



**Regular City Council Meeting  
May 2, 2023  
Council Chambers  
31 Wakefield Street  
6:00 PM**

**Agenda**

1. Call to Order
2. Opening Prayer
3. Pledge of Allegiance
4. Roll Call

**Recess to Non-Public Meeting – Personnel, RSA 91-A:3, II (a)**

\*\*\*\*\*

**Reconvene City Council Regular Meeting**

5. Acceptance of Minutes
  - 5.1 Regular City Council Meeting: April 4, 2023 *consideration for approval* P. 9
  - 5.2 Special City Council Meeting: April 18, 2023 *consideration for approval* P. 45
6. Communications from the City Manager
  - 6.1 City Manager's Report P. 49
7. Communications from the Mayor
  - 7.1 **Proclamation:** Public Works Week May 21 – 27 P. 65
  - 7.2 **Proclamation:** Municipal Clerk's Week April 30 – May 6 P. 67
  - 7.3 **Discussion:** Scheduling July City Council meeting
8. Presentation of Petitions and Council Correspondence
9. Nominations, Appointments, Resignations, and Elections



---

*Intentionally  
left blank...*

---

City Clerk's Office

---

---



- 9.5. **Resignation:** Blaine Cox – City Manager *consideration for approval* P. 69
- 10. **Budget Presentation:** School Department O&M and CIP P. 71
- 11. **Reports of Committees**
  - 11.1 **Codes and Ordinances Committee** P. 73
    - 11.1.1 **Committee Recommendation:** Amendment to the Rules of Order section 4.21, changing #4 to “Roll Call of Councilors-Elect and Mayor-Elect” *consideration for approval* P. 74
    - 11.1.2 **Committee Recommendation:** Amendment to the Rules of Order section 1.6 “Order of Business,” changing #11. Old Business to “Unfinished Business.” *consideration for approval* P. 75
  - 11.2 **Community Development** P. 77
    - 11.2.1 **Resolution Adopting a FY 2024 Rochester CDBG “Action Plan for the City of Rochester, N.H.” and Approving and Appropriating the FY 2024 Community Development Budget for the City of Rochester** *first reading and refer to public hearing 5/16/23* (Click [HERE](#) for full Annual Action Plan) P. 81
  - 11.3 **Finance Committee** P. 91
  - 11.4 **Planning Board** P. 97
    - 11.4.1 **Amendments to Chapter 275 and Table 18 Regarding Charitable Gaming Facilities** *first reading and refer to public hearing on 5/16/23* P. 105
  - 11.5 **Public Safety** P. 111
    - 11.5.1 **Committee Recommendation:** To install “deer crossing” signs on each end of Salmon Falls Road (one near Kinsale Drive and one Coming off Highland Street) at the technical discretion of the DPW *consideration for approval* P. 113
    - 11.5.2 **Committee Recommendation:** To install “No Thru Trucks” signs on Autumn Street *consideration for approval* P. 113
  - 11.6 **Public Works** P. 117



---

*Intentionally  
left blank...*

---

City Clerk's Office

---

---



11.6.1 **Committee Recommendation:** To approve the Pavement moratorium at 165 Charles Street *consideration for approval* P. 117

11.6.2 **Committee Recommendation:** To Complete the FY23 Paving List Recommended by DPW using the Highway Block Aid Funding *consideration for approval* P. 123

12. Old Business

12.1 Amendment to the General Ordinances of the City of Rochester regarding Solar Energy *second reading and consideration for adoption* (Amendment included in 4/4/23 Minutes, Page 32) P. 157

12.2 Resolution Authorizing Supplemental Appropriation in the Amount of \$590,000 for City Hall and Opera House Life Safety Building Upgrades *second reading and consideration for adoption* P. 168

13. Consent Calendar

13.1 Resolution Deauthorizing Account Related to the Portland Street Area Reconstruction and Sidewalk Project *first reading and consideration for adoption* P. 174

13.2 Resolution Deauthorizing Granite Ridge TIF Accounts Related to Route 11 Capacity Enhancement and Route 11 Safety and Pedestrian Improvements Projects *first reading and consideration for adoption* P. 178

14. New Business

14.1 Resolution Authorizing the Application for and Acceptance of a State of New Hampshire Department of Environmental Services (NHDES) Clean Water State Revolving Fund (CWSRF) Loan for the Sewer System Master Plan Project in an Amount of up to \$100,000.00 and Supplemental Appropriation in Connection Therewith *first reading and consideration for adoption* P. 180

14.2 Resolution Authorizing Acceptance of a State of New Hampshire Highway Safety Traffic Enforcement Grant in the amount of \$8,600.00 *first reading and consideration for acceptance* P. 186

14.3 Resolution Approving Fiscal Year 2023-2024 Operating Budget for the City of Rochester *first reading and refer to public hearing May 16, 2023* P. 191

14.4 Resolution Authorizing and Approving Fiscal Year 2023-2024 Capital Budget for the City of Rochester and Authorizing Borrowing in



---

*Intentionally  
left blank...*

---

City Clerk's Office

---

---



connection therewith *first reading and refer to public hearing May 16, 2023* P. 197

- 14.5 Resolution Designating the City Manager and Finance Director with the Authority to Execute Documents Related to the Strafford Square Roundabout *first reading and consideration for adoption* P. 203
- 14.6 Resolution for Supplemental Appropriation and Authorizing Borrowing Authority Pursuant to RSA 33:9 to the General Fund Capital Improvements Plan (CIP) Fund in the amount of \$1,181,343.00 *first reading and refer to public hearing May 16, 2023* P. 207
- 14.7 Resolution for Supplemental Appropriation and Authorizing Borrowing Authority Pursuant to RSA 33:9 to the Tax Increment Finance (TIF) District Capital Improvements Plan (CIP) Fund in the amount of \$3,939,563.00 *first reading and refer to public hearing May 16, 2023* P. 211
- 15. Resolution Approving Contract and Cost Items Associated with Proposed City of Rochester School Department Multi-Year Collective Bargaining Agreement with Rochester Administrative Unit (Administration) *first reading and consideration for adoption* P. 217
- 16. Resolution Approving Cost Items Associated with Proposed City of Rochester Multi-Year Collective Bargaining Agreement with Rochester Municipal Management Group *first reading and consideration for adoption* P. 227
- 17. Non-Meeting/Non-Public Session
  - 17.1. Non-Public Session – Land, RSA 91-A:3, II (d)
- 18. Adjournment



---

*Intentionally  
left blank...*

---

City Clerk's Office

---

---



**Regular City Council Meeting  
April 4, 2023  
Council Chambers  
6:01 PM**

**COUNCILORS PRESENT**

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

**OTHERS PRESENT**

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

**Minutes**

**1. Call to Order**

Mayor Callaghan called the meeting to order at 6:01 PM.

**2. Opening Prayer**

Mayor Callaghan called for a moment of silence.

**3. Pledge of Allegiance**

Mayor Callaghan asked Councilor Beaudoin to lead the Pledge of Allegiance.

**4. Roll Call**

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

**5. Acceptance of Minutes**

**5.1 Regular City Council Meeting: March 7, 2023**



***consideration for approval***

Councilor Lachapelle **MOVED** to **ACCEPT** the March 7, 2023, Regular City Council meeting minutes. Councilor Desrochers seconded the motion. Councilor Beaudoin requested a correction to the minutes: Salman Falls Road should be Salmon Falls Road. Mayor Callaghan called for a vote on the minutes as corrected. The **MOTION CARRIED** by a unanimous voice vote.

**6. Communications from the City Manager**

**6.1 City Manager's Report**

City Manager Cox said the Willand Emergency Warming Shelter closed for the season on March 31, 2023. He said the program was a success and gave a detailed report on the data collected. City Manager Cox thanked the SOS Recovery Community Organization, Dr. Tory Jennison PhD RN (Strafford County), the many volunteers, as well as the Tri-City Communities for all their donations.

City Manager Cox reported that Mark Sullivan, Deputy Finance Director, has served as the City Manager's Appointee on the Planning Board. He wished to thank Mr. Sullivan for serving on the Planning Board for eleven years. Mr. Sullivan has decided to step-down from the position. City Manager Cox informed the City Council that Alan Dews, DPW Construction Inspector, shall be appointed to the Planning Board as the City Manager's Appointee moving forward.

City Manager Cox announced that Hydrant Flushing would begin in the City of Rochester on April 23, 2023, through June 2, 2023. He said the flushing would occur between the hours of 11:00 PM until 7:00 AM. He said some dis-coloration is to be expected as well as low water pressure at some times during the flushing. He advised anyone with who has additional questions is directed to call the Department of Public Works at 603-332-4096.

Councilor Beaudoin said the City is expending \$54,000 for a Sewer System Master Plan for the sewer collection evaluation of the Route 11 area. He questioned if there is a concern that the current capacity would not be adequate for new development (residential) in that area. City Manager Cox replied that his understanding is that the sewer capacity is adequate for currently approved developments in that area; however, the study is to ensure that the sewer capacity will be adequate for any future development (residential), which is permitted



in that area. Peter Nourse, Director of City Services, agreed. He said there had been a recent upgrade to the Route 11 Sewer Pump Station back in 2019. He said the study was based on the 2019 Mayberry Study, which included some assumptions of the Granit Ridge Development; however, since that time, residential development has been approved for that area and there must be another study to consider what impact that change will have on the sewer system. He said the study would cover the 1,000 acres of land and the full potential build-out on this land, which includes residential development. This will help determine what upgrades may be necessary for sewer/water to support any potential full build-out.

Councilor Beaudoin questioned if the Planning Board would be apprised of this report in order to make determinations for future development projects in that district. Mr. Nourse replied yes. He said the Planning Department and Economic Development Department will also be involved.

Councilor Beaudoin questioned why some projects totaling over \$218,000 were recently awarded without the typically bidding process. City Manager Cox believed that these projects fell under the City's typical retainage contract, which were for the New DPW Concrete Rehab Project, Water Main Extension/Connection (Highland Avenue), and the Video Inspection – Water 20" Transmission Main Rehab. Mr. Nourse confirmed that those projects were dealt with by the City's on-call contractor. He gave a brief summary of how an on-call contractor is selected by a complete bidding process every few years.

The City Manager's Report is as follows:

**Contracts and documents executed since last month:**

- **Department of Public Works**
  - Task Order, Cocheco Well Pilot Study – Underwood Engineers
  - Task Order, Rt 11 Sewer Capacity Evaluation – Weston & Sampson.
  - Cocheco Well Improvement: CDS Program grant application
  - Change Order, Rt. 202A Water Main Extension – D&C Construction
  - Change Order, WWTF Carbon Storage – Apex Construction
  - Signatory Authority for Wastewater Discharge Monitoring Reports
  - Scope of Services, Old Landfill Groundwater Permit – Ransom Consulting



- Task Order Amendment, Cocheco Well Treatment Improvements
- ARPA Grant Consultant Selection Form, Cocheco Well
- Scope of Services, New DPW Concrete rehab – S.U.R.
- Scope of Services, Highland Water Main extension/connection – S.U.R.
- Estimate, Video Inspection of 20" water main – S.U.R.
- Task Order , SSMP – Weston & Sampson
- **Economic Development**
  - FY22-FY23 CAP Weatherization – Brook Street
  - FY22-FY23 CAP Weatherization – S. Cranberry
  - FY22-FY23 CAP Weatherization – Tradewind Pl.
  - FY22-FY23 CAP Weatherization – Damours
  - FY22-FY23 CAP Weatherization – Royal Crest
- **IT**
  - Consolidated Contract - CCI
  - Server upgrade, Honeywell

**The following standard report has been enclosed:**

- **Personnel Action Report Summary**

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

Mayor Callaghan announced that there is a proposal for a new Rochester Courthouse included with the Governor's proposed budget for the next Fiscal Year. Mayor Callaghan thanked the Governor/staff, Judge Ashley, Senator Gray (Councilor Gray), the City's Economic Development staff, as well the recently retired Chuck Morse, President of the Senate, who took the time to visit the City of Rochester and assess the downtown area and courthouse.

Mayor Callaghan announced that April 22nd is Earth Day and the City is planning to clean-up the downtown area. He said volunteers are welcome.

### **7.1. Proclamation: Arbor Day**

Mayor Callaghan read the Arbor Day Proclamation and declared April 28<sup>th</sup> as Arbor Day in the City of Rochester.

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

### **8.1. Petition to Amend the Zoning Ordinance, Chapter 275-26.6 "Class VI Roads" *Motion to accept or deny***



Councilor Lachapelle **MOVED** to **DENY** the Petition to Amend the Zoning Ordinances, Chapter 275-26.5 "Class VI Roads". Councilor Desrochers seconded the motion.

Councilor Lachapelle said the wording is arbitrary and this change would treat each Class VI Road on a case-by-case basis, which is not the way government should operate. He said there needs to be consistency in the way Class VI Roads are handled with an established set of standards. City Attorney O'Rourke agreed. He gave the legalities of the issue and said the City is required to follow the standards which are set by the State for development on Class VI Roads. He added that there is also a set standard for dealing with any appeals. He said this petition is written in an arbitrary manner and is problematic. Attorney O'Rourke gave a brief summary of how the current ordinance is set up to classify and handle petitions on Class VI Roads.

Councilor Beaudoin said it seems this petition does merit a second look. He questioned if it would make sense to refer the matter to the Codes and Ordinances Committee for further study. He said a policy could be developed for the Zoning Board to follow. Attorney O'Rourke replied that the Zoning Board must follow State standards for all appeals. He gave reasons why any review should be conducted by the Planning Board and not the Codes and Ordinances Committee. Attorney O'Rourke suggested that the City Council could deny the petition and "ask" the Planning Board to take another look at this section of the ordinance.

Councilor Lachapelle wished to amend his motion to include the following verbiage: To **DENY** the petition and refer the matter to the Planning Board for review. Councilor Desrochers seconded the motion.

Councilor Gray gave reasons he believed not all Class VI roads in Rochester should be treated the same. He supported the Planning Board taking another look at the ordinance. Mayor Callaghan called for a vote on the motion as amended. The **MOTION CARRIED** by a majority voice vote.

**8.2. Petition regarding Extended Operations of Willand Warming Center - *referred to the Tri-City Mayors for consideration due to the Tri-City nature of the request***

Mayor Callaghan referred the matter to the Tri-City Mayors for



review.

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

No discussion.

## 10. Reports of Committees

### 10.1 Appointments Review Committee

**10.1.1 New Appointment:** Stephen Foster – Zoning Board of Adjustments, Seat G, New Alternate Member *Term to expire 1/2/2025 consideration for approval*

**10.1.2 New Appointment:** Dylan Dowe – Conservation Commission, Seat H, New Alternate member *Term to Expire 1/2/2026 consideration for approval*

**10.1.3 Reappointment:** James Connor – Zoning Board of Adjustments, Seat C – Elevation from an Alternate to a Regular Member *Term to expire 1/2/2025 consideration for approval*

**10.1.4 Reappointment:** James Connor – Historic District Commission, Seat D – Elevation from an Alternate to a Regular Member *Term to expire 1/2/2025 consideration for approval*

Mayor Callaghan said if there were no objections, and no other nominations, all four appointments would be voted upon together.

Councilor Gray **MOVED** to **APPROVE** all four request as outlined above. Councilor Desrochers seconded the motion. Mayor Callaghan nominated all individuals named above and called for a vote. The **MOTION CARRIED** by a unanimous voice vote.

### 10.2 Codes & Ordinances Committee

**10.2.1 Committee Recommendations:** To approve the addition of section 1.9 to the Rules of Order “Guidelines for Public Input” *consideration for approval*



Councilor Lachapelle **MOVED** to **APPROVE** the **AMENDMENT** to the City Council Rules of Order (See Addendum A). Councilor Beaudoin seconded the motion. Councilor Larochelle made one grammatical correction to the verbiage in the third paragraph: *When that happens the Chair determines whether the rules have **been** violated.* Mayor Callaghan called for a vote upon the motion as corrected. The **MOTION CARRIED** by a unanimous voice vote.

**10.2.2 Committee Recommendation: To approve the changes to Section 4.21 of the Rules of Order "Inaugural Meeting, Order Exercises" consideration for approval**

Councilor Lachapelle **MOVED** to **APPROVE** the **AMENDMENT** to the City Council Rules of Order as follows:

**SECTION 4.21 INAUGURAL MEETING, ORDER EXERCISES**

The order of exercises at the meeting held on the first Tuesday after January 1, or Wednesday, January 2, following the regular municipal election shall be as follows:

1. Call to Order
2. Pledge of Allegiance
3. Prayer
4. Roll Call of Councilors-Elect
5. Mayor takes Oath of Office
6. Councilors-Elect take Oath of Office
7. Roll Call of School Board Members-Elect
8. School Board Members-Elect take Oath of Office
9. Roll Call of Police Commissioners-Elect
10. Police Commissioner-Elect takes Oath of Office
11. Election of Deputy Mayor
12. Inaugural Address
13. Recess to Time Certain
14. Committee of the Whole: Review of Code of Ethics and Conduct
15. Old and/or New Business

Councilor Beaudoin seconded the motion. The City Council briefly discussed the change.

Councilor Hainey questioned if this was an appropriate time to deal



with another amendment to this section of the City Council Rules of Order. She said both her and Councilor Desrochers received a request from a constituent. Councilor Lachapelle said this section of the City Council Rules of Order is listed on the upcoming Codes and Ordinance Committee agenda and it could be reviewed at the same time. Councilor Hailey concurred.

Mayor Callaghan called for a vote on the motion. The **MOTION CARRIED** by a unanimous voice vote.

### **10.3 Community Development**

Councilor Hailey reported that the Committee met and discussed allocations for the CDBG Block Grant. She said there will be public hearings forthcoming.

### **10.4 Planning Board**

No discussion.

### **10.5 Planning Board**

#### **10.5.1 Amendment to Chapter 275 of the General Ordinances of the City of Rochester regarding Solar Energy *first reading and refer to public hearing 4/18/2023***

Mayor Callaghan read the Amendment by title only and referred the matter to public hearing. See Addendum B

### **10.6 Public Safety**

#### **10.6.1 Committee Recommendation: To change the speed limit on Salmon Falls Road coming from Maine to 35 mph to be uniform with the other speed limit sign *consideration for approval***

Councilor Lachapelle **MOVED** to change the speed limit on Salmon Falls Road coming from Maine, to 35 mph, to be uniform with the other speed limit sign in the opposite lane. Councilor de Geofroy seconded the motion.

Councilor Lachapelle said if you are traveling on Salmon Falls road to Maine the speed limit is 35 mph; however, traveling from Maine into



Rochester, the speed limit is only 30 mph. Councilor Fontneau informed the City Council that he decided to travel from Berwick Maine to Rochester (Salmon Falls Road). He confirmed that the speed limit sign is already 35 mph.

Councilor Berlin said the purpose of this motion was because the speed limit was lowered to 25 mph from the intersection traveling towards Maine and this change would be bringing the speed limit to 35 mph, which is consistent with the other side of the road. Councilor Lachapelle recalled that the 25 mph proposal was still in Committee; however, due to the confusion he **WITHDREW** his motion in order to send this topic back to Committee for review. Councilor de Geofroy **WITHDREW** the second to the motion.

**10.6.2 Committee Recommendation: To install a "stop" sign at the intersection of Hemlock/Lowell Street *consideration for approval* Consent Calendar**

Councilor Lachapelle **MOVED** to install a "stop" sign at the Intersection of Hemlock/Lowell Street. Councilor de Geofroy seconded the motion.

Councilor Beaudoin, who lives on Hemlock Street, questioned the need for the sign. He said it is obvious that a stop is needed, and he cannot recall a stop sign ever being placed at that intersection. Councilor Lachapelle agreed; however, the proposal is being made by a resident with a family member who recently visited from out of State and questioned the missing stop sign. Councilor Lachapelle confirmed that there is a white-lined stop bar at the intersection.

Councilor de Geofroy said the Police Officer attending the Public Safety meeting had confirmed that a stop bar without a stop sign is not enforceable.

Councilor Fontneau said it seems like the City Council makes "knee-jerk" reactions to such complaints based on one or two residents. He gave reasons why he did not support the motion.

Councilor Gray said there is a need for a stop sign at any major intersections in the City. He supported the motion. The **MOTION CARRIED** by a majority voice vote.

## **11. Old Business**



**11.1. Resolution Authorizing Supplemental Appropriation in the amount of \$450,000.00 for City Hall and Opera House Life Safety Building Upgrades *second reading and consideration for adoption***

Mayor Callaghan read the resolution by title only as follows:

**Resolution Authorizing Supplemental Appropriation in the amount of \$450,000.00 for City Hall and Opera House Life Safety Building Upgrades**

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

That the Mayor and City Council of the City of Rochester hereby authorized a supplemental appropriation in the amount of Four Hundred Fifty Thousand Dollars (\$450,000.00) to cover the costs associated with the City Hall and Opera House life safety building upgrades project. The supplemental appropriation will 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.

Katie Ambrose, Deputy City Manager, said as a direct result of the bidding process for this project, it has been determined that more funding is necessary to complete the project, which would require another public hearing.

Peter Nourse, Director of City Services, addressed the City Council. He said because of the historic nature and life safety issues involved in this project, the City chose to pre-qualify any bidders on this project. He confirmed that two bidders were found to be satisfactory and were approved to bid on this project. The two approved construction companies were as follows: Hutters Construction Corporation, New Ipswich, NH and Careno Construction, Portsmouth, NH. Mr. Nourse said, of these two contractors, Careno Construction was the only contractor to submit a bid, which was estimated at \$550,000 for the base work. The original estimate determined for the original funding resolution did not include asbestos abatement, which is required and it did not include a contingency fund.



Mr. Nourse gave details of the pros/cons of three options for the City to take at this point:

- A. Accept the sole bid and proceed with the upgrades.
- B. Do not accept the sole bid and re-issue pre-qualification packets, seeking more bid offers.
- C. Do not accept the sole bid, do not re-issue pre-qualification packets and re-solicit the work to the lowest bid.

Mr. Nourse gave reasons why he supported Option A. Mayor Callaghan questioned how much funding is needed for Option A. Mr. Nourse replied \$590,000. He said that equates to the lump sum of \$550,000 for the base work (estimated by the contractor) and an estimated 6% for a contingency fund.

Councilor Lachapelle asked how long the Careno Construction bid is valid. Mr. Nourse recalled the bid is only valid for sixty days starting last Thursday.

Mayor Callaghan questioned how long this project would take to complete. Mr. Nourse said the projection is four months. He added there is no anticipation of delays in receiving the materials at this time. He said the contractor intends to conduct the work during the day in order to keep the Opera House functional in the evenings.

Councilor Fontneau asked the estimated cost of the asbestos abatement for this project and what other differences are reasons for the \$100,000 increase to the bid. Mr. Nourse did not have the entire break-down of estimates; however, the estimate for asbestos abatement is estimated at \$23,000, which should have been included in the original estimates along with including funding for a contingency plan. Mr. Nourse said the fire alarm work to be done and the demolition work had both been underestimated as well.

Councilor Lachapelle **MOVED** to increase the funding for this resolution from \$450,000 to \$590,000 and refer the matter to a public hearing. Councilor Desrochers seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

## **12. Consent Calendar**

No discussion.



### **13. New Business**

#### **13.1. Resolution Authorizing Disposal of Property Room Bicycles Pursuant to RSA 471-C:13 *first reading and consideration for adoption***

Mayor Callaghan read the resolution by title only as follows:

#### **Resolution Authorizing Disposal of Property Room Bicycles Pursuant to RSA 471-C:13**

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

**Whereas,** the City of Rochester Police Department Property Room contains bicycles that have no known owner; and

**Whereas,** some of said bicycles have been in the Property Room in excess of One Hundred Eighty (180) days, and

**Whereas,** there are no local bicycle safety programs in the city; and

**Therefore,** the Mayor and the City Council, pursuant to RSA 471-C:13, I, authorize said bicycles to be sold at public auction and for the proceeds of the auction to be used as determined by the City Council.

**Further,** if attempting to auction said bicycles, it is determined that the bicycles have no monetary value worthy of auction ,then, pursuant to RSA 471-C:13, II, the Chief of the Rochester Police Department may depose or destroy them at his/her discretion.

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

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

#### **13.2 Resolution Authorizing Release of all Tax Liens Filed Prior to January 1, 1997 *first reading and consideration for***



***adoption***

Mayor Callaghan read the resolution by title only as follows:

**Resolution Authorizing Release of all Tax Liens Filed Prior to January 1, 1997**

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

**WHEREAS:** The City of Rochester is not owed any delinquent property taxes prior to January 1, 1997; and

**WHEREAS:** The City of Rochester may not have filed lien releases for all property tax liens filed prior to January 1, 1997 even though those taxes have been redeemed; and

**WHEREAS:** The City of Rochester recognizes that unreleased liens may be unnecessarily clouding titles on properties within the city; and

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND ROCHESTER CITY COUNCIL THAT:**

The Mayor and City Council authorize the City of Rochester Tax Collector to file a blanket release of all property tax liens filed by the City of Rochester prior to January 1, 1997.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor de Geofroy seconded the motion. The **MOTION CARRIED** by a majority voice vote.

**13.3 Resolution Authorizing the Application for and Acceptance of a Congressionally Directed Spending Fund (CDS) Grant for the Septage Receiving Facility Upgrade Project in an Amount of up to \$825,000 and Change of Funding source in Connection Therewith *first reading and consideration for adoption***

Mayor Callaghan read the Resolution by title only as follows:

**Resolution Authorizing the Application for and Acceptance of a Congressionally ~~Delineated~~ Directed Spending Funds (CDS) Grant for the Septage Receiving Facility Upgrade Project in an**



**Amount of up to \$825,000.00 and Change of Funding Source in Connection Therewith**

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

That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, authorize the Department of Public Works to submit a grant application in the amount of up to Eight Hundred Twenty Five Thousand Dollars (\$825,000.00) to the United States Environmental Protection Agency (USEPA) Region 1 CDS Grant program in order to finance the Septage Receiving Facility Upgrade Project.

It is further resolved that the Mayor and City Council of the City of Rochester, by adoption of this Resolution, accept the Grant amount of up to Eight Hundred Twenty Five Thousand Dollars (\$825,000.00) from the USEPA CDS Grant program.

Further, as the City Council has previously funded said Project in the amount of Eight Hundred Twenty Five Thousand Dollars (\$825,000.00) with Borrowing/Bonding as the revenue source, the Mayor and City Council hereby change the source of funding for said appropriation to the USEPA CDS Grant monies.

Further, the Mayor and City Council of the City of Rochester, by adoption of this Resolution authorize the City Manager and/or the Finance Director to act as the City's representative(s) for the execution of all documents necessary to complete the application to the USEPA, process disbursements and execute loan documents associated with the CDS.

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 account(s) as necessary to which said sums shall be recorded.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Desrochers seconded the motion. Councilor Beaudoin questioned if this was a project recently worked upon by the City. Mr. Nourse confirmed that work has been done; however, this is a separate part of the Treatment Facility. He added that this project is necessary to stay in compliance with the EPA Permit for Nitrogen. He said the City had already set aside funding for this project; however, the City shall now take



advantage of this grant funding.

Councilor Lachapelle **MOVED** to **AMEND** the motion to make one correction to the Resolution presented in the packet materials: to change "delineated" to "directed". Councilor Beaudoin seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Callaghan called for a vote on the motion as corrected. The **MOTION CARRIED** by a unanimous voice vote.

**13.4. Resolution Authorizing the Acceptance of a State of New Hampshire American Rescue Plan Act (ARPA) Grant for the Nutrient Load Reduction Plan Project of \$100,000.00 and Supplemental Appropriation in Connection Therewith *first reading and consideration for adoption***

Mayor Callaghan read the resolution by title only as follows:

**Resolution Authorizing the Acceptance of a State of New Hampshire American Rescue Plan Act (ARPA) Grant for the Nutrient Load Reduction Plan Project of \$100,000.00 and Supplemental Appropriation in Connection Therewith**

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

Having previously approved the application to the State of New Hampshire, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, accept the Grant amount of One Hundred Thousand Dollars (\$100,000.00) from the State of New Hampshire ARPA Grant program and make a supplemental appropriation to the Sewer Fund CIP in the same amount with the entirety of the supplemental appropriation being derived from the ARPA Grant to be used in connection with the Nutrient Load Reduction Plan Project.

**Further,** the Mayor and City Council of the City of Rochester, by adoption of this Resolution authorize the City Manager and/or the Finance Director to act as the City's representative(s) for the execution of all documents necessary to complete the application to the State of New Hampshire ARPA Grant program, process disbursements and execute documents associated with the ARPA Grant.

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 account(s) as necessary to which said sums shall be recorded.

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

**13.5. Resolution Authorizing the Application for and Acceptance of a State of New Hampshire Department of Environmental Services (NHDES) Clean Water State Revolving Fund (CWSRF) Loan for the Sewer System Master Plan Project in an Amount of up to \$100,000.00 and Supplemental Appropriation in Connection Therewith *first reading and consideration for adoption***

*This resolution was inadvertently missed and shall be added to the next available meeting.*

**Resolution Authorizing the Application for and Acceptance of a State of New Hampshire Department of Environmental Services (NHDES) Clean Water State Revolving Fund (CWSRF) Loan for the Sewer System Master Plan Project in an Amount of up to \$100,000.00 and Supplemental Appropriation in Connection Therewith**

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

That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, authorize the Department of Public Works to submit a loan application in the amount of up to One Hundred Thousand Dollars (\$100,000.00) to the NHDES CWSRF Loan program in order to finance the Sewer System Master Plan Project.

It is further resolved that the Mayor and City Council of the City of Rochester, by adoption of this Resolution, accept the loan amount of up to One Hundred Thousand Dollars (\$100,000.00) from the NHDES CWSRF Loan program and make a supplemental appropriation to the General Fund CIP in the same amount with the entirety of the supplemental appropriation being derived from the NHDES CWSRF Loan.



**Further,** the Mayor and City Council of the City of Rochester, by adoption of this Resolution authorize the City Manager and/or the Finance Director to act as the City's representative(s) for the execution of all documents necessary to complete the application to the CWSRF, process disbursements and execute loan documents associated with CWSRF.

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 account(s) as necessary to which said sums shall be recorded.

**13.6 Resolution Authorizing the Application for and Acceptance of a State of New Hampshire Department of Environmental Services (NHDES) Clean Water State Revolving Fund (CWSRF) Loan for the Water Pollution and Flooding Reduction Study Project in an Amount of up to \$100,000.00 and Supplemental Appropriation in Connection Therewith *first reading and consideration for adoption***

Mayor Callaghan read the resolution by title only as follows:

**Resolution Authorizing the Application for and Acceptance of a State of New Hampshire Department of Environmental Services (NHDES) Clean Water State Revolving Fund (CWSRF) Loan for the Water Pollution & Flooding Reduction Study Project in an Amount of up to \$100,000.00 and Supplemental Appropriation in Connection Therewith**

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

That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, authorize the Department of Public Works to submit a loan application in the amount of up to One Hundred Thousand Dollars (\$100,000.00) to the NHDES CWSRF Loan program in order to finance the Water Pollution & Flooding Reduction Study Project.

It is further resolved that the Mayor and City Council of the City of Rochester, by adoption of this Resolution, accept the loan amount of up



to One Hundred Thousand Dollars (\$100,000.00) from the NHDES CWSRF Loan program and make a supplemental appropriation to the General Fund CIP in the same amount with the entirety of the supplemental appropriation being derived from the NHDES CWSRF Loan.

**Further**, the Mayor and City Council of the City of Rochester, by adoption of this Resolution authorize the City Manager and/or the Finance Director to act as the City's representative(s) for the execution of all documents necessary to complete the application to the CWSRF, process disbursements and execute loan documents associated with CWSRF.

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 account(s) as necessary to which said sums shall be recorded.

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

**13.7 Resolution for Supplemental Appropriation of \$536,949.00 to the General Fund CIP Fund for Pavement Rehabilitation *first reading and consideration for adoption***

Mayor Callaghan read the resolution by title only as follows:

**Resolution for Supplemental Appropriation of \$536,949.00 to the General Fund CIP Fund For Pavement Rehabilitation**

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

That the Mayor and City Council of the City of Rochester hereby appropriate Five Hundred Thirty-Six Thousand Nine Hundred Forty Nine Dollars (\$536,949.00) to the General Fund CIP for the purpose of paying costs associated with pavement rehabilitation. The entirety of this supplemental appropriation shall be derived from a SB 401 State Aid Grant, one time payment to the annual Highway Block Grant aid.

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



year, non-lapsing accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution.

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

**13.8 Resolution Authorizing Acceptance of a State of New Hampshire Housing Opportunity (HOP) Grant in the amount of \$45,000.00 and Supplemental Appropriation in Connection Therewith *first reading and consideration for adoption***

Mayor Callaghan read the resolution by title only as follows:

**Resolution Authorizing Acceptance of a State of New Hampshire Housing Opportunity (HOP) Grant in the amount of \$45,000.00 and Supplemental Appropriation in Connection Therewith**

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

That the City of Rochester hereby accepts a State of New Hampshire HOP Grant in the amount of Forty Five Thousand Dollars (\$45,000.00) to pay for costs associated with the update and redraft of the City's Conservation Subdivision Ordinance.

**Further**, that the Mayor and City Council of the City of Rochester hereby authorized a supplemental appropriation in the amount of Forty Five Thousand Dollars (\$45,000.00) to the FY23 Planning CIP. The supplemental appropriation will be derived in its entirety from the HOP Grant.

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

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor de Geofroy seconded the motion. The **MOTION CARRIED** by a



unanimous voice vote.

**13.9 Resolution Authorizing Acceptance of a New Hampshire Preservation Alliance Grant in an amount of \$4,500.00 and Supplemental Appropriation in Connection Therewith *first reading and consideration for adoption***

Mayor Callaghan read the resolution by title only as follows:

**Resolution Authorizing Acceptance of a New Hampshire Preservation Alliance Grant in an amount of \$4,500.00 and Supplemental Appropriation in Connection Therewith**

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

That the Mayor and City Council of the City of Rochester hereby accepts the New Hampshire Preservation Alliance for a Grant in the amount of Four Thousand Five Hundred Dollars (\$4,500.00) to help pay costs associated with a Conditions Assessment Report for the City-owned Clock and Steeple located at 34 South Main Street.

Further, a supplemental appropriation of Four Thousand Five Hundred Dollars (\$4,500.00) is made to the FY23 Planning CIP with entirety of the appropriation being derived from said Grant.

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

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

**13.10 Resolution Approving Cost Items Associated with Proposed City of Rochester Multi-Year Collective Bargaining Agreement with Rochester Middle Management Group *first reading and consideration for adoption***

*Mayor Callaghan read the resolution by title only (See Addendum C)*



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

Councilor Berlin **MOVED** to suspend the rules of the City Council in order to bring forth a motion (action item). He requested a roll call vote. Councilor Beaudoin seconded the motion. Several City Councilors asked the purpose of the motion to be voted upon. Councilor Beaudoin stated that this type of motion is non-debatable.

City Attorney O'Rourke agreed that the motion is non-debatable; however, the topic must be mentioned. Councilor Berlin reiterated that he would like to bring forward a motion and a City Council action item and he had requested a roll call vote.

Mayor Callaghan called for a vote on the motion. The **MOTION FAILED** by a 6 to 7 roll call vote. Councilors Hainey, Gray, Malone, Gilman, Berlin, and Beaudoin, voted in favor of the motion. Councilors Fontneau, Larochelle, de Geofroy, Desrochers, Hamann, Lachapelle, and Mayor Callaghan voted against the motion.

#### **14. Non-Meeting/Non-Public Session**

No discussion.

#### **15. Adjournment**

Mayor Callaghan **ADJOURNED** the Regular City Council Meeting at 6:38 PM.

Respectfully Submitted,

Kelly Walters, CMC  
City Clerk



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

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

The receipt of constructive input must be balanced with the City Council's need to conduct its business in an orderly and fair manner. The meeting Chair must have discretion to curtail and even cut off public input which he/ she reasonably perceives to be irrelevant to the City Council's particular purposes or public input that constitutes defamation<sup>1</sup>, fighting words<sup>2</sup>, or a criminal threat<sup>3</sup>. Determining relevancy, although sometimes challenging, is fairly clear. Determining what constitutes appropriate criticism of elected and appointed officials versus unprotected speech is more challenging.

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

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

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

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

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



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

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

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

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

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



**Amendment to Chapter 275 of the General Ordinances of the  
City of Rochester Regarding Solar Energy**

THE CITY OF ROCHESTER ORDAINS:

That Chapter 275 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows (deletions ~~struck out~~ additions in **RED**):

**275-2.2 Definitions**

**Ground Mount:** A Solar Collection System and associated mounting hardware that is affixed to or placed upon the ground including but not limited to fixed, passive, or active tracking racking systems.

**Rated Nameplate Capacity:** Maximum rated alternating current (“AC”) output of solar collection system based on the design output of the solar system.

**Roof Mount:** A Solar Collection System that is on a roof of a building or structure, including limited accessory equipment associated with system which may be ground mounted.

**Solar, Accessory Commercial:** A Solar Collection System primarily for on-site commercial use and consisting of one or more ground mounted solar array(s) or a roof mounted Solar Collection System. Accessory Commercial Solar Systems are intended to primarily reduce on-site consumption of utility power with a rated nameplate capacity of 100kW AC or less.

**Solar, Accessory Residential:** A Solar Collection System primarily for on-site residential use consisting of a ground or a roof mounted Solar Collection System. Accessory Residential Solar Systems are intended to primarily reduce on-site consumption of utility power with a rated nameplate capacity of 25kW AC or less.

**Solar, Accessory Industrial:** A Solar Collection System primarily for on-site industrial use and consisting of one or more ground mounted solar array(s) or a roof mounted Solar Collection System. Accessory Industrial Solar Systems are intended to primarily reduce on-site consumption of utility power with a rated nameplate capacity of 100kW AC or less.

**Solar, Commercial:** A principle use of land that consists of one or more free-standing, ground mounted, or roof mounted Solar Collection Systems with a rated nameplate capacity of up to 1 MW AC.

**Solar, Community:** A principle use of land that consists of one or more free-standing, ground mounted, or roof mounted solar collection systems up to 250 kW AC.

**Solar, Utility:** A principle use of land that consists of one or more free-standing, ground mounted Solar Collection Systems larger than 1MW AC.

**Solar Collection System:** Includes all equipment required to harvest solar energy to generate and transmit generated energy to the point of interconnection electricity. The Solar Collection System includes storage devices, power conditioning equipment, transfer equipment, and parts related to the



functioning of those items. Solar Collection Systems include only equipment up to (the point of interconnection to the utility grid or site service point.

## **275 Attachment 4**

**Table 18-D “Industrial-Storage-Transport-Utility Uses”**

Use Table												
	R1	R2	NMU	AG	DC	OC	GR	HC	GI	RI	HS	AS
Solar, Accessory Residential	P or E	P or E	P	P	P	P	P	P	P	P	P	P
Solar, Accessory Commercial	E	E	E	P	C	P	P	P	P	P	C	C
Solar, Accessory Industrial	E	E	E	P	C	P	P	P	P	P	C	C
Solar, Community	-	-	E	C	C	E	C	C	C	C	E	C
Solar, Commercial	-	-	-	E	-	E	C	C	C	C	E	E
Solar, Utility	-	-	-	E	-	E	E	E	E	E	E	E

## **275-23.2 .22 Solar Collection Systems (Standards for Specific Accessory Uses)**

### **A. Solar Collection Systems in Residential One and Residential Two zones.**

- 1) Free standing or ground mounted Accessory Residential Solar Collection Systems in Residential One and Residential Two zones require a minimum lot size of 20,000 square feet or a special exception.
- 2) Accessory Commercial Solar Collection Systems in Residential One and Residential Two zones require a special exception.

### **B. Height**

- 1) Building or roof mounted solar equipment shall not exceed the maximum allowed height in any zoning district by more than ten (10) inches for pitched roofs and five (5) feet for systems mounted on flat roofs.
- 2) Ground or pole mounted Solar Collection System shall not exceed height restrictions for the zoning district which they are placed when oriented at maximum tilt.



- 3) Solar Collection Systems placed over parking areas or drive aisles require a minimum panel height of fourteen feet measured at maximum tilt and must be designed to allow for snow removal and treatment.

#### **C. Setbacks**

- 1) Solar Collection Systems shall be considered structures and comply with building setback requirements from lot lines for the entire system, including the panels. Tracking systems shall have the setback measured from the point and time where the array is closest to the lot line. No portion of a system may cross into the setback.
- 2) Roof or Building Mounted systems – The Solar Collection System shall not extend beyond the exterior perimeter of the building. Exterior piping or electrical connections not located at the rear of buildings shall be screened from the street to the extent practical as per Site Plan Regulations – Section 7.E(2) Utility Elements
- 3) No portion of equipment associated with a Solar Collection System (transformers, utility structures, or other axillary features) shall be permitted in the setback.

#### **D. Visibility**

- 1) Roof-mount or ground-mount Solar Collection Systems visible from the closest edge of any public right-of-way shall follow the aesthetic restrictions below:
  - a. Roof-mounted systems on pitched roofs that are visible from the nearest edge of the front right-of-way shall have the same finished pitch as the roof and be no more than ten inches above the roof.
  - b. Roof-mount systems on flat roofs that are visible from the nearest edge of the front right-of-way shall not be more than five feet above the finished roof exclusive of any rooftop equipment or mechanical screening system.
  - c. The use of reflectors to enhance solar production are prohibited.

#### **E. Plan Approval**

- 1) Applications that meet the design requirements of this ordinance for a Solar Collection System as an accessory use shall be granted administrative approval through submittal of applicable building permits and shall not require Planning Board review. Compliance with Building or Electric Code is required regardless of system size or capacity.
- 2) All Solar Collection System proposals must include a plot plan with horizontal scale and profile drawing with a vertical scale showing:



- a. The location of all System components on the building/structure or on the property for a ground-mount system;
  - b. Property lines, public rights-of-ways, and setbacks;
  - c. Lot size;
  - d. Point of interconnection;
  - e. Height of existing and proposed structures;
  - f. Equipment specifications and ratings.
- 3) All proposals under this Ordinance may be subject to special investigation and the review of documents under RSA 674:44-V.
  - 4) Accessory ground-mount Solar Collection Systems shall be exempt from stormwater management requirements provided the ground below the System is not compacted and vegetated.
  - 5) Solar Collection Systems requiring a Conditional Use Permit shall meet Base Criteria conditions set by 275-21.3 of the Zoning Ordinance.
  - 6) Solar Collection Systems requiring a Special Exception from the Zoning Board of Adjustment shall meet provisions identified under the Primary Use section of this chapter.

#### **F. Expansion of Existing Solar Collection Systems**

- 1) Additions to existing solar systems shall not be exempt from any requirement in this ordinance. Solar Collection System capacity is cumulative and will determine the level of review for each proposed expansion.
- 2) Any expansions shall meet the requirements outlined in the Solar Ordinance.

### **275-21.4.P Solar, Community & Solar Commercial Systems (Conditions for Particular uses)**

#### **A. Screening**

- 1) Ground mounted Solar Collection Systems shall have perimeter fencing and/or vegetative screening as approved by the Planning Board. The use of vegetative screening is encouraged.



- 2) Perimeter fencing for the site shall not include barbed wire or woven wire designs without visual screening and shall preferably use wildlife-friendly fencing standards that include clearance at the bottom.

**B. Glare**

- 1) Significant glare shall be considered a nuisance as per Rochester Zoning Ordinance 275-28.2. D Performance Standards.
- 2) Applicants must demonstrate that the Solar Collection System design has reasonably considered and mitigated potential impacts of significant glare onto abutting structures and roadways. Mitigation may include angle of panels, anti-reflective panel coating or additional screening to minimize impacts.

**C. Noise**

- 1) Loud or disruptive noise shall be considered a nuisance as per Rochester Zoning Ordinance 275-28.3 Noise.
- 2) Noise levels at the property line shall be in accordance with the municipal noise ordinance.
- 3) Applicants must demonstrate that operation of the Solar Collection System will not exceed permissible noise levels at the property line. Mitigation measures may be required to achieve permissible noise levels.

**D. Electric and Communication Lines**

- 1) Power and communication lines between the Solar Collection System and the point of interconnection shall be buried underground.

**E. Ground Cover**

The following provisions shall apply to the clearing of existing vegetation and establishment of vegetated ground cover.

- 1) Preservation of trees and existing vegetation that will not impede or shade the functioning of the Solar Collection System is encouraged.
- 2) Applicants that propose a ground mounted Solar Collection Systems exceeding 30% lot coverage or 1 acre, whichever is greater shall submit a vegetative management plan prepared by a landscape architect or similarly qualified professional The plan shall identify:
  - a. The qualified professional(s) consulted or responsible for the plan.



- b. The mix of proposed perennial vegetation intended to prevent erosion, and manage run off. Vegetative cover should include a mix of native perennial grasses and wildflowers.
  - c. The management methods and schedules for how the vegetation will be managed (mowing, replacement, etc.).
- 3) The Solar Collection System shall be approved by the Planning Board prior to any site work or lot clearing.

#### **F. Stormwater**

- 1) Ground mounted Solar Collection Systems are subject to City standards for stormwater management, erosion and sediment control provisions, as well as any applicable State and Federal requirements.
- 2) If the Solar Collection System is less than 30% lot coverage or less than one acre shall be exempt from stormwater management requirements provided the ground below the System is not compacted and vegetated.
- 3) Ground mounted systems that require land clearing and grubbing of forested cover greater than 1 acre, shall at a minimum, submit a Stormwater Permit to the Department of Public Works.

#### **G. Abandonment and Decommissioning**

- 1) Solar Collection Systems shall be deemed to be abandoned by a municipal official as evidenced by the lack of system maintenance or operation discontinuance without prior written consent of the municipality (such as for reasons beyond the control of the owner/operator).
- 2) An abandoned system shall be removed, and the site restored with vegetative cover within 12 months of abandonment.

#### **H. Submittal Requirements for Primary Use Solar Collection System**

- 1) Primary Use Solar Collection Systems shall submit a Site Plan Application.
- 2) All Solar Collection Systems shall comply with applicable aspects of the Zoning Ordinance and Site Plan Regulations. Applications must address all requirements for Principle Use Solar Collection Systems as well as provide the following:
  - i. A plot plan with a horizontal scale and a profile drawing with a vertical scale showing the lot to include:
  - ii. Existing structures, property lines, setbacks, lot size, ROWs;



- iii. Land clearing or grading required for the installation and operation of the system;
  - iv. The location of all equipment to be installed on site including utility connection point(s) and equipment.
  - v. Equipment, except for utility connections, shall comply with required setbacks.
- 3) Equipment Specifications
  - i. All proposed equipment or specifications must be included with the application. Such information can be supplied via manufacturer's specifications.
- 4) Emergency Response Plan
  - i. Access to the site for emergency response shall be provided and detailed on the plan.
  - ii. A narrative or manual for municipal shall be provided to the Rochester Fire Department detailing response guidance and disconnection locations necessary for fire response.
- 5) Solar Collection Systems requiring a Conditional Use Permit shall meet Base Criteria conditions set by 275-21.3 of the Zoning Ordinance.
- 6) Solar Collection Systems requiring a Special Exception from the Zoning Board of Adjustment meet applicable criteria set 275-22.3 of our Zoning Ordinance and meet provisions identified under the Primary Use section of this chapter as well as applicable Site Plan Regulations.
- 7) All applicable State and Federal permitting associated with the Solar Energy System must be obtained prior to Building Permit issuance. Copies of the permits or confirmation of the approvals must be submitted to the Planning Department.
- 8) All proposals under this Ordinance may be subject to special investigation and the review of documents under RSA 674:44-V.

**275-22-3.L Solar, Community & Solar Commercial & Solar, Utility Systems  
(Conditions for Particular uses)**

**I. Screening**

- 3) Ground mounted Solar Collection Systems shall have perimeter fencing and/or vegetative screening as approved by the Planning Board. The use of vegetative screening is encouraged.



- 4) Perimeter fencing for the site shall not include barbed wire or woven wire designs without visual screening and shall preferably use wildlife-friendly fencing standards that include clearance at the bottom.

**J. Glare**

- 1) Significant glare shall be considered a nuisance as per Rochester Zoning Ordinance 275-28.2. D Performance Standards.
- 2) Applicants must demonstrate that the Solar Collection System design has reasonably considered and mitigated potential impacts of significant glare onto abutting structures and roadways. Mitigation may include angle of panels, anti-reflective panel coating or additional screening to minimize impacts.

**K. Noise**

- 1) Loud or disruptive noise shall be considered a nuisance as per Rochester Zoning Ordinance 275-28.3 Noise.
- 2) Noise levels at the property line shall be in accordance with the municipal noise ordinance.
- 3) Applicants must demonstrate that operation of the Solar Collection System will not exceed permissible noise levels at the property line. Mitigation measures may be required to achieve permissible noise levels.

**L. Electric and Communication Lines**

- 1) Power and communication lines between the Solar Collection System and the point of interconnection shall be buried underground.

**M. Ground Cover**

The following provisions shall apply to the clearing of existing vegetation and establishment of vegetated ground cover.

- 4) Preservation of trees and existing vegetation that will not impede or shade the functioning of the Solar Collection System is encouraged.
- 5) Applicants that propose a ground mounted Solar Collection Systems exceeding 30% lot coverage or 1 acre, whichever is greater shall submit a vegetative management plan prepared by a landscape architect or similarly qualified professional The plan shall identify:
  - a. The qualified professional(s) consulted or responsible for the plan.



- b. The mix of proposed perennial vegetation intended to prevent erosion, and manage run off. Vegetative cover should include a mix of native perennial grasses and wildflowers.
  - c. The management methods and schedules for how the vegetation will be managed (mowing, replacement, etc.).
- 6) The Solar Collection System shall be approved by the Planning Board prior to any site work or lot clearing.

**N. Stormwater**

- 1) Ground mounted Solar Collection Systems are subject to City standards for stormwater management, erosion and sediment control provisions, as well as any applicable State and Federal requirements.
- 2) If the Solar Collection System is less than 30% lot coverage or less than one acre shall be exempt from stormwater management requirements provided the ground below the System is not compacted and vegetated.
- 3) Ground mounted systems that require land clearing and grubbing of forested cover greater than 1 acre, shall at a minimum, submit a Stormwater Permit to the Department of Public Works.

**O. Abandonment and Decommissioning**

- 1) Solar Collection Systems shall be deemed to be abandoned by a municipal official as evidenced by the lack of system maintenance or operation discontinuance without prior written consent of the municipality (such as for reasons beyond the control of the owner/operator).
- 2) An abandoned system shall be removed, and the site restored with vegetative cover within 12 months of abandonment.

**P. Submittal Requirements for Primary Use Solar Collection System**

- 1) Primary Use Solar Collection Systems shall submit a Site Plan Application.
- 2) All Solar Collection Systems shall comply with applicable aspects of the Zoning Ordinance and Site Plan Regulations. Applications must address all requirements for Principle Use Solar Collection Systems as well as provide the following:
  - i. A plot plan with a horizontal scale and a profile drawing with a vertical scale showing the lot to include:
  - ii. Existing structures, property lines, setbacks, lot size, ROWs;



- iii. Land clearing or grading required for the installation and operation of the system;
  - iv. The location of all equipment to be installed on site including utility connection point(s) and equipment.
  - v. Equipment, except for utility connections, shall comply with required setbacks.
- 3) Equipment Specifications
  - i. All proposed equipment or specifications must be included with the application. Such information can be supplied via manufacturer's specifications.
- 4) Emergency Response Plan
  - i. Access to the site for emergency response shall be provided and detailed on the plan.
  - ii. A narrative or manual for municipal shall be provided to the Rochester Fire Department detailing response guidance and disconnection locations necessary for fire response.
- 5) Solar Collection Systems requiring a Conditional Use Permit shall meet Base Criteria conditions set by 275-21.3 of the Zoning Ordinance.
- 6) Solar Collection Systems requiring a Special Exception from the Zoning Board of Adjustment meet applicable criteria set 275-22.3 of our Zoning Ordinance and meet provisions identified under the Primary Use section of this chapter as well as applicable Site Plan Regulations.
- 7) All applicable State and Federal permitting associated with the Solar Energy System must be obtained prior to Building Permit issuance. Copies of the permits or confirmation of the approvals must be submitted to the Planning Department.
- 8) All proposals under this Ordinance may be subject to special investigation and the review of documents under RSA 674:44-V.

## **Zoning Overlay District Section Amendments**

### 275-11.4.B Aviation Overlay District Use Restrictions

Solar Collection Systems located within the Airport Overlay District or within approach zones of an airport must demonstrate compliance with applicable Federal Aviation Administration (FAA) regulations.

### 275-14.9.B (others shifted) Effect of Inclusion in Historic Overlay District



Solar Collection Systems within the Historic Overlay District must receive and document approval from the Historic District Commission in the permit application.

#### 275-12.9.A.2 Conservation Overlay District Conditional Use Approvals

A. The following uses are allowed with a conditional use approval:

(1) Roads and other accessways; drainageways; pipelines, power lines and other transmission lines; docks, boat launches, and piers; domestic water wells (and associated ancillary pipes and equipment); and replacement septic tanks and leach fields.

(2) No portion of ground mounted Solar Collection Systems or associated vegetative clearing is permitted in the Conservation Overlay District without a Conditional Use Permit approval recommendation by the Conservation Commission to the Planning Board.

In addition, ~~where evidence is~~ shall be submitted that no alternative location is available on the property, ~~provided~~ and that all of the following conditions are found to exist:

- (a) The proposed construction is essential to the productive use of land not within the CO District.
- (b) Design and construction methods will be such as to minimize impact upon the wetlands and will include restoration of the site consistent with the permitted use.
- (c) There is no feasible alternative route on land controlled by the applicant that does not cross the CO District nor has less detrimental impact on the wetlands. Nothing in this section shall limit the applicant from exploring alternatives with abutting property owners.
- (d) Economic advantage is not the sole reason for the proposed location of the construction.
- (e) If clearing is required within the Conservation Overlay District to reduce shade and improve the function of a Solar Collection System, a vegetative management plan shall be submitted with a Conditional Use Permit.

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



**RESOLUTION APPROVING COST ITEMS ASSOCIATED WITH  
PROPOSED  
CITY OF ROCHESTER  
MULTI-YEAR COLLECTIVE BARGAINING  
AGREEMENT WITH  
ROCHESTER MIDDLE MANAGEMENT  
GROUP**

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

That pursuant to, and in accordance with, the provisions of Chapter 273-A of the New Hampshire Revised Statutes Annotated, the cost items associated with the multi-year year collective bargaining agreement between the City of Rochester and the ROCHESTER MIDDLE MANAGEMENT (RMID) Bargaining Unit, covering the period July 1, 2023 to June 30, 2026, as set forth in the proposed contract, and as more particularly detailed on the attached "**EXHIBIT A: RMID – JULY 2023**," which includes a summary financial analysis of the annual costs of the contract to the City provided by the Rochester Director of Finance, is hereby approved. The provision of funds necessary to fund the aforementioned, and hereby approved, collective bargaining agreement "cost items" in the first year of the agreement will be contained in the Fiscal Year 2024 operating budget of the City.



## EXHIBIT A: RMID – JULY 2023

04/27/2023

## Rochester Middle Management Group

City Health Contribution	80/20	80/20	80/20	80/20
	ABSOS 20/40	ABSOS 20/40	ABSOS 20/40	ABSOS 20/40
	RX 10/20/45	RX 10/20/45	RX 10/20/45	RX 10/20/45
Health Plan	DED \$1000/\$3000	DED \$1000/\$3000	DED \$1000/\$3000	DED \$1000/\$3000
Projected Health Increase		7.60%	6.00%	6.00%
	<b>Current FY23</b>	<b>FY24</b>	<b>FY25</b>	<b>FY26</b>
<b>Wages</b>				
Base Wage	\$1,707,314.34	\$1,836,179.23	\$1,937,751.81	\$2,041,949.42
Longevity	\$5,650.00	\$6,050.00	\$6,175.00	\$7,150.00
Total Wages	\$1,712,964.34	\$1,842,229.23	\$1,943,926.81	\$2,049,099.42
Dollar Change		\$129,264.89	\$101,697.58	\$105,172.61
<b>% Change</b>		<b>7.55%</b>	<b>5.52%</b>	<b>5.41%</b>
<b>Benefits</b>				
Medicare	\$24,837.98	\$26,712.32	\$28,186.94	\$29,711.94
Social Security	\$106,203.79	\$114,218.21	\$120,523.46	\$127,044.16
Health Insurance	\$251,750.30	\$270,736.30	\$286,863.47	\$303,958.28
Opt Out	\$7,400.00	\$7,400.00	\$7,400.00	\$7,400.00
Dental	\$5,350.00	\$5,350.00	\$5,350.00	\$5,350.00
Life Insurance	\$3,687.80	\$3,966.15	\$4,185.54	\$4,410.61
STD Disability Insurance	\$9,219.50	\$9,915.37	\$10,463.86	\$11,026.53
LTD Disability Insurance	\$13,317.05	\$14,322.20	\$15,114.46	\$15,927.21
Total Benefits & Rollups	\$421,766.42	\$452,620.55	\$478,087.74	\$504,828.73
Dollar Change		\$30,854.12	\$25,467.20	\$26,740.99
<b>% Change</b>		<b>7.32%</b>	<b>5.63%</b>	<b>5.59%</b>
<b>Totals</b>				
Total Wages, Benefits & Rollups	\$2,134,730.76	\$2,294,849.78	\$2,422,014.56	\$2,553,928.15
Dollar Change		\$160,119.02	\$127,164.78	\$131,913.59
<b>% Change</b>		<b>7.50%</b>	<b>5.54%</b>	<b>5.45%</b>

22 Total Employees - 100% FT



**City Council Special Meeting  
April 18, 2023  
Council Chambers  
7:06 PM**

**COUNCILORS PRESENT**

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

**OTHERS PRESENT**

Blaine Cox, City Manager  
Katie Ambrose, Deputy City Manager  
Kyle Repucci, Rochester Superintendent

**Minutes**

**1. Call to Order**

Mayor Callaghan called the City Council Special Meeting to order at 7:06 PM. Deputy City Clerk Cassie Givara had taken a silent roll call attendance prior to the Public Hearing immediately preceding the Special Meeting. All Councilors were present.

**2. Resolution Authorizing Construction of New Elementary School and Creation of Joint Building Committee in Accordance With RSA 199:3 *first reading and consideration for adoption***

Mayor Callaghan read the resolution for a first time by title only as follows:

**Resolution Authorizing Construction of New Elementary School at 753 Salmon Falls Road and Creation of Joint Building Committee in Accordance With RSA 199:3**

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



**OF ROCHESTER:**

Whereas, the School Department of City of Rochester seeks to construct a new elementary school at 753 Salmon Falls Road approved by the City's School Board in accordance with RSA 199:2; and

Whereas, the New Hampshire Department of Education transmitted to the Rochester Superintendent of Schools on January 10, 2023, an "Intent to Fund" through the Building Aid Program in accordance with RSA 198:15 the above-mentioned elementary school construction project based upon a Total Project Cost of \$33,618,000; and

Now, therefore, the Mayor and City Council authorize the Rochester School Department to proceed with the above referenced project and authorizes the purchase of 753 Salmon Falls Road for said project; and

Further, in accordance with RSA 199:3, the Mayor, along with the Chairperson of the School Board, authorizes the establishment of a Joint Building Committee in regards to the proposed new elementary school.

**This Resolution takes effect upon passage.**

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor de Geofroy seconded the motion.

Councilor Hamann acknowledged the need for a new school, but asked if there had been any consideration into tearing down the Nancy Loud School and building a new school on the property. Kyle Repucci, Rochester Superintendent, stated that the School Department had looked into the possibility; however, the Nancy Loud school's property footprint is not large enough to accommodate the current needs.

Councilor Fontneau expressed concerns that he had received from numerous constituents regarding the proposed location of this new school on Salmon Falls Road. He said there had been concerns regarding increased traffic on an already busy road, and the property's proximity to a sharp curve in the road as well as the proximity to the entrance of Tara Estates. Councilor Fontneau pointed out that there is not a large amount of road frontage in front of the proposed property; He asked if there would be a need for a turn lane to prevent backups or a need for sidewalk installation to connect to neighboring subdivisions. Councilor Fontneau inquired if the Planning Board would be reviewing this process, if it would go through the same process as any other large development in the City, and if there would be a traffic study done in the area. Superintendent Repucci clarified that most of these technical details are



out of the purview of his office and these questions would be better investigated by the Joint Building Committee (JBC). He stated that the proposed location is a 40-acre lot, making it plausible to move a large amount of traffic onto the property and out of the busy main travel way. However, he said that the traffic design would be shared with the Chief of Police for input from a public safety standpoint. City Manager Blaine Cox recommended that the JBC take advantage of the City's TRG (Technical Review Group) and submit the project for a courtesy review through the Planning Board.

Councilor Beaudoin inquired about the results of any environmental reviews done at the site. Superintendent Repucci reported that all the contingencies had been met. They had discovered that there was 12 ½ acres of dry land at the front of the property. He stated that he would share the engineering report with Council.

Councilor Fontneau reiterated that he felt there should be a traffic review done in the area. He acknowledged the work the JBC will complete, however he felt there should be consultation with subject matter experts to determine the needs for this specific location.

Councilor Desrochers asked Superintendent Repucci to explain why a new school is needed. Superintendent Repucci said that there has been discussion for decades regarding closing the modular units in use at several of the schools. These modulars are not an equitable environment for learning in comparison to the classrooms inside the schools; and there has been money spent consistently to combat mold and leaking roofs in these modular units. Alternately, there are several schools in Rochester that are 100+ years old and requiring increased maintenance, much of which has been deferred due to the discussions of this potential new school. Councilor Malone added that the modular units are outside the locked schools and their security is not as strong as classrooms inside the schools.

Mayor Callaghan asked if the School Board was looking into future plans for further consolidation of additional aging area schools, beyond the two schools which had been discussed. He referenced reports that show a decrease in school population. Superintendent Repucci acknowledged that the 5-year Strategic Committee was looking into the potential of future consolidation of some other aging schools and potential locations for additional new construction.

Councilor Desrochers asked how the new school was being funded. Superintendent Repucci responded that Rochester is number one on the State's building aid list. The project is proposed at \$33 million, of which



60% will be covered up front through State aid as soon as the project begins. There will be continued review to determine how to best cover the remainder of the cost while minimizing the effect to the tax rate.

Councilor Beaudoin gave reasons why he would oppose this resolution due to issues previously stated, such as location, traffic, and land buildability. Councilor Fontneau clarified that he was not opposed to a new school and understood the need, however he questioned how far from the road frontage the school would be constructed as well as the design of the property entrance. Superintendent Repucci responded that design questions would be better suited for the JBC. That Committee has not begun to meet, and thus discussions have not gone that far, because the land purchase has not yet been approved.

Mayor Callaghan called for a vote on the motion. The **MOTION CARRIED** by a 10 – 3 roll call vote with Councilors Hainey, Malone, Fontneau, Laroche, de Geofroy, Desrochers, Berlin, Hamann, Lachapelle, and Mayor Callaghan voting in favor and Councilors Gray, Gilman, and Beaudoin voting in opposition.

### **3. Adjournment**

Mayor Callaghan **ADJOURNED** the City Council Special Meeting at 7:23 PM.

Respectfully Submitted,

Cassie Givara  
Deputy City Clerk





*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**  
**April 2023**

Contracts and documents executed since last month:

- **Department of Public Works**
  - Sewer System Master Plan Engineering Agreement – Weston & Sampson **P. 51**
  - Tara Estates Meter Reading Agreement **P. 52**
  - Change Order #2, Rt 11 Pump Station – NE Earth Mechanics **P. 53**
  - Change Order #3, Rt 11 Pump Station – NE Earth Mechanics **P. 54**
  - Change Order #4, Rt 11 Pump Station – NE Earth Mechanics **P. 55**
  - Wallace St Ground Water Site NHDES Permit **P. 56**
  - Uniform Rental and Service Agreement – Cintas **P. 57**
  - Task Order, Evaluation of City-owned bridges – Hoyle Tanner **P. 58**
- **Economic Development**
  - FY22-FY23 CAP Weatherization – April 20 **P. 59**
- **IT**
  - Telephone & Network Technology – City Hall Security Cameras **P. 60**
  - Printer Purchase, April 7 **P. 61**
  - Printer Purchase, April 21 **P. 62**
- **Recreation & Arena**
  - Rides Contract – Cushing Entertainment **P. 63**

The following standard report has been enclosed:

- Personnel Action Report Summary **P. 64**



---

*Intentionally  
left blank...*

---

City Clerk's Office

---

---





# City of Rochester, New Hampshire

PUBLIC WORKS DEPARTMENT

209 Chestnut Hill Road • Rochester, NH 03867

(603) 332-4096

[www.rochesternh.gov](http://www.rochesternh.gov)

---

## INTEROFFICE MEMORANDUM

---

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

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

**DATE:** March 28, 2023

**SUBJECT:** **Sewer System Master Plan**  
**Year 3 Engineering Agreement \$194,729.00**

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

---

Attached is Task Order No. 2023-01 for Engineering Services for Year 3 efforts of a Sewer System Master Plan (SSMP) for the City's wastewater collection system. This contract is between the City and Weston & Sampson Engineers, Inc. for engineering services. Weston & Sampson has been selected through the qualifications-based solicitation for on-call engineering services RFQ 21-19. This contract is in the amount of \$194,729.00. Year 3 SSMP efforts will be supplemented with a separate CWSRF funded contract, however this contract is not NHDES CWSRF funded work and is not reimbursable by NHDES. Funds are available for this contract in the following account line:

- Sewer Fund CIP account line: 55026020-776001-23548

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

Signature\_\_\_\_\_

Katie Ambrose

Deputy City Manager/ Director of Finance & Administration

Attachment: Task Order No. 2023-01 – SSMP Year 3 with W&S





*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)



---

## INTEROFFICE MEMORANDUM

---

**TO:** BLAINE COX, CITY MANAGER

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

**DATE:** April 5, 2023

**SUBJECT:** Tara Estates Meter Reading Agreement

**CC:** Peter C. Nourse, PE, Director of City Services  
Terence O'Rourke, City Attorney

---

Attached please find (2) copies of the Tara Estates Meter reading agreement. In 2008 the City of Rochester entered into an agreement with Tara Estates for the City of Rochester Water Department to read and bill the individual meters within the park for water and sewer use per RSA 205-A:6. This document records and memorializes that agreement going forward. The City Attorney has reviewed and approved the attached for signature.

If you have any question, please call, if not please sign & return document to me at the DPW for Distribution





*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)

04/27/2023



---

## INTEROFFICE MEMORANDUM

---

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

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

**DATE:** April 11, 2023

**SUBJECT:** Northeast Earth Mechanics (NEEM)  
RT11 - Change Order #2  
Amount \$2,846.25

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

---

Attached please find one copy of the NEEM Construction Company contract change Order #2 in the amount of \$2,486.25. NEEM was awarded the construction contract for the Rt 11 Pump Station Upgrade project in the amount of \$1,140,400.00 per City of Rochester Bid# 21-47. Change Order #1 extended the bid contract completion date, and this change is for additional tree clearing necessary for the project.

The Funding for this scope of service is available in the budgeted CIP project account for Rt11 PS Upgrade as follows:

55026020-772000-22563 = \$2,846.25

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

---

Katie Ambrose Deputy City Manager / Director of Finance and Administration





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

04/27/2023



---

## INTEROFFICE MEMORANDUM

---

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

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

**DATE:** April 12, 2023

**SUBJECT:** Northeast Earth Mechanics (NEEM)  
RT11 - Change Order #3  
Amount \$10,128.46

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

---

Attached please find one copy of the NEEM Construction Company contract change Order #3 in the amount of \$10,128.46. NEEM was awarded the construction contract for the Rt 11 Pump Station Upgrade project in the amount of \$1,140,400.00 per City of Rochester Bid# 21-47. Change Order #1 extended the bid contract completion date, change #2 in the amount of \$2,846.25 increased the contracted amount to \$1,143,246.2. This change order is for demolition of the influent trough. This work is outside the scope of the original contract and is necessary for the installation of the submersible pumps.

The Funding for this scope of service is available in the budgeted CIP project account for Rt.11 PS Upgrades as follows:

55026020-772000-22563 = \$10,128.46

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

---

Katie Ambrose Deputy City Manager / Director of Finance and Administration





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

04/27/2023



---

## INTEROFFICE MEMORANDUM

---

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

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

**DATE:** April 25, 2023

**SUBJECT:** Northeast Earth Mechanics (NEEM)  
RT11 - Change Order #4  
Amount \$0.00 – Time Extension-Substantial Completion Date

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

---

Attached please find one copy of the NEEM Construction Company contract change Order #4. There are no costs associated. This change is to extend the substantial completion date from September 22, 2023, to October 6, 2023. This second time extension is due to the delay in the delivery of the Kohler Generator.

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

---

Katie Ambrose Deputy City Manager / Director of Finance and Administration





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

04/27/2023



---

## INTEROFFICE MEMORANDUM

---

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

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

**DATE:** April 12, 2023

**SUBJECT:** Wallace Street – Ground Water Site NHDES Permit 200309133 Proj16625  
Nobis Engineering Annual Permit Management, Sampling & Reporting  
\$13,054.62

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

---

Attached please find one copy of the annual scope for professional service for Nobis Group. Nobis has been the consultant of record since the issuance of this Groundwater Monitoring Permit for the Wallace Street (Advanced Recycling Property) site and the Brown Field grants associated with the Site. Nobis has all the required history and documentation for the permit requirements and will complete all required sampling, testing, monitoring, and reporting to the State of NH DES.

The funding for this work is available in the Economic Development Account for the Wallace Street site as follows:  
15011010-771000-09501 = \$13,054.62

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

---

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





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

04/27/2023



---

## INTEROFFICE MEMORANDUM

---

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

**FROM:** LAURA MCDORMAND, DPW ADMIN & UTILITY BILLING SUPERVISOR

**DATE:** April 11, 2023

**SUBJECT:** City of Rochester DPW - Uniform Rental & Cleaning Service–  
Bid #23-33.

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

---

Attached please find (1) one copy of the Cintas Rental & Service Agreement for the DPW Uniform Service. The DPW went out to bid and Cintas was the only bidder. Cintas has been our vendor for this service for the previous 10 years and we are pleased with their service and the new pricing is lower on some items and the increase on the other items is slight. The DPW has budgeted appropriately in the (5) budgets that this contract affects.

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

---

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





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

04/27/2023



---

## INTEROFFICE MEMORANDUM

---

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

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

**DATE:** April 19, 2023

**SUBJECT:** Hoyle Tanner and Associates  
City owned Bridge- Evaluation Task Order #6  
\$22,100.00

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

---

Attached please find (1) one copy of the Hoyle Tanner Associates Task Order #6. This task order is for evaluation of City owned bridges. This evaluation is to be completed now in advance of the anticipated SB401 funding and will assist City Staff with the prioritization of bridge repair work to be implemented.

Hoyle Tanner & Associates were selected for City of Rochester Capital Improvement Projects per RFQ 21-19.

The funding is available in the General Fund Budget accounts as follows:

13010057-533002 Engineering Services \$22,000.00  
11090050-543000 Repair & Maintenance Service \$100.00

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

---

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





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

## INTEROFFICE MEMORANDUM

---

**TO: Blaine Cox, City Manager**

**FROM:** Kiersten Wright, Community Development Coordinator/Grants Manager

**DATE:** April 20, 2023

**SUBJECT: FY 22- 23 CAP Weatherization Assistance Program- April 20**

**CC: Cassie Givara, Deputy City Clerk**

---

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

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

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





## *City of Rochester, New Hampshire*

INFORMATION TECHNOLOGY SERVICES

31 Wakefield St • Rochester, NH 03867

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

---

### INTEROFFICE MEMORANDUM

---

**TO:** Blaine City Manager  
Katie Ambrose, Finance Director

**FROM:** Sonja Gonzalez, Chief Information Officer

**DATE:** March 31, 2023

**SUBJECT:** Telephone & Network Technology – City Hall Security Cameras -  
\$13,565.00

**CC:**

---

Requesting signature for quote for security cameras with installation for City Hall.

Sufficient funding has been allocated from General Fund Contingency.

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

Signature \_\_\_\_\_  
Katie Ambrose, Finance Director





## *City of Rochester, New Hampshire*

INFORMATION TECHNOLOGY SERVICES

31 Wakefield St • Rochester, NH 03867

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

---

### INTEROFFICE MEMORANDUM

---

**TO:** Blaine City Manager  
Katie Ambrose, Finance Director

**FROM:** Sonja Gonzalez, Chief Information Officer

**DATE:** April 7, 2023

**SUBJECT:** Printer - \$606.00

**CC:**

---

Requesting signatures on attached document for printer purchase.

Sufficient funding is available in IT CIP account 15011020-773800-23503 IT Annual Hardware replacement.

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

Signature \_\_\_\_\_  
Katie Ambrose, Finance Director





## *City of Rochester, New Hampshire*

INFORMATION TECHNOLOGY SERVICES

31 Wakefield St • Rochester, NH 03867

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

---

### INTEROFFICE MEMORANDUM

---

**TO:** Blaine City Manager  
Katie Ambrose, Finance Director

**FROM:** Sonja Gonzalez, Chief Information Officer

**DATE:** April 21, 2023

**SUBJECT:** Printer - \$606.00

**CC:**

---

Requesting signatures on attached documents for printer purchase.

Sufficient funding is available in IT CIP account 15011020-773800-23503 IT Annual Hardware replacement.

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

Signature \_\_\_\_\_  
Katie Ambrose, Finance Director





04/27/2023

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

**From:** Lauren Krans, Director of Recreation & Arena

**Date:** April 4, 2023

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

**RE:** Rides Contract – Cushing Entertainment  
Amount \$18,000

---

Please find the attached contract between the City of Rochester and Cushing Entertainment for 'kiddie' carnival rides at the 2023 Lilac Family Fun Festival.

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

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

---

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



[illegible]





## *City of Rochester, New Hampshire*

OFFICE OF THE MAYOR

31 Wakefield Street • Rochester, NH 03867

(603) 332-1167

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

04/27/2023



## **PUBLIC WORKS WEEK PROCLAMATION**

**WHEREAS**, Public Works infrastructure, facilities and services are of vital importance to the health, safety and well being of the people of this community; and

**WHEREAS**, the support of an understanding and informed citizenry is vital to the efficient operation of the many city systems and programs such as streets, public buildings, solid waste, recycling, parks, landscaping, public water system, public sewer system, and the general maintenance and operations of those; and

**WHEREAS**, the health, safety, economic vitality and comfort of this community greatly depends on these facilities and services; and

**WHEREAS**, the quality and effectiveness of these services, as well as their planning, design, and construction of public facilities and utilities, is vitally dependent upon the efforts and skills of public works personnel; and

**WHEREAS**, the efficiency of the qualified and dedicated personnel who staff the Public Works Department is materially influenced by the public's attitude and understanding of the importance of the work they perform,

**NOW, THEREFORE**, I, Paul Callaghan, Mayor, on behalf of the City Council and City of Rochester, do hereby proclaim the week of May 21-27, 2023 as "National Public Works Week" in the City of Rochester, and I call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing quality Public Works services and to recognize the contributions which Public Works representatives make every day to our health, safety, comfort, and quality of life, not only this week but throughout the year.

**IN WITNESS WHEREOF**, I have set my hand and caused to be affixed the Seal of the City of Rochester this the 4th Day of May in the year of our Lord, Two Thousand and Twenty-Three

Paul Callaghan  
Mayor



---

*Intentionally  
left blank...*

---

City Clerk's Office

---

---





## *City of Rochester, New Hampshire*

OFFICE OF THE MAYOR

31 Wakefield Street • Rochester, NH 03867

(603) 332-1167

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

04/27/2023



## **Proclamation**

54TH ANNUAL PROFESSIONAL MUNICIPAL CLERKS WEEK

April 30 - May 6, 2023

- Whereas,** The Office of the Municipal Clerk is a time honored and vital part of local government that exists throughout the world, and the Office of the Municipal Clerk is the oldest among public servants, and
- Whereas,** The Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and
- Whereas,** Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.
- Whereas,** The Municipal Clerk serves as the information center on functions of local government and community; and
- Whereas,** Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations.
- Whereas,** It is appropriate that we recognize the accomplishments of the Office of the Municipal Clerk and thank them for the vital services they perform, as well as their exemplary dedication to the communities they represent;

**Now, Therefore, I,** Paul Callaghan, Mayor of Rochester, do recognize the week of April 30 through May 6, 2023, as Municipal Clerks Week, and further extend appreciation to our City Clerk, Kelly Walters and her staff, and to all Municipal Clerks, and call this to the attention of all citizens

**IN WITNESS WHEREOF** I have hereunto set my hand and have caused the great seal of the City of Rochester to be affixed this 2nd day of May, in the year of our Lord, Two Thousand Twenty Three

Paul Callaghan  
Mayor



---

*Intentionally  
left blank...*

---

City Clerk's Office

---

---



# BLAINE COX

40 Stepping Stones Road, Lee NH 03861

---

April 18, 2023

Mayor Paul Callaghan & The Rochester City Council  
31 Wakefield Street  
Rochester, NH 03867

Subject: Intent to Retire

Mayor Callaghan & City Council –

It is with mixed emotions that I inform you of my intent to retire from my position as City Manager for the City of Rochester. July 6, 2023, will be my last day.

My service to the City of Rochester has been the highlight of my professional career. If I have been successful in my time here, it is because I have been surrounded by the most talented and hard-working coworkers and colleagues I have ever worked with. In addition, the Rochester community is the most generous and supportive community I have ever worked in. Rochester is truly a special place. As a result, I have many fond memories and proud accomplishments. However, it is time to let the city benefit from new leadership, new ideas and a fresh perspective.

On a personal level, there comes a point in every person's career and life when it is time to move on to the next chapter. I am ready for some new professional challenges. I am also ready to spend fewer evenings away from my wife, spend more free time with my grandchildren and focus on resurrecting my farm.

Thank you for the privilege of serving the Rochester community.

Sincerely,

A handwritten signature in blue ink that reads "Blaine M. Cox". The signature is written in a cursive, flowing style.

Blaine M. Cox



---

*Intentionally  
left blank...*

---

City Clerk's Office

---

---





04/27/2023

## City of Rochester Formal Council Meeting

### AGENDA BILL

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

AGENDA SUBJECT Rochester School Department FY24 Budget Presentation
--

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

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

AGENDA DATE	May 2, 2023		
DEPT. HEAD SIGNATURE			
DATE SUBMITTED	4/25/2023		
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	Signature on file
CITY MANAGER	

#### FINANCE & BUDGET INFORMATION

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

#### LEGAL AUTHORITY

City Charter



**SUMMARY STATEMENT**

The School Department will present an overview of the School Board approved FY24 School O&M and CIP budgets.

**RECOMMENDED ACTION**

None



**Codes and Ordinances Committee**

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



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

**Minutes**

**1. Call to Order**

Chair Lachapelle called the meeting to order at 6:00 PM. Deputy City Clerk Cassie Givara took a silent attendance. All Councilors were present except for Councilor Desrochers, who was excused.

**2. Public Input**

There was no public input.

**3. Acceptance of the Minutes**

**3.1 March 2, 2023 *motion to approve***

Councilor Beaudoin **MOVED** to approve the minutes of the March 2, 2023 Codes and Ordinances Committee meeting. Councilor Gilman seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**4. Discussion: Potential ordinance regarding “raised speed tables”**

Chair Lachapelle said he had discussed this agenda item with the Chair of the Public Safety Committee, and it was decided that it would be added to the next agenda for the Public Safety meeting on April 20 to receive input from the Department of Public Works staff. The item will then come back to the Codes and Ordinances Committee.

**5. Discussion: Installation of Noise Ordinance signs at Entrances to City**



Chair Lachapelle explained that this item had been raised by a Councilor at a previous City Council meeting. Chair Lachapelle stated that he felt having signs citing the City's noise ordinance at the entryways into the city was not feasible due to the large number of roadways coming into the City, some of which are State roads.

Councilor Beaudoin said he was opposed to the proposal of noise ordinance signs. He pointed out that there are many State laws and local ordinances pertaining to the operation of motor vehicles and it did not make sense to target one specific type of violation. Additionally, such signs are often ignored or overlooked. Councilor Beaudoin clarified that this is not an issue unique to Rochester, and the addition of signs would do little to help.

Councilor Fontneau agreed that such signage would not be beneficial; the Rochester Police Department will address motor vehicle ordinance violations as they encounter them. It is not plausible to post signs for each potential type of motor vehicle violation that could occur in the City.

No action was taken on the item.

## **6. Amendment to Rules of Order Section 1.6 "Order of Business" #11 "Old Business"**

Chair Lachapelle said that he had initiated an amendment to the Order of Business on meetings agendas; however, there had also been suggested edits received from a constituent.

The constituent had suggested changes to section 4.21 "Inaugural Meeting, Order Exercises." The first suggestion is to change the first sentence as follows:

**The order of exercises at the *Inaugural* meeting held on the first Tuesday after January 1, or Wednesday, January 2, following the regular municipal election shall be as follows:**

Chair Lachapelle stated that he felt this addition was redundant, as the title of the section already specifies that this is pertaining to the Inaugural meeting. Councilor Beaudoin agreed that this suggested amendment was unnecessary given that the word "Inaugural" was already in the title.

The other suggested amendment was to change the order of the following items:

- 4. Roll Call of Councilors-Elect**
- 5. Mayor takes Oath of Office**

The constituent had indicated that these items should be reversed in order to follow the same process as the school board and police commission roll calls and oaths on the remainder of the agenda. Chair Lachapelle stated that when the roll call of Councilors is taken at the Inauguration, the last person called is the Mayor. He suggested the following edit for clarification: **"4. Roll Call of Councilors-Elect *and Mayor-Elect.*"** It was stated that this process is the same as roll calls taken at Council meetings; with the Councilors called first and the Mayor last. Chair



Lachapelle **MOVED** to recommend to full Council the amendment to the Rules of Order section 4.21, changing #4 to “Roll Call of Councilors-Elect and Mayor-Elect.” Councilor Beaudoin seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Chair Lachapelle **MOVED** to recommend to full Council an amendment to the Rules of Order section 1.6 “Order of Business,” changing #11. Old Business to “Unfinished Business.” Councilor Beaudoin agreed that this change would bring the terminology in line with what is laid out in Robert’s Rules of Order. Councilor Beaudoin seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

## 7. Other

Councilor Beaudoin requested an addition to the next Codes and Ordinances meeting agenda to discuss once again adding “Other” as an agenda item at full Council meetings. He referenced an instance at the prior Council meeting where a Councilor had requested an action item be added to the agenda, requiring a 2/3 vote for this suspension of the rules; the 2/3 vote was not received and the Councilor did not have the opportunity to discuss the item. Chair Lachapelle agreed to add the discussion to the next Codes and Ordinances agenda; however, he clarified that the reason the Councilor in question had been denied at the Council meeting was due to the lack of information provided on the topic he wanted to discuss. Chair Lachapelle agreed to add this item to the May 4, 2023 agenda for discussion.

Councilor Beaudoin said he had received a constituent complaint the prior week. The constituent reported that he had attempted to register his vehicle under an LLC and was told that he would need to file a project narrative with the Planning Department in order to do so. The constituent had questioned the statutory authority under which this directive was given. Councilor Beaudoin said that he was given State statutes as well as administrative rules via the City Manager to support what the constituent had been advised; however, Councilor Beaudoin stated he did not agree that these statutes supported such requirements. Councilor Beaudoin indicated that he had reached out to the State DMV to determine if the City has the authority to deny a constituent in this manner. He speculated that, since the City is an agent of the State, they do not have the ability to impose regulations above and beyond what the State requires. He asked if this was a Council-approved policy and asked who had initially issued the directive.

Attorney O’Rourke explained that there have multiple instances of people attempting to register vehicles at addresses where they claim to own a business. He said that there is no follow-up when a business is filed with the Secretary of State’s office to verify if such a business actually exists at the stated address. There have been countless instances where residents of states outside NH have been allowed to register vehicles within the State, to such an extent that there was a class action lawsuit filed against the State of New Hampshire due to lost revenues suffered from other States. There was then a dedicated unit of the State Police formed specifically to investigate registration and title fraud. Attorney O’Rourke clarified that there is no requirement for a resident to file a project narrative, as referenced by Councilor Beaudoin. However, the tax collector does need to determine if there is actually a business at the address where the resident is claiming. In this instance referenced, the tax collector was not able to verify that there was a business at the address where the constituent was trying to register the vehicle. He acknowledged that paperwork may have been filed with the State indicating that there is an LLC at a particular address, however



it does not mean there is a business there. Attorney O'Rourke suggested that if the resident in question wanted to pursue the matter, the City would turn the issue over to the State Police for further investigation.

Councilor Beaudoin agreed that the issue should be handled by the State Police, but stated that the resident should not be denied the right to register his vehicle while such an investigation occurs. Attorney O'Rourke read an excerpt from the State RSA related to auto registration by a business. He reiterated that the Tax Collector was unable to verify that a business existed at the address the resident claimed, and was doing her due diligence to determine the validity of these claims prior to registration.

Councilor Fontneau inquired if a business has to be registered with the City, even if it is a small home-based business, and if that is the only way to prove that a business exists at a given address. Attorney O'Rourke answered that in order to have such a business, the owner would have to file and be approved for a home occupation. The tax collector would then be able to verify this home occupation exists prior to registering a vehicle in the business name. Councilor Beaudoin surmised that the resident would need to just file the project narrative stating that the business exists. Attorney O'Rourke responded that the business would need to be approved, and the filing of the paperwork alone is not adequate. Councilor Beaudoin speculated that these requirements would add significant time to the startup of a new business. Councilor Fontneau clarified that the project narrative is simply the application through the Planning Department for the first tier of a home occupation, detailing what the occupation will entail.

There was further discussion on what constitutes a home occupation/home business, whether or not these should be filed and approved with the City of Rochester, and what zones would allow certain aspects of a home business, such as a lettered vehicle. Attorney O'Rourke reiterated that if the resident did want to pursue the issue further, the City would hand the matter over to the State police.

Councilor Beaudoin reiterated his questions regarding the authority under which the City was asking for these requirements. Attorney O'Rourke stated that the Councilor would need to make that request through the City Manager.

## 8. Adjournment

Chair Lachapelle announced that the next Codes and Ordinances Committee would take place on May 4, 2023.

Chair Lachapelle **ADJOURNED** the Codes and Ordinances Committee meeting at 6:24 PM.

Respectfully Submitted,

Cassie Givara,  
Deputy City Clerk





# Rochester City Council

## Community Development Committee

### MEETING MINUTES

**Laura Hainey, Chair**  
**Harlan "Skip" Gilman**  
**Tim Fontneau**  
**Amy Malone**  
**John LaRochelle**

<b>Meeting Date:</b>	Monday, April 17, 2023	
<b>Members Present:</b>	Laura Hainey Harlan "Skip" Gilman Amy Malone John LaRochelle Tim Fontneau	<b>Members Absent:</b>
<b>Staff Members Present</b>	<b>Kiersten Wright</b> , Community Development Coordinator, <b>Shanna Saunders</b> , Planning Director for the City of Rochester, <b>Ryan O'Connor</b> , Senior Planner. Orton Foundation Member: Judith Hull and Sarah Lightener	

Councilor Hainey called the meeting to order at 5:30pm.

All members of the Committee were present.

<b>PUBLIC INPUT</b>	There was no public input.
<b>Approval of Minutes- March 20,2023</b>	Councilor Malone moved to approve minutes from the March meeting. Councilor LaRochelle seconded the motion. All in favor, motion passed.
<b>Orton Foundation- Community Heart and Soul</b>	<p>Councilor Hainey opened the floor to have everyone introduce themselves and allowed Ms. Saunders the chance to introduce the Orton Foundation Members to discuss the opportunity to work with the city council members.</p> <p>Ms. Hull provided a detailed presentation to discuss the Orton Foundation's program, Community Heart and Soul. She explained that there are 3 principles of Heart and Soul: What Matters Most? Involve Everyone and to Play the Long Game. The Community Heart and Soul Coach's goal is not to come in with an agenda or as consultants but to help facilitate communication and work out what matters most to those within the city or town. They then use that as a jumping off point to help support long term planning.</p>



Once they find out what the residents like about their community, they work on building on those positives to help develop that “long game”. The work of the coach is to bring not just the residents together but to have them work with the city leaders to help support the shared values within each city. The citizen’s participation is just as important as the city leaders involved.

There are 4 phases to this program:

1. Imagine- build awareness, interest and commitment in all segments of the community.
2. Connect- Stories gathered from residents that identify what matters most and reflect what they love about their city.
3. Plan- residents develop action plans for the future.
4. Act- plans are officially adopted by the city and residents.

Ms. Hull gave a lot of examples of how the groups worked together in different cities throughout the county, including Biddeford Maine which is an hour outside of Rochester. Their community got together and decided to purchase the old incinerator that was within the city and tear it down. The citizens believed rewards far outweighed the risk of tearing down the plant. The town currently has \$90 million in approved projects in the pipeline including a \$50 million boutique hotel and \$15 million in affordable housing.

Ms. Saunders gave a brief overview of her experience with the group during her time in Laconia and how it benefited the city, bringing different areas of the community together to make changes that benefited everyone.

Councilor LaRoche inquired about how they deal with individuals that are being disruptive at meetings. He gave an example of a Ward 3 meeting that was taken over by someone who wasn’t even a part of the ward. Ms. Hull explained that they would want to try prevent that beforehand and they hope to cut those people off before they get to far. Their goals are to be proactive rather than reactive.

Councilor Fontneau asked how they entice more people to joining the program. He mentioned that he finds the same people at these meetings and events. Ms. Hull explained that the first part before they start is to analyze and then connect to the different groups of people since they want to include everyone. She mentioned that the storytelling aspect helps people gain confidence to get up and talk about their story and is less intimidating than a City Council meeting.

Councilor Hainey asked about the funding for the program and how it works. Ms. Hull explained that there are matching grants to help launch the process but that there are costs to this. It could be grants, city funding or outside sources to help pay for the program. It was explained that there are “buckets” with one being for engagement (fun things to get people involved), another bucket is for the Project Coordinator which can be a volunteer, or someone who works for the city. An example was given of a town in Virginia that has a town planner and the director of a non-profit who share the role. The third bucket would be costs for the



	<p>coach which would be Ms. Hull. The coach would be there to help the process move along. Ms. Saunders asked for how much this would typically cost. Ms. Hull stated that she charges about \$5,000 per phase, with 4 phases, that would be about \$20,000. This amount is not set by the Orton Foundation and is set by the Coaches. There is a \$10,000 cash match from the Orton Foundation. Some communities have made the position imbedded so the salary can be used as the match.</p> <p>Councilor Fontneau inquired if different groups within the city, like Main Street, could work along side this group. Biddeford has worked with a lot of local groups during their time with Community Hear and Soul, and found it benefited the town to work together.</p> <p>Ms. Saunders stated that she is looking to get a vote from the Community Development Committee and the Planning Committee to present to the council. Ms. Saunders, Mr. O'Connor and the members from Community Heart and Soul provided contact information for any further questions and left to attend the Planning Committee meeting.</p> <p>Discussion about the program commenced with the Committee in agreement that the program sounds like it would benefit a community like Rochester but that they would like to see more information about the funding and how much it would work out to be. Councilor LaRochelle stated that it might be a good idea to bring the City Manager in to discuss the funding aspect, as well as maybe bring to Rotary to present the project to them. Councilor Malone stated she would reach out to the City Manager to discuss the funding and if they could bring this to Rotary and the Chamber of Commerce.</p> <p>The Committee stated they would like to meet with Ms. Saunders with the drafted amounts available before making any decisions. Ms. Wright stated she would reach out to Ms. Saunders and let her know of the committee's requests.</p>
<p><b>FY 24 Draft CDBG Annual Action Plan- First Review</b></p>	<p>Ms. Wright explained the timeline for CDBG Annual Action Plan- May Meetings, Public Hearing and June Meeting. The Timeline was updated after last meeting while Ms. Wright was reviewing the requirements for the Annual Action Plan. She has also since received an approval for a 30 day extension from HUD, making the Annual Action Plan due in June instead of May.</p> <p>First reading will be on May 2, 2023, at the City Council meeting. Second Public Comment will be on May 16, 2023, before the City Council Workshop, along with a 15 day public comment period. The second reading and adoption of the action plan will be at the June City Council meeting.</p> <p>Councilor Hainey inquired about the funding for My Friend's Place and if this was added to the budget. Ms. Wright stated information was provided for Municipal Funding suggestions to the finance department who is working on adding them into the budget. There were concerns brought up that if the funds for My Friend's Place were not accepted in</p>



	<p>the Municipal funds that the CDBG funding would have to be reallocated. Ms. Wright stated she would reach out to Finance to see where the municipal funding suggestions stand.</p>
<b>Other Business</b>	<p>Ms. Wright brought up the grant that Amy Lemelin from the Library is looking to apply for. It would require the city be the fiscal sponsor and is for \$500 and up to 40 books with NO match required. She would like permission to apply with the approval of the committee that if awarded the city will accept the funds and books on the Rochester Public Library's behalf. All were in favor of bringing to council for approval.</p> <p>Ms. Wright informed the Committee of her plans for the FY24 year and requested to write up some terms to be handed out to the FY24 subrecipients for CDBG funds that would include a penalty for delayed reports and invoices, including but not limited to, with holding of funds or the inability to apply for CDBG funding the following year. Ms. Wright informed the committee that there were a few groups that were late several times this year with reporting even after being given several weeks' notice of when they were due and reminders leading up to the date. The Committee agreed that this would be a good idea and gave Ms. Wright the approval to proceed in starting the updates. Ms. Wright let them council know she would have something for them to review prior to the FY24 year, along with a list of the important dates for the subrecipients (i.e.. End of the quarter dates, due dates for reporting, open application period, etc.).</p>

Fontneau motioned to adjourn at 7:11pm, Councilor LaRochelle Seconded. Motion carried unanimously. Meeting ended at 7:11pm

**Next Meeting** – Monday, May 15, 2023, at 6:00 p.m., Cocheco Conference Room, City Hall Annex, 33 Wakefield St.

**Topics:** TBD



---

# CDBG Resolution

---

FORTHCOMING

---

---



---

*Intentionally  
left blank...*

---

City Clerk's Office

---

---





04/27/2023

## City of Rochester Formal Council Meeting

### AGENDA BILL

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

AGENDA SUBJECT
----------------

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

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

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

#### COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

#### DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

#### FINANCE & BUDGET INFORMATION

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

#### LEGAL AUTHORITY

--



**SUMMARY STATEMENT**

**RECOMMENDED ACTION**



Organization	Activity Description	CDBG PSA						CDBG Facility/Rehab/ED		Notes
		FY 24 Recs	FY 24 Request	FY 23 approved	FY 22 Approved		FY 24 Recs	FY 24 Requests	FY 23 Approved	FY 22 Approved
CASA of NH	Guardian ad litem services for abused and neglected children	\$ 3,000.00	\$ 5,000.00	\$1,000.00	\$1,000.00		\$0.00	\$0.00	\$0.00	\$0
Waypoint NH	Supportive services for homeless youth	\$ 5,000.00	\$ 10,000.00	\$4,000.00	\$0.00		\$0.00	\$0.00	\$0.00	\$87,962
Strafford Meals on Wheels	Meal delivery for elderly and disabled adults	\$ 4,000.00	\$ 5,000.00	\$3,000.00	\$3,000.00		\$0.00	\$0.00	\$0.00	\$0
SHARE Fund	Rental assistance for LMI residents	\$ 8,936.40	\$ 12,000.00	\$6,882.85	\$4,000.00		\$0.00	\$0.00	\$0.00	\$0
HAVEN	Emergency housing for domestic violence victims	\$ 2,500.00	\$ 5,000.00	\$2,000.00	\$2,500.00		\$0.00	\$0.00	\$0.00	0.00
DALC	HiSET/GED and adult education services for LMI residents	\$ 5,000.00	\$ 5,000.00	\$5,000.00	\$5,000.00		\$0.00	\$0.00	\$0.00	\$0
Cross Roads	Provide emergency shelter and supportive services for families and individuals from Rochester who are experiencing homelessness	\$ 5,000.00	\$ 15,000.00	\$0.00	\$0.00		\$0.00	\$0.00	\$0.00	\$0.00
Guyer Travel	Funding to help with curriculum-based lessons with acient artifacts, movie nights, backpacks full of supplies, gifts and bonuses to deserving teachers and social workers	\$ -	\$ 10,000.00	\$0.00	\$0.00		\$0.00	\$0.00	\$0.00	\$0.00
ACT/Coast	Operate Community Rides, staffing for Regional Coordination Council, operational costs for regional transportation call center	\$ 1,000.00	\$ 6,000.00	\$0.00	\$0.00		\$0.00	\$0.00	\$0.00	\$0.00
Strafford CAP	Weatherization assistance for LMI homeowners		\$ -	\$0.00	\$0.00		\$75,000	\$65,000	\$75,000	\$65,000
Triangle Club	Reconstruction of fire escape and trin/siding on back of building		\$ -	\$0.00	\$0.00		\$31,720	\$31,720	\$0	\$0
East Rochester Library	Water heater and Lighting		\$ -	\$	\$		\$2,500	\$2,500	\$0	\$0
total		\$ 34,436.40	\$ 73,000.00	\$21,882.85	\$15,500.00		\$109,220.00	\$96,720.00	\$75,000.00	152,961.81
available		\$ 34,436.40					\$ 149,224.60			
	Remaining amount	\$ -					\$ 40,004.60			
Administration (20% cap)		\$ 45,915.00								
PSA (15% cap)		\$ 34,436.40								
Public Facilities/Infrastructure		\$ 34,220.00								
Housing Rehab		\$ 75,000.00								
Unallocated FY24 funds		\$ 40,004.60								
Total CDBG Funds =		\$ 229,576.00								



---

*Intentionally  
left blank...*

---

City Clerk's Office

---

---



## Rochester City Council



### Community Development Committee

### MEETING MINUTES

**Laura Hainey, Chair**  
**Harlan “Skip” Gilman**  
**Tim Fontneau**  
**Amy Malone**  
**John LaRochelle**

<b>Meeting Date:</b>	Monday, March 20, 2023	
<b>Members Present:</b>	Laura Hainey Harlan “Skip” Gilman Amy Malone John LaRochelle	<b>Members Absent:</b> Tim Fontneau
<b>Guests/Staff</b>	Kiersten Wright, Community Development Coordinator	

Councilor Hainey called the meeting to motion at 6:04pm

Councilor Fontneau is excused from the meeting as he is out of town.

<b>PUBLIC INPUT</b>	There was no public input.
<b>Approval of Minutes- March 20</b>	<p>Ms. Wright noted she saw a typo in last month’s minutes and had the date from the prior meeting. Councilor LaRochelle pointed out a few grammar mistakes that needed to be corrected. Ms. Wright stated she would update the minutes and update them on the city site one approved by the Committee.</p> <p>Councilor Malone moved to accept minutes as amended, councilor Hainey seconded. Approved unanimously.</p>
<b>FY 24 CDBG Application-Funding Recommendations</b>	<p>Discussion started with Guyer Travel to see how much they were asking for. Councilor Malone stated they are not sure if the activities that Guyer Travel offers are CDBG eligible, Ms. Wright confirmed that a majority of the activities stated in their presentation and that they were asking funding for would not be an eligible use. Guyer Travel provides assistance for many city events and helps the schools build on their curriculum, but they do not provide a service that supports a HUD National Objective required for CDBG use. After much discussion, the committee decided not to fund Guyer Travel this year but would like to see them apply next year with a better breakdown of potential CDBG eligible activities. Ms. Wright stated she would reach out to them before next year’s applications open to assist in researching what they offer and what activities would be CDBG eligible.</p>



The Committee discussed their funding priorities and came to the consensus on the following funding recommendations for the Public Service Agency Funding subcategory:

CASA of NH: \$3,000  
 Waypoint of NH: \$5,000  
 Strafford Nutrition Meals on Wheels: \$4,000  
 SHARE Fund: \$8,936.40  
 HAVEN: \$2,500  
 Dover Adult Learning Center: \$5,000  
 Cross Roads: \$5,000  
 Alliance For Community Transportation (ACT): \$1,000

The Committee also agreed that any Public Service Agency funding amounts received from HUD in excess of \$34,436.40 should be split between Sharefund (34%), Strafford Nutrition Meals on Wheels (33%) and Cross Roads (33%).

**Motion was made by Councilor Malone to approve the above funding recommendations and forward to City Council for approval. Motion was seconded by Councilor Gilman. Motion passed unanimously.**

The Committee proceeded to discuss the Public Facilities/Infrastructure and Housing Rehabilitation Requests. A consensus was made on the following recommendations for Public Facilities/Infrastructure and Housing Rehabilitation funding subcategory:

Community Action Partnership for Strafford County (Strafford CAP)- Weatherization/ Housing Rehabilitation: \$75,000  
 Triangle Club-Reconstruction of Fire Escape and Weatherization of Siding- \$31,720  
 East Rochester Library- Water Heater replacement and Lighting System- \$2,500

**Motion was made by Councilor Malone to approve above funding recommendations and forward to City Council for approval and motion was seconded by Councilor Gilman. The motion passed unanimously.**

After discussion and approvals for applicable projects, there will be a remaining amount under the Public Facilities/Infrastructure and



	<p>Housing Rehab subcategory in the amount of \$42,504.40 for FY24. The councilors inquired to Ms. Wright if they could open applications again to allow for more projects to apply under the Public Facilities/Infrastructure and Housing Rehab subcategory. Ms. Wright informed the committee it was their decision, however since the Annual Action plan is due by mid-May they would possibly require an amendment to make an update on the projects.</p> <p>Motion was made by Councilor Malone to approve a 60 day extension for Public Facilities/Infrastructure and Housing Rehab projects starting April 5th. Councilor Gilman seconded this motion. Motion was approved unanimously. Ms. Wright informed the committee she would work on a press release with Matthew Wyatt to get on Rochester Post and investigate reaching out to other groups that maybe interested in applying</p>
<b>FY 24 Draft CDBG Annual Action Plan- First Review</b>	<p>Ms. Wright informed the Committee that the first public hearing will happen, Tuesday, March 21, 2023 for FY24 Annual Action Plan. This is the first public hearing for the Annual Action Plan to allow the public notice. During this time there will be a public comment period to allow for any questions or concerns to be brought up.</p> <p>Ms. Wright also stated she is working on having the 2nd public hearing for April 18th, with 15-day comment period. HUD only requires a 30-day comment period, but Ms. Wright believes that having additional time will allow for more people to speak up about the Annual Action Plan and allow for more information to the Committee to make informed decisions based on the public input. Ms. Wright informed the committee of her intention to request a 30 day for the Annual Action Plan.</p> <p>The Action Plan for FY24 is due to HUD (U.S. Department of Housing and Urban Development) by May 15, 2023, however with a 30 day extension this will allow for Ms. Wright to gather more information to draft the action plan and allow for additional questions and comments to be made by the public. Committee agreed with Ms. Wright's decision and requested to be notified if they are able to assist her in anyway.</p>
<b>Community Development Program Report</b>	<p>Ms. Wright informed the committee that she will be sending out reminders to all current subrecipients later this week that quarter 3 is ending and reporting will be due by each subrecipient by April 14, 2023.</p> <p>Ms. Wright also informed the committee she met with Steve from the Rec Department to discuss their CDBG Projects. He stated they are looking to start the Teen Area/ Cameras this month but that the Pickleball Court has had some pushback since they were</p>



	originally approved. He is hoping to get that started ASAP but is still waiting for an update on the location. Once the new location has been chosen Ms. Wright will conduct a new Environmental Review to ensure it follows the proper requirements.
<b>Other Business</b>	<p>Ms. Wright was approached by Ms. Saunders about the meeting next in April where she is to bring a member of the Orton Foundation to discuss the Heart and Soul Program. Ms. Saunders stated that she also has her committee meeting the same night at 6:30 and would need to be out of the building before 6:15 in order to make it in time. She is requesting to meet earlier in the evening, at 5:30pm, rather than the normal 6:00pm meeting for the Community Development Committee.</p> <p>Councilors agreed that 5:30pm is acceptable start time. Ms. Wright noted that she would update Ms. Saunders and note the time change on next month's agenda.</p>

Motion was made by Councilor Hailey to adjourn the meeting. Councilor Malone 2<sup>nd</sup>.  
Adjourned at 7:51pm.

**Next Meeting** – Monday, April 17, 2023, at 5:30 p.m., Cocheco Conference Room, City Hall Annex, 33 Wakefield St.

**Topics:** TBD



DRAFT

## Finance Committee

## Meeting Minutes

Meeting Information

Date: April 11, 2023

Time: 6:00 P.M.

Location: 31 Wakefield Street

**Committee members present:** Mayor Callaghan, Deputy Mayor Lachapelle, Councilor Gray, Councilor Hailey, Councilor Hamann, and Councilor Larochelle

**City staff present:** Finance Director Katie Ambrose. Deputy Finance Director Mark Sullivan.

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

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

Deputy City Clerk Cassie Givara took a silent roll call attendance. All Councilors were present except for Councilor Beaudoin, who was absent and Councilor Hamann, who arrived at 6:02 PM.

Councilor Lachapelle led the Committee in the Pledge of Allegiance.

**2. Acceptance of Minutes:** February 14, 2023

Councilor Lachapelle **MOVED** to **ACCEPT** the minutes of the February 14, 2023 Finance Committee meeting. Councilor Larochelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**3. Public Input**

There was no one present for public input.

**4. Unfinished Business:****4.1.1 Community Outreach Facilitator Program Funding (*addendum A*)**

Finance Director Ambrose gave a brief overview of this item. When the proposal was first approved, Council had requested scenarios on how the position could be phased into being funded through the budget as opposed to being funded entirely by ARPA funds (as it was for the first year.) She explained that the Community Outreach Facilitator program and position would be presented in the budget as 100% ARPA



DRAFT

funded; however, Council can take action to change the funding during the budget process.

Deputy Finance Director Sullivan explained that there were three options he had presented, each with the ARPA funding being phased out in varying increments with increased funding through the General Fund over the course of five years (*addendum A*).

Councilor Gray explained that the sense of the prior Council had been that ARPA funds should not be used to fund positions or ongoing expenses; rather these funds should be used for one-time costs. Director Ambrose explained that when the program was first started, it was a pilot program and it had not yet been determined if it was going to be ongoing, so it made sense to use grant funding for the position at that time. Now that data is being collected and the results of the first year have been presented, it would make sense to phase the funding into the budget.

There was discussion on whether or not to make a recommendation on a particular option or to discuss all options as a full Council during the budget process. Councilor Larochelle requested guidance from City staff on which option would make the most sense. Deputy Director Sullivan explained the three options and the metrics of each. Councilor Gray stated that his recommendation would not be any of the proposed options, but rather an option where the General Fund was utilized for the entirety of the funding each year without any contribution of ARPA funding.

Councilor Lachapelle said he felt that option C was the best choice; with ARPA funding being used entirely for the first year and then a gradual reduction of the grant funding with an increase through the City budget. Councilor Lachapelle **MOVED** to recommend option C to full Council. Councilor Larochelle seconded the motion. Councilor Hainey asked if the intention was to move this position out of being a pilot program and into being a permanent position beyond the five years outlined in the funding options. Councilor Lachapelle confirmed this was the intention; to make this a permanent position. The **MOTION CARRIED** by a majority voice vote.

Finance Director Ambrose asked for clarification on how the Committee would like to make this recommendation to Council; whether it is through a memo to Council or a recommendation during the budget process. Mayor Callaghan requested a memo during the budget process detailing the Finance Committee's recommendation for the Community Outreach Facilitator position, and there can be further discussion at that time.

## 5.1 New Business

### 5.1.1 Landfill Closure-Discussion

Finance Director Ambrose gave a presentation on the preparations for the eventual closing of the Turnkey Landfill. She explained that the landfill is permitted through 2034; there could be a few additional operational years beyond 2034 depending on how the landfill physically settles and the additional space this makes available, but it is likely that closure will occur around 2034. This closure will significantly impact revenues, expenses and assessed value.

Councilor Larochelle said that, in the past, Waste Management had proposed potential expansion of the landfill onto surrounding land. He asked if Waste Management currently had any



DRAFT

such expansion proposal. Councilor Lachapelle, Waste Management Employee, explained that any expansions would be very difficult to obtain the permitting for; not only because of available land but due to necessary legislation. He said that the Turnkey location would likely transition into a transfer station.

There was discussion regarding the liners used in the landfill, possible leakage, detection and mitigation systems, and possible groundwater contamination.

Director Ambrose reported that after the closure around 2034, Waste Management would continue to occupy the land and carry out non-landfill operations on the property. However, the landfill closure would trigger the end of the community host fee agreement. This will lead to decreased property tax revenue and assessed value, increased collection and disposal costs, and large decrease in the host fee revenue. Ms. Ambrose said that Waste Management's current assessed value is \$65,203,382; the closure will bring an estimated loss of \$40,000,000 in land value alone. The current property tax revenue associated with the aforementioned assessed value is around \$1.6 million. There would be a loss of between \$5 million - \$6 million in host fee revenue annually. Collection and disposal fees are estimated to at least double to \$1,300,000, but likely more.

Director Ambrose said the City is working on a model to mitigate these increases and minimize the impact on the tax rate and the budget. The first option she discussed was tapping into the City's TIF districts to help offset the property tax revenue and assessed value losses. The other option presented was to set aside a portion of the current host fees to help offset the loss of these fees. Director Ambrose gave financial statistics on the TIF districts, retirement dates, and assessed values.

Director Ambrose reported that the final increase in the host fee escalator schedule would occur in the next year, bringing the cost to \$4.50/ton. She explained that one of the options would be to vote on a Council resolution to set aside this increased revenue to offset the loss of revenue starting in 2034 and beyond. This would allow fund balance to be assigned for the equivalent of this revenue, which will be set aside and accrue interest. In this circumstance, it will be specified in the resolution that this money is to be set aside for savings and not incorporated into the budget. Councilor Lachapelle clarified that after the final increase to \$4.50, there would still be an annual CPI increase.

Mayor Callaghan asked if the money that would be set aside in an account similar to the Capital Reserve accounts discussed during prior budget cycles, for larger purchases such as fire trucks, to accrue higher interest. Deputy Director Sullivan explained how this money would be invested by the Trustees of the Trust fund in a similar manner. He stated that there would also have to be consideration for the increase in cost for collection and disposal once the landfill has closed. Mr. Sullivan emphasized the need for action in FY 2024 and not delaying a decision.

Councilor Larochelle asked if there was any sort of representation to show the gradually declining revenues over time until the closure in 2034. Deputy Director Sullivan explained the multiple factors at play; with the increasing rates along with the decreasing tonnage and explained how this would work over the upcoming years.



DRAFT

Councilor Hainey asked how this closure would affect the portion of host fees received by the schools. Deputy Director Sullivan explained that the schools currently gets an \$878,000 portion of the host fees. If the budgetary commitment were reduced overall, the schools would also be seeing decreased revenue unless the Council chose to flat fund the schools at the same rate they have been receiving. He spoke about other strategy options explaining how the schools could receive these funds.

Director Ambrose said that there would likely be a Council resolution brought forward in the fall once the City has more complete information on the timing of the per ton increase. She explained potential models to accumulate money in anticipation of the 2034 closure, and how these funds could offset the loss of revenue which will be experienced at that time.

Councilor Larochelle asked if there was any chance that the landfill could be expanded. Mayor Callaghan said that the City was taking a disciplined approach with the assumption that the landfill will not be expanded and taking actions to offset the subsequent loss of revenue. Both Councilor Lachapelle and Councilor Hamann spoke about the unlikelihood of and additional landfill expansion and the issues encountered with previous expansions.

Director Ambrose said that if the City follows the approach she had outlined and invested funds at a conservative rate of 2.5% annually, it could be possible to accumulate more than \$25 million by 2034. Councilor Larochelle requested charts showing the models discussed and the impact over the upcoming 10 years. Deputy Director Sullivan said he would supply this information.

Finance Director Ambrose said that moving forward, the City would just need to keep the eventual closure and resulting decreased revenue in mind when making decisions regarding TIFS as well as adopting future resolutions to assign fund balance for the purpose discussed.

Councilor Lachapelle spoke about the potential collection, tipping and disposal costs as well as processing fees for waste disposal and recycling and the significant increase in these fees the City will experience once the closure occurs in 2034.

Councilor Hamann said he would like to see the City make a decision on this item during the upcoming budget process. He cautioned that, with 2023 being a Municipal Election year, if they waited until fall they would run the risk of pushing this decision to a new Council who may not understand the intricacies of the issue.

## **Reports from Finance & Administration**

- 4.1.1** Monthly Financial Report Summary-March 31, 2023
- 4.1.2** General Fund Unassigned Fund Balance Report
- 4.1.3** Tax Deeded Property Report

Deputy Finance Director Mark Sullivan gave an overview of the monthly financial reports. He reported that non-property tax revenues were all trending strong, with building permits and interest income up significantly. He briefly summarized the remainder of the reports.



DRAFT

## 5 Other

Finance Director Ambrose spoke about the recent news stories regarding the collapse of Silicon Valley Bank and Signature Bank. She reported that the City's deposits are not, and have not been in the past, associated with either of these banks. All of the City's deposits are fully collateralized and secured.

Director Ambrose gave an update on the ARPA proposal for a City employer assisted childcare initiative. She said that there had been an RFP issued for needs assessment and feasibility study. However, there were no responses to this RFP. The City was able to speak to some of the interested bidders to determine why they did not submit a bid. She reported that there is great interest in dealing with the childcare crisis, but due to this increased interest, the consultants who would normally provide all these services are having difficulty keeping up with the demand. The Childcare self-driven work team will be meeting again soon to discuss these findings and revise the RFP based on this information.

## 6 Adjournment

Mayor Callaghan **ADJOURNED** the Finance Committee meeting at 6:41 PM.

Respectfully Submitted,

Cassie Givara,  
Deputy City Clerk



## Community Outreach Coordinator-Funding Scenarios

	FY24	FY25	FY26	FY27	FY28
<b>Community Outreach Coordinator</b>					
FY24 Salary & Benefits	\$90,000	\$94,500.00	\$99,225.00	\$104,200.00	\$107,000.00
Operating Expenses	\$10,000	10,500.0	11,000.0	11,500.0	\$13,000.00
<b>Estimated Totals</b>	<b>\$100,000</b>	<b>\$105,000.00</b>	<b>\$110,225.00</b>	<b>\$115,700.00</b>	<b>\$120,000.00</b>

<b>A</b>		<b>FY24</b>	<b>FY25</b>	<b>FY26</b>	<b>FY27</b>	<b>FY28</b>
<b>Funding Allocations</b>		<b>APRPA 100%</b>	<b>ARPA 100%</b>	<b>ARPA 100%</b>	<b>ARPA 100%</b>	<b>ARPA 0%</b>
ARPA Funding		\$100,000	\$105,000.00	\$110,225.00	\$115,686.00	\$0.00
General Fund		\$0	\$0.00	\$0.00	\$0.00	\$120,000.00
<b>Totals</b>		<b>\$100,000</b>	<b>\$105,000.00</b>	<b>\$110,225.00</b>	<b>\$115,686.00</b>	<b>\$120,000.00</b>

<b>B</b>		<b>FY24</b>	<b>FY25</b>	<b>FY26</b>	<b>FY27</b>	<b>FY28</b>
<b>Funding Allocations</b>		<b>APRPA 100%</b>	<b>ARPA 100%</b>	<b>ARPA 50%</b>	<b>ARPA 25%</b>	<b>ARPA 0%</b>
ARPA Funding		\$100,000	\$105,000.00	\$55,112.50	\$28,925.00	\$0.00
General Fund		\$0	\$0.00	\$55,112.50	\$86,775.00	\$120,000.00
<b>Totals</b>		<b>\$100,000</b>	<b>\$105,000.00</b>	<b>\$110,225.00</b>	<b>\$115,700.00</b>	<b>\$120,000.00</b>
<b>General Fund Change</b>				<b>\$55,112.50</b>	<b>\$31,662.50</b>	<b>\$33,225.00</b>

<b>C</b>		<b>FY24</b>	<b>FY25</b>	<b>FY26</b>	<b>FY27</b>	<b>FY28</b>
<b>Funding Allocations</b>		<b>APRPA 100%</b>	<b>ARPA 75%</b>	<b>ARPA 50%</b>	<b>ARPA 25%</b>	<b>ARPA 0%</b>
ARPA Funding		\$100,000	\$78,750.00	\$55,112.50	\$28,925.00	\$0.00
General Fund		\$0	\$26,250.00	\$55,112.50	\$86,775.00	\$120,000.00
<b>Totals</b>		<b>\$100,000</b>	<b>\$105,000.00</b>	<b>\$110,225.00</b>	<b>\$115,700.00</b>	<b>\$120,000.00</b>
<b>General Fund Change</b>			<b>\$26,250.00</b>	<b>\$28,862.50</b>	<b>\$31,662.50</b>	<b>\$33,225.00</b>



**City of Rochester Planning Board**  
Monday, April 3, 2023  
City Hall Council Chambers  
31 Wakefield Street, Rochester, NH 03867  
*(These minutes were approved on April 17, 2023)*

**Members Present**

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

**Members Absent**

Michael McQuade, *excused*

**Alternate Members Present**

Rick Healey  
Alexander de Geofroy

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

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

---

**I. Call to Order**

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

---

**II. Roll Call**

Senior Planner, Ryan O'Connor conducted roll call.

**III. Seating of Alternates**

Seating of alternates was unnecessary.

**IV. Communications from the Chair**

Mr. Collopy stated that there are no communications to be passed from the Chair.

---



**V. Approval of Minutes for**

**A. March 20, 2023**

*A motion was made by Mr. Walker to approve March 20, 2023 meeting minutes and seconded by Mr. Hamann. The motion carried unanimously.*

---

**VI. Opening Discussion/Comments**

**A. Public Comment**

There were no comments from the public to discuss.

**B. Discussion of general planning issues**

There were no general planning issues to discuss.

---

**VII. Extension Applications**

**A. Ko-Go, LLC, Farmington Road** (by Norway Plains/ Scott Lawler) Site Plan to construct electric vehicle charging facility. Case# 208 – 16 – GRD – 22 **Extension to 9/7/2023**

*A motion was made by Mr. Walker to approve the extension request to September 7, 2023 and seconded by Mr. Hamann. The motion carried unanimously.*

**B. SSG, LLC, 29 Wadleigh Road** (by Groen Construction/ Fenton Groen) Site plan to construct 52-unit apartment. Case# 137 – 35-1 – HC – 21 **Extension to 4/4/2024**

*A motion was made by Mr. Walker to approve the extension request to April 4, 2023 and seconded by Mr. Hamann. The motion carried unanimously.*

**VIII. New Applications**

**A. Tedeschi Contracting, LLC, 9 Lawn Avenue** (by Stonewall Surveying/Raymond Bisson) Minor 2-lot subdivision. Case# 131 – 21 – R2 – 23 **Public Hearing ACCEPTANCE/FINAL DECISION\***

Raymond Bisson with Stonewall Surveying gave an overview of the project. Mr. Bisson stated that the plan is to divide the lot into 2 and that the lot is on public water and sewer.

Mr. O'Connor reviewed the conditions in the staff report and stated that the Planning Department recommends that the application be accepted as complete.

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



*A motion was made by Mr. Walker to approve with conditions as stated and seconded by Mr. Hamann.*

Mr. May asked for clarification on the lot being merged and then having the lot subdivided. Mr. O'Connor stated that the City involuntarily combined 3 lots in the past and if they were simply unmerged they would not create buildable lots. the proposed subdivision is to make 2 buildable lots out of the property.

*The motion carried unanimously.*

**B. Timothy & Deborah Congram and Frederick Leslie, 46 Crown Point Road & 3 Strafford Road (by Norway Plains Assoc./ Joel Runnals) Lot line Revision. Case# 235 – 44&45 – A – 23 **Public Hearing ACCEPTANCE/FINAL DECISION\*****

Joel Runnals with Norway Plains Associates gave an overview of the project. Mr. Runnals stated that Mr. and Mrs. Congram are planning to develop their lot, which they already have a foundation, septic design, and driveway permit from DOT. Mr. Runnals stated that lot 45 has already been developed and no construction changes will be made to the lot. Mr. Runnals stated that the revision is for an equal exchange of land between both owners.

Mr. Hayden asked if there was a fence on the lot line. Mr. Runnals stated that the barrier is used for keeping chickens corralled and will be changed as needed.

Mr. O'Connor stated that revision will allow for the proposed driveway on 46 Crown Point Road to be further from the intersection and further from the wetland. Mr. O'Connor reviewed the conditions in the staff report and stated that the Planning Department recommends the application to be considered complete and approved by the Planning Board.

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

*A motion was made by Mr. Walker to approve with conditions as stated and seconded by Mr. Hamann. The motion carried unanimously.*

**C. A&L Investments, 347 Old Dover Road (by Norway Plains/ Randy Tetreault) Preliminary Conceptual 4-Lot Subdivision. Case# 256-67-A-23**

Joel Runnals with Norway Plains Associates gave an overview of the project. Mr. Runnals stated that the project is to subdivide the parcel into 4 lots.

Mr. Bruckner stated that he felt the subdivision seemed reasonable but was concerned that the parcel image on GIS seems different than the plan image presented. Mr. Runnals explained that the GIS image was a tax map and not a boundary survey. The plan image presented shows the lot line as found in the boundary survey. Mr. Bruckner asked if this image would be updated in GIS. Mr. O'Connor answered that yes, the part of the formal submittal of this project is to work with the Department of Public Works and their surveyors to verify the boundary lines.

Mr. Bruckner stated that there is a 40-foot slope on the property from south to north and asked if there was a concern for drainage. Mr. Runnals stated that they would be going through the City's permitting process including Alteration of Terrain (AOT). Mr. Runnals stated that when building permits are acquired that the developer will have to include information on drainage.



Mr. O'Connor stated that this is a preliminary review of the subdivision. Mr. O'Connor read the subdivision regulations stating that the Planning Board can prohibit the creation of a lot where the average depth is 3 times the average width. Mr. O'Connor stated that the average depth for this lot's proposed subdivided lots is 7 times the average width. Mr. O'Connor stated that the Planning Department supports the waiver to primarily to maintain the low density given the possible impacts to the stream buffer with large development. Mr. O'Connor stated that the City will ask that the developers work with the Department of Public Works on the lot boundaries with a formal application.

Mr. Walker asked if a waiver was necessary for this subdivision. Mr. O'Connor responded saying that the Planning Board can prohibit a subdivision with the proposed measurements of the subdivided lots per the subdivision regulation.

Mr. Walker stated that he did not feel a waiver was necessary and asked if a waiver was required. Ms. Saunders stated yes, the waiver is required and that the waiver will make it clear in the records for the future, that the City supported this subdivision in the event of title searches.

Mr. Hayden asked if the wetlands require the 50-foot buffer if less than 3,000sqft. Mr. O'Connor stated that it is if the property is less than a half-acre and there will still be a 50-foot buffer on the stream running through the property.

Mr. Runnals stated that wetlands issues will be addressed in future submissions.

Mr. Collopy stated that he supported an idea of a shared driveway to prevent traffic issues.

No action was required as this was a conceptual application only.

## IX. Final Plan Approval

- A. [68 Hemingway, LLC; 68 Hemingway Drive](#) (By Holden Engineering & Surveying INC) Condominium Conversion (Major Subdivision). [Conditionally approved February 6, 2023.](#) Case # 258-63-R2-22 **Public Hearing FINAL DECISION\***

Mr. O'Connor stated that the applicant has met all precedent conditions for condominium conversion. Mr. O'Connor stated that developer has addressed all concerned with assessing and current use mapping. Mr. O'Connor stated that the Planning Department recommends granting final approval.

*A motion was made by Mr. Walker to approve final plans and seconded by Mr. Hamann. The motion carried unanimously.*

## X. Draft Charitable Gaming Ordinance

Ms. Saunders presented updated Draft Charitable Gaming Ordinance. Ms. Saunders listed the recommended changes by the Board in the last meeting. Ms. Saunders stated that language was added regarding the applicant petitioning the City to take over art; the applicant must petition the City within 5 Years of development. Ms. Saunders explained that this is to prevent the City from taking over murals that have not been maintained at all.

Ms. Saunders stated that language was received by Mr. Bruckner regarding the architectural standards. Ms. Saunders stated that the intent does not change but the wording suggestion was



appreciated from Mr. Bruckner. Ms. Saunders read wording suggestions and recommended change be made.

Mr. Walker asked if the City could have recommended colors. Ms. Saunders stated that there are no listed color requirements in the Ordinance.

Ms. Saunders stated that Planning Department is looking for recommendation to move current Draft Charitable Gaming Ordinance on to City Council for approval.

Mr. de Geofroy asked for grammatical correction within the 2nd Paragraph.

Mr. de Geofroy stated his concern with the wording of defining murals. Mr. de Geofroy stated that he felt confusion could be found when public art consists of sculptures and other types of arts and recommended clarification. Ms. Saunders agreed.

Mr. Fitts thanked the Planning Department for included electric vehicle (EV) chargers and suggested an increase from a minimum of 2 EV to 4 EV chargers.

Mr. Walker stated that he felt that the wording should be kept at 2% of parking capacity or a minimum of 2 EV chargers.

Mr. Sullivan stated that he felt the wording of 2% as the requirement could lead to a large amount of extra EV chargers that are unutilized. Mr. Sullivan stated that a maximum of EV chargers should be included in the ordinance.

Mr. Sullivan asked if the requirement of EV chargers would be required in other ordinances as well and not just Charitable Gaming. Mr. Fitts stated that he supports a requirement of EV chargers being included in other ordinances.

Mr. Collopy stated that he supported that idea of having a maximum number of EV chargers. Mr. Collopy stated that he felt that people who buy Electric Vehicles should be aware of current local charging infrastructure ability and that the Planning Board should not make developers responsible for changing current infrastructure.

Mr. Fitts suggested that there be a waiver request made for EV chargers for applicants to use.

Mr. de Geofroy stated that he supported the suggestion of 2% of parking capacity, or minimum 4 EV chargers.

Mr. Sullivan stated his concern for increasing the requirement to read 2% of parking capacity, or 4 EV chargers.

*A motion was made by Mr. Fitts to change the change the requirement of EV chargers to 2% of parking capacity, or minimum of 4 EV chargers and seconded by Mr. Bruckner. The motion carried 5 to 4.*

Mr. Sullivan asked if a special waiver would be required for the EV charger's requirement. Ms. Saunders stated that there is only a standard waiver form to be filled out by applicants.

*A motion was made by Mr. Bruckner to recommend Draft Charitable Gaming Ordinance including updated wording from Mr. Bruckner and changes to EV requirements to City Council and seconded by Mr. Hamann. The motion carried with all in favor except Mr. Walker.*



## **XI. Other Business**

### **A. Planning Update**

Mr. Collopy stated that after 11 years of service, Mr. Mark Sullivan is stepping down from the Planning Board.

Mr. Sullivan stated that Mr. Alan Dews will be replacing him. Mr. Sullivan stated that Mr. Dews joins the Planning Board from the Department of Public Works and is well versed in the City's requirements.

### **B. Other**

Ms. Saunders stated that the Capital Improvements Plan (CIP) is still being reviewed. Ms. Saunders stated that the City Manager has been included in decision making of the CIP weighting system. Ms. Saunders stated that the CIP weighting system will not be finished in time to be used in this year's CIP. Ms. Saunders asked if there were any questions from the Board regarding recommendations of the CIP.

Ms. Saunders stated the Orton Family Foundation approached the Planning Department about providing their services for the City of Rochester. Ms. Saunders explained that the Orton Family Foundation services include working with the community in finding their mission and vision and what aspects drive their core values and decision making. Ms. Saunders stated that the Orton Family Foundation has worked in many areas and are interested in Rochester. Ms. Saunders stated that the Community Development Committee supports the idea of the Orton Family Foundation coming to Rochester and providing their services. Ms. Saunders stated the Community Development Committee's next meeting will host an in-depth information session and that the meeting is on the same date as the Planning Board Workshop Meeting on April 17, 2023. Ms. Saunders asked if the Planning Board would like her to set up to have the Foundation provide an information session to the Planning Board members at the Workshop Meeting.

Mr. Richardson asked what the cost was for this service. Ms. Saunders stated that there is a match and that the match can be in-kind. Ms. Saunders stated that all training sessions that volunteers, boards, committees, and staff attend can be used as match. Ms. Saunders stated that fees can range between \$3,000 and \$5,000 in cash and rest would be in match.

Mr. de Geofroy asked if the City of Rochester has reached out to other cities that have utilized the Foundation's services to hear their feedback. Ms. Saunders stated that the City could and that she would reach out.

Ms. Saunders asked the Board if they would prefer to have the Foundation come give a presentation and answer questions to gain insight to their practices before reaching out to other cities. Mr. de Geofroy stated that he would like to hear from the Foundation, as well as other cities.

Mr. Sullivan asked what the difference was between the Orton Family Foundation and the Sunshine Initiative that the City of Rochester has worked with in the past and what was being done with the Sunshine Initiative. Mr. Walker responded stating that the Sunshine Initiative is currently working with River Walk committee.

Ms. Saunders stated that she has had no conversation with the Sunshine Initiative and stated that she could reach out to them if needed.



Mr. Collopy stated that he felt the additional information would be beneficial and Ms. Saunders stated that she would get their representative booked for the Planning Board Workshop Meeting on April 17, 2023 and that she would reach out to other cities that have used their services for their feedback.

Mr. Walker stated that he had additional ideas for the CIP committee. Mr. Walker stated that he recommends mandatory items be removed from the CIP due to the fact that weight cannot be considered. Mr. Walker stated that he felt that the mix of bonded items and cash items should be split into two categories, and the items should be weighed separately so that the City Council can make decisions on the leftover balance.

Mr. de Geofroy stated that there are few things truly considered mandatory and that mandatory could mean accepting the consequences and risk of not completing an item that is considered mandatory. Mr. de Geofroy stated that there should be a strict definition of mandatory that should be followed throughout departments.

Mr. Walker stated that the ultimate decision is up to the City Council and that the CIP committee would have separated, ranked list for the Council members to decide on after budgeting plans are made.

---

## **XII. Adjournment**

*A motion was made by Mr. Walker and seconded by Mr. Hamann to adjourn the meeting at 7:16pm. The motion carried unanimously.*

---

Respectfully submitted,

Jaclyn Millard,  
*Administrative Assistant II*

and

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



---

*Intentionally  
left blank...*

---

City Clerk's Office

---

---



## Charitable Gaming Facility – Draft Ordinance

### Chapter 275, Table 18, Use Table (Proposed Changes)

ADD: Charitable Gaming Facility. Permitted in the Highway Commercial zone and allowed by Conditional Use in the Granite Ridge Zone.

Sports Betting Facility. Permitted in Highway Commercial and Granite Ridge Zones.

### 275-2.1 - Definitions (Proposed Changes)

ADD: Charitable Gaming Facility: A charitable organization conducting games of chance as defined in RSA 287-D:4. The facility shall be licensed by the State of New Hampshire pursuant to RSA 287-D:7.

Sports Betting Facility: A facility licensed by the State of New Hampshire which conducts Sports wagering as authorized by RSA 287-I. Sports Betting facilities may include Sports Book Retail locations and Mobile Sports Wagering. Sports Betting is permitted only when collocated with Charitable Gaming Facilities.

### 275-20.2 Conditions for Particular Use (Proposed Changes)

Charitable Gaming Facility. The Planning Board may approve the facility based on the following criteria in addition to standard requirements set by Zoning and Site Plan Regulations:

1. Minimum Square footage. The gaming floor of the facility, defined as the area within a gaming location authorized by the State of New Hampshire, shall have a minimum area of 20,000 square feet. The gaming floor does not include areas used for accounting, maintenance, surveillance, security, administrative offices, storage, cash or cash counting, and records.
2. Public Art. Public Art works to connect community with our built environment and support a sense of place and identity. With expansive parking and large-scale buildings required for Charitable Gaming Facilities, public artwork offers an opportunity to integrate the use with the community and maintain a high aesthetic value.

As part of the proposal, the applicant may consider integrating public art which serves to enhance community identity, this is not required but strongly encouraged. The Planning Board will review the amount of artwork in relation to the building façade and placement based on visibility from the public right of way. The applicant should consider utilizing public art as a design element of the proposal and engage local community and artists in the planning process, the Arts and Culture Commission may be a resource. Additional art may also be included into the site layout including but not limited to sculptures and other visible art within the parking lot, landscape islands and along walkways. Public art must meet the intent of the definition of a mural and not be considered a sign.

Within 5 years of Planning Board approval, the property owner may petition the City Council to accept an easement for the public art to help provide adequate long-term



maintenance. The easement will only be accepted if the public art proposal contributes to the public good and represents the values of the community, as determined by City Council.

3. Architectural standards. The following criteria is required in addition to standards set by Site Plan Regulations, Section 2 – Architecture.
  - a. In order to achieve a building with human scale, broad expanses of blank walls are prohibited. The building shall employ massing, materials, textures and color. Consider using architectural features such as pilasters, arches, windows (transparent or opaque) as well as masses of different heights.
  - b. A minimum of three colors/materials/textures shall be incorporated in the exterior design.
4. Parking and Traffic.
  - a. Parking lot design shall incorporate bus parking and bus loading zones.
  - b. Commercial loading areas shall be screened from the public right-of-way and abutting residential properties.
  - c. A traffic impact analysis is required and must include the expectation of bus traffic.
  - d. Bus and truck trailer parking is required to be screened from the public right-of-way and abutting residential properties for all uses of the property.
  - e. Required off-street parking shall be provided at a ratio of not less than 0.75 parking spaces for each gaming position in addition to all standards set by Site Plan Regulations Section 10 – Parking and Circulation. Additional principle uses including restaurants, entertainment, and lodging facilities shall follow parking standards outlined in Site Plan Regulations.
  - f. Two percent of required parking spaces must be equipped with Electric Vehicle Charging Stations with a minimum of four per site.
5. Additional principle uses to a site, including restaurants, entertainment, and lodging, shall follow requirements pursuant to Zoning Ordinance Regulations 275-19.2:L, Multiple Principle Uses.
6. Off Site Improvements. The developer is responsible for off-site improvements as specified by the Planning Board as per RSA 674-21.5:J.



7. Outdoor entertainment.

- a. Outdoor events which exceed noise standards set by Zoning Ordinance Regulations 275-28.3 will require a special events permit.
- b. The property owner has the burden of proof to show decibel ratings meet standards set by Zoning Ordinance Regulations 275-28.3 Noise.
- c. The Zoning Board of Adjustment (ZBA) may grant a Special Exception for music and entertainment which exceed decibel limits subject to meeting appropriate conditions as per Zoning Ordinance Regulations 275-28.3 E(4)

8. Outdoor smoking and alcoholic beverage service areas shall be a minimum distance of 1000 feet from Schools, K-12 or Day Care establishments as defined in Zoning Ordinance Regulations 275-2.2.

9. Safety and security.

- a. The facility is required to submit a safety and security plan subject to approval by the Rochester Fire and Police Departments. The plan shall outline all aspects of life safety to include emergency egress, access, site security, and occupancy limitations.
- b. The facility shall provide an enclosed interior location, solely controlled by the Rochester Fire and Police Departments, which can sufficiently accommodate the requirements of First Responders.
- c. One Automated External Defibrillator (AED) shall be mounted in an accessible public location for every 5000 square feet of gaming floor.

10. Landscaping. In addition to Site Plan Regulations, Section 5 – Landscaping; a Charitable Gaming Facility shall include:

11.

- a. A landscaping plan developed by a licensed landscape architect, to include a maintenance plan.
- b. Landscaping used as a design element of the site.



- c. A 15-foot landscape buffer between any structure and parking area, with the exception of vehicle and pedestrian access ways.
- d. Parking areas shall meet Site Plan Regulations as per Section 5 – Landscaping (E) Parking Lots

Sports Betting Facility. Sports Betting Facilities are permitted only when collocated with Charitable Gaming Facilities.

DRAFT





04/27/2023

## City of Rochester Formal Council Meeting

### AGENDA BILL

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

AGENDA SUBJECT
----------------

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

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

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

#### COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

#### DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

#### FINANCE & BUDGET INFORMATION

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

#### LEGAL AUTHORITY

--



**SUMMARY STATEMENT**

**RECOMMENDED ACTION**



**Public Safety Committee  
Draft Meeting Minutes  
April 19, 2023  
6:00 PM  
Council Chambers**

**Members Present**

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

**Others Present**

Councilor Ashley Desrochers  
Michael Bezanson, PE, City Engineer  
Gina Golden-Silvestro, GIS/AM Technician  
Lt. Jeremy Aucoin, PD  
Todd Radict, Skele-Tone Records  
Jeff Bisson, Rochester Main Street  
Chuck Grassie, State Representative

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

**1. Approve Minutes from Public Safety Meeting**

***Councilor de Geofroy MOVED to approve the minutes from March 15, 2023. Councilor Gilman seconded the motion. MOTION CARRIED by a unanimous voice vote.***

**2. Public Input**

Todd Radict owner of Skele-Tone Records was present to discuss the speeding issues in the downtown area. The closest speed limit sign is over by Burger King, the speed limit was recently reduced to 25 mph, he still thinks 25 mph is too high, and is still enough to hurt a small child if hit. He stated 10 years ago that the downtown was desolate but now the City has grown, when he crosses the street he has to look more than once and he said he shouldn't have to do that. Last week he was walking to City Hall and was near Parson Main and he had to jump out of the way, a lady was driving while on her cell phone. He is requesting flashing lights, more police present, a speed reduced to 15 mph and more speed limit signs. Jeff Bisson is the current president of Rochester Main Street was also present to discuss the speeding issue. He stated someone was hit near Parson and Main. Rochester Main Street would like 25 mph speed limit signs or less and flashing signs by crosswalks. Councilor Berlin asked Mr. Bisson if Rochester Main Street would be interested in a raised crosswalk speed table. Mr. Bisson said he is not authorized to speak about anything the board hadn't previously agreed on. He said personally he thinks its great idea and would be happy to bring it up to the board, in general they are looking for anything that will slow down traffic. Councilor Lachapelle said that a couple of months ago it was voted on to reduce the speed limit by where the roundabout is going to be, down to near Care Pharmacy and up by the High School. Mr. Bezanson said they may not be up yet. Councilor Desrochers said that she lives over near Burger King and that there is only that one speed limit sign and the speeding is bad there and it just extends to downtown. Councilor Lachapelle said that the raised tables is next on the agenda, but will also be brought up at Thursdays Public Works Committee meeting. Chuck



Grassie, State Representative of Ward 4 and was also a US certified safety inspector and traffic planner and he was present to discuss the need for raised crosswalks, which would be better than flashing lights. He said that one of the problems in the policy is that the distance would not allow for one to be downtown, the cost runs around \$10,000 but no maintenance after that. Pedestrians can see better. Councilor Berlin said he measured distance to middle of crosswalk to downtown. Some of the numbers were to limit when could become a problem, everyone would want one. Councilor Lachapelle said that Councilor Berlin wrote this to limit certain sections want to, but one might not be enough downtown. Mr. Grassie said maybe make a flexible policy. Councilor Desrochers said if you take a comprehensive approach because if it is working people are going to want one. Councilor de Geofroy said cost alone will make you think and would limit how many were installed. Councilor Lachapelle said that this is going to the Public Works & Buildings Committee tomorrow night, to get input from Police Department, Fire Department and Frisbie.

### **3. Salmon Falls Road Speed Limit Issue and Electronic Sign Placement (kept in committee)**

Councilor Lachapelle summarized the issue. Councilor Berlin said unless there is a more important location that is worth the cost of removing and relocating he disagrees with moving the sign. There is a utility pole further in the yard than where the sign is. The sign is just off the pavement the pole is further back. Councilor Gilman said that a couple of residents did say the flashing light is working. Mr. Bezanson said that Deputy Chief Thomas did send a candidate list of locations for the flashing light. Lt. Aucoin listed off the 8 streets where the flashing light may be warranted.

1. Whitehall Road before the hospital
2. Portland Street area of Flower Street heading in to town
3. Washington Street coming into town before Lowes
4. Portland Street in East Rochester at the bottom of the hill by the East Rochester School
5. Ten Rod Road coming into town by Industrial Way
6. Eastern Avenue coming into town
7. Walnut Street by Twombly coming into town
8. North Main Street by Poulin's heading into town

**(kept in committee)**

### **4. Flashing Lights and Raised Table Policy Discussion**

The Public Works & Buildings Committee will be discussing this tomorrow night at their meeting. Councilor Berlin said see what they say at the meeting and invite someone from the meeting to discuss with the Public Safety Committee Meeting.

### **5. Quarry Drive Requesting Additional Speed Limit Sign**

Councilor Lachapelle summarized the issue. An email came into Mr. Bezanson last month about additional speed limit signs on Lowell Street. Lt. Aucoin said the speed limit is 30 mph. The resident said it is like a raceway between the Catholic Church and Tebbetts Road. Lt. Aucoin said that the speed trailer was scheduled to go out



tonight, and that they can make an adjustment to the location of the speed trailer. Kept in committee to get the data from the speed trailer.

**6. Salmon Falls Road Requesting “Deer Crossing” sign-(email sent to City Manager)**

Councilor Lachapelle summarized the issue. A resident of Salmon Falls Road said there are 2-5 deer every night that cross from Kinsale Road by the cul-de-sac.

***Councilor Berlin MOVED to recommend to full Council to install “deer crossing” signs on each end of Salmon Falls Road, 1 near Kinsale and 1 coming off from Highland at the discretion of DPW. Councilor Gilman seconded the motion. MOTION CARRIED by unanimous voice vote.***

**7. Street-light Request-53 Gear Road**

Councilor Lachapelle summarized the issue and he will look at the area to see if this area meets the streetlight policy. Kept in committee until next month.

**8. Autumn Street “No Thru Truck” Signs or Other Measures (Councilor Lachapelle)**

Councilor Lachapelle summarized the issue. The resident had been to the committee about a year ago regarding sidewalks and which would go to the Public Works Committee. Mr. Bezanson said they are about 3 or 4 years out for the sidewalk CIP project, they could apply for the same kind of program the TAP grant assistance. Mr. Bezanson stated that there is signage posted now stating “no thru

Trucks” 26,000 gvw and above. ***Councilor Gilman MOVED to recommend to full Council to install “no thru trucks” signs on Autumn Street. Council Malone seconded the motion. The MOTION CARRIED 3 TO 2.***

**9. Speeding Issue near 6 and 7 Magic Avenue**

Councilor Lachapelle summarized the issue. Mr. Bezanson said the crosswalk was just put in a little while ago since he has been with the City, it is a midblock crosswalk. He also said the pavement is not in good condition and it is hard to move. fast on this road. Lt. Aucoin said that there is a housing office that can check for crosswalk violations. If he feels it is a speed issue, then they can do some directed patrol.

**10. Crowhill Road-Requesting “Dead End” or “No Outlet” Sign**

Councilor Lachapelle summarized the issue. Mr. Bezanson said this becomes a Class VI Road. He said that someone placed a “no thru traffic” sign on a utility pole, he doesn’t know who put it there. Mr. Bezanson said he would look into warning signs for Class VI Road ahead. **(kept in committee)**

**11. Norway Palins Road Speeding Issues-(letter sent to City Manager’s office)**

Councilor Lachapelle summarized the issue. Lt. Aucoin said the speed trailer was placed on Norway Plains Road from April 12-18, 2023., the average speed was 35 mph. He stated there didn’t appear to be a speeding problem in the area. No action taken.



## **12. Other**

### **England Road**

Councilor Lachapelle summarized the issue. A resident of England Road said that people dump trash on the City property located at the corner of Pickering Road and England Road. He requested a “no littering” sign. Lt. Aucoin said there were 5 true illegal dumps, they couldn’t trace the trash back to anybody. Councilor Lachapelle said putting a sign up probably won’t help, they won’t obey it. No action taken

### **Meadow Lane**

Mayor Callaghan said asked if some sort of warning sign could be placed on Old Dover Road near the sharp turn by Meadow Lane. He said he had received concerns from his neighbors Councilor Berlin asked if chevrons were warranted for this curve. He asked if DPW could reach out to the 3 houses by the curve to see if they could place the chevrons there. **(kept in committee)**

### **Salmons Falls Road Speed Limit signs**

Councilor Fonteau said he drove Salmon Falls Road he requested to have the speed limit changed to 35 going out. Councilor Gilman found a 30 mph sign by the s curve. Councilor Lachapelle said it was probably intended to lower speed because of s curve and if a school is going to be there it will be lowered more. No action taken.

**Councilor Lachapelle ADJOURNED the meeting at 7:10 PM.**

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



---

**Subject:** FW: the 8 streets suggested for the flashing light

Whitehall Road- before the hospital coming into town  
Portland Street – in the area of Flower Dr. heading into town  
Washington Street-coming into town before Lowe's  
Portland Street East Rochester- at the bottom of the hill near the East Rochester School  
Ten Rod Road- coming into town near Industrial Way  
Eastern Ave- coming into town  
Walnut Street- coming into town near Twombly Street  
North Main Street- in the area of Poulin's heading into town

Lieutenant Jeremy F. Aucoin  
23 Wakefield Street  
Rochester, NH 03867

[jeremy.aucoin@rochesternh.gov](mailto:jeremy.aucoin@rochesternh.gov)  
<https://police.rochesternh.gov>  
<https://www.facebook.com/rochesternhpd>

**\*\*\* Please note that my email address has changed to [jeremy.aucoin@rochesternh.gov](mailto:jeremy.aucoin@rochesternh.gov) (it used to end with .net). Please update your address book. Mail to rochesternh.net will continue to work for a while but will eventually be disabled.**



Email sent to and from this City of Rochester email address is subject to NH RSA 91-A (the NH Public Records Law) and may, subject to certain exemptions, be subject to disclosure to third parties. This email message and any attachments may contain information that is confidential and/or legally privileged in accordance with applicable laws or regulations. It is intended only for the use of the person and/or entity identified as recipient(s) in the message. If you are not an intended recipient of this message, please notify the sender immediately and delete the material. Do not print, deliver, distribute or copy this message, and do not disclose its contents or take any action in reliance on the information it contains unless authorized to do so. Thank you.



---

*Intentionally  
left blank...*

---

City Clerk's Office

---

---



**Public Works and Buildings Committee**  
**City Hall Council Chambers**  
**Meeting Minutes**  
**April 20, 2023 7PM**

**MEMBERS PRESENT**

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

**MEMBERS ABSENT**

Councilor Alexander de Geofroy

**OTHERS PRESENT**

Councilor Dana Berlin  
Peter C. Nourse PE, Director of City Service  
Lisa Clark, Deputy Director DPW  
Dan Camara, Coordinator GIS & Asset Mgmt.  
Chuck Grassie  
Todd Radick  
Sam Kenney, Weston & Sampson Engineers

**MINUTES**

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

**1. Approval of February 16, 2023 Meeting Minutes**

*Councilor Gray made a motion to accept the minutes of the February, 2023 meeting as presented. Councilor Larochelle seconded the motion. The motion passed unanimously.*

**2. Public Input**

Chuck Grassie spoke to the Committee in reference to the elevate speed tables. He expressed his support for these traffic devices and stated he had previously spoken at the Public Safety Committee. Mr. Grassie stated that he believed the speed tables will assist the City to slow traffic in the downtown area. He suggested they be installed on North Main near the Revolution Restaurant, one on South Main near the Chamber of Commerce, and one near City Hall.

Todd Radick owner of Skeletones on North Main Street spoke to the Committee about his concerns for speeding in the downtown. He expressed his support for the speed tables in the downtown area. Mr. Radick suggested that Hanson Street one way traffic direction be changed to entering from Wakefield Street.

**3. Pavement Moratorium Waver – 165 Charles Street**

Mr. Nourse explained that this section of road was paved in 2020 and that the existing medical building at the location is being renovated for residential apartments. Mr.



Nourse stated that a new 2" water service will be pulled through and installed to provide both domestic and fire flow use. He stated that the DPW does support the request and will ensure that the patch is completed to City Standards.

***Councilor Larochelle made a motion to recommend City Council approve the pavement moratorium as recommended by DPW. Councilor Gray seconded the motion. The motion passed unanimously.***

#### **4. Howe Street / Apple Orchard – Walking Path**

Mr. Nourse stated he had received a request from a resident regarding land between Howe Street and Apple Orchard Road. He stated that this is a City owned parcel and the resident is requesting that the residents be able to use the area as walking path that would connect the streets. Mr. Nourse stated that he had discussed this with the City Attorney and that this would not be a liability concern for the City. He stated that when he discussed it with the Recreation Department Director, they had stated interest in making it a pocket park if the City wanted to create and maintain the space. Mr. Nourse stated if it is just to be used as a walking path, he believed the project could be for the residents to clear a path and use it as they want. Councilors Hamann, Beaudoin, and Gray stated that they agreed that the residents can use it at their own discretion and did not see the need for City Staff to clear or maintain it in the future.

#### **5. Autumn Street Sidewalk Request**

Mr. Nourse stated that a resident had contacted DPW regarding speeding traffic, truck traffic and the lack of sidewalks on Autumn Street in East Rochester. He stated that this Committee could discuss the sidewalks and the Public Safety Committee could address the other items. He stated that the sidewalks on Autumn Street to Salmon Fall Road and out to Highland were last discussed in November of 2021. Mr. Nourse stated that it is about four thousand feet of sidewalk to go from Autumn to Salmon Falls and another twenty-five hundred feet along Salmon Falls Road to connect it to Highland Street. Mr. Nourse stated that this area and several others were noted in the Transportation Master Plan as being ideal for new sidewalk projects. He noted that concrete sidewalks with curbing are estimated at one hundred and fifty dollars per foot which could make this project estimate about a million dollars. Mr. Nourse stated that this would need to be a standalone project and budgeted in a future CIP Project. He stated that this is a good future project and he stated that the DPW would be seeking Transportation Alternative Program funds (TAP Grant) and could submit this area for that funding. He noted that it took three years to be awarded funding through the TAP for the Portland Street Sidewalk Project and assumed that this project may take time as well. The Committee was in favor of submitting this project for TAP funding and discussed the funding criteria. Mr. Nourse stated that density of households in the area increases the chance of the award.

#### **6. Water Main 20" Transmission Main Project Update**

Mr. Nourse stated that there are two water mains that parallel cross country from the Water Treatment Plant to feed the water system. He noted that one is a 24 inch main that was installed 1984 and an older 20 inch main estimated to have been installed in the 1890's. Mr. Nourse stated that the City Council had approved City ARPA funding in the amount of \$1.6 million to be used to examine and re-line the 20 inch main. Mr. Nourse stated that the examination has shown that the 20 inch ductile iron main installation was completed in 1956 and a preliminary assessment of a limited length of it indicates it is in



good condition. He had a section of the pipe for the Committee to examine. He stated that the contractor has drained and pigged the water main and that video inspection of the pipe will be completed within the next few days. He explained the pigging process used to clean the pipe. Mr. Nourse stated that there is a good chance that this pipe will not need the re-lining project and that the funding for that process will not be needed. He stated that there is approximately \$1.1 million remaining and could be used for another project. Mr. Nourse introduced Sam Kenny from Weston & Sampson Engineers. Mr. Kenny displayed a PowerPoint Presentation with pictures of the project for the Committee (attached to minutes). Mr. Kenny recapped Mr. Nourse's discussion and explained the infrastructure improvements that have been completed on the pipe. He explained that valve and tee insertions have been completed to give the City segmented access to the pipes for isolation of these segments which will allow for maintenance and repair as well as cleaning and flushing as needed in the future. Mr. Kenny showed pictures and explained the process of pigging a line to clean it. He also discussed additional work that is advised in the area of the chlorinator building. Mr. Nourse stated if there is a time in the future that this pipe does need to be lined, the valves have been inserted and will allow for that to happen. Mr. Nourse displayed a video of the work. Mr. Nourse stated that he may request that the City Council approve another water project to direct the unused portion of this project's funding.

**7. EPA Regulatory Limits for Per and Polyfluoroalkyl Substances (PFAS) as a Proposed National Primary Drinking Water Regulation:**

Mr. Nourse stated on March 14, 2023, the Environmental Protection Agency (EPA) released the new proposed Maximum Contamination Level (MCL) for six PFAS compounds. Mr. Nourse displayed and discussed the EPA Fact Sheets for this change (two fact sheets are attached to the minutes). He stated that these new rules will likely be implemented and enforceable by year's end and New Hampshire will have up to two years to comply. He discussed the sources of PFAS and the possible related health effects and noted that they are considered by EPA to be carcinogens. Mr. Nourse stated that there are up to four thousand different compounds considered PFAS. Mr. Nourse also discussed the different ways that these compounds enter the water supply systems. Mr. Nourse stated that we have had some detected levels of some of these compounds at our well site and that the recent levels are below the MCL's that are proposed. Mr. Nourse stated that these detections are very low and that they could be artifacts of our equipment or testing procedures. He noted there is teflon in tubing and valves and samples can be contaminated by gloves and clothing. Mr. Nourse stated that the new rule requires 3 years of monitoring and quarterly monitoring from there on out. The compliance will be a running annual average. He stated that if our detection continues as it has been we will be compliant with the new MCL's. Council Larochelle discussed the testing parameters and detection levels and he volunteered to assist with the data evaluation. Mr. Grassie stated that he had some experience with the PFAS testing as he had been working on this in State Legislature and he discussed the correlation of PFAS with specific medical conditions in the Merrimack area.

**8. Wastewater Treatment Plant (WWTP) issued new EPA National Pollution Discharge System (NPDES) Individual Permit.**

Mr. Nourse stated that the City received its new permit for the WWTP. He stated that this permit is in effect as of June 1, 2023 through May 31, 2028. Mr. Nourse stated that this



long awaited permit is posted on the City website at [www.rochesternh.gov](http://www.rochesternh.gov). He stated that this succeeds the 1997 Permit. Mr. Nourse explained that the draft permit was issued in April 2022 for review and comment. He stated new permit is essentially identical as the draft permit and it is over three hundred pages long. He stated that the permit regulates our effluent discharge into the Cocheco River. He stated there is a stringent effluent phosphorus limit of 0.12 milligrams per liter, and the City's current effluent is routinely 20-60 times that level. He stated that on average it is 30 times greater. Mr. Nourse explained in detail the EPA's and the City of Rochester's conflicting views on the need for these limits in regards to the Cocheco River, and he explained the conflicting views on the data collection and interpretation used to determine this stringent level. Mr. Nourse stated that the City had proposed a pilot program for phosphorus and it was rejected by the EPA. Mr. Nourse explained that the permit includes a more extensive Industrial Pre-treatment Program (IPP) which will increase the commercial sites to be included in the program and PFAS sampling and monitoring will be required for 40 compounds at the Wastewater Treatment Plant (WWTP). He stated the new Permit reduces the ammonia limits, reduces the PH range and regulates acceptable flow to the design limit of the plant which is 5.03 million gallons per day. Mr. Nourse explained that the previous permit stated if you exceeded 80% of your design flows for 90 consecutive days then you would need to start designing for expansion of your process. He stated this permit changes that criteria to an 80% average of design flow for 3 months months. He noted we have already met those criteria. He stated that with these new criteria and the new phosphorus level we are already in non-compliance with the new permit. Mr. Nourse stated that while the EPA has rejected our request for inclusion of extended time frames for compliance in the permit, but it does appear that they are encouraging the City to enter into another Administrative Order of Consent (AOC) as we did with the Great Bay General Permit for Nitrogen. This AOC would give us a protracted schedule for implementation of the reduced limits which would give the City more time for infrastructure improvements. Mr. Nourse stated that the City has appealed the permit to the EPA Appeals Board on the grounds that it is technical and legal conclusions are erroneous and derived from abuse of discretion. He noted that any contested item is stayed until a decision is rendered. Mr. Nourse stated that history shows that the appeals take anywhere from two months to a year to resolve. Mr. Nourse stated that the phosphorus limits will have significant cost implications. He estimated twenty million dollars for the capital upgrades and an additional three hundred thousand in operations and maintenance costs. Mr. Nourse stated that attached to the addenda was the City's environmental attorneys letter summarizing the new permit impacts (attached to minutes). Councilor Beaudoin asked if the financial impacts for the users had been calculated. Mr. Nourse stated that the calculations were made a few years ago and would need to be brought out again. Councilor Beaudoin stated that the rate of growth is going to directly impact the cost due to this new permit. Mr. Nourse stated that the City's legal counsel will update and advise the City Council in May regarding the new permit.

**9. Conservation Law Foundation (CLF) Petitions EPA to Exercise for Residual Designation of Authority (RDA) of Storm Water Discharges**

Mr. Nourse referenced the letter included in the packet from the City's environmental, attorney dated April 12, 2023. He stated that CLF has petitioned the EPA to exercise Residual Designation of Authority (RDA) under the Clean Water Act to regulate



Stormwater to discrete community, industrial and institutional properties that are currently unpermitted and located in the Great Bay Estuary Watershed. They seek this authority on the grounds that these sources are contributing to violations of State of NH Water quality standards. CLF's motivation is to further reduce nitrogen from these sources in Communities regulated under the MS-4. He explained that Rochester is a MS-4 regulated Community and if you are in Rochester and are a community, industrial or institutional property with .75 acres or more of impervious cover then your storm water discharge would be regulated. If you were a non-MS-4 Community your regulation would begin at 1.5 acres or more. Mr. Nourse stated that including Rochester there are 18 MS-4 Communities that will be affected, 9 of which are also subject to the Great Bay Nitrogen Permit and 18 other non-MS4 Communities that will not be affected. He explained that CLF had petitioned for the RDA and prevailed in 2019 for the Charles, Neponsit and Mystic Watershed. He stated that CLF promotes that they used that RDA as a compliment to the General Permit to implement nitrogen limits more fairly as they would include other entities as opposed to just the communities with wastewater treatment facilities. However, the RDA would apply to the Great Bay General Permittees including Rochester. He stated that there are 11 Great Bay General Permittees that the RDA would apply to, but it ignores the pollutant contribution of 12 State of Maine Communities, including 10 WWTP that discharge into the Great Bay Estuary, and it ignores nitrogen from residential properties with septic systems, which accounts for 29% of the nitrogen load to Great Bay. Mr. Nourse listed significant statistics for the number properties that would require NPDES permits if CLF's petition is granted. Mr. Nourse stated that per the settlement agreement with CLF the City of Rochester formed a work group to discuss the possibility of a Stormwater Management Program and the possibly of setting up a Utility to manage the program. This RDA could jeopardize that plan as it would be difficult for the City to create a Utility and implement a program if these parcels would also regulated by the CLF RDA. Mr. Nourse stated that the City's legal counsel has been discussing this with CLF and will update and advise the City Council in May regarding this petition and the WWTP NPDES Permit.

#### **10. Drinking Water Watershed Conservation opportunity**

Mr. Nourse stated that the City has a great watershed that the Committee is familiar with. He stated that it encompasses approximately 8000 acres of which approximately ½ are conserved in conservation easements or by City ownership. In 2018 the City partnered with the South East Lant Trust (SELT) to conserve about 350 acres at a very modest cost. In 2021 we were able to conserve about 10 more acres. Mr. Nourse stated that we now have another opportunity to conserve property on Sheepsboro Road in Farmington. He stated that it would be 175 acres in Farmington and 25 in Strafford. Mr. Nourse stated that the property is privately owned, and the owner would like to have a conservation easement placed on it. Thee Moose Mountain Regional Greenway is requesting approximately twenty thousand dollars as a City contribution to the project. The total project is estimated at three hundred and thirty thousand dollars, with most of the cost funded by the Drinking Water Ground Water Trust Fund Land and Community Heritage Investment Program. City Staff is in favor of this opportunity and there are funds appropriated for this conservation easement. Councilor Hamann expressed his support.

#### **11. Rt11 Safety & Capacity Improvement Update**

Mr. Nourse stated that these two RT11 Projects have been discussed previously with the



Public Works Committee. He stated that the project are widely understood to be transportation priorities for Rochester and the region. The City Officials and Staff have been advocating for these projects for the past several years. The City has completed conceptual designs and project estimates as they have worked to advance the project schedule. The Safety Improvement Project will install a traffic signal at Nashoba Drive and to construct sidewalks along the east side of Rt11 to the overpass of the Spaulding Turnpike. This will eventually connect the sidewalk all the way to Strafford Square and the downtown. The Capacity Improvement Project will include two lanes in each direction for travel and will have a center left turn lane. Mr. Nourse stated that NHDOT has assigned a project manager, and both projects have been combined into one project with a singular construction effort. Mr. Nourse stated that we have received the project agreement for execution that includes an 80/20 split in state/city funding. He stated that the agreement proposes advertising for construction in the State of NH Fiscal year 2025 and construction completion in 2026 or 2027. The current NHDOT project estimate is Three million nine hundred thirty-nine thousand, five hundred and sixty-three dollars (\$3,939,563.00). The State Share of 80% would be Three million, one hundred and fifty-one thousand, six hundred and fifty dollars (\$3,151,650.40), and the City share would be 20% at seven hundred and eighty-seven thousand, nine hundred and twelve dollars (\$787,912.60). Mr. Nourse stated that the City had previously appropriated five hundred and twenty-nine thousand dollars (\$529,000) in two separate funding accounts for the project. This amount was based on the previous project estimate, two separate projects and a different funding understanding. Mr. Nourse said that the City Council will see on the May 2<sup>nd</sup>, 2023 agenda that we will be de-authorizing those funds and appropriating the full project now that we have the agreement and a clear understanding of the project estimate and funding splits. Councilor Gray asked about the intersection of Old Dover Road and Tebbetts Road. Mr. Nourse stated that this project is also moving forward as a Highway Safety Improvement Program Project (HSIP) with a 90% State and 10% City Split. He stated that NHDOT and the City have previously executed that agreement, the City has funded the project, and NHDOT has agreed to the City's selected consultant for design. The City is moving forward with design.

## **12. Traffic Devices – Speed Tables**

Mr. Nourse stated he was asked to add this item to the agenda. He stated that a draft policy was written by a member of the Public Safety Committee. Mr. Nourse stated there is currently one speed table in Rochester on Market Place Boulevard and there is one in the design of Strafford Square Roundabout project in the North Main Street slip lane that will be constructed this year. He stated that speed tables are traffic calming devices that raise the profile of the pavement for the width of the roadway or a partial width of the roadway. The length of the table is about 10 feet to accommodate most wheelbases. The height is about four inches. He stated that the intent is to reduce speeds at crosswalks or in other areas. Mr. Nourse stated that the National Institute of Transportation Engineers has extensive guidance for the use of speed tables. He stated that they have developed a very thick manual on this. Mr. Nourse suggested that there could be a standalone ordinance on the use of the speed tables, or if it is deemed appropriate, the DPW is in the process of reviewing and updating the Ordinance Chapter 223 Highways and Sidewalks, and it this could be added during this revision process. He stated he expects that the revisions will be going to City Council for approval late Spring or during the summer and



that a section on traffic calming, including speed tables could be added. The Committee discussed some of the recommendations and the many factors for consideration for placement of speed tables. Mr. Nourse stated that careful consideration and engineering judgement should be used when writing the ordinance. He also noted that there are costs associated with the implementation of the speed tables so funding would need to be considered. Councilor Hamann suggested that inclusion in the ordinance update would be the appropriate way to move this forward. Councilor Larochelle stated that politics should not be involved with the process. He suggested that this should be guided by DPW and engineers with City Council approval based on recommendations of staff. Mr. Grassie expressed his support for the speed tables and stated he understood the considerations for use. Councilor Berlin stated he had drafted some guidelines to prohibit overuse. Mr. Nourse stated he would review Councilor Berlin's draft policy for implementation of Speed Tables and use what the Councilor had drafted for the Ordinance on speed tables. Mr. Radick stated if this is going to take an extended amount of time then he would like to see a speed limit sign closer to downtown on North Main Street.

### **13. Highway Block Aid Funding – Pavement Program**

Mr. Nourse stated that there was a onetime supplemental payment to the City from the Highway Block Aid Funding in the amount of five hundred and thirty-six thousand, nine hundred and forty-nine thousand dollars (\$536,949). He stated that at the April 4, 2023, Regular City Council Meeting those funds had been delegated to the FY2023 Paving Rehabilitation Funds. Mr. Nourse displayed the DPW FY2023 paving recommendations and explained that the list had been presented and approved by the City Council, but that the bottom 3 streets were cut based on funding. Mr. Nourse stated that he is requesting the last three recommended streets be paved using these funds.

*Councilor Gray made a motion to approve Berry Street, Roberts Drive and Kipling Rock Road for paving as recommended by DPW. Councilor Beaudoin seconded the motion. The motion passed unanimously.*

### **14. Gonic Sewer Mystery Slime**

Mr. Nourse stated that in May of 2020 the Rt 125 Wastewater Pump Station experience the introduction of a mysterious, odorous substance that create a thick floating mat in the wet well. The substance was vacuumed out but reappeared in April and June of 2022. There was no damage to the pump station, but staff increased monitoring and vacuuming when the product was found. Staff spent time trying to determine the source and eventually had it sent out for analysis. It was determined that it is a filamentous bacterium that creates viscous filament sheets. Mr. Nourse that consultation with NHDES suggests that it is a result of a "perfect storm" environment. The first factor is that there is low dissolved oxygen. The next is the water temp is slightly higher in the area from WM discharge. Also noted is the food source (paper fibers) comes in from flag road, and Flag Road pipe is made of SDR that could have bellies and sags that hold water. Mr. Nourse stated that the staff has shocked the scum with chlorine and have built a puck dispensing system that regularly treats the area with chlorine like the way pools are treated.

### **15. Common Bandstand – Graffiti Problems**

Mr. Nourse displayed a video of the graffiti problem at the Rochester Common Bandstand. He stated that this is a regularly occurring problem that is using a significant amount of staff time. He stated that there have been three recent incidents of this level



of graffiti and there have also been bio hazards and burning of the deck from small fires and cigarette butts. Mr. Nourse stated that the area is well lit, he doesn't believe that is necessarily happening at night. Mr. Nourse stated that there are two projects in the FY 2024 budgets for cameras at each end of the Common. Ms. Clark stated that the City is also having difficulty finding vendors to supply the Common with portable toilets for the season. She stated two vendors will not supply us due to vandalism and abuse of the property. The Councilors agreed that this is a serious problem. Councilor Beaudoin stated that he would support the camera projects but suggested that Mr. Nourse investigate the State Statutes regarding the use of cameras in public locations.

**16. Ian's Way Winter Turf & Pavement Damage**

Mr. Nourse stated that plow damage was called in on Ian's Way. He displayed the pictures that were sent in. He stated that the damage has been repaired. Councilor Hamann stated that it has been repaired and that the neighborhood was please with the repairs.

**17. Other:**

There were no others discussed.

*Councilor Hamann adjourned the meeting at 9:22 PM.*

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



# welcome



# CITY OF ROCHESTER

## 20" WATER MAIN REHAB PROJECT

04/27/2023



Public Works & Buildings Committee  
April 20, 2023



Legend

Water Main





# BACKGROUND

- 20" main from Reservoir/WTP to Washington Street (~10,000 LF)
- Thought to be original main from reservoir to city (circa 1890s)
- Project started as exploration for water main rehabilitation/lining
- Further records were found indicating mid-1950s
- Infrastructure Improvements / pipe cleaning



04/27/2023

# INFRASTRUCTURE IMPROVEMENTS





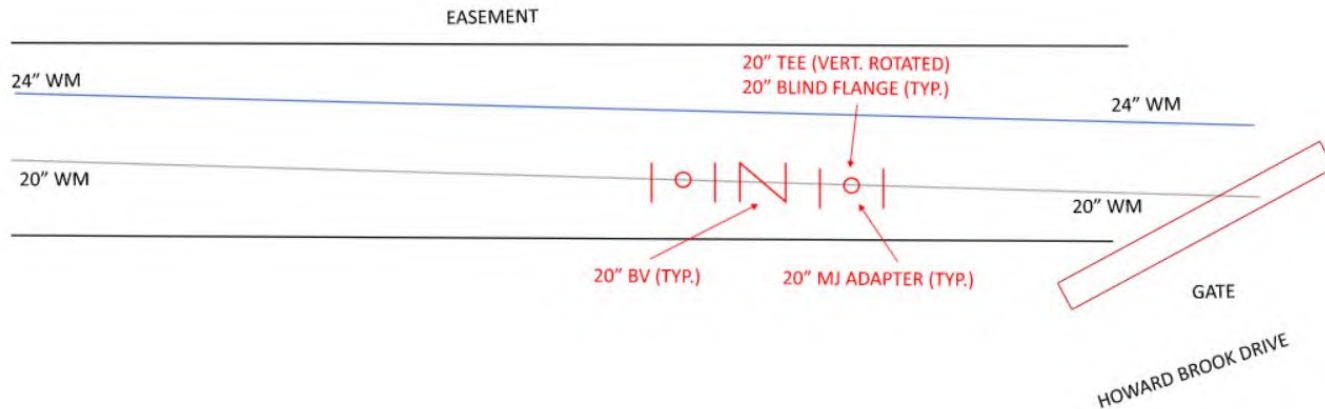
# INFRASTRUCTURE IMPROVEMENTS

ROCHESTER NH – PROPOSED IN-LINE  
VALVE LOCATIONS

HOWARD BROOK DRIVE GATE

SKETCH 2

20" WM APPROXIMATE DEPTH:  
8' BELOW GRADE





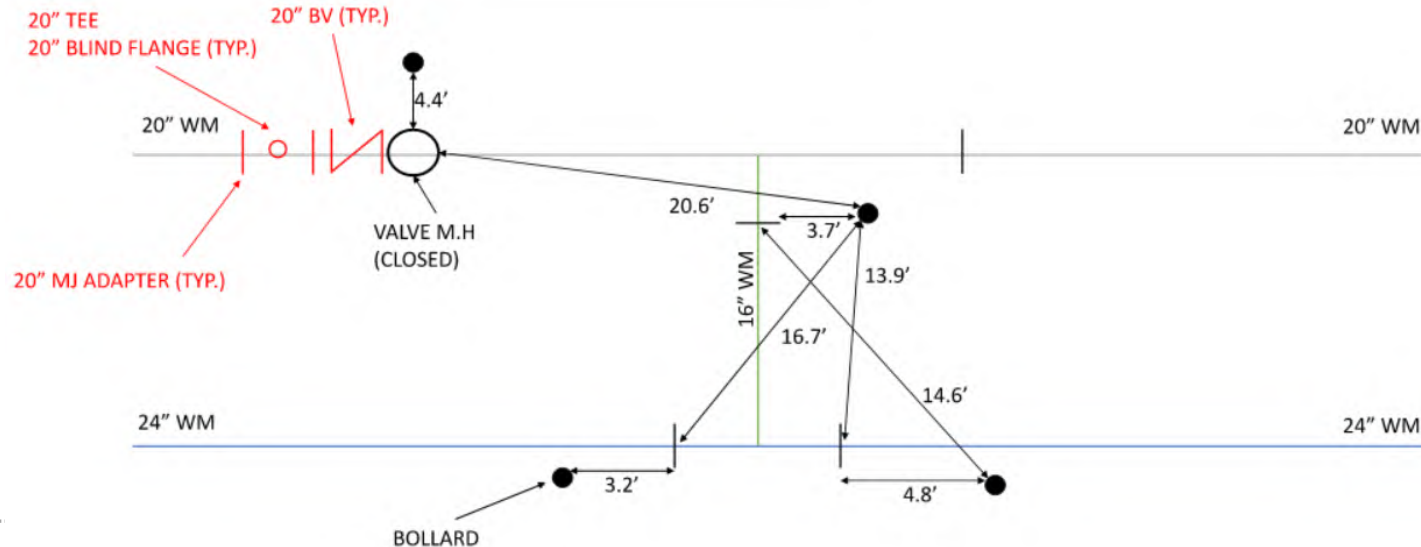
# INFRASTRUCTURE IMPROVEMENTS

ROCHESTER NH – PROPOSED IN-LINE VALVE LOCATIONS

INTERCONNECTION POINT 1

SKETCH 1

20" WM APPROXIMATE DEPTH:  
4' BELOW GRADE





# INFRASTRUCTURE IMPROVEMENTS

04/27/2023



<https://www.facebook.com/reel/712978863861643?mibextid=6il89LLzzqmpA9li>



# EXISTING PIPE CONDITION

04/27/2023

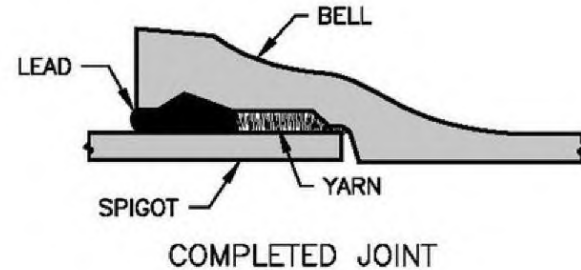
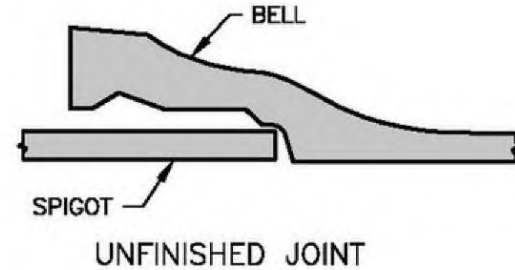




# EXISTING PIPE CONDITION

04/27/2023

20" Transmission Main Joint Packing  
Washington Street





# PIPE CLEANING / PIGGING<sup>04/27/2023</sup>



- Pipe cleaning technology
- Uses weighted foam cylinder
- Physical/mechanical scour of the interior of the pipe to remove debris





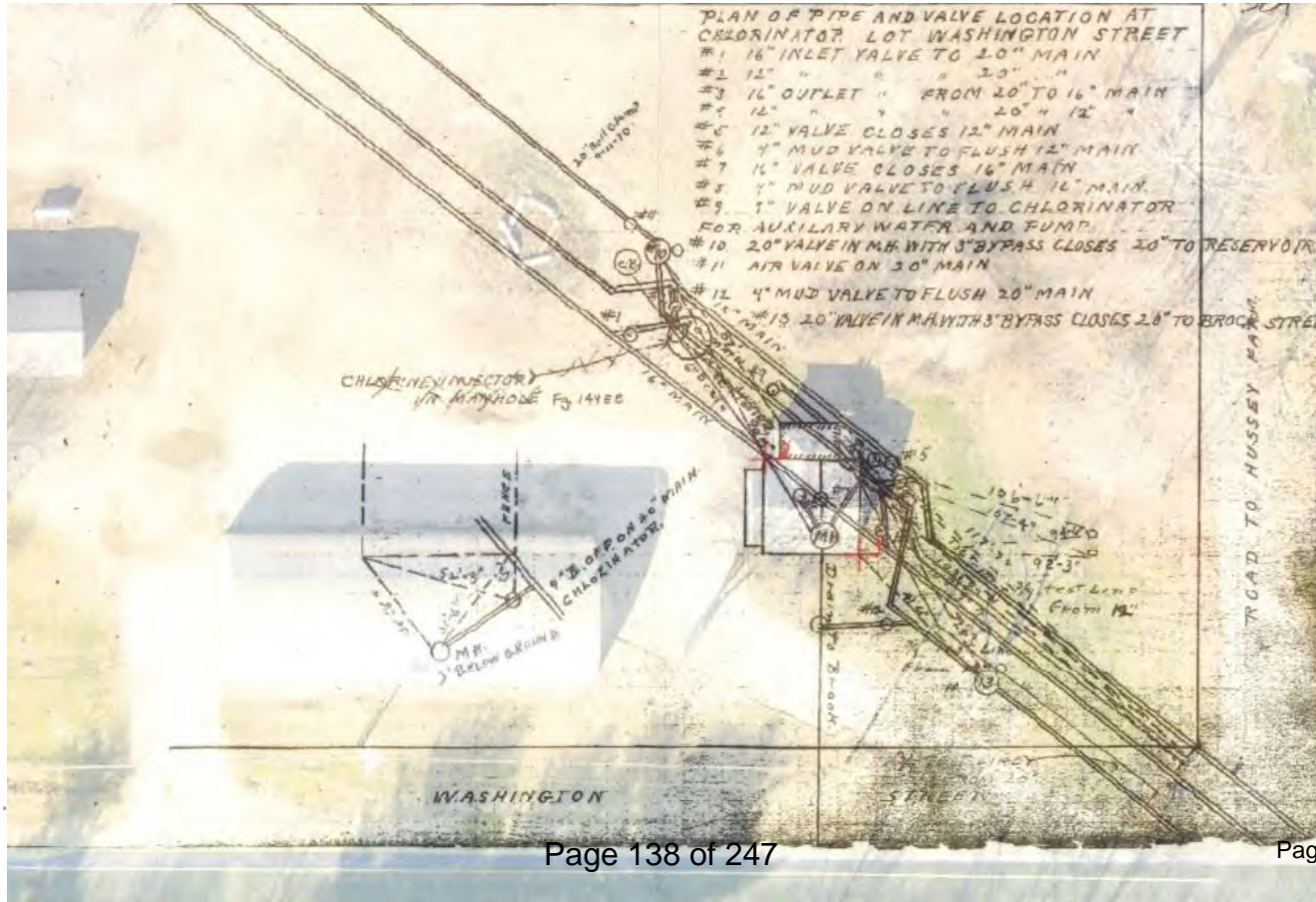


# PIPE CLEANING / PIGGING 04/27/2023





# CHLORINATOR BUILDING IMPROVEMENT





thank you  
westonandsampson.com





# FACT SHEET

## EPA's Proposal to Limit PFAS in Drinking Water March 2023

We rely on water from the moment we wake up and make a cup of coffee to when we brush our teeth at night. Every person should have access to clean and safe drinking water. That's why the U.S. Environmental Protection Agency (EPA) is taking a key step to protect public health by proposing to establish legally enforceable levels for six PFAS known to occur in drinking water, fulfilling a foundational commitment in the Agency's PFAS Strategic Roadmap. Through this proposed rule, EPA is leveraging the most recent science and building on existing state efforts to limit PFAS and provide a nationwide, health-protective standard for these specific PFAS in drinking water.

### What are PFAS chemicals and why are they in our drinking water?

PFAS are a category of manufactured chemicals that have been used in industry and consumer products since the 1940s. PFAS have characteristics that make them useful in a variety of products, including nonstick cookware, waterproof clothing, and firefighting foam, as well as in certain manufacturing processes.

People can be exposed to PFAS in several ways. When their drinking water is contaminated with PFAS, it can be a significant portion of a person's total PFAS exposure. Exposure to PFAS over a long time, and during certain critical life stages, like during pregnancy and in developing babies, may lead to negative health effects.

PFAS can enter the environment from multiple sources, and because they tend to break down very slowly in the environment, PFAS can end up in the water sources that many communities rely on for drinking water. Reducing PFAS in drinking water helps reduce PFAS health risks.

### What is EPA doing to make our drinking water safe?

EPA is taking a key step to protect public health by proposing a National Primary Drinking Water Regulation (NPDWR) to establish legally enforceable levels, called Maximum Contaminant Levels (MCLs), for six PFAS known to occur in drinking water. The six PFAS are **PFOA, PFOS, PFNA, PFHxS, PFBS, and GenX Chemicals**.

An MCL protects public health by setting a maximum level of a contaminant allowed in drinking water which can be delivered to users of a public water system. Additionally, EPA is proposing health-based, non-enforceable Maximum Contaminant Level Goals (MCLGs) for these six PFAS. An MCLG is the maximum level of a contaminant in drinking water where there is no known or anticipated negative effect on an individual's health, allowing for a margin of safety.

### What levels EPA is proposing and what do water systems have to do?

Specifically, EPA is proposing:

- **An enforceable MCL for PFOA and PFOS.** EPA is proposing to regulate PFOA and PFOS at a level they can be reliably measured, which is 4 parts per trillion (4.0 nanograms/Liter).
- **An enforceable limit on a combination of PFNA, PFHxS, PFBS, and GenX Chemicals.** The proposed rule also would place limits on any mixture containing one or more of PFNA, PFHxS, PFBS, and/or GenX Chemicals. For these PFAS, water systems would use an approach called a hazard index, defined in the proposed rule and described later in this document, to determine if the combined levels of these PFAS



pose a potential risk. This approach protects communities from the additive effects of multiple PFAS when they occur together.

- **Monitoring.** EPA is proposing requirements for monitoring for the six PFAS that build upon EPA's long established monitoring frameworks where monitoring frequency depends on previous results. The proposal also includes flexibilities allowing systems to use some previously collected data to satisfy initial monitoring requirements.
- **Public notification.** Public water systems would be required to notify the public if monitoring detects these PFAS at levels that exceed the proposed regulatory standards.
- **Treatment.** Public water systems would be required take actions to reduce the levels of these PFAS in drinking water if they exceed the proposed regulatory standards. This could include removing these chemicals through various types of treatment or switching to an alternative water supply that meets the standard.

## Are testing and treatment technologies available to remove these six PFAS?

Available technologies exist to monitor for and treat these six PFAS. Technologies capable of reducing PFAS in drinking water include granular activated carbon (GAC), anion exchange resins (AIX), reverse osmosis (RO), and nanofiltration (NF).

## What does this proposal mean?

If finalized, the proposed regulation will require public water systems to monitor for these chemicals. It will also require systems to notify the public and reduce the levels of these PFAS if levels exceed the proposed regulatory standards. EPA anticipates that over time, if fully implemented, the rule will reduce tens of thousands of PFAS-attributable illnesses or deaths.

This proposal does not require any actions for drinking water systems until the rule is finalized, and water systems will be required to meet the MCLs after a specified implementation time period. EPA anticipates finalizing the rule by the end of 2023.

## Public input on the proposal

EPA welcomes public input as part of the regulatory development process. The public is invited to review the proposal and supporting information. Comments can be provided in the public docket associated with this rulemaking at [regulations.gov](https://www.regulations.gov), identified by Docket ID Number: EPA-HQ-OW-2022-0114. Comments must be submitted to the public docket during the 60-day public comment period.

EPA will consider all public comments in informing the development of the final regulation. For more information and instructions on how to submit input to the public docket, visit: [www.epa.gov/dockets/commenting-epa-dockets](https://www.epa.gov/dockets/commenting-epa-dockets). EPA will also hold a virtual public hearing on May 4, 2023 where the public is invited to provide EPA with verbal comments. For more information on the public hearing and how to provide EPA with verbal and written comments, please visit: [www.epa.gov/sdwa/and-polyfluoroalkyl-substances-pfas](https://www.epa.gov/sdwa/and-polyfluoroalkyl-substances-pfas).

## Is funding available?

Reducing PFAS in drinking water will likely require investments in water infrastructure. Thanks to President Biden's leadership and bipartisan action in Congress, the Bipartisan Infrastructure Law provides an unprecedented \$9 billion to invest in drinking water systems impacted by PFAS and other emerging contaminants. EPA will ensure that states, Tribes, and communities get their fair share of this federal water infrastructure investment—especially in disadvantaged communities. These funds include:



- **\$4 billion** in investment through the **Drinking Water State Revolving Funds**, including a requirement that states dedicate 25% of these resources to disadvantaged communities or public water systems serving fewer than 25,000 people.
- **\$5 billion** to communities as grants through EPA's new **Emerging Contaminants in Small or Disadvantaged Communities (EC-SDC) Grant Program**. This program will promote access to safe and clean water in small, rural, and disadvantaged communities while supporting local economies. In February 2023, EPA announced the availability of the first \$2 billion of this funding.

For more information on Bipartisan Infrastructure Law funding, visit: [www.epa.gov/infrastructure](https://www.epa.gov/infrastructure).

### What if I am concerned about PFAS in my drinking water?

If you get your water from a drinking water system, reach out to your local water utility to learn about how they may be addressing PFAS as well as ask them to test the water for PFAS or to share information with you if they have already tested the water. Some public drinking water systems may not have this information. If you choose to test your water yourself, it is important to use a state-certified laboratory using EPA-developed testing methods. Check with your state's drinking water program to see if they have issued guidance or standards for PFAS in your state and what actions they recommend or require when there is PFAS contamination. If your state does not have standards or guidance for PFAS see EPA's Health Advisory levels for [certain PFAS](#) for EPA's advice regarding these PFAS in drinking water. You may also consider installing in-home water treatment (e.g., filters) that are certified to lower the levels of PFAS in your water. [Learn about certified in-home water treatment filters.](#)

To learn more about PFAS and steps that can be taken to reduce risks: [www.epa.gov/pfas/meaningful-and-achievable-steps-you-can-take-reduce-your-risk](https://www.epa.gov/pfas/meaningful-and-achievable-steps-you-can-take-reduce-your-risk)

### What does this proposed regulation mean for households on private wells?

While the Safe Drinking Water Act does not regulate private wells and this proposed rule does not set any requirements or standards for private well owners, EPA understands that people who consume water from private wells may be concerned about contamination of their drinking water by PFAS or other contaminants. EPA has resources to help people who rely on private wells for their drinking water.

First, EPA has information on protecting private wells to prevent contamination, testing private wells and protecting your health at <https://www.epa.gov/privatewells>. (The Centers for Disease Control and Prevention also provides similar information about private water systems at <https://www.cdc.gov/healthywater/drinking/private/index.html>)

Second, if test results from an approved laboratory show levels of PFOA, PFOS, Gen X or PFBS, see EPA's PFAS health advisories [Questions and Answers](#) to learn about actions that you might consider based on your test results.

Third, State Drinking Water State Revolving Loan Fund programs may provide funding to households served by private wells to connect to a drinking water system, or to form a new drinking water system that would be subject to Safe Drinking Water Act requirements. SRF funds can be used by states to provide household water quality testing for these PFAS where there is an intent to connect with a public water system, or to form a new one, and to provide temporary household or point-of-use filters while a connection to a public water system is established. For more information on these funding programs, please visit [www.epa.gov/infrastructure](https://www.epa.gov/infrastructure).

### My state drinking water standard for PFAS is higher than this proposal, is my water safe?



This proposal is based on the latest science and if finalized, states will need to establish standards that are as strict as the federal rule. In the interim, EPA currently has Health Advisories in place to act as a guide for states and water systems. EPA's 2022 lifetime health advisory levels represent the concentration of individual PFAS (PFOA, PFOS, GenX Chemicals, and PFBS) in drinking water at below which adverse health effects are not anticipated to occur over a lifetime. It's important to note that many states and utilities are already taking action to reduce PFAS in water, and less PFAS is better over a lifetime of exposure.

If you get your water from a drinking water system, reach out to your local water utility to learn about how they may be addressing PFAS as well as ask them to test the water for PFAS or to share information with you if they have already tested the water. NOTE: Some public drinking water systems may not have this information. If you choose to test your water yourself, it is important to use a state-certified laboratory using EPA-developed testing methods. Check with your state's drinking water program to see if they have issued guidance or standards for PFAS in your state and what actions they recommend or require when there is PFAS contamination. If your state does not have standards or guidance for PFAS see EPA's Health Advisory levels for [certain PFAS](#) for EPA's advice regarding these PFAS in drinking water. You may also consider installing in-home water treatment (e.g., filters) that are certified to lower the levels of PFAS in your water. [Learn about certified in-home water treatment filters.](#)

To learn more about PFAS and steps that can be taken to reduce risks: [www.epa.gov/pfas/meaningful-and-achievable-steps-you-can-take-reduce-your-risk](https://www.epa.gov/pfas/meaningful-and-achievable-steps-you-can-take-reduce-your-risk)

This is a proposed rule for public comment. It does not require any actions for drinking water systems until EPA has a chance to consider public input and the rule is finalized. Once the rule is finalized, water systems will not be required to meet the MCLs until after a specified implementation time period. EPA anticipates finalizing the rule by the end of 2023.

## Additional Background

### *What are MCLGs and MCLs?*

MCLGs are non-enforceable public health goals. MCLGs consider only public health, not the limits of detection and treatment technology effectiveness. Therefore, they are sometimes set at levels which water systems cannot meet because of technological limitations. For example, if a contaminant is a known or likely carcinogen, EPA sets the MCLG at 0. MCLGs also consider adverse health risks to sensitive groups, including infants, children, the elderly, and immuno-compromised individuals. Once the MCLG is established, EPA determines the MCL. MCLs are enforceable standards. An MCL is the maximum level of a contaminant allowed in drinking water which can be delivered to users of a public water system. For this rule proposal, EPA evaluated available methods and treatment technologies, that are shown to measure and remove these six PFAS and set the proposed MCLs as close as possible to the MCLGs. EPA also evaluated costs and benefits in determining the proposed MCLs.

### *What is a Hazard Index?*

The Hazard Index is a tool used to evaluate health risks of simultaneous exposure to mixtures of related chemicals. To prevent health risks from mixtures of certain PFAS in drinking water, EPA is proposing that water systems use this Hazard Index approach to regulate PFHxS, GenX Chemicals, PFNA, and PFBS. To determine the Hazard Index for these four PFAS, water systems would monitor and compare the amount of each PFAS in drinking water to its associated Health-Based Water Concentration (HBWC), which is the level at which no health effects are expected for that PFAS.

Water systems would add the comparison values for each PFAS contained within the mixture. If the value is greater than 1.0, it would be an exceedance of the proposed Hazard Index MCL for these four PFAS. For ease of use, EPA



intends to provide water systems with a web-based form that will automatically calculate the Hazard Index. More information on the Hazard Index, including an example of how to calculate it, can be found in the rule proposal at: [www.epa.gov/sdwa/and-polyfluoroalkyl-substances-pfas](https://www.epa.gov/sdwa/and-polyfluoroalkyl-substances-pfas).

### ***What are PFAS and What are their Health Effects?***

There are thousands of different PFAS, and they can be found in many different consumer, commercial, and industrial products. PFAS can enter the environment from multiple sources and because they break down very slowly, concentrations of PFAS can accumulate in people, animals, and the environment over time and can end up in the water sources that many communities rely on for drinking water.

We now know that some PFAS can cause serious health problems if you are exposed to them – even at low levels – over a long period of time. Drinking water is one of several ways people may be exposed to PFAS and reducing PFAS in drinking water helps reduce PFAS health risks. Exposure to the PFAS EPA is proposing to regulate can increase the risks of a range of health effects, including:

- Reproductive effects such as increased high blood pressure in pregnant people
- Developmental effects or delays in children, including low birth weight, bone variations, or behavioral changes
- Increased risk of some cancers, including kidney and testicular cancers
- Reduced ability of the body's immune system to fight infections, including reduced vaccine effectiveness
- Interference with the body's natural hormones, including thyroid hormones
- Increased cholesterol levels
- Liver damage

### ***What Else is EPA Doing to Stop PFAS Pollution and Protect Communities?***

EPA released its PFAS Strategic Roadmap in October 2021 and has taken actions to reduce PFAS from entering the water we drink, fish, and swim; hold polluters accountable; and accelerate research that will help EPA and other agencies take future actions. EPA is committed to taking broader actions to help reduce Americans' exposure to PFAS, including:

- Monitoring thousands of drinking water systems across the country for dozens of PFAS;
- Taking final action on a proposal to designate two PFAS as "hazardous substances" to help hold polluters accountable;
- Restricting PFAS discharges to our waterways by strengthening Clean Water Act standards; and
- Finalizing chemical data and safety rules that will increase our knowledge about PFAS, allow us to act faster and more strategically, and restrict legacy PFAS from reentering production.

**To learn more about the proposed rule visit:**

[www.epa.gov/sdwa/and-polyfluoroalkyl-substances-pfas](https://www.epa.gov/sdwa/and-polyfluoroalkyl-substances-pfas)





## Proposed PFAS National Primary Drinking Water Regulation Frequently Asked Questions and Answers

### Overview: What action is EPA taking to address PFAS in drinking water?

The U.S. Environmental Protection Agency (EPA) is taking a key step to protect public health by proposing to establish legally enforceable levels for six per- and polyfluoroalkyl substances (PFAS) known to occur in drinking water, fulfilling a foundational commitment in the Agency's PFAS Strategic Roadmap. Through this proposed rule, EPA is leveraging the most recent science and building on existing state efforts to limit PFAS and provide a nationwide, health-protective standard for these specific PFAS in drinking water. EPA is requesting public comment on this proposed National Primary Drinking Water Regulation (NPDWR).

### Question 1: What are PFAS chemicals, and why are they in our drinking water?

Per- and polyfluoroalkyl substances, also called "PFAS," are a group of manufactured chemicals that have been used in industry and consumer products since the 1940s. PFAS have characteristics that make them useful in a variety of products, including nonstick cookware, waterproof clothing, stain-resistant carpets and fabrics, and firefighting foam, as well as in certain manufacturing processes. There are thousands of different PFAS. The domestic production or use of some PFAS (like PFOA and PFOS) has been largely phased out but others continue to be used.

PFAS tend to break down extremely slowly in the environment and can build up in people, animals, and the environment over time. PFAS have been found in water, air, and soil across the nation and around the globe. Because of this, PFAS can end up in the water sources that communities rely on for drinking water. Scientific studies show links between certain levels of PFAS exposure and harmful health effects in humans and animals.

### Question 2: Which PFAS does this action propose to regulate?

EPA is proposing to regulate six specific PFAS: PFOS, PFOA, PFHxS, GenX chemicals (also known as HFPO-DA), PFNA, and PFBS. The proposed rule addresses PFOS and PFOA as individual contaminants and addresses the other four PFAS as a mixture of chemicals. For more information about these specific chemicals, including their uses and history of use in industry and products, and their known health effects, please see the following:

- [PFOS \(Perfluorooctane Sulfonic Acid\)](#)
- [PFOA \(Perfluorooctanoic Acid\)](#)
- [PFHxS \(Perfluorohexane Sulfonic Acid\)](#)
- [GenX chemicals \(hexafluoropropylene oxide \(HFPO\) dimer acid and its ammonium salt – developed as replacements for PFOA\)](#)
- [PFNA \(Perfluorononanoic Acid\)](#)
- [PFBS \(perfluorobutane sulfonic acid and its related compound potassium perfluorobutane sulfonate – developed as replacements for PFOS\)](#)

### Question: 3. What health effects can result from exposure to PFAS, specifically the six covered by the proposed rule (PFOS, PFOA, PFHxS, GenX Chemicals, PFNA, and PFBS)?

People can be exposed to PFAS in several ways, including by consuming drinking water containing PFAS. EPA's analysis of a wide range of scientific studies shows that long-term exposure, and exposure during certain critical life stages like pregnancy and in developing babies, to certain levels of these six PFAS may lead to a range of



significant health effects including (but not limited to):

- Reproductive effects, such as increased high blood pressure in pregnant people
- Developmental effects or delays in babies and young children, including low birth weight, bone variations, or behavioral changes
- Increased risk of some cancers, including kidney and testicular cancers
- Reduced ability of the body's immune system to fight infections, including reduced vaccine effectiveness
- Interference with the body's natural hormones, including thyroid hormones
- Increased cholesterol levels, which can increase risk of heart attack and stroke
- Liver damage

#### **Question 4: What is a National Primary Drinking Water Regulation (NPDWR)?**

National Primary Drinking Water Regulations are legally enforceable standards that apply to public water systems. NPDWRs protect public health by limiting the levels of contaminants within drinking water. These standards are most frequently expressed as Maximum Contaminant Levels (MCLs), which are described further below.

#### **Question 5: How do I provide comment on the proposed PFAS NPDWR?**

EPA invites members of the public to review the proposed NPDWR and supporting information and provide comment in the public docket associated with this rulemaking at [www.regulations.gov](http://www.regulations.gov), identified by Docket ID Number: EPA-HQ-OW-2022-0114.

EPA will consider all public comments in informing the development of the final regulation. For more information and instructions on how to submit input to the public docket, visit [www.epa.gov/dockets/commenting-epa-dockets](http://www.epa.gov/dockets/commenting-epa-dockets). EPA will also hold a virtual public hearing on May 4, 2023, at which the public will be invited to provide EPA with verbal comments. For more information on the public hearing and how to provide EPA with verbal comments, visit <https://www.epa.gov/sdwa/and-polyfluoroalkyl-substances-pfas>.

#### **Question 6: When is EPA issuing a final NPDWR for PFAS?**

EPA will issue a final PFAS NPDWR after reviewing public comments provided on the proposed NPDWR. As outlined in EPA's [PFAS Strategic Roadmap](#), EPA anticipates finalizing the regulation by the end of 2023. EPA will consider all comments submitted to the Agency as EPA develops the final regulation.

#### **Question 7: What is a Maximum Contaminant Level Goal (MCLG)? What is a Maximum Contaminant Level (MCL)?**

In the proposed rule, EPA is proposing a Maximum Contaminant Level Goal and a Maximum Contaminant Level for these six PFAS.

MCLGs are non-enforceable public health goals. An MCLG is the level of a contaminant in drinking water at which no known or anticipated negative health effects occur and which allows an adequate margin of safety. MCLGs consider only public health risks, including for sensitive populations like pregnant people, developing babies and infants, children, elderly, and immuno-compromised individuals. MCLGs do not consider limits of detection or treatment technology effectiveness. Therefore, MCLGs are sometimes set at levels that water systems cannot meet because of current technological limitations. For example, if a contaminant is a known or likely carcinogen, EPA sets the MCLG at 0.



MCLs are enforceable standards. An MCL protects public health by setting a maximum level of a contaminant allowed in drinking water, which can be delivered to users of a public water system. An MCL is set as close as feasible to an MCLG while taking into consideration the ability to measure and treat to remove a contaminant. EPA also evaluates costs and benefits in determining MCLs.

### Question 8: What are the proposed MCLs for these six PFAS and how did EPA determine these levels?

EPA must establish an enforceable MCL as close to the MCLG as is feasible. The Agency evaluates feasibility according to several factors including the availability of tests or “analytical methods” capable of measuring the regulated chemicals in drinking water. EPA also examines whether proven treatment technologies capable of removing these chemicals under both laboratory and field conditions exist. Based on these factors, EPA is proposing the following enforceable MCLs:

Compounds	Proposed Maximum Contaminant Levels
PFOS	4 parts per trillion (4.0 ng/L)
PFOA	4 parts per trillion (4.0 ng/L)
PFHxS	Hazard Index = 1.0 (unitless)*
GenX Chemicals	
PFNA	
PFBS	
*Learn more about the hazard index calculation, and the specific levels for these four PFAS below	

### Question 9: What is a Hazard Index and how is this implemented as an MCL?

EPA is proposing to regulate four PFAS – PFHxS, GenX Chemicals, PFNA, and PFBS – as a mixture, using an established approach called a hazard index. The Hazard Index is a tool used to evaluate health risks from simultaneous exposure to mixtures of certain chemicals. Many PFAS are found together and in different levels and combinations. Estimating risk by considering one chemical at a time may underestimate the health risks associated with exposure to many PFAS at the same time.

To prevent health risks from mixtures of certain PFAS in drinking water, EPA is proposing to use this Hazard Index calculation to regulate PFHxS, GenX Chemicals, PFNA, and PFBS in public water systems. To determine the Hazard Index for these four PFAS, water systems would monitor and compare the amount of each PFAS in drinking water to its associated Health Based Water Concentration (HBWC), which is the level below which no health effects are expected for that PFAS. Water systems would add the comparison values for each PFAS contained within the mixture. If the value is greater than 1.0, it would be an exceedance of the proposed Hazard Index MCL for PFHxS, GenX Chemicals, PFNA, and PFBS.

For ease of use, EPA intends to provide water systems with a web-based form that will automatically calculate the Hazard Index. More information on the Hazard Index, including an example of how to calculate it, can be found in the proposed rule at: [www.epa.gov/sdwa/and-polyfluoroalkyl-substances-pfas](https://www.epa.gov/sdwa/and-polyfluoroalkyl-substances-pfas).

### Question 10: If the rule is finalized, what will public water systems have to do?

In addition to establishing MCLs and MCLGs, the proposed regulation, if finalized, would require water systems to take the following steps:

- **Monitor.** EPA is proposing requirements for monitoring for the six PFAS that build upon EPA’s long-established monitoring frameworks under which monitoring frequency depends on previous results. The



proposal also includes flexibilities allowing systems to use some previously collected data to satisfy initial monitoring requirements.

- **Notify consumers.** Public water systems would be required to notify the public if monitoring detects these PFAS at levels that exceed the proposed regulatory standards.
- **Treat to achieve the MCLs.** Public water systems would be required to take actions to reduce the levels of these PFAS in drinking water if they exceed the proposed regulatory standards. This could include removing these chemicals through various types of treatment or switching to an alternative water supply that meets the standard.

### Question 11: What should public water systems do now if they have concentrations of these contaminants above the proposed MCLs?

This is a proposed rule for public comment. It does not require any actions for drinking water systems until EPA considers public input on the proposed rule and finalizes a rule. Once the rule is finalized, water systems will not be required to meet the MCLs until after a specified implementation time period.

EPA has also developed Drinking Water Health Advisories for four PFAS: PFOS, PFOA, GenX Chemicals, and PFBS. These non-regulatory and non-enforceable health advisories provide information on actions that water systems may take to address PFAS contamination. For more information, <https://www.epa.gov/sdwa/drinking-water-health-advisories-pfoa-and-pfos>.

EPA and its partner agencies have several other materials that can inform steps that water systems and the public may take now to reduce levels of these PFAS in their drinking water.

- To learn more about PFAS and steps that can be taken to reduce risks: <https://www.epa.gov/pfas/meaningful-and-achievable-steps-you-can-take-reduce-your-risk>
- For information on protecting and maintaining home drinking water wells: <https://www.epa.gov/privatewells>
- Consider any resources and recommendations from states: <https://www.epa.gov/pfas/us-state-resources-about-pfas>
- Learn more about EPA's process of developing the PFAS National Primary Drinking Water Regulation: <https://www.epa.gov/sdwa/and-polyfluoroalkyl-substances-pfas>

### Question 12: How can I find out if there are PFAS in my drinking water?

If you are concerned about PFAS in your drinking water, EPA recommends you contact your local water utility to learn more and see whether they have monitoring data for PFAS or can provide any specific recommendations for your community.

If you own a home drinking water well, EPA recommends learning more about how to protect and maintain your well to address PFAS and other contaminants of concern. For information on home drinking water wells visit <https://www.epa.gov/privatewells>.

Additionally, between 2023 and 2025, EPA is collecting nationally representative drinking water occurrence data from public water systems for 29 PFAS, including these six PFAS, as part of EPA's Fifth Unregulated Contaminant Monitoring Rule (UCMR 5). EPA will be making these monitoring results available starting in mid-2023 at the following website: <https://www.epa.gov/dwucmr/occurrence-data-unregulated-contaminant-monitoring-rule>. EPA has proposed to allow using this newer UCMR 5 data to satisfy initial water system monitoring requirements under the proposed rule.



### Question 13: What if I am concerned about PFAS in my drinking water?

If you get your water from a drinking water system, reach out to your local water utility to learn about how they may be addressing PFAS as well as ask them to test the water for PFAS or to share information with you if they have already tested the water. NOTE: Some public drinking water systems may not have this information. If you choose to test your water yourself, it is important to use a state-certified laboratory using EPA-developed testing methods. Check with your state's drinking water program to see if they have issued guidance or standards for PFAS in your state and what actions they recommend or require when there is PFAS contamination. If your state does not have standards or guidance for PFAS see EPA's Health Advisories for certain PFAS for information regarding these PFAS in drinking water and [advice on actions that you may want to consider](#). You may also consider installing in-home water treatment (e.g., filters) that are certified to lower the levels of PFAS in your water. [Learn about certified in-home water treatment filters](#).

To learn more about PFAS and steps that can be taken to reduce risks: [www.epa.gov/pfas/meaningful-and-achievable-steps-you-can-take-reduce-your-risk](http://www.epa.gov/pfas/meaningful-and-achievable-steps-you-can-take-reduce-your-risk)

### Question 14: What does this proposed regulation mean for households on private wells?

While the Safe Drinking Water Act does not regulate private wells and this proposed rule does not set any requirements or standards for private well owners, EPA understands that people who consume water from private wells may be concerned about contamination of their drinking water by PFAS or other contaminants. EPA has resources to help people who rely on private wells for their drinking water. First, EPA has information on protecting private wells to prevent contamination, testing private wells, and protecting your health at <https://www.epa.gov/privatewells>. (The Centers for Disease Control and Prevention also provides similar information about private water systems at <https://www.cdc.gov/healthywater/drinking/private/index.html>)

Second, If test results from an approved laboratory show levels of PFOA, PFOS, Gen X or PFBS, see EPA's PFAS health advisories [Questions and Answers](#) to learn about actions that you might consider based on your test results. Third, State Drinking Water State Revolving Loan Fund programs may provide funding to households served by private wells to connect to a drinking water system, or to form a new drinking water system that would be subject to Safe Drinking Water Act requirements. SRF funds can be used by states to provide household water quality testing for these PFAS where there is an intent to connect with a public water system, or to form a new one, and to provide temporary household or point-of-use filters while a connection to a public water system is established. For more information on these funding programs, please visit [www.epa.gov/infrastructure](http://www.epa.gov/infrastructure).

### Question 15: Does the proposed PFAS regulation apply to bottled water?

The proposed National Primary Drinking Water Regulation does not apply to bottled water, it applies to public water systems. The Food and Drug Administration has authority for bottled water. EPA has coordinated with the FDA on this proposed rule. When EPA establishes a drinking water standard for a contaminant, the FDA evaluates and adopts the standard as appropriate for bottled water. See <https://www.fda.gov/consumers/consumer-updates/bottled-water-everywhere-keeping-it-safe> for more information about how FDA oversees bottled water standards.

### Question 16: What tests or “analytical methods” exist to measure PFAS in drinking water?

Using EPA methods 533 and 537.1, both government and private laboratories can now effectively measure 29



PFAS, including the six PFAS EPA is proposing to regulate, at very low levels in drinking water – including at the levels proposed as MCLs. EPA continues to conduct research and monitor advances in testing technology, methods, and techniques that may improve our ability to measure these and other PFAS at even lower levels.

### **Question 17: What treatment technologies exist to remove PFOS, PFOA, PFHxS, GenX Chemicals, PFNA, and PFBS in drinking water?**

Proven technologies, including activated carbon, anion exchange, and high-pressure membranes, can remove these six PFAS, as well as many other PFAS and additional contaminants, such as disinfection byproducts, organic contaminants, certain heavy metals, and pesticides, from drinking water systems. These treatment technologies can be installed at a water system's treatment plant and are also available as in-home filter options.

The proposed drinking water regulation and related drinking water treatment supporting documents provide information on these treatment technologies that EPA has found effectively reduce the six PFAS. It may also be possible for water systems to reduce these six PFAS in their water by switching to other water supplies rather than through treatment.

### **Question 18: What do water systems do with treatment residuals that contain PFAS?**

Many treatment solutions generate “residuals” – filters or other by-products of media that have been used in the treatment process to capture PFAS and remove it from drinking water. As part of EPA's evaluation of available treatment technologies for PFAS, the Agency has assessed factors around residuals waste streams and disposal options. For more information on current residuals management practices, see *EPA's Best Available Technologies and Small System Compliance Technologies for Per- and Polyfluoroalkyl Substances (PFAS) in Drinking Water*, which will be available in the docket for the proposed rule at [www.regulations.gov](http://www.regulations.gov), identified by Docket ID Number: EPA-HQ-OW-2022-0114.

EPA's 2020 [\*Interim Guidance on the Destruction and Disposal of PFAS Substances and Materials Containing PFAS Substances\*](#) outlines destruction and disposal technologies that may be effective for PFAS, as well as uncertainties and information gaps associated with these technologies and ongoing research to address them. As indicated in EPA's PFAS Strategic Roadmap, the Agency anticipates releasing an updated version of the Guidance by December 2023. EPA is committed to ongoing efforts to evaluate and develop technologies for reducing PFAS in the environment.

### **Question 19: My state (or Tribe or territory) currently has a different safety level for PFOS, PFOA, PFHxS, GenX Chemicals, PFNA, and PFBS than EPA's proposed values. Why is this?**

Some states have established drinking water regulations or guidance values for some PFAS prior to this proposed rule and have led the way in monitoring for and limiting some of these chemicals. The NPDWR proposed by EPA, if finalized, will provide a nationwide, health protective level for these six PFAS in drinking water. The rule reflects regulatory development requirements under the Safe Drinking Water Act (SDWA), including EPA's analysis of the best available and most recent peer-reviewed science; available drinking water occurrence, treatment and analytical feasibility information; and consideration of costs and benefits.

At this time, communities and water systems should follow all applicable current state requirements, recognizing that EPA's proposed rule does not require water systems to take any action at this time. When the final NPDWR goes into effect, states will be required to have a standard that is no less strict than the NPDWR, as



SDWA requires.

### **Question 20: Besides drinking water, how else can people be exposed to PFOS, PFOA, PFHxS, GenX Chemicals, PFNA, and PFBS?**

An individual's exposure to PFAS can vary due to a number of factors. PFAS have been found in the environment across the nation and around the globe. Certain PFAS have been detected in drinking water, soil, and water near waste sites, areas where fire extinguishing foam has been used, and around manufacturing or chemical production facilities that produce or use PFAS. PFAS can also be found in certain foods, food packaging, household products, dust, personal care products, and biosolids.

Current research shows that people can be exposed to PFAS by working in occupations such as firefighting or chemical manufacturing and processing, eating certain foods such as fish that may contain PFAS, swallowing contaminated soil or dust, breathing air containing PFAS, or using products made with PFAS or that are packaged in materials containing PFAS. When a person's drinking water is contaminated with PFAS, it can be a significant portion of their total PFAS exposure.

### **Question 21: What funding is available to support communities that are addressing PFAS contamination in drinking water?**

The Bipartisan Infrastructure Law provides an unprecedented \$9 billion specifically to invest in communities with drinking water impacted by PFAS and other emerging contaminants. This includes \$4 billion to the Drinking Water State Revolving Fund (DWSRF) and \$5 billion through EPA's Emerging Contaminants in Small or Disadvantaged Communities Grant Program. States and communities can further leverage an additional nearly \$12 billion in the DWSRF dedicated to making drinking water safer, and billions more that the federal government has annually provided to fund DWSRF loans. These funds will help communities make important investments in solutions to remove PFAS from drinking water.

EPA will ensure that states, Tribes, and localities get their fair share of this federal water infrastructure investment – especially disadvantaged communities. More information about the Bipartisan Infrastructure Law and its emerging contaminant funding can be found at <https://www.epa.gov/infrastructure>.

### **Question 22: Will EPA develop drinking water regulations for other PFAS?**

At this time, EPA is not proposing drinking water regulations for PFAS chemicals other than PFOS, PFOA, PFHxS, GenX Chemicals, PFNA, and PFBS. The Agency and other research organizations are actively working to better understand potential health risks for other PFAS in drinking water. EPA is gathering information from public water systems across the nation on the occurrence of 29 PFAS under the Fifth Unregulated Contaminant Monitoring Rule between 2023 and 2025. Using this and other occurrence information, as well as evolving research on PFAS health effects, treatment technologies, and other available scientific and technical information, EPA will evaluate if other PFAS should be regulated in the future.

The drinking water treatment technologies that EPA has found to effectively reduce the six PFAS that the Agency is proposing to regulate are also expected to reduce the levels of other PFAS.

### **Question 23: What is a regulatory determination, and why is EPA concurrently making a regulatory determination for PFHxS, GenX Chemicals, PFNA, and PFBS in this proposal?**

A regulatory determination is a decision on whether EPA should initiate a rulemaking process to develop an



NPDWR for a specific contaminant. In March 2021, EPA issued a final regulatory determination to regulate PFOA and PFOS. Concurrent with EPA's March 2023 proposed rule, EPA is making a preliminary determination to regulate PFHxS, GenX Chemicals, PFNA, and PFBS, as well as mixtures of these four PFAS. New information demonstrates that these PFAS meet the SDWA criteria for regulation including that they may have adverse health effects, that they are likely to be found in public water systems with a frequency and at levels of concern, and that there is a meaningful opportunity for health risk reduction through a national drinking water regulation.

EPA is publishing the preliminary regulatory determination for PFHxS, GenX Chemicals, PFNA, and PFBS for public comment. EPA will consider the comments prior to making the final regulatory determination and, if appropriate, publishing a final NPDWR that addresses these four PFAS.





## MEMORANDUM

**TO:** Peter Nourse, P.E., Director of City Services

**FROM:** Rath, Young & Pignatelli, P.C.

**DATE:** April 12, 2023

**RE:** Summary of the Conservation Law Foundation's Petition to EPA for Remedial Designation Authority and Potential Impacts on the City of Rochester

On February 15, 2023, the Conservation Law Foundation ("CLF") filed a Petition for Residual Designation Authority ("RDA") with the Environmental Protection Agency ("EPA") pursuant to 40 CFR 122.26 (a)(9)(i)(D). The purpose and intent of the petition is to require EPA to make a determination that certain non-regulated stormwater discharges are negatively impacting water quality of the Great Bay Estuary. The CLF RDA specifically requests that the EPA issue an RDA covering the Great Bay Watershed including 18 communities subject to the New Hampshire Small Municipal Separate Storm Sewer System ("MS4") Permit for stormwater discharges, including 9 communities subject to the Great Bay Total Nitrogen General Permit, as well as 18 communities not subject to the NH Small MS4 permit. The Petition requests that EPA issue a designation that discharges from all industrial, commercial, and institutional properties exceeding .75 acres of impervious area in MS4 communities and 1.5 acres of impervious area in non-MS4 communities be subject to the RDA and apply for coverage under a new general NPDES permit to regulate stormwater discharges. Based upon discussions with CLF on Wednesday, April 12, 2023, the RDA would cover commercial, industrial and institutional properties located in the City, but would **not** include municipally owned property (including public schools, for example).

This RDA gives EPA the ability to regulate stormwater discharges via the Clean Water Act's ("CWA's") primary permitting program, the long-established National Pollutant Discharge Elimination System ("NPDES"). For sites where EPA determines that storm water controls are needed for the discharge as part of meeting the required total maximum daily loads (TMDLs), that the discharge or category of stormwater discharges within a geographic area contributes to a violation of a water quality standard, or that the stormwater discharge is a significant contributor of pollutants to waters of the United States, RDA allows EPA to designate these stormwater sources for regulation. A TMDL is essentially a pollution budget that establishes a maximum amount of the pollutant that can enter a water body, and it allocates load reductions necessary from various sources of the pollutant.

Essentially, what RDA does is to allow the federal government to expand the scope of the CWA's permitting coverage beyond the traditional industrial and municipal general permit

One Capital Plaza  
Concord, NH 03302-1500  
T (603) 226-2600  
F (603) 226-2700

20 Trafalgar Square  
Suite 307  
Nashua, NH 03063  
T (603) 889-9952  
F (603) 595-7489

120 Water Street  
2nd Floor  
Boston, MA 02109  
T (617) 523-8080  
F (603) 226-2700

26 State Street  
Suite 9  
Montpelier, VT 05602  
T (802) 552-4037  
F (603) 226-2700

1855 Elm Street  
Manchester NH 03104  
T (603) 226-2600



## Residual Designation Authority Memo

April 12, 2023

Page 2

programs to include the regulation of sites on a case-by-case or category-by-category basis by issuing NPDES permits for discharges of stormwater which result in localized adverse impacts to water quality. The RDA will require all commercial, industrial, and institutional properties within the designated area that meet the criteria to manage stormwater discharges from their respective properties to minimize the discharge of pollutants, particularly nitrogen. CLF clarified that the interpretation of “institutional” is only privately owned property, not publicly owned institutional properties such as public schools or public buildings.

Interestingly, the RDA petition omits application to residential properties with septic systems that cumulatively account for approximately 29% of the nitrogen load to the Great Bay Estuary. It also does not specifically exempt those discharges either to or from a system already subject to a NPDES permit or other stormwater permits. This is inconsistent with the recent RDA decision by EPA in Region 1 for the Charles River, Neponset River, and Mystic River watersheds, as well as the exemption for regulated discharges in a Vermont RDA issued after litigation in 2015. The RDA petition also ignores the impact of point and non-point sources from 12 communities in Maine, including 10 wastewater treatment facilities that discharge to the Great Bay Estuary.

Properties already subject to MS4 Permit requirements with more than .75 acres of impervious area would also need to apply for a general stormwater NPDES permit under the RDA program that may require them to institute additional best management practices (“BMPs”) such as good housekeeping (sweeping, catch basin cleaning, etc.) and install structural devices to capture and treat stormwater such as low impact development and green infrastructure. These same properties already must comply with the MS4 regulations and development/redevelopment obligations, thus subjecting them to double regulation.

This double regulation could also impact the City of Rochester’s ability to institute and implement a stormwater utility to establish a stable fund for stormwater related improvements. Properties subject to the MS4 and RDA general permit requirements to manage stormwater would likely strongly object to further municipal regulation and fees pursuant to a stormwater utility. Further adding to the uncertainty surrounding stormwater regulation is the upcoming renewal (possibly this Fall) of the NH small MS4 permit. EPA is contemplating further regulatory requirements within the renewed MS4 permit.

The RDA petition could impact the cost of construction, limit investment and growth in Rochester and other communities subject to the RDA in the Great Bay Estuary watershed. The timing of this CLF Petition is also questionable. Rochester and the other Municipal Alliance for Adaptive Management (“MAAM”) communities are in the middle of their first 5-year term of the recently issued Nitrogen General Permit. As part of that process, the communities and EPA have committed to undertaking extensive additional studies to better



## Residual Designation Authority Memo

April 12, 2023

Page 3

understand the impact of nitrogen levels in the Great Bay Estuary, and what other impacts unrelated to nitrogen may be negatively affecting eel grass health in the Estuary. Further, in Rochester, Portsmouth and Dover's settlement agreements with CLF, each municipality committed to exploring the possibility of implementing a stormwater utility. Each of these communities is currently doing so, and the impact of this RDA Petition puts those efforts in doubt.

EPA technically has 90 days to respond and make a determination as to how it will proceed. However, EPA often does not respond within this time frame, and CLF has sued EPA over other RDA Petitions to force it to respond. EPA has recently indicated to us that the RDA process is a long and deliberate one based on scientific data and analyses regarding stormwater impacts. It will require a finding that defined stormwater discharges are impairing the Great Bay Estuary. One limitation is the lack of a TMDL for nitrogen in the Great Bay Estuary. The RDA issued in Vermont and the Charles River watershed were based upon established TMDLs that had identified the sources of stormwater discharges. An RDA issued for Long Creek near Portland, Maine was not based upon a TMDL, but upon extensive data and studies conducted by the State of Maine.

While the Piscataqua Region Estuaries Partnership ("PREP"), University of New Hampshire ("UNH") and MAAM have studied the health of the Great Bay Estuary, EPA will likely need to conduct additional studies to determine the sources of nitrogen, whether and how they create an impairment, and evaluate the land uses and parcels in each regulated community. This will surely result in additional delay in either an RDA finding or implementation of a general permit by EPA.

One additional challenge for CLF is that EPA has issued waivers to a number of NH Small MS4 communities in the Great Bay Watershed. This is problematic to CLF's petition because EPA can only grant a waiver with a finding that discharges from those communities are not impacting or causing an impairment of water quality.

If EPA makes an RDA determination for the Great Bay Estuary, EPA would then need to issue a general NPDES permit which would be subject to public comment and potential challenges from the various impacted stakeholders. So clearly IF this process goes forward, it will be a long and involved one. Recently EPA Region 1 has urged the MAAM communities to meet with CLF and EPA to discuss these concerns, and the timing and scope of the Petition. Working with representatives of Dover and Portsmouth we met with Tom Irwin and Melissa Paly with the CLF to discuss the concerns and potential impacts of the RDA petition. CLF was open to the concerns raised that the RDA could impact, stall or otherwise restrict the ability of the three communities to develop, approve and implement stormwater utilities. CLF is very interested in making sure those programs move forward





Residual Designation Authority Memo

April 12, 2023

Page 4

and may be willing to consider a carve-out or exemption for communities in the RDA area that implement a stormwater utility. The parties discussed setting up a follow-up meeting with CLF and EPA in mid-May.



## -Proposed Solar Ordinance-

### **For Info Only:**

**Authority:** The City of Rochester hereby adopts this article pursuant to the authority granted under RSA 674:16, in particular RSA 674:16, II, relative to innovative land use controls.

All proposals under this Ordinance may be subject to special investigation and the review of documents under RSA 674:44-V.

**Purpose:** The purpose of this article is to provide energy choice to property owners while protecting the public health, safety, welfare, and character of Rochester communities.

### **Amendment Starts here. All are additions:**

#### **275-2.2 Definitions: (additions)**

**Ground Mount:** A Solar Collection System and associated mounting hardware that is affixed to or placed upon the ground including but not limited to fixed, passive, or active tracking racking systems.

**Rated Nameplate Capacity:** Maximum rated alternating current (“AC”) output of solar collection system based on the design output of the solar system.

**Roof Mount:** A Solar Collection System that is on a roof of a building or structure, including limited accessory equipment associated with system which may be ground mounted.

**Solar, Accessory Commercial:** A Solar Collection System primarily for on-site commercial use and consisting of one or more ground mounted solar array(s) or a roof mounted Solar Collection System. Accessory Commercial Solar Systems are intended to primarily reduce on-site consumption of utility power with a rated nameplate capacity of 100kW AC or less.

**Solar, Accessory Residential:** A Solar Collection System primarily for on-site residential use consisting of a ground or a roof mounted Solar Collection System. Accessory Residential Solar Systems are intended to primarily reduce on-site consumption of utility power with a rated nameplate capacity of 25kW AC or less.

**Solar, Accessory Industrial:** A Solar Collection System primarily for on-site industrial use and consisting of one or more ground mounted solar array(s) or a roof mounted Solar Collection System. Accessory Industrial Solar Systems are intended to primarily reduce on-site consumption of utility power with a rated nameplate capacity of 100kW AC or less.

**Solar, Commercial:** A principle use of land that consists of one or more free-standing, ground mounted, or roof mounted Solar Collection Systems with a rated nameplate capacity of up to 1 MW AC.

**Solar, Community:** A principle use of land that consists of one or more free-standing, ground mounted, or roof mounted solar collection systems up to 250 kW AC.



**Solar, Utility:** A principle use of land that consists of one or more free-standing, ground mounted Solar Collection Systems larger than 1MW AC.

**Solar Collection System:** Includes all equipment required to harvest solar energy to generate and transmit generated energy to the point of interconnection electricity. The Solar Collection System includes storage devices, power conditioning equipment, transfer equipment, and parts related to the functioning of those items. Solar Collection Systems include only equipment up to (the point of interconnection to the utility grid or site service point.

## **275 Attachment 4**

**Table 18-D “Industrial-Storage-Transport-Utility Uses” (additions)**

Use Table												
	R1	R2	NMU	AG	DC	OC	GR	HC	GI	RI	HS	AS
Solar, Accessory Residential	P or E	P or E	P	P	P	P	P	P	P	P	P	P
Solar, Accessory Commercial	E	E	E	P	C	P	P	P	P	P	C	C
Solar, Accessory Industrial	E	E	E	P	C	P	P	P	P	P	C	C
Solar, Community	-	-	E	C	C	E	C	C	C	C	E	C
Solar, Commercial	-	-	-	E	-	E	C	C	C	C	E	E
Solar, Utility	-	-	-	E	-	E	E	E	E	E	E	E

### **275-23.2 .22 (others shift) Solar Collection Systems (Standards for Specific Accessory Uses)**

#### **A. Solar Collection Systems in Residential One and Residential Two zones.**

- 1) Free standing or ground mounted Accessory Residential Solar Collection Systems in Residential One and Residential Two zones require a minimum lot size of 20,000 square feet or a special exception.
- 2) Accessory Commercial Solar Collection Systems in Residential One and Residential Two zones require a special exception.

#### **B. Height**



- 1) Building or roof mounted solar equipment shall not exceed the maximum allowed height in any zoning district by more than ten (10) inches for pitched roofs and five (5) feet for systems mounted on flat roofs.
- 2) Ground or pole mounted Solar Collection System shall not exceed height restrictions for the zoning district which they are placed when oriented at maximum tilt.
- 3) Solar Collection Systems placed over parking areas or drive aisles require a minimum panel height of fourteen feet measured at maximum tilt and must be designed to allow for snow removal and treatment.

#### **C. Setbacks**

- 1) Solar Collection Systems shall be considered structures and comply with building setback requirements from lot lines for the entire system, including the panels. Tracking systems shall have the setback measured from the point and time where the array is closest to the lot line. No portion of a system may cross into the setback.
- 2) Roof or Building Mounted systems – The Solar Collection System shall not extend beyond the exterior perimeter of the building. Exterior piping or electrical connections not located at the rear of buildings shall be screened from the street to the extent practical as per Site Plan Regulations – Section 7.E(2) Utility Elements
- 3) No portion of equipment associated with a Solar Collection System (transformers, utility structures, or other axillary features) shall be permitted in the setback.

#### **D. Visibility**

- 1) Roof-mount or ground-mount Solar Collection Systems visible from the closest edge of any public right-of-way shall follow the aesthetic restrictions below:
  - a. Roof-mounted systems on pitched roofs that are visible from the nearest edge of the front right-of-way shall have the same finished pitch as the roof and be no more than ten inches above the roof.
  - b. Roof-mount systems on flat roofs that are visible from the nearest edge of the front right-of-way shall not be more than five feet above the finished roof exclusive of any rooftop equipment or mechanical screening system.
  - c. The use of reflectors to enhance solar production are prohibited.

#### **E. Plan Approval**



- 1) Applications that meet the design requirements of this ordinance for a Solar Collection System as an accessory use shall be granted administrative approval through submittal of applicable building permits and shall not require Planning Board review. Compliance with Building or Electric Code is required regardless of system size or capacity.
- 2) All Solar Collection System proposals must include a plot plan with horizontal scale and profile drawing with a vertical scale showing:
  - a. The location of all System components on the building/structure or on the property for a ground-mount system;
  - b. Property lines, public rights-of-ways, and setbacks;
  - c. Lot size;
  - d. Point of interconnection;
  - e. Height of existing and proposed structures;
  - f. Equipment specifications and ratings.
- 3) All proposals under this Ordinance may be subject to special investigation and the review of documents under RSA 674:44-V.
- 4) Accessory ground-mount Solar Collection Systems shall be exempt from stormwater management requirements provided the ground below the System is not compacted and vegetated.
- 5) Solar Collection Systems requiring a Conditional Use Permit shall meet Base Criteria conditions set by 275-21.3 of the Zoning Ordinance.
- 6) Solar Collection Systems requiring a Special Exception from the Zoning Board of Adjustment shall meet provisions identified under the Primary Use section of this chapter.

**F. Expansion of Existing Solar Collection Systems**

- 1) Additions to existing solar systems shall not be exempt from any requirement in this ordinance. Solar Collection System capacity is cumulative and will determine the level of review for each proposed expansion.
- 2) Any expansions shall meet the requirements outlined in the Solar Ordinance.

**275-21.4.P (others shift) Solar, Community & Solar Commercial Systems  
(Conditions for Particular uses)**



**A. Screening**

- 1) Ground mounted Solar Collection Systems shall have perimeter fencing and/or vegetative screening as approved by the Planning Board. The use of vegetative screening is encouraged.
- 2) Perimeter fencing for the site shall not include barbed wire or woven wire designs without visual screening and shall preferably use wildlife-friendly fencing standards that include clearance at the bottom.

**B. Glare**

- 1) Significant glare shall be considered a nuisance as per Rochester Zoning Ordinance 275-28.2. D Performance Standards.
- 2) Applicants must demonstrate that the Solar Collection System design has reasonably considered and mitigated potential impacts of significant glare onto abutting structures and roadways. Mitigation may include angle of panels, anti-reflective panel coating or additional screening to minimize impacts.

**C. Noise**

- 1) Loud or disruptive noise shall be considered a nuisance as per Rochester Zoning Ordinance 275-28.3 Noise.
- 2) Noise levels at the property line shall be in accordance with the municipal noise ordinance.
- 3) Applicants must demonstrate that operation of the Solar Collection System will not exceed permissible noise levels at the property line. Mitigation measures may be required to achieve permissible noise levels.

**D. Electric and Communication Lines**

- 1) Power and communication lines between the Solar Collection System and the point of interconnection shall be buried underground.

**E. Ground Cover**

The following provisions shall apply to the clearing of existing vegetation and establishment of vegetated ground cover.

- 1) Preservation of trees and existing vegetation that will not impede or shade the functioning of the Solar Collection System is encouraged.



- 2) Applicants that propose a ground mounted Solar Collection Systems exceeding 30% lot coverage or 1 acre, whichever is greater shall submit a vegetative management plan prepared by a landscape architect or similarly qualified professional. The plan shall identify:
  - a. The qualified professional(s) consulted or responsible for the plan.
  - b. The mix of proposed perennial vegetation intended to prevent erosion, and manage run off. Vegetative cover should include a mix of native perennial grasses and wildflowers.
  - c. The management methods and schedules for how the vegetation will be managed (mowing, replacement, etc.).
- 3) The Solar Collection System shall be approved by the Planning Board prior to any site work or lot clearing.

**F. Stormwater**

- 1) Ground mounted Solar Collection Systems are subject to City standards for stormwater management, erosion and sediment control provisions, as well as any applicable State and Federal requirements.
- 2) If the Solar Collection System is less than 30% lot coverage or less than one acre shall be exempt from stormwater management requirements provided the ground below the System is not compacted and vegetated.
- 3) Ground mounted systems that require land clearing and grubbing of forested cover greater than 1 acre, shall at a minimum, submit a Stormwater Permit to the Department of Public Works.

**G. Abandonment and Decommissioning**

- 1) Solar Collection Systems shall be deemed to be abandoned by a municipal official as evidenced by the lack of system maintenance or operation discontinuance without prior written consent of the municipality (such as for reasons beyond the control of the owner/operator).
- 2) An abandoned system shall be removed, and the site restored with vegetative cover within 12 months of abandonment.

**H. Submittal Requirements for Primary Use Solar Collection System**

- 1) Primary Use Solar Collection Systems shall submit a Site Plan Application.



- 2) All Solar Collection Systems shall comply with applicable aspects of the Zoning Ordinance and Site Plan Regulations. Applications must address all requirements for Principle Use Solar Collection Systems as well as provide the following:
  - i. A plot plan with a horizontal scale and a profile drawing with a vertical scale showing the lot to include:
  - ii. Existing structures, property lines, setbacks, lot size, ROWs;
  - iii. Land clearing or grading required for the installation and operation of the system;
  - iv. The location of all equipment to be installed on site including utility connection point(s) and equipment.
  - v. Equipment, except for utility connections, shall comply with required setbacks.
- 3) Equipment Specifications
  - i. All proposed equipment or specifications must be included with the application. Such information can be supplied via manufacturer's specifications.
- 4) Emergency Response Plan
  - i. Access to the site for emergency response shall be provided and detailed on the plan.
  - ii. A narrative or manual for municipal shall be provided to the Rochester Fire Department detailing response guidance and disconnection locations necessary for fire response.
- 5) Solar Collection Systems requiring a Conditional Use Permit shall meet Base Criteria conditions set by 275-21.3 of the Zoning Ordinance.
- 6) Solar Collection Systems requiring a Special Exception from the Zoning Board of Adjustment meet applicable criteria set 275-22.3 of our Zoning Ordinance and meet provisions identified under the Primary Use section of this chapter as well as applicable Site Plan Regulations.
- 7) All applicable State and Federal permitting associated with the Solar Energy System must be obtained prior to Building Permit issuance. Copies of the permits or confirmation of the approvals must be submitted to the Planning Department.
- 8) All proposals under this Ordinance may be subject to special investigation and the review of documents under RSA 674:44-V.

**275-22-3.L (others shift) Solar, Community & Solar Commercial & Solar, Utility Systems (Conditions for Particular uses)**

**I. Screening**



- 3) Ground mounted Solar Collection Systems shall have perimeter fencing and/or vegetative screening as approved by the Planning Board. The use of vegetative screening is encouraged.
- 4) Perimeter fencing for the site shall not include barbed wire or woven wire designs without visual screening and shall preferably use wildlife-friendly fencing standards that include clearance at the bottom.

**J. Glare**

- 1) Significant glare shall be considered a nuisance as per Rochester Zoning Ordinance 275-28.2. D Performance Standards.
- 2) Applicants must demonstrate that the Solar Collection System design has reasonably considered and mitigated potential impacts of significant glare onto abutting structures and roadways. Mitigation may include angle of panels, anti-reflective panel coating or additional screening to minimize impacts.

**K. Noise**

- 1) Loud or disruptive noise shall be considered a nuisance as per Rochester Zoning Ordinance 275-28.3 Noise.
- 2) Noise levels at the property line shall be in accordance with the municipal noise ordinance.
- 3) Applicants must demonstrate that operation of the Solar Collection System will not exceed permissible noise levels at the property line. Mitigation measures may be required to achieve permissible noise levels.

**L. Electric and Communication Lines**

- 1) Power and communication lines between the Solar Collection System and the point of interconnection shall be buried underground.

**M. Ground Cover**

The following provisions shall apply to the clearing of existing vegetation and establishment of vegetated ground cover.

- 4) Preservation of trees and existing vegetation that will not impede or shade the functioning of the Solar Collection System is encouraged.
- 5) Applicants that propose a ground mounted Solar Collection Systems exceeding 30% lot coverage or 1 acre, whichever is greater shall submit a vegetative management plan



prepared by a landscape architect or similarly qualified professional The plan shall identify:

- a. The qualified professional(s) consulted or responsible for the plan.
  - b. The mix of proposed perennial vegetation intended to prevent erosion, and manage run off. Vegetative cover should include a mix of native perennial grasses and wildflowers.
  - c. The management methods and schedules for how the vegetation will be managed (mowing, replacement, etc.).
- 6) The Solar Collection System shall be approved by the Planning Board prior to any site work or lot clearing.

**N. Stormwater**

- 1) Ground mounted Solar Collection Systems are subject to City standards for stormwater management, erosion and sediment control provisions, as well as any applicable State and Federal requirements.
- 2) If the Solar Collection System is less than 30% lot coverage or less than one acre shall be exempt from stormwater management requirements provided the ground below the System is not compacted and vegetated.
- 3) Ground mounted systems that require land clearing and grubbing of forested cover greater than 1 acre, shall at a minimum, submit a Stormwater Permit to the Department of Public Works.

**O. Abandonment and Decommissioning**

- 1) Solar Collection Systems shall be deemed to be abandoned by a municipal official as evidenced by the lack of system maintenance or operation discontinuance without prior written consent of the municipality (such as for reasons beyond the control of the owner/operator).
- 2) An abandoned system shall be removed, and the site restored with vegetative cover within 12 months of abandonment.

**P. Submittal Requirements for Primary Use Solar Collection System**

- 1) Primary Use Solar Collection Systems shall submit a Site Plan Application.



- 2) All Solar Collection Systems shall comply with applicable aspects of the Zoning Ordinance and Site Plan Regulations. Applications must address all requirements for Principle Use Solar Collection Systems as well as provide the following:
  - i. A plot plan with a horizontal scale and a profile drawing with a vertical scale showing the lot to include:
  - ii. Existing structures, property lines, setbacks, lot size, ROWs;
  - iii. Land clearing or grading required for the installation and operation of the system;
  - iv. The location of all equipment to be installed on site including utility connection point(s) and equipment.
  - v. Equipment, except for utility connections, shall comply with required setbacks.
- 3) Equipment Specifications
  - i. All proposed equipment or specifications must be included with the application. Such information can be supplied via manufacturer's specifications.
- 4) Emergency Response Plan
  - i. Access to the site for emergency response shall be provided and detailed on the plan.
  - ii. A narrative or manual for municipal shall be provided to the Rochester Fire Department detailing response guidance and disconnection locations necessary for fire response.
- 5) Solar Collection Systems requiring a Conditional Use Permit shall meet Base Criteria conditions set by 275-21.3 of the Zoning Ordinance.
- 6) Solar Collection Systems requiring a Special Exception from the Zoning Board of Adjustment meet applicable criteria set 275-22.3 of our Zoning Ordinance and meet provisions identified under the Primary Use section of this chapter as well as applicable Site Plan Regulations.
- 7) All applicable State and Federal permitting associated with the Solar Energy System must be obtained prior to Building Permit issuance. Copies of the permits or confirmation of the approvals must be submitted to the Planning Department.
- 8) All proposals under this Ordinance may be subject to special investigation and the review of documents under RSA 674:44-V.



**Zoning Overlay District Section Amendments (Additions in bold, deletions in strike-out)**

275-11.4.B Aviation Overlay District Use Restrictions

**Solar Collection Systems located within the Airport Overlay District or within approach zones of an airport must demonstrate compliance with applicable Federal Aviation Administration (FAA) regulations.**

275-14.9.B (others shifted) Effect of Inclusion in Historic Overlay District

**Solar Collection Systems within the Historic Overlay District must receive and document approval from the Historic District Commission in the permit application.**

275-12.9.A.2 Conservation Overlay District Conditional Use Approvals

A. The following uses are allowed with a conditional use approval:

(1) Roads and other accessways; drainageways; pipelines, power lines and other transmission lines; docks, boat launches, and piers; domestic water wells (and associated ancillary pipes and equipment); and replacement septic tanks and leach fields.

**(2) No portion of ground mounted Solar Collection Systems or associated vegetative clearing is permitted in the Conservation Overlay District without a Conditional Use Permit approval recommendation by the Conservation Commission to the Planning Board.**

**In addition,** ~~where evidence is~~ **shall be** submitted that no alternative location is available on the property, ~~provided and~~ that all of the following conditions are found to exist:

- (a) The proposed construction is essential to the productive use of land not within the CO District.
- (b) Design and construction methods will be such as to minimize impact upon the wetlands and will include restoration of the site consistent with the permitted use.
- (c) There is no feasible alternative route on land controlled by the applicant that does not cross the CO District nor has less detrimental impact on the wetlands. Nothing in this section shall limit the applicant from exploring alternatives with abutting property owners.
- (d) Economic advantage is not the sole reason for the proposed location of the construction.
- (e) If clearing is required within the Conservation Overlay District to reduce shade and improve the function of a Solar Collection System, a vegetative management plan shall be submitted with a Conditional Use Permit.**



**Resolution Authorizing Supplemental Appropriation in the amount of \$590,000.00 for City Hall and Opera House Life Safety Building Upgrades**

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

That the Mayor and City Council of the City of Rochester hereby authorized a supplemental appropriation in the amount of Five Hundred Ninety Thousand Dollars (\$590,000.00) to cover the costs associated with the City Hall and Opera House life safety building upgrades project. The supplemental appropriation will 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.





04/27/2023

## City of Rochester Formal Council Meeting

### AGENDA BILL

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

AGENDA SUBJECT
----------------

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

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

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

#### COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

#### DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

#### FINANCE & BUDGET INFORMATION

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

#### LEGAL AUTHORITY

--



**SUMMARY STATEMENT**

**RECOMMENDED ACTION**



---

*Intentionally  
left blank...*

---

City Clerk's Office

---

---





04/27/2023

## City of Rochester Formal Council Meeting

## AGENDA BILL

AGENDA SUBJECT Resolution Authorizing \$590,000 Supplemental  
Appropriation for City Hall Life Safety Building Upgrades

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	April 18, 2023		
DEPT. HEAD SIGNATURE			
DATE SUBMITTED	March 16, 2023		
ATTACHMENTS	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	1

## COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

## DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

## FINANCE &amp; BUDGET INFORMATION

DIRECTOR OF FINANCE APPROVAL	Kathryn L. Ambrose
SOURCE OF FUNDS	General Fund Unassigned Fund Balance
ACCOUNT NUMBER	
AMOUNT	\$590,000
APPROPRIATION REQUIRED	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>



**LEGAL AUTHORITY**

City Council Resolution

**SUMMARY STATEMENT**

A life safety codes compliance review of City Hall by Weston Sampson Engineers revealed a scope of work required to bring the City Hall into compliance.

The Department of Public Works placed said scope of work out for competitive bids. The sole bid received was \$555,500. Director Nourse recommended adding approximately 6% in contingency funding. As a result, the City Council adopted a First Reading appropriation amount of \$590,000 and sent the item to a Public Hearing on April 18, 2023.

**RECOMMENDED ACTION**

Approve the Supplemental Appropriation on the amount of \$590,000.



**Resolution Deauthorizing Account Related to the Portland Street Area Reconstruction & Sidewalk Project**

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

That the following funds previously appropriated to the following Account is hereby deauthorized:

<b><u>Account</u></b>	<b><u>Amount</u></b>
Portland St. Area Reconstruction & Sidewalk Account #15013010-771000-22535	\$200,000.00

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.



---

*Intentionally  
left blank...*

---

City Clerk's Office

---

---





04/27/2023

## City of Rochester Formal Council Meeting

### AGENDA BILL

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

AGENDA SUBJECT
----------------

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

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

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

#### COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

#### DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

#### FINANCE & BUDGET INFORMATION

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

#### LEGAL AUTHORITY

--



**SUMMARY STATEMENT**

**RECOMMENDED ACTION**



**Resolution Deauthorizing Granite Ridge TIF Accounts Related to Route 11 Capacity Enhancement and Route 11 Safety & Pedestrian Improvement Projects.**

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

That the following funds previously appropriated to Granite Ridge TIF Accounts hereby deauthorized:

<b><u>Account</u></b>	<b><u>Amount</u></b>
Rt 11 Capacity Enhancement Account #61083010-771000-23553	\$279,400.00
Rt 11 Safety & Pedestrian Improvement Account #61083010-771000-23554	\$249,600.00

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.



---

*Intentionally  
left blank...*

---

City Clerk's Office

---

---



**Resolution Authorizing the Application for and Acceptance of a State of New Hampshire  
Department of Environmental Services (NHDES) Clean Water State Revolving Fund  
(CWSRF) Loan for the Sewer System Master Plan Project in an Amount of up to  
\$100,000.00 and Supplemental Appropriation in Connection Therewith**

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

That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, authorize the Department of Public Works to submit a loan application in the amount of up to One Hundred Thousand Dollars (\$100,000.00) to the NHDES CWSRF Loan program in order to finance the Sewer System Master Plan Project.

It is further resolved that the Mayor and City Council of the City of Rochester, by adoption of this Resolution, accept the loan amount of up to One Hundred Thousand Dollars (\$100,000.00) from the NHDES CWSRF Loan program and make a supplemental appropriation to the General Fund CIP in the same amount with the entirety of the supplemental appropriation being derived from the NHDES CWSRF Loan.

Further, the Mayor and City Council of the City of Rochester, by adoption of this Resolution authorize the City Manager and/or the Finance Director to act as the City's representative(s) for the execution of all documents necessary to complete the application to the CWSRF, process disbursements and execute loan documents associated with CWSRF.

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 account(s) as necessary to which said sums shall be recorded.



---

*Intentionally  
left blank...*

---

City Clerk's Office

---

---





04/27/2023

## City of Rochester Formal Council Meeting

### AGENDA BILL

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

AGENDA SUBJECT
----------------

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

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

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

#### COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

#### DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

#### FINANCE & BUDGET INFORMATION

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

#### LEGAL AUTHORITY

--



**SUMMARY STATEMENT**

**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				-	-	-

UEI# CFDA # Grant # Grant Period: From   
To 

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

Reimbursement Request will be reduced Funds will be returned



---

*Intentionally  
left blank...*

---

City Clerk's Office

---

---



**Resolution Authorizing Acceptance of a State of New Hampshire Highway Safety Traffic Enforcement Grant in the amount of \$8,600.00**

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

That the City of Rochester hereby accepts a State of New Hampshire Highway Safety Traffic Enforcement Grant in the amount of Eight Thousand Six Hundred Dollars (\$8,600.00) to pay for costs overtime enforcement patrols. The City is required to make a Twenty Five Percent (25%) in kind match of Two Thousand One Hundred Fifty Dollars (\$2,150.00) which will be derived, in whole, from the existing Police Department Operating Budget.

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.



---

*Intentionally  
left blank...*

---

City Clerk's Office

---

---






04/27/2023

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

Seeking permission from Council to accept Highway Safety Traffic Enforcement Grant funds in the amount of \$8,600.00 with a minimum 25% in kind match of \$2,150.00.

COUNCIL ACTION ITEM ☒  
INFORMATION ONLY ☐FUNDING REQUIRED? YES ☒ NO ☐  
\* IF YES ATTACH A FUNDING RESOLUTION FORMRESOLUTION REQUIRED? YES ☒ NO ☐FUNDING RESOLUTION FORM? YES ☒ NO ☐

AGENDA DATE	Next May 2023 meeting		
DEPT. HEAD SIGNATURE			
DATE SUBMITTED	4/17/23		
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 the State
ACCOUNT NUMBER	TBD
AMOUNT	\$8,600.00
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 \$8,600.00 for overtime enforcement patrols within the City. A minimum 25% in kind match in the amount of \$2,150.00 is required. The overtime will be broken down into 4 project areas listed below.

	Federal	In Kind Match
Speed	\$2,850.00	\$712.50
DWI	\$1,600.00	\$400.00
Distracted Driving	\$1,600.00	\$400.00
Mobilizations Only	\$2,550.00	\$637.50
Totals	\$8,600.00	\$2,150.00

Speed Enforcement Patrols - Will enforce speed limits within the City.

DWI - This patrol will focus on the apprehension of the impaired driver.

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.

Mobilizations only - Mandatory patrol dates for traffic stops.

**RECOMMENDED ACTION**

Accept funds in the amount of \$8,600.00 and an in kind 25% match in the amount of \$2,150.00. The in kind 25% match is through our existing budget with officers doing enforcement activities as part of their normal job functions along with any administrative hours dedicated to the grant.



## 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	-	\$8,600.00 -	\$2,150.00 -
2				-	-	-
3				-	-	-
4				-	-	-

## Revenue

	Org #	Object #	Project #	Fed Amount \$	State Amount \$	Local Amount \$
1	TBD	TBD	TBD	-	\$8,600.00 -	-
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



## **Resolution Approving Fiscal Year 2023-2024 Operating Budget for the City of Rochester**

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

That a twelve (12) month operating budget for the City of Rochester be, and hereby is, approved and appropriated for the period beginning July 1, 2023 and ending June 30, 2024 in the amounts and for the purposes more particularly set forth in the City of Rochester, Proposed Budget, Fiscal Year 2024 (July 1, 2023 - June 30, 2024), as amended, the provisions of which are incorporated herein by reference thereto by attached **Exhibit A**.

This budget may be reconsidered before the tax rate is set if City, School and/or County revenues are changed by the State of New Hampshire or by the Federal Government. The budget appropriations contained in this Resolution are predicated upon projected revenues as more particularly set forth in the City of Rochester, Proposed Budget, Fiscal Year 2024 (July 1, 2023 - June 30, 2024), as amended, the provisions of which are incorporated herein by reference thereto.



---

*Intentionally  
left blank...*

---

City Clerk's Office

---

---



**PROPOSED 2023-2024 OPERATING BUDGET-EXHIBIT A****OPERATING BUDGET SUMMARY**

<b>Appropriations:</b>		<b>Proposed</b>
City	\$	44,729,082
County Tax	\$	8,020,000
Overlay	\$	350,000
Estimated Veteran's Credits	\$	686,675
School	\$	73,043,706
School Federal Grants	\$	10,944,000
School Lunch	\$	1,900,000
School State Property Tax	\$	5,482,601
City Grants & Special Revenues	\$	165,000
Tax Incremental Financing Districts	\$	1,341,889
Water Fund	\$	7,544,084
Sewer Fund	\$	11,744,213
Arena Special Revenue Fund	\$	413,290
Community Center	\$	894,759
<b>Sub Total</b>	<b>\$</b>	<b>167,259,299</b>

<b>Revenues:</b>		
City	\$	15,786,607
Use of Fund Balance	\$	5,814,100
School Revenues	\$	34,087,400
School Federal Grants	\$	10,944,000
School Lunch	\$	1,900,000
City Grants and Donations	\$	165,000
Tax Incremental Financing Districts	\$	1,341,889
Water Fund	\$	7,544,084
Sewer Fund	\$	11,744,213
Arena Special Revenue Fund	\$	413,290
Community Center	\$	894,759
Amount to be Raised by Taxes *	\$	76,623,957
<b>Sub Total</b>	<b>\$</b>	<b>167,259,299</b>

\*Amount to be Raised by Taxes: Categories

City	\$	23,478,375
Veterans Credits	\$	686,675
County	\$	8,020,000
School Local	\$	38,956,306
School State Education	\$	5,482,601
<b>All Totals</b>	<b>\$</b>	<b>76,623,957</b>



---

*Intentionally  
left blank...*

---

City Clerk's Office

---

---





04/27/2023

## City of Rochester Formal Council Meeting

### AGENDA BILL

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

AGENDA SUBJECT  
Resolution Approving Fiscal Year 2023-2024 Operating Budget for the City of Rochester

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	May 2, 2023		
DEPT. HEAD SIGNATURE			
DATE SUBMITTED	4/25/2023		
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	Signature on file

#### FINANCE & BUDGET INFORMATION

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

#### LEGAL AUTHORITY

City Charter



**SUMMARY STATEMENT**

The proposed 2023-2024 operating budget is presented as part of the annual budget development and adoption process for a public hearing and adoption.

**RECOMMENDED ACTION**

First reading and refer to public hearing



**Resolution Authorizing and Approving Fiscal Year 2023-2024 Capital Budget for the City of Rochester and Authorizing Borrowing in connection therewith**

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

That the capital budget for the City of Rochester for fiscal year 2023-2024 (July 1, 2023 to June 30, 2024) in the total amount specified in **Exhibit A** annexed hereto, be, and hereby is, authorized and appropriated, and, in accordance with the provisions of RSA 33:9, the City Treasurer, with the approval of the City Manager, is hereby authorized to arrange borrowing to finance a portion of said capital budget appropriation as identified on **Exhibit A** annexed hereto.

The aforementioned borrowing is authorized subject to compliance with the provisions of RSA 33:9 and Section 45 of the Rochester City Charter. The useful lives of the capital projects for which borrowing is authorized by this resolution shall be more particularly set forth in the "City of Rochester, New Hampshire, Proposed CIP Budget, Fiscal Year 2024 (July 1, 2023 – June 30, 2024), as amended.



---

*Intentionally  
left blank...*

---

City Clerk's Office

---

---



**PROPOSED 2023-2024 CAPITAL BUDGETS-EXHIBIT A****CAPITAL BUDGET SUMMARY****Proposed Capital Appropriations:**

City	\$ 15,728,023
School	\$ 2,732,000
Water Fund	\$ 7,497,500
Sewer Fund	\$ 7,639,500
Community Center	\$ 428,500
<b>Total Appropriations</b>	<b>\$ 34,025,523</b>

**Source of Revenues****General Fund**

Bonding and/or other Borrowing	\$ 10,997,750
Operating Budget	\$ 6,386,100
Grants	\$ 1,479,673
Other Sources	\$ 25,000
<b>Subtotal General Fund Revenues</b>	<b>\$ 18,888,523</b>

**Enterprise Funds & Tax Incremental Financing Districts**

Bonding and/or other Borrowing	\$ 13,475,000
Operating Budget	\$ 1,662,000
Grants	\$ -
<b>Subtotal Enterprise Funds &amp; Tax Incremental Financing Revenues</b>	<b>\$ 15,137,000</b>

<b>Total Revenues</b>	<b>\$ 34,025,523</b>
-----------------------	----------------------



---

*Intentionally  
left blank...*

---

City Clerk's Office

---

---





04/27/2023

## City of Rochester Formal Council Meeting

### AGENDA BILL

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

AGENDA SUBJECT Resolution Approving Fiscal Year 2023-2024 Capital Budget for the City of Rochester & Authorizing Borrowing in Connection Therewith	
COUNCIL ACTION ITEM <input checked="" type="checkbox"/> INFORMATION ONLY <input type="checkbox"/>	FUNDING REQUIRED? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> * IF YES ATTACH A FUNDING RESOLUTION FORM
RESOLUTION REQUIRED? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	FUNDING RESOLUTION FORM? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>

AGENDA DATE	May 2, 2023		
DEPT. HEAD SIGNATURE			
DATE SUBMITTED	4/25/2023		
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	Signature on file

#### FINANCE & BUDGET INFORMATION

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

#### LEGAL AUTHORITY

City Charter
--------------



**SUMMARY STATEMENT**

The proposed 2023-2024 capital budget is presented as part of the annual budget development and adoption process for a public hearing and adoption.

**RECOMMENDED ACTION**

First reading and refer to public hearing



**Resolution Designating the City Manager and Finance Director with the Authority to  
Execute Documents Related to the Strafford Square Roundabout Project**

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

The Mayor and City Council of the City of Rochester, by adoption of this Resolution authorize the City Manager and/or the Finance Director to act as the City's representative(s) for the execution of all documents necessary to complete the agreement with NHDOT for the project and to process all associate documentation.

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.



---

*Intentionally  
left blank...*

---

City Clerk's Office

---

---





04/27/2023

## City of Rochester Formal Council Meeting

### AGENDA BILL

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

AGENDA SUBJECT
----------------

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

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

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

#### COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

#### DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

#### FINANCE & BUDGET INFORMATION

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

#### LEGAL AUTHORITY

--



**SUMMARY STATEMENT**

**RECOMMENDED ACTION**



**Resolution for Supplemental Appropriation and Authorizing Borrowing Authority**  
**Pursuant to RSA 33:9 to the General Fund Capital Improvements Plan (CIP) Fund in the**  
**amount of \$1,181,343.00**

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

That the Mayor and City Council of the City of Rochester hereby appropriate One Million One Hundred Eighty One Thousand Three Hundred Forty Three and 00/100 Dollars (\$1,181,343.00) to the General Fund CIP for the purpose of paying the costs associated with the Portland Street Sidewalk Project and the appropriation shall be divided amongst two (2) fund sources as follows: Nine Hundred Forty Five Seventy Three and 85/100 Dollars (\$945,073.85) from NH DOT and Two Hundred Thirty Six Thousand Two Hundred Sixty Eight and 46/100 Dollars (\$236,268.46) in borrowing/bonding.

In accordance with the provisions of RSA 33:9, the City Treasurer, with the approval of the City Manager, be, and hereby are authorized to borrow the sum of Two Hundred Thirty Six Thousand Two Hundred Sixty Eight and 46/100 Dollars (\$236,268.46) through the issuance of bonds and/or notes, and/or through other legal form(s), such borrowing to be on such terms and conditions as the said Treasurer and City Manager may deem to be in the best interest of the City of Rochester. Such borrowing is authorized subject to compliance with the provisions of RSA 33:9 and Section 45 of the Rochester City Charter to the extent required, necessary and/or appropriate.

Further, the Mayor and City Council of the City of Rochester, by adoption of this Resolution authorize the City Manager and/or the Finance Director to act as the City's representative(s) for the execution of all documents necessary to complete the agreement with NHDOT for the project and to process all associate documentation.

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.





04/27/2023

## City of Rochester Formal Council Meeting

### AGENDA BILL

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

AGENDA SUBJECT
----------------

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

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

#### COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

#### DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

#### FINANCE & BUDGET INFORMATION

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

#### LEGAL AUTHORITY

--



**SUMMARY STATEMENT**

**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



**Resolution for Supplemental Appropriation and Authorizing Borrowing Authority**  
**Pursuant to RSA 33:9 to the Tax Increment Finance (TIF) District Capital Improvements**  
**Plan (CIP) Fund in the amount of \$3,939,563.00**

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

That the Mayor and City Council of the City of Rochester hereby appropriate Three Million Nine Hundred Thirty Nine Thousand Five Hundred Sixty Three and 00/100 Dollars (\$3,939,563.00) to the Granite Ridge TIF CIP for the purpose of paying the costs associated with the Route 11 Highway Improvement Project and the appropriation shall be divided amongst two (2) fund sources as follows: Three Million One Hundred Fifty One Thousand Six Hundred Fifty and 40/100 Dollars (\$3,151,650.40) from NH DOT and Seven Hundred Eighty Seven Thousand Nine Hundred Twelve and 60/100 Dollars (\$787,912.60) in Tax Incremental Financing District borrowing/bonding.

In accordance with the provisions of RSA 33:9, the City Treasurer, with the approval of the City Manager, be, and hereby are authorized to borrow the sum of Seven Hundred Eighty Seven Thousand Nine Hundred Twelve and 60/100 Dollars (\$787,912.60) through the issuance of bonds and/or notes, and/or through other legal form(s), such borrowing to be on such terms and conditions as the said Treasurer and City Manager may deem to be in the best interest of the City of Rochester. Such borrowing is authorized subject to compliance with the provisions of RSA 33:9 and Section 45 of the Rochester City Charter to the extent required, necessary and/or appropriate.

Further, the Mayor and City Council of the City of Rochester, by adoption of this Resolution authorize the City Manager and/or the Finance Director to act as the City's representative(s) for the execution of all documents necessary to complete the agreement with NHDOT for the project and to process all associate documentation.

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.



---

*Intentionally  
left blank...*

---

City Clerk's Office

---

---





04/27/2023

## City of Rochester Formal Council Meeting

### AGENDA BILL

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

AGENDA SUBJECT
----------------

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

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

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

#### COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

#### DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

#### FINANCE & BUDGET INFORMATION

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

#### LEGAL AUTHORITY

--



**SUMMARY STATEMENT**

**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



---

*Intentionally  
left blank...*

---

City Clerk's Office

---

---



**RESOLUTION APPROVING CONTRACT  
AND COST ITEMS ASSOCIATED WITH PROPOSED  
CITY OF ROCHESTER  
SCHOOL DEPARTMENT  
MULTI-YEAR COLLECTIVE BARGAINING  
AGREEMENT WITH ROCHESTER ADMINISTRATIVE UNIT  
(Administration)**

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

That pursuant to, and in accordance with, the provisions of Chapter 273-A of the New Hampshire Revised Statutes Annotated, the multi-year year collective bargaining agreement between the City of Rochester and the Rochester Administrative Unit employee collective bargaining group, covering the period July 1, 2023 to June 30, 2026, as set forth in the proposed contract, a copy of which proposed contract has been made available to the Mayor and City Council, and with its financial impacts as more particularly detailed on the attached **“EXHIBIT A: Rochester Administrative Unit” dated March 23, 2023**, which includes a summary financial analysis of the annual costs of the contract to the City provided by the Superintendent of Schools, is hereby approved, including, specifically, the cost items associated therewith.



---

*Intentionally  
left blank...*

---

City Clerk's Office

---

---



## City of Rochester School Department

**Mr. Kyle Repucci**  
Superintendent of Schools  
e-mail: repucci.k@sau54.org

**Ms. Christine Hebert**  
Assistant Superintendent of Schools  
e-mail: hebert.c@sau54.org

**Ms. Sarah Reinhardt**  
Director of Student Services  
e-mail: reinhardt.s@sau54.org

**Office of the Superintendent**  
**150 Wakefield Street**  
**Suite #8**  
**Rochester, NH 03867-1348**  
**(603) 332-3678**  
**FAX: (603) 335-7367**



3/23/23

Blaine Cox, City Manager  
Rochester City Hall  
31 Wakefield Street  
Rochester, New Hampshire 03867

Dear Mr. Cox:

This letter is to notify you that the Rochester School Board and Rochester Administrator's Bargaining Unit have reached a tentative agreement on a collective bargaining agreement for school years 2023 through 2026. The contract has been ratified by the bargaining unit and approved by the School Board on March 16, 2023. It is necessary now that we present the cost items in the agreement to the City Council for its consideration. The cost items are attached to this letter. The cost items are all included in the operating budget we have created.

Hopefully, I can discuss the cost items with the City Council in the near future.

Respectfully,

Kyle Repucci  
Superintendent of Schools



Tentative Agreement for the Rochester Administrative Unit & the ROchester School Board  
203-2026

**Changes to Language:**

Amended Article I - Recognition, Jurisdiction, Definitions - cleaned up job titles for PERLB.

Amended Article II - Duration - proposed three year contract 2023-2026.

Amended Article IV - Vacation Days - the previous contract stipulated that administrators are eligible for 25 days of vacation. This new agreement cleans up something they missed last negotiations,

“Administrators' contracts start on July 1 of each year and end on June 30 of the following year. Vacation days will be given on July 1 of each year and will be usable until September 1 of the following year (14 calendar months). Administrators may accrue up to ~~forty-eight (48)~~ **fifty (50) days** of unused vacation.

Amended Article VI - Compensation- A. Method and Time of Salary Payment: 2 & 4

~~2. Salaries of individuals employed by the district as administrators~~ **Members of the bargaining unit** shall have their ~~salaries established~~ **salary increases determined** as described in Appendix A. **No unit member shall be paid less than the salary range established for their position in Appendix B. Any unit member whose 2022-2023 annual salary rate is below the range established for his/her position in 2023-2024, shall have it increased to the minimum salary for the position as set forth in Appendix B before calculating the 2023-2024 salary increases.**

~~4. The Board will be authorized to increase salaries for current administrators within a category to achieve equity when appropriate, with the hiring of a new administrator. (See Appendix B)~~ **The District may place newly hired employees at a salary rate that is commensurate with their training and experience, except that in no case shall training and experience be used to place such new hires at a salary greater than a current and continuing employee with similar training and experience within the same category.**

Article X - Grievance Procedure

G. Level 4 - Arbitration

Arbitration shall be conducted by an impartial arbitrator mutually chosen by the Board and the Union. (PERLB)

**Language & Cost items:**

F. Longevity Stipend

Administrators shall receive longevity payments for the total years of service to the district. The longevity stipend shall be paid in December.

- a. 10-14 years ~~\$500~~ **\$800**
- b. 15-19 years ~~\$750~~ **\$1,250**
- c. 20-24 years ~~\$1,000~~ **\$1,500**
- d. 25-29 years ~~\$1,500~~ **\$1,750**
- e. 30 or more years ~~\$2,000~~ **\$2,250**

~~ READ TO A CHILD 20 MINUTES A DAY ~~



**Appendix A**  
**Annual Increases/ Merit Increase Schedule**

~~2020-2021~~ **2023-2024**  
~~2021-2022~~ **2024-2025**  
~~2022-2023~~ **2025-2026**

Up to 3% merit, **plus 3.0%**

~~Up to 3%~~ **4.0% merit\***

~~Up to 3%~~ **4.0% merit\***

The **4.0%** merit adjustment is conditional upon the parties negotiating a new evaluation model during the 2023-2024 contract year by December 15, 2023. A joint committee consisting of two representatives from both parties is hereby formed for the purpose of developing a new evaluation system. The committee shall commence meeting after ratification of the new agreement with the goal of establishing a new evaluation system that would be effective for the 2024-2025 school year.

In the event no agreement is reached by December 15, 2023, the merit adjustment shall remain **3.0%** for the 2024-2025 contract year and until both parties agree on a new evaluation system. If no agreement is reached by December 15, 2024, the merit adjustment shall be **3.0%** for the remainder of the agreement.



## APPENDIX B

The following hiring pay ranges in the salary schedule will adjust by the percentage change in the CPI index for ~~Boston-Brockton-Nashua~~ *Boston-Cambridge-Newton, MA-NH* (from November to November of the year preceding the effective date of the pay range adjustment). If an employee's merit increase exceeds the pay range, the employee shall be entitled to an amount not to exceed two percent (2%) above the then top range. Any amount due that exceeds the top of the pay range, shall be paid in a lump sum amount in the first pay period in December and shall not become part of the base wages.

**Salary Range 2020-2024 2023-2024**

	<b>Proposed Low</b>	<b>High</b>
<b>Position</b>		
Elementary Principal	\$ 81,000 <b>91,287</b>	\$ 105,000 <b>118,335</b>
Elementary Assistant Principal	\$ 66,000 <b>74,382</b>	\$ 86,000 <b>96,922</b>
Middle School Principal	\$ 100,000 <b>112,700</b>	\$ 111,000 <b>125,097</b>
Middle School Assistant Principal	\$ 74,000 <b>83,398</b>	\$ 100,000 <b>112,700</b>
High School Principal	\$ 103,000 <b>116,081</b>	\$ 114,000 <b>128,478</b>
High School Assistant Principal	\$ 74,000 <b>83,398</b>	\$ 101,271 <b>114,132</b>
Deputy Principal	\$ 88,000 <b>99,176</b>	\$ 98,000 <b>117,619</b>
Special Education Coordinator	\$ 68,000 <b>76,636</b>	\$ 93,000 <b>104,811</b>
Athletic Director	\$ 79,000 <b>89,033</b>	\$ 94,000 <b>105,938</b>
CTE Director	\$ 78,000 <b>87,906</b>	\$ 105,000 <b>118,335</b>
Curriculum Coordinator	\$ 63,500 <b>71,564</b>	\$ 99,000 <b>111,573</b>
Director of Student Services	<del>\$ 91,000</del>	<del>\$ 102,000</del>



% Change		6.8%	4.6%	4.7%
<b>Benefits</b>				
FICA/Medicare	\$ 172,964	\$ 184,719	\$ 193,305	\$ 202,472
Health Insurance	\$ 338,547	\$ 343,286	\$ 360,450	\$ 378,473
Opt Out				
Dental	\$ 4,342	\$ 4,407	\$ 4,628	\$ 4,859
Total Rollups	\$ 515,853	\$ 532,412	\$ 558,384	\$ 585,804
Dollar Change				
% Change		3.2%	4.9%	4.9%
<b>Totals</b>				
Total Wages Benefits and Rollups	\$2,776,826	\$2,947,046	\$3,085,253	\$3,232,498
Dollar Change		\$ 170,220	\$ 138,207	\$ 147,245
% Change		6.1%	4.7%	4.8%

24 Total Employees



---

*Intentionally  
left blank...*

---

City Clerk's Office

---

---





04/27/2023

## City of Rochester Formal Council Meeting

### AGENDA BILL

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

AGENDA SUBJECT

School Administrative Personnel Collective Bargaining Unit Agreement

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	April 4, 2023		
DEPT. HEAD SIGNATURE			
DATE SUBMITTED	March 23, 2023		
ATTACHMENTS YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	5	

#### COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

#### DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

#### FINANCE & BUDGET INFORMATION

FINANCE OFFICE APPROVAL	NA
SOURCE OF FUNDS	School FY 24 O&M
ACCOUNT NUMBER	Various
AMOUNT	TBD



APPROPRIATION REQUIRED YES ☒ NO ☐

As part of the FY 2024 Approved Budget

**LEGAL AUTHORITY**

RSA 273-A and City Charter

**SUMMARY STATEMENT**

School Superintendent Repucci has notified the City Manager that the Rochester School Board and Rochester Administrative Unit have reached tentative agreement on a collective bargaining agreement for school years 2023-2024 through 2025-2026. The contract has been ratified by the bargaining unit and approved by the School Board on March 16, 2023. The Superintendent requests approve of the contract by the legislative body, the City Council.

**RECOMMENDED ACTION**

Approval of the Cost items pertaining to the tentative agreement and resultant collective bargaining agreement.



**RESOLUTION APPROVING COST ITEMS ASSOCIATED WITH  
PROPOSED  
CITY OF ROCHESTER  
MULTI-YEAR COLLECTIVE BARGAINING  
AGREEMENT WITH  
ROCHESTER MUNICIPAL  
MANAGEMENT GROUP**

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

That pursuant to, and in accordance with, the provisions of Chapter 273-A of the New Hampshire Revised Statutes Annotated, the cost items associated with the multi-year year collective bargaining agreement between the City of Rochester and the ROCHESTER MUNICIPAL MANAGEMENT (RMUN) Bargaining Unit, covering the period July 1, 2023 to June 30, 2026, as set forth in the proposed contract, and as more particularly detailed on the attached "**EXHIBIT A: RMUN – JULY 2023**," which includes a summary financial analysis of the annual costs of the contract to the City provided by the Rochester Director of Finance, is hereby approved. The provision of funds necessary to fund the aforementioned, and hereby approved, collective bargaining agreement "cost items" in the first year of the agreement will be contained in the Fiscal Year 2024 operating budget of the City.



## Rochester Municipal Management Group

City Health Contribution	80/20	80/20	80/20	80/20
	ABSOS 20/40	ABSOS 20/40	ABSOS 20/40	ABSOS 20/40
	RX 10/20/45	RX 10/20/45	RX 10/20/45	RX 10/20/45
Health Plan	DED \$1000/\$3000	DED \$1000/\$3000	DED \$1000/\$3000	DED \$1000/\$3000
Projected Health Increase		7.60%	6.00%	6.00%
	<b>Current FY23</b>	<b>FY24</b>	<b>FY25</b>	<b>FY26</b>
<b>Wages</b>				
Base Wage	\$1,306,107.33	\$1,388,103.81	\$1,465,871.30	\$1,544,653.48
Longevity	\$5,825.00	\$6,075.00	\$6,400.00	\$6,400.00
Total Wages	\$1,311,932.33	\$1,394,178.81	\$1,472,271.30	\$1,551,053.48
Dollar Change		\$82,246.48	\$78,092.49	\$78,782.18
<b>% Change</b>		<b>6.27%</b>	<b>5.60%</b>	<b>5.35%</b>
<b>Benefits</b>				
Medicare	\$19,023.02	\$20,215.59	\$21,347.93	\$22,490.28
Social Security	\$81,339.80	\$86,439.09	\$91,280.82	\$96,165.32
Health Insurance	\$165,854.38	\$178,460.18	\$189,167.80	\$200,517.86
Opt Out	\$4,800.00	\$4,800.00	\$4,800.00	\$4,800.00
Dental	\$3,450.00	\$3,450.00	\$3,450.00	\$3,450.00
Life Insurance	\$2,821.19	\$2,998.30	\$3,166.28	\$3,336.45
STD Disability Insurance	\$7,052.98	\$7,495.76	\$7,915.70	\$8,341.13
LTD Disability Insurance	\$10,187.64	\$10,827.21	\$11,433.80	\$12,048.30
Total Benefits & Rollups	\$294,529.01	\$314,686.14	\$332,562.33	\$351,149.33
Dollar Change		\$20,157.13	\$17,876.19	\$18,587.00
<b>% Change</b>		<b>6.84%</b>	<b>5.68%</b>	<b>5.59%</b>
<b>Totals</b>				
Total Wages, Benefits & Rollups	\$1,606,461.34	\$1,708,864.95	\$1,804,833.63	\$1,902,202.81
Dollar Change		\$102,403.61	\$95,968.68	\$97,369.18
<b>% Change</b>		<b>6.37%</b>	<b>5.62%</b>	<b>5.39%</b>

14 Total Employees - 100% FT





04/27/2023

## City of Rochester Formal Council Meeting

### AGENDA BILL

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

AGENDA SUBJECT Rochester Municipal Management Group Collective Bargaining Agreement
--

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

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

AGENDA DATE	May 2, 2023		
DEPT. HEAD SIGNATURE			
DATE SUBMITTED			
ATTACHMENTS YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	17	

#### COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

#### DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

#### FINANCE & BUDGET INFORMATION

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

#### LEGAL AUTHORITY

NH RSA 273-A: Public Employee Labor Relations



**SUMMARY STATEMENT**

The Collective Bargaining Agreement (CBA) between Rochester Municipal Management (RMUN) group and the City expires on June 30, 2023. The negotiating teams for both sides reached a Tentative Agreement (TA) and the RMUN personnel ratified the agreement. It now comes to the City Council for consideration for final approval.

**RECOMMENDED ACTION**

Adoption of this CBA.



**CITY OF ROCHESTER**  
**&**  
**ROCHESTER MUNICIPAL MANAGEMENT GROUP**

**January 18, 2023**

**TENTATIVE AGREEMENT**

**ARTICLE 1: RECOGNITION**

The City of Rochester (City) recognizes the Rochester Municipal Management Group (Union) as the exclusive representative for all employees in the following positions: City Clerk, Chief Assessor, **Deputy Director of DPW-Administration, Deputy Director of DPW-Technical**, Tax Collector, Director of Welfare, ~~Systems Supervisor, Director of Recreation,~~ **Director of Recreation, Arena & Youth Services, Assistant Director of Recreation & Arena**, Director of BZLS **Building & Licensing Services**, ~~Economic Development Manager~~ **Economic Development Director**, Library Director, Director of Planning **& Development**, ~~Director of Public Works~~, Fire Marshal, City Engineer and Assistant Fire Chief.

**ARTICLE 6: HOLIDAYS**

1. Employees shall have the following paid holidays:

New Year's Day	Columbus Day
Martin Luther King Day	Veteran's Day
President's Day	Thanksgiving Day
Memorial Day	day after Thanksgiving
Independence Day	Christmas Day
Labor Day	
2. When a holiday falls on a Sunday, the following Monday shall be declared a holiday for City employees. When a holiday falls on a Saturday, the preceding Friday shall be declared a holiday. ~~If at all possible, the holidays will coincide with the Rochester School calendar, at the City Manager's discretion.~~ The provisions of this section shall apply to full-time regular employees and, on a pro-rata basis, to part-time regular employees.

**If a salaried employee is required work for four (4) or more hours on any holiday, they may request a floating holiday from the City Manager. The grant or denial by the City Manager shall not be subject to the grievance process. No more than two (2) floating holidays may be granted in any contract year under this provision.**



## ARTICLE 7: VACATIONS

~~Parental Leave: Employees eligible for vacation time may receive one extra week (5 days) of paid vacation time during any year in which they or their current spouse have a birth or an adoption of a child. Such employee shall have one year from the date of birth or adoption in which to use the extra week of vacation or it is forfeited. (MOVED TO ARTICLE 9)~~

## ARTICLE 7A: PAID TIME OFF (PTO)

**Employees hired after July 1, 2018** - Upon commencing employment and each employment year thereafter, exempt employees will be credited with thirty **two (32)** non-cumulative leave days ~~that will be usable for 14 calendar months~~. In the event the employee's legitimate job responsibilities or an approved leave of absence (FMLA or worker's comp) prevent PTO usage as outline above, an exception shall be granted by the City Manager, with an approved plan for PTO usage bringing the employee's accumulation within the specified limits. **Specifically, employee shall be allowed to carry over up to five (5) PTO days and can have no more than thirty seven (37) days at any one time without the prior approval of the City Manager. All days in excess of this limit shall be forfeited.**<sup>1</sup>

~~Upon separation from City Services, the maximum PTO paid shall be 30 days. MOVED TO NEW ARTICLE: SEPARATION PAYMENTS AND BENEFITS~~

## ARTICLE 8: PERSONAL DAYS LEAVE

Each eligible employee shall be entitled to two (2) non-cumulative Personal Days when hired and each year thereafter, granted on the **first of the month following the** employee's anniversary date. Personal days may be taken for any purpose except as substitution for suspension as a result of disciplinary action. Personal days must be scheduled and approved by the Department Head, except that direct reports to the City Manager must be approved by the City Manager, in accordance with the employee's preference and the needs of the Department. As much notice as practicable shall be provided.

## ARTICLE 9: SICK LEAVE

1. **Sick Leave:** The provisions of this section shall apply to full-time regular employees and, on a pro-rata basis, to part-time regular employees. Sick leave shall be computed and accrued on a monthly basis, including the probationary period of an employee. Sick leave with pay shall be granted to all employees at the rate of one (1) day per calendar month worked, credited at the end of the month. Employees hired prior to November 1, 1998, who elected to continue their current plan, shall be allowed accruals up to one hundred and twenty (120)

---

<sup>1</sup> Payout of any PTO shall be limited to a maximum of thirty(30) days.



days. Group members hired November 1, 1998 or later shall be allowed sick leave accrual up to twenty (20) days.

2. **Earned Personal Leave:** Employees completing six (6) consecutive months of employment without taking sick leave will be granted one (1) non-accumulative personal day. Employees may, sell their non-accumulative personal day(s) during the annual open enrollment period. This provision relates only to the non-accumulative personal day awarded for non-use of sick leave for twelve (12) consecutive months.
3. **Family Sick:** ~~Up to three~~ **Three (3)** additional days each year (non-accumulative from year to year) **will be given to employees on the first day of the month following his/her anniversary date of hire. This family sick time** may be taken by an employee when the ill health of a member of the employee's immediate family requires the employee's care. For purposes of this section, an employee's immediate family shall be deemed to be the spouse, child, stepchild, mother, father, or other dependents living in the same household. An exception may be made by the Department head where extenuating circumstances exist.
4. **Parental Leave: Employees eligible for vacation time may receive one extra week (5 days) of paid vacation time during any year in which they or their current spouse have a birth or an adoption of a child. Such employee shall have one year from the date of birth or adoption in which to use the extra week of vacation or it is forfeited. (Moved From Article 7)**
4. ~~Employees who terminate their employment through retirement shall be entitled to a lump sum payment for three quarters of the number of accumulated days due at the rate of pay at the time of termination of service, not to exceed seventy five percent of one hundred and twenty (120) days accumulated sick leave. For the purpose of this section, retirement shall be defined as having completed ten (10) consecutive years of service with the City of Rochester and being eligible to retire under the New Hampshire Retirement System or other retirement plan paid in part or in full by the City.~~ **MOVED AND MODIFIED IN NEW ARTICLE: SEPARATION PAYMENTS AND BENEFITS**
5. ~~Employees who terminate their employment by voluntary resignation, and who have served at least ten (10) years with the City of Rochester, shall be entitled to a lump sum payment for one half of the accumulated sick leave due them, at the employee's rate of pay at the time of termination, not to exceed fifty (50%) percent of one hundred and twenty (120) days accumulated sick leave. In the event of termination by reason of death, said payment in the amount of 50% of accrued sick leave shall be made to his/her beneficiary.~~ **MOVED TO NEW ARTICLE: SEPARATION PAYMENTS AND BENEFITS**



**ARTICLE 11: BEREAVEMENT LEAVE**

Bereavement leave shall be granted as follows:

~~1. Special leave of five (5) working days, without any loss of wages in the event of the death of a spouse or child.~~

~~2. Special leave of three (3) working days, in the event of death of employee's:~~

~~Father \_\_\_\_\_ Mother~~

~~Sister \_\_\_\_\_ Brother~~

~~Father in-law \_\_\_\_\_ Mother in-law~~

~~Grandchild \_\_\_\_\_ or person domiciled in employee's household.~~

~~3. Special leave of one (1) working day with pay shall be granted to attend funeral of employee's:~~

~~Grandmother \_\_\_\_\_ Sister in-law~~

~~Grandfather \_\_\_\_\_ Brother in-law~~

~~Aunt \_\_\_\_\_ Uncle~~

~~Niece \_\_\_\_\_ Nephew~~

~~4. Upon written approval of Department Head, two (2) additional days with pay may be granted for the above when there are extenuating circumstances.~~

**Bereavement Leave shall be granted as follows:**

**(a) Bereavement leave of five (5) working days, without any loss of pay in the event of death of:**

- **Spouse/Partner**
- **Child/Step Child**

**(b) Bereavement of three (3) working days, without any loss of pay in the event of death of his/her:**

- **Mother/Step Mother/Mother-in-Law**
- **Father/Step Father/Father-in-Law**
- **Brother/Step Brother**
- **Sister/Step Sister**
- **Grandchild/Step Grandchild**
- **Daughter-in-Law**
- **Son-in Law**

**(c) Bereavement of one (1) working day with pay, for the purpose of attending the funeral, shall be granted an employee in the event of the death of his/her:**

- **Aunt/Uncle**
- **Niece/Nephew**
- **Grandparent/Step/in-Law**
- **Sister-in-Law**
- **Brother-in-Law**

**(d) Under extenuating circumstances, two (2) additional days with**



**pay may be granted under sections 1, 2, and 3 above with the written request to your department director or his/her designee and final approval from the City Manager.**

### **ARTICLE 13: MILITARY LEAVE**

Any permanent employee who is a member of the Reserve Component of the Armed Forces of the United States, and is activated or required to undergo field training therein, shall be entitled to a leave of absence with pay for the period of such training, but not to exceed three (3) weeks in any one (1) year., ~~in addition to the annual vacation leave, provided the amount of base pay paid to such employee for such leave of absence shall be the difference between his compensation for military activities as shown by a statement by military authorities giving rank, pay and allowance, and the amount of employee's regular wage.~~ **The City will augment any military leave pay received by the unit member from the federal government up to the net wages the member would have received had she/he been working for the City during the same pay period.**

**Any member that chooses to invoke the military leave clause should submit to Human Resources their military orders once received. The member will take leave without pay during active duty and continue to pay applicable benefit deductions while on leave. Once returned from active duty, the member will submit to Human Resources their military leave pays from the federal government. If augmentation of pay is required, the member will receive compensation the following pay period of receipt of military pay.**

### **ARTICLE 15: HOURS OF WORK**

1. Non Salaried employees: The employees shall work days and hours determined by the Department head or the City Manager in the case of any non-salaried Department Head schedule. Overtime shall be paid for any work performed beyond the 40 hours in a week, and for staffing boards and committees after 6PM or working on Saturday or Sunday.  
Salaried employees: An employee who, under this agreement, regularly receives each pay period a predetermined or fixed amount of money constituting compensation, based on a predetermined amount of wages to be paid as determined by a weekly rate and which amount is not subject to reduction because of variations in the quality or quantity of the work performed and regardless of the hours or days. Salaried employees do not have a fixed schedule.
2. The City recognizes the Group is composed of salaried and hourly, professional members whose hours and methods of work are defined by the requirements of their respective positions.
3. Non-Salaried employees may request to be compensated with compensatory time at the rate of one and one half (1 ½) hours for each hour of overtime worked. All overtime must receive the prior approval of the Department Head. If compensatory time is to be used to compensate overtime hours, the employee



and the Department Head prior to the hours being worked must agree to it. Compensatory time may be accrued to a total of forty (40) hours. ~~All compensatory time must be used by June 15 of each year or it will be paid out as overtime on the next pay day.~~ An hourly employee called back to work after normal working hours, shall be paid one and one half (1 ½) time the employee's regular hourly rate of pay for a minimum of two (2) hours for each such call back. **Any compensatory time unused at the end of the last full pay period in June will be paid at the current hourly rate in the last full payroll period in June.**

## **ARTICLE 22: UNIFORMS**

The City shall initially provide all articles of uniforms and protective clothing which are required by the City. Uniform articles damaged in the line of duty shall be repaired or replaced by the City.

~~At the time of termination of employment, employees are required to return all articles of uniforms provided by the City.~~ **MOVED TO NEW ARTICLE: SEPARATION PAYMENTS AND BENEFITS**

## **ARTICLE 27: FLEXIBLE BENEFITS PROGRAM**

~~With the exception of the Health Plans offered and provisions for selling accrued leave, the meaning and intent is to provide the same level of benefit and coverage under the Flexible Benefit Program that is available to employees prior to the implementation of this agreement.~~

### **~~HEALTH PLAN OPTIONS~~**

~~All full time regular employees shall be provided with comprehensive medical insurance coverage through the Flexible Benefits Program as offered by the City of Rochester.~~

~~Employees shall be eligible to participate in either of the following Anthem plans:~~

~~Plan A — SOS; ABSOS20/40/1KDED(07) — RX10/20/45~~

~~Plan B — HMO; AB20IPDED(07) — RX10/20/45~~

~~7-1-18 to 6-30-19 — The City will contribute 80% of Plan B to either plan A or B.~~

~~7-1-19 to 6-30-20 — The City will contribute 100% of Plan A to either plan A or B.~~

~~7-1-20 to 6-30-21 — The City will contribute 93% of Plan A to either plan A or B.~~

~~7-1-21 to 6-30-22 — The City will contribute 87% of Plan A to either plan A or B.~~

~~7-1-22 to 6-30-23 — The City will contribute 80% of Plan A to either plan A or B.~~

~~The employee share of premiums shall be paid by the individual employee through payroll deductions.~~

## **A. HEALTH INSURANCE**

**A.1 All employees shall be provided with comprehensive medical insurance coverage by the City of Rochester. The City's contribution to**



**medical insurance premiums will be limited to 80% of the total premium of PLAN A towards PLAN A, PLAN B, or PLAN C.**

**Plan A – ABSOS20/40/1KDED (07L) - RX10/20/45**

**Plan B – ABSOS25/50/3KDED – RX 10/20/45**

**Plan C – Lumenos2500 (07L) – RX Anthem**

**(a) The employee share of premiums shall be paid by the individual employee through payroll deductions.**

**(b) During the City's open enrollment period, employees may opt to buy or sell back to the City up to seven (7) days of accrued vacation hours and/ or sell back to the City two (2) days of accrued earned personal hours or nine (9) PTO days to reduce their share of medical, dental, and/or supplemental life insurance. However, after the exchange, the employee still must have at least five (5) days of vacation leave. (Moved and modified From Article 32)**

**A.2** The City and the Union agree that the City reserves the right to select and substitute alternative health plans to replace the existing health plans identified above. Such alternative plans must provide employees with services that are equal or comparable to the above mentioned plans. The Union will also agree that the City may add any other plans as long as the plans are optional.

**A.3 The Parties reserve the limited right to re-open this entire agreement in the event that unanticipated changes in health insurance regulations and/or costs substantially increase, alter or impair the financial obligations of the parties or subject its health insurance plans to fines, taxes and/or penalties. Nothing herein shall obligate either party to reach agreement on any change after the reopening of the agreement and if no agreement is reached then the current agreement shall remain in full force and effect.**

**A.4** Employees that have medical coverage through their spouse may choose to "opt out" or "opt down" of participation in the City-sponsored plan. If employees opt out or opt down, they will receive a portion of the monthly premium savings that can be used to offset the cost of other benefits or receive it as taxable compensation in their paychecks throughout the year.

The amount the employee can receive depends on their eligible coverage level, as shown in this chart:

<b>Eligible Coverage Level*</b>	<b>Annual Opt-Out Amount</b>
Family Coverage	\$2,400



2-Person Coverage	\$1,600
Single Coverage	\$1,000
<b>Eligible/Chosen Level**</b>	<b>Annual Opt-Down Amount</b>
Family to Single Coverage	\$1,200
Family to 2-Person Coverage	\$750
2-Person to Single Coverage	\$750

*\*Eligible coverage level refers to the number of eligible dependents the employee has.*

*\*\*Eligible/chosen coverage level refers to an employee that chooses a plan lower than their eligible coverage level.*

To opt out, employees must provide proof of comprehensive insurance coverage elsewhere.

#### **B. DENTAL INSURANCE (Moved From Article 29)**

**All employees covered by this agreement are provided with a Delta Dental Plan through HealthTrust. The City contributes up to three hundred dollars (\$300.00) per year towards the cost of this benefit. Employees pay the premium cost above \$300.00 through payroll deduction. The Base Option 5 Coverage A, B; Mid Option 3D Coverage A, B, C and High Option 1S coverage A, B, C, and D are available to the employee in either Single, Two-Person or Family Plans.**

#### **C. REIMBURSEMENT ACCOUNTS (Moved From Article 28)**

Reimbursement accounts offer a tax effective way to pay certain healthcare and dependent care expenses. Two types of reimbursement accounts are available to all employees:

- Healthcare reimbursement **Flexible Spending** account (**Maximum equal to IRS annual contribution limit** ~~maximum annual contribution – \$2,500~~ )
- Dependent care reimbursement account (maximum annual contribution – the lesser of the follows:
  - \$5,000 if you are married and file joint tax returns, or if you are single,
  - \$2,500 if you are married and file separately, or
  - The lower of you and your spouse's income

These deductions shall be prorated for employees who are employed for less than a full calendar year.

#### **D. DISABILITY INCOME PROTECTION (Moved From Article 30)**

##### Full Coverage Plan

The Full Coverage Plan is mandatory for employees hired after November 1, 1998. It includes three separate and distinct elements:

- a) Sick Leave Account
- b) Short-Term Disability (STD) Plan
- c) Long-Term Disability (LTD) Plan



Limited Plan

With this plan, if you are unable to work because of accident or illness, you will receive 100 percent of your salary for as many sick days as you have accrued, to a maximum of 120 days.

Limited Plan Plus

Employees hired prior to November 1, 1998, may continue their participation in the sick leave program in place at that time and purchase LTD insurance.

**E. LIFE INSURANCE (Moved From Article 31)**

The City pays 100% of the cost of a basic amount of life insurance protection for all employees. This "core coverage" is equal to one times the employee's base salary. Employees can choose to purchase additional "supplemental coverage". The cost of any additional insurance will be made through payroll deductions or offset by any remaining city-provided benefit funds.

**~~ARTICLE 28: REIMBURSEMENT ACCOUNTS~~**

~~Reimbursement accounts offer a tax effective way to pay certain healthcare and dependent care expenses. Two types of reimbursement accounts are available to all employees:~~

- ~~• Healthcare reimbursement account (**Maximum equal to IRS annual contribution limit** maximum annual contribution \$2,500)~~
- ~~• Dependent care reimbursement account (maximum annual contribution the lesser of the follows:~~
  - ~~○ \$5,000 if you are married and file joint tax returns, or if you are single,~~
  - ~~○ \$2,500 if you are married and file separately, or~~
  - ~~○ The lower of you and your spouse's income~~

~~These deductions shall be prorated for employees who are employed for less than a full calendar year.~~

**~~ARTICLE 29: DENTAL INSURANCE~~**

~~All employees covered by this agreement are provided with the Northeast Delta Dental Plan through the Local Government Center. That plan or one with the same or greater benefits is provided by the City with the City paying up to three hundred dollars (\$300.00) per year towards the cost of the benefit. Employee pays costs above that amount through the Flexible Benefits Program and payroll deductions. The Base Option V Coverage A, B; Mid Option III Coverage A, B, C and High Option I coverage A, B, C, and D are available to the employee in either Single, Two Person or Family Plans.~~

~~All employees covered by this agreement are provided with a Delta Dental Plan through HealthTrust. The City contributes up to three hundred dollars (\$300.00) per year towards the cost of this benefit. Employees pay the premium cost above \$300.00 through payroll deduction. The Base Option 5 Coverage A, B; Mid Option 3D Coverage A, B, C and High Option 1S coverage A, B, C, and D are available to the employee in either Single, Two Person or Family Plans.~~



**ARTICLE 30: ~~DISABILITY INCOME PROTECTION~~**Full Coverage Plan

The Full Coverage Plan is mandatory for employees hired after November 1, 1998. It includes three separate and distinct elements:

- d) ~~Sick Leave Account~~
- e) ~~Short Term Disability (STD) Plan~~
- f) ~~Long Term Disability (LTD) Plan~~

Limited Plan

With this plan, if you are unable to work because of accident or illness, you will receive 100 percent of your salary for as many sick days as you have accrued, to a maximum of 120 days.

Limited Plan Plus

Employees hired prior to November 1, 1998, may continue their participation in the sick leave program in place at that time and purchase LTD insurance.

**ARTICLE 31: ~~LIFE INSURANCE~~**

The City pays 100% of the cost of a basic amount of life insurance protection for all employees. This "core coverage" is equal to one times the employee's base salary. Employees can choose to purchase additional "supplemental coverage". The cost of any additional insurance will be made through payroll deductions or offset by any remaining city-provided benefit funds.

**ARTICLE 32: ~~BUY/SELL ACCRUED LEAVE~~**

During the City's open enrollment period, and as part of the Flexible Benefits Program, employees may opt to buy or sell back to the City a combination of up to eight (8) days of leave as follows: up to seven (7) days of accrued vacation or sell back to the City up to two (2) days of accrued earned personal leave in exchange for Benefit Bucks (used for the employee's share of medical, dental and/or supplemental life insurance). However, after the exchange, the employee still must have at least five (5) days of vacation leave. Moved to Article 27.

**ARTICLE 33: ~~COMPENSATION AND WAGES~~**

Effective July 1, 2018 employees in the bargaining unit will be eligible for an annual merit pay wage increase of between zero percent (0.0%) and three percent (3.0%) based upon the results of the annual performance evaluation process. See attached Exhibit A-1.

Effective July 1, 2019 employees in the bargaining unit will be eligible for an annual merit pay wage increase of between zero percent (0.0%) and four percent (4.0%) based upon the results of the annual performance evaluation process. See attached Exhibit A-2.



~~Any merit salary increase so awarded shall be based on a rating of employees by their supervisor using a systematic and formal evaluation process to be completed as set forth below. The department head will consider the written evaluation, the personnel file, recommendations of the supervisor and such other information to determine the base wage adjustment. Merit pay increases will not be diminished because of financial considerations of the Department or the City.~~

#### Extraordinary Annual Bonus:

~~The City Manager may award up to a 2.0% annual bonus for extraordinary service to the City of Rochester or its taxpayers by a bargaining unit employee. This bonus shall be in addition to any merit pay and shall be paid in the first pay period of December. This bonus shall not be added to the employee's base wages. The grant or failure to grant this extraordinary annual bonus by the City Manager shall not be subject to the grievance process.~~

#### Evaluation Process:

~~By April 1 of each year of this contract, the immediate supervisor shall complete a draft evaluation of each position/employee within the bargaining unit. The evaluation shall utilize the evaluation instrument attached as Exhibit A. The immediate supervisor shall meet with each unit employee prior to April 15<sup>th</sup> to discuss the draft evaluation.~~

~~The immediate supervisor shall thereafter fill out a merit pay worksheet for each employee and assign the merit pay increase in accordance therewith. By May 1<sup>st</sup>, the employee's immediate supervisor shall advise the employee of the assigned merit increase and any recommendation from the immediate supervisor for an additional annual bonus for extraordinary service (see section 3 below). The City Manager shall approve all evaluations and wage adjustment no later than May 15<sup>th</sup> of the then current year. Wage increases shall be effective from July 1 to June 30<sup>th</sup>.~~

#### Appeal Process

~~Any unit employee that is dissatisfied with their assigned wage increase may ask for a meeting with the City Manager within 10 days of receipt of notification of their wage increase. Employees that receive less than a 1.0% wage increase may appeal the recommended wage increase to the Personnel Advisory Board (PAB) for an opinion within thirty (30) days after July 1 of each respective year. The parties will submit their prospective positions in writing to the PAB with the City bearing the burden of production and proof. The parties will submit their respective positions within 15 days of a request for an appeal or upon an agreed on date. If the PAB finds the rating OF the City unreasonable in any manner the City Manager shall adjust the merit pay accordingly. The employee may appeal to the NHPELRB is he/she is dissatisfied with the ruling to the PAB.~~



Pay Ranges:

The pay ranges contained in the salary schedule will adjust by the percentage change in the CPI index for Boston Brockton Nashua (from November to November of the year preceding the effective date of the pay range adjustment). To the extent an employee's proposed merit increase causes the employee to exceed his/her pay range, the employee shall be entitled to an amount not to exceed two percent (2.0%) above the top of the pay range. Any amount due that exceeds the top of the pay range, shall be paid in a lump sum amount in the first pay period in December and shall not become part of base wages.

- 1. Effective July 1, 2023, employees shall be placed on a Merit Track (Exhibit B) in accordance with their classification grade (Exhibit A).**
- 2. Employees will be eligible for a Merit Track advancement effective the first full pay period including their anniversary date of hire, based upon the results of a performance evaluation process that shall include, but not be limited to, a written evaluation (Exhibit C) performed by the employee's supervisor, the personnel file and such other information to determine in his/her discretion is relevant before making a recommendation to the City Manager for Merit Track advancement. The Merit Advancement Worksheet (Exhibit C) will have a total of one hundred available points. Employees that do not receive a score of 70 or better on evaluation shall not be recommended for Merit Track advancement. Merit Track advancement will not be diminished because of financial considerations of the Department or the City.**
- 3. The merit tracks attached hereto will be adjusted as follows:**
  - A. Effective July 1, 2023: 4.0%**
  - B. Effective July 1, 2024: 3.0%**
  - C. Effective July 1, 2025: 3.0%**

**Employees on the top step in the prior fiscal year shall receive, in addition to any merit track COLA adjustment, a two percent 2.0% one-time payment (not added to the base) in lieu of a step increase (must score a 70 or better on evaluation).**

- 4. Any employee that is denied Merit Track advancement, may request a re- evaluation anytime between 90 and 120 days after the anniversary date. If the City Manager, after consulting with the department head, agrees that a significant improvement has been made since the original evaluation was completed, the City Manager will have the final discretion to make a final decision on whether a Merit Track advancement shall be awarded. Any such adjustment will be effective on the date of the City Manager's decision and shall**



not be retroactive.

5. Unless otherwise agreed, there shall be maintained no less than a five percent (5%) pay differential between members of this unit and the persons they are assigned to directly supervise.

## WAGE/SALARY SCHEDULE

Provide new salary tables

GRADE	POSITION	FY19 EXEMPT MIN	FY19 EXEMPT MAX
10	City Clerk	59,547.34	79,638.08
11	Tax Collector	62,436.83	83,696.39
12	Director of Welfare	65,572.82	87,836.04
12	Systems Supervisor	65,572.82	87,836.04
13	Fire Marshal	68,789.76	92,250.74
14	Director of Recreation	72,291.08	96,890.37
14	Director of BZLS <del>BLS</del>	72,291.08	96,890.37
14	Economic Development Manager <del>Economic Development Director</del>	72,291.08	96,890.37
14 <del>15</del>	Library Director	72,291.08	96,890.37
15	City Engineer	74,931.52	100,429.32
15	City Assessor <del>Chief Assessor</del>	74,931.52	100,429.32
16	Director of Planning & <del>Development</del>	78,678.37	105,450.89
16	Assistant Fire Chief	78,678.37	105,450.89
17	Director of Public Works	83,678.80	112,150.77

## ARTICLE 34: LONGEVITY

The City provides longevity pay to full-time employees based on continuous years of service as follows:

<u>Years of Service</u>	<u>Annual Payment</u>
3 – 5	\$200.
6 – 10	\$325.
11–15	\$400.
16-20	\$550.
21 or more	\$600.

Payment shall be made annually on the payroll that includes the employee's anniversary date. Upon termination of employment with the City, employees shall receive longevity pay pro-rated for the number of days of longevity in that year calculated from the employee's anniversary date to the day employee terminates.  
(MOVED TO NEW ARTICLE: SEPARATION PAYMENTS AND BENEFITS)



## **ARTICLE NEW: SEPARATION PAYMENTS AND BENEFITS**

- **For full-time employees, 'Retirement or Retire' as used in this Agreement shall mean withdrawal from active service having been granted a retirement allowance by the New Hampshire Retirement System (NHRS) and the employee actually drawing such a retirement allowance no later than 90 days after separation.**
- **For full-time and part-time employees, 'Resignation' shall be defined as voluntarily separating from employment with the City other than for the purposes of retirement.**
- **Dismissal During the Probationary Period. If at any time during the probationary period, the agency head determines that the services of a new or rehired employee have been unsatisfactory, the employee may be dismissed from his/her position without right of appeal or grievance. Written notice of such dismissal shall be given to the employee.**

**Upon receipt of a signed letter of intent to separate from the service with the City of Rochester, a severance payment shall be issued as follows:**

- 1. Vacation: Upon resignation or retirement, 100% of accumulated vacation after completion of the 6 months probationary period. If an employee resigns from the City during his probationary period, vacation pay-out will be pro-rated based upon his service time. The maximum payout shall not exceed one and one-half (1.5) times the annual accrual amount.**
- 2. PTO: Non-probationary employees are paid for the PTO at employment end. If an employee leaves the city during his/her probationary period, PTO pay-out will be pro-rated based upon his/her service time. Maximum PTO paid shall be 30 days.**
- 3. Sick: 75% of one hundred and twenty (120) days accumulated sick leave shall be paid if the eligible employee has been granted a retirement allowance from the NHRS and is actually drawing such an allowance within 90 days of separation.**
- 4. Sick: 50% of accumulated sick time shall be paid if the eligible employee submits his/her resignation and has completed ten (10) years of continuous service with the City of Rochester at the time of separation. Employees who terminate their employment by voluntary resignation, and who have served at least ten (10) continuous years with the City of Rochester, shall be entitled to a lump sum payment for one-half of the accumulated sick leave due them, at the employee's rate**



- of pay at the time of termination, not to exceed fifty (50%) percent of one hundred and twenty (120) days accumulated sick leave.
5. **Personal:** Upon resignation or retirement, 100% of accumulated eligible personal time.
  6. **Earned Personal:** Upon resignation or retirement, 100% of accumulated eligible earned personal time.
  7. **Compensatory Time (Comp Time):** Upon resignation or retirement, as defined above 100% of accumulated comp time.
  8. **Longevity:** Upon resignation or retirement, pro-rated amount calculated from the employee's anniversary date of hire to the employee's date of separation.
  9. The employee shall not receive any accrued benefits except compensatory time if the employee is dismissed during the probationary period.

For purposes of determining sick and vacation benefits, the number of days for each shall be based upon the employee's accruals and his/her per diem rate at the time of separation.

In the event of termination by reason of death said payment in the amount of 100% of accrued sick leave shall be made to his/her beneficiary.

**Clothing:** All items covered in this agreement shall be returned to the Department upon separation from employment.



**EXHIBIT NEW: CLASSIFICATION GRADES**

<b><u>Grade</u></b>	<b><u>Classification Title</u></b>
<b>12</b>	<b>ASSISTANT DIRECTOR OF RECREATION &amp; ARENA</b>
16	ASSISTANT FIRE CHIEF
15	CHIEF ASSESSOR
11	CITY CLERK
14	CITY ENGINEER
14	DIRECTOR OF BUILDING & LICENSING SERVICES (BLS)
16	DIRECTOR OF PLANNING & DEVELOPMENT
14	DIRECTOR OF RECREATION, ARENA & YOUTH SERVICES
<b>14</b>	<b>DIRECTOR OF WELFARE</b>
14	ECONOMIC DEVELOPMENT DIRECTOR
13	FIRE MARSHAL
15	LIBRARY DIRECTOR
11	TAX COLLECTOR
<b>15</b>	<b>DEPUTY DIRECTOR OF PUBLIC WORKS- OPERATIONS &amp; ADMINISTRATION</b>
<b>15</b>	<b>DEPUTY DIRECTOR OF PUBLIC WORKS- TECHNICAL SERVICES</b>



**FY24 4% COLA** Beginning Hry Rate= 33.17 2,080.00  
Percent between steps= 2.75

GRADE	1	2	3	4	5	6	7	8	9	10	11	12
10	33.17	34.08	35.02	35.98	36.97	37.99	39.03	40.10	41.20	42.34	43.50	44.70
11	34.78	35.73	36.71	37.72	38.76	39.82	40.91	42.04	43.19	44.38	45.59	46.85
12	36.52	37.52	38.55	39.61	40.71	41.83	42.98	44.17	45.39	46.63	47.91	49.23
13	38.31	39.36	40.45	41.56	42.70	43.88	45.08	46.32	47.59	48.90	50.24	51.63
14	40.26	41.37	42.50	43.67	44.87	46.10	47.37	48.67	50.01	51.39	52.80	54.26
15	41.74	42.88	44.05	45.26	46.51	47.79	49.10	50.45	51.83	53.26	54.72	56.23
16	43.82	45.03	46.27	47.54	48.85	50.19	51.57	52.99	54.44	55.94	57.48	59.06
17	46.61	47.89	49.21	50.56	51.96	53.38	54.85	56.36	57.91	59.50	61.13	62.82

10	68,986.35	70,888.06	72,834.94	74,846.72	76,901.76	79,021.70	81,184.90	83,412.99	85,705.98	88,063.87	90,486.66	92,974.34
11	72,333.87	74,327.55	76,360.96	78,459.26	80,622.46	82,828.93	85,100.29	87,436.54	89,837.70	92,303.74	94,834.69	97,452.16
12	75,966.96	78,048.26	80,189.82	82,396.29	84,667.65	87,003.90	89,405.06	91,871.10	94,402.05	96,997.89	99,658.62	102,405.89
13	79,693.82	81,877.12	84,126.85	86,441.47	88,820.99	91,265.41	93,774.72	96,348.93	98,988.03	101,713.66	104,504.19	107,381.25
14	83,750.14	86,052.10	88,409.98	90,832.77	93,320.45	95,894.66	98,533.76	101,237.76	104,028.29	106,883.71	109,825.66	112,854.14
15	86,809.13	89,188.74	91,633.15	94,142.46	96,738.30	99,399.04	102,124.67	104,936.83	107,813.89	110,777.47	113,827.58	116,964.22
16	91,149.91	93,666.56	96,240.77	98,879.87	101,605.50	104,396.03	107,273.09	110,215.04	113,243.52	116,358.53	119,560.06	122,848.13
17	96,942.97	99,615.36	102,362.62	105,174.78	108,073.47	111,037.06	114,087.17	117,223.81	120,446.98	123,756.67	127,152.90	130,657.28

**FY25 3% COLA** Beginning Hry Rate= 34.16  
Percent between steps= 2.75

GRADE	1	2	3	4	5	6	7	8	9	10	11	12
10	34.16	35.10	36.07	37.06	38.08	39.13	40.20	41.31	42.44	43.61	44.81	46.04
11	35.82	36.81	37.81	38.85	39.92	41.02	42.14	43.30	44.49	45.71	46.96	48.26
12	37.62	38.65	39.71	40.80	41.93	43.08	44.27	45.49	46.75	48.03	49.35	50.71
13	39.46	40.54	41.66	42.81	43.98	45.19	46.44	47.71	49.02	50.37	51.75	53.17
14	41.47	42.61	43.78	44.98	46.21	47.49	48.79	50.13	51.51	52.93	54.38	55.88
15	42.99	44.17	45.38	46.62	47.90	49.22	50.57	51.96	53.39	54.86	56.37	57.92
16	45.14	46.38	47.66	48.96	50.31	51.70	53.12	54.58	56.08	57.62	59.21	60.83
17	48.01	49.33	50.69	52.08	53.52	54.98	56.50	58.05	59.64	61.28	62.97	64.70

10	71,055.94	73,014.71	75,019.99	77,092.12	79,208.81	81,392.35	83,620.44	85,915.38	88,277.16	90,705.79	93,201.26	95,763.57
11	74,503.89	76,557.38	78,651.79	80,813.04	83,041.14	85,313.80	87,653.30	90,059.64	92,532.83	95,072.86	97,679.73	100,375.72
12	78,245.96	80,389.70	82,595.52	84,868.18	87,207.68	89,614.02	92,087.21	94,627.24	97,234.11	99,907.82	102,648.38	105,478.06
13	82,084.63	84,333.43	86,650.65	89,034.72	91,485.62	94,003.37	96,587.96	99,239.40	101,957.67	104,765.07	107,639.32	110,602.69
14	86,262.64	88,633.66	91,062.28	93,557.75	96,120.06	98,771.50	101,489.77	104,274.89	107,149.14	110,090.22	113,120.43	116,239.77
15	89,413.41	91,864.40	94,382.15	96,966.74	99,640.45	102,381.01	105,188.41	108,084.94	111,048.30	114,100.80	117,242.41	120,473.15
16	93,884.40	96,476.56	99,127.99	101,846.27	104,653.67	107,527.91	110,491.28	113,521.49	116,640.83	119,849.28	123,146.87	126,533.57
17	99,851.25	102,603.82	105,433.50	108,330.03	111,315.68	114,368.17	117,509.78	120,740.52	124,060.39	127,469.37	130,967.48	134,577.00

**FY26 3% COLA** Beginning Hry Rate= 35.19  
Percent between steps= 2.75

GRADE	1	2	3	4	5	6	7	8	9	10	11	12
10	35.19	36.16	37.15	38.18	39.22	40.30	41.41	42.54	43.71	44.92	46.15	47.42
11	36.89	37.91	38.95	40.02	41.12	42.25	43.41	44.60	45.82	47.08	48.37	49.71
12	38.75	39.81	40.90	42.03	43.18	44.38	45.60	46.86	48.15	49.47	50.83	52.23
13	40.65	41.76	42.91	44.09	45.30	46.55	47.83	49.14	50.49	51.88	53.30	54.77
14	42.72	43.89	45.09	46.33	47.60	48.91	50.26	51.64	53.06	54.52	56.02	57.56
15	44.28	45.49	46.74	48.02	49.34	50.70	52.09	53.52	54.99	56.50	58.06	59.66
16	46.49	47.77	49.09	50.43	51.82	53.25	54.71	56.21	57.76	59.35	60.98	62.66
17	49.45	50.81	52.21	53.64	55.12	56.63	58.19	59.79	61.43	63.12	64.85	66.64

10	73,187.62	75,205.15	77,270.59	79,404.89	81,585.08	83,834.12	86,129.06	88,492.84	90,925.48	93,426.96	95,997.29	98,636.47
11	76,739.00	78,854.10	81,011.34	83,237.43	85,532.37	87,873.21	90,282.90	92,761.43	95,308.81	97,925.04	100,610.12	103,387.00
12	80,593.34	82,801.39	85,073.38	87,414.22	89,823.91	92,302.44	94,849.82	97,466.05	100,151.13	102,905.06	105,727.83	108,642.41
13	84,547.17	86,863.44	89,250.17	91,705.76	94,230.19	96,823.47	99,485.60	102,216.58	105,016.40	107,908.03	110,888.50	113,920.77
14	88,850.52	91,292.67	93,794.15	96,364.48	99,003.66	101,734.64	104,534.47	107,403.14	110,363.61	113,392.93	116,514.05	119,726.96
15	92,095.81	94,620.33	97,213.61	99,875.74	102,629.67	105,452.44	108,344.06	111,327.49	114,379.75	117,523.82	120,759.68	124,087.35
16	96,700.93	99,370.85	102,101.83	104,901.66	107,793.28	110,753.75	113,806.02	116,927.14	120,140.05	123,444.76	126,841.27	130,329.58
17	102,846.79	105,681.94	108,596.51	111,579.93	114,655.15	117,799.21	121,035.08	124,362.74	127,782.20	131,293.45	134,896.51	138,614.31