous at temperatures between 0° C. (32° F.) and 16° C. (60° F.).

- (9) If the person is a significant industrial user, wastewater containing any pollutant specified in Schedule A, annexed hereto and incorporated herein by reference, in excess of the limitations for each of said pollutants as specified in Schedule A (Local Discharge Limitations). These limitations may be applied on a mass basis to allow for a reduction in water use.

**Commented [1]:** Editor's Note: Schedule A is included as an attachment to this chapter.

- (10) Any trucked or hauled wastes, except at discharge points designated by the POTW.

- (11) Any medical wastes except as specifically authorized in a discharge permit.

D. The following described substances, materials, waters, or wastes shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, or public property, or constitute a nuisance. The Commissioner may set limitations lower than the limitations established in the regulations below if in his/her opinion such more severe limitations are necessary to meet the above objectives. In forming his/her opinion as to the acceptability, the Commissioner will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewer which shall not be violated without approval of the Commissioner are as follows:

- (1) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
  - (2) Any waters or wastes containing heavy metals, solvents, and similar objectionable or toxic substances to such degree that any such material discharged to the public sewer exceeds the limits established by the Commissioner, the New Hampshire DES or EPA for such materials.
  - (3) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Commissioner.
  - (4) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Commissioner in compliance with applicable state or federal regulations.
  - (5) Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.
  - (6) Any waters or wastes which, by interaction with other waters or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
- E. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Subsection D, and which in the judgment of the Commissioner may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public

nuisance, the Commissioner may:

- (1) Reject the wastes;
  - (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
  - (3) Require control over the quantities and rates for discharge; and/or
  - (4) Require payment to cover added cost of handling and treating the wastes.
- F. If the City permits the pretreatment or equalization of waste flows, the design and installation of the pretreatment facilities shall be subject to the review and approval of the City and New Hampshire DES and subject to the requirements of all applicable codes, ordinances and laws. Such facilities shall not be connected until said approval is obtained in writing.
- G. Plans and specifications for a proposed treatment facility shall be the result of the design of a professional engineer. Such approval shall not relieve the owner of the responsibility of discharging treated waste meeting the requirements of this article.
- H. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Commissioner, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Commissioner and shall be located as to be readily and easily accessible for cleaning and inspection. In maintaining these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Commissioner. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by currently licensed waste disposal firms.
- I. All industrial waste shall be pretreated in accordance with federal and state regulations and this article to the extent required by applicable National Categorical Pretreatment Standards, National Pretreatment Standards or pretreatment standards established by the New Hampshire DES or by the Commissioner, whichever is more stringent. The National Categorical Pretreatment Standards, found in 40 CFR Chapter 1, Subchapter N, Parts 405 to 471, are hereby incorporated into this article by reference. Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his/her expense.
- J. When required by the Commissioner, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes.
- (1) Such structure, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Commissioner. The structure shall be installed by the owner at his/her expense and shall be maintained by him/her so as to be safe and accessible at all times.
  - (2) All industrial users discharging into a public sewer shall perform such monitoring as the Commissioner

or duly authorized employees of the City may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Commissioner.

- (3) Such records shall be made available upon request by the Commissioner. Such records shall be made available upon request of the Commissioner to other agencies having jurisdiction over discharges to the receiving waters.
- K. The Commissioner may require an industrial user of sewer services to provide information needed to determine compliance with this article. These requirements may include:
  - (1) Wastewater discharge peak rate and volume over a specified time period.
  - (2) Chemical analyses of wastewaters.
  - (3) Information on raw materials, processes, and products affecting wastewater volume and quantity.
  - (4) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
  - (5) A plot plan of sewers on the user's property showing sewer and pretreatment facility location.
  - (6) Details of wastewater pretreatment facilities.
  - (7) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.
- L. The Commissioner may require any significant industrial user to develop a plan to control slug discharges. If the Commissioner determines that such a plan is needed the plan shall include at a minimum:
  - (1) A description of discharge practices, including non-routine batch discharges;
  - (2) A description of stored chemicals;
  - (3) Procedures for notifying the POTW of slug discharges; and
  - (4) If necessary, procedures to prevent adverse impact from accidental spills.
- M. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the EPA-approved methods published in the Code of Federal Regulations, Title 40, Part 136 (40 CFR 136), or alternate test procedures approved by EPA. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Commissioner.
- N. No statement contained in this chapter shall be construed as preventing any special agreement or arrangements between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, provided that such agreements do not contravene any requirements of existing federal or state laws and/or regulations promulgated thereunder,

are compatible with any user charge system in effect, and do not waive applicable pretreatment standards and requirements, including local limits and National Categorical Pretreatment Standards.

- O. Septic tank waste (septage) will be accepted into the sewer system at a designated receiving structure within the treatment plant area, provided that such wastes do not contain toxic pollutants or materials, and provided that such discharge does not violate any other special requirements established by the City. Permits to use such facilities shall be under the jurisdiction of the Commissioner or his/her duly authorized representatives. The discharge of industrial wastes as "industrial septage" requires prior approval of the New Hampshire DES. Fees for dumping septage will be established as part of the user charge system. The sewage treatment plant operator acting in behalf of the City and its Commissioner shall have authority to limit the disposal of such wastes, if such disposal would interfere with the treatment plant operation. Procedures for the disposal of such wastes shall be in conformance with the operating policy of the City's sewage treatment plant supervisor unless specifically permitted otherwise.
- P. It shall be illegal to meet requirements of this article by diluting wastes in lieu of proper pretreatment.
- Q. A dental practice or any other similar practice or business that handles or manages dental amalgams shall install and maintain an amalgam separator and institute a management program in accordance with federal and state regulations. **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

**§ 200-17 Industrial pretreatment rules.**

- A. Applicability. All industrial users shall comply with applicable requirements of federal and state industrial pretreatment regulations (as amended), in addition to the requirements of these industrial pretreatment rules.
- B. Industrial discharge agreement (IDA).
  - (1) IDA required. Effective 180 calendar days after this provision is adopted by the City, the discharge of any industrial process waste to the City's wastewater works or to a public or private sewer connected to the City's wastewater works is prohibited without a valid industrial discharge agreement (IDA).
  - (2) IDA application. Within 60 days after the effective date of these industrial pretreatment rules, industrial users subject to these rules shall submit an application for an IDA containing information required under applicable federal and state industrial pretreatment reporting regulations. Such information, as a minimum, shall include:
    - (a) The name and address of the facility, including the name of the operators and owners.
    - (b) A list of all environmental permits held by or for the facility.
    - (c) A brief description of the nature, average rate of production, and Standard Industrial Classification of the operations carried out at such facility.
    - (d) An identification of the categorical pretreatment standards applicable to each regulated process.
    - (e) An analysis identifying the nature and concentration of pollutants in the discharge.



- (f) Information showing the measured average daily and maximum daily flow, in gallons per day, to the public sewer from regulated process streams and from other streams.
- (g) A schedule of actions to be taken to comply with discharge limitations.
- (h) Additional information as determined by the City may also be required.
- (3) Provisions. The IDA issued by the City to each industrial user will outline the general and specific conditions under which the industrial process waste is accepted for treatment at the City's wastewater treatment plant. Specifically included in the agreement are the following:
  - (a) Pretreatment and self-monitoring facilities required.
  - (b) Type and number of samples and sampling frequency required.
  - (c) Effluent limitation on the industrial process waste.
  - (d) Reporting requirements.
- [1] Periodic reports. Industrial users shall submit periodic reports as required indicating the nature and concentration of pollutants in the discharge from the regulated processes governed by pretreatment standards and the average and maximum daily flow for these process units. The reports shall be certified by a qualified professional and shall state whether the applicable categorical pretreatment standards and effluent limitations are being met on a consistent basis and, if not, what additional operation and maintenance practices and/or pretreatment is necessary. Additional requirements for such reports may be imposed by the City.
- [2] Notification of violation/resampling. If sampling performed by an industrial user indicates a violation of any National Pretreatment Standard, National Categorical Pretreatment Standard, or any pretreatment standard established by the Commissioner, the industrial user shall notify the City within 24 hours of becoming aware of the violation and shall repeat the sampling and analysis and submit the results of the report analysis to the City within 30 days of becoming aware of the violation.
- [3] Notification of discharge of hazardous wastes. Industrial users shall notify the City, the EPA Regional Waste Management Division Director and the state hazardous waste authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed, would be a hazardous waste under 40 CFR Part 261.
- [4] Signature for reports. Reports submitted under this section shall be signed by an authorized representative. An authorized representative may be:
  - [a] A principal executive officer of at least the level of vice president, if the industrial user is a corporation;
  - [b] A general partner or the proprietor, if the industrial user is a partnership or sole proprietorship; or
  - [c] A duly authorized representative of either of the individuals designated above, if such representative is responsible for the overall operation of the subject facility.

- (e) Monitoring records.
  - [1] Industrial users subject to the reporting requirements under this section shall maintain records of information resulting from monitoring activities required to prepare such reports. Such records include for each sample:
    - [a] The date, exact place, method and time of sampling and the name of the person or persons taking the sample.
    - [b] The dates analyses were performed.
    - [c] The laboratory performing the analyses.
    - [d] The analytical techniques and methods used.
    - [e] The results of such analyses.
  - [2] Such records shall be maintained for a minimum of five years and shall be made available for inspection and copying by the City. This period shall be extended during the course of any unresolved litigation, or upon request by the EPA or the Commissioner.
- (f) Additional conditions.
  - [1] The agreement will be in effect for five years. At the expiration of the five-year period, the industrial user must apply for and be issued a new IDA.
  - [2] The agreement may not be transferred without the written consent of the Commissioner and may be revoked by the City for noncompliance or modified so as to conform to discharge limitation requirements that are enacted by federal or state rules and/or regulations.
  - [3] An industrial user proposing a new discharge or a change in volume or character of its existing discharge must submit a completed IDA application to the City at least 60 days prior to the commencement of such discharge. The submitted application must include plans and engineering drawings, stamped by a registered professional engineer, of the proposed pretreatment facilities. Upon approval of the application by the City, a discharge permit request is submitted by the community to the New Hampshire DES on behalf of the industry. Upon approval of the discharge permit request by the DES, the City will issue to the industrial user a new or amended IDA in accordance with the procedure outlined in this section.
- (g) Annual fee. Each industrial user shall be assessed a fee to cover the administration costs of the Industrial Pretreatment Program (IPP), plus the costs of sample collection and laboratory analysis. The fee will be billed on a quarterly basis and assessed as follows:
  - [1] All costs associated with self-monitoring shall be borne directly by each industrial user.
  - [2] All costs associated with municipal monitoring of each industrial user (sample collection and laboratory analysis) shall be billed directly to that industrial user.

- [3] All administrative costs associated with operation of the IPP (labor costs for City staff, equipment purchase and maintenance, consulting fees, etc.) shall be paid by the industrial users on a pro rata basis.
- (h) Penalties and cost of enforcement. Any industrial user which violates any provision of this article or any National Pretreatment Standard, National Categorical Pretreatment Standard, or any pretreatment standard established by the Commissioner shall be subject to applicable civil and/or criminal penalties as set forth in said IDA and shall pay all costs incurred by the City in enforcing or assuring compliance with such provision or standard and in responding to or investigating such violation **in accordance with 40 C.F.R 403.8 (f)(1)(iii)(B)(5).**
- C. Local discharge limitation. Significant industrial users shall be prohibited from discharging wastewater containing any pollutant specified in Schedule A , annexed hereto and incorporated herein by reference, in excess of the limitations for each of said pollutants as specified in Schedule A (Local Discharge Limitations). **Compliance with these limitations shall be assessed on the basis of samples of the industrial user's process wastewater discharge, not to include sanitary or any other dilution wastewater flows. If a National Categorical Pretreatment Standard, a National Pretreatment Standard, or the New Hampshire Department of Environmental Services establishes limitations for industrial users in a particular industrial subcategory which are more stringent than the limitations specified in Schedule A, those more stringent limitations shall immediately apply to those industrial users subject to such limitations. [Amended 10-4-2005; 5-6-2008; at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- D. National Categorical Pretreatment Standards.
- (1) Notification. The City shall provide timely notification to appropriate industries of applicable categorical pretreatment standards.
- (2) Compliance date for categorical standards. Compliance with categorical pretreatment standards shall be achieved within three years of the date such standards are effective, unless a shorter compliance time is specified in the standards. The National Categorical Pretreatment Standards, found in 40 CFR Chapter 1, Subchapter N, Parts 405 to 471, are hereby incorporated into this article by reference.
- (3) Amendment to IDA required. An industrial user subject to categorical pretreatment standards shall not discharge wastewater directly or indirectly to City wastewater works after the compliance date of such standards unless an amendment to its IDA has been issued by the City.
- (4) Application for IDA amendment. Within 120 days after the effective date of a categorical pretreatment standard, an industrial user subject to such standards shall submit an application for IDA amendment. The application shall contain the information noted under Subsection **B(2)** of this section.
- (5) Baseline monitoring report. Within 180 days after the effective date of a categorical pretreatment standard, existing industrial users shall submit to the City a report setting forth the information required in 40 CFR 403.12(b). At least 90 days prior to the commencement of discharge, new sources or sources that become industrial users subsequent to the promulgation of an applicable categorical standard shall submit to the City a report setting forth the information required in 40 CFR 403.12(b).
- (6) Categorical compliance report. Within 90 days following the date for final compliance with an

**Commented [2]:** Editor's Note: Schedule A is included as an attachment to this chapter.

applicable categorical pretreatment standard or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any industrial user subject to National Categorical Pretreatment Standards shall submit a report on compliance with categorical pretreatment standards deadlines in accordance with 40 CFR 403.12(d). If a compliance schedule is established, the City may require compliance schedule progress reports in accordance with 40 CFR 403.12(c).

- (7) Compliance determination. Compliance with National Categorical Pretreatment Standards shall be assessed in accordance with the requirements set forth at 40 CFR 403.12(b)(5). **[Amended 5-6-2008]**
- (8) Periodic compliance reports. Any industrial user subject to National Categorical Pretreatment Standards shall submit to the City, during the months of June and December, unless required more frequently by the pretreatment standard or by the City, periodic compliance reports in accordance with 40 CFR 403.12(e).
- (9) The City may authorize an Industrial User (IU) or Significant Industrial User (SIU) subject to a categorical Pretreatment Standard to forgo sampling of a pollutant by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. **[See 40 C.F.R. 403.8 (f)(1)(iii)(B)(4) and 40 C.F.R. 403.12 (e)(2)].**

E. Slug discharge notification and control plan.

- (1) Industrial users shall immediately notify the City of any discharges that could cause problems to the POTW, including any slug, as defined under § **200-1**, of process waste discharged by such user to the City system. **[Amended 5-6-2008]**
  - (2) The Commissioner may require any user to develop and implement an accidental discharge/slug control plan. The Commissioner shall evaluate whether each significant industrial user needs such a plan during the initial permit application or during permit renewal. Any user required to develop and implement an accidental discharge/slug control plan shall submit a plan which addresses, at a minimum, the following:
    - (a) Description of discharge practices, including non-routine batch discharges;
    - (b) Description of stored chemicals;
    - (c) Procedures for immediately notifying the POTW of any accidental or slug discharge; and
    - (d) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include but are not limited to inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.
- F. Imminent endangerment. The City may, after informal notice to the industry discharging wastewater to the public sewer, immediately halt or prevent any such discharge reasonably appearing to present an imminent endangerment to the health and welfare of person, or any discharge presenting, or which may

present, an endangerment to the environment, or which threatens to interfere with operation of the public sewer or wastewater treatment facilities. Actions which may be taken by the City include ex parte temporary judicial injunctive relief, entry on private property to halt such discharge, blockage of a public sewer to halt such discharge, or demand of specific action by the industry.

- G. Monitoring and surveillance. The City shall as necessary sample and analyze the wastewater discharges of contributing industrial users and conduct surveillance and inspection activities to identify, independently of information supplied by such industries, occasional and continuing noncompliance with industrial pretreatment standards. All industries discharging to the City system shall allow unrestricted access to City, DES, and EPA personnel for the purposes of investigating and sampling discharges from the industries. Each industry will be billed directly for costs incurred for analysis of its wastewater. **[Amended 5-6-2008]**
- H. Investigations. The City shall investigate instances of noncompliance with industrial pretreatment standards and requirements.
- I. Public information. Information and data submitted to the City under this section relating to wastewater discharge characteristics shall be available to the public without restriction. Other such information shall be available to the public at least to the extent provided by 40 CFR 2.302. The City shall comply with the maintenance and records requirements of ~~40 CFR 2~~ **40 C.F.R 2.302 and 40 C.F.R 403.14.** **[Amended 5-6-2008; 3-5-2019]**
- J. Public participation. The City shall comply with the public participation requirements of 40 CFR Part 25 in the enforcement of industrial pretreatment standards and requirements, which shall include annual public notification, in the largest daily newspaper published in the City, of all industrial users which were in significant noncompliance with applicable pretreatment requirements.

**K. Bypass**

**(1) For the purpose of this Section:**

**(a) Bypass means the intentional diversion of wastestreams from any portion of a User's treatment facility.**

**(b) Server property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean an economic loss caused by delays in production.**

**(2) A User may allow any bypass to occur which does not cause Pretreatment Standards, Local Limits or Requirements to be violated, but only if it is also essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs C. and D. of this Section.**

**(3) Bypass Notifications**

**(a) If the User knows in advance of the need for a bypass, it shall submit prior notice to the Commissioner, at least 5 days before the date of bypass, if possible.**

(b) A User shall submit oral notice to the Commissioner of any unanticipated bypass that exceeds applicable Pretreatment Standards, Local Limits or Requirements within twenty four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause, the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue, and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Commissioner may waive the written report on a case-by-case basis if the oral report has been received within twenty four (24) hours.

#### (4) Bypass

(a) Bypass is prohibited and the Commissioner may take enforcement action against a User for a bypass, unless:

(i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(ii) There was no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(iii) The User submitted notices as required under paragraph C. of this Section.

(b) The Commissioner may approve an anticipated bypass, after considering its adverse effects, if the Commissioner determines that it will meet the three conditions listed in paragraph D (1) of this Section.

#### § 200-18 Arrest provision.

No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

#### § 200-19 Powers and authority of inspectors.

- A. The Commissioner and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this article.
- B. The Commissioner and other duly authorized employees are authorized to obtain information concerning industrial processes which have a bearing on the kind and source of discharge to the public sewer. The industrial user may request that the Commissioner withhold from public disclosure any information deemed confidential in accordance with 40 CFR 403.14. The industrial user must establish that the revelation to the public of the information in question might result in an advantage to competitors.
- C. While performing the necessary work on private properties referred to in Subsection A, the

Commissioner or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the City employees, and the City shall indemnify the company against loss or damage to its property by the City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § **200-16J. [Amended 6-26-2007]**

- D. The Commissioner and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

**§ 200-20 Violations and penalties.**

- A. Any person found to be violating any provisions of this article except § **200-18**, Arrest provision, including any National Pretreatment Standard, National Categorical Pretreatment Standard, or other pretreatment requirement shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. Violation of more than one standard or requirement shall be deemed a separate violation for each standard or requirement. The offender shall, within the period of time stated in such notice, permanently cease all violations. The City may, after informal notice to the person discharging wastewater to the public sewer, immediately halt or prevent any such discharge reasonably appearing to present an imminent endangerment to the health and welfare of person, or any discharge presenting, or that may present, an endangerment to the environment, or which threatens to interfere with the operation of the public sewer or wastewater treatment facilities. Actions which may be taken by the City include ex parte temporary judicial injunctive relief, entry on private property to halt such discharge, blockage of a public sewer to halt such discharge, or demand of specific action by the person. In addition, the City may terminate the sewer service and/or revoke the industrial discharge agreement of any person who violates any provision of this article, **in accordance with 40 C.F.R 403.8 (f)(1)(iii)(B)(5).**

(1) A User who willfully or negligently violates any provisions of this Ordinance, an individual wastewater discharge permit, or issued hereunder, any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable up to the maximum fine and/or imprisonment allowable under Local, State, and/or Federal law, per violation, per day.

(2) A User who willfully or negligently introduces any substance into the POTW which cause personal injury or property damage shall, upon conviction, be guilty of a misdemeanor, punishable up to the maximum fine and/or imprisonment allowable under Local, State, and/or Federal law, per violation, per day. This penalty shall be in addition to any other cause of action for personal injury or property damage available under Local, State, and/or Federal law, per violation, per day.

(3) A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other documentation filed, or required to be maintained, pursuant to this Ordinance, individual wastewater discharge permit, or order issued herein, or who falsifies, tampers with, or knowingly renders inaccurate monitoring device or method required under this

Ordinance shall, upon conviction, be guilty of a misdemeanor, punishable up to the maximum fine and/or imprisonment allowable under Local, State, and/or Federal law, per violation, per day.

- B. Any person who violates any provision of this article, including any National Pretreatment Standard, National Categorical Pretreatment Standard, or other pretreatment requirement, may be fined in an amount not to exceed one thousand dollars (\$1,000.) for each violation, even if he/she corrects such violation within the time period set forth in the notice issued pursuant to Subsection A. Each day in which any such violation shall continue shall be deemed a separate offense. Reference: RSA 31:39, I(f); RSA 47:17; RSA 149-I:6.
- C. In addition to the foregoing, any person who violates any provisions of this article which results in an increase in costs to the wastewater facility or wastewater treatment works, or which interferes with or harms treatment plant personnel, equipment, processes, or operation, shall be liable to the City in an amount equal to the additional costs incurred by the City as a result of such violation, including but not limited to court costs, attorneys' fees and fees related to sampling and analysis to assure compliance with applicable limitations. Such liability exists even if the person corrects such violation within the time set forth in the notice issued pursuant to Subsection A.

§ 200-21 **Repealer; severability.**

- A. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- B. The invalidity of any section, clause, sentence, or provision of this article shall not affect the validity of any other part of this article which can be given effect without such invalid part or parts.

§ 200-22 **When effective.**

This article shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

## Article II Rates and Charges

§ 200-23 **Establishment of wastewater rates and fees.**

- A. Process. Wastewater rates and fees shall be reviewed and updated periodically by the City Council. Such wastewater rates shall be computed based on the total amount budgeted for the Department of Public Works, Division of Sewage and Waste Treatment Works, operations and maintenance, plus any debt service and capital outlays determined by the City Council, and projections of estimated sewer consumption, number of accounts, and/or other such factors. Wastewater rates shall be recommended to the City Council by the Utility Advisory Board and/or the City Manager and shall be established to provide sufficient revenue to at least pay the expenses of operating and maintaining the wastewater treatment works, collection system, and appurtenant facilities. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- B. Exemptions. The City Council may authorize elderly exemptions for users qualifying for property tax exemptions in the City, but such exemptions shall not result in charges lower than those necessary to recover operation and maintenance costs. Only the portion of the wastewater rates that recovers the debt service or capital outlays may be exempted.
- C. Implementation of new wastewater rates and fees. Before new rates and/or fees are effective, there shall



be two readings before the City Council. In addition, a public hearing shall be held between the first and the second readings. The public hearing shall be held at least 10 calendar days before the rates and fees are effective.

**§ 200-24 Rates, charges and fees.**  
**[Amended 5-6-2008]**

A separate listing of all deposits, wastewater rates, charges, and violation fees can be obtained from the Department of Public Works or the Business Office. Wastewater user charges shall be assessed as follows:

- A. Metered water customers. All customers that are supplied by the City of Rochester water system shall be charged based upon water usage. The rate shall be listed in § **200-33**, Wastewater Rate and Fee Schedule.
- B. Unmetered residential customers. All unmetered residential wastewater customers shall pay a flat rate quarterly wastewater user charge. The rate shall be as listed in § **200-33**, Wastewater Rate and Fee Schedule. Each unit of a multi-unit dwelling or mobile home park shall be considered a residential customer. The property owner shall be billed for each dwelling unit even if the property has only one service (i.e., the owner of a ten-unit apartment building shall be billed the residential flat rate times 10).  
**[Amended 6-6-2017]**
- C. Unmetered industrial customers. Any industrial wastewater customers not connected to the City of Rochester water system shall install an appropriate meter to measure discharges into the City sewer system. The rate charged shall be as listed in § **200-33**, Wastewater Rate and Fee Schedule.
- D. Minimum fee. Notwithstanding the provisions of Subsection A, any metered industrial/commercial or residential wastewater user shall pay a minimum quarterly wastewater user's charge as listed in § **200-33**, Wastewater Rate and Fee Schedule.
- E. TKN surcharge. Total Kjeldahl Nitrogen (TKN) is a pollutant found in most wastewater and is subject to a surcharge where discharges exceed a ceiling limit, as listed in § **200-33**. Where an individual user discharges greater than the ceiling limit, then the user shall be assessed a fee for every pound in excess of the ceiling limit. The total pounds of TKN discharged will be determined quarterly and be based on continuous flow records maintained by the user and the quarterly water quality testing conducted by the City. Supplemental water quality data, in addition to that collected for industrial pretreatment monitoring, can be provided by the user at no cost to the City and may be used in calculating the surcharge fee, as approved by the Commissioner. The surcharge fee is in addition to the wastewater rate and fee for commercial and industrial customers.

**§ 200-25 Billing and payment.**

- A. Wastewater bills shall be rendered to all customers at least quarterly and may be rendered more frequently at the discretion of the Business Office with the approval of the City Manager.
- B. Wastewater bills are due and payable upon presentation and shall become delinquent after 30 days after the date of issuance. Interest shall accrue on bills not paid when due at the same rate charged by the City for overdue property tax bills.
- C. Checks shall be made payable to the City of Rochester and submitted to the Tax Collector. When bills

are overdue, the customer will be sent a notice. Bills not paid when due become a lien on the property by New Hampshire statutes. **[Amended 9-4-2007]**

- D. The failure of a customer to receive wastewater bills does not relieve the customer of responsibility for making prompt payment. **[Amended 5-6-2008]**
- E. The Department of Public Works in collecting and treating wastewater, doing work, or furnishing materials shall deal with only the customer and the premises, and such customer shall keep the Business Office advised of the address to which bills, notices, and communications may be forwarded. Although the payment for service may be assumed by an agent or tenant, the owner of the premises will be held personally responsible for the same. A change in ownership will not relieve the premises from payment of back bills.

#### **§ 200-26 Appeals.**

Users aggrieved of bills rendered under this article have the following rights of appeal:

- A. Notification. The aggrieved user shall notify the Business Office in writing that said bill is contested before the next billing for this wastewater service. The notification shall explain why the bill is contested and provide the information necessary to determine the validity of the claim. The Finance Director may require the use of forms to expedite the appeals process. **[Amended 3-5-2019]**
- B. Resolution. Upon receipt of a notification under Subsection A, the Finance Director shall submit the claim to the Utility Advisory Board with a recommendation on the validity of the claim. The Utility Advisory Board shall act on all appeals received at a regularly scheduled meeting. The determination of the Utility Advisory Board shall be final, except that the City Manager shall have the authority to veto or modify any action of the Utility Advisory Board. Aggrieved parties shall be allowed only one appeal per claim. **[Amended 3-5-2019]**
- C. Disposition of appeals. For appeals found to be valid, the date of the billing shall be revised to the date of the Utility Advisory Board's decision. Revised charges shall become due and payable as specified in **§ 200-25**. For appeals not found to be valid, the date of the billing shall be as originally issued, and charges and interest shall be as computed as specified in **§ 200-25**.

#### **§ 200-27 Agreements.**

An agreement between the City Finance Director and the customer may be signed, on a form provided in the Business Office, if the customer is unable to satisfy his/her wastewater bill in full at the due date. An agreement procedure shall be established by the Finance Director and approved by the City Manager.

#### **§ 200-28 Miscellaneous bills.**

**[Amended 9-4-2007]**

Charges for labor and material, including installation costs, shall be billed upon completion of the work which the bill covers. If such bills are not paid within 30 days or a payment agreement has not been made with the Business Office, a lien may be placed on the property. All late payments shall include interest charges. Collection procedures will be taken and any costs will be charged to the customer.

#### **§ 200-29 Sale or transfer of property.**

On sale or transfer of property, the customer must give notification of such sale or transfer to the Business Office in order that a final meter reading can be taken and proper charges made to the proper owner. A minimum of 24 hours' notice is required.

**§ 200-30 Utility Advisory Board.**  
**[Amended 3-5-2019]**

- A. The Utility Advisory Board shall periodically make recommendations to the City Council on the level of wastewater rates to be established under this article, but such recommendations are not binding on the City Council. The Utility Advisory Board shall rule on appeals of user and other charges and fees and perform other such duties that may be assigned by City Council.
- B. The membership and terms of the Utility Advisory Board shall be as provided in § **260-28** of the City Code.

**§ 200-31 Construction/extension of public sewers for new development.**

- A. Applications for the construction/extension of public sewers shall be in the form of a petition addressed to the Commissioner of Public Works in compliance with the rules established by the Department of Public Works.
- B. The Commissioner may require that an applicant file with the City Clerk such rights-of-way, releases, performance surety, or any other instruments reasonably consistent for any such construction, and the City of Rochester shall be grantee, guaranteed insured, or payee of any such instrument.
- C. The applicant shall pay full costs for any such construction and installation of public sewers, as well as all costs associated with extensions of existing public sewers in existing public rights-of-way. Full title to the same shall, upon acceptance, be the property of the City of Rochester. All construction of public sewers shall be under the direct supervision of the Department of Public Works.

**§ 200-32 Extension of existing public sewers in accepted roadways.**

- A. Upon petition by citizens of the City or when deemed necessary or desirable for the protection and well-being of the City, the extension of existing public sewers in accepted roadways may be approved by a vote of the City Council.
- B. Where the construction and installation of public sewers is to be made in and upon existing streets and roads, and the public good requires it and/or undue hardships would result if cash payment were made, then and in such case the City may finance the construction through issuance of bonds or other financing method and pay the full costs. The proportionate share of each abutter along the line of construction and installation based on the actual cost of construction per running foot or other equitable distribution of cost when petition, application, or late petition is made and granted shall become a lien on such abutting property as real estate taxes until payment of said proportionate share of full costs, including financing, is made.
- C. Payment may be as follows:
  - (1) The affected party may pay its proportionate share in cash for the full amount, at the time the obligation is incurred.
  - (2) The affected party may enter into an agreement with the City that said proportionate share of all costs may be paid in equal installments over a period of time equal to the term of the bond or a lesser period. Such agreement is to be recorded with the Strafford County Register of Deeds at the expense of the affected party. In the event property is conveyed, the new owner(s) will be responsible for all unpaid

bills and liens.

- (3) All funds relating to public sewer extensions under these provisions may be placed in a special fund for payment of bonds, interest, and charges pertaining thereto.
- D. Any affected party dissatisfied with the determination of his/her proportionate share of costs may appeal said assessment as outlined in § **200-26**.

**§ 200-33 Wastewater Rate and Fee Schedule.**

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

- A. Quarterly wastewater rates.
  - (1) Residential customers without exemption: six dollars and seventy-five cents (\$6.75) per 100 cubic feet of water use.
  - (2) Residential customers with exemption: four dollars and forty-nine cents (\$4.49) per 100 cubic feet of water use.
  - (3) Commercial and industrial customers: six dollars and seventy-five cents (\$6.75) per 100 cubic feet of water use.
  - (4) High-volume customers (i.e., customers using more than 5,000 units\*\* monthly): six dollars and eight cents (\$6.08) per 100 cubic feet of water use. \*\*Note: For purposes of this section the word "unit" shall mean 100 cubic feet or 748 gallons of water use.
  - (5) Unmetered residential customers:
    - (a) Per quarter per unit without exemption: two hundred fifteen dollars and ninety-one cents (\$215.91).
    - (b) Per quarter per unit with exemption: one hundred seven dollars and ninety-four cents (\$107.94).
  - (6) Sewer metered customers: six dollars and seventy-five cents (\$6.75) per 100 cubic feet.
  - (7) Minimum fee:
    - (a) Per quarter per unit without exemption: thirty-two dollars and twenty-eight cents (\$32.28).
    - (b) Per quarter per unit with exemption: twenty-five dollars and seventy cents (\$25.70).
- B. Septage discharge: fifty-two dollars (\$52.) per 500 gallons or portion thereof.
- C. RV septage discharge: fifteen dollars (\$15.) flat fee.
- D. Graywater disposal: twenty-eight dollars (\$28.) per 2,000 gallons or portion thereof.
- E. TKN surcharge:

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

F. Fees.

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

G. Installation fees.

- (1) Installation by City: three hundred dollars (\$300.) minimum or estimated cost of installation in advance.
- (2) Charge for road maintenance for service installed between December 1 and March 31: two hundred dollars (\$200.) minimum or estimated cost of road maintenance in advance.
- (3) Installation and repair license: one hundred dollars (\$100.) per year.
- (4) Meter repair or testing: minimum charge of thirty dollars (\$30.) for the first half hour per visit plus cost of transportation of meter to testing facility and cost of testing.
- (5) Meter damage: fifty dollars (\$50.).

H. Temporary service. See installation fees; wastewater charges will be billed at above rates.

I. Backflow prevention devices. All costs associated with installation, repair or inspection to be paid by owner. Inspection costs shall be not less than minimum service charge.

J. Violations: All costs associated with investigation, enforcement and correction of violations to be paid by owner.

K. Bad check: twenty-five dollars (\$25.) plus all associated fees.

**Attachments:**

[Attachment 1 - Schedule A, Local Discharge Limitations](#)

**The effective date of these amendments shall be upon passage.**

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City Clerk's Office

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## *City of Rochester, New Hampshire*

OFFICE OF THE CITY MANAGER

31 Wakefield Street • Rochester, NH 03867

(603) 332-1167

[www.RochesterNH.net](http://www.RochesterNH.net)

### **CITY MANAGER'S REPORT**

**November 2020**

Contracts and documents executed since last month:

- **Department of Public Works**

- Certificate of substantial completion – GSBP Water Main Ext – Defelice Corp. **P. 77**
- Scope of Services – Little Falls Bridge/Chestnut Hill Rd – Hoyle Tanner **P.78**
- Change Order – Hutter Construction **P. 79**
- Change Order – Methuen Construction **P. 80**
- Certificate of Final Completion - Four Rod Rd Culvert – Ted Berry **P. 81**
- Certificate of substantial completion – Portland St twin culvert – Integrity Earthworks **P. 82**

- **Economic Development**

- CDBG Environmental Reviews – CAP Weatherization oil furnace replacement **P. 83**
- CDBG Environmental Reviews – CARES act Round 3 Allocations **P. 84**
- CDBG – CAP Weatherization Heating system replacement **P. 85**
- PILOT agreement – Sig Sauer **P. 86**
- Boundary Survey agreement– Berry Surveying & Engineering **P. 87**

The following standard reports have been enclosed:

- Monthly Overnight Travel Summary - none
- Permission & Permits Issued -none
- Personnel Action Report Summary **P. 88**

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City Clerk's Office

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

11/25/2020



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## INTEROFFICE MEMORANDUM

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**TO:** BLAINE COX, CITY MANAGER  
KATIE AMBROSE, DEPUTY CITY MANAGER AND DIRECTOR OF FINANCE & ADMINISTRATION

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

**DATE:** November 19, 2020

**SUBJECT:** Defelice Corporation  
Certificate of Substantial Completion

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

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Attached please find one copy of the Certificate of Substantial Completion for the Defelice Corporation in regards to the Granite State Business Park Water Main Extension. The project was substantially complete on May 22, 2020.

If you have any question, please call, if not please sign electronically and pass on to the City Manager for signature. Once completed please return document to me at the DPW for Distribution

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



*City of Rochester, New Hampshire*  
PUBLIC WORKS DEPARTMENT  
45 Old Dover Road • Rochester, NH 03867  
(603) 332-4096  
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11/25/2020



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## INTEROFFICE MEMORANDUM

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**TO:** BLAINE COX, CITY MANAGER  
KATIE AMBROSE, DEPUTY CITY MANAGER AND DIRECTOR OF FINANCE & ADMINISTRATION

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

**DATE:** November 18, 2020

**SUBJECT:** Hoyle Tanner & Associates  
Little Falls Bridge / Chestnut Hill Road Intersection  
Contract Amount \$42,537.00

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

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Attached please find one copy of HTA Engineers Scope of Services for the Little Falls Bridge Road / Chestnut Hill Road intersection Improvements Project. This Scope of Services includes Preliminary & Final Design along with ROW & Bidding.

The funding for this project is available as budgeted in the following General Fund CIP

15013010-771000-21517 = \$42,537.00

If you have any question, please call, if not please sign electronically and pass on to the City Manager for signature. Once completed please return document to me at the DPW for Distribution

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



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



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**INTEROFFICE MEMORANDUM**

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**TO:** BLAINE COX, CITY MANAGER  
KATIE AMBROSE, DEPUTY CITY MANAGER AND DIRECTOR OF FINANCE & ADMINISTRATION

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

**DATE:** November 18, 2020

**SUBJECT:** Hutter Construction – New DPW Facility  
Change Order #4 – Contract Increase Amount \$16,316.85

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

---

Attached please find one copy of Hutter Construction Change Order #4 that results in a net change order amount of \$16,136.85.

Change #4 reflects value engineered changes that include the following:

- |   |               |
|---|---------------|
| 1. Item #1 Modifications to the layout of dumpster pads and light poll    | \$2,949.45    |
| 2. Credit for NH Standard Castings  | - \$16,370.10 |
| 3. Modifications to trench drain and additional trench Drain veh storage  | \$2,793.00    |
| 4. Modifications grading & drainage structures to address pavement slopes | \$26,944.50   |
| Total changes   | \$16,316.85   |

The funding is available as budgeted in the following CIP Accounts:

15013010-772000-18526 = \$8,158.41  
55016010-772000-18526 = \$4,079.22  
55026020-772000-18526 = \$4,079.22

If you have any question, please call, if not please sign electronically and pass on to the City Manager for signature. Once completed please return document to me at the DPW for Distribution

---

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



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11/25/2020



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## INTEROFFICE MEMORANDUM

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

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

**DATE:** November 18, 2020

**SUBJECT:** Methuen Construction Change Order #3  
Bio Solids Dewatering and Carbon Storage Facilities  
Amount = net decrease (1,353.82)

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

---

Attached please 1 copy of the Methuen Construction Change Order #3 for City Manager signature. This change order clarifies cost on the following items:

1. Steel plates on Carbon Building	\$3,264.45
2. Balancing valves on heat system loop	\$5,637.74
3. Sludge tank inside coating	\$-83,072.00
4. Steel Plates / Truck bay	\$11,999.51
5. Van Valve Actuators'	<u>\$60,816.48</u>
Total net reduction	\$(1,353.82)

If you have any question, please call, if not please pass on to the City Manager for signature. Please return document to me at the DPW for Distribution

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



# 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](http://www.rochesternh.net)

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## INTEROFFICE MEMORANDUM

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

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

**DATE:** November 24, 2020

**SUBJECT:** **Certificate of Final Completion**  
**Four Rod Road Culvert Rehabilitation Project (#21-12)**

**CC:** Peter Nourse, PE, Director of City Services

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Attached please find one (1) original of the Certificate of Final Completion for the Four Rod Road Culvert Rehabilitation project, which has been submitted for the City's signature. The City's contractor, Ted Berry Company, LLC, has achieved final completion of the project as of November 13, 2020. The City's consulting engineer, Hoyle, Tanner & Associates, Inc. (HTA), has certified that the contractor has achieved final completion and has submitted the attached Certificate of Final Completion for signature by the City of Rochester. I recommend that the City accepts and signs this Certificate of Final Completion, which initiates the one year guaranty period.

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

Signature \_\_\_\_\_

Katie Ambrose  
Deputy City Manager/Director of Finance & Administration

Attachments: Certificate of Final Completion for Contract No. 21-12



# City of Rochester, New Hampshire

PUBLIC WORKS DEPARTMENT

45 Old Dover Road • Rochester, NH 03867

(603) 332-4096

Fax (603) 335-4352

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## INTEROFFICE MEMORANDUM

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

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

**DATE:** November 24, 2020

**SUBJECT:** **Certificate of Substantial Completion  
Portland Street Twin Culvert Replacement Project (#21-11)**

**CC:** Peter Nourse, PE, Director of City Services

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Attached please find one (1) original of the Certificate of Substantial Completion for the Portland Street Twin Culvert Replacement project, which has been submitted for the City's signature. The City's contractor, Integrity Earthworks, LLC, has substantially completed the project as of November 23, 2020. The City's consulting engineer, Hoyle, Tanner & Associates, Inc. (HTA), has compiled a punch list of items to be submitted before final completion and has submitted the attached Certificate of Substantial Completion for signature by the City of Rochester. I have performed a final site walk of the project area with HTA and Integrity Earthworks and recommend that the City accepts and signs this Certificate of Substantial Completion.

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

Signature\_\_\_\_\_

Katie Ambrose

Deputy City Manager/Director of Finance & Administration

Attachments: Certificate of Substantial Completion for Contract No. 21-11

Date: November 12, 2020

To: Blaine Cox  
City Manager

From: Julian Long  
Community Development Coordinator/Grants Manager

Re: FY 2021 CDBG Environmental Reviews – CAP Weatherization

Please see attached the completed FY 2021 Community Development Block Grant (CDBG) environmental review for an oil furnace replacement for a manufactured home located in the northwest region of the city, under the Community Action Partnership of Strafford County's weatherization program (CAP weatherization program). The City Council approved funding to the CAP weatherization program at the May 5, 2020 City Council meeting.

The environmental review requires the signature of the City Manager as the authorized official for the City of Rochester. Thank you very much, and please contact Julian with any questions or concerns.

Date: December 15, 2020

To: Blaine Cox  
City Manager

From: Julian Long  
Community Development Coordinator/Grants Manager

Re: FY 2021 CDBG Environmental Review – CARES Act CDBG Round 3 Allocations

Please see attached the completed FY 2021 Community Development Block Grant (CDBG) environmental review for the CDBG CARES Act third round allocations. The Community Development Committee recommended funding for these activities at its November 16, 2020 meeting, and City Council is scheduled to approve funding for these activities at the December 15, 2020 City Council meeting.

The environmental review requires the signature of the City Manager as the authorized official for the City of Rochester. Thank you very much, and please contact Julian with any questions or concerns.



Date: November 4, 2020

To: Blaine Cox  
City Manager

From: Julian Long  
Community Development Coordinator/Grants Manager

Re: FY 2021 CDBG Environmental Reviews – CAP Weatherization

Please see attached the completed FY 2021 Community Development Block Grant (CDBG) environmental review for a heating system replacement for a manufactured home located in Cocheco River Estates, under the Community Action Partnership of Strafford County's weatherization program (CAP weatherization program). The City Council approved funding to the CAP weatherization program at the May 5, 2020 City Council meeting.

The environmental review requires the signature of the City Manager as the authorized official for the City of Rochester. Thank you very much, and please contact Julian with any questions or concerns.

# MEMO

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**TO:** Blaine Cox, City Manger

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

**FROM:** Michael Scala, Director of Economic Development

**DATE:** November 17, 2020

**RE: Sig Sauer PILOT Agreement**

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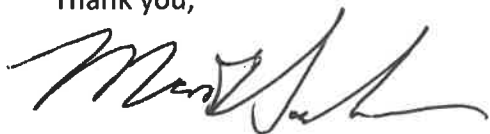
Blaine:

Please find attached the finalized PILOT Agreement with Sig Sauer concerning the property located at 7 Amarosa Drive.

This PILOT has been reviewed and approved by City Attorney O'Rourke, and after your signature, will be submitted to Sig Sauer for final execution.

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

Thank you,



Michael Scala  
Director of Economic Development



## *City of Rochester, New Hampshire*

Finance Office

31 Wakefield Street • Rochester, NH 03867-1917

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

MEMO

TO: Blaine Cox

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

DATE: October 30, 2020

RE: Berry Surveying & Engineering Proposal

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Attached please find an agreement with Berry Surveying & Engineering for a boundary survey of the four parcels currently known as Water Street. I recommend authorizing this proposal and funding out of the Economic Development Consulting Other account 11012351-534006.

Feel free to let me know if you have any questions.

---

Katie Ambrose

Deputy City Manager/Director of Finance & Administration

Enclosures: Berry Surveying & Engineering Proposal

DEPT	NAME	POSITION	# of Employees	FT	PT	SEASONAL/TEMP	NEW HIRE	REHIRE	RETIREMENT	SEPARATED	STEP (CBA)	MERIT PAY ADJ	NU PAY ADJ	PAY ADJ	PROMOTION	OTHER	MISC. INFO
ASSESSING	DARCY FREER	DEPUTY CHIEF ASSESSOR	1	X											X		
BZLS	CYNTHIA HARRIS	ADMIN ASST II	1	X						X							
COMMUNICATIONS	ANDREW NEAL	DISPATCHER	1	X					X								
DPW	TODD BRISARD	GROUND	1		X											X	HOURS CHANGE FOR WINTER
DPW	BARRY WILLEY	SEASONAL WINTER	1	X		X		X									
DPW	THOMAS MARCHAND	SEASONAL WINTER	1	X		X		X									
DPW	KYLE LOVEJOY	LEO	1	X			X										
DPW	JONATHAN BAILEY	GROUND	1		X		X										
ECON DEV	JULIAN LONG	CD COORDINATION	1	X							X						
FIRE	SETH WNEWORTH	FIREFIGHTER	1	X							X						
FIRE	RYAN MARDEN	FIREFIGHTER	1	X							X						
FIRE	DUANE MARSH	FIREFIGHTER	1	X							X						
FIRE	JESSICA GRAY	EXECUTIVE SECRETARY	1	X						X							
IT	DANIEL WHITE	SYSTEM ADMIN	1	X											X		
IT	ANDREW WATKINS	DEPUTY CIO	1	X											X		
PLANNER	NICOLETTE WOMACK	PLANNER I	1	X			X										
POLICE	NICHOLAS ALEXANDER	PATROL OFFICER	1	X												X	
POLICE	SPENCER WILLIAMS HURL	PATROL OFFICER	1	X								X					
POLICE	KENDALL DECOST	PATROL OFFICER	1	X								X					
POLICE	JACOB GARSTIN	PATROL OFFICER	1	X								X					
POLICE	JONATHAN LABOSIER	PATROL OFFICER	1	X								X					
POLICE	ELIZABETH TURNER	PATROL OFFICER	1	X								X					
POLICE	HATTIE JOHNSON	PATROL OFFICER	1	X								X					
POLICE	RANDY SMITH	PATROL OFFICER	1	X												X	
POLICE	NICOLE GARCIA	VICTIM/WITNESS ADVOCATE	1	X								X					

APPOINTMENTS REVIEW COMMITTEE

MINUTES OF November 17, 2020 MEETING

MEMBERS IN ATTENDANCE: Councilors Bogan, Gray, Abbott, Hutchinson, Hailey

ALSO IN ATTENDANCE: Councilor Walker

Meeting was called to order at 5:30PM.

There were no statements of interest for new appointments.

*The following applicants were submitted for re-appointment:*

**Janet Davis**

Rochester Economic Development Commission, Regular Member, term to expire 1/02/2024.

**Paul Giuliano**

Rochester Economic Development Commission, Regular Member, term to expire 1/02/2024.

Planning Board, Alternate Member, and term to expire 1/02/2024.

**Lionel Sylvain**

Planning Board, Regular Member/Chair, and term to expire 1/02/2024.

**Peter Bruckner**

Planning Board, Regular Member, and term to expire 1/02/2024.

Historic District Commission, Regular Member, term to expire 1/02/2024.

**Terry Dwyer**

Planning Board, Regular Member, and term to expire 1/02/2024.

All above Re-Appointments were unanimously approved to be sent for a full Council vote.

**Other Business** – Effective December 1<sup>st</sup>, all applicants, new and re-appointments must submit a Statement of Interest application prior to being placed on the Appointments Review Committee Agenda.

Meeting Adjourned at 6:00PM

Respectfully Submitted by Councilor Donna Bogan

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City Clerk's Office

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# Rochester City Council

## Community Development Committee

### MEETING MINUTES

**Elaine Lauterborn, Chair**  
**Donna Bogan, Vice Chair**  
**Doug Lachance**  
**Laura Hailey**  
**Palana Belken**

<b>Meeting Date:</b>	Monday, November 16, 2020	
<b>Members Present:</b>	Elaine Lauterborn Palana Belken Donna Bogan Laura Hailey	<b>Members Absent:</b> Doug Lachance
<b>Guests/Staff:</b>	Julian Long, Rochester Community Development Coordinator	

Councilor Lauterborn called the meeting to order at 5:55 p.m. Councilor Bogan made a motion to approve the August 17, 2020 committee meeting minutes, and Councilor Belken seconded the motion. The motion passed unanimously.

<b>PUBLIC INPUT</b>	No public input was received.
<b>FY 2021 CARES ACT CDBG FUNDS – Round 3 Funding Applications Review and Recommendations</b>	<p>Councilor Lauterborn provided a brief overview of the need for the allocated Coronavirus Aid, Relief, and Economic Security Act (CARES) Act Community Development Block Grant (CDBG) third round funds to be used for the preparation for, prevention of, and/or response to the continuing COVID19 pandemic. The committee members discussed the available funds and potential allocations.</p> <ul style="list-style-type: none"> <li>• COAST/Alliance for Community Transportation: \$3,000</li> <li>• Community Partners: \$5,000</li> <li>• Homeless Center for Strafford County: \$5,000</li> <li>• Rochester Opera House: \$10,000</li> <li>• Strafford Nutrition Meals on Wheels: \$5,000</li> <li>• New Generation: \$7,000</li> <li>• Court Appointed Special Advocates of NH: \$1,500</li> <li>• My Friend's Place: \$25,000</li> <li>• MY TURN: \$6,000</li> <li>• Easter Seals: \$19,076</li> <li>• Community Action for Strafford County: \$40,000</li> <li>• HAVEN: \$20,000</li> </ul> <p><b><i>Motion was made by Councilor Bogan and was seconded by Councilor Hailey to approve the above funding recommendations. The motion passed unanimously.</i></b></p>

<b>FY 2021 CDBG ALLOCATION AMENDMENT</b>	Mr. Long explained to the committee that the U.S. Department of Housing and Urban Development (HUD) had made an error in its FY 2021 CDBG formula allocations and that, after the correction from HUD, Rochester's FY 21 grant had been reduced by \$38. The reduction is being handled administratively and should not seriously impact any FY 21 projects.
<b>PROJECTS PROGRAM REPORT</b>	Mr. Long provided a brief overview of the CDBG program, noting that HUD has approved the city's submitted FY 20 end of year report (the "CAPER") and that the FY 2022 public outreach being conducted via hard copy surveys is receiving significant response. Councilor Lauterborn asked if the 2019 HUD corrective action has been closed out yet, and Mr. Long replied that the CDBG policy manual revision is still in review with HUD.
<b>OTHER BUSINESS</b>	The committee discussed review and presentation scheduling options for the FY 2022 grant applications which are due November 20 <sup>th</sup> .

The meeting was adjourned at 7:06 p.m.

**Next Meeting** – Monday, December 21st, at 6:00 p.m., Cocheco Conference Room, City hall Annex, 33 Wakefield St.

**Topics** – FY 2022 Grant Applications, CDBG Projects, Program Report



**DRAFT – CITY OF ROCHESTER FY 21 CDBG ACTION PLAN SECOND  
AMENDMENT – PLANNING AND ADMINISTRATION ALLOCATION**

**Resolution to Amend the Community Development Block Grant (CDBG) Funds for Fiscal  
Year 2021**

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

WHEREAS, the City of Rochester has received additional Community Development Block Grant (CDBG) funds through the Coronavirus Aid, Relief, and Economic Security (CARES) Act;

WHEREAS, the Mayor and City Council of the City of Rochester desire to program these additional funds into other worthwhile activities;

THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this resolution, hereby adopt the allocation of One Hundred Forty Six Thousand Five Hundred Seventy Six Dollars (\$146,576.00) for activities related to the CARES Act CDBG grant: Three Thousand Dollars (\$3,000.00) for COAST/Alliance for Community Transportation, Five Thousand Dollars (\$5,000.00) for Community Partners, Five Thousand Dollars (\$5,000.00) for the Homeless Center for Strafford County, Ten Thousand Dollars (\$10,000.00) for the Rochester Opera House, Five Thousand Dollars (\$5,000.00) for Strafford Nutrition Meals on Wheels, Seven Thousand Dollars (\$7,000.00) for New Generation, One Thousand Five Hundred Dollars (\$1,500.00) for Court Appointed Special Advocates of New Hampshire, Twenty Five Thousand Dollars (\$25,000.00) for My Friend's Place, Six Thousand Dollars (\$6,000.00) for MY TURN, Nineteen Thousand Seventy Six Dollars (\$19,076.00) for Easter Seals, Forty Thousand Dollars (\$40,000.00) for the Community Action Partnership of Strafford County, and Twenty Thousand Dollars (\$20,000.00) for HAVEN.

FURTHER, that the funds necessary to fund the above appropriation shall be drawn in their entirety from the above-mentioned CARES Act CDBG grant funds that the City of Rochester has received from the federal government.

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

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City Clerk's Office

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11/25/2020

## City of Rochester Formal Council Meeting

### AGENDA BILL

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

AGENDA SUBJECT
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COUNCIL ACTION ITEM <input type="checkbox"/> INFORMATION ONLY <input type="checkbox"/>	FUNDING REQUIRED? YES <input type="checkbox"/> NO <input type="checkbox"/> * IF YES ATTACH A FUNDING RESOLUTION FORM
---	---

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

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

#### COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

#### DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

#### FINANCE & BUDGET INFORMATION

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

#### LEGAL AUTHORITY

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**SUMMARY STATEMENT**

**RECOMMENDED ACTION**

## AGENDA BILL - FUNDING RESOLUTION

## EXHIBIT

Project Name: Date: Fiscal Year: 

Fund (select):

GF Water Sewer Arena CIP Water CIP Sewer CIP Arena CIP Special Revenue Fund Type: Lapsing Non-Lapsing 

## Deauthorization

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

## Appropriation

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

## Revenue

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

DUNS # CFDA # Grant # Grant Period: From   
To 

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

Reimbursement Request will be reduced Funds will be returned

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City Clerk's Office

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**Fidelity Committee  
of the  
Tri-City Joint Mayors' Task Force on Homelessness  
Remote Meeting Via Microsoft Teams  
November 19, 2020  
6:00 PM**

**MAYORS**

Mayor Caroline McCarley  
Mayor Robert Carrier  
Mayor Dana Hilliard

**Rochester Members**

Jeremy Hutchinson  
(Chairman)

Barbara Holstein

**Dover Members**

Charles Reynolds

Betsey Andrews Parker

**Somersworth Members**

Todd Marsh  
(Vice Chairman)

Dina Gagnon

**Others Present:** Crystal Paradis, Somersworth Council. Dave Carpenter, Dover Planning. Lindsey Williams, Dover Council. Tory Jennison, IDN. Scott Schuler. Ashley Desrochers, Public Health Network. Dave Abbott, Knight of Columbus. Mike Joyal, Dover City Manager.

**MINUTES**

**1. Call to Order**

Chairman Hutchinson called the meeting to order at 6:06 PM and read the following preamble:

Good Evening, as Chairperson of the Fidelity Committee, I am declaring that an emergency exists and I am invoking the provisions of RSA 91-A:2, III (b). Federal, state, and local officials have determined that gatherings of 10 or more people pose a substantial risk to our community in its continuing efforts to combat the spread of COVID-19. In concurring with their determination, I also find that this meeting is imperative to the continued operation of City government and services, which are vital to public safety and confidence during this emergency. As such, this meeting will be conducted without a quorum of this body physically present in the same location.

At this time, I also welcome members of the public accessing this meeting remotely. Even though this meeting is being conducted in a unique manner under unusual circumstances, the usual rules of conduct and decorum apply. Any person found to be disrupting this meeting will be asked to cease the disruption. Should the disruptive behavior continue thereafter, that person will be removed from this meeting.

Please note that all votes that are taken during this meeting shall be done by Roll Call vote.

Let's start the meeting by taking a Roll Call attendance. When each member states their name also please state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law.

Cassie Givara, Deputy City Clerk of Rochester, took the roll. All members were present except for Dina Gagnon, who was absent. Additionally, Mayor Carrier and Mayor McCarley were present.

## **2. Public Input (3-minute maximum and/or submit a statement)**

Scott Schuler, Public Health Network, spoke about the great increase in COVID cases in Strafford County over the course of the past two weeks, which has tripled over the previous reporting period. They lauded the Governor's mask mandate, but speculated that more targeted mitigation will be required to reduce the spread as the temperatures get colder. They also spoke about the potential vaccine and the challenges of distributing the vaccine amongst vulnerable populations such as the homeless, which are a "Tier II" population to receive vaccines after first responders, assisted living facilities, and long term care facilities.

Betsey Andrews Parker asked which tier childcare workers fell into within the vaccination schedule. She emphasized the importance of childcare workers in keeping the workforce actively employed; affecting the ability for people to go back to work and children to go back to school. Ms. Andrews Parker reported that one of the largest populations requesting assistance were single female heads of household who are greatly affected by the absence of childcare. She suggested that childcare workers and similar professions be considered first tier. Scott Schuler gave a brief overview of the tiers and how vaccines will need to be rationed during the beginning stages. They stated there is an ethical committee that reviews these decisions, and they could advocate for childcare workers, but also cautioned against the way society has been proceeding with life as usual and allowing the virus to spread and increase.

Crystal Paradis, Somersworth Council, asked Scott Schuler if their purview included contact tracing and if there would be an increase thereof. Scott Schuler stated that the contact tracing had reached a point in NH where it was completely overwhelmed to the point of being ineffective. They said that the contact tracing has continued in those populations under the age of 18, over the age of 65, and in congregate settings such as schools and care facilities.

Ashley Desrochers, Goodwin Community Health and Public Health Network, stated that just as the healthcare system can become overwhelmed, the public health infrastructure can also



become overwhelmed which is happening currently. Ms. Desrochers echoed the support of making childcare workers a higher tier to receive the vaccine when it becomes available.

### **3. Communications from the Mayors**

Mayor McCarley reported to the committee that the Rochester Council had received an update on the recovery friendly workplace program from the director of recreation and arena and that Rochester would be moving forward with the program in other departments.

Mayor Carrier stated the City Managers of Dover, Somersworth and Rochester are working together on a \$1 million grant to be used for an emergency cold weather shelter. Mayor Carrier said that the details and recipient would likely be announced within the next week or so. Mayor McCarley stated that the approach is to make this a low barrier emergency cold weather shelter.

### **4. Communications from the Chairs**

Vice Chair Marsh spoke about the opening of the wing in the Garrison Hotel for use as a shelter. He stated that the Monday following the opening, the welfare department had been much busier and they were seeing new individuals with whom they were not familiar. Vice Chair Marsh gave a brief overview of the numbers seen at the Rochester welfare department and the demographics seen as well as the reasons said individuals were in Rochester for services.

Chairman Hutchinson spoke briefly about the dedication of the veteran's park in Somersworth and pledge made by the Tri-City Mayors towards ending veteran homelessness. He stated that by signing this pledge and starting the initiative, the Tri cities would be partnering with multiple other communities throughout NH with the goal to end homelessness in NH's veterans.

Mayor McCarley said that the mayors of all 13 of NH's cities had addressed a letter to Governor Sununu requesting an attack on homeless and an update on a 2006 plan on homelessness. The Governor had responded favorably with several ideas moving forward including reinvigorating a past commission on homelessness with some new members. Mayor McCarley suggested if any of the members or contributors of the Fidelity Committee would like to participate, they get in contact with her for further details.

### **5. Update on Seasonal Shelter/Warming Center**

Betsey Andrews Parker reported that the 20 rooms available at the Garrison Hotel are currently full. CAP is providing the meals during the week and there is a sign up to provide meals on the weekends. She stated that they are working together with a coalition in Dover to provide Thanksgiving meals as well. Ms. Andrews Parker said that prior to the opening of the Garrison, there had been a list of people actively waiting for shelter. She said that approximately 1/3 of those coming into the shelter on Monday were on this list and were not actively seeking shelter for the long term; many of them just want to warm up, bathe, eat, and go back out. She clarified that the focus of the Garrison Hotel shelter is on life and safety, not a long term stay and gave some details on the operations, the clientele being assisted, and how everything has been working thus far. Ms.

Andrews Parker said that the program has been able to identify more appropriate long-term shelter options for certain individuals upon intake; such as 18-year olds and mothers with babies.

Ms. Andrews Parker directed those interested in helping to the sign up genius to provide meals for those at the Garrison Hotel. The “to go” contains will be provided. She gave suggestions on types of foods which can provided. She also spoke briefly about the concerns with the growing amount of COVID as well as hepatitis. She stated that they are working with Goodwin to work on testing and the medical needs of individuals.

There was a discussion on donations of personal hygiene supplies due to the shower program run by welfare not being utilized. Susan Gaston, Dover Welfare, acknowledged that the program had not been utilized during the summer but stated that over the past couple months they have started seeing homeless residents weekly. Ms. Andrews Parker said that the Garrison is in need of personal hygiene products, feminine hygiene products as well as condoms.

Ashley Desrochers, Public Health Network, said that they may be able to assist with some of the personal hygiene and family planning items due to their community health improvement assessment identifying the need for decreasing spread of STDs as a public health priority.

Tory Jennison, IDN, reported that they have a team with Connections for Health who are ready to open emergency cold weather shelters. It is much like how the shelters have run in the past, but more self-contained due to COVID. There was budgeting directed towards paid staffing due to the lack of volunteers caused by the pandemic. Ms. Jennison said they are currently budgeted for 60 nights being able to staff overnight emergency warming centers. She stated that they would be working with municipalities to open these warming centers, likely starting after December 1st when the infrastructure would be in place.

## **6. Mayors’ Challenge to End veteran homelessness**

It was determined that this item had been adequately discussed earlier in the agenda.

## **7. Continued Review of Master Plan**

### **7.1 Recovery Friendly Workplace recommendation for Tri-City Councils**

Chairman Hutchinson said he felt that this item had been successful. It has been initiated in Rochester at the Recreation and Arena department, and as stated by Mayor McCarley, it is moving forward in other departments in the future. Chairman Hutchinson said it has been moving forward with no resistance and it appears that both Dover and Somersworth have similar experiences and plans in place to introduce this initiative.

Chairman Hutchinson directed the committee toward the Master Plan document in order to identify another task on which to focus. He referred to strategy 3 “Increase Homelessness prevention, rapid rehousing, and supportive housing programs” and speculated that evictions may increase in the near future. He asked Vice Chair Marsh if there had been any increase in requests for assistance in the Rochester welfare department and suggested elevating action item #1 in

strategy 3 (“Prevent evictions by expanding short term rental assistance for person(s) on a fixed income”). Vice Chair Marsh said although they have been experiencing an increase in requests for assistance recently, it has still not reached pre-COVID levels. He stated this is the same throughout the state. He said that initially in the spring, they anticipated a great increase which did not materialize. Vice Chair Marsh acknowledged that they have dealt with clients who have not paid rent/mortgage since spring or have not been able to pay utilities. Ms. Andrews Parkers said that in Strafford County, there have been 1,477 applications have been sent to clients; 950 were received back by CAP. She said that \$1.2 million have been paid out to 390 households since July, averaging \$3,154 per household. She clarified that the huge majority of these applicants are working. The program could only pay for COVID-related expenses, which include loss of income/employment due to remote or homeschooling.

Ms. Andrews Parker expressed concern about the CDC’s moratorium on evictions ending January 1<sup>st</sup> and those service industry individuals who do not necessarily meet the income thresholds to qualify for assistance. A small \$25,000 donation for rental assistance has come in to be used for these individuals after January 1<sup>st</sup>, but they are looking for other sources of funding which will be greatly needed. Ms. Andrews Parker speculated that there could be a trickle down effect which could affect local budgets and revenues. With the CARES acts fund not being able to be carried over, there may also be large gaps in the state budget particularly in health and human services. Ms. Andrews Parker cautioned that this strategy involved more long term data and is a much bigger issue than can be handled easily by the committee. She suggested that the region should focus on doing the winter sheltering well and long term strategizing.

Chairman Hutchinson asked for consensus on whether the committee should simply continue on with their current work during COVID or if they should identify another strategy on which to work. Ms. Andrews Parker expressed that many of those contributors to the committee are already spread thin and overtaxed and could not take on any additional work during this time. Vice Chair Marsh said that if there were a strategy which could be handled in the same way as the recovery friendly workplace; where it could be proposed and sent to councils as opposed to requiring a great deal of effort from members who cannot expend that effort currently, that may be a strategy for the committee to take.

Barbara Holstein agreed with Ms. Andrews Parker that the focus should be on winter sheltering. She spoke about the Dover Council’s recent support of the Dover Mental Health Alliance and suggested that something similar could be done in other communities. Ms. Holstein acknowledged that mental health is often an underlying cause of homelessness. She also referenced Home for All’s landlord incentive programs as well as law enforcement assisted diversion happening in some communities. Ms. Holstein stated that the committee can look at these works already being done and determine what the needs are, then use the platform to bring proposals to the councils and bring more attention to these needs.

Chairman Hutchinson emphasized that although the shelter was the focus of the original Task Force, it had been taken up by the mayors and the committee took a back seat role. Many of the members of the Fidelity Committee are involved, but those other members and contributors may want to feel like that have contributed more directly in the Master Plan as opposed to showing up just to receive updates monthly.

Ms. Jennison reflected on the committee being a learning collaborative, a collective of experts informing each other's work and progress. For those wanting to contribute or look to get involved, she suggested taking another look at cities being more friendly to housing insecurity initiatives in the same way they embrace being business friendly; how governance models become more open to issues surrounding housing insecurity. She referenced the disconnect in Rochester between how it was thought the opening of a seasonal shelter would go and how it actually transpired and ultimately didn't happen; with a disconnect in communication, in code enforcement, timelines and expectations. Ms. Jennison suggested those in the group with ties in the municipalities take a look at ways to have internal governance discussions on ways to become more friendly towards housing insecurity issues.

Vice Chair Marsh suggested reviewing the Master Plan and the potential of sending more broad tasks from within the strategies, involving changes in zoning or planning, to the cities for review. These could be submitted as a recommendation from the committee and could be sent concurrently to all three cities.

Chairman Hutchinson suggested that he would be looking at Strategy 3, Item #6 "Promote Criminal Record Clearing Clinic." He stated that between the cities' attorneys and other lawyers offering pro bono services, they may be able to develop a plan. There will be an update on the agenda for the December Fidelity meeting.

## **8. Other**

No discussion.

## **9. Closing Public Input**

Dave Abbott, Knights of Columbus, asked about the possibility of 38 Hanson Street in Rochester being purchased for use as a permanent shelter. He expressed frustration at the lack of a location for a permanent shelter. Chairman Hutchinson addressed Mr. Abbott and gave him a brief update on the progress that the committee has made. He acknowledged that 38 Hanson Street would be used this winter as a warming center as needed.

Mike Joyal, Dover City Manager, addressed Mr. Abbott and reported that there are a number of things that the Tri-City mayors, staff and councils are working on currently including the earlier

mentioned grant program to fund a shelter. He gave a brief overview of the work being done to fill the gaps until a permanent shelter is in place.

Crystal Paradis inquired about the Master Plan and where it can be sourced. City Manager Joyal shared the link for the Master Plan on the Dover website. Councilor Paradis referenced the attorney general's office breaking up homeless tent encampments in Manchester and the possibility of something similar happening closer to the seacoast. She suggested a general resolution including language reinforcing housing being a right. Chairman Hutchinson suggested working together to form a joint resolution between the tri-cities.

## 10. Adjournment

The next Fidelity Committee meeting will be Thursday, December 10 at 6:00 PM via Microsoft Teams. Chairman Hutchinson requested an update on statistics from the welfare departments, CAP and IDN for the next meeting. There will be an update on the ending veteran's homelessness proposal, Strategy 6 item #3, as well as updates on the joint resolution discussed between the three cities.

Chairman Hutchinson **ADJOURNED** the meeting at 7:44 PM.

Respectfully Submitted,

Cassie Givara  
Deputy City Clerk, Rochester

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## Finance Committee

## Meeting Minutes

Meeting Information

Date: November 10, 2020

Time: 6:00 P.M.

Location: Council Chambers, 31 Wakefield Street  
Rochester, New Hampshire and remotely via Microsoft Teams

**Committee members present:** Mayor McCarley, Deputy Mayor Lauterborn, Councilor Walker, Councilor Gray, Councilor Bogan, Councilor Lachance, and Councilor Hamann.

**City staff present:** City Manager Blaine Cox, Deputy City Manager Katie Ambrose, Deputy Finance Director Mark Sullivan.

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

Mayor McCarley called the Finance Committee meeting to order at 6:00 PM and read the following preamble:

Good Evening, as Chairperson of the Finance Committee, I am declaring that an emergency exists and I am invoking the provisions of RSA 91-A:2, III (b). I also find that this meeting is imperative to the continued operation of City government and services, which are vital to public safety and confidence during this emergency. As such, this meeting will be conducted without a quorum of this body physically present in the same location.

At this time, I also welcome members of the public accessing this meeting remotely. The public can call-in to phone number: 857-444-0744 using conference code: 843095.

This meeting will be set to allow the public to “listen-in” only, and there will be no public comment taken via conference line during the meeting.

Please note that all votes that are taken during this meeting shall be done by Roll Call vote.

Let’s start the meeting by taking a Roll Call attendance. When each member states their name and ward, also please state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law.

Deputy City Clerk Cassie Givara took the roll call. The following Councilors were present in Council Chambers: Deputy Mayor Lauterborn, Councilor Hamann, Councilor Gray, Councilor Walker and Mayor McCarley. The following Councilors were connecting remotely and indicated

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they were alone in the location from which they were connecting: Councilor Bogan and Councilor Lachance.

## **2. Public Input**

Ray Barnett, resident, addressed the committee is regards to returned funds from the previous fiscal year budget and the potential uses for these funds. He also spoke about the City's purchase of properties.

## **3. Unfinished Business-None**

No discussion.

## **4. New Business-**

### **4.1 Rochester Trustees of the Trust Funds-Review-Discussion**

Brett Johnson and Ray Varney, Trustees, gave a brief summary of all the funds for which the Trustees of the Trust fund are responsible. Mr. Johnson stated that the Trustees had met with Charter trust in September for their annual meeting and reported the following:

The common funds have a balance of approximately \$3.5 million with a year-to-date return of over 8%. The expendable funds balance is running at \$126,000 with year-to-date returns just under 5.5%; and the Capital Reserve fund is just over \$2 million. Mr. Johnson stated that the Capital Reserve fund has a low yield because the funds come in and out very quickly.

Mr. Johnson summarized their disbursements year-to-date, stating they are the custodians of over \$41,000 in scholarships to Spaulding High School students, \$140.50 to the high school library, and over \$5000 to the Rochester Public Library.

Mr. Johnson stated that residents and those wanting to know more about the funds to which the trustees are custodians can find this information of the Trustees of the Trust Fund page of the City website.

Councilor Lauterborn remarked on the high balance in the commons funds and inquired if it was just the income on the fund which is being spent and if there was a timeline on when the principal needs to be spent. Mr. Johnson said these decisions are made when the fund is initially set up; with most funds the principal cannot be expended and the trustees are only expending the income. Mr. Johnson summarized a few of the many funds which make up the common funds.

Councilor Lauterborn asked how people will know the capital reserve fund is available and how they can utilize the funds. Mr. Johnson stated that the Trustees take their direction from the Finance Committee and City Council on what funds come in and how much money is expended at any one time. Mr. Varney clarified that the capital reserve fund comes from the undesignated fund balance. He stated that it has been used to pay school debt service. He reported that there had been discussions with Finance about using the funds more aggressively;



but if Council wants the funds back, the Trustees need to be able to respond with that amount. Therefore, long-term investments cannot be made with these funds. Mr. Varney stated that the ordinance states that money put into the capital reserve fund needs to be earmarked for a specific project unless there is a public hearing to change the intent of the funding.

#### **4.2 Covid-19 Funding & Aid Update-Discussion**

Finance Director Ambrose gave a general overview of the COVID-19 funding aid which has been applied for, received, and what is still to come.

Director Ambrose gave a summary of the funding received for the Primary and General elections. She stated that the allocation is currently up to \$71,190.02 as reimbursement for the additional cost for the processing of absentee ballots. The maximum allocation is just over \$59,000 with the City's match being \$11,865. For the Primary Election, the City received \$12,545.40. It is unknown how much will be received for the General election, although it is anticipated it will be determined with the next week. This amount is based on the absentee ballot count and determined with a formula comparing number of absentee ballots requested and received this year over the amount in 2016.

Director Ambrose stated that CDBG has provided some additional COVID-19 grants. The first round, which Council approved, was \$149,714.00. Round 3 is going to committee next week and coming to Council for approval in December, with an amount of \$146,576.00; the total of both being just over \$296,000 in additional CDBG COVID funding.

Ms. Ambrose referenced the BJA Coronavirus emergency supplemental funding, which was \$89,226 accepted for the mobile dispatch center. She stated the trailer has been put out to bid and awarded.

Director Ambrose stated that the Council would vote tonight the on whether to accept additional GOFERR funds, which are CARES act funding through the state to provide relief to municipalities. Rochester's maximum allocation is \$726,914, which is calculated based upon population. Director Ambrose spoke about submission deadlines, and the fluid nature of the treasury guidelines on what is reimbursable, which has been changing throughout the process. She gave examples of qualifying reimbursable expenses such as additional staffing, and laptops for remote work.

Director Ambrose summarized the FEMA public assistance funding, for which the City is currently applying. It is a cost share funding source with a 75% reimbursement and a 25% match from the City. She reported there are just under \$71,000 in expenses which will be submitted, largely related to Emergency Operations Center expenses such as PPE purchase and staff payroll. She stated that donations can offset the 25% City contribution. There are currently \$7,280 in donations which will factor into that contribution.

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Councilor Lauterborn asked if there is a large amount of paperwork accountability and federal government oversight with this funding, or if there is leeway given to the City to expend the funds however they deem most appropriate. Director Ambrose said that the City has been tracking COVID-related expenses very carefully, and for this funding they need to provide backup documentation such as invoices. Director Ambrose stated the finance department will be working with the auditors, although there is no current audit guidance from the government and likely will not be until January.

Councilor Lachance inquired if the City was on track expenditure wise as a percentage of the budget in the current budget cycle. Deputy Finance Director Sullivan referred to the financial reports which showed that the City was currently at 31% and they are 33% through the fiscal year; tracking very similar to last year. Councilor Lachance asked if the City needed this federal money if they are on track financially as they were pre-COVID. Director Ambrose said that she believes the funding has been beneficial because the City was able to make COVID-related purchases which might not have been possible without the additional funding and which were not budgeted for.

#### **4.3 FY20 General Fund Unassigned Fund Balance –Estimate**

Finance Director Ambrose referred to the report in the finance packet and gave a summary of the General Fund Unassigned fund balance use from the start of the fiscal year to current. There was an overall decreased of unassigned fund balance in the amount of \$1,049,523 which left an ending balance of \$22,138,487.21, or 20.3%. The ordinance requires a minimum level of 8% – 17 %, with the use of unassigned fund balance in FY20; leaving the City still above the minimum required level. She also gave a summary of the major contributors to the fund.

She referenced the supplemental appropriations which are on the Council agenda for approval tonight, along with the recommended \$17,674.28 for the EDA Salmon Falls road project. If these are all approved, the impact would be 18.7%, which is still above minimum level.

#### **4.4 EDA Salmon Falls Rd- Project Closure Review**

Director Ambrose reported that the EDA Salmon Falls Road project was substantially completed in 2017. This project was funded via multiple sources over multiple funds; such as bonding, private donations, and the Economic Development fund. Initially, the appropriations were based upon estimates. However now that the final numbers are in, it was realized that some appropriations were more than were needed and some were less; so there are multiple adjustments needed to close the project. They have drafted a multi-part resolution changing some funding sources, deauthorization and withdrawal of authority and repurposing other funding.

Mayor McCarley asked there could be a motion made without the resolution being available. Director Ambrose suggested a committee recommendation to send the resolution to full Council when it is completed. Councilor Gray **MOVED** to recommend to send the resolution to full council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Hamann, Lachance, Bogan, Walker, Gray, Lauterborn

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and Mayor McCarley all voting in favor.

## **5. Reports from Finance & Administration**

### **5.1 Monthly Financial Report Summaries October 31, 2020**

#### **5.1 (a) October 31, 2020 Revenues**

#### **5.1 (b) October 31, 2020 Expenses**

Deputy Finance Director Sullivan said the non-property tax revenues, waste management host fees, and motor vehicles all remain strong. Building permits and water sewer user rate collections have rebounded. On the expenditure side, he noted there are some spikes in police and fire overtime, but not significantly over the past year. Overall everything is looking good.

Mayor McCarley asked if there was any anticipated problems collecting the December tax bills. Deputy Finance Director Sullivan stated that the first billing cycle, there was strong initial collections on the residential side and overall they collected over 90%. He anticipates it will be similar with this billing.

## **6. Other**

Councilor Walker asked if the school department had provided any updates on their COVID financing. Mayor McCarley said they had not received anything after the October finance meeting update. City Manager Cox said there have not been any current updates, although if there is a supplemental appropriation needed it will likely be in December or January.

Councilor Gray asked about the per student CARES act money and whether or not it will reduce their request for a supplemental appropriation.

Councilor Hamann inquired if the assessing software was up and running yet. Director Ambrose said they are still in the implementation process currently, getting ready to go live and completing final testing. The process continues to move forward, although the next bill will be through Patriot.

## **7. Adjournment**

Mayor McCarley **ADJOURNED** the Finance Committee meeting at 6:39 PM.

Respectfully Submitted,

Cassie Givara  
Deputy City Clerk

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City Clerk's Office

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**Resolution Authorizing the Change of Funding Sources and De-authorizing Previous Appropriations of the Department of Public Works EDA Salmon Falls Road Capital Improvement Plan Project and Supplemental Appropriation from General Fund Unassigned Fund Balance in an amount not to exceed \$17,674.28**

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

I. CIP FUND 1501 – Department of Public Works (Highway Division)

WHEREAS, by virtue of various resolutions adopted by the Mayor and City Council of the City of Rochester, the Mayor and City Council appropriated the sum of One Million One Thousand Five Hundred Dollars (\$1,001,500.00) to the Department of Public Works Capital Improvement Plan EDA Salmon Falls Road project # 13551 of the City of Rochester, all as more particularly set forth in Exhibit A annexed hereto; and

WHEREAS, the Mayor and City Council of the City of Rochester have determined that the best interests of the City are served by changing the funding sources for the EDA Salmon Falls Road project # 13551 referenced in Exhibit A.

NOW THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby change the funding sources for the EDA Salmon Falls Road project # 13551 referenced in Exhibit A.

FURTHER, the Mayor and City Council of the City of Rochester, hereby de-authorize the sum of Twenty Eight Thousand Nine Hundred Sixty Three and 33/100 Dollars (\$28,963.33) of previously appropriated funds from the EDA Salmon Falls Road project # 13551.

FURTHER STILL, in accordance with the provisions of RSA 33:9 and Section 45 of the Rochester City Charter, the Mayor and City Council of the City Rochester, hereby withdraw borrowing authority in the amount of Thirty Four Thousand Three Hundred Twenty Four and 05/100 Dollars (\$34,324.05).

II. WATER CIP FUND 5501 – Department of Public Works (Water Division)

WHEREAS, by virtue of various resolutions adopted by the Mayor and City Council of the City of Rochester, the Mayor and City Council appropriated the sum of One Million Eighty Thousand Two Hundred Dollars (\$1,080,200.00) to the Department of Public Works Water Fund 5501 Capital Improvement Plan EDA Salmon Falls Road project budgets of the City of Rochester, all as more particularly set forth in Exhibit A annexed hereto; and

WHEREAS, the Mayor and City Council of the City of Rochester have determined that the best interests of the City are served by changing the funding sources for the EDA Salmon Falls Road project referenced in Exhibit A.

NOW THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby change the funding sources for the EDA Salmon Falls Road project referenced in Exhibit A.

FURTHER, the Mayor and City Council of the City of Rochester, hereby de-authorize the sum of One Hundred Nine Thousand Two Hundred Seventy Nine and 48/100 Dollars (\$109,279.48) of previously appropriated funds from the EDA Salmon Falls Road project # 13551.

FURTHER STILL, in accordance with the provisions of RSA 33:9 and Section 45 of the Rochester City Charter, the Mayor and City Council of the City of Rochester, hereby withdraw borrowing authority in the amount of Two Hundred Seven Thousand Five Hundred Seventy Seven and 53/100 Dollars (\$207,577.53).

### III. SEWER CIP FUND 5502 – Department of Public Works (Sewer Division)

WHEREAS, by virtue of various resolutions adopted by the Mayor and City Council of the City of Rochester, the Mayor and City Council appropriated the sum of Two Million Seven Hundred Eighty Five Thousand Five Hundred Dollars (\$2,785,500.00) to the Department of Public Works Sewer Fund 5502 Capital Improvement Plan EDA Salmon Falls Road projects # 13551 and # 18549 of the City of Rochester, all as more particularly set forth in Exhibit A annexed hereto; and

WHEREAS, the Mayor and City Council of the City of Rochester have determined that the best interests of the City are served by changing the funding sources for the EDA Salmon Falls Road projects referenced in Exhibit A.

NOW THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby change the funding sources for the EDA Salmon Falls Road projects referenced in Exhibit A.

FURTHER, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby de-authorize \$16,181.96 of previously appropriated funds for the EDA Salmon Falls Road project #18549 and repurpose the Sewer Fund retained earnings funding source for said project to the EDA Salmon Falls Road project #13551.

FURTHER, the Mayor and City Council of the City of Rochester, by adoption of this Resolution,

hereby de-authorize Nineteen Thousand Eight Hundred Two and 54/100 Dollars \$19,802.54 of previously appropriated funds for the EDA Salmon Falls Road project # 13551.

FURTHER STILL, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby authorize a supplemental appropriation in the amount of Seventeen Thousand Six Hundred Seventy Four and 28/100 Dollars (\$17,674.28) for the purpose of fully funding the completed EDA Salmon Falls Rd project # 13551. The funding for this supplemental appropriation shall be derived in its entirety from the General Fund unassigned fund balance.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution.

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City Clerk's Office

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11/25/2020

**City of Rochester Formal Council Meeting****AGENDA BILL****NOTE: Agenda Bills are due by 10 AM on the Monday the week before the City Council Meeting.**

AGENDA SUBJECT Resolution Authorizing the Change of Funding Sources and De-authorizing Previous Appropriations of the Department of Public Works EDA Salmon Falls Road Capital Improvement Plan (CIP) Project and Supplemental Appropriation from General Fund Unassigned Fund Balance in an amount not to exceed \$17,674.28.

COUNCIL ACTION ITEM ☒  
INFORMATION ONLY ☐

FUNDING REQUIRED? YES ☒ NO ☐  
\* IF YES ATTACH A FUNDING RESOLUTION FORM

RESOLUTION REQUIRED? YES ☒ NO ☐

FUNDING RESOLUTION FORM? YES ☐ NO ☐

AGENDA DATE	12/01/2020		
DEPT. HEAD SIGNATURE			
DATE SUBMITTED	11/11/2020		
ATTACHMENTS	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	1

**COMMITTEE SIGN-OFF**

COMMITTEE	Finance
CHAIR PERSON	Mayor McCarley

**DEPARTMENT APPROVALS**

DEPUTY CITY MANAGER	
CITY MANAGER	

**FINANCE & BUDGET INFORMATION**

FINANCE DEPARTMENT APPROVAL	
SOURCE OF FUNDS	General Fund Unassigned Fund Balance
ACCOUNT NUMBER	17040051-593003
AMOUNT	\$17,674.28
APPROPRIATION REQUIRED	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

**LEGAL AUTHORITY**

City Council Action Required  
Public Hearing Required

**SUMMARY STATEMENT**

This request is to fund the remaining unfunded amount and to close out the EDA Salmon Falls Road CIP Project as summarized below and more particularly set forth in Exhibit A annexed hereto:

1. Change of funding sources
2. De-authorization of prior appropriations
3. Withdrawal of bond authority
4. Supplemental Appropriation from the General Fund not to exceed \$17,674.28

**RECOMMENDED ACTION**

Council authorization to change the funding sources, de-authorize previous appropriations, withdraw unneeded bond authority, and appropriate \$17,674.28 from the General Fund unassigned fund balance for the purpose of closing out the EDA Salmon Falls Road CIP project.

**Resolution Changing Funding Sources of the EDA Salmon Falls Rd Project and Supplemental Appropriation**  
**Exhibit A**

<b>Fund - Proj</b>	<b>Original Funding Source</b>	<b>Revised Appropriation</b>	<b>Funding Change</b>	<b>Final Appropriation</b>	<b>Comment</b>
1501 - 13551	ED Fund Unassigned Fund Balance	174,970.77	-	174,970.77	
	U.S. Department of Commerce - Economic Development Administration	393,250.00	6,396.22	399,646.22	
	Private Donations (Market Basket)	101,035.50	(1,035.50)	100,000.00	
	Bond (Repurposed from the GSBP Unused Bond Proceeds)	117,243.73	-	117,243.73	
	Bond (August 2018 Series A)	215,000.00	(34,324.05)	180,675.95	Withdraw Bond Authority of \$34,324.05
	<b>Subtotal</b>	<b>1,001,500.00</b>	<b>(28,963.33)</b>	<b>972,536.67</b>	<b>De-authorize \$28,963.33</b>
5501 - 13551	ED Fund Unassigned Fund Balance	157,232.14	-	157,232.14	
	U.S. Department of Commerce - Economic Development Administration	353,600.00	99,146.55	452,746.55	
	Private Donations (Market Basket)	90,848.50	(848.50)	90,000.00	
	Bond (Repurposed from the GSBP Unused Bond Proceeds)	105,519.36	-	105,519.36	
	Bond (August 2018 Series A)	373,000.00	(207,577.53)	165,422.47	Withdraw Bond Authority of \$207,577.53
	<b>Subtotal</b>	<b>1,080,200.00</b>	<b>(109,279.48)</b>	<b>970,920.52</b>	<b>De-authorize \$109,279.48</b>
5502 - 13551	General Fund Unassigned Fund Balance	527,678.43	17,674.28	545,352.71	Supplemental Appropriation of \$17,674.28
	U.S. Department of Commerce - Economic Development Administration	1,199,250.00	(105,542.78)	1,093,707.22	
	Private Donations (Market Basket)	308,116.00	51,884.00	360,000.00	
	Bond (Repurposed from the GSBP Unused Bond Proceeds)	363,455.57	-	363,455.57	
	Bond (August 2018 Series A)	277,000.00	-	277,000.00	
	Sewer Fund Retained Earnings	-	16,181.96	16,181.96	Repurpose \$16,181.96 from Project 18549
	<b>Subtotal</b>	<b>2,675,500.00</b>	<b>(19,802.54)</b>	<b>2,655,697.46</b>	<b>De-authorize \$19,802.54</b>
5502-18549	Sewer Fund Retained Earnings	110,000.00	(16,181.96)	93,818.04	
	<b>Subtotal</b>	<b>110,000.00</b>	<b>(16,181.96)</b>	<b>93,818.04</b>	<b>De-authorize &amp; Repurpose \$16,181.96 to Project 13551</b>
	<b>Project Total</b>	<b>4,867,200.00</b>	<b>(174,227.31)</b>	<b>4,692,972.69</b>	<b>Total Expenditures</b>

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City Clerk's Office

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**City of Rochester Planning Board**  
Monday November 2, 2020  
City Council Chambers  
31 Wakefield Street, Rochester, NH 03867  
*(These minutes were approved on November 16, 2020)*

Members Present

Nel Sylvain, *Chair*  
Mark Collopy, *Vice Chair*  
Peter Bruckner  
Tim Fontneau  
Daniel Rines  
Robert May  
Mark Sullivan  
Dave Walker

Members Absent

A. Terese Dwyer, excused

Alternate Members Present

Paul Giuliano  
Donald Hamann  
Lance Whitehill

Staff: Shanna B. Saunders, *Director of Planning & Development*  
Crystal Galloway, *Planning Administrative Assistant II*

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

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Mr. Sylvain called the meeting to order at 7:00 p.m. and made the following statement:

Good Evening, as Chairperson of the Planning Board I am declaring that an emergency exists and I am invoking the provisions of RSA 91-A:2, III (b). Federal, state, and local officials have determined that gatherings of 10 or more people pose a substantial risk to our community in its continuing efforts to combat the spread of COVID-19. In concurring with their determination, I also find that this meeting is imperative to the continued operation of City government and services, which are vital to public safety and confidence during this emergency. As such, this meeting will be conducted without a quorum of this body physically present in the same location.

**Public Input:** the Planning Board will be allowing the public to enter Council Chambers and speak in person during the Public Hearing portion of this meeting. In an effort to adhere to CDC guidelines: enter only at the front Wakefield Street entrance and exit on the side closest to the police department and adhere to 6-foot social distancing while inside. Hand sanitizer and facemasks will be available at the Wakefield Street entrance. Participants will be admitted into Council Chambers one at a time to speak, and will exit directly thereafter. Seating in Council Chambers will not be available for the public during meetings.

Please note that all votes that are taken during this meeting shall be done by Roll Call vote.

Let's start the meeting by taking a Roll Call attendance. When each member states their name, also please state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law. Additionally, Planning Board members are required to state their name each time they wish to speak.

The Planning Secretary conducted the roll call. All Planning Board members were present, with exception of Ms. Dwyer. In addition, all Planning Board members indicated that they were alone in the location from which they were connecting remotely.

### **III. Seating of Alternates**

Mr. Whitehill voted in place of Ms. Dwyer.

### **IV. Communications from the Chair**

Mr. Sylvain reminded everyone to vote on Tuesday.

### **V. Suggested Zoning Amendment – Murals**

City Attorney Terence O'Rourke said after researching, having conversations with Staff and the speaking with the ACLU the definition of a mural needs to be content neutral. He explained government can regulate size, commercial, number, duration, location, aesthetics, lighting and illumination, animation, and materials. Mr. O'Rourke said Staff will be creating a maintenance regulation to make sure property owners are maintaining the murals.

Mr. Sylvain asked if an applicant came before the Board with a proposal that contained profanity would the Board be able to correct it. Mr. O'Rourke said it's the First Amendment and the government cannot regulate it. Mr. O'Rourke went on to say most of the issues would be worked out with the property owners as most of the businesses are tenants.

Mr. Bruckner explained murals are a collaborative effort between City Boards, Commission, and Departments. He said the City has the Arts & Culture Commission which can help walk an applicant through the process. Mr. Bruckner used the City of Nashua as an example and encouraged the Board to take a tour of the city to view the murals.

Mr. Bruckner said he looks at the Arts & Culture Commission as an anchor for the Downtown Master Plan to increase art in the downtown development projects.

Mr. Walker said it was stated in the draft application by the Arts & Culture Commission nothing would be approved with profanity, nudity, or politics. He went on to say the City Attorney just told the Board government cannot regulate content. Mr. Bruckner said the Commission wouldn't disapprove the project but they would help the applicant to bring the project together.

Mr. Fontneau said he's had doubts about the mural ordinance from the start but maybe as a part of the sign ordinance that says we allow murals to be done under the guidance of the Arts & Culture Commission.

Mr. Guiliano said no one can anticipate what someone will find offensive. He asked if the Board were to grant a use and someone found the mural to be objectionable how would it impact the City. Mr. O'Rourke said the

City wouldn't have liability because the City does not have the ability to prevent protected speech from going up outside of the time, manner, and place regulations.

Mr. Collopy said he is concerned about impacts on abutters. He said he believes they should be notified and be able to speak on it.

Mr. Sylvain suggested depicting where murals would be allowed in the City. Ms. Saunders said they would be allowed in the Neighborhood Mixed Use, Downtown Commercial, Office Commercial, Highway Commercial, and Granite Ridge Development zones.

Mr. Sylvain suggested the artist meet with the Arts & Culture Commission then go before the Planning Board for a Conditional Use Permit.

*A motion was made by Mr. Bruckner and seconded by Mr. Rines to table the discussion until the November 16, 2020 workshop meeting. The motion carried unanimously.*

## **VI. Approval of Minutes**

*A motion was made by Mr. Walker and seconded by Mr. Rines to approve the October 5, 2020 meeting minutes. The motion carried unanimously by a roll call vote.*

## **VII. New Applications**

### **A. Tedeschi Contracting, LLC, 71 Estes Road**

Ray Bisson of Stonewall Surveying presented the plan for a two lot subdivision. He explained the majority of the rear of the parcel is wet so they only surveyed the front portion of the property. Mr. Bisson told the Board there is an existing house that will be divided off to create another building lot.

Mr. Bisson said they are requesting a waiver from Section 3.5 for a complete boundary survey and delineation of all of the wetlands.

*A motion was made by Mr. Walker and seconded by Mr. Rines to accept the application as complete. The motion carried unanimously by a roll call vote.*

Mr. Sylvain asked if there was any input for the public hearing. There was none; Mr. Sylvain brought the discussion back to the Board.

*A motion was made by Mr. Walker and seconded by Mr. Bruckner to close the public hearing. The motion carried unanimously by a roll call vote.*

Ms. Saunders stated that staff supports the waiver request because staff has all the necessary details for the subdivision based on the survey that was provided. She reviewed the recommended conditions of approval.

Mr. Walker asked if there is a spot for a proposed well. Ms. Saunders said there is municipal water at the site.

*A motion was made by Mr. Walker and seconded by Mr. Collopy to approve the waiver request. The motion carried unanimously by a roll call vote.*

*A motion was made by Mr. Walker and seconded by Mr. Rines to approve the subdivision with the conditions previously set forth. The motion carried unanimously by a roll call vote.*

### **B. Packy's Investment Properties, LLC, 17 Sterling Drive**

Scott Lawler of Norway Plains Associates presented the preliminary plan to construct four self-storage units. Mr. Lawler said the site has been surveyed and wetlands have been delineated. He said they are considering 39 outdoor parking spaces for storage of boats and RV's.

Mr. Lawler said they are proposing a 24 foot wide paved driveway access with a one-way directional flow around the buildings.

Mr. Lawler explained this will be an unmanned facility so they will be seeking a waiver from the parking requirements.

Mr. Lawler said the applicant is considering installing a fence, most likely in the rear or along the sides.

Ms. Saunders said this is a preliminary application so the Board should feel free to discuss.

Mr. Fontneau if there will be any specific concerns with outdoor vehicle storage in the aquifer protection overlay. Ms. Saunders explained the lot is within the aquifer protection overlay but the development is not within it.

Mr. Fontneau asked if the site is visible from Route 11. Mr. Lawler said it is not visible because it is too far below grade plus there is a commercial building in front of it.

Mr. Collopy asked what the color scheme will be as they should blend into the environment.

Mr. Walker asked what type of lighting there will be. Mr. Lawler said they will have traditional wall mount lights and will adhere to the City lighting ordinance.

Mr. Walker said he agrees with the police departments TRG comment stating fencing needs to be around the site with an electronic gate.

Mr. May said he is concerned with potential vandalism. Mr. Sylvain said security is going to be a necessity.

### **C. Waterstone of Rochester, 127 Marketplace Boulevard**

Patrick Crimmins of Tighe and Bond explained the application for a modification to allow a restaurant with a drive-thru. He said they are proposing to modify the parking area in order to fit a seven car queue drive-thru. Mr. Crimmins said there is more than enough parking spaces on site to keep with parking requirements. Mr. Crimmins explained they have modified the entry and included a mountable island that will direct traffic to the right so that all cars entering the driveway will be forced to go right into the parking lot and into the drive-thru.

*A motion was made by Mr. Walker and seconded by Mr. Rines to accept the application as complete. The motion carried unanimously by a roll call vote.*

Ms. Saunders explained the TRG had concerns regarding the design of the site plan. She said staff has worked with the applicant to re-design the plan and she's confident all the issues can be worked out. Ms. Saunders said staff recommends the Board approve the application.

Mr. Fontneau said he is confident all issues can be resolved but he would like to see the plan be amended with the proposed amendments and come back.

Mr. Whitehill suggested a landscaped island with curbing to help keep cars in their lane. Mr. Crimmins explained the drainage would have to be changed if curbing is used, but they could look at doing something decorative on the pavement.



*A motion was made by Mr. Fontneau and seconded by Mr. Walker to continue the application to the November 16, 2020 workshop meeting to allow the applicant to make the proposed amendments to the plan. The motion carried unanimously by a roll call vote.*

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## **VIII. Other Business**

### **A. Review of 2021 Planning Board meeting dates**

Ms. Saunders told the Board staff has added a few additional days for TRG review time between application submittal and the Planning Board meeting.

*A motion was made by Mr. Walker and seconded by Mr. Bruckner to accept the 2021 meeting dates. The motion carried unanimously by a roll call vote.*

### **B. Discussion of Planning Board Retreat**

Ms. Saunders said the Retreat will be held Monday December 14<sup>th</sup> at Frisbie Conference Center. She said staff has asked Economic Development, the Fire Department, Building, Zoning & Licensing, and Public Works to give presentations on upcoming projects their departments are working on.

### **C. Other**

There was no other business to discuss.

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## **IX. Adjournment**

*A motion was made by Mr. Walker and seconded by Mr. Fontneau to adjourn at 8:41 p.m. The motion carried unanimously by a roll call vote.*

Respectfully submitted,

Crystal Galloway,  
Planning Administrative Assistant II

and

Shanna B. Saunders,  
Director of Planning & Development

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*Intentionally  
left blank...*

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City Clerk's Office

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**City of Rochester Planning Board**  
Monday November 16, 2020  
City Hall Council Chambers/Virtual  
31 Wakefield Street, Rochester, NH 03867  
(These minutes were approved on, 2020)

**Members Present**

Nel Sylvain, *Chair*  
Mark Collopy, *Vice Chair*  
Peter Bruckner  
Terry Dwyer  
Robert May  
Daniel Rines  
Mark Sullivan  
David Walker

**Members Absent**

Tim Fontneau, *excused*  
Paul Giuliano, *absent*

**Alternate Members Present**

Donald Hamann  
Lance Whitehill

Staff: Shanna B. Saunders, *Director of Planning & Development*  
Crystal Galloway, *Planning Administrative Assistant II*

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

---

Mr. Sylvain called the meeting to order at 7:00 p.m. and made the following statement:

Good Evening, as Chairperson of the Planning Board I am declaring that an emergency exists and I am invoking the provisions of RSA 91-A:2, III (b). Federal, state, and local officials have determined that gatherings of 10 or more people pose a substantial risk to our community in its continuing efforts to combat the spread of COVID-19. In concurring with their determination, I also find that this meeting is imperative to the continued operation of City government and services, which are vital to public safety and confidence during this emergency. As such, this meeting will be conducted without a quorum of this body physically present in the same location.

**Public Input:** the Planning Board will be allowing the public to enter Council Chambers and speak in person during the Public Hearing portion of this meeting. In an effort to adhere to CDC guidelines: enter only at the front Wakefield Street entrance and exit on the side closest to the police department and adhere to 6-foot social distancing while inside. Hand sanitizer and facemasks will be available at the Wakefield Street entrance. Participants will be admitted into Council Chambers one at a time to speak, and will exit directly thereafter. Seating in Council Chambers will not be available for the public during meetings.

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Let's start the meeting by taking a Roll Call attendance. When each member states their name, also please state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law. Additionally, Planning Board members are required to state their name each time they wish to speak.

The Planning Secretary conducted the roll call. All Planning Board members were present, with exception of Mr. Fontneau and Mr. Giuliano. In addition, all Planning Board members indicated that they were alone in the location from which they were connecting remotely.

### **III. Seating of Alternates**

Mr. Whitehill voted in place of Mr. Fontneau.

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### **IV. Communications from the Chair**

There were no communications from the Chair.

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### **V. Presentation by Public Works for Woodman Area Improvements**

Public Works Director Peter Nourse introduced Stephanie Hubbard, Project Manager with Wright-Pierce. Ms. Hubbard presented the Board with a presentation on the Woodman Area Improvement plan. She explained the base project will be a portion of Charles Street, Congress Street, Myrtle Street, Woodman Street, Davyanne Locke Lane, Ela Court, and Beaudoin Avenue; as well as project alternates being included such as a portion of Charles Street, Liberty Street, Academy Street, and Congress Street parking.

Ms. Hubbard went on to explain the project will consist of roadway and sidewalk reconstruction, infrastructure improvements, green space improvements, and stormwater management upgrades.

Ms. Hubbard explained Congress Street (from Charles Street to Myrtle Street) will be converted to one-way, with a 12' travel lane and 8' parking lane, there will be upgrades to the sidewalk layout, along with crosswalk and on-street parking. There will also be upgraded lighting along Charles Street.

Ms. Hubbard went on to explain the changes to traffic movement, intersection, and parking. She said Woodman Street will maintain two-way traffic, the sidewalk on the southern side of Woodman Street will be eliminated but there will be a 6' sidewalk on the north side of the road. She said Davyanne Lock Lane will get an upgraded sidewalk at the intersection with Woodman Street and Davyanne Locke Lane, and there will be a bus parking location at the intersection. Ms. Hubbard said Myrtle Street from Woodman Street down to Charles Street will become a one-way street.

Ms. Hubbard explained Academy Street will remain a one-way street but the esplanades will be eliminated to provide a dedicated parking lane on the south side of the roadway.

Ms. Hubbard went on to explain utility and stormwater upgrades to improve water quality. She explained the upgrades to the existing outfalls, incorporation of bioretention basins at multiple locations, and improvements of stormwater quality at outfalls.

Lastly, Ms. Hubbard explained the upgrades to the Woodman Park. She said there will be access and walking paths from residential intersections, centralized focal points, added parking, site amenities such as seating, pet waste stations, and lighting, along with stormwater treatment and upgraded landscaping.

Mr. Sylvain asked if the new design will help with the drop-off and pick-up for the school. Mr. Nourse explained it is not within the scope of the proposal. He went on to say that issue is being looked at through the Public Safety Committee.

Mr. Walker asked how much of the stormwater output will be going into the Interval Property as the Riverwalk was proposed to expand to this area. Mr. Nourse explained the increase in stormwater is small. He further explained currently stormwater is not treated, and now it will be.

Mr. May asked why the utility lines will not be underground. Ms. Hubbard explained it is a significant cost to put all the utility lines underground.

## **VI. Opening Discussion/Comments**

### **A. Public Comment**

The Board received an email from Chesley Farm Estates resident Tom Willis asking that the City accept the currently private road. Mr. Nourse said he met with Mr. Willis and understands it is the consensus of the neighborhood to have the road accepted so they can receive city services. Mr. Nourse told the Board the City cannot pull the surety and do the work, the Developer has to make the request.

### **B. Discussion of general planning issues**

There were no issues to be discussed.

## **VII. Approval of minutes**

The minutes of November 2, 2020 were review; Mr. Bruckner suggested some changes be made to the discussion of murals.

*A motion was made by Mr. Walker and seconded by Mr. Bruckner to approve the November 2, 2020 meeting minutes with the changes as discussed. The motion carried unanimously by a roll call vote.*

## **VIII. Continued Applications**

### **A. Waterstone of Rochester, 127 Marketplace Boulevard**

The applicant is requesting a continuance to the December 7<sup>th</sup> meeting.

*A motion was made by Mr. Walker and seconded by Mr. Rines to continue the application to the December 7, 2020 meeting. The motion carried unanimously by a roll call vote.*

## **IX. Review of October 2020 Surety and Inspections**

Ms. Saunders reviewed the list of surety with the Board. She explained there are three sureties that will be expiring in December. Letters had gone out in October, however, the Planning Department has not heard back from the developers. Ms. Saunders said a second stronger "enforcement" letter will be sent this week.

There was a brief discussion regarding what can be done in the future to prevent surety bonds from expiring.

Mr. Sullivan asked if the Planning Board has full purview to pull a surety if a project has been abandoned or if there's an impasse of some type. Mr. Sylvain said the best thing to do is check with the City Attorney to see what can be done.

## **X. Other Business**

There was no other business to discuss.

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## **XI. Adjournment**

*A motion was made by Mr. Walker and seconded by Mr. Bruckner to adjourn at 7:58 p.m. The motion carried unanimously by a roll call vote.*

Respectfully submitted,

Crystal Galloway,  
*Planning Administrative Assistant II*

and

Shanna B. Saunders,  
*Director of Planning & Development*

**Public Safety Committee  
Meeting Minutes  
November 18, 2020  
6:00 PM  
Council Chambers  
Meeting Conducted Remotely**

**Members Present**

Councilor Don Hamann, Chair  
Councilor Palana Belken  
Councilor Jeremy Hutchinson  
Councilor Peter Lachapelle  
Councilor Chris Rice

**Others Present**

Michael Bezanson, PE, City Engineer  
Dan Camara, GIS Asset Mgmt. Tech.  
Gary Boudreau, Deputy Police Chief  
Mark Klose, Fire Chief  
Jennifer Marsh, Economic Development

Councilor Hamann brought the Public Safety Committee meeting to order at 6:00PM and he read the following statement:

**Good Evening, as Chairperson of the Public Safety Committee, I am declaring that an emergency exists and I am invoking the provisions of RSA 91-A:2, III (b). Federal, State and local officials have determined that gatherings of 10 or more people pose a substantial risk to our community in its continuing efforts to combat the spread of COVID-19. In concurring with their determination, I also find that this meeting is imperative to the continued operation of City government and services, which are vital to public safety and confidence during this emergency. As such, this meeting will be conducted without a quorum of this body physically present in the same location.**

**a.) Public Input: Due to the ongoing situation with COVID-19, the City of Rochester will be taking extra steps to allow for public input, while still ensuring participant safety and social distancing. In lieu of attending the meeting, those wishing to share comments, when permitted, with the Public Safety Committee (Public Hearing and/or Workshop settings) are encouraged to do so by the following methods:**

- Mail: Public Safety Committee, Rochester DPW 45 Old Dover Road  
Rochester, NH 03867 (*must be received at least three full days prior to the anticipated meeting date*)**
- Email: [laura.miller@rochesternh.net](mailto:laura.miller@rochesternh.net) (*must be received no later than 4:00 pm of meeting date*)**
- Voicemail: 603-335-7569 (*must be received no later than 12:00 pm on said meeting date in order to be transcribed*)**

**Please include with your correspondence the intended meeting date for which you are submitting. *All correspondence will be included with the corresponding meeting packet (Addendum).***

**In addition to the above listed public access information, the City Council will be allowing the public to enter Council Chambers and speak in person during the**

**Public Input portion of this meeting. In an effort to adhere to CDC guidelines; enter only at the front Wakefield Street entrance and exit on the side closest to the police department and adhere to 6-foot social distancing while inside. Hand sanitizer and facemasks will be available at the Wakefield Street entrance. Participants will be admitted into Council Chambers one at a time to speak and will exit directly thereafter. Please note; the seating in Council Chambers will not be available for the public during meetings.**

**At this time, I also welcome members of the public accessing this meeting by phone. The public can call-in to the below number using the conference code. This meeting will be set to allow the public to “listen-in” only and there will be no public comment taken via conference line during the meeting.**

**Phone number: 857-444-0744      Conference code: 843095**

**b.) Roll Call: Please note that all votes that are taken during this meeting shall be done by Roll Call vote.**

**Let’s start the meeting by taking a Roll Call attendance. When each member states their name (and/or ward), also please state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law. (Additionally, Council members are required to state their name and ward each time they wish to speak.)**

**Let’s start the meeting by taking a Roll Call attendance. When each member states their name and ward, also please state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law. Additionally, Committee members are required to state their name and ward each time they wish to speak.**

<b>Councilor Peter Lachapelle</b>	<b>Ward 3 Present</b>
<b>Councilor Jeremy Hutchinson</b>	<b>Ward 5 Present</b>
<b>Councilor Chris rice</b>	<b>Ward 5 Present</b>
<b>Councilor Palana Belken</b>	<b>Ward 2 Present</b>
<b>Councilor Don Hamann</b>	<b>Ward 5 Present</b>

## **1. Public Input**

There were no members of the public present for public input.

## **2. Hillcrest and Sunset Drive-Speeding Issues (follow-up)**

Councilor Hamann summarized the issue. Deputy Chief Boudreau said this was a follow-up from last month’s meeting. The speed trailer was not working last month to get the data for Hillcrest and Sunset Drives. The speed trailer was on Sunset Drive for 8 days the volume for the 8 days was 648 vehicles, the average speed was 16.5 and the 85 percentile was 21.7 mph. Deputy Chief Boudreau said it is not very heavily traveled area and is below the speed limit. They could not pull the data from Hillcrest Drive; they could place it on Hillcrest again, but don’t believe they will find much different data than what was recorded for Sunset. Councilor



Lachapelle asked what the high speed was; Deputy Chief Boudreau said the maximum speed was 37 mph and that occurred between 3 and 4 pm, the next highest speed was 35 mph at around the noon time hour. Councilor Rice said because the young man took the time to talk about the issue maybe they could put some “children at play” signs up at the end of Rochester Hill Road and Whitehall Road. Councilor Lachapelle said that the “children at play” signs are not recognized by the state. Mr. Bezanson reiterated that the “children at play” signs are not recognized by the MUTCD; maybe they were at one time, but not any longer. Councilor Lachapelle said he knows that the Police Department is busy, but maybe they could do some directed patrols in the area. Deputy Chief Boudreau said he will let the supervisors know about it; everyone wants officers on every street in the City for speed patrol. Councilor Hamann said he will write something up and send to this gentleman.

### 3. **Gonic Road/Oak Street/ Colby Street Intersection-Turning Movement Concerns (follow-up)**

Councilor Hamann summarized the issue. Mr. Bezanson said this was held over from last month; NHDOT collected data on the signal timing at this intersection and they are still evaluating for exclusive phases for Oak and Colby. He will report back once he hears from NHDOT. Deputy Chief Boudreau said he had the crime analyst get data from the last 10 years of accidents from 2011 in the Gonic Road, Oak Street intersection area. There were 81 accidents and 68 of them were rear ends and 7 were turning side impacts. This intersection was 3<sup>rd</sup> on the highest amount of accidents. Councilor Hamann asked if it was mostly on the Route 125 side and Deputy Chief Boudreau said yes and there were a few on the Colby Street portion. ***This was kept in committee and Mr. Bezanson will bring information back to the Committee when he hears from the State.***

### 4. **Speeding Concerns-Cemetery Road (follow -up)**

Councilor Hamann summarized the issue. Deputy Chief Boudreau said that the speed trailer was out on Cemetery Road for 15 days there were 6,725 cars that equals to approximately 448 vehicles a day. The average speed was 26.28 mph with the 86 percentile 34.06 mph. The speed limit is 30 mph. Not very high car volume for this area. Councilor Lachapelle said he was able to talk to the resident that sent the request in, he said there is a problem in the area. Councilor Lachapelle asked Mr. Bezanson if there was an answer from the State regarding a traffic signal at Gear Road/Gonic Road (Route 125). Mr. Bezanson did ask DOT how to evaluate traffic signal warrants knowing that traffic is currently diverting down Cemetery Road to the Flagg Road signal. He has not heard back from them yet. Mr. Bezanson said the City would likely need to engage the services of a consulting firm to evaluate the traffic warrants and does not have a budget to perform such a task. Councilor Lachapelle asked Mr. Bezanson to continue to try to get an answer from the State. Councilor Lachapelle asked Deputy Chief Boudreau if there have been in any accidents in the area. Deputy Chief Boudreau said not major accidents with bodily injury, but there have been some that have missed the stop sign at the end of Cemetery on the Flagg Road side. ***This will be***

***kept in committee for one more month so Mr. Bezanson can hear back from the State and Deputy Chief Boudreau can get the accident data for this area.***

**5. Old Milton Road (backside of Dunkin Donuts) Safety Concerns (follow up)**

Councilor Hamann summarized the issue. Mr. Bezanson said that they have come up with a striping plan; actual striping work will have to wait until next year because of the weather getting cold and they have to coordinate with Dunkin Donuts. ***Mr. Bezanson will keep the Committee informed with the progress.***

**6. Church Street/Route 125 Intersection Safety Concerns (follow-up)**

Councilor Hamann summarized the issue. Mr. Bezanson said they met with NHDOT to look at a few of the intersections in the City, including this one at Church St/Gonic Rd (Route 125). The resident that had the safety concerns that lives north of the intersection came out to talk to them during the site walk regarding her concerns. She said she has seen vehicles come from the intersection into her yard; she would like some sort of barrier or guardrail to protect her property. NHDOT was able to talk to her directly and explain that having a guardrail in this location is not appropriate; guardrails are designed for certain purposes including deflecting vehicles and this would be in a position to be hit head on. Vehicles striking a guardrail head on will tend to pass straight through and wouldn't serve the purpose she is looking for. NHDOT officials and DPW staff noted that a lot of the problems were likely from vehicles trying to turn left on Route 125 from Church Street, the line-of-sight is blocked by northbound right-turning vehicles on Route 125. Deputy Chief Boudreau sent crash reports for this intersection to Mr. Bezanson for the State. These crash reports seem to corroborate the observation made during the site walk, as 10+ crashes over the past 10 years include descriptions matching the noted line-of-sight deficiency. NHDOT is currently conducting a benefit analysis with the crash report data provided as they do for any potential project. They have a certain amount of funds each year through the Highway Safety Improvement Program (HSIP). They distribute to the projects that have the highest ratios. Mr. Bezanson said they are awaiting the results of the analysis to see where this project may rate on the list. The initial analysis during the site walk resulted in discussion of improvements related to separating the right turning lane away from the other travel lane to help the line-of-sight. If it looks like funding for the project is moving forward, the project might be able to be completed in a couple of years. Councilor Rice asked Mr. Bezanson what about a blinking light. Mr. Bezanson said it has to meet a warrant and he wasn't sure if it would, but the State will be looking at that too. Initially the State didn't think a flashing beacon would result in the safety improvements needed at this intersection. Councilor Hamann asked Mr. Bezanson to keep the Committee informed.

**7. Discussion Regarding "15 Minute Parking" signs Downtown (follow-up)**

Councilor Hamann summarized the issue. Jennifer Marsh spoke about the "15 Minute Parking" signs. At the beginning there was not a lot of interest in these signs, now that the outside dining is done due to the weather the restaurants are more interesting in testing these signs out. Fresh Vibes and Mitchell Hill were

interested in doing 1 on that side of the Street, Moe's was still interested in doing 1 in the Union Street parking lot and the Revolution is interested in that type of sign but doesn't want to give up a parking spot more interested in curbside. Councilor Rice stated that he reached out to the Police Department and the City Manager regarding the parking attendant and what her position consists of. He received an email and the parking attendant works 30 hours/ 5 days a week which consists of writing parking tickets, maintaining fire lanes at other public buildings and talking to downtown business regarding parking issues; she is already tasked out. Councilor Rice went downtown and noticed that business owners are parking out front not in the parking lots. There are parking signs downtown for 2 hour parking, the number of hours that the attendant works and the amount of time needed to just do downtown would be a difference of at least 15 hours of unattended enforcement, theoretically there are 15 hours of free parking each week. He doesn't think that 3 parking spots would make a big difference this could benefit the restaurants and shops downtown. They could limit the times. This would be an investment of about \$150.00. Councilor Belken said this is more of a behavioral modification, 15 minutes isn't a great amount of time, where 2 hours could be spread out. Councilor Hamann said he thinks it is a behavioral issue. Councilor Rice said he would like to get the City's Legal Department involved with the curb side that the Revolution would like that becomes a liability to cross the street. ***Councilor Rice made a motion to recommend to City Council to have DPW order 3 signs, add "15 Minutes" to them, and work with Economic Development to place signs: 1 will be on North Main Street right outside of Falling Leaf Bistro and 2 will be placed in the Union Street parking lot. Councilor Belken seconded the motion. A Roll Call vote was taken on the motion.***

<b><i>Councilor Lachapelle</i></b>	<b><i>Ward 3</i></b>	<b><i>Yes</i></b>
<b><i>Councilor Hutchinson</i></b>	<b><i>Ward 1</i></b>	<b><i>Yes</i></b>
<b><i>Councilor Rice</i></b>	<b><i>Ward 5</i></b>	<b><i>Yes</i></b>
<b><i>Councilor Belken</i></b>	<b><i>Ward 2</i></b>	<b><i>Yes</i></b>
<b><i>Councilor Hamann</i></b>	<b><i>Ward 5</i></b>	<b><i>Yes</i></b>

#### **8. E911 Update**

There were no updates for this item this month.

#### **9. Emergency Management Update**

Fire Chief Klose said the spread of Covid is becoming a significant issue in New Hampshire not just Rochester but State wide. He believes the second phase is here, some of the traveling guide lines have changed but the changes were not available yet to discuss with the committee. There is still a drought. The state has applied for an emergency preparedness grant, Chief Klose has not heard back from the state yet. The City is preparing the cold weather shelter at 38 Hanson Street, this is separate from the Garrison Hotel and this is primarily for Rochester Residents. They have funding for 60 nights, but can be fluctuate for cold snap for the day, December through April. They hired a shelter manager named Jeff Jones,

it's a funded position. The City will be hosting the building, getting heat and lights on the intergraded health network, will be staffing it at night. Councilor Hamann asked what kind of steps will be taken due to Covid. Fire Chief Klose said he really doesn't have an answer, he has brought up those same questions. Last year biggest night had 30 people, they will be doing the social distancing wearing mask supplied by the shelter and ultimately this is the difference between life and death. Fire Chief Klose said they have a bigger generator this year to get heat where they are sleeping. Councilor Rice said thank you to Chief Klose for doing this last year and this year. He also asked what kind a message can be sent out to the community for support, what can they do or donate. Chief Klose said socks, heavy boots, they have funds for foods. Councilor Rice suggested having Matt Wyatt put information on the website. Chief Klose said that Jeff and himself will be doing an inventory of what they have already in stock.

#### **10. Covid-19 Statistics Update**

The numbers are increasing, they received a phone call from Dr. Kiley today. Chief Klose said Frisbee is full they have 7 Covid cases not sure if they are all Rochester residents. There were 4 patients waiting to get rooms. Wentworth Douglas Hospital is almost full and Portsmouth Hospital is full. He doesn't see that it is getting any better. There is 37 positive Covid cases for Rochester. He said there is a discrepancy on the website and is reaching out regarding the discrepancies. There was a case last week in an assistance living facticity, but really went to another tacitly but the last address was the facility in Rochester. The list they get is just base line. The numbers have steadily gone up.

#### **11. Other**

##### **Top Ten Intersections**

Mr. Bezanson discussed the top 10 intersections that were being discussed with NHDOT. They have been using the list compiled in the City's Transportation Master Plan. Deputy Chief Boudreau also compiled a list of intersections with more recent crash data. Below is the list of intersections from the Transportation Master Plan and the number of accidents (2012-2016):

1. Strafford Square 24
2. Highland/Salmon Falls Road 23
3. Columbus/South Main 19
4. Tebbetts/Old Dover Road 17
5. Washington Street/Spaulding Turnpike Pike (NHDOT portion) 16
6. Columbus/Summer Street 15
7. Portland/Salmon Falls Road 13
8. Betts/Cross Road 12
9. Estes/Washington Street 9
10. Estes/Walnut Street 8

The State met with DPW last week and they went to the Gonic Road/ Church Street

Intersection. The other 3 from this list that were visited included the Tebbetts and Old Dover Road intersection; this is the intersection that had the recent Road Safety Audit conducted. They also visited the Estes/Washington Street and Estes/Walnut Street intersections. The Estes/Washington Street intersection has recently had some safety improvements made, including a building that was taken down and cleared road sides, which improved the line-of-sight a little, but more work may be needed. They also discussed what can be done at the Estes/Walnut Intersection. DPW has included some improvements in the 6-year CIP budget for some of these intersections. Columbus/Summer Street they have a project in the area that has been funded. Deputy Chief Boudreau had the crime analyst put together a list of intersections with accidents. Below is the list of intersections and number of accidents (2010-2020); the criteria for the list was 5 accidents or more per year:

1. Columbus/South Main 93
2. Highland/Salmon Falls 92
3. Gonic/Oak 81
4. Old Dover/Tebbetts 56
5. Columbus/Summer 46
6. Portland/Salmon Falls 39
7. Washington/Estes 37
8. Columbus/Portland 32
9. North Main/Washington 23
10. Portland/South Main 22

Councilor Lachapelle asked if the Gonic - Church Street intersection was the intersection at the Pickering Road end. Deputy Chief Boudreau clarified that it was the intersection of Gonic Road (Route 125) and Church Street that they were talking about earlier.

Councilor Hamann adjourned the meeting at 7:13 PM.

These minutes were respectfully submitted by Laura J. Miller, Admin Assistant II

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City Clerk's Office

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**Public Works and Buildings Committee**  
**City Hall Council Chambers**  
**Meeting Minutes**  
**November 19, 2020**

**MEMBERS PRESENT**

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

**MEMBERS ABSENT**

Councilor Doug Lachance

**OTHERS PRESENT**

Mayor Caroline McCarley  
Peter C. Nourse PE, Director of City Service  
Daniel Camara, GIS / Asset Management  
Nathan Cote, Unitil Natural Gas Corporation  
Michael Dunn, Unitil Natural Gas Corporation  
Dave Hoage, Unitil Natural Gas Corporation

**MINUTES**

Councilor Walker read the following statement:

Good Evening, as Chairperson of the Public Works Committee, I am declaring that an emergency exists and I am invoking the provisions of RSA 91-A:2, III (b). Federal, state, and local officials have determined that gatherings of 10 or more people pose a substantial risk to our community in its continuing efforts to combat the spread of COVID-19. In concurring with their determination, I also find that this meeting is imperative to the continued operation of City government and services, which are vital to public safety and confidence during this emergency. As such, this meeting may be conducted without a quorum of this body physically present in the same location.

a.) **Public Input:** Due to the ongoing situation with COVID-19, the City of Rochester will be taking extra steps to allow for public input, while still ensuring participant safety and social distancing. In lieu of attending the meeting, those wishing to share comments, when permitted, with the Public Works Committee (Public Hearing and/or Workshop settings) are encouraged to do so by the following methods:

- **Mail:** Public Works Committee, Rochester DPW 45 Old Dover Road Rochester, NH 03867 *(must be received at least three full days prior to the anticipated meeting date)*
- **Email:** [lisa.clark@rochesternh.net](mailto:lisa.clark@rochesternh.net) *(must be received no later than 4:00 pm of meeting date)*
- **Voicemail:** 603-335-7572 *(must be received no later than 12:00 pm on said meeting date in order to be transcribed)*

Please include with your correspondence the intended meeting date for which you are submitting. *All correspondence will be included with the corresponding meeting packet (Addendum).*

In addition to the above listed public access information, **the City Council will be allowing the public to enter Council Chambers and speak in person during the Public Input portion of this meeting.** In an effort to adhere to CDC guidelines: enter only at the front Wakefield Street entrance and exit on the side closest to the police department and adhere to 6-foot social distancing while inside. Hand sanitizer and facemasks will be available at the Wakefield Street entrance. Participants will be admitted into Council Chambers one at a time to speak, and will exit directly thereafter. Please note; the seating in Council Chambers will not be available for the public during meetings.

At this time, I also welcome members of the public accessing this meeting by phone. The public can call-in to the below number using the conference code. This meeting will be set to allow the public to “listen-in” only, and there will be no public comment taken via conference line during the meeting.

Phone number: 857-444-0744      Conference code: 843095

b.) **Roll Call:** Please note that all votes that are taken during this meeting shall be done by Roll Call vote.

Let’s start the meeting by taking a Roll Call attendance. When each member states their name (and/or ward), also please state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law. (Additionally, Council members are required to state their name and ward each time they wish to speak.)

The roll call:

<b><i>Councilor Rice</i></b>	<b><i>Ward 5</i></b>	<b><i>Present</i></b>
<b><i>Councilor Hamann</i></b>	<b><i>Ward 5</i></b>	<b><i>Present</i></b>
<b><i>Councilor Gray</i></b>	<b><i>Ward 6</i></b>	<b><i>Present</i></b>
<b><i>Councilor Walker</i></b>	<b><i>Ward 3</i></b>	<b><i>Present</i></b>

***Councilor Lachance*** ***Ward 1***      ***Not Present / excused in advance***

### 1. **Public Input**

Councilor Walker asked if there were any members at City Hall waiting to speak. There were none.

### 2. **DPW Update:**

Mr. Nourse stated the New DPW Facility is approximately 23% completed. He displayed several pictures of construction in progress. See Attached (4). He mentioned steel is being erected, the salt shed is complete, the concrete slabs are completed, the underground utilities are completed and base pavement is in. He stated that contractors are beginning to frame out the interior of the building. Mr. Nourse stated that there have been some delays with deliveries and we are currently awaiting the delivery of exterior wall panels and the roof. Mr. Nourse stated that there have been 4 change orders to date with contingency available of 82%. Mr. Nourse stated that the DPW Committee met on



site for a tour on October 21, 2020. Councilor Walker suggested another site walk in early December. The Committee agreed on a site walk / tour meeting on Thursday December 3, 2020 at 8:30 AM.

**3. Engineering Request For Qualifications (RFQ) – RFQ# 21-19 – Capital Improvement Projects**

Mr. Nourse explained the extensive process that the DPW Staff goes through to obtain its on-call engineers and architectural consultants. He explained that this process is necessary to meet City Purchasing Procedures, State of NH DOT Federal Guidelines for Funding and for the State of NH State Revolving Fund Loan Programs. He stated that the DPW had last undergone this process in 2014. Mr. Nourse stated that the solicitation or RFQ had received a total fifteen submissions for review in eight different functional areas or categories. These categories include Highway & Bridges, Traffic Management, Stormwater, Water, Wastewater, Dams, Construction Engineering and Utility Work Force Management. He stated many of these firms submitted for several categories and that this results in review of 43 submissions. Mr. Nourse stated that it is important to note that this is required by the Brooks Act to be a qualifications based process and that fees schedules are not looked at until the short list has been determined by the panel completing these reviews. He stated that he brought this to the Committee to make them aware of the process and to inform the Committee that this lengthy undertaking as it involves approximately 300 hours of staff time.

**4. Unitil Natural Gas Corporation – Regulator Station**

Mr. Nourse stated that representatives from the Unitil Gas Company are here to give a brief presentation on Unitil's multi-year project to bring a high pressure gas main into Rochester. He stated that currently there is a low pressure main that serves the existing Rochester system. Michael Dunn stated that he is here to explain Unitil's plans to support Rochester's current and future customer growth. He stated that Unitil has been working with Rochester for the past 5 year to determine where the most growth has and will continue to occur. Mr. Dunn stated that the existing 45lb system is supplied from one pipeline from Somersworth. He discussed projects completed to date and future planned projects to install a high pressure system to supply the existing system and for future development and give the additional security of a redundant system. He stated that with these two systems Unitil will have the ability to supply Rochester with a sufficient supply of gas for the foreseeable future. Nathan Cote from Unitil discussed his project to provide a secondary gas feed to the City of Rochester. He explained that the current system is fed via High Street in Somersworth to Whitehouse Road and Old Dover Road. The second system would be a loop system going down Route 108. He stated that this second feed would provide system reliability for Rochester's customers. Mr. Cote stated that this would be a high pressure line and that it would require a regulator station to reduce the pressure prior to feeding the existing 45lb system. He stated Unitil is still looking for a site for the regulator station and he mentioned previous discussions to utilize the park area near Franklin Street for this regulator station. Mr. Nourse stated that when discussed back in June of 2020, the Public Works Committee had concerns for the aesthetics of the examples shown to them. Mr. Nourse stated that the recently installed

regulator station on Rt. 125 went through the planning board process and looks significantly different than the one shown to the Committee in June. Mr. Dunn stated that Unitil designs stations based on the location. He stated that sometimes they look like the previously shown station and sometimes they are below ground. Mr. Dunn stated that Unitil would likely follow the same process of going through the Planning Board and the City of Rochester would have input to the design. Mr. Cotes stated that they will continue to look for the appropriate site for the regulator station and that it would likely be a project to be constructed in 2023. Councilor Gray asked if the regulator station could be positioned on the same property as the Wastewater Pump Station on the other side of Axe Handle Brook. Mr. Nourse stated that it could be looked at but stated that the property the pump station is on is small. Mr. Hoage stated that the survey of the area is underway and once completed Unitil will be prepared to answer any additional questions that might come up regarding the installation locations in the project area.

5. **Water Audit & Demand Analysis Presentation by Wright Pierce Engineer**

Mr. Nourse stated that Wright Pierce Engineers has been working with City Staff to complete a Water Audit. He stated that the audit is not required but is conducted approximately every 10 years. This is considered best practice by the American Water Works Association and the NH Department of Environmental Services (NHDES). Mr. Nourse stated that Audits were completed last in 2010 and in 2000. He explained that this year's audit was expanded to include a demand analysis and watershed supply capacity analysis. Mr. Nourse introduced Rick Davee from Wright Pierce. Mr. Davee displayed a Powerpoint presentation (**attached to these minutes**). Mr. Davee stated that the Water Audit is a way of looking at the water system holistically. He explained the Audit assists in understanding the current usage vs supplied water and it identifies the natural inefficiencies. The Audit also makes recommendation for areas where there is room for improvement. Mr. Davee explained that the demand analysis looks at Rochester's current water supply and the demand based on the current population and consumption, and looks at the anticipated City growth and future demands, as well as the system's capacity to meet that future demand. Mr. Davee explained the need to look 40 years into the future. He stated that the process of increasing capacity is a long process that includes planning, possible property acquisitions, environmental objectives and funding. Mr. Nourse suggested that this presentation be given to the full City Council. Councilor Gray asked that the Council presentation include slides and statements on the property acquisitions and other things that have been done already in preparation for increasing the system capacity. Mr. Nourse stated that it could be included and he will look to have the presentation at the next City Council.

6. **Other**

**Sanitary Sewer System and Wipes Disposal** – Mr. Nourse displayed photos regarding clogged sewer system pipes. He had a picture of a clogged check valve and of an article that showed what a large clog may look like. He stated that in early 2020 we had posted

information on the web requesting residents to stop flushing wipes or personal care products of any kind down the toilets. He explained that these types of products cannot be processed by the system and they cause clogs as well as system overflows. Mr. Nourse explained that there is proposed legislation authored by NHDES to regulate the proper labeling and disposal of the non-flushable non-woven products and they are looking for sponsors of this legislation. Mr. Nourse stated that he had discussed it with the City Attorney and that the Attorney suggested asking the Committee for a recommendation for a full City Council Resolution in support of the legislative efforts.

***Councilor Hamann made a motion to recommend a full City Council resolution to support legislative efforts for the proper labeling and disposal of non-woven sanitary wipe products. Councilor Rice seconded the motion.***

***A roll call vote was taken:***

<b><i>Councilor Rice</i></b>	<b><i>Ward 5</i></b>	<b><i>Yes</i></b>
<b><i>Councilor Hamann</i></b>	<b><i>Ward 5</i></b>	<b><i>Yes</i></b>
<b><i>Councilor Gray</i></b>	<b><i>Ward 6</i></b>	<b><i>Yes</i></b>
<b><i>Councilor Walker</i></b>	<b><i>Ward 3</i></b>	<b><i>Yes</i></b>

The Committee suggested that Director Nourse put information on the City Website and the Public Access Channel 26.

**Request for Information Traffic Beacon** - Mr. Nourse stated that Councilor Gray had asked about a double red/yellow flashing four way beacon in regards to the Tebbetts Road Intersection. He stated that he had made inquiries about that type of beacon with NHDOT and that it is no longer a supported device. Mr. Nourse mentioned that City Staff had recently met on site with NHDOT and that NH DOT is putting this intersection into their future plans for a Highway Safety Improvement Program which would be a 90/10 split between the State of NH program and the City of Rochester.

**Request for Information on Possible Covid-19 Impacts on Paving Costs** – Mr. Nourse stated Councilor Gray had inquired about possible impact to paving prices based on the Covid-19 Pandemic. Mr. Nourse stated that he had checked into this with the City Contracted supplier and there have been no impacts to date.

***Councilor Hamann made a motion to adjourn at 8:31 pm. Councilor Rice seconded the motion.***

***A Roll Call Vote was taken:***

<b><i>Councilor Rice</i></b>	<b><i>Ward 5</i></b>	<b><i>Yes</i></b>
<b><i>Councilor Hamann</i></b>	<b><i>Ward 5</i></b>	<b><i>Yes</i></b>
<b><i>Councilor Gray</i></b>	<b><i>Ward 6</i></b>	<b><i>Yes</i></b>
<b><i>Councilor Walker</i></b>	<b><i>Ward 5</i></b>	<b><i>Yes</i></b>

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







# Drinking Water Supply and Demand Study

Rochester, NH

NOVEMBER 2020

Rick Davee, PE



1

**Water Audit – understanding current usage, natural inefficiencies, and where room for improvement**

2

**Supply Capacity – existing and how it can be improved**

3

**Demand/Consumption – now and in the future**



- **Previous studies:**
  - Existing supply impoundment reservoirs will be insufficient to supply future need.
  - Raising water elevation of Round Pond Reservoir will help meet area's need for drinking water.
- **Ground water has been used to augment supply, but drawbacks:**
  - Use during high demand season is not allowed.
  - Additional well exploration has not been productive.
- **Looking 40 years out to 2060**
  - Large infrastructure needs advance planning.



- **Firm Yield (drought-resilient) capacity of water supply reservoir system will be exceeded in 10 years.**
- **Population growth is forecast to create higher demand and per capita usage**
- **It is difficult to track data for supply-demand system evaluation (vs billing) purposes.**



- Examines Consumption
- How water is used
- You can't control what you don't measure

# AWWA Water Audit Results

11/25/2020

<b>System Input Volume</b> (Corrected for Known Master Meter Errors)  772.068 100%	<b>Authorized Consumption</b>  629.605 82%	<b>Billed Authorized</b>  576.050 75%	Billed Metered Consumption 576.050, 75%	<b>Revenue Water</b>  576.050 75%
			Billed Unmetered Consumption 0.000 0%	
		<b>Unbilled Authorized</b>  (53.555) 7%	Unbilled Metered Consumption (15.390), 2%	<b>Non-Revenue Water</b>  (196.018) 25%
			Unbilled Unmetered Consumption (38.165), 5%	
	<b>Water Losses</b>  (142.463) 18%	<b>Apparent Losses</b>  (7.111) 0.9%	Unauthorized Consumption (1.930), -0.25%	
			Customer Metering Inaccuracies (3.740), 0.48%	
			Systematic Data Handling Errors (1.440), 0.19%	
		<b>Losses</b> Unavoidable Real Loss: (59.16) (8%) + Real Loss: ( 76.192) (10%)  = (135.353) 18%	Main Line Leakage	
			Storage Tank Overflow	
			Service Line Leakage up to Service Meter	

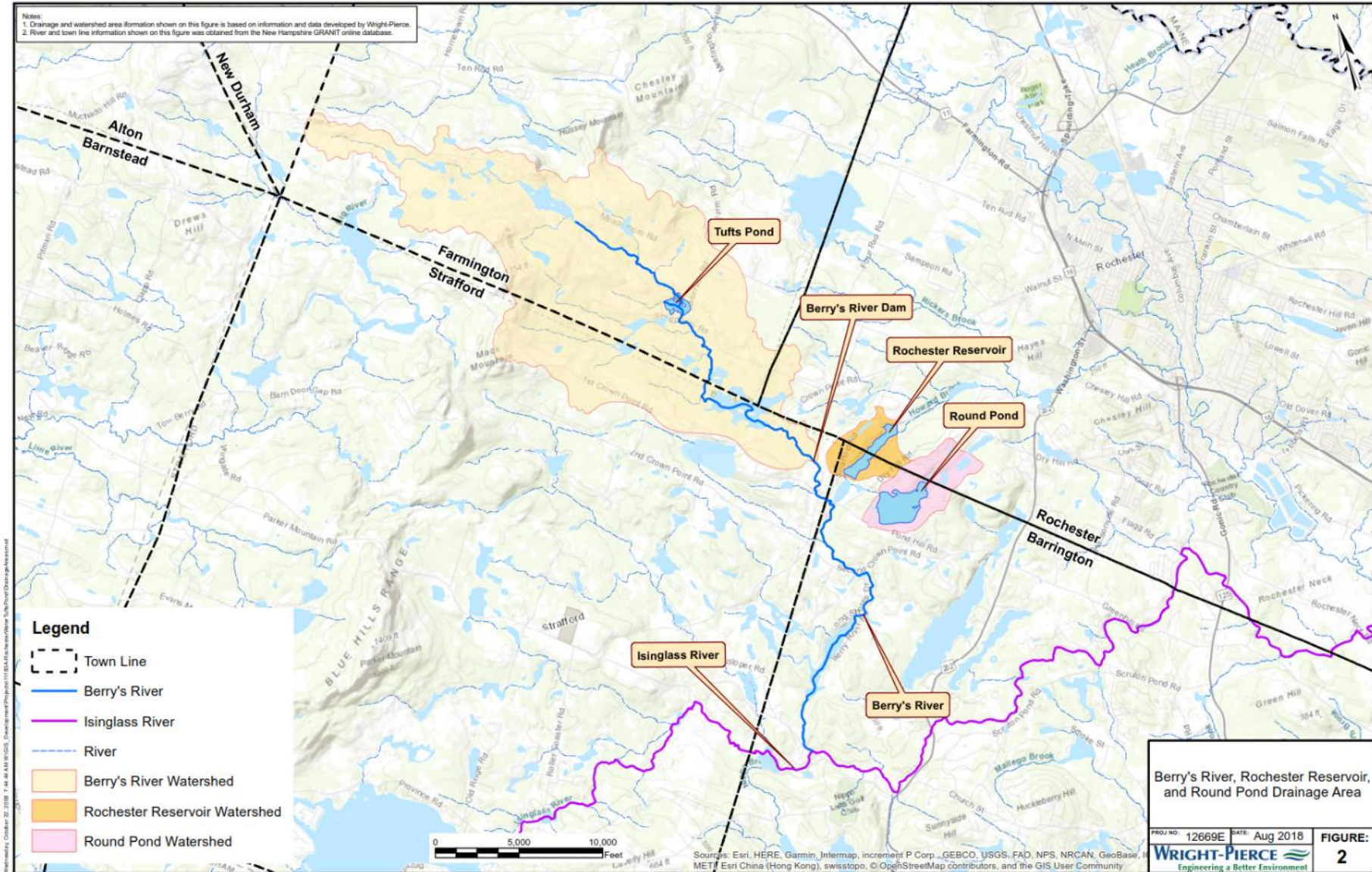
# Audit Results Comparisons: Rochester 2011 & 2020, and Other Audits 11/25/2020

Category	2011 Rochester Audit Result		2020 Rochester Audit Result		Example AW Audits (3 examples)
	Vol. (MG/Year)	% of Water Supplied	Vol. (MG/Year)	% of Water Supplied	% of Water Supplied
<u>Water Supplied</u> (adjusted for meter error and import/export)	780.04	99.6%	772.068	99.6%	89.5% - 96.1%
<u>Authorized Consumption</u> (metered & unmetered, billed & unbilled)	652.05	83.6%	629.60	81.5%	68.5% - 79.2%
<u>Water Losses</u> (water supplied – authorized consumption = apparent losses + real losses)	127.99	16.4%	142.46	18.5%	20.8% - 31.5%
Apparent Losses	17.27	2.2%	7.11	0.9%	1.2% - 8.2%
Real Losses	110.72	14.2%	135.35	17.5%	19.6% - 27.7%
<u>Non-Revenue Water</u> (unbilled metered + unbilled unmetered)water	163.02	20.9%	196.02	25.4%	21.8% - 32.4%
The water supplied in 2020 is < 2011 most likely based on water conservation fixtures and leak detection. The higher percentage of Real Losses in 2020 is most likely attributed to increased water distribution flushing needed to maintain water distribution quality (disinfection by-products)					



# Berry's River Watershed

11/25/2020



- **Berry's River Dam Reservoir System:**
  - Rochester Reservoir (and water treatment plant).
  - Round Pond Reservoir feeds into Rochester Reservoir when water elevation drops.
  - Limited by minimum in-stream flow requirements, 1.3 MGD (2 cfs)
  - Supply Capacity (Firm Yield) – maximum amount of water that can be drawn to its lowest practical yield during the drought of record.
    - Meteorological, USGS stream flow data, watershed slope, soil characteristics, reservoir properties
    - Droughts becoming more frequent.
    - Droughts of record were 1964-1966, 1980, and 2002
    - Longest duration drought in NH lasted 47 weeks from 6/7/16 - 4/25/17.
    - An intense period of drought occurred the week of 10/6/20 affecting 21.99% of New Hampshire land.

- **Cocheco River Well:**
  - Use not allowed during warm weather months when demand for water is high
  - Not considered for this study

# Supply Capacities (Firm Yield) of Rochester's Reservoirs – Existing Elevations

11/25/2020

- Firm yields of Rochester's existing reservoirs (existing elevations) subject to minimum stream flow requirements

Reservoir	Full Pond Elevation	Firm Yield (mgd)
Tufts Pond Reservoir	482 ft.	1 mgd (no change)
Berry River Dam Impoundment	401 ft.	-0-
Rochester Reservoir	375 ft.	0.25 mgd
Round Pond Reservoir	390 ft.	1.0 mgd
TOTAL		2.25 mgd



# Supply Capacity (Firm Yields) of Rochester's Reservoirs – Round Pond Reservoir Elevation Increased

11/25/2020

- Firm yields of Rochester's reservoirs (Round Pond Reservoir elevation increased to 398 ft) subject to minimum stream flow requirements
- Increasing the water elevation Round Pond Reservoir to El 398 brings the Firm Yield of the surface Water Supply close to Firm Yield (4.40 MGD) w/out minimum stream flow requirements

Reservoir	Full Pond Elevation	Firm Yield (mgd)
Tufts Pond Reservoir	482 ft.	1 mgd (no change)
Berry River Dam Impoundment	401 ft.	-0-
Rochester Reservoir	375 ft.	0.25 mgd
Round Pond Reservoir	398 ft.	2.64 mgd
TOTAL		3.89 mgd

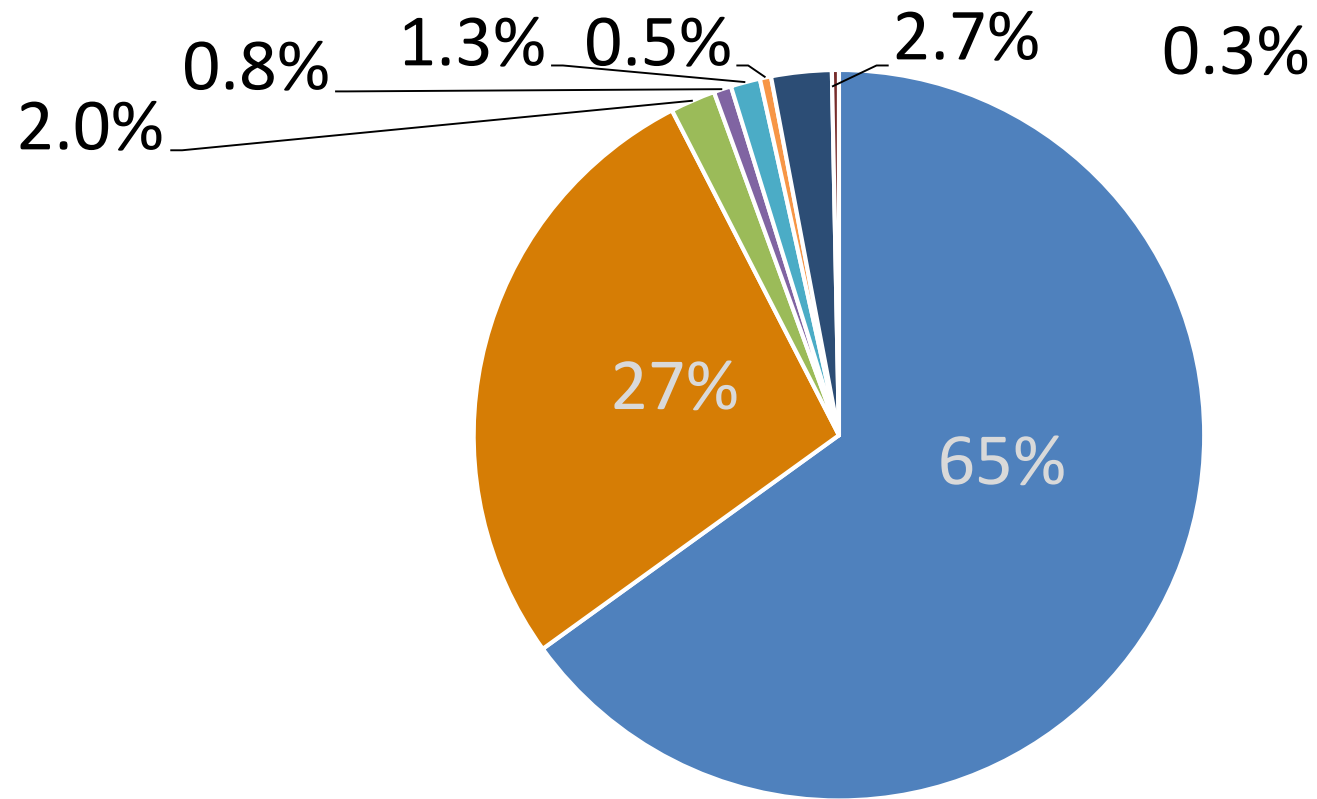


Population and Economic Conditions

Efficiency of Water Usage - Audit

# 2019 Percent Usage By Customer Classification

11/25/2020



■ Residential (65%)

■ Commercial (27%)

■ Industrial (2%)

■ Elderly (0.8%)

■ School (1.3%)

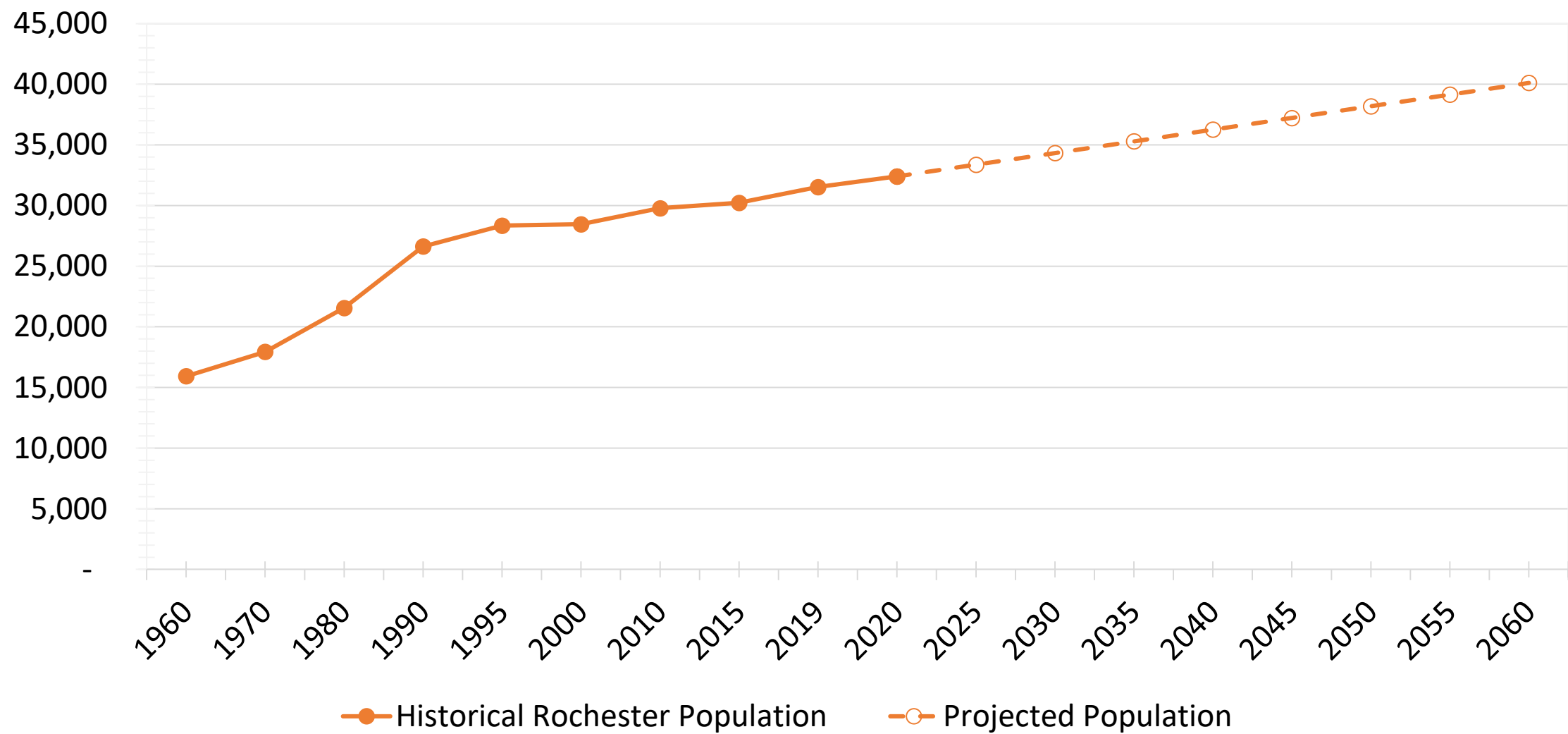
■ Governmental (0.5%)

■ Non-Billed (2.7%)

■ Non-Profit (0.3%)

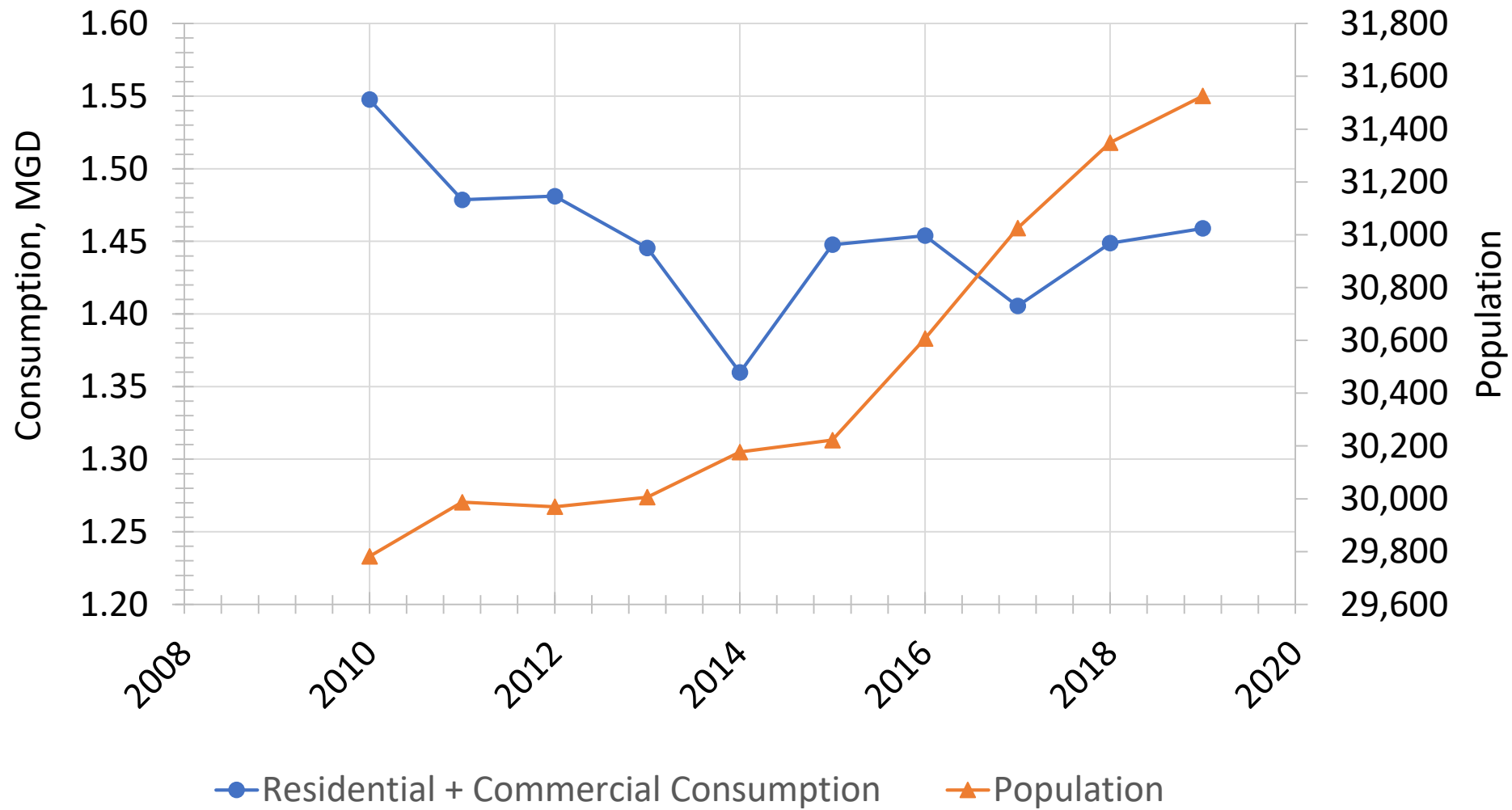
# Rochester Historical Population Trend and Projection to Year 2060

11/25/2020



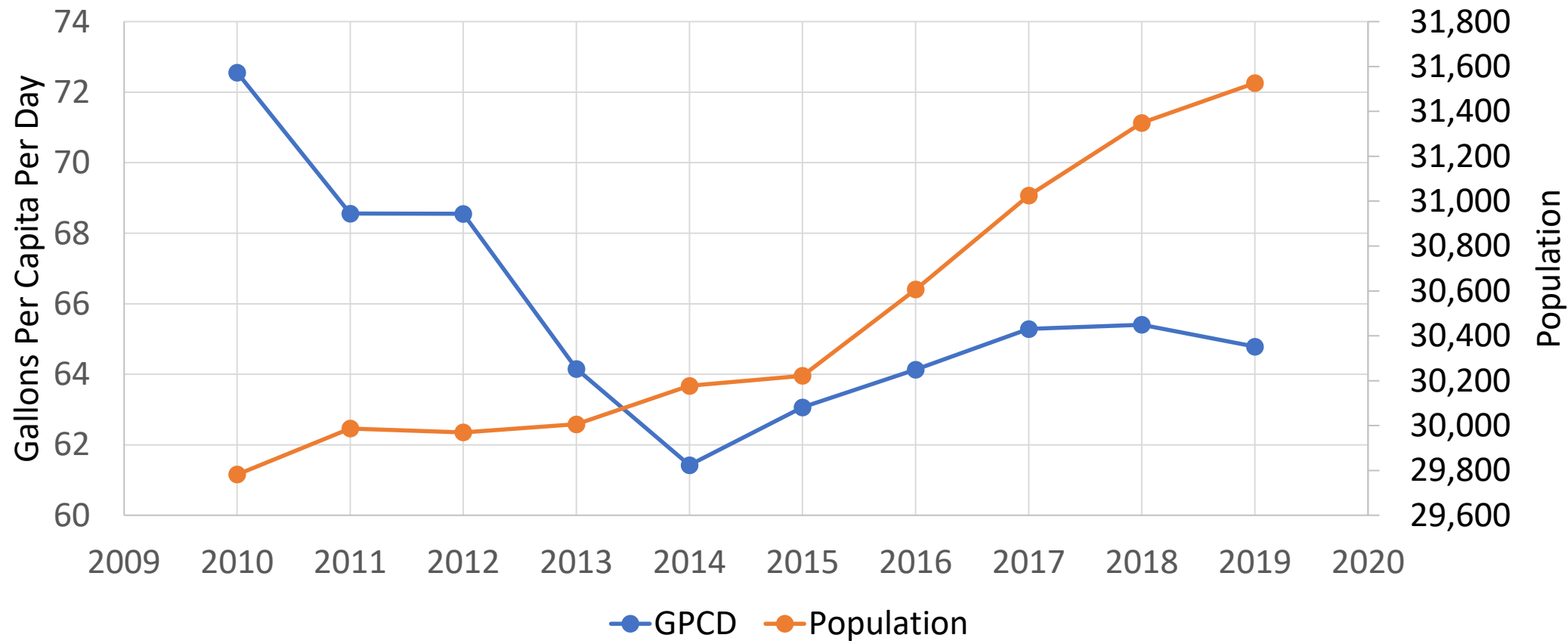
# Population & Residential + Commercial Consumption Over 10 Years

11/25/2020



# 1995-2019 Trend of Gallons per Capita per Day (GPCD)

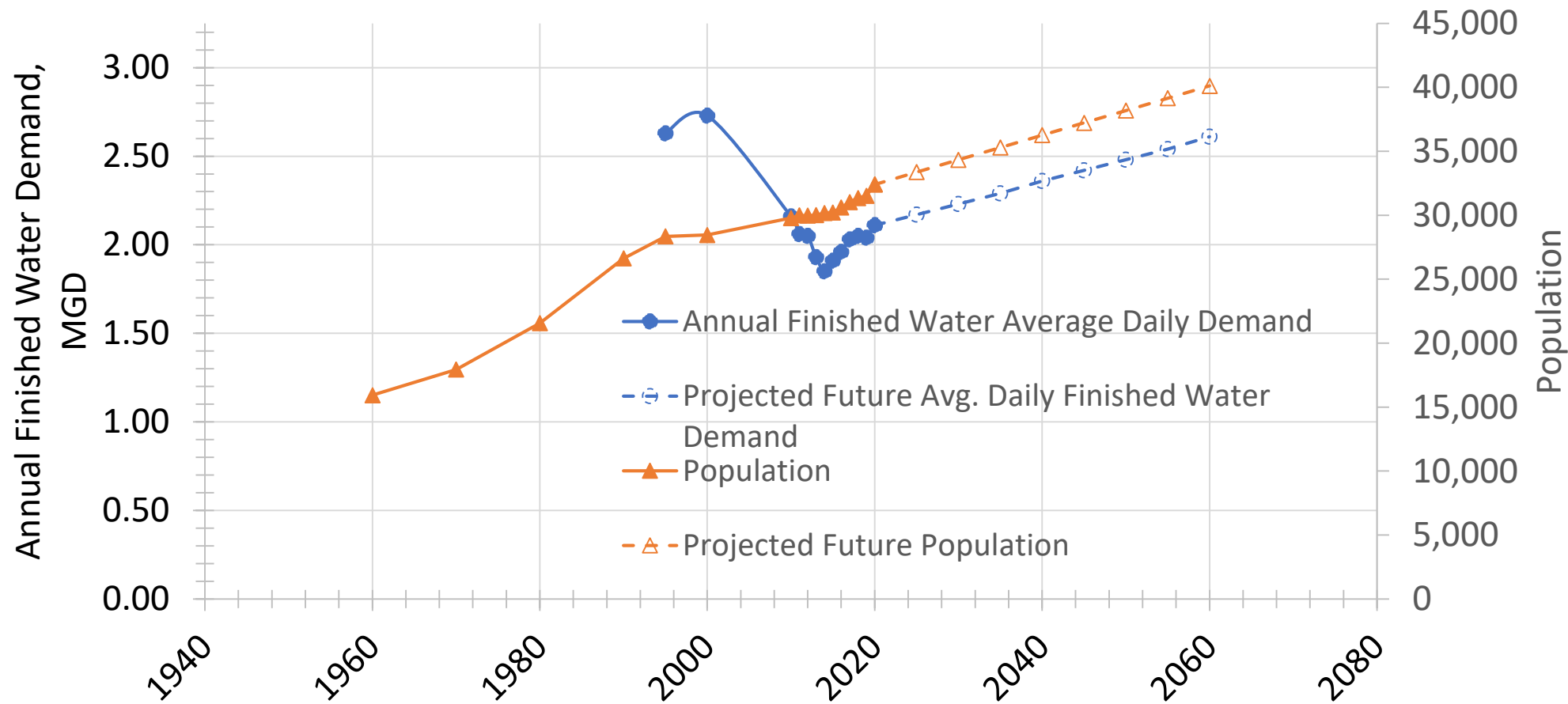
11/25/2020



Steep reduction in gallons per capita per day is related to conservation fixtures and continued Leak Detection

# Population and Production Trends with Projections

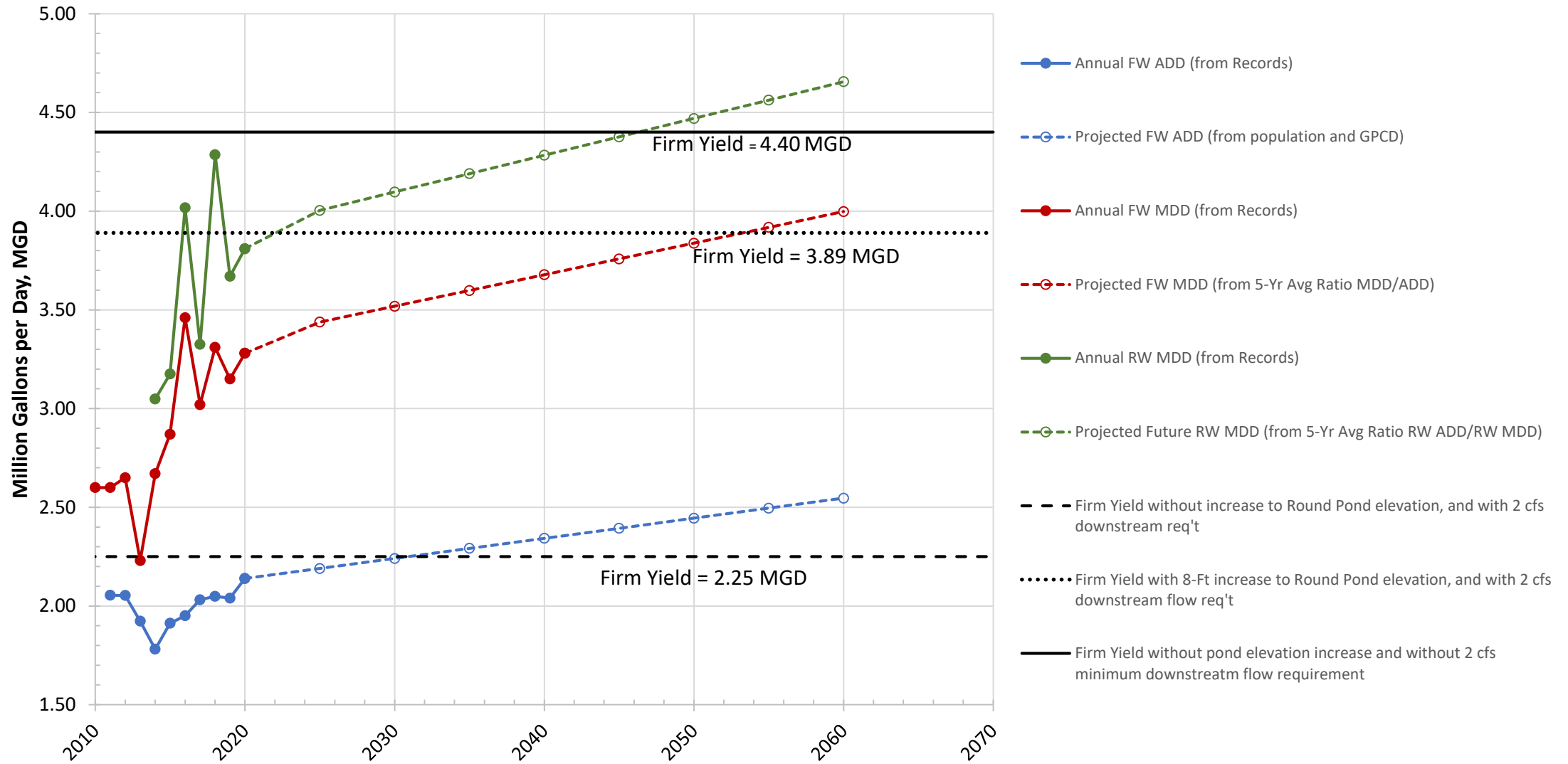
11/25/2020



Water use will continue to increase based on population growth, yet at a lower rate because of conservation fixtures and leak detection

# Existing & Projected 40-Year Demands with Alternative Firm Yields

11/25/2020





# Round Pond Reservoir - Useable Storage by Dam Elevation

11/25/2020

- Round Pond Reservoir

Full Pond Elevation	Useable Storage
390 ft. (existing)	320 MG
395 ft.	512 MG
398 ft.	642 MG
400 ft.	728 MG

## Supply Recommendations

- Raise level of Round Pond Reservoir
- Replace WTP Master Meter
- Conduct Master Meter Verifications for WTP and Cocheco Master Meters

## Demand (Consumption) Recommendations

- Improve on-going program of estimating Authorized Unmetered Unbilled Water
- Continue leak detection/repair program
- Continue replacing older, mechanical service meters
- Bench test several meters that are operating in good condition every year
- Radio read billing, monthly billing if feasible
- Investigate zero/ultra low usage accounts

# THANK YOU

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City Clerk's Office

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**Resolution Authorizing a Supplemental Appropriation**  
**in the Amount of \$290,000.00 for the Purchase of 11 Barker Court**

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

That the amount of Two Hundred Ninety Thousand Dollars (\$290,000.00) is hereby appropriated as a supplemental appropriation for the purpose of paying costs associated with the purchase of 11 Barker Court. The funding for this supplemental appropriation shall be derived in its entirety from the General Fund Unassigned Fund Balance.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such multi-year, non-lapsing accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution.

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City Clerk's Office

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11/25/2020

## City of Rochester Formal Council Meeting

### AGENDA BILL

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

AGENDA SUBJECT
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COUNCIL ACTION ITEM <input type="checkbox"/> INFORMATION ONLY <input type="checkbox"/>	FUNDING REQUIRED? YES <input type="checkbox"/> NO <input type="checkbox"/> * IF YES ATTACH A FUNDING RESOLUTION FORM
---	---

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

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

#### COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

#### DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

#### FINANCE & BUDGET INFORMATION

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

#### LEGAL AUTHORITY

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**SUMMARY STATEMENT**

**RECOMMENDED ACTION**



11/25/2020

**PURCHASE AND SALES AGREEMENT**  
**New Hampshire Association of REALTORS® Standard Form**



\_\_\_\_\_, \_\_\_\_\_ ("EFFECTIVE DATE")  
 EFFECTIVE DATE is defined in Section 21 of this Agreement.

1. **THIS AGREEMENT** made this 7th day of October, 2020 between David Hurlburt, Elizabeth Hurlburt

\_\_\_\_\_, \_\_\_\_\_ ("SELLER") of 9 Homestead Ln  
 City/Town Dover, State NH Zip 03820-4689  
 and City of Rochester

\_\_\_\_\_, \_\_\_\_\_ ("BUYER") of 31 Wakefield St  
 City/Town Rochester, State NH Zip 03867-1916

2. **WITNESSETH:** That SELLER agrees to sell and convey, and BUYER agrees to buy certain real estate situated in City/Town of Rochester located at 11 Barker Ct

County Strafford Book 3600 Page 349 Date 12/07/2007 ("PROPERTY").

3. The **SELLING PRICE** is Two Hundred Ninety Thousand Dollars \$290,000.00.  
 A DEPOSIT in the form of Personal Check, is to be held in an escrow account by None  
 ("ESCROW AGENT"). BUYER ☐ has delivered, or ☒ will deliver to the ESCROW  
 AGENT's FIRM within 5 days of the EFFECTIVE DATE, a deposit of earnest money in the amount of \$N/A.  
 BUYER agrees that an additional deposit of earnest money in the amount of \$N/A will be delivered on or before  
N/A. If BUYER fails to deliver the initial or additional deposit in compliance with the above  
 terms, SELLER may terminate this Agreement. The remainder of the purchase price shall be paid by wire, certified, cashier's  
 or trust account check, in the amount of \$290,000.00.

4. **DEED:** Marketable title shall be conveyed by a General Warranty deed, and shall be free  
 and clear of all encumbrances except usual public utilities serving the PROPERTY.

5. **TRANSFER OF TITLE:** On or before November 6, 2020 at TBD  
 \_\_\_\_\_ or some other place of mutual consent as agreed to in writing.

6. **POSSESSION:** Full possession and occupancy of the premises with all keys shall be given upon the transfer of title free of  
 all tenants and occupant's personal property and encumbrances except as herein stated. Said premises to be then in the  
 same condition in which they now are, reasonable wear and tear excepted. SELLER agrees that the premises will be  
 delivered to BUYER free of all debris and in "broom clean" condition. Exceptions: None

Buyer reserves the right to conduct a walk through inspection upon reasonable notice to SELLER's real estate FIRM within  
24-72 hours prior to time of closing to ensure compliance with the terms of this Agreement.

7. **REPRESENTATION:** The undersigned SELLER(S) and BUYER(S) acknowledge the roles of the agents as follows:

Andy Yau of RE/MAX Shoreline  
 is a ☒ seller agent ☐ buyer agent ☐ facilitator ☐ disclosed dual agent\*  
City of Rochester of City of Rochester

is a ☐ seller agent ☒ buyer agent ☐ facilitator ☐ disclosed dual agent\*

\*If agent(s) are acting as disclosed dual agents, SELLER and BUYER acknowledge prior receipt and signing of a Dual  
 Agency Informed Consent Agreement.

☒ **NOTICE OF DESIGNATED AGENCY:** If checked, notice is hereby given that BUYER is represented by a  
 designated buyer's agent and SELLER is represented by a designated seller's agent in the same firm.

8. **INSURANCE:** The buildings on said premises shall, until full performance of this Agreement, be kept insured against fire, and  
 other extended casualty risk by SELLER. In case of loss, all sums recoverable from said insurance shall be paid or assigned,  
 on transfer of title, to BUYER, unless the premises shall previously have been restored to their former condition by SELLER;  
 or, at the option of BUYER, this Agreement may be rescinded and the DEPOSIT refunded if any such loss exceeds  
\$3,000.00.

SELLER(S) INITIALS DEH / EH BUYER(S) INITIALS BMC / \_\_\_\_\_

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 PAGE 1 OF 5



**PURCHASE AND SALES AGREEMENT**  
**New Hampshire Association of REALTORS® Standard Form**



9. **TITLE:** If upon examination of title it is found that the title is not marketable, SELLER shall have a reasonable time, not to exceed thirty (30) days from the date of notification of defect (unless otherwise agreed to in writing), to remedy such defect. Should SELLER be unable to provide marketable title within said thirty (30) days, BUYER may rescind this Agreement at BUYER'S sole option, with full deposit being refunded to BUYER and all parties being released from any further obligations hereunder. SELLER hereby agrees to make a good faith effort to correct the title defect within the thirty (30) day period above prescribed once notification of such defect is received. The cost of examination of the title shall be borne by BUYER.

10. **PRORATIONS:** Taxes, condo fees, special assessments, rents, water and sewage bills shall be prorated as of time and date of closing. Buyer shall pay for all fuel remaining in tank(s) calculated as of the closing date or such earlier date as required to comply with lender requirements, if any. The amount owed shall be determined using the most recently available cash price of the company that last delivered the fuel.

None

11. **PROPERTY INCLUDED:** All Fixtures N/A

12. In compliance with the requirements of RSA 477:4-a, the following information is provided to BUYER relative to Radon Gas and Lead Paint:

**RADON:** Radon, the product of decay of radioactive materials in rock may be found in some areas of New Hampshire. Radon gas may pass into a structure through the ground or through water from a deep well. Testing of the air by a professional certified in radon testing and testing of the water by an accredited laboratory can establish radon's presence and equipment is available to remove it from the air or water.

**Arsenic:** Arsenic is a common groundwater contaminant in New Hampshire that occurs at unhealthy levels in well water in many areas of the state. Tests are available to determine whether arsenic is present at unsafe levels, and equipment is available to remove it from water. The buyer is encouraged to consult the New Hampshire department of environmental services private well testing recommendations ([www.des.nh.gov](http://www.des.nh.gov)) to ensure a safe water supply if the subject property is served by a private well.

**LEAD:** Before 1978, paint containing lead may have been used in structures. Exposure to lead from the presence of flaking, chalking, chipping lead paint or lead paint dust from friction surfaces, or from the disturbance of intact surfaces containing lead paint through unsafe renovation, repair or painting practices, or from soils in close proximity to the building, can present a serious health hazard, especially to young children and pregnant women. Lead may also be present in drinking water as a result of lead in service lines, plumbing and fixtures. Tests are available to determine whether lead is present in paint or drinking water.

Disclosure Required ☐ YES ☒ NO

13. **BUYER ACKNOWLEDGES PRIOR RECEIPT OF SELLER'S PROPERTY DISCLOSURE FORM AND SIGNIFIES**

**BY INITIALING HERE:** BMC

14. **INSPECTIONS:** The BUYER is encouraged to seek information from licensed home inspectors and other professionals normally engaged in the business regarding any specific issue of concern. SELLER'S real estate FIRM makes no warranties or representations regarding the condition, permitted use or value of the SELLER'S real or personal property. This Agreement is contingent upon the following inspections, with results being satisfactory to the BUYER:

TYPE OF INSPECTION:	YES	NO	RESULTS TO SELLER	TYPE OF INSPECTION:	YES	NO	RESULTS TO SELLER
a. General Building	<input type="checkbox"/>	<input checked="" type="checkbox"/>	within _____ days	f. Lead Paint	<input type="checkbox"/>	<input checked="" type="checkbox"/>	within _____ days
b. Sewage Disposal	<input type="checkbox"/>	<input checked="" type="checkbox"/>	within _____ days	g. Pests	<input type="checkbox"/>	<input checked="" type="checkbox"/>	within _____ days
c. Water Quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	within _____ days	h. Hazardous Waste	<input type="checkbox"/>	<input checked="" type="checkbox"/>	within _____ days
d. Radon Air Quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	within _____ days	i. _____	<input type="checkbox"/>	<input type="checkbox"/>	within _____ days
e. Radon Water Quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	within _____ days	j. _____	<input type="checkbox"/>	<input type="checkbox"/>	within _____ days

**The use of days is intended to mean calendar days from the effective date of this Agreement. TIME IS OF THE ESSENCE** in the observance of all deadlines set forth within this Paragraph 14. All inspections will be done by licensed home inspectors or other professionals normally engaged in the business, to be chosen and paid for by BUYER. If BUYER does not notify SELLER in writing that the results of an inspection are unsatisfactory within the time period set forth above, the contingency is waived by BUYER. **If the results of any inspection specified herein reveal significant issues or defects, which were not previously disclosed to BUYER then:**

(a) BUYER shall have the option at BUYER'S sole discretion to terminate this Agreement and all deposits shall be returned to BUYER in accordance with NH RSA 331-A:13; or

(b) If BUYER elects to notify SELLER in writing of the unsatisfactory condition(s) then:

1) SELLER and BUYER can reach agreement in writing on the method of repair or remedy of the unsatisfactory condition(s); or

SELLER(S) INITIALS [Signature] / EH

BUYER(S) INITIALS BMC /



**PURCHASE AND SALES AGREEMENT**  
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2) If SELLER elects not to repair or remedy the unsatisfactory condition(s) the BUYER may release the home inspection contingency and accept the property as is; or

3) If SELLER and BUYER cannot reach agreement in writing with respect to the method of repair and remedy of the unsatisfactory condition(s), then this Agreement is terminated and all deposits shall be returned to BUYER in accordance with NH RSA 331-A:13.

Notification in writing of SELLER'S intent to repair or remedy or not to repair or remedy pursuant to Section (b) above, shall be delivered to BUYER or their licensee within five (5) days of receipt by SELLER of notification of unsatisfactory condition(s). BUYER shall respond in writing to SELLER'S notification within five (5) days. If BUYER does not respond within five (5) days, SELLER may elect to terminate this Agreement and all deposits shall be returned to BUYER in accordance with NH RSA 331-A:13.

In the absence of inspection mentioned above, BUYER is relying upon BUYER'S own opinion as to the condition of the PROPERTY.

**BUYER HEREBY ELECTS TO WAIVE THE RIGHT TO ALL INSPECTIONS AND SIGNIFIES BY INITIALING**

HERE: BMC

**15. DUE DILIGENCE:** This Agreement is contingent upon BUYER'S satisfactory review of the following:

	YES	NO		YES	NO
a. Restrictive Covenants of Record	<input checked="" type="checkbox"/>	<input type="checkbox"/>	d. Condominium documentation per N.H. RSA 356-B:58	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Easements of Record/Deed	<input checked="" type="checkbox"/>	<input type="checkbox"/>	e. Co-op/PUD/Association Documents	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Park Rules and Regulations	<input type="checkbox"/>	<input checked="" type="checkbox"/>	f. Availability of Property/Casualty Insurance	<input type="checkbox"/>	<input checked="" type="checkbox"/>
			g. Availability and cost of Flood Insurance	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If such review is unsatisfactory, BUYER must notify SELLER in writing within 10 days from the effective date of the Agreement failing which such contingency shall lapse.

**16. LIQUIDATED DAMAGES:** If BUYER shall default in the performance of their obligation under this Agreement, the amount of the deposit may, at the option of SELLER, become the property of SELLER as reasonable liquidated damages. In the event of any dispute relative to the deposit monies held in escrow, the **ESCROW AGENT** may, in its sole discretion, pay said deposit monies into the Clerk of Court of proper jurisdiction in an Action of Interpleader, providing each party with notice thereof at the address recited herein, and thereupon the **ESCROW AGENT** shall be discharged from its obligations as recited therein and each party to this Agreement shall thereafter hold the **ESCROW AGENT** harmless in such capacity. Both parties hereto agree that the **ESCROW AGENT** may deduct the cost of bringing such Interpleader action from the deposit monies held in escrow prior to the forwarding of same to the Clerk of such court.

**17. PRIOR STATEMENTS:** Any verbal representation, statements and agreements are not valid unless contained herein. This Agreement completely expresses the obligations of the parties.

**18. FINANCING:** This Agreement ( ☐ is ) ( ☒ is not ) contingent upon BUYER obtaining financing under the following terms:

AMOUNT CASH TERM/YEARS N/A RATE N/A MORTGAGE TYPE CASH

For the purposes of this Agreement, financing is to be demonstrated by a conditional loan commitment letter, which states that BUYER is creditworthy, has been approved and that the lender shall make the loan in a timely manner at the Closing on specified customary conditions for a loan of the type specified above. BUYER is responsible to resolve all conditions included in the loan commitment by the Closing date.

SELLER(S) INITIALS

[Signature]

EH

BUYER(S) INITIALS

BMC



**PURCHASE AND SALES AGREEMENT**  
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The existence of conditions in the loan commitment will not extend either the Financing Deadline described below or the closing date.

BUYER hereby authorizes, directs and instructs its lender to communicate the status of BUYER'S financing and the satisfaction of lender's specified conditions to SELLER and SELLER'S/BUYER'S real estate FIRM.

TIME IS OF THE ESSENCE in the observance of all deadlines set forth within this financing contingency.

BUYER agrees to act diligently and in good faith in obtaining such financing and shall, within N/A calendar days from the effective date, submit a complete and accurate application for mortgage financing to at least one financial institution currently providing such loans, requesting financing in the amount and on the terms provided in this Agreement.

If BUYER provides written evidence of inability to obtain financing to SELLER by N/A ("Financing Deadline"), then:

- (a) This Agreement shall be null and void; and
- (b) All deposits will be returned to BUYER in accordance with the procedures required by the New Hampshire Real Estate Practice Act (N.H. RSA 331-A:13) ("the Deposit Procedures"); and
- (c) The premises may be returned to the market.

BUYER may choose to waive this financing contingency by notifying SELLER in writing by the Financing Deadline and this Agreement shall no longer be subject to financing.

If, however:

- (a) BUYER does not make application within the number of days specified above; or
- (b) BUYER fails to provide written financing commitment or written evidence of inability to obtain financing to SELLER by the Financing Deadline,

Then SELLER shall have the option of either:

- (a) Declaring BUYER in default of this Agreement; or
- (b) Treating the financing contingency as having been waived by BUYER.

If SELLER declares BUYER in default, in addition to the other remedies afforded under this Agreement:

- (a) SELLER will be entitled to all deposits in accordance with the Deposit Procedures; and
- (b) This Agreement will be terminated; and
- (c) The premises may be returned to the market for sale.

If SELLER opts to treat the financing contingency as waived or relies on a conditional loan commitment and BUYER subsequently does not close in a timely manner, SELLER can then declare BUYER in default. SELLER then, in addition to the other remedies afforded under this Agreement:

- (a) Will be entitled to all deposits in accordance with the Deposit Procedures; and
- (b) This Agreement will be terminated; and
- (c) The premises may be returned to the market for sale.

BUYER shall be solely responsible to provide SELLER in a timely manner with written evidence of financing or lack of financing as described above.

**WIRE FRAUD ALERT.** Sophisticated criminals are targeting the email accounts of real estate agents, title companies, settlement attorneys and others to generate fake wire transfer instructions designed to divert closing funds to the criminals. The emails are professionally created and look real. Buyer and Seller should not send personal information such as social security numbers, bank account numbers or credit card numbers except through secure email or personal delivery of the information. **Buyer and Seller are advised not to wire any funds without personally speaking with the intended recipient of the wire to confirm the routing number and the account number.** Seller \_\_\_\_\_ Buyer \_\_\_\_\_

SELLER(S) INITIALS DA / EH BUYER(S) INITIALS BMC / \_\_\_\_\_



**PURCHASE AND SALES AGREEMENT**  
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**19. ADDITIONAL PROVISIONS:**


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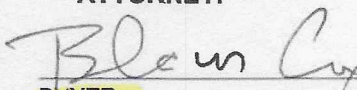
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**20. ADDENDA ATTACHED:** ☐ Yes ☒ No


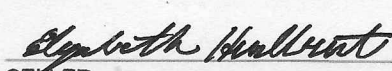
**21. EFFECTIVE DATE/NOTICE:** Any notice, communication or document delivery requirements in this agreement may be satisfied by providing the required notice, communication or documentation to the party or their licensee. All notices and communications must be in writing to be binding except for withdrawals of offers or counteroffers. This Agreement is a binding contract when signed and all changes initialed by both BUYER and SELLER and when that fact has been communicated in writing which shall be the EFFECTIVE DATE. Licensee is authorized to fill in the EFFECTIVE DATE on Page 1 hereof. The use of days is intended to mean calendar days from the EFFECTIVE DATE of this Agreement. Deadlines in this Agreement, including all addenda, expressed as "within x days" shall be counted from the EFFECTIVE DATE, unless another starting date is expressly set forth, beginning with the first day after the EFFECTIVE DATE, or such other established starting date, and ending at 12:00 midnight Eastern Time on the last day counted. Unless expressly stated to the contrary, deadlines in this Agreement, including all addenda, expressed as a specific date shall end at 12:00 midnight Eastern Time on such date.

Each party is to receive a fully executed copy of this Agreement. This Agreement shall be binding upon the heirs, executors, administrators and assigns of both parties.

**PRIOR TO EXECUTION, IF NOT FULLY UNDERSTOOD, PARTIES ARE ADVISED TO CONTACT AN ATTORNEY.**

			<u>10/7/20 1 4:48 PM</u>			<u>1</u>		
BUYER			DATE/TIME			BUYER		
City of Rochester						DATE/TIME		
31 Wakefield St						MAILING ADDRESS		
MAILING ADDRESS						MAILING ADDRESS		
Rochester	NH	03867-1916						
CITY	STATE	ZIP	CITY	STATE	ZIP			

SELLER accepts the offer and agrees to deliver the above-described PROPERTY at the price and upon the terms and conditions set forth.

			<u>10/12/20</u>						<u>10/12/20</u>		
SELLER			DATE/TIME			SELLER			DATE/TIME		
David Hurlburt						Elizabeth Hurlburt					
9 Homestead Ln						9 Homestead Ln					
MAILING ADDRESS						MAILING ADDRESS					
Dover	NH	03820-4689	Dover	NH	03820						
CITY	STATE	ZIP	CITY	STATE	ZIP						

Unofficial Property Record Card - Rochester, NH

General Property Data

Parcel ID 0121-0398-0000

Prior Parcel ID

Property Owner HURLBURT DAVID B & ELIZABETH

Mailing Address 9 HOMESTEAD LN

City DOVER

Mailing State NH

Parcel/Zoning DTC

Account Number 301

Property Location 11 BARKER CT

Property Use FOUR FAMILY

Most Recent Sale Date 12/7/2007

Legal Reference 3600-349

Grantor NEGM M A LLC

Sale Price 224,000

Land Area 0.050 acres

Current Property Assessment

Card 1 Value	Building Value 180,800	Xtra Features Value 0	Land Value 47,000	Total Value 227,800
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Building Description

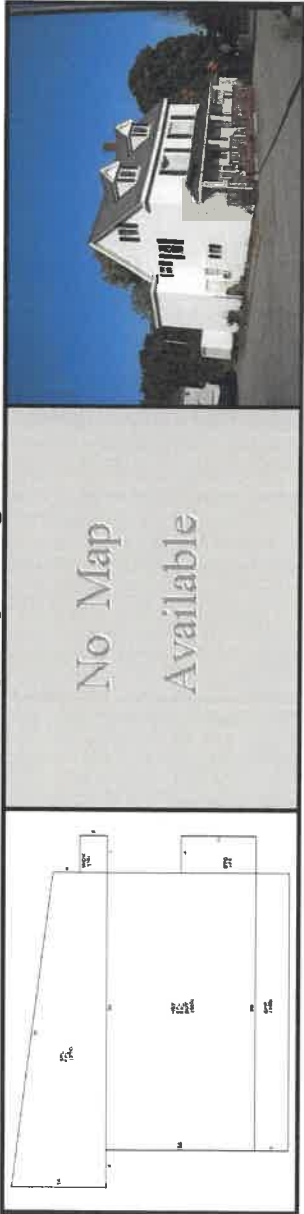
Building Style MULTIFAMILY	Foundation Type BRICK/STONE	Flooring Type AVERAGE
# of Living Units 4	Frame Type WOOD	Basement Floor CONCRETE
Year Built 1920	Roof Structure GABLE	Heating Type FORCED H/W
Building Grade AVERAGE	Roof Cover ASPH SHINGLE	Heating Fuel GAS
Building Condition Avg-Good	Siding VINYL	Air Conditioning 0%
Finished Area (SF) 2398	Interior Walls AVERAGE	# of Bsmt Garages 0
Number Rooms 10	# of Bedrooms 5	# of Full Baths 1
# of 3/4 Baths 3	# of 1/2 Baths 0	# of Other Fixtures 0

Legal Description

Narrative Description of Property

This property contains 0.050 acres of land mainly classified as FOUR FAMILY with a(n) MULTIFAMILY style building, built about 1920 , having VINYL exterior and ASPH SHINGLE roof cover, with 0 commercial unit(s) and 4 residential unit(s), 10 room(s), 5 bedroom(s), 1 bath(s), 0 half bath(s).

Property Images



Disclaimer: This information is believed to be correct but is subject to change and is not warranted.

**Resolution Authorizing Supplemental Appropriation to the  
Department of Public Works (DPW) CIP Fund in the Amount of \$200,000.00 for the  
Milton Road/Amarosa Drive/Salmon Falls Road Intersection Improvement Project**

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

That the amount of Two Hundred Thousand Dollars (\$200,000.00) is hereby appropriated as a supplemental appropriation to the DPW CIP Fund for the purpose of paying costs associated with the Milton Road/Amarosa Drive/Salmon Falls Road Intersection Improvement Project. The funding for this supplemental appropriation shall be derived in its entirety from the General Fund Unassigned Fund Balance.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such multi-year, non-lapsing accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution.

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City Clerk's Office

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11/25/2020

## City of Rochester Formal Council Meeting

### AGENDA BILL

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

AGENDA SUBJECT
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COUNCIL ACTION ITEM <input type="checkbox"/> INFORMATION ONLY <input type="checkbox"/>	FUNDING REQUIRED? YES <input type="checkbox"/> NO <input type="checkbox"/> * IF YES ATTACH A FUNDING RESOLUTION FORM
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RESOLUTION REQUIRED? YES <input type="checkbox"/> NO <input type="checkbox"/>	FUNDING RESOLUTION FORM? YES <input type="checkbox"/> NO <input type="checkbox"/>
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AGENDA DATE			
DEPT. HEAD SIGNATURE			
DATE SUBMITTED			
ATTACHMENTS YES <input type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED		

#### COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

#### DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

#### FINANCE & BUDGET INFORMATION

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

#### LEGAL AUTHORITY

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**SUMMARY STATEMENT**

**RECOMMENDED ACTION**

## AGENDA BILL - FUNDING RESOLUTION

## EXHIBIT

Project Name: Date: Fiscal Year: 

Fund (select):

GF Water Sewer Arena CIP Water CIP Sewer CIP Arena CIP Special Revenue Fund Type: Lapsing Non-Lapsing 

## Deauthorization

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

## Appropriation

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

## Revenue

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

DUNS # CFDA # Grant # Grant Period: From   
To 

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

Reimbursement Request will be reduced Funds will be returned

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City Clerk's Office

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**Resolution Deauthorizing Department of Public Works (DPW) CIP Fund 1501 Project  
Funding For Various Projects in the Amount of \$254,985.92 and Deauthorization of Bond  
Authority**

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

That Two Hundred Fifty Four Thousand Nine Hundred Eighty Five and 92/100 Dollars (\$254,985.92) of previously appropriated funds is deauthorized from the DPW CIP Fund 1501 for the costs associated with various completed projects consistent with Exhibit A.

Further, as part of the overall deauthorization, in accordance with RSA 33:9, the City withdraws bond authority in the amount of Two Hundred Twelve Thousand One Hundred Fifty Seven and 70/100 Dollars (\$212,157.70).

Further, the amount of Forty Two Thousand Eight Hundred Twenty Eight and 22/100 Dollars (\$42,828.22) in cash funding shall be returned to the General Fund Unassigned Fund balance.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution.

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City Clerk's Office

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# EXHIBIT A

## CIP FUND 1501 PROJECTS READY FOR DE-AUTHORIZATION

Account Number	Project Name	Revised Budget	Expended	Deauthorize		Total De-authorization	To Be Bonded	Comment
				Cash	Bond			
15013010-771000-20533	Portland St Roadway/underdrain	\$ 220,000.00	\$ 59,247.30		\$ 160,752.70	\$ 160,752.70	\$ 59,247.30	Project completed under budgeted amount
15013010-772000-17551	Community Center Fac Reno	\$ 100,000.00	\$ 68,356.00		\$ 180.00	\$ 180.00	\$ -	Org appropriation was borrowing, funding source change to fund balance for expended amount. Left this \$180 as funding bond funding source
15011090-772000-20509	Gonic Fire Kitchen Reno/drainage	\$ 40,000.00	\$ 28,299.78	\$ 11,700.22		\$ 11,700.22		Completed Cash Project
15011090-772000-20510	Gonic Pool Improvements	\$ 50,000.00	\$ 34,898.00	\$ 15,102.00		\$ 15,102.00		Completed Cash Project
15011090-772000-20511	N Main St Cemetery Fence	\$ 20,000.00	\$ 11,794.00	\$ 8,206.00		\$ 8,206.00		Completed Cash Project
15011090-772000-20512	Commons Playground	\$ 220,000.00	\$ 209,424.00		\$ 10,576.00	\$ 10,576.00	\$ -	APR 2020 Bond
15011090-772000-20513	Hanson Pines Playground	\$ 250,000.00	\$ 209,351.00		\$ 40,649.00	\$ 40,649.00		APR 2020 Bond
15011090-772000-20565	AC Recreation Office	\$ 35,000.00	\$ 27,180.00	\$ 7,820.00		\$ 7,820.00		Completed Cash Project
						\$ -		
						\$ -		
				\$ 42,828.22	\$ 212,157.70	\$ 254,985.92	\$ 59,247.30	

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City Clerk's Office

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**Resolution Authorizing a Supplemental Appropriation**  
**in the Amount of \$270,000.00 for the Purchase of 8 Amarosa Drive and 0 Milton Road**

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

That the amount of Two Hundred Seventy Thousand Dollars (\$270,000.00) is hereby appropriated as a supplemental appropriation for the purpose of paying costs associated with the purchase of 8 Amarosa Drive and 0 Milton Road. The funding for this supplemental appropriation shall be derived in its entirety from the General Fund Unassigned Fund Balance.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such multi-year, non-lapsing accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution.

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City Clerk's Office

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11/25/2020

## City of Rochester Formal Council Meeting

### AGENDA BILL

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

AGENDA SUBJECT
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COUNCIL ACTION ITEM <input type="checkbox"/> INFORMATION ONLY <input type="checkbox"/>	FUNDING REQUIRED? YES <input type="checkbox"/> NO <input type="checkbox"/> * IF YES ATTACH A FUNDING RESOLUTION FORM
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RESOLUTION REQUIRED? YES <input type="checkbox"/> NO <input type="checkbox"/>	FUNDING RESOLUTION FORM? YES <input type="checkbox"/> NO <input type="checkbox"/>
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AGENDA DATE			
DEPT. HEAD SIGNATURE			
DATE SUBMITTED			
ATTACHMENTS YES <input type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED		

#### COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

#### DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

#### FINANCE & BUDGET INFORMATION

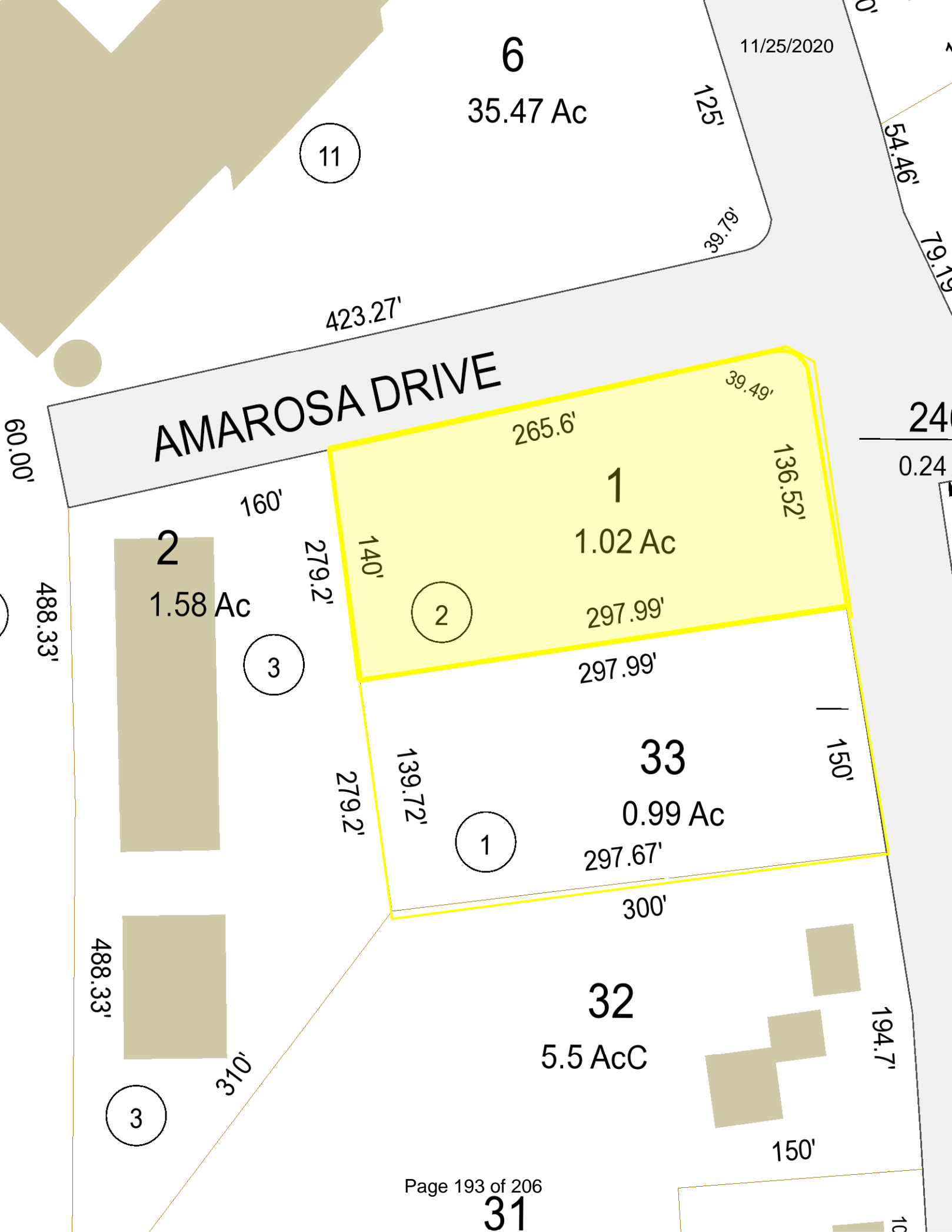
FINANCE OFFICE APPROVAL	
SOURCE OF FUNDS	
ACCOUNT NUMBER	
AMOUNT	
APPROPRIATION REQUIRED YES <input type="checkbox"/> NO <input type="checkbox"/>	

#### LEGAL AUTHORITY

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**SUMMARY STATEMENT**

**RECOMMENDED ACTION**



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City Clerk's Office

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**Resolution Authorizing the Renumbering of 4 Jessica Drive to 6 Jessica Drive in  
Compliance with E911 Standards**

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

That pursuant to RSA 231:133, RSA 231:133-a, and consistent with the State of New Hampshire's E911 standards, the City Council hereby authorizes the renumbering of 4 Jessica Drive to 6 Jessica Drive.

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City Clerk's Office

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11/25/2020

## City of Rochester Formal Council Meeting

### AGENDA BILL

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

AGENDA SUBJECT
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COUNCIL ACTION ITEM <input type="checkbox"/> INFORMATION ONLY <input type="checkbox"/>	FUNDING REQUIRED? YES <input type="checkbox"/> NO <input type="checkbox"/> * IF YES ATTACH A FUNDING RESOLUTION FORM
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RESOLUTION REQUIRED? YES <input type="checkbox"/> NO <input type="checkbox"/>	FUNDING RESOLUTION FORM? YES <input type="checkbox"/> NO <input type="checkbox"/>
---	---

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

#### COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

#### DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

#### FINANCE & BUDGET INFORMATION

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

#### LEGAL AUTHORITY

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**SUMMARY STATEMENT**

**RECOMMENDED ACTION**

Parcel	Address	New Address
0259-0061-0000	110 Hansonville Rd	2 Jessica Dr
0259-0061-0001	New Lot created by subdivision	4 Jessica Dr
0259-0062-0000	4 Jessica Dr	6 Jessica Dr

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City Clerk's Office

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**Resolution Authorizing the Acceptance of a \$10,896.00 Highway Safety Grant by the Rochester Police Department (RPD) and Supplemental Appropriation in Connection Therewith**

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

That a Ten Thousand Eight Hundred Ninety Six Dollar (\$10,896.00) Highway Safety Grant is hereby accepted by the City on behalf of the RPD.

Further, the City Council authorizes a supplemental appropriation to the RPD operating budget in the amount of Ten Thousand Eight Hundred Ninety Six Dollar (\$10,896.00) with the entirety of the supplemental appropriation being derived from said Grant. The Grant requires a Two Thousand Seven Hundred Twenty Four Dollar (\$2,724.00) local match which will be met through in-kind enforcement activities conducted by police officers as part of their daily job functions.

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

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City Clerk's Office

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PAUL R. TOUSSAINT  
*Chief of Police*

## ROCHESTER POLICE DEPARTMENT

23 WAKEFIELD STREET  
ROCHESTER NH, 03867-1933

BUSINESS (603) 330-7127  
FAX (603) 330-7159  
[www.rochesterpd.org](http://www.rochesterpd.org)

*"Dedication, Pride, Integrity"*

11/25/2020

POLICE COMMISSION

DEREK J. PETERS  
*Chairman*  
DAVID R. STEVENS  
*Vice Chairman*  
LISA M. STANLEY  
*Commissioner*



November 23, 2020

TO: Blaine Cox  
City Manager

FROM: Paul R. Toussaint  
Chief of Police

RE: FY21 Highway Safety Grant Agreement FFY2021

Dear Mr. Cox:

The attached document is regarding Highway Safety Grant Funds being awarded to the City of Rochester for overtime enforcement patrols that require your signature. The total grant award is \$10,896.00 with a local match of \$2,724.00. See page 12 for the breakdown of each enforcement project.

This is a new format for the grants to comply with the federal reporting requirements. Please sign where tabbed, and additionally initial the last 3 pages.

Please let me know if you have any questions in this regard.



## City of Rochester Formal Council Meeting

### AGENDA BILL

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

#### AGENDA SUBJECT

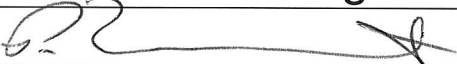
Seeking permission from Council to accept Highway Safety Grant Funds in the amount of \$10,896.00 with a minimum local match in the amount of \$2,724.00.

COUNCIL ACTION ITEM ☒  
INFORMATION ONLY ☐

FUNDING REQUIRED? YES ☒ NO ☐  
\* IF YES ATTACH A FUNDING RESOLUTION FORM

RESOLUTION REQUIRED? YES ☒ NO ☐

FUNDING RESOLUTION FORM? YES ☒ NO ☐

AGENDA DATE	Next Dec 2020 meeting	
DEPT. HEAD SIGNATURE		
DATE SUBMITTED	11/24/20	
ATTACHMENTS YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	

#### COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

#### DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

#### FINANCE & BUDGET INFORMATION

FINANCE OFFICE APPROVAL	
SOURCE OF FUNDS	Federal through State
ACCOUNT NUMBER	TBD
AMOUNT	\$10,896.00
APPROPRIATION REQUIRED YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	

#### LEGAL AUTHORITY

Council action required.



**SUMMARY STATEMENT**

Seeking permission from Council to accept a Highway Safety Grant Agreement for funding in the amount of \$10,896.00 for overtime enforcement patrols within the City. A minimum 20% local match in the amount of \$2,724.00 is required. The overtime will be broken down into 5 project areas listed below:

	Federal	City Match
Speed Enforcement Patrols	\$3,887.00	\$971.75
Distracted Driving	\$3,609.00	\$902.25
Join the NH Clique	\$ 850.00	\$212.50
Drive Sober or Get Pulled Over	\$1,700.00	\$425.00
U Drive, U Text, U Pay	\$ 850.00	\$212.50
Total	\$10,896.00	\$2,724.00

Speed Enforcement Patrols - Will enforce speed limits within the City.

Distracted Driving - Will focus on enforcing the NH Hands Free Electronic Device Law as well as other activities that occur behind the wheel that cause the driver to be distracted.

Join the NH Clique - The purpose is to enforce the Child Restraint Law for anyone under 18 years of age as well as to educate unbelted occupants 18 years and older regarding the importance of wearing seatbelts.

Drive Sober or Get Pulled Over - This patrol will focus on the apprehension of the impaired driver.

U Drive, U Text, U Pay - This patrol will focus on stopping drivers who are distracted including NH Hands Free Electronic Device Law, as well as other activities that occur behind the wheel that cause the driver to be distracted.

**RECOMMENDED ACTION**

Accept funds in the amount of \$10,896.00 and a local match in the minimum amount of \$2,724.00. The local match is through in kind through our existing budget with officers doing enforcement activities as part of their normal job functions.

## AGENDA BILL - FUNDING RESOLUTION

## EXHIBIT

Project Name: Date: Fiscal Year: 

Fund (select):

GF  Water  Sewer  Arena   
 CIP  Water CIP  Sewer CIP  Arena CIP   
 Special Revenue ☒

Fund Type: Lapsing ☒ Non-Lapsing ☐

## Deauthorization

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

## Appropriation

	Org #	Object #	Project #	Fed Amount \$	State Amount \$	Local Amount \$
1	TBD	Multiple	Multiple	-	\$10,896.00 -	\$2,724.00 -
2				-	-	-
3				-	-	-
4				-	-	-

## Revenue

	Org #	Object #	Project #	Fed Amount \$	State Amount \$	Local Amount \$
1	TBD	TBD	TBD	-	\$10,896.00 -	-
2				-	-	-
3				-	-	-
4				-	-	-

DUNS # CFDA # Grant # Grant Period: From   
To 

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

Reimbursement Request will be reduced ☐Funds will be returned ☐