



**City Council Regular Meeting
November 1, 2022
Council Chambers
31 Wakefield Street
6:00 PM**

Agenda

- 1. Call to Order**
- 2. Opening Prayer**
- 3. Pledge of Allegiance**
- 4. Roll Call**
- 5. Acceptance of Minutes**
 - 5.1 Regular City Council Meeting: October 4, 2022 *consideration for approval* P. 7**
- 6. Communications from the City Manager**
 - 6.1 City Manager's Report P. 29**
 - 6.2 Water Pollution and Flood Reduction work team P. 45**
- 7. Communications from the Mayor**
- 8. Presentation of Petitions and Council Correspondence**
- 9. Nominations, Appointments, Resignations, and Elections**
 - 9.1. *Resignation:* Tom Evans – Selectman, Ward 3 *consideration for approval* P. 73**
 - 9.2. *Resignation:* Marilyn Jones – Historic District Commission, Seat A *consideration for approval* P. 75**
 - 9.3. *Resignation:* Karen Brieger – GSBP TIF Advisory Board *consideration for approval* P. 77**
- 10. Reports of Committees**

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City Clerk's Office

- 10.1 Codes & Ordinances Committee P. 79
- 10.2 Finance Committee P. 83
 - 10.2.1 Resolution Authorizing Supplemental Appropriation of \$43,000 to the Recreation Special Events Fund-Lilac Family Fun Festival *first reading and refer to public hearing on 11/15/22* P. 91
- 10.3 Planning Board P. 97
 - 10.3.1 Amendment to Chapter 275-21.4 and table 18-C of the General Ordinances of the City of Rochester regarding indoor recreation in Industrial Zones *first reading and refer to public hearing on 11/15/22* P. 107
- 10.4 Public Safety P. 115
 - 10.4.1 **Committee Recommendation:** to change the temporary “no parking” area on Pickering Road to permanently no parking *consideration for approval* P. 116
 - 10.4.2 **Committee Recommendation:** to place “no parking (between certain times) on right side Sheridan Avenue and “no parking “on the left side of Sheridan Avenue by the corner at the at the technical discretion of the Public Works Department *consideration for approval* P. 119
- 10.5 Public Works P. 121
 - 10.5.1 **Committee Recommendation:** To accept the Donation of lighting fixtures and equipment at a total value of \$13,319 for the Hanson Pines basketball Court lighting Project *consideration for approval* P. 122
 - 10.5.2 **Committee Recommendation:** To approve the Paving Program as recommended by DPW (list included in minutes) *consideration for approval* P. 129
- 11. Old Business
 - 11.1. Amendment to Chapter 275 of the General Ordinances of the City of Rochester Regarding the Location and Boundaries of Zoning Districts *second reading and consideration for adoption* P. 131
- 12. Consent Calendar

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City Clerk's Office

- 13. New Business**
- 14. Non-Meeting/Non-Public Session**
- 15. Adjournment**

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City Clerk's Office

**Regular City Council Meeting
October 4, 2022
Council Chambers
6:00 PM**

COUNCILORS PRESENT

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

OTHERS PRESENT

Blaine Cox, City Manager
Katie Ambrose, Deputy City Manager
Terence, O'Rourke, City Attorney
Mark Sullivan, Deputy Finance
Peter Nourse, Director of City Service

COUNCILORS EXCUSED

Councilor Hailey

1. Call to Order

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

2. Opening Prayer

Mayor Callaghan called for a moment of silence.

3. Pledge of Allegiance

Councilor Beaudoin was asked to lead the Pledge of Allegiance.

4. Roll Call

Kelly Walters, City Clerk, took the roll call attendance. All Councilors were present, except for Councilor Hailey, who has been excused.

5. Acceptance of Minutes

5.1 Regular City Council Meeting: September 6, 2022 *consideration for approval*

Councilor Lachapelle **MOVED** to **ACCEPT** the Regular City Council revised set of minutes for September 6, 2022. Councilor Gray seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

6. Communications from the City Manager

City Manager Cox reported that the State of the City event was successful. He said presentations were given by various Department Heads, and the video coverage of the event is available on the City's website.

City Manager Cox wished to thank Katie Ambrose, Deputy City Manager, and Kimberly Conley, Director of the Human Resources Department for organizing the City's first wellness event, which was a wiffle ball tournament. He said there were 44 employees present who participated in the event. He announced that one of the Fire Department Teams took first place and the Police Department Team took second place.

Councilor Beaudoin asked the City Manager to provide more information about the extension of the Old Dover Road water main project near the edge of Somersworth. Councilor Beaudoin said it appears the project involves the City of Rochester "drawing water" from the Somersworth supply for the Alexandria Drive residents and questioned if this was the case. City Manager Cox agreed to provide additional information to the City Council.

Councilor Lachapelle asked if the bid for Strafford Square had been awarded as of yet. City Manager Cox replied yes. He said construction is expected to start as soon as later this month.

6.1 City Manager's Report

Contracts and documents executed since last month:

- **Department of Public Works**

- WWTP equipment Service/Maintenance contract – Ixom Watercare
- Task Order, Distribution system hydraulic model update – Wright Pierce
- Recommendation to award bid, Strafford Sq Intersection – S.U.R.
- Task Order, Old Dover Water Main Ext – Wright Pierce.
- Construction Phase Srvcs Contract, Strafford Square – Stantec Consulting
- 2017 NPDES MS4 General Permit Annual Report.

- **Economic Development**
 - FY23 CDBG Contracts – HAVEN
 - HUD Certificate of Consistency w/ the Consolidated Plan

Standard Reports

- **Personnel Action Report Summary**

7. Communications from the Mayor

7.1. Proclamation: Extra Mile Day, November 1, 2022

A proclamation for Extra Mile Day can be found in the City Council packet.

Mayor Callaghan announced that Rochester trick or treat will occur on October 30th from 4PM to 7PM this year.

Mayor Callaghan expressed appreciation for the success of the State of City event.

8. Presentation of Petitions and Council Correspondence

No discussion.

9. Nominations, Appointments, Resignations, and Elections

Mayor Callaghan stated if there were no objections, that all the resignations would be voted upon at one time.

Councilor Lachapelle **MOVED** to **ACCEPT** the resignations as outlined in Section 9.1, 9.2, 9.6, 9.8, and 9.9. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

9.1. Resignation: Leonard Bernard – Moderator, Ward 3 consideration for approval

Resignation accepted as stated above in a collective vote of all resignations.

9.2. Resignation: Susan (Candy) Bailey – Supervisor of the Checklist, Ward 3 (resignation contingent on appointment

as Moderator of Ward 3) *consideration for approval*

Resignation accepted as stated above in a collective vote of all resignations.

**9.3. Appointment: Susan (Candy) Bailey – Moderator, Ward 3
Term to Expire 1/2/2024 *consideration for approval***

Mayor Callaghan **NOMINATED** Susan Bailey to be elected to serve as the Moderator of Ward 3, with a term to expire on 1/2/2024. Councilor Lachapelle **MOVED** that nominations cease and that the Clerk cast one ballot for Ms. Bailey. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

9.4. Appointment: Robert Longo – Supervisor of the Checklist, Ward 3 Term to Expire 1/2/2024 *consideration for approval*

Mayor Callaghan **NOMINATED** Robert Longo to be elected to serve as the Supervisor of the Checklist of Ward 3, with a term to expire on 1/2/2024. Councilor Lachapelle **MOVED** that nominations cease and that the Clerk cast one ballot for Mr. Longo. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**9.5. Appointment: Therese (Teri) Hurley – Ward Clerk, Ward 3
Term to expire 1/2/2024 *consideration for approval***

Mayor Callaghan **NOMINATED** Therese Hurley to be elected as the Ward Clerk of Ward 3, with a term to expire on 1/2/2024. Councilor Lachapelle **MOVED** that nominations cease and that the Clerk cast one ballot for Ms. Hurley. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

9.6. Resignation: Jim Grant – Supervisor of the Checklist, Ward 6 *consideration for approval*

Resignation accepted as stated above in a collective vote of all resignations.

9.7. Appointment: Fred Chisholm – Supervisor of the Checklist, Ward 6 Term to Expire 1/2/2024 *consideration for approval*

Mayor Callaghan **NOMINATED** Fred Chisholm to be elected as the Supervisor of the Checklist of Ward 6, with a term to expire on 1/2/2024. Councilor Lachapelle **MOVED** that nominations cease and that the Clerk cast one ballot for Mr. Chisholm. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**9.8. Resignation: A. Terese Dwyer – Planning Board, Seat A
consideration for approval**

Resignation accepted as stated above in a collective vote of all resignations.

**9.9. Resignation: Jeffrey Turgeon – Ward Clerk, Ward 5
consideration for approval**

Resignation accepted as stated above in a collective vote of all resignations.

10. Reports of Committees

10.1 Appointments Review Committee

**10.1.1 New Appointment: Lexy Van Binsbergen –
Recreation and Arena Commission, Seat C Term to
expire 1/2/2023 consideration for approval**

Mayor Callaghan **NOMINATED** Lexy Van Binsbergen to be appointed as a member of the Recreation and Arena Commission, Seat C, with a term to expire on 1/2/2023. Councilor Lachapelle **MOVED** that nominations cease and that the Clerk cast one ballot for Ms. Van Binsbergen. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**10.1.2 New Appointment: Sarah Rowe – Arts & Culture
Commission, Seat H Term to expire 7/1/2023
consideration for approval**

Mayor Callaghan **NOMINATED** Sarah Rowe to be appointed as a member to the Arts & Culture Commission, with a term to expire on 7/1/2023. Councilor Lachapelle **MOVED** that nominations cease and that the Clerk cast one ballot for Ms. Rowe. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**10.1.3 Appointment: Matthew Winders – Zoning Board of
Adjustments, Seat B (elevation from alternate to**

regular) Term to expire 1/2/2025 consideration for approval

Mayor Callaghan **NOMINATED** Matthew Winders to be appointed as a Regular Member of the Zoning Board of Adjustments, Seat B, with a term to expire on 1/2/2025. Councilor Lachapelle **MOVED** that nominations cease and that the Clerk cast one ballot for Mr. Winders. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.2 Codes & Ordinances Committee

Councilor Lachapelle reported that there is one action item resultant from the Codes and Ordinances meeting; however, it is listed under New Business and will be taken up at that time.

10.3 Finance Committee

No discussion.

10.4 Planning Board

No discussion.

10.5 Public Safety

10.5.1 Committee Recommendation: To install “no parking” signs across the street from Cumberland Farms on Milton Road consideration for approval

Councilor Lachapelle **MOVED** to install “no parking” signs across the street from Cumberland Farms on Milton Road. Councilor Malone seconded the motion. Councilor Lachapelle said there are reasons for these signs, including drainage issues in that area and the need to prevent trucks from parking there. He noted that there are existing “no parking” signs on the other side of the road, which are not always acknowledged; however, this will give law enforcement the ability to take action as needed. The **MOTION CARRIED** by a unanimous voice vote.

10.5.2 Committee Recommendation: to install flashing sign near Pickering Road bridge at the discretion of DPW consideration for approval

Councilor Lachapelle **MOVED** to install flashing signs near the Pickering Road bridge at the discretion of DPW. Councilor Malone seconded

the motion. Councilor Lachapelle said there has been an issue on this area for many years and there have been efforts made to resolve the issue in the past. The City Council briefly discussed the matter. Mayor Callaghan asked if this was a permanent or temporary sign. Councilor Lachapelle responded that this would be a permanent sign. Councilor Berlin said this is the second sign of its kind and the original idea was to make one sign permanent and the other sign could be moved around the city as needed; however, the Committee has since learned that these types of signs are not meant to be moved around once installed. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Lachapelle recalled that further down Pickering Road, where the Post Office is located, there have been temporary “no parking” signs posted; however, this matter will be brought back to the next Public Safety Committee meeting to propose a more permanent solution to the problem.

10.6 Public Works

10.6.1 *Committee Recommendation: To approve the waiver of the pavement moratorium for both Shaw Drive and Norway Plains Road with the restoration meeting the DPW guidelines consideration for approval*

Councilor Hamann **MOVED** to approve the waiver of the pavement moratorium for both Shaw Drive and Norway Plains Road with the restoration meeting the DPW guidelines. Councilor Lachapelle seconded the motion. Councilor Beaudoin disclosed a conflict of interest (Norway Plains Road) and abstained from the discussion and vote on the matter. The **MOTION CARRIED** by a unanimous voice vote (*Councilor Beaudoin did not vote.*)

11. Old Business

No discussion.

12. Consent Calendar

No discussion.

13. New Business

13.1. Amendment to Chapter 275 of the General Ordinances of the City of Rochester Regarding the Location and

Boundaries of Zoning Districts *first reading and refer to public hearing*

Mayor Callaghan read the Amendment to Chapter 275 of the General Ordinances by title only and referred the matter to a Public Hearing to be held on October 18, 2022.

**Amendment to Chapter 275 of the General Ordinances
of the City of Rochester Regarding the
Location and Boundaries of Zoning Districts**

THE CITY OF ROCHESTER ORDAINS:

WHEREAS, Chapter 275-1.10 establishes that the location and boundaries of zoning districts within the City of Rochester are established as shown on a map titled, "City of Rochester Zoning Map."

WHEREAS, Chapter 275-1.10 further declares that the City of Rochester Zoning Map is incorporated by reference as party of Chapter 275 of the General Ordinances of Rochester regarding zoning.

WHEREAS, the Mayor and City Council of Rochester desire to amend the City of Rochester Zoning Map to convert certain properties from the Residential-2 Zone to the Downtown Commercial Zone.

THEREFORE, the Mayor and City Council of Rochester ordain that properties shall be converted to Downtown Commercial Zone in accordance with the Attached Exhibit. (**Exhibit A**). See Addendum B (Exhibit A)

The effective date of these amendments shall be upon passage.

13.2. Resolution Authorizing Supplemental Appropriation in the amount of \$150,000.00 for Opioid Abatement *first reading and consideration for adoption*

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

**Resolution Authorizing Supplemental Appropriation
in the amount of \$150,000.00 for Opioid Abatement**

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 One Hundred Fifty Thousand Dollars (\$150,000.00) to cover the costs associated with Opioid Abatement related to the City's involvement in litigation against various opioid manufactures and distributors. The supplemental appropriation will be derived in its entirety from monies received from the City in settlement agreements, grants related to settlement agreements, bankruptcy proceedings, and final verdicts following trial.

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. Councilor Beaudoin asked questions about how the money would be spent. Councilor Malone reported that the Committee is currently meeting on a monthly basis and is currently in the "collecting data" phase to establish what the community needs for services. The Committee will be meeting with Rochester Mental Health Alliance in November. She said there are strict restrictions regarding how the money can be used, and the uses must relate to Opioid Abatement. She gave a few examples, such as prevention, education, and syringe exchanges. Councilor de Geofroy asked if the recommendations from the Ad Hoc Committee would be presented to the City Council prior to expenditures. Mayor Callaghan replied yes. Councilor Malone said the Committee is required to provide quarterly updates as well. Councilor Malone said the Committee would be working over the next fifteen to twenty years while the lawsuits come through from the manufacturers of these drugs. Councilor Desrochers thanked Councilor Malone for chairing the Ad Hoc Committee and shared her experience from attending the Committee meeting earlier in the day. The **MOTION CARRIED** by a unanimous voice vote.

**13.3. Resolution Authorizing the Department of Public Works
to Apply for an ARPA Grant up to \$50,000.00 *first reading
and consideration for adoption***

Mayor Callaghan read the resolution by title only as follows:

**Resolution Authorizing the Department of Public Works
to Apply for an ARPA Grant up to \$50,000.00**

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

They hereby authorize the Department of Public Works to apply to NHDES for an ARPA Grant up to Fifty Thousand Dollars (\$50,000.00) as part of the Cybersecurity Implementation Grant Program.

Further, by passage of this Resolution, the Mayor and City Council authorize the Department of Public Works to submit the formal ARPA application and to designate the City Manager as the authority to execute the grant application and all associated documents.

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

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

13.4. Resolution Deauthorizing \$2,239.42 of the Rochester Police Department Granite Shield Grant *first reading and consideration for adoption*

Mayor Callaghan read the resolution by title only as follows:

**Resolution Deauthorizing \$2,239.42
of the Rochester Police Department Granite Shield Grant**

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

That Two Thousand Two Hundred Thirty Nine and 42/100 Dollars (\$2,239.42) of funds previously appropriated to the Rochester Police Department as part of the Granite Shield Grant are hereby deauthorized.

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.

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

voice vote.

13.5. Resolution authorizing acceptance of State forfeiture funds in the amount of \$2,669.63 *first reading and consideration for adoption*

Mayor Callaghan read the resolution by title only as follows:

Resolution Authorizing the Acceptance of \$2,669.63 in Forfeiture Funds from the State of New Hampshire

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

The City hereby accepts a Two Thousand Six Hundred Sixty Nine and 63/100 Dollars(\$2 669.63.00) in forfeiture funds from the State of New Hampshire.

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 revised resolution distributed prior to the City Council meeting. Councilor Malone seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

13.6. Resolution authorizing transfer of balance of the Economic Development Special Reserve Fund to the Economic Development Non-Capital Reserve Fund *first reading and consideration for adoption*

Mayor Callaghan read the resolution by title only as follows:

Resolution Authorizing the Transfer of the entire Balance from the Economic Development Special Reserve Fund to the Economic Development Non-Capital Reserve Fund

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

The City hereby authorizes the transfer of the entire balance of the Economic Development Special Reserve Fund to the Economic Development Non-

Capital Reserve Fund. As of the date of this Resolution, the balance stands at One Million Four Hundred Eighty Two Thousand Nine Hundred Twenty Eight and 39/100 Dollars (\$1,482,928.39).

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 Beaudoin seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

13.7. Resolution Pursuant to RSA 47:1-c, IV Rescinding the City of Rochester Economic Development Special Reserve Fund *second reading and consideration for adoption*

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

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

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

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

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

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

13.8. Amendment to Chapter 7 of the General Ordinances of the City of Rochester deleting 7-63 "Economic Development Special Reserve Fund" *first reading and consideration for adoption*

Mayor Callaghan read the resolution by title only (see addendum A).

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

13.9. Waterstone Phase II Development Agreement *consideration for approval*

Councilor Lachapelle **MOVED** to **APPROVE** the Waterstone Phase II Development Agreement. Councilor Malone seconded the motion. Councilor Beaudoin spoke against the motion. He said the other TIF Districts have proven to be extremely profitable, and the same theory applies to Phase I of the Waterstone Development; however, the next Phase will not have the same positive impact on the Community due to the inclusion of residential development with this Phase of the project. He said there could be as many as 230 new apartments included in this phase; however, it has not been vetted through the Planning Board as of yet. He said even if only fifty students enter into the Rochester School system from this development, the City loses money. He spoke about the anticipated tax revenue expected for this phase of the development and how the amount of new students would greatly impact the tax revenue from Phase I and Phase II.. He reiterated his opposition to this phase of the Project. Councilor Desrochers shared information to rebut Councilor Beaudoin's statements. She stated that she believes it is a myth that housing inflates education costs. Mayor Callaghan agreed and said according to the recent census, the population was approximately 31,000 in 2020 compared to only 21,000 about ten years ago. He added that there are fewer students in our school system now even though the population has greatly increased. Councilor Beaudoin stated that according to the New Hampshire Department of Education the cost per student equates to approximately \$18,000. Councilor Lachapelle requested a roll call vote. Councilor Beaudoin seconded the request. The **MOTION CARRIED** by a 9 to 3 roll call vote. Councilors Malone, Fontneau, Larochelle, de Geofroy, Desrochers, Berlin, Hamann, Lachapelle, and Mayor Callaghan voted in favor of the motion. Councilors Gray, Gilman, and Councilor Beaudoin voted against the motion.

13.10. Resolution Authorizing the Acceptance of a JAG Grant from the State of New Hampshire in the amount of \$27,300.00 *first reading and consideration for adoption*

Mayor Callaghan read the resolution by title only as follows:

Resolution Authorizing the Acceptance of a JAG Grant from the State of New Hampshire in the amount of \$27,300.00

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

The City hereby accepts a JAG Grant of Twenty Seven Thousand Three Hundred Dollars (\$27,300.00) from the State of New Hampshire to be used by the Rochester Police Department for the purchase of law enforcement equipment and associated training.

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 Malone seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

13.11. Resolution Authorizing the Acceptance of a Vest Grant from the State of New Hampshire in the amount of \$5,640.25 *first reading and consideration for adoption*

Mayor Callaghan read the resolution by title only as follows:

Resolution Authorizing the Acceptance of a Vest Grant from the State of New Hampshire in the amount of \$5,640.25

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

The City hereby accepts a Vest Grant of Five Thousand Six Hundred Forty and 25/100 Dollars (\$5,640.25) from the State of New Hampshire to be used by the Rochester Police Department for the purchase of new ballistic vests.

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

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

13.12 Resolution Accepting NH Department of Environmental Services (NHDES) Grant, in Connection with 2023 Household Hazardous Waste Day and Authorizing City Manager to Enter Into a Contract with NHDES not to exceed \$12,813.00 *first reading and consideration for adoption*

Mayor Callaghan read the resolution by title only as follows:

Resolution Accepting NH Department of Environmental Services (NHDES) Grant, in Connection with 2023 Household Hazardous Waste Day and Authorizing City Manager to Enter Into a Contract with NHDES not to exceed \$12,813.00

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

That a NHDES Grant, in the amount not to exceed Twelve Thousand Eight Hundred Thirteen Dollars (\$12,813.00) to the City of Rochester, for the purpose of hosting hazard mitigation, is hereby accepted by the City of Rochester. The associated revenue and expenses accounts have previously been approved by the Council in the Department of Public Works 2023 operating budget of the City of Rochester.

Additionally, the City Manager of the City of Rochester, be, and hereby is authorized to enter into a contract with the NHDES with respect to such grant and the conduct of the aforementioned 2023 Household Hazardous Waste Day.

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

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

13.13 Resolution Establishing Polling Places and Times for the November 8, 2022 State General Election *first reading in its entirety and consideration for adoption*

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

Resolution Establishing Polling Places and Times for the November 8, 2022 State General Election

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

That the following polling places are hereby established for the City of Rochester for the upcoming November 8, 2022 State General Election.

WARD 1: East Rochester Elementary School
773 Portland Street, East Rochester

WARD 2: Chamberlain Street School
65 Chamberlain Street, Rochester

WARD 3: Gonic Elementary School
10 Railroad Avenue, Gonic

WARD 4: McClelland Elementary School
59 Brock Street, Rochester

WARD 5: James W. Foley Memorial Community Center a/k/a Rochester Community Center 150 Wakefield Street/Community Way, Rochester

WARD 6: Elks Lodge #1393
295 Columbus Avenue, Rochester

Further, that in accordance with RSA 659:4, and Section 47 of the City Charter – All polling places shall be open from 8:00 A.M. to 7:00

P.M., on said Election Day. The Processing of Absentee Ballots shall begin at 10:00 AM on Election Day.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor de Geofroy seconded the motion. Councilor de Geofroy questioned if there were any changes to any of the polling locations. The City Clerk confirmed there were no changes; however, State Law requires the polling locations are adopted at least thirty days prior to any election. Councilor Lachapelle said it is read out loud in its entirety for the public's sake. The **MOTION CARRIED** by a unanimous voice vote.

14. Adjournment

Mayor Callaghan **ADJOURNED** the Regular City Council meeting at 6:28 PM.

Respectfully submitted,

Kelly Walters, CMC
City Clerk

**Amendment to Chapter 7 of the General Ordinances of the City of Rochester Regarding the
Economic Development Special Reserve Fund**

THE CITY OF ROCHESTER ORDAINS:

That Chapter 7 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**):

§ 7-63 Economic Development Special Reserve Fund.
{Added 9-6-2016}

A. — Statement of purpose.

- (1) ~~The City of Rochester currently serves as the "Host Community" for the Turnkey Recycling and Environmental Enterprises Waste Disposal Facility (TREE) currently operated by Waste Management of New Hampshire, Inc., and located on the Rochester Neck Road. By virtue of its status as Host Community for TREE, the City of Rochester, in addition to incurring significant expenses in connection with such facility, receives significant financial benefits in the form of real property taxes, user fees (in the form of so-called "host community fees") and various other benefits relative to the cost to the City and its inhabitants of the disposal and/or recycling of various solid waste, including reduced and/or eliminated fees for the disposal and/or recycling of solid waste generated within the City of Rochester. It is currently estimated that the permitted capacity of the TREE Waste Disposal Facility (TLR-III) will be reached in approximately the year 2023. When such facility is filled to its permitted capacity, it is anticipated that the City will experience a loss in revenues, and the City and its inhabitants will experience increased costs associated with the disposal and/or recycling of solid waste, particularly in the form of reduced and/or lost user fees and reduced property tax revenues, as well as increased costs associated with the disposal and/or recycling of solid waste. Therefore, in an effort to offset the expected loss of revenues and increased costs occurring to the City as a result of the anticipated filling of the TREE Waste Disposal Facility to its permitted capacity and to promote the general fiscal strength and well-being of the City, it is necessary that economic development in the City of Rochester be promoted and/or maintained to ensure the existence and/or expansion of a vibrant economic base for the City and its inhabitants.~~
- (2) ~~Therefore, the City Council of the City of Rochester, pursuant to the authority granted by RSA 47:1-b and 47:1-c, hereby establishes a special revenue reserve fund from the specific source identified in Subsection B of this section for capital expenditures or expenditures for capital projects, transfers to capital projects, transfers to capital reserve, or for any other appropriation of a nonrecurring nature in support of economic development as determined by the City Council. The special reserve fund established in Subsection B of this section shall be known as the "City of Rochester Economic Development Special Reserve Fund." No expenditure from said City of Rochester Economic Development Special Reserve Fund shall be made without an appropriation of such funds having been adopted by the Rochester City Council, which appropriation shall provide that such appropriation is for economic development purposes and shall contain a statement and/or finding by the City Council indicating the manner in which it is anticipated that such appropriation is related to the economic development of the City of Rochester.~~

- B. —** ~~There is hereby created a non-lapsing budgetary account within the City of Rochester, pursuant to the authority granted to the City by the provisions of RSA 47:1-b, such special reserve fund to be known as the "City of Rochester Economic Development Special Reserve Fund." Such fund shall be funded on an annual basis by the appropriation by the City Council to such special reserve fund of an amount not less than one hundred thousand dollars (\$100,000.) from the funds annually payable to the City of Rochester by Waste Management of New Hampshire, Inc., from the so-called "host community fees" payable to the City pursuant to the provisions of the Host Agreement between the City and Waste Management of New Hampshire, Inc., or of any successor to such agreement. In addition to such minimum funding level, the City Manager may, during any fiscal year of the City,~~

~~upon written notification to, and appropriation by, the City Council, transfer to said City of Rochester Economic Development Special Reserve Fund unappropriated host community fees in an amount not to exceed the difference between the total amount of host community fees received from Waste Management of New Hampshire, Inc., during such fiscal year and the amount of such host community fees previously appropriated by the Rochester City Council during such fiscal year (having in mind the minimum funding/appropriation requirement provided for herein and any other appropriation of such fiscal year's host community fees by the City Council during such fiscal year).~~

This Amendment is effective upon passage.



City of Rochester, New Hampshire
Office of Economic & Community Development
33 Wakefield Street, Rochester, NH 03867
(603) 335-7522, www.rochesterredc.com

July 6, 2022

Mr. Mark Collopy
Chair
City of Rochester Planning Board
31 Wakefield Street
Rochester, NH 03867

RE: Expansion of the Downtown Commercial Zone

Dear Chairman Collopy:

As part of the City's strategy for the redevelopment of the downtown area, the Department of Economic Development is seeking a change in classification for the properties listed below and outlined in Exhibit A.

These parcels are currently zoned Residential-2 (R2) and Econ Dev is requesting they be re-designated as Downtown Commercial (DC).

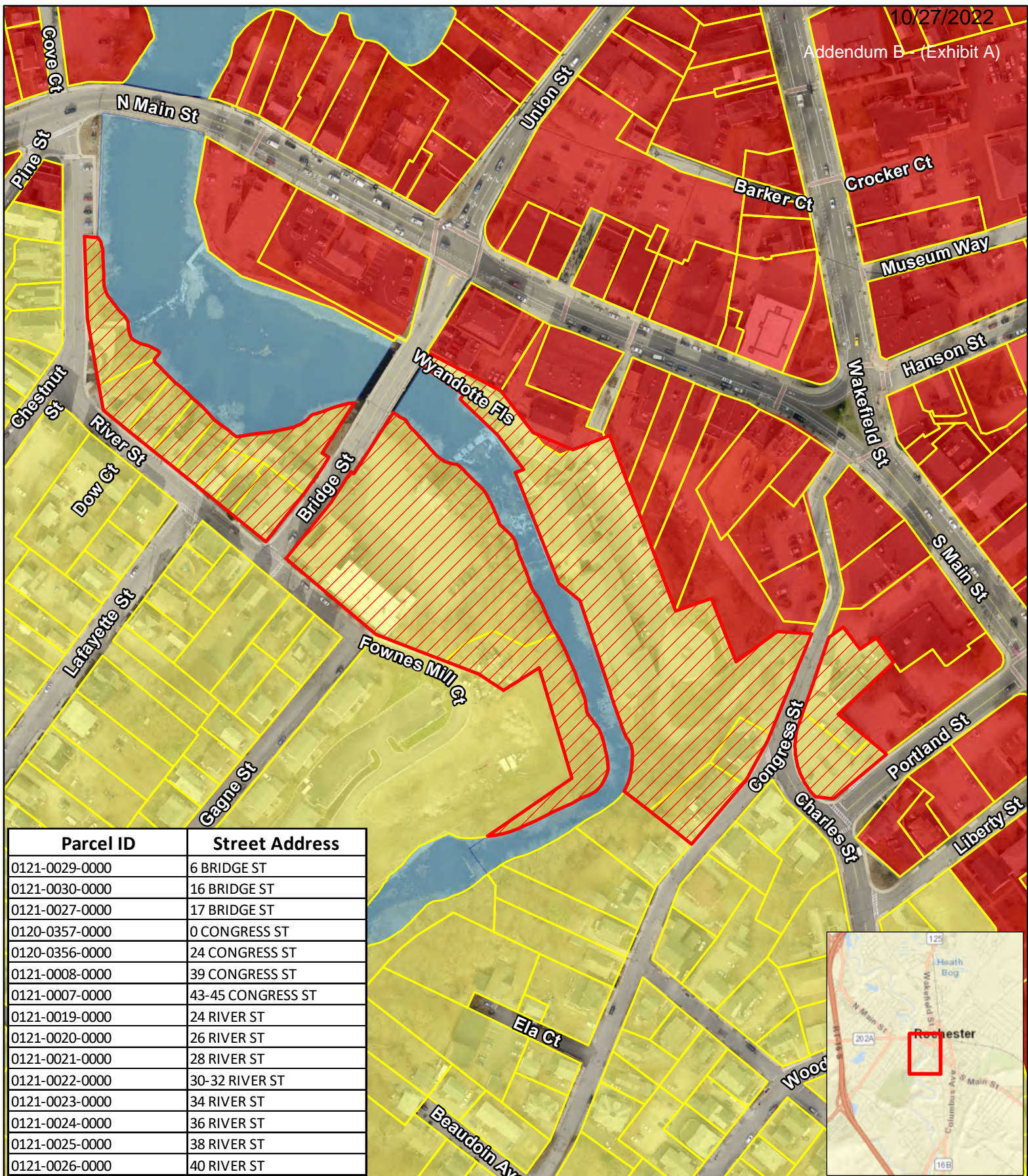
Parcel ID	Street Address
0121-0029-0000	6 Bridge Street
0121-0030-0000	16 Bridge Street
0121-0027-0000	17 Bridge Street
0120-0357-0000	0 Congress Street
0120-0356-0000	24 Congress Street
0121-0008-0000	39 Congress Street
0121-0007-0000	43-45 Congress Street
0121-0019-0000	24 River Street
0121-0020-0000	26 River Street
0121-0021-0000	28 River Street
0121-0022-0000	30-32 River Street
0121-0023-0000	34 River Street
0121-0024-0000	36 River Street
0121-0025-0000	38 River Street
0121-0026-0000	40 River Street

The rezoning of these parcels would allow for future development more in line with the DC redevelopment strategy of increased density within our urban center.

If the recent success of the City's downtown redevelopment efforts are to continue, we need to evaluate where future growth could and should go. Expanding the DC Zone to include these parcels will provide additional options for redevelopment and growth.

Sincerely,

Michael Scala
Director of Economic Development

**Legend**

- Proposed
Downtown Commercial
- Parcel Boundary

Zoning Districts

- Residential - 2
- Downtown Commercial
- Water

Data Sources:
 Rochester - Zoning (2022)
 CAI - Parcel Boundaries (2021)
 NHDOT - Roads (2021)
 Eagleview - Imagery (2020)
 Inset Map - Esri ArcGIS Online (2022)



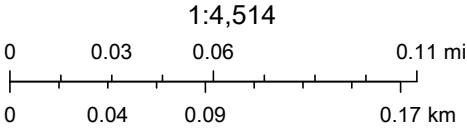
1 in = 200 ft

0 100 200 ft



7/6/2022, 12:22:24 PM

 Tax Parcels
Parcel Info



Esri, HERE, Garmin, GeoTechnologies, Inc., NGA, USGS, Esri Community Maps Contributors, Rochester GIS, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA



City of Rochester, New Hampshire

OFFICE OF THE CITY MANAGER

31 Wakefield Street • Rochester, NH 03867

(603) 332-1167

www.RochesterNH.net

CITY MANAGER'S REPORT

October 2022

Contracts and documents executed since last month:

- **Department of Public Works**
 - Change Order, Rt 202 Water Main Extension – D&C construction **P. 31**
 - Contract Amendment, Tara Est Sewer Pump Station – Weston & Sampson Engineers **P. 32**
 - Scope of Service, Whitehall Rd. drainage culvert – S.U.R. **P. 33**
 - Certificate of substantial completion, Betts-Cross Rd Intersection. **P. 34**
 - Engineering Task Order, Lagoon Operations Pilot Phase – Underwood Engineers, Inc. **P. 35**
 - Settlement Agreement, closed Municipal landfill. **P. 36**
 - 2023 HHW Grant Agreement **P. 37**
- **Economic Development**
 - FY22-FY23 CAP Weatherization 10-14 #1 **P. 38**
 - FY22-FY23 CAP Weatherization 10-14 #2 **P. 39**
 - FY22-FY23 CAP Weatherization 10-17 **P. 40**
 - FY22-FY23 CAP Weatherization 10-21 **P. 41**
- **Library**
 - Play-based learning materials grant **P. 42**

The following standard report has been enclosed:

- Personnel Action Report Summary **P. 44**

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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



INTEROFFICE MEMORANDUM

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

FROM: Dana Webber, PE, Assistant City Engineer

DATE: October 5, 2022

SUBJECT: Route 202A Water Main Extension and Storage Tank
D&C Construction Change Order No. 4

CC: Michael Bezanson, PE, City Engineer
 Lisa Clark, Administrative Supervisor

Attached please find (1) a final electronic copy of Change Order #4 for the Route 202A Water Main Extension and Storage Tank Construction Contract. The work includes reclaim and paving of Bickford Road, a 2-inch water service stub and dust control for the water tank construction access road off of Hussey Hill. Wright-Pierce has reviewed and approved the increase in contract value of \$37,848.31.

Funds are available for this award in the following Water CIP account lines:

- 55016010-771000-20635

See the attached change order for new contract value, and location for City Manager approval on page 1.

Katie - If you have any questions, please contact me. If not, please sign below and pass on to the City Manager for signature. Once completed, please return documents to DPW for Distribution.

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



City of Rochester, New Hampshire

PUBLIC WORKS DEPARTMENT

209 Chestnut Hill Road • Rochester, NH 03867

(603) 332-4096

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: September 30, 2022

SUBJECT: Tara Estates Sewer Pump Station Upgrades Project (#23-01)
Construction Phase Engineering Services Amendment No. 1

CC: Peter Nourse, PE, Director of City Services

Attached is one (1) original Construction Phase Services contract amendment for the Tara Estates Sewer Pump Station Upgrades project (#23-01). This contract amendment is between the City and Weston & Sampson Engineers, Inc. (W&S) for construction administration, including design modifications during bidding. W&S has been selected through the qualifications-based solicitation for on-call engineering services RFQ 21-19. As funding agency, NHDES has reviewed and approved the contract.

The total amount of this contract amendment with W&S is \$37,280.00, all of which is eligible for CWSRF funding. Funds are available for this contract amendment in the following CIP account lines:

- Sewer Fund 55026020-771000-16543
- Sewer Fund 55026020-772000-22558

Katie - If you have any questions, please let me know. If not, please sign below and pass on to the City Manager for signature. The signed original Construction Phase Services contract amendment should be returned to DPW for distribution.

Signature _____
Katie Ambrose
Deputy City Manager/ Director of Finance & Administration

Attachment: W&S CPS Amendment No. 1 dated 9/15/2022



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



INTEROFFICE MEMORANDUM

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

FROM: LISA J. CLARK, ADMINISTRATIVE SUPERVISOR

DATE: September 30, 2022

SUBJECT: SUR Construction –Drainage Culvert Repair
 Whitehall Road - Amount \$110,637.50

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

Attached please find (1) one copy of the SUR Construction Company estimate/ scope of service for signature. This project is for drainage culvert repair & replacement on Whitehall Road. This repair is necessary and unable to be completed by City Staff. SUR will be working to complete the project prior to winter. SUR was selected for this project using the City of Rochester Bid # 21-23 for Equipment Rental and Construction Contracting Services. The pricing is good through 12/31/2022.

The funds are available in the following Corrective Drainage Accounts:

15013010-771000-20529 = \$25,630.55
 15013010-771000-21520 = \$5,434.00
 15013010-771000-22529 = \$79,572.95

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

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(603) 332-4096

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INTEROFFICE MEMORANDUM

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

FROM: Timothy Goldthwaite, PE, Assistant City Engineer

DATE: October 11, 2022

SUBJECT: **Betts – Cross Rd Intersection (#22-48)**
Certificate of Substantial Completion

CC: Peter Nourse, PE, Director of City Services
Mike Bezanson, PE, City Engineer

Attached is the Certificate of Substantial Completion for Betts-Cross Rd Intersection project (#22-48). Remaining work includes final line striping, invasive species removal and some additional minor tree removal. No road closures or detours are in effect and the intersection is functioning as intended.

Katie - If you have any questions, please let me know. If not, please sign below and forward to the City Manager for signature.

Thank you.

Signature _____

Katie Ambrose
Deputy City Manager/ Director of Finance & Administration

Attachment: Certificate of Substantial Completion (#22-48)



City of Rochester, New Hampshire

PUBLIC WORKS DEPARTMENT

209 Chestnut Hill Road • Rochester, NH 03867

(603) 332-4096

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 *MB*

DATE: October 7, 2022

SUBJECT: **WTP Residuals Management**
Lagoon Operations Pilot Phase Engineering Task Order

CC: Peter Nourse, PE, Director of City Services

Attached is one (1) original Engineering Services Task Order No. 5 for the WTP Residuals – Lagoon Pilot Phase. This contract is between the City and Underwood Engineers, Inc. for technical assistance, engineering evaluation, and related services. Underwood has been selected through the qualifications-based solicitation for on-call engineering services RFQ 21-19.

The total fee for this contract with Underwood is \$70,000.00. Funds are available for this contract in the following CIP account line:

- Water Fund 55016010-772000-19530

Katie - If you have any questions, please let me know. If not, please sign below and pass on to the City Manager for signature. The signed original Task Order document should be returned to DPW for distribution.

Signature _____

Katie Ambrose

Deputy City Manager/ Director of Finance & Administration

Attachment: Underwood Task Order No. 5 dated September 21, 2022



City of Rochester, New Hampshire

PUBLIC WORKS DEPARTMENT

209 Chestnut Hill Road • Rochester, NH 03867

(603) 332-4096

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 *MB*

DATE: October 11, 2022

SUBJECT: **Closed Municipal Landfill – Old Dover Road (Map 256, Lot 68)**
Professional Services for Lot Line Agreement

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

The City has reached a Settlement Agreement with the abutting property owner to the closed municipal landfill off Old Dover Road (Map 256, Lot 68) regarding property boundaries and access to the closed landfill from Old Dover Road. Attached is one (1) original proposal for professional services related to the preparation of a lot line agreement plan. This contract is between the City and Eric C. Mitchell & Associates, Inc. (ECM), a planning, site design, surveying, and environmental services corporation. ECM has previously conducted survey work for the City at this site, which will be used in the preparation of the lot line agreement plan.

The total amount of the lump sum fee contract with ECM is \$3,500.00. Funds are available for this contract in the following O&M account line:

- Public Works, General Fund 13010057-533000

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

Signature _____

Katie Ambrose

Deputy City Manager/ Director of Finance & Administration

Attachment: ECM Proposal for Lot Line Agreement Plan dated October 11, 2022



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



INTEROFFICE MEMORANDUM

TO: BLAINE COX, CITY MANAGER

KATIE AMBROSE, DEPUTY CITY MANAGER/DIRECTOR OF FINANCE & ADMINISTRATION
FROM: LAURA J MCDORMAND , ADMIN ASSISTANT II

DATE: October 25, 2022

SUBJECT: 2023 HHW Grant Agreement
CONTRACT AMOUNT \$12,813

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

Please review attached grant agreement and approve then sign interoffice memorandum.

Please send to Blaine for signature where indicated, and have the grant agreement signed and have him initial and date each page. When completed please have sent back to my attention at DPW.

Please sign and return the grant agreement to my attention at the Public Works Department.

Signature of Katie Ambrose (Deputy City Manager/ Director of Finance)

Authorized by CC 10/14



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

INTEROFFICE MEMORANDUM

TO: Blaine Cox, City Manager

FROM: Kiersten Wright, Community Development Coordinator/Grants Manager

DATE: October 14, 2022

SUBJECT: FY 22- 23 CAP Weatherization Assistance Program

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
Economic Development Department
33 Wakefield Street, Rochester, NH 03867
(603) 335-7522, www.RochesterEDC.com

INTEROFFICE MEMORANDUM

TO: Blaine Cox, City Manager

FROM: Kiersten Wright, Community Development Coordinator/Grants Manager

DATE: October 14, 2022

SUBJECT: FY 22- 23 CAP Weatherization Assistance Program

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
Economic Development Department
33 Wakefield Street, Rochester, NH 03867
(603) 335-7522, www.RochesterEDC.com

INTEROFFICE MEMORANDUM

TO: Blaine Cox, City Manager

FROM: Kiersten Wright, Community Development Coordinator/Grants Manager

DATE: October 17, 2022

SUBJECT: FY 22- 23 CAP Weatherization Assistance Program

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
Economic Development Department
33 Wakefield Street, Rochester, NH 03867
(603) 335-7522, www.RochesterEDC.com

INTEROFFICE MEMORANDUM

TO: Blaine Cox, City Manager

FROM: Kiersten Wright, Community Development Coordinator/Grants Manager

DATE: October 21, 2022

SUBJECT: FY 22- 23 CAP Weatherization Assistance Program

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 Grant Application

City Manager Approval

GRANT SUBJECT & AMOUNT:	
Play-Based Learning Materials Grant The New Hampshire State Library	Up to-\$250.
TODAY'S DATE:	10-24-2022
DEPT. HEAD SIGNATURE:	
APPLICATION DEADLINE:	10-28-2022
ATTACHMENTS Yes <input type="checkbox"/> No <input type="checkbox"/>	Link to Amazon List of desired items.

COMMITTEE SIGN-OFF

COMMITTEE:	
CHAIR PERSON:	

ADMINISTRATIVE APPROVALS

CHIEF FINANCIAL OFFICER:	
CITY MANAGER:	<div>DocuSigned by:</div> <div>Blaine Cox</div> <div>10/27/2022</div> <div>B4F9B7BC7D0C4EB...</div>

MATCHING FUNDS BUDGET INFORMATION

SOURCE OF MATCHING FUNDS (if required):	N/A
SOURCE ACCOUNT NUMBER:	
MATCH AMOUNT:	
APPROPRIATION REQUIRED No	Grants requiring City financial participation – funds must already be appropriated as part of existing budget.

LEGAL AUTHORITY

The City Council has authorized/ approved that all grant applications require only City Manager approval provided said applications do not obligate the City to accept any funds. All grant acceptances still require City Council approval.

Any/ all grant application approvals granted by the City Manager are to be documented on this form and included in the City Manager's monthly report to the City Council.

SUMMARY STATEMENT

Application submitted by Christina Paquette, RPL Children's Room Lead Librarian
The New Hampshire State Library is making grants available in amounts up to \$150 to libraries who attended one of the Play-Based Learning in NH Library Programs workshops with UNH for play-based learning materials, toys or books. **Applications must be made by October 28, 2022.** Only one application per library. Note: **Hosting Libraries--Rochester**, Keene, Moultonborough, Derry and Gorham may request up to \$250 worth of materials

Questions? For information about the grants process and/or the application form, please contact Deborah Dutcher at 271-2865 or Deborah.L.Dutcher@dncr.nh.gov.

RECOMMENDED ACTION

DEPT	NAME	POSITION	# of Employees	FT	PT	SEASONAL/TEMP	NEW HIRE	REHIRE	RETIREMENT	SEPARATED	STEP (CBA)	COLA (CBA)	MERIT PAY ADJ	NU PAY ADJ	PAY ADJ	PROMOTION	OTHER	MISC. INFO
ARENA	NATHAN GAGNON	SUPPORT STAFF 1	1			X		X										
ARENA	STEVE BUTLER	ARENA ATTENDANT	1			X		X										
ARENA	SADIE PERKINS	SUPPORT STAFF 1	1			X	X											
ARENA	LEO SCARPONI	ARENA ATTENDANT	1			X								X				
ASSESSING	JONATHAN RICE	CHIEF ASSESSOR	1	X						X								
COMMUNICATIONS	ELLEN SPICER	PER DIEM DISPATCHER	1			X		X										
COMMUNICATIONS	LINDSEY JACQUES	COMMUNICATIONS SPECIALIST	1	X			X											
DPW	TRAVIS GAGNE	MEDIUM EQUIPMENT OPERATOR	1	X												X		LEO TO MEO
DPW	KENNETH NYE	MEDIUM EQUIPMENT OPERATOR	1	X												X		LEO TO MEO
DPW	SEAN PEARCE	WTP OPERATOR	1	X												X		MEO TO WTP OPERATOR
DPW	JOSEPH ROBIDOUX	GROUNDWORK LABORER	1		X		X											
DPW	CRAIG CLARK	MEDIUM EQUIPMENT OPERATOR	1	X			X											
DPW	JARROD NORRIS	ASSISTANT CITY ENGINEER	1	X			X											
DPW	NICOLAS OLSON	MEDIUM EQUIPMENT OPERATOR	1	X			X											
DPW	EVAN CURRIER	PUMP STATION MAINTENANCE	1	X						X								
DPW	THOMAS MARTINEAU	MEDIUM EQUIPMENT OPERATOR	1	X						X								
FINANCE	AVA SCOTT	ACCOUNTANT I	1	X			X											
FIRE	JACKSON SCHRAMM	FIREFIGHTER	1	X			X											
FIRE	RYAN MARDEN	FIREFIGHTER	1	X							X							ANNIVERSARY DATE 11/04/2019
HR	KIMBERLY CONLEY	DIRECTOR OF HUMAN RESOURCES	1	X						X								ANNIVERSARY DATE 9/13/2021
LEGAL	ANDREA MITRUSHI	DEPUTY CITY ATTORNEY	1	X						X								
LEGAL	KAYLIN HARLAN	VICTIM/WITNESS ADVOCATE	1	X												X		LEGAL ASSISTANT TO VICTIM/WITNESS ADVOCATE
LIBRARY	SARAH HART	LIBRARY SUBSTITUTE	1			X		X										
LIBRARY	CHRISTINA PAQUETTE	LEAD LIBRARIAN	1	X													X	
POLICE	MATTHEW BARIL	PATROL OFFICER	1	X			X											
POLICE	JONATHAN MARSHALL	PATROL OFFICER	1	X							X							ANNIVERSARY DATE 10/27/2019
POLICE	SPENCER AUBE	PATROL SERGEANT	1	X												X		PATROL OFFICER TO PATROL SERGEANT
RECREATION	MICHAEL KIMBLE	CAMP COUNSELOR	1			X				X								
RECREATION	MAYA LEE	LIFEGUARD	1			X				X								
RECREATION	SETH CORTINA	CAMP COUNSELOR	1			X				X								
RECREATION	NORMAN SANBORN	PROGRAM LEAD 1	1			X				X								
RECREATION	AMANDA BOTELHO	HEAD CAMP COUNSELOR	1			X				X								
RECREATION	ALYSSA ROY	HEAD LIFEGUARD	1			X				X								
RECREATION	COURTNEY MARSHALL	PROGRAM LEAD 1	1			X				X								
RECREATION	ETHAN BENT	LIFEGUARD	1			X				X								
RECREATION	ETHAN KRAUSS	CAMP COUNSELOR	1			X				X								
RECREATION	HANNAH JACOBS	CAMP COUNSELOR	1			X				X								
RECREATION	HALLIA LITTLEFIELD	HEAD LIFEGUARD	1			X				X								
RECREATION	ISABELLA SILVA	CAMP COUNSELOR	1			X				X								
RECREATION	JAELYN WOODBURY	CAMP COUNSELOR	1			X				X								
RECREATION	KATE SANDERSON	RED CROSS CERTIFIED INSTRUCTOR	1			X				X								
RECREATION	DEBRA SANBORN	SUPPORT STAFF 2	1			X								X				
RECREATION	CARL PROVENCAL	SUPPORT STAFF 2	1			X								X				
RECREATION	OLIVIA FIELDSEND	SUPPORT STAFF 2	1			X	X											
RECREATION	BRAYDEN COLE-MOONEY	SUPPORT STAFF 1	1			X										X		CAMP COUNSELOR TO SUPPORT STAFF 1
RECREATION	DAVID ROBART	PROGRAM LEAD 2	1			X										X		SUPPORT STAFF 2 TO PROGRAM LEAD 2
RECREATION	GANNON HUGHES	SUPPORT STAFF 1	1			X										X		LIFEGUARD TO SUPPORT STAFF 1
RECREATION	ISABELLA ORTIZ	SUPPORT STAFF 1	1			X										X		CAMP COUNSELOR TO SUPPORT STAFF 1
RECREATION	JACKSON PARKER	SUPPORT STAFF 1	1			X										X		HEAD CAMP COUNSELOR TO SUPPORT STAFF 1
RECREATION	KEELEY MCISAAC	SUPPORT STAFF 1	1			X										X		CAMP COUNSELOR TO SUPPORT STAFF 1
RECREATION	MADISON HUDSON	SUPPORT STAFF 1	1			X										X		CAMP COUNSELOR TO SUPPORT STAFF 1
RECREATION	PATRICK CALLAGHAN	SUPPORT STAFF 1	1			X										X		CAMP COUNSELOR TO SUPPORT STAFF 1
TAX	DEBORAH MILLSPAUGH	ADMINISTRATIVE TECHNICIAN II	1	X							X							ANNIVERSARY DATE 10/29/2012

Rochester Stormwater Funding Source Meeting #1
October 11, 2022

Meeting Attendees

- Consultant Team
 - Renee Bourdeau– Geosyntec Consultants
 - Bella D’Ascoli– Geosyntec Consultants
 - Dave Fox– Raftelis
- City of Rochester
 - Peter Nourse – Director of City Services
 - Shanna Saunders– Director of Planning & Development
 - Peter Lachapelle – Deputy Mayor
 - Katie Ambrose – Deputy City Manager, Director of Finance & Administration
 - Mark Sullivan – Deputy Finance Director – Budget Management & Purchasing
 - Jenn Marsh – Asst. Director of Economic Development
 - Daniel Camara – GIS
 - Mark Collopy – Chair, Planning Board
 - Blaine Cox – City Manager
 - Michael Scala – Director of Economic Development
 - Michael Bezanson – City Engineer
- Other Participants
 - Josh Dame - LDI Solutions
 - Barbara Holstein – Member of SRPC

Opening discussion

- **LACHAPELLE** - 2nd Thursday preference noted for meetings
- **NOURSE** - opens with why Rochester needs to consider SW utility by EPA Great Bay Settlement
- **LACHAPELLE** - asks if Planning Board is involved
 - **BOURDEAU** – Not at this stage. We envision this project occurring in two phases
 - Phase 1: Feasibility, Financing, Etc
 - Look at range of options to distribute funding: Fee based, or rate/scale based
 - Prepare report for recommendations. Present recommendation to city council to decide next steps
 - Phase 2: Public Education and Outreach through rollout
 - This phase would look at preparation of educational materials and a broader rollout of the results of the feasibility study to the public. This phase would also include looking at a credit system, billing framework, and refinement of the fee structure, and developing an ordinance for impact of the fee
- **COX** – what is the status with Dover?
 - **BOURDEAU** - they completed a feasibility study. They did apply for grant funding for a second phase to do outreach and education to the general public.

The City of Rochester received \$100,000 for Phase 2 of this study for public education and outreach

- **COX** – why the focus on flood reduction as a part of this study
 - **BOURDEAU** - the City has flooding issues, and it would engage public. Flooding connects people to the problem and is easily relatable for residents
- **BOURDEAU** and **FOX** - present presentation. See attached presentation for more details.
- **NOURSE** – Dover’s rate structure seems high for single family
 - **BOURDEAU** - confirmed and stated it can increase over time, not one initial jump to full fee

Round Table Discussion

- Next meeting - Thursday December 8th @ 4pm
- Question: How long are fees good for?
 - **BOURDEAU** - can be annually or biannually, ultimately up to the City as needed
- **LACHAPPELLE** - Important to consider inflation, blue collar workers, and totality of financial hygiene and status of the City
 - **BOURDEAU** - ways to communicate that the fee/funding will provide opportunities for other projects that haven’t been implemented. Important to move away from “Rain Tax”. Messaging is crucial
- **SULLIVAN** - Is annual amount estimated?
 - **NOURSE** - \$300,000 general fund for MS4 support, but does not include future costs and costs not incurred by consultants
 - **BOURDEAU** - ultimately, we don’t know, but important to consider all aspects of what stormwater touches and then start subtracting to what is reasonable
- **SCALA** – how do we enforce the fee?
 - **FOX** - hard to enforce when not on city water, can structure to be top of bill for water such that it acts a portion of not fully paid bill on water
- **SULLIVAN**—Community buildings and schools would be included in the fee?
 - **BOURDEAU**: yes, those will be included
- **SCALA** – what are our average rental rates?
 - **FOX**: part of the customer impact study when analyzed
- **SCALA** —Does this get more stringent as time ensues?
 - **NOURSE** and **BOURDEAU**: rates are likely to increase, but including public helps with transparency and is defensible (strictly paying for stormwater)
- **SCALA** – Will there be credits? Where does that money come from?
 - **FOX**: fees have to increase to offset credits, similar to tax exemptions
 - **BOURDEAU**: load requirements may be coming from EPA, need residential buy in so that that is not a huge hit to the budget later on
- **COX**: selling to community and council, easy to show Vac trucks and other budgets, BMPs will be a tough sell.
 - **BOURDEAU**: people do not have to participate in credit system if fee is palatable enough and equitable
 - **FOX**: credits can be only for commercials

- **DAME:** Is there an alternative other than the fee? Is this being driven by Great Bay Settlement?
 - **FOX:** comes down to cost recovery
 - **AMBROSE:** sounds like there is some catch up, and requirement to retrofit and maintain BMPs in addition to new requirements
 - **BOURDEAU:** BMPs can be considered deferred maintenance to find budget and funding for
 - **NOURSE:** product of negotiation between the cities
- **DAME:** Careful about saying delay expenses, public outreach has to be careful
 - **NOURSE:** agrees, also notes that the catchment investigations provide an unknown of budget and what they will find in pipes
 - **BOURDEAU:** MS4 permit will not get less stringent
- **COX:** Will this feasibility study touch on other cities around Rochester?
 - **BOURDEAU:** We can include this in the report if we find that necessary, stormwater is the neglected utility and a lot of communities struggle with finding budget to support the needs. Lots are behind in requirements due to budget disparities
- **LACHAPELLE:** if we get full council buy in, move forward, do we need an ordinance? Do you help provide guidance?
 - **BOURDEAU and FOX:** yes, we can assist but that is far down the road. We would likely form a new committee in Phase 2 with the majority residents to get direct feedback and buy in
- **AMBROSE:** Outreach is important to emphasize that there are two permits at play on different permitting cycles
- **DAME:** if we are trying to find a way to close gap in funding, are you going to see the cost of updating the WWTF in benefit to nitrogen loading?
 - **BOURDEAU:** MS4 requirements would still exist as that would only cover the Nitrogen permit requirements, MS4 permit can legally change to be regulating point source stormwater (Total Maximum Daily Load)
 - Everyone in the watershed the total allowable Nitrogen for the City
 - **BOURDEAU:** does not think we will get into the nitty gritty of nitrogen in this initial study, focus on budgeting for what is known today, and we can always go back and revisit requirements
- **AMBROSE:** Will we include PFAs funding in the budget?
 - **BOURDEAU:** separate funding, but there is potential to include in future if necessary
 - **FOX:** mainly on drinking water regulations
- **SULLIVAN:** How do we find percentage of salaries for stormwater?
 - **BOURDEAU and NOURSE:** taking percentages of dedicated portion of salary
 - **FOX:** only putting explicit costs in initial fees, then start tracking costs to see how
- **SAUNDERS:** Is Geosyntec to help with outreach?
 - **BOURDEAU:** yes there will be assistance with public outreach
- **HOLSTEIN:** Stafford Regional Planning Commission is working on stormwater innovations and grant applications are out for Lamprey River Advisory Water Plan, Sunrise Lake Watershed, Town of Milton Nitrogen, Rollinsford Nitrogen, Cochecho River Management. Stating we are not alone in this. Thinks Dover fee is high

- **BOURDEAU:** Dover may get pushback, however most of that committee was community and business owners
- **HOLSTEIN:** emphasized that webinars are helpful and good education on why fees are necessary



Geosyntec 
consultants

engineers | scientists | innovators



Water Pollution and Flood Reduction Study: Kick-off Meeting



Renee L Bourdeau, PE
Geosyntec Consultants



October 11, 2022

Dave Fox
Page 49 of 134
Raftelis

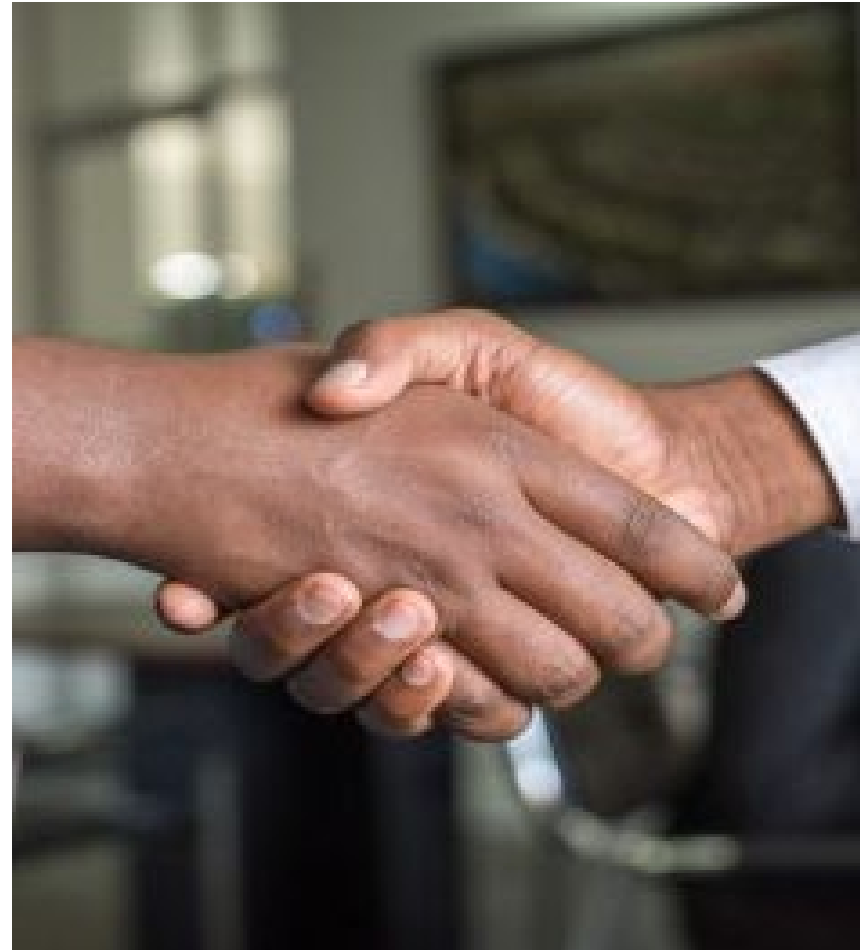


- ✓ Introductions
- ✓ Setting the Stage
- ✓ Roles and Commitment of Committee Members
- ✓ Scope of Work Review
- ✓ Life After the Feasibility Study
- ✓ Lessons Learned
- ✓ Round Table Discussion
- ✓ Next Steps





- Name
- Department/Role



Settling the Stage – Why are we here?

10/27/2022



SETTLEMENT AGREEMENT BY AND BETWEEN CONSERVATION LAW FOUNDATION AND CITIES OF DOVER, ROCHESTER, AND PORTSMOUTH

The Cities of Dover, Rochester, and Portsmouth (collectively “the Municipalities”) and the Conservation Law Foundation, Inc. (“CLF”), for good and valuable consideration mutually exchanged and acknowledged, hereby enter into this Settlement Agreement (“Agreement”) by and between as follows:

WHEREAS, in January 2020, the United States Environmental Protection Agency (Region 1) (“EPA”) issued the “Draft National Pollutant Discharge Elimination System (NPDES) Great Bay Total Nitrogen General Permit for Wastewater Treatment Facilities in New Hampshire” (NPDES Permit No. NHG58A000) (hereinafter “Draft General Permit”);

WHEREAS, the Municipalities, CLF, and other interested parties submitted extensive written comments on the Draft General Permit;

WHEREAS, on November 24, 2020, EPA issued the final Great Bay Total Nitrogen General Permit (NPDES Permit No. NHG58A000) (the “General Permit”) along with EPA’s Fact Sheet and Response to Public Comments, each available at <https://www.epa.gov/npdes-permits/great-bay-total-nitrogen-general-permit>;

WHEREAS, Part 2 of the General Permit contains final effluent limitations and monitoring requirements for each Permittee’s wastewater treatment facility (“WWTF”) similar to those in the draft permit, although with more recent (updated) flow data and, in keeping with scientific knowledge and past EPA permitting practice, a total nitrogen load limit based on the growing season of eelgrass;

WHEREAS, Part 3 of the General Permit provides for the voluntary submission of a proposal, within 180 days of the effective date of the permit, outlining: (1) an approach to ambient water quality monitoring to determine progress and trends; (2) a method of tracking total nitrogen reductions and additions over the course of the permit; (3) an outline plan for overall source reductions of total nitrogen over the course of the permit; (4) an inclusive and transparent process for comprehensively evaluating significant scientific and methodological issues relating to the permit, including the assumption of a load-based threshold of $100 \text{ kg ha}^{-1} \text{ yr}^{-1}$ versus any other proposed threshold that might be used for future permitting or planning purposes, including

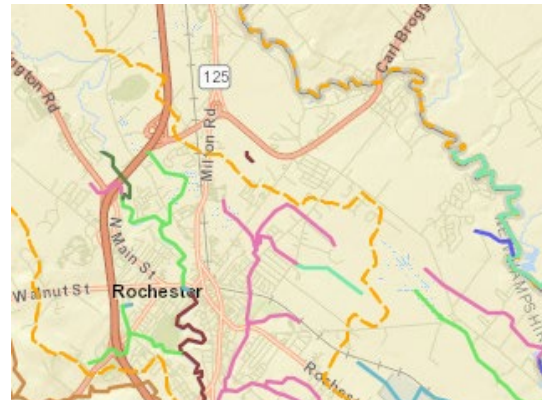
the General Permit and become

ying the General Permit state could lead EPA to reissue an o, or to abandon that approach in

8. Funding Sustainability: Recognizing that sustainable funding is imperative for ongoing water quality efforts, the Municipalities shall consider the adoption (by local ordinance or act) of a stormwater utility by December of 2023. The Stakeholder Committee may provide input or information to the Municipalities by way of either submitting written comments or providing verbal comments, if permitted, during any public speaking forum held by any public body of the Municipalities, and shall be provided notice of such comment opportunities.

Settling the Stage – Why manage stormwater?

10/27/2022



NH MS4 General Permit

United States Environmental Protection Agency (EPA)
National Pollutant Discharge Elimination System (NPDES)

GENERAL PERMITS FOR STORMWATER DISCHARGES FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS IN NEW HAMPSHIRE (as modified)

AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act (CWA), as amended (33 U.S.C. §1251 *et seq.*), any operator of a small municipal separate storm sewer system whose system

- Is located in the areas described in Part 1.1;
- Is eligible for coverage under Part 1.2 and Part 1.9; and
- Submits a complete and accurate Notice of Intent in accordance with Part 1.7 of this permit and receives written authorization from EPA

erein.



NEWS

EPA's stormwater standards draw criticism

MS4 permits called burdensome, costly

Nik Beimler nbeimler@seacoastonline.com


Published 3:15 a.m. ET April 2, 2017 | Updated 4:23 p.m. ET April 1, 2017



Politics & Government

EPA To Improve Stormwater Management Across New Hampshire

The U.S. Environmental Protection Agency (EPA) said yesterday it would be focusing on improved stormwater management across New Hampshire.

 **Dana Forsythe**, Patch Staff

Posted Fri, May 11, 2018 at 10:47 am ET | Updated Mon, Jun 11, 2018 at 11:48 am ET



NPDES MS4 Requirements:

- Catchment investigation of all 165 outfalls to identify sources of dry weather flows
- Removal of dry weather flows when identified
- Mapping assets
- Collect wet weather samples at all 165 outfalls
- Inspection and maintenance of 70 City owned stormwater treatment BMPs. First inspected in 2021 (70% of the BMPs require maintenance)
- Installation of stormwater treatment BMPs on City owned properties





Great Bay Total Nitrogen General Permit – Adaptive Management Plan

- Monitor Ambient Water Quality in the Great Bay
- Tracking reductions and additional of total nitrogen within the City
- Source Reduction Plans which include already planned stormwater structural BMPs, non-structural BMPs, and future retrofit of municipal properties





City's Stormwater Assets

- ❑ 5,000 catch basins
- ❑ 860 drain manholes
- ❑ 165 outfalls
- ❑ 35 Culverts
- ❑ 800,000 linear feet of drainpipes and culverts (6" - 84" diameter)
- ❑ 70 City-owned and maintained stormwater BMPs





◆ How Does the City Pay for it?





Stormwater Fees

Over 2,000 stormwater fees
in the United States

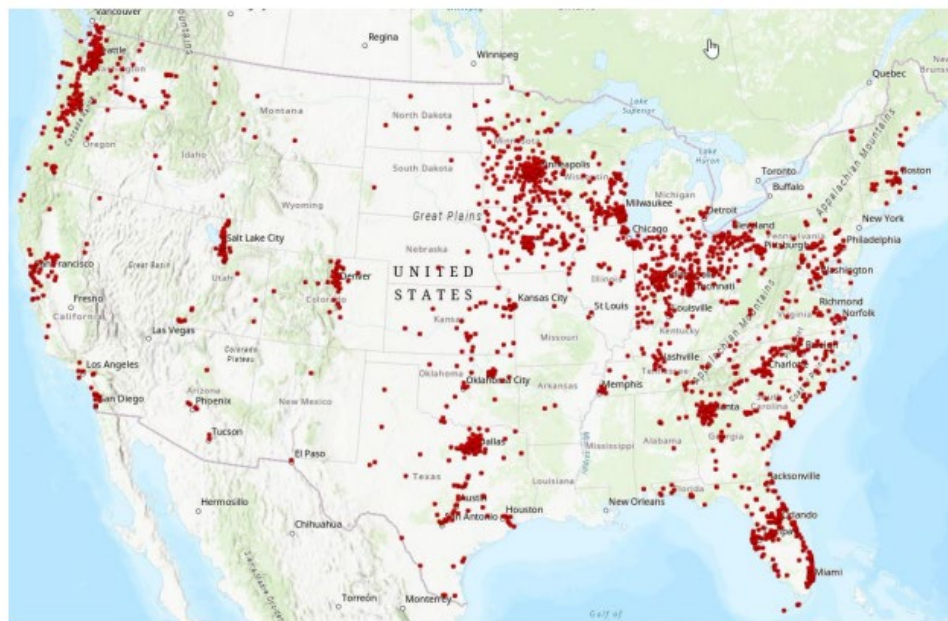


Figure 1. U.S. stormwater utilities (SWUs).

34 in New England

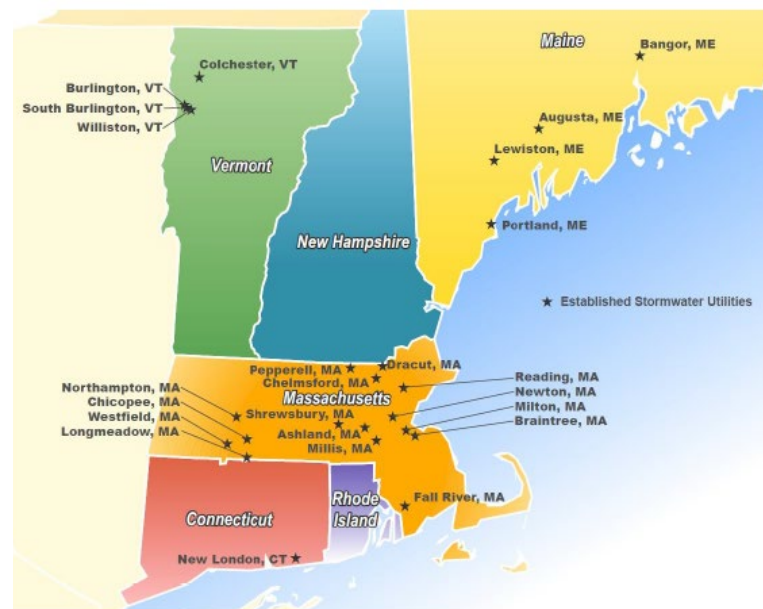


Figure 1-3 Stormwater Utilities in New England as of June 2019

Case Study – South Burlington, VT

10/27/2022



- Population 20,000
- Fee established in 2005
- Billed as a quarterly fee
- Annually:
 - \$86.40 single-family home
 - \$43.20 for duplexes
 - \$28.60 for triplexes
 - All other properties based on ERU
- Credit program available to reduce fee by 50%





Case Study – Chelmsford, MA

- Population 34,000
- Fee established in 2017
- Annually Flat Fee:
 - \$60 single-family home
 - Tiered flat fee for other properties based on area of impervious cover
- Credit program available to reduce fee by 20%

STORMWATER ENTERPRISE RATE STRUCTURE	
EFFECTIVE 7.1.21	
Parcel Type	Rate
Residential	
• Single Family	\$60
Other Residential/Non-Residential	
• Tier 1 (IA < 5,000 SF)	\$325
Other Residential/Non-Residential	
• Tier 2 (5,000 ≤ IA < to 10,000 SF)	\$650
Other Residential/Non-Residential	
• Tier 3 (10,000 ≤ IA < to 15,000 SF)	\$1,000
Other Residential/Non-Residential	
• Tier 4 (15,000 ≤ IA < to 25,000 SF)	\$1,500
Other Residential/Non-Residential	
Tier 5 (25,000 ≤ IA < to 50,000 SF)	\$2,000
Other Residential/Non-Residential	
Tier 6 (50,000 ≤ IA < to 75,000 SF)	\$2,750
Other Residential/Non-Residential	
Tier 7 (75,000 ≤ IA < to 100,000 SF)	\$3,500
Other Residential/Non-Residential	
Tier 8 (100,000 ≤ IA < to 200,000 SF)	\$4,500
Other Residential/Non-Residential	
Tier 9 (200,000 ≤ IA < to 300,000 SF)	\$5,500
Other Residential/Non-Residential	
Tier 10 (300,000 ≤ IA < to 400,000 SF)	\$6,250
Other Residential/Non-Residential	
Tier 11 (400,000 ≤ IA < to 500,000 SF)	\$7,250

Case Study – Lewiston, ME

10/27/2022



- Population 37,100
- Fee established in 2017
- Fee Structure
 - \$60 single-family home
 - \$90 duplex
 - Other properties:
 - \$60 flat fee for first 2,900 square foot of impervious area and \$0.0616 for every square foot of additional impervious area
- Credit program available to reduce fee by 50%



Case Study – Dover, NH

10/27/2022



- Population 32,700
- Feasibility Study in 2020-2022
- Proposed Fee
 - \$9.39/month/ERU
 - Approximately \$112.68/year for a single-family home
- Credit program will be offered





Case Study – Concord, NH

- Population 44,000
- Feasibility Study in 2020
- Desired Annual Fee
 - \$42.52 for single family home
 - \$42.52 per ERU
- Credit program may be developed if approved

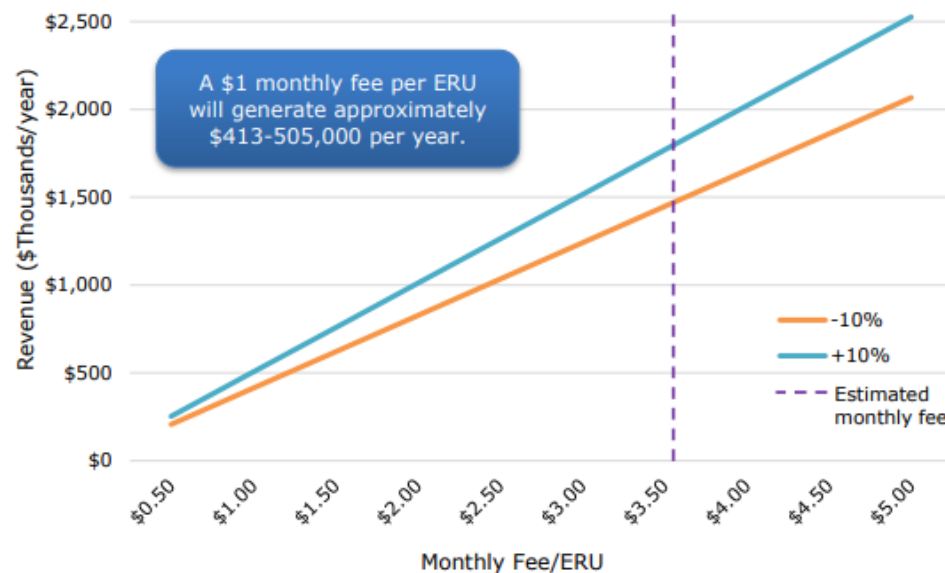


Figure 5-2 Estimated Revenue Range Example



- **Equity**
 - Typically, residential properties pay most property tax fees; whereas these properties typically generate far less stormwater runoff than commercial, industrial, institutional properties
 - All properties buy into the fee (including tax-exempt) properties
- Fees are flexible and can adapt to changing program and funding needs
- Relieves the need to use fees from the General Fund
- Transparency
- Accountability



- Transfer of Information
 - MS Teams Page
- Providing background information
- Number of meetings
 - Up to 6 progress meetings (monthly)
 - Up to 2 City Council, Board, or Commission meetings
 - All meets are proposed to be in-person at City offices up to 2 hours long
 - Meeting minutes with action items
- Providing feedback on deliverables
- Constructive
- Open-minded

Scope of Work Review

10/27/2022



Task 1. City Program Overview

- Review past expenditures related to stormwater and drainage infrastructure
- Prepare estimates of future expenditures related to stormwater and drainage infrastructure

Task 2. Program Funding Alternatives

- Evaluate funding alternatives and rate structures
- Advantages and disadvantages

Task 3. Desired Funding Level

- Establish different funding levels (low, medium, high)
- Calculate the potential fee/rate associated with each funding level

Task 4. Feasibility Report

- Summary report of background, methodology, calculations, recommendations
- Present to the City Council for approval to most to next phase

Schedule

10/27/2022



Task	2022			2023		
	Oct	Nov	Dec	Jan	Feb	Mar
1. City Program Review						
2. Program Funding Alternatives						
3. Desired Funding Level						
4. Feasibility Study						
5. PM and Meetings	*	*	*	*	*	*

Life After This Phase

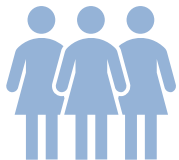
10/27/2022



- Gain City Council support
- Develop specific details for the program
- Public outreach
- Refine financial analysis and rate structure
- Establish a billing and database management system
- Adopt ordinance
- Implement



Lessons Learned



Involve the public from the beginning



Ensure political understanding and support



Provide real numbers and full disclosure to public and local government



Identify and communicate need



Consider timing

Round Table Discussion



- **Information Needed**
 - City's expenditures
 - Salaries (technical staff and labor)
 - Equipment for maintenance of stormwater infrastructure
 - Materials
 - Consultant fees
 - Future expenditures for current MS4 permit, Great Bay Total Nitrogen General Permit, CIPs, etc.
- **Deliverable**
 - City program project and expenditure spreadsheet

QUESTIONS

From: Tom Evans <snavey.doce@gmail.com>
Sent: Wednesday, October 19, 2022 12:08 PM
To: Kelly Walters; Cassie Givara
Subject: Resignation Of Election Selectman-Ward 3

Caution: External email.

This email is to communicate my resignation of Election Selectman for Ward 3 effective October 21, 2022.

My apology for the timing of this communication and any inconvenience that may result.

Regards,

Thomas Evans

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

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City Clerk's Office

From: ACCOUNT <jmwjones@metrocast.net>
Sent: Monday, October 17, 2022 11:47 PM
To: Crystal Galloway <crystal.galloway@rochesternh.gov>
Subject: HDC

Caution: External email.

Hi Crystal,

Thanks for your quick response.

Due to difficulty with night driving I am resigning from HDC immediately. I will miss it.

Thank you,

Marilyn Jones

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City Clerk's Office

From: Karen Brieger <karen.s.brieger@gmail.com>
Sent: Monday, October 24, 2022 1:24 PM
To: Jennifer Marsh <jennifer.marsh@rochesternh.gov>
Subject: GSBP TIF Advisory Board

Caution: External email.

Jennifer,

I apologize for the last minute notice but I will not be able to attend today's meeting.

I no longer work for NextPhase Medical Devices and with no other connection to Rochester, think it best for me to resign from the Board. Please let me know what, if any, process is required to confirm my resignation if something more than an email.

Thank you for all of your support the past few years! Let me know if I may be of any assistance to you in the future.

Thanks,
Karen

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City Clerk's Office

Codes and Ordinances Committee

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



Others Present

Terence O'Rourke, City Attorney
Paul Lynch, School Board

CODES AND ORDINANCES COMMITTEE
Of the Rochester City Council
Thursday, October 6, 2022
Council Chambers
6:01 PM

Minutes

1. Call to Order

Chair Lachapelle called the Codes and Ordinances meeting to order at 6:01 PM.

2. Public Input

There was no one present for public input.

3. Acceptance of the Minutes

3.1 September 1, 2022 *motion to approve*

Councilor Beaudoin **MOVED** to **ACCEPT** the minutes of the September 1, 2022 Codes and Ordinances meeting. Councilor Desrochers seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

4. Code of Ethics and Conduct

Chair Lachapelle pointed out a minor correction needed to update to current terminology; on page 11, under section *C. Sanctions*, there is a reference to "Vice" Mayor which should be corrected to "*Deputy*" Mayor. This correction does not require a vote and can be updated when the other edits are reflected.

Chair Lachapelle asked School Board Member Paul Lynch if there were any suggested edits from the School Board. Mr. Lynch stated that due to the timing of the meetings, this has not been discussed by the School Board. However, he reported that he had reviewed the proposed Code of Ethics, as did School Board member Dave Camire who had been involved with the prior iteration of the Code of Ethics. They felt that the current code with the edits up until the current time will work well without any obvious issues. However, he stated he would like to bring the Code of Ethics to the School Board for discussion with the full board at the meeting the following week.

Chair Lachapelle noted that since the Code of Ethics was first proposed, it had been improved and softened in order to make it workable for all the relevant boards. He said once the Code has been enacted, there could potentially be an Ethics Committee formed in the future.

Councilor Fontneau inquired about the financial disclosure portion of the Code where it states that in the financial disclosure statement, a member's "primary source of annual income and capital assets" will be listed. He acknowledged that the financial disclosure was based on the process used by the State for representatives; however, he could not recall ever having to list capital assets and asked for clarification on what this would include. He speculated that if this category includes anything over \$10,000, then things such as automobiles, 401K, and investment accounts would need to be divulged. Chair Lachapelle said his understanding is that these assets would only need to be disclosed if they were a direct conflict of interest, which would not include personal finances. Councilor Fontneau reiterated that the current proposed verbiage seems to be requiring that *all* assets over \$10,000 be disclosed. Councilor Beaudoin stated that if this was the intention, the disclosure could be quite lengthy for those with multiple investment accounts and would likely need to be updated frequently as those investments aged. Councilor Fontneau suggested removal of any reference to capital assets.

Councilor Beaudoin stated that during discussions at the State House, members may recuse themselves due to conflict of interest or direct financial interest in a discussion. He said he did not see any wording in the Code that suggested recusal in such situations. Chair Lachapelle stated that there is a portion of the Council Rules of Order that covers such situations. Mr. Lynch agreed that the verbiage is important to allow board members to be able to properly do their job while also being open and transparent and not hindering the process. There was further discussion in Committee about what constitutes a conflict and the need for specific language to protect not only the process, but also the elected official participating in the process.

Attorney O'Rourke referenced the NH RSA 15-A form that will be cited in the Code of Ethics and read the following portion:

B. Indicate below whether you or a family member has a special interest in any of the following businesses, professions, occupations, groups, or matters. A person has a reportable special interest in an item on this list if a change in law, a change in administrative rule, a decision whether or not to award a contract, grant a license or permit, discipline a licensee or permittee, or other decision by government affecting the listed business, profession, occupation, group, or matter would potentially have a greater financial effect on you or a family member than it would on the general public:

<input type="checkbox"/> 1. Any profession, occupation, or business licensed or certified by the State of New Hampshire. List each such profession, occupation, or category of business:					
<input type="checkbox"/> 2. Health Care	<input type="checkbox"/> 3. Insurance	<input type="checkbox"/> 4. Real Estate, including brokers, agent, developers, and landlords	<input type="checkbox"/> 5. Banking or financial services	<input type="checkbox"/> 6. State of New Hampshire, county, or municipal employment	
<input type="checkbox"/> 7. N.H. Retirement System	<input type="checkbox"/> 8. Current use land assessment program	<input type="checkbox"/> 9. Restaurants/ lodging	<input type="checkbox"/> 10. Sale and distribution of alcoholic beverages	<input type="checkbox"/> 11. Practice of law	
<input type="checkbox"/> 12. Any business regulated by the Public Utilities Commission		<input type="checkbox"/> 13. Horse or dog racing, or other legal forms of gambling	<input type="checkbox"/> 14. Education	<input type="checkbox"/> 15. Water Resources	
<input type="checkbox"/> 16. Agriculture	<input type="checkbox"/> 17. N.H. taxes:	<input type="checkbox"/> Business Profits Tax	<input type="checkbox"/> Business Enterprise Tax	<input type="checkbox"/> Interest and Dividends Tax	<input type="checkbox"/> 18. Optional: Specify any other area in which you have a special interest ---

Councilor Fontneau said that by listing these potential sources of interest on the disclosure form, it would allow a board member to serve without recusing themselves from discussions or votes pertaining to these matters, as long as it does not directly affect them. Chair Lachapelle suggested that the City Attorney could rework the verbiage in this section just slightly and come back to the Committee. This would also allow Mr. Lynch time to bring the Code of Ethics to the School Board for further dialogue and edits. Mr., Lynch asked if the intention was for incoming school board members to sign an acknowledgment referencing this Code of Ethics along with the School Board code of ethics prior to taking office. Chair Lachapelle stated that this is the intention. Mr. Lynch stated that he would bring this discussion to the School Board and would confer with Superintendent Repucci and the Policy Administrator for feedback.

Chair Lachapelle stated that this discussion would be kept in Committee. The City Attorney will rework the section regarding the financial disclosure and return to Committee at the next meeting. He clarified that there would be no Codes and Ordinances meeting held in November due to the proximity to the Election. The next meeting will be held on December 1, 2022 at 6:00 PM. Mr. Lynch asked how the feedback from the School Board should be passed along for edits. Chair Lachapelle stated that members are welcome to attend the future meeting, however email feedback would be sufficient.

5. **Discussion:** Revision to City Building Permits adding option for EPA “Renovation, Repair, & Painting” certification number

Councilor Desrochers explained that this discussion centered on the option of adding a checkbox to the building permit application, which would allow contractors to list their RRP (Renovation, Repair, and Painting) EPA certification number. This certification is obtained when an individual is trained in lead safety practices. She clarified that this would be an optional field and not a requirement; it would be a starting point for distribution of education on lead safe practices along with information on funding programs to help with lead abatement and opportunities for training those interested in these practices. Councilor Desrochers requested that the proposal be run by Building and Licensing Director Jim Grant for his feedback and approval so that a decision is not being made without the approval of the department affected.

Councilor Fontneau expressed uncertainty about the inclusion of this checkbox and field for certification number without first determining if there could be potential liability for those

not providing the information. He speculated that if this checkbox were left blank and a project was later found to be in violation of lead safe practices, if the exclusion of this information could then be used as evidence that the contractor was aware it was a requirement to adhere to these practices. He stated that the huge majority of building permits are applied for online currently, and it would be difficult to distribute physical paperwork upon application.

Chair Lachapelle stated that the Committee would contact Jim Grant to determine if he could attend the December 1 meeting to offer his opinion. Councilor Desrochers clarified that this program is not meant to be punitive in any way, but rather a starting point for education. She emphasized that if lead safety practices are not being followed during a renovation, this is against the law and will be investigated by the appropriate entity. She acknowledged that if the majority of applications were being applied for online, it may be as simple as adding a link to the website to redirect to the educational information.

Councilor Beaudoin questioned whether there could be liability on the City's part if a contractor listed an EPA certification number and was later found to not be certified; would it be the City's responsibility to verify the validity of the certification. Attorney O'Rourke reiterated that the Committee should have further discussion with Director Grant to determine how to move forward.

Chair Lachapelle asked, if the decision is made that this addition to building permits was appropriate, would it need to go to full Council for a vote. Attorney O'Rourke stated that he would review this to determine if a Council vote is needed.

Councilor Desrochers restated that this proposal is not meant to be punitive and she would support having a link added to the website to offer the information and show that the City of Rochester is committed to lead safety. She reiterated that there is funding available for lead abatement, training, and education that often goes unused and this resource would direct parties to these opportunities.

6. Other

Chair Lachapelle reported that the Water Ordinance from Department of Public Works would be coming to the next Codes and Ordinances meeting in December; however, it may need more than one meeting to complete.

7. Adjournment

Chair Lachapelle **ADJOURNED** the Codes and Ordinances Committee meeting at 6:27 PM.

Respectfully Submitted,

Cassie Givara
Deputy City Clerk

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Finance Committee

Meeting Minutes

Meeting Information

Date: October 11, 2022

Time: 6:00 P.M.

Location: 31 Wakefield Street

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

City staff present: Deputy Finance Director Mark Sullivan. Deputy City Manager Katie Ambrose. Kyle Repucci, Superintendent of Schools. Sarah Harrington, Vice Chair of School Board. Lauren Krans, Director of Recreation and Arena.

Others present: Tom Kaczynski, resident. Ray Barnett, resident.

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

Mayor Callaghan called the Finance Committee meeting to order at 6:00 PM. All Councilors were present. Mayor Callaghan asked Councilor Beaudoin to lead the Pledge of Allegiance.

2. Acceptance of Minutes: September 13, 2022

Councilor Lachapelle **MOVED** to **ACCEPT** the minutes of the September 13, 2022 Finance Committee meeting. Councilor Beaudoin seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

3. Public Input

Tom Kaczynski, resident, addressed the Committee regarding agenda item 5.1.3 relating to the Public Works facility office modifications.

Ray Barnett, resident, spoke to the Committee regarding the veteran's tax exemptions as well as the proposed office modifications at the Department of Public Works.

4. Unfinished Business:

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4.1.1 Assessing Property Tax Exemptions

Katie Ambrose, Finance Director, directed the Committee to the revised spreadsheet in the packet comparing Rochester to other local communities. She explained that upon review, it had been discovered that some of the numbers in the original document were inverted and these numbers had been corrected. This revision caused Rochester to move up to number two in the rankings.

Director Ambrose said that if further changes to the exemptions/credits were recommended, the Committee needed to be cognizant that the process of qualification for these exemptions occurs in January through the Assessing department. She recommended that any changes be made with adequate time to alert residents who may qualify under the new provisions.

Councilor Beaudoin expressed that this discussion needed more attention and suggested there be a mayoral ad hoc committee formed to review and make recommendations on these exemptions. Mayor Callaghan stated that he was prepared to form an ad hoc committee with Councilor Larochelle as the Chair. He asked Councilor Beaudoin and Councilor Hainey to serve on the committee as well. He agreed that the committee would need to work quickly in order to make recommendations for action to come to full Council prior to the previously mentioned January assessing process. There was a discussion on the timeline, with recommendations coming to the Finance Committee in December for potential Council approval in January.

Councilor Larochelle asked if there would be City staff support provided towards the Committee's work. Director Ambrose stated that there would be staff support to assist with the process and adhere to the tight timeline. Councilor Larochelle inquired about having a City staff member, ideally with a financial background, appointed as a member of the committee. Mayor Callaghan stated that he would discuss this with the City Manager, who would have the authority to appoint staff if needed.

5. New Business-

5.1.1 School Department Capital/Non Capital Reserves Presentation

Kyle Repucci, Rochester Superintendent of Schools, explained that the School Department was coming before the Finance Committee in regards to establishing two separate funds; a facilities apparatus capital reserve fund and an Unanticipated Special Education costs non-capital reserve fund.

Superintendent Repucci stated that, prior to COVID, there were numerous occasions where the School Department needed to freeze their budget due to unanticipated special education costs caused by students with IEPs moving into the community or being placed in the school system by the courts. These placements can greatly affect the school budget resulting in a budget freeze.

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Superintendent Repucci reported that such a freeze causes a lack of confidence from staff, who are unsure if their jobs could be at stake. This potentially causes the younger staff to seek alternate employment options. The establishment of an unanticipated special education costs fund would allow the School Department to take immediate action for these students without having to freeze the budget or needing to wait for the approval process to pass through various committees and City Council.

Superintendent Repucci discussed the potential funding sources for these funds; he said that the School Department hoped to utilize a portion of the surplus funds which are normally returned to the City, but also wanted to look into the option of using TIF funds or Waste Management tipping fees. He gave background on the need for the apparatus replacement capital reserve fund and the type of equipment that would be covered, explaining that the intention was to set it up similarly to the Fire Apparatus fund.

Sarah Harrington, Vice Chair of the School Board, reiterated that these student placements were typically unanticipated and caused financial issues due to the supplemental appropriation process through the City often taking up to 3 months for approval. She suggested that a potential solution would be for the School Department to retain 50% of their end-of-year surplus to split between these proposed funds instead of returning the surplus to the City in its entirety.

Councilor Gray expressed concern with the funding mechanism being the utilization of year-end surplus and speculated that it could cause the School Department to not be fiscally responsible in order to retain a larger surplus. He spoke in favor of the method used for the Fire apparatus capital reserve fund, in which a set dollar amount was allocated each year. Superintendent Repucci clarified that the surplus percentage was just an example of a potential solution, but the School Department is open to ideas and further discussion.

Councilor Gray stated that his understanding is that out-of-district students with IEPs coming into the City would have their costs covered for the first year by the community from which they were transferring because “catastrophic aid” does not begin in Rochester until the second year. Superintendent Repucci stated that this not factual; Rochester is responsible for these costs from the day the student begins, including implementation of IEPs and transportation of said students. Councilor Gray asked for information on when this requirement was enacted. Superintendent Repucci stated that he would have this information sent to Councilor Gray.

Councilor Gray recalled that during his time on Council, each time the School had requested a supplemental appropriation for catastrophic aid it had been approved. He felt that this proposal for establishing funds would jeopardize the process already in place. Ms. Harrington confirmed that the Council has always approved these appropriations; however the entire process from request to approval takes several months, and by that time the budget may have potentially been frozen. This approach of establishing the funds would be a long-term planning approach to avoid the need for budget freezes and supplemental appropriation requests. Additionally, she stated that the Rochester School Department maintains a very conservative budget, which doesn’t leave much wiggle room. She clarified that she suggested a percentage of the surplus being retained as opposed

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to a dollar amount because the surplus varies from year to year and they are not able to predict how much they may be able to use.

Mayor Callaghan stated that the School Department had not come back to the City to request a supplemental appropriation during the prior year, nor had they needed to freeze the budget. He inquired what had been done differently during the past fiscal year. Superintendent Repucci stated that for the past two years, the district had been receiving federal funds; however, these would not continue. Councilor Gray added that there had been an increase in State aid, which helped. Mayor Callaghan expressed concern that using the surplus for these funds could be perceived as a way to get around the tax cap. Superintendent Repucci likened these funds to an insurance policy; although it is not desired, it is a necessity that is beneficial to have when needed. It would be a long range financial planning tool to assist with specific issues while avoiding affecting the tax base and to provide budget stability moving forward.

Councilor Beaudoin paraphrased RSA 34:1 regarding capital reserve funds and said that the law requires that funds are put aside for a specific purpose and, if a change in purpose were desired, the change would need to be approved by Council. He questioned whether the School Department was able to be that specific in their use of the funds. Superintendent Repucci clarified that the proposed Unanticipated Special Education fund is a non-capital reserve fund. He stated that it would be used solely for federally mandated IEP requirements.

Mayor Callaghan inquired how expenditures from this fund would work. Deputy Finance Director Sullivan stated that he envisioned this working similarly to the newly established Economic Development non-capital reserve fund. He stated that with that particular fund, there had been restrictions written into the policy to require the Economic Development Commission to come before Council for approval of expenditures. He said that the School's non-capital reserve fund could be set up in a similar manner with similar restrictions, depending on the desire of the City. Mayor Callaghan asked what the difference would be between the School Department needing to come before Council to expend money from this proposed fund versus the process of requesting a supplemental appropriation. Deputy Director Sullivan stated that if this fund is established, it might be a quicker process for the School to receive funds and there would be cash already designated and held by the Trustees of the Trust Fund for the purpose in question. Director Ambrose said that much of these questions would be clarified based on how the resolution is drafted and the establishing language for the funds. She clarified that if the School Board is designated as the expending agent for the fund, they would not come before Council for approval but rather they would appear before the School Board for these expenditures. She added that part of the longer timeline for supplemental appropriations, as referenced by Ms. Harrington, is the requirement for a public hearing.

Councilor Beaudoin **MOVED** that this item be kept in committee. Councilor Gray seconded the motion. He stated that there needed to be more detailed language drafted explaining the funding source and how expenditures would be handled. Superintendent Repucci requested that the committee develop a "to do" list, including funding mechanism for these funds as well as amounts to be allocated. Councilor Lachapelle stated that it would be helpful for the School Department to

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provide a clearer picture of what they are looking for regarding the apparatus capital reserve fund and how much money they anticipate needing. Director Ambrose stated that, similar to the City's other equipment capital reserve funds, it would be helpful to have a replacement schedule. Councilor Hainey asked for a draft resolution for each fund. Superintendent Repucci stated they had draft language for the special education fund and they envisioned the apparatus fund being modeled on the City's Fire Apparatus fund. The **MOTION CARRIED** by a unanimous voice vote.

5.1.2 Recreation Department Lilac Family Fun Festival Funding 2023

Lauren Krans, Director of Recreation and Arena, explained that the department has already begun the planning process for the next year's Lilac Family Fun Festival. She stated that she was coming to the Committee for guidance on not only the level of financial commitment they were looking to contribute, but also to seek guidance on how this funding should be requested annually moving forward. Director Krans outlined the three options of funding levels and detailed what would be included with each option. She clarified that regardless of the option chosen, there are increased costs expected with both the fireworks and the amusements vendor who supplied the free kid's rides. She addressed some of the feedback from patrons of the event last year, such as long lines and waits for the rides and food vendors, and fireworks being too low and the duration of the show not being long enough. An increase in the budget for the event would allow the purchase of additional, more varied fireworks and would also allow the rental of more rides.

Councilor Lachapelle asked if the \$43,000 for option 3 was above and beyond the \$25,000 which the City had already supported. Director Krans clarified that the fireworks were funded with the \$9,000 remainder of a special event non-lapsing fund and an additional \$1,000 from the Recreation O&M budget. However; the event ended up expanding into the Lilac Family Fun Festival as opposed to just the fireworks display, at which point there was a request for supplemental appropriation from Council for an additional \$10,000. Councilor Lachapelle recalled that Council had already set up a special event fund for such activities in the past. Deputy Director Sullivan confirmed that there had been a multi-year fund previously established. He explained the issues encountered with this type of fund; the planning of any summer events starts early and crosses fiscal years. Vendors also may require advanced deposits, which can lead to supplemental appropriation requests. He explained how committing this money ahead of time would allow the Recreation Department better ability to budget and plan. He detailed how the process would work and the restrictions that could be enacted to ensure some Council control over the funding.

Ms. Krans requested that, if approved, this funding be inclusive of the cost of the entire event in order to make the budgeting more straightforward and to avoid taking funding from the operating budget, which may affect other department projects and events. She explained that with the increased funding allocation for option 3, she hoped to bring in more structured entertainment options such as magicians to keep families with young children and various age groups engaged and remaining at the event longer. She clarified that any unexpended funds would be rolled over into the next year's budget. Deputy Director Sullivan said that the money would be budgeted for in the current year with a resolution from unassigned fund balance with the funds designated for the Recreation special event fund.

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Mayor Callaghan inquired if there had been any revenue generated from the event. Director Krans indicated that there was a \$40 application fee charged to vendors, resulting in approximately \$1200 in revenue.

Councilor Gray stated that, if this \$43,000 were approved, he would expect to see an additional \$43,000 included in the budget for the following year's event so the department would not need to come back to Council for approval. Deputy Finance Director Sullivan confirmed that the intention is to have the request presented each year through the budget cycle.

Councilor Beaudoin inquired about an issue that had been experienced with some vendors related to the requirement for liability insurance. Director Krans acknowledged this practice, which had been based upon how other communities handled their events. She stated that there had been revisions to the requirements based upon the type of activity the vendor would be providing.

Councilor Lachapelle **MOVED** to recommend option C for \$43,000 to the full Council. Councilor Hamann seconded the motion. The **MOTION CARRIED** by 5 to 2 roll call vote with Councilors Hamann, Lachapelle, Hailey, Gray, and Mayor Callaghan voting in favor and Councilors Beaudoin and Larochelle voting opposed.

5.1.3 Public Works Facility – Office Modifications

Finance Director Ambrose explained that these modifications are related to the two new deputy positions at the Department of Public Works and the need for office space for these positions. The requested \$65,000 includes not only the framing, flooring, and construction of the office spaces themselves, but also the furnishings and the HVAC modifications into the existing system. Director Ambrose stated that the original DPW facility project has a surplus of \$560,000, which will be coming to Council for deauthorization in the near future. She summarized an issue being experienced with the sidewalks at the new facility, which is currently being reviewed with the contractor in order to come to a conclusion as well as a cost sharing agreement to rectify the issue. The deauthorization will not come forward until the City cost on this sidewalk issue is determined.

Director Ambrose stated that due to the timeline involved for posting to hire these new positions along with the availability of the contractor for construction of the office spaces, the Department of Public Works is requesting that this request go through sooner rather than waiting for the aforementioned deauthorization on the project. She explained that the \$65,000 could be deauthorized from bonding with the funding source changed to cash, reducing the surplus by this amount. Alternately, the Committee could give a consensus to move forward with the project now without going to full Council, with the understanding that the deauthorization is occurring in the near future.

Councilor Lachapelle questioned why, when this new facility was built, the impending need for these offices was not anticipated. Councilor Gray **MOVED** to send this discussion to the Public Works Committee for further review of the needs and potential alternatives for the proposed project. He

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stated that until there was more information and detail provided, he could not support this proposal. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Reports from Finance & Administration

5.2.1 Monthly Financial Report Summary-September 30, 2022

Deputy Director Sullivan reported that revenues continue to be strong and collected to budget, with some exceeding budget at this point, 25% into the fiscal year. He stated that the City has received its first quarter Waste Management Host fee payment, which is slightly lower than is normally received. Expenses are trending to budget. He referenced the addition of the police and fire department overtime budget line item, which are both exceeding budget.

Deputy Director Sullivan pointed out that he had removed the line in the report relating to the unassigned fund balance because it had caused some confusion; it was not a summary of the entire fund balance but rather an illustration of additional money which had been committed from the fund in the current fiscal year. He clarified that the Unassigned Fund Balance activity report would remain in the monthly reports.

Councilor Hamann inquired if it would potentially save the City money in the long run if there were additional firefighters hired instead of continuously paying overtime. Director Ambrose stated that there would need to be analytics reviewed to determine if this would address the issue. She suggested that this could be more of a budgeting matter and the Department may need to consider budgeting to the actual expenditures during the next budget cycle. She acknowledged that additional staffing could be considered, but it may not alleviate the issue. There was further discussion in committee regarding how both Fire and Police report their monthly overtime and how these numbers will be reported moving forward.

5.2.2 FY23 Use of General Fund Unassigned Fund Balance-Sept-30-22

Deputy Director Sullivan explained that this is a summary of the estimated amount of where the account will end for FY22, taking into consideration the significant portion of the account on the City side in FY22. He summarized the data points contained within the report, which will be covered monthly.

6. Other

Director Ambrose announced that Darcy Freer, Deputy Assessor, will be serving as the interim Chief Assessor while the position is being required.

Director Ambrose reported that the auditors had recently completed the FY21 single audit (which had a deadline extension until September 30, 2022). The single audit covers federal expenditures and is separate from the City's annual audited financial statements. She stated that

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this audit typically tests 20% of the City's federal expenditures due to the City's low risk status. In this particular audit, three school programs were tested and there was a finding relative to Title I in which a certification was not on file for an employee. Following this finding, the School took corrective action and demonstrated that they had been in compliance prior to this one incident and had in compliance following the incident. However, as a result, this incident was deemed a "significant deficiency," moving the City out of the low risk category for single audits. Moving forward, the City will need to have 40% of federal expenditures audited. This will necessitate additional time for the auditors and, in turn, increased cost to the City. She stated that there is a potential that this finding will affect the City's bond rating, although that is uncertain at this time.

Councilors Gray reported that he had received the court's decision on a redistricting audit regarding State Senate and Executive Counsel. He stated that much of the information cited in the decision is relevant to the current lawsuit on redistricting with which Rochester is involved. He stated that he had forwarded this information to the City Manager and City Attorney for review before more City funds are expended toward this current redistricting audit.

7. Adjournment

Mayor Callaghan **ADJOURNED** the Finance Committee meeting at 7:01 PM.

Respectfully Submitted,

Cassie Givara
Deputy City Clerk

Resolution Authorizing Supplemental Appropriation of \$43,000 to the Recreation Special Events Fund-Lilac Family Fun Festival

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

That the sum of Forty-Three Thousand Dollars (\$43,000.00) is hereby appropriated to the Recreation Special Events Fund for the purpose of paying costs associated with the annual Lilac Family Fun Festival. Advanced appropriation is needed in order to prepay costs associated with the event. The entirety of the supplemental appropriation shall be derived from the General Fund Unassigned Fund Balance.

The City of Rochester Recreation Department shall manage the use of funds under the City's established purchasing policies. Funds shall be expended solely on the annual Lilac Family Fun Festival event. Eligible uses of funds shall be for fireworks, various entertainment activities, and other miscellaneous expense pertinent to assuring a safe and successful community event.

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 and to establish special revenue, non-lapsing, multi-year fund account(s) as necessary to which said sums shall be recorded.

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City Clerk's Office



City of Rochester Formal Council Meeting

AGENDA BILL

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

AGENDA SUBJECT Resolution Authorizing \$43,000 Supplemental Appropriation to the Recreation Special Events Fund

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 checked="" type="checkbox"/> NO <input type="checkbox"/>
--	--

AGENDA DATE	November 1, 2022		
DEPT. HEAD SIGNATURE			
DATE SUBMITTED			
ATTACHMENTS YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED		

COMMITTEE SIGN-OFF

COMMITTEE	Finance Committee
CHAIR PERSON	Mayor Callaghan

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

DIRECTOR OF FINANCE APPROVAL	Kathryn L. Ambrose
SOURCE OF FUNDS	General Fund Unassigned Fund Balance
ACCOUNT NUMBER	
AMOUNT	\$43,000
APPROPRIATION REQUIRED YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	

LEGAL AUTHORITY

City Council Resolution

SUMMARY STATEMENT

Finance Committee voted at their October 11th meeting to recommend a \$43,000 supplemental appropriation to the Recreation Special Events Fund for the Lilac Family Fun Festival.

The funding for this event has historically crossed fiscal years and presented funding challenges. The recent practice has been to maintain a level of funding in a non-lapsing multi-year fund. The advantage to this approach is Council can decide on the level of funding for the event, and control annual expenditure draws from the fund. If funds are not utilized or are in a surplus position, they carry over to the next fiscal year and beyond. Future appropriations will be presented through the budget cycle.

RECOMMENDED ACTION

Authorize resolution to appropriate the funds.

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: Annual Lapsing ☐ Multi-year 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	61364020	589028	TBD			43,000.00
2				-	-	-
3				-	-	-
4				-	-	-

Revenue

	Org #	Object #	Project #	Fed Amount \$	State Amount \$	Local Amount \$
1	6136001	406206	TBD			43,000.00
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 ☐

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City Clerk's Office

City of Rochester Planning Board
Monday October 3, 2022
City Hall Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on October , 2022)

Members Present

Mark Collopy, *Chair*
Robert May, *Vice Chair*
Peter Bruckner
Paul Giuliano
Don Hamann
Mark Sullivan
Dave Walker

Members Absent

Keith Fitts, *excused*
James Hayden, *excused*

Alternate Members Present

Alexander de Geofroy
Michael McQuade
Matthew Richardson

Staff: Shanna B. Saunders, *Director of Planning & Development*
Ryan O'Connor, *Senior Planner*
Ashley Greene, *Administrative Assistant II*

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

I. Call to Order

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

II. Roll Call

The recording secretary, Ashley Greene, conducted roll call.

III. Seating of Alternates

Mr. Collopy asked Matthew Richardson to vote for Keith Fitts.

IV. Communications from the Chair

There were no communications from the Chair.

V. Approval of minutes for September 12 and 19, 2022

Dave Walker made a motion to approve the minutes from September 12 and 19, 2022. The motion was seconded by Don Hamann. The motion carried by a unanimous voice vote.

VI. Opening Discussion/Comments (up to 30 minutes)

A. Public comment

There was no one from the public to discuss any other issues.

B. Discussion of general planning issues

There was no discussion of general planning issues.

VII. Extensions

- A. [Groen Construction, 29 Wadleigh Road](#) (by Jones & Beach) Extension request for an approved Site Plan. Case# 137 – 35-1 – HC – 21 **EXTENSION TO 4/4/2023**

Mr. Hamann made a motion to approve the extension request to 4/4/2023. Mr. Walker seconded the motion.

Mr. Walker asked the reason for the extension request. Shanna Saunders explained that the developer is still working with Department of Public Works for utility infrastructure needs and costs.

The motion passed by a unanimous voice vote.

VIII. New Applications

- A. [35 Industrial Way Management, LLC, 35 Industrial Way](#) (by Norway Plains) 2-lot Minor Subdivision. Case # 230 – 21 – GI – 22 Public Hearing **ACCEPTANCE/FINAL DECISION***

Scott Lawler, Norway Plains Associates, presented the application on behalf of the applicant. Mr. Lawler explained the lot is currently a 27.63 acre parcel that is zoned General Industrial with a portion of it in the Conservation Overlay District. It is an existing manufacture/warehouse/office use building that is 215,740 sf that is serviced by city water and city sewer. There are approximately 1,016 parking spaces that are around the perimeter of the existing building and large parking lot across a wetlands and stream channel. Mr. Lawler explained that the wetlands were delineated by a wetland's scientist, Joseph Nowell. 35 Industrial Management, LLC, is proposing a 2-lot subdivision. The first lot that will be the parent lot will be almost 20 acres and have the existing building and contain 645 parking spaces. The second lot will be 7.65 acres and will consist of 371 parking spaces. The second lot is being created with the intent to sell and redeveloped as part of the business park. Mr. Lawler explained that the new lot line will follow the wetlands and stream. Mr. Lawler explained the proposed lot line is going to mimic the lot line that existed in the 1980s when Cabletron existed. Mr. Lawler discussed the conditional use permit that was submitted to allow the second lot to have parking as its primary use.

Mr. Collopy opened the public hearing. There was no one present to speak on the application, Mr. Collopy brought it back to the board.

Ms. Saunders went over the staff recommendations and discussed the conditional use permit. Ms. Saunders explained that staff recommend accepting the application as complete.

Mr. Walker made a motion to accept the application as complete. Mr. Hamann seconded the motion. The motion carried by a unanimous voice vote.

Ms. Saunders discussed the conditions of approval, including access easements to be shown on the plan and the utility easements be submitted to the City once it is filed. Ms. Saunders discussed the Industrial Park Association requirements included in the conditions of approval. Ms. Saunders discussed the standard conditions of approval.

Peter Bruckner asked if the parking on the parent lot will be sufficient for the businesses within the building. Ms. Saunders explained that the parking on the parent lot meet the requirements for parking.

Bob May asked if access to the lower parking lot will be restricted once the subdivision goes through. Mr. Lawler explained that a crash gate is proposed on the bridge so that emergency vehicles can access as needed but it would not be available for day to day travel.

Paul Giuliano made a motion to approve the conditional use permit. Mr. Hamann seconded the motion. The motion carried by a unanimous voice vote.

Mr. Walker made a motion to approve the application with the conditions as presented. Mr. Hamann seconded the motion. The motion carried by a unanimous voice vote.

B. Myhre Family Revocable Trust, 15 Piper Lane (by Norway Plains) 4-lot Major Subdivision. Case # 250 – 28 – A – 22 Public Hearing **ACCEPTANCE/FINAL DECISION***

Joel Runnals, Norway Plains Associates, presented the application on behalf of the applicant. Mr. Runnals explained that the parcel is just over 7 acres that is being proposed to subdivide into 5 lots. Mr. Runnals discussed that there are currently four dwellings on the property and one dwelling

will be torn down. Mr. Runnals explained one goal of the subdivision is to get each dwelling on its own parcel. Mr. Runnals explained that Lot 28 and 28-1 are the only lots that are large enough to keep the current duplexes on them. The remaining three lots will each have a single-family home on it. Mr. Runnals explained the applicant has also submitted the subdivision to NH DES to get approval. The proposed Lot 28-2 currently shares a leach field with lot 28, but that will end once the subdivision is approved. There will be an easement around the leach field and the well that overlaps the lot line for Lot 28. Lot 28-1 already has an existing well. Mr. Runnals explained that Piper Lane that currently exists will provide access to Lot 28-1 and 28-2, Lot 28 will have access onto Washington Street and Lot 28-3 and 28-4 will need to apply for a driveway permit to get access onto Blue Hills Drive from Department of Public Works once approved.

Mr. Collopy opened the public hearing.

Anne Carter, 6 Blue Hills Drive, asked multiple questions regarding the proposed subdivision. Ms. Carter asked if the proposed lots would still be zones agricultural with the conservation overlay? Ms. Carter asked if the agricultural zone had to change in order to do a subdivision. Ms. Carter asked what the size of the new buildings would be on the proposed lots. Will the lots comply with the Blue Hills protective covenants? Ms. Carter requested a background on the conservation overlay restrictions and what that means. Ms. Carter asked for locations of the new structures and driveways. Ms. Carter asked if a traffic study been conducted on the project. Ms. Carter asked about the leach field located on Lot 28-2. Ms. Carter asked for clarification on the changes of the September 13 submittal. Ms. Carter asked for the results of the soil testing. Ms. Carter asked why the pavement on lot 28 is going to be removed. Ms. Carter read a section from the Blue Hills protective covenants pertaining to the subdivision of lots within Blue Hills Drive. Ms. Carter explained that Lot 28 appears to fall within the Blue Hill Drive protective covenants. Mr. Collopy explained that the Planning Board does not handle the issues within the protective covenant and that it would be a civil matter. Mr. Collopy explained that the Board handles Land Use only. Ms. Carter asked if it is in the norm for the Board to go against what is written in the protective covenants. Mr. Collopy explained that it is not in our prevue and the Board is only here to look at the Land Use. Ms. Carter explained that abutters are concerned about logging that has been done and the road being ruined. Ms. Carter asked why Lots 28-3 and 28-4 won't have access to Washington Street rather than Blue Hills Drive. Ms. Carter discussed if the project is approved will there be additional lighting and sidewalks installed?

Ben Careno, 9 Grey Ledge Drive, asked about the lack of driveway specifications and the types of homes to be on the lots. Mr. Collopy explained that the Board is only looking at the land and only considering the subdivision request and not what will be going on the land. Mr. Careno asked what the next step is after this and how the neighborhood can control what is coming in. Ms. Saunders explained that the board only has jurisdiction over subdivisions and multifamily or commercial development. Duplex or single-family development goes through a building permit. Mr. Careno expressed his concern with the logging that is currently happening and no construction entrance. Mr. Careno discussed his concern with not knowing about the subdivision and the lack of information within the application.

John Polychronis, 41 Blue Hills Drive, said that he has been there for 23 years. Mr. Polychronis explained that he is concerned about Blue Hills in general and has been down to Public Works regarding the road's multiple times but there were only patches placed in the road. Mr. Polychronis explained that at one time Blue Hills was a prestigious neighborhood and to allow people to come in and build more homes would take away from the ambiance. Mr. Polychronis expressed his concern with the numbers of homes being built in the subdivision and the size of the lots.

Renee Jolie, 10 Blue Hills Drive, mentioned that she is part of the Blue Hills protective covenants and was given the rules when she moved in. Ms. Jolie read a rule from the protective covenants that she believes has already been broken. Ms. Jolie explained that the water flow in the neighborhood has been blocked and it now is not flowing into a pond that is located behind her house.

Mark Duhamel, 47 Blue Hills Drive, asked what the addresses of the lots would be because of the Blue Hills convenance. Mr. Duhamel asked how the shared driveway would be managed. Mr. Duhamel asked if the all the lots could have access to Washington Street that way they do not interfere with Blue Hills Drive.

Mr. Collopy asked if Mr. Runnals could explain where the new structures would be and on which lots. Mr. Runnals said that we will not know where the new structures are until the lots are sold and a building permit is submitted. Mr. Runnals explained that Lot 28-2, 28-3, and 28-4 would have a single-family home and the other two lots have existing duplexes on them. Mr. Runnals explained that the numbering of the lots would be taken care of by E911 due to the spacing. Mr. Runnals discussed going through NH DES for potential leach fields and DES requires a 4,000-sf area for potential leach fields. Mr. Runnals explained that DES will first approve the subdivision for the 4,000-sf leach field and then once the lot sells the new owner will have to go through DES for a septic tank as well.

Ms. Saunders went over the process for a new application and the process that the Piper Lane subdivision went through. Ms. Saunders discussed the conditions of approval including the right of way width be increased to 30 feet so that a large size vehicle and manipulate up the driveway. Ms. Saunders explained that the traffic, sidewalks, and lighting was looked at by the different departments and was not required. Ms. Saunders went over the staff report to determine if the application was complete. Ms. Saunders explained that the City does not get involved with the protective covenants as that is an agreement between the land owners and that the applicant is here for an agreement between the applicant and the City codes. Ms. Saunders explained that it would not be unusual for the board to say that any issues with protective covenants be taken care of before the plans are approved. Ms. Saunders discussed staff recommends the application be accepted as complete and that staff recommends approval on the application as it meets all City codes and ordinances.

Mr. Walker asked if the applicant is aware of the protective covenants. Mr. Walker expressed his desire to continue the application until the protective covenants issue is taken care of. Mr. Walker discussed the City going out to look at the damage that the logging may have done to the road.

Ms. Saunders explained that this is the first time staff has heard about the protective covenants.

Councilor Alexander de Geofroy expressed his understanding that the City does not get involved with the protective covenants but said that on the subdivision checklist under the section for copy of protective covenants and deed restrictions is marked NA and feels that that needs to be rectified.

Mark Sullivan asked if the protective covenants is recorded with the registry of deeds but not deed restricted. Ms. Saunders explained that is correct and it is not tied to any wording in the deed, but may be called out in the deed. Mr. Sullivan asked if the protective covenants rules were violated if it would be a civil matter? Ms. Saunders said yes.

Mr. May expressed his support to continue the application and the public hearing should not be closed until the protective covenants is sorted out and have the applicant come back in November. Mr. May expressed his concern with allowing the abutters to educate themselves more with what is going on.

Paul Giuliano asked if the property is subject to the same deed restrictions as the abutting properties. Mr. Runnals explained that he is not sure, but he was under the impression that it is not part of the Blue Hills protective covenants. Mr. Giuliano expressed is support for a continuance.

Mr. Runnals explained the correct abutters were notified and some of the public that spoke were not direct abutters.

Mr. Giuliano made a motion to continue the application to the November 7, 2022 meeting to allow the applicant to figure out if eth protective covenants apply to the parcel in question and if the provisions are being met. Mr. Walker seconded the motion. The motion carried by a unanimous voice vote.

Mr. Collopy explained to the public that the public hearing will still be open for the November 7, 2022 meeting and that there will be no written notification of the public hearing.

C. Sofield Apartments, LLC, 287 Rochester Hill Road (by Berry Surveying) Preliminary Design review for proposed 30-unit residential development. Case # 254 – 18 – A – 22 Public Hearing *PRELIMINARY*

Chris Berry, Berry Surveying & Engineering, presented the application on behalf of the applicant. Mr. Berry explained that the former landowner hired Berry Surveying to take the existing property and remove them from on site sewage disposal systems and put them on sewer force main system to connect them to City sewer. After the connection was made the property was sold to the current land owner and applicant. Mr. Berry explained the process that the applicant has gone through to determine the density that would be allowed on the property with it being within the RPZ Zone of the airport. Me. Berry explained that the solution was to bring the density to the rear of the subdivision, which removes it from the RPZ Zone and increases the amount of open space. Mr. Berry explained that the proposed project is to realign the entrance to the project. Mr. Berry discussed the zoning board approval for the project. Mr. Berry discussed the direct abutters concerns and how the applicant will be addressing those concerns, including a fence along the property line and the drainage concerns which will be looked at during the drainage analysis. Mr. Berry discussed the complete streets project put on by NH DOT and if it will reach the project entrance and if it does the applicant will be designing the infrastructure at the entrance of the site to allow for the complete streets project to easily complete their project in front of the property. A traffic study will be conducted to determine if any additional lanes are needed and the applicant has asked DOT if they need a scoping meeting to make sure the level analysis that is being conducted is adequate. A wetlands and soil scientists delineated the wetlands and conducted soil tests. An alteration of terrain permit is required for this project and will be obtained. The technical review group requested additional amenities. Mr. Berry explained the potential to move the Coast Bus stop closer to the proposed project and the industrial park.

Mr. Collopy opened the public hearing.

James Bress, 271 Rochester Hill Road, read the copy of his letter that he sent to the board.

"We are writing to express our concerns about the Sofield Apartment expansion which abuts our property. We have reviewed the preliminary plans which were submitted to the zoning board. The variance was approved for the apartment expansion. We did not oppose the variance and we do want to stop the project in any way.

We do have two concerns.

1. We met with the owner Bill Goldstein and we have a verbal agreement that he will install an eight foot solid fence along the entire property line and leave all trees along the property line intact.

This is noted under the Rochester Zoning Ordinance Chapter 276 Article 27 (Miscellaneous Provisions) 275-27.1 B (Buffers for residential property, multifamily development).

Since this was only a verbal agreement we request that the planning board make this a stipulation of the approval.

2. We are concerned about how close to the property line the preliminary plans place one of the buildings. There is standing water along the property line well into the spring. The enclosed pictures show the water in May of this year. We are concerned about water flowing onto our property after the new buildings are built.

We are asking if the building could be built further from the property line and that adequate drainage be in place to avoid any flow onto our land.

Sincerely,

James and Judy Bress

Saved as Sofield Apartments"

Mr. Bress explained the need for the fence due to people walking onto their property and garage ending up on their property. Mr. Bress is requesting a solid 8 foot high fence and along the entire property line and the trees be left in place.

Judy Bress, 271 Rochester Hill Road, expressed her concern with the trash along their property line. Ms. Bress explained that she has had squatters on her property that came from Sofield apartments and a man laying in the field. Ms. Bress discussed her concerns about the water located on her property line and Sofields property line. Ms. Bress expressed her concerns with what would happen when excavation occurs. Ms. Bress asked that the buildings not be so close to the property line.

Mr. Collopy closed the public hearing.

Ms. Saunders discussed the design review process and the TRG process that the applicant went through. Ms. Saunders explained there is no staff review, just TRG comments from each department so that the applicant may redesign the project as needed and once ready can resubmit.

Mr. Walker asked if there was any action for the board to take? Ms. Saunders explained there is no action for the board to take and it is simply input the applicant and staff are looking for. Mr. Walker asked if an 8 foot solid fence would be allowed in this zone. Ms. Saunders confirmed from the Ordinance that only a 6 foot fence is allowed and the applicant would need to get a special exception for an 8 foot fence.

Mr. May asked for clarification on the RPZ Zone and in relation to this property. Ms. Saunders explained that the triangle zone that comes out from the runway is extremely restrictive and there is the airport overlay that comes out 3 miles from the airport that has height restrictions. Ms.

Saunders explained that Planning staff asks the applicant to reach out to the airport to determine if the proposed project meets airport requirement.

Mr. Bruckner explained the airport overlay district and the landing zone in relation to this project and how any restrictions appear to have been met. Mr. Bruckner requested the contours for water issues be placed on the next set of plans. Mr. Bruckner expressed his support to keep the tree line intact.

Mr. Collopy discussed his desire to see more green space and possibly tandem garages and some green space between. Mr. Collopy expressed his concern for how wet the property could be.

Mr. Bruckner expressed his concern for sustainable design and to make sure the abutters concerns are addressed.

Mr. May expressed his concern with addressing any stormwater and mitigation concerns ahead of time.

D. Pool Players, LLC, Steven Fleming, 43 Highland Street Conditional Use Permit to allow a billiard hall/bar and restaurant. Case # 104 – 56 – NMU – 22 **Public Hearing ACCEPTANCE/FINAL DECISION***

Application moved to the end of the meeting to allow the applicant time to attend the meeting.

Steven Fleming, co owner of Pool Players, LLC, presented the proposed project. Mr. Fleming explained that currently Pool Players, LLC, owns Busters Billiards in Somersworth for the last 5 years. Mr. Fleming explained that they have outgrown their current location and are looking to purchase and rebrand at the 43 Highland Street location, as Eastside Tavern and Billiards.

Mr. Collopy opened the public hearing.

Ms. Saunders read an anonymous letter from a direct abutter.

“This property borders residential properties on each side. I believe in my 28 years of being a homeowner in East Rochester the property use prior to this current proposed venture was not in use on a full daily/weekly basis whereas this enterprise will be.

To promote privacy and a reduction in noise volume the installation of a fence bordering the residential properties would be a benefit for all parties concerned.

This would also deter trespassing onto privately held land. Without fencing the inclination by some patrons who may see what appears to be a walking trail at the back of the parking lot (previously the old railroad line) may entice someone to take a stroll on these privately held lands.

If this transpires, landowners may be subject to liability should anything untoward occur.”

Mr. Fleming explained that he would put up no trespassing signs every 50 feet along the property line at his expense but believes that a fence would not be necessary and is concerned about the cost.

Ms. Saunders discussed the conditions of approval and explained that the CUP is required for the billiards and not for the restaurant/tavern. Ms. Saunders explained the architectural design needs

to be reviewed by a third-party fire protection engineer. A commercial industrial wastewater questionnaire which is required for restaurants.

Mr. Walker made a motion to accept the application as complete. Mr. Hamann seconded the motion. The motion carried by a unanimous voice vote.

Mr. Sullivan asked for more detail for the proposed project. Mr. Fleming explained that there is currently 13 pool tables, which they plan to keep, and there will be a 30-35 seat bar and there will be a full kitchen installed. Mr. Fleming explained there will be outdoor dining. Mr. Fleming explained there will be entertainment on the weekends and will be open until 1am on Friday and Saturdays. Mr. Sullivan asked if there will be a security system? Mr. Fleming explained there will be a security system and plenty of lighting in the parking lot. Mr. Sullivan asked if there would be on site security. Mr. Fleming explained there will be security inside on the busier nights and a doorman. Mr. Fleming said they have been in business for 33 years and never had any issues in the past.

Mr. McQuade asked if they are using the current building or expanding at all. Mr. Fleming explained they are going to use the current building as is.

Mr. May asked about the Police Department comments during TRG. Ms. Saunders explained that the Police Department came up with the condition to register the security system with them. Ms. Saunders explained the Police Department checked into the business and did not find any problems.

Mr. Walker made a motion to approve the waiver for topography. Mr. Hamann seconded the motion. The motion carried by a unanimous voice vote.

Mr. Walker made a motion to approve the application. Mr. Hamann seconded the motion. The motion carried. Mr. Giuliano opposed.

IX. Other Business

A. Planning Update

Ms. Saunders announced that Ryan O'Connor, Senior Planner, will be attending Planning Board meetings going forward.

B. Other

There was no other business to discuss.

X. Adjournment

Mr. Walker made a motion to adjourn the meeting at 8:00 p.m. Mr. Hamann seconded the motion. The motion carried by a unanimous voice vote.

Respectfully submitted,

Ashley Greene,
Administrative Assistant II

and

Shanna B. Saunders,
Director of Planning & Development

DRAFT



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"/>	FUNDING REQUIRED? YES <input type="checkbox"/> NO <input type="checkbox"/>
INFORMATION ONLY <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

LEGAL AUTHORITY

SUMMARY STATEMENT

RECOMMENDED ACTION

Petition for Zoning Ordinance Amendment

Date: April 26, 2022

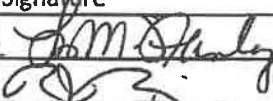
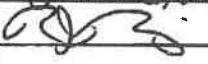
The filings of this petition and payment of the required fees, hereby propose a change in Chapter 42, Table 18-C, of the General Ordinances of the City of Rochester.

It is respectfully requested that the Honorable Mayor and City Council amend the above as follows:

That "Recreation, Indoor" as defined in 275-2.2 of the Zoning Ordinance of the City of Rochester be made a permitted use in the Industrial Districts.

Indoor Recreation is currently allowed by *Conditional Use* in the *Recycling Industrial* zone but is not permitted in the other Industrial Districts. The petitioners feel that Indoor Recreation should be an allowed use, **by right**, in the Industrial Zone.

There are at least three examples of Indoor Recreation facilities currently operating in the Industrial Districts of the City. All were required to seek, and were granted, variances for their operation. (Red Alert Skate Park in the Gerrity Industrial Park, the YMCA in the Ten Rod Road Industrial Park, and Deeproot Crossfit on Amarosa Drive). The petitioners believe these uses operate without conflict in their respective locations and demonstrate the appropriateness of this proposed amendment.

	Printed Name	Signature	Street Address	Map & Lot Number
1	LISA STANLEY LTR PROPERTIES LLC		54 ALLEN ST.	0117-0002-0011
2	Robb Riley YMCA Executive Director		35 Industrial Way	0230-0021-0000
3				
4				
5				
6				
7				
8				
9				
10				

ZONING

275 Attachment 3

City of Rochester

Table 18-C Food-Lodging-Public Recreation Uses
[Amended 5-7-2019]

LEGEND

P = Permitted Use

C = Conditional Use

E = Use Allowed by Special Exception

Food-Lodging-Public Recreation Uses	Residential Districts				Commercial Districts				Industrial Districts		Special		Criteria/Conditions Reference
	R1	R2	NMU	AG	DC	OC	GR	HC	GI	RI	HS	AS	
Cafe	—	—	P	C	P	P	P	P	—	—	—	P	Article 21
Campground	—	—	—	E	—	—	—	—	—	E	—	—	Article 22
Caterer	—	—	P	—	P	P	—	P	P	P	—	—	—
Club	—	—	C	—	P	P	—	P	—	—	—	—	Article 21
Community center	—	—	P	—	P	P	P	P	—	—	—	—	—
Conference center	—	—	C	—	P	P	P	P	—	—	P	P	Article 21
Country club	—	—	—	C	—	—	P	E	—	C	—	—	Article 21
Food stand	—	—	E	—	E	E	P	E	E	E	E	E	Article 22
Function hall	—	—	—	—	P	P	P	P	—	—	—	—	—
Golf course	—	—	—	P	—	—	P	—	—	P	—	—	Article 22
Health club	—	—	C	C	P	P	P	P	—	—	—	—	Article 21
Lodging, bed-and-breakfast	—	C	P	—	P	P	—	P	—	—	—	—	Article 21
Lodging, hotel	—	—	C	—	P	C	P	P	—	—	C	C	Article 21
Lodging, motel	—	—	—	—	—	—	P	P	—	—	—	C	Articles 20 and 21
Nightclub	—	—	—	—	P	—	P	P	—	—	—	—	—
Recreation, indoor	—	—	C	—	P	C	P	P	—	C	—	—	Article 21
Recreation, outdoor	—	—	—	C	—	C	P	P	—	C	—	—	Article 21
Recreation, park	P	P	P	P	P	P	—	P	—	C	—	—	Article 21
Restaurant	—	—	P	—	P	C	P	P	—	—	—	P	Article 21
Restaurant, drive-through	—	—	—	—	P	—	P	P	—	—	—	—	—
Tavern	—	—	C	—	P	—	P	P	—	—	—	—	—
Theater/cinema (5,000 square feet or less)	—	—	P	—	P	P	P	P	—	—	—	P	Article 21
Theater/cinema (over 5,000 square feet)	—	—	—	—	C	—	P	P	—	—	—	—	Article 21

275 Attachment 3:1

Supp 2, May 2019

**Amendment to Chapter 275 of the General Ordinances of the City of Rochester Regarding
Table 18-C**

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:

Within Table 18-C, Recreation, Indoor shall be designated as a Permitted Use within the General Industrial (GI) District.

These amendments shall take effect upon passage.

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City Clerk's Office

**Excerpt from September 19, 2022 Planning
Board Minutes:**

VI. Draft Rezoning Indoor Recreation in Industrial Zones

Shanna Saunders discussed the draft rezoning for Indoor Recreation in the industrial zone. Ms. Saunders explained that multiple variances have been granted for indoor recreation uses in the industrial zone in the past. Ms. Saunders discussed the staff recommendation to allow indoor recreation by conditional use permit. Ms. Saunders explained Article 21 of the Zoning Ordinance to allow additional criteria for the conditional use permit for indoor recreation which includes no vehicle parking directly be allowed to back directly into public drive aisle and on roadways where freight and other large vehicle movements are occurring, sidewalks shall be required and be designed with curbing, and any outside play areas shall be located such that players, errant balls and equipment shall not need to cross public ways or roads. Mr. Saunders explained that staff is looking for a recommendation to City Council.

Mr. Walker made a motion to recommend the zoning change request to City Council. Mr. Hamann seconded the motion.

Mr. Sullivan asked if there are no sidewalks where they are proposing their project and if the applicant would have to install the sidewalks. Ms. Saunders explained that the thought process is having a sidewalk from the parking area into the facility, which would be considered internal sidewalks.

Mr. Bruckner discussed having paved pathways rather than sidewalks. Ms. Saunders explained the safety reasoning for the curbed sidewalks.

Mr. Walker asked if a sidewalk around the building would meet that criteria. Ms. Saunders said it would be case specific.

Mr. Collopy expressed his concern with preventing a particular use from being able to attain a CUP because of the sidewalk requirement.

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City Clerk's Office

**Public Safety Committee
Draft Meeting Minutes
October 19, 2022
6:00 PM
Council Chambers**

Members Present

Councilor Peter Lachapelle, Chair
Councilor Dana Berlin
Councilor Skip Gilman
Councilor Amy Malone

Members Absent

Councilor Alexander de Geofroy (excused)

Others Present

Michael Bezanson, PE, City Engineer
Dan Camara, GIS Asset Mgmt. Coordinator
Deputy Chief Jason Thomas, PD
Bob Murphy, owner of 52 & 58 Pickering Road
Bryan Pugsley, 42 Pickering Road

Minutes

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

1. **Approve Minutes from September 21, 2022 Public Safety Meeting.**
Councilor Malone MOVED to approve the minutes from September 21, 2022. Councilor Berlin seconded the motion. MOTION CARRIED by a unanimous voice vote.

2. **Public Input**

Bryan Pugsley was present to discuss the issues on Pickering Road. He stated he has lived on Pickering Road for 20 years and said the speeding in the area is terrible and way out of hand; there are 18-wheelers and dump trucks that go way too fast on Pickering Road. Mr. Pugsley said there was a hole dug in the road near his house; the roadway patch is now depressed and when big trucks go over it, it makes a loud noise and shakes his house. Some kids in the neighborhood are afraid to walk to school because it's dangerous; the vehicles are going too fast. He suggested a speed bump or a 25 mph speed limit sign. He said people run right through the stop signs. Councilor Lachapelle said there are a number of issues in that corridor from Route 125 to Colby Street to Pickering Road, and coming up Pickering Road from the bridge. He said some steps have been taken; there is a 25 mph speed limit sign coming from Route 125, another 25 mph speed limit sign on Church Street, and a third 25 mph speed limit sign at the urban compact zone sign before the bridge. City Council recently voted to install a radar feedback flashing speed limit sign that will be placed by the bridge. Councilor Lachapelle said the speed trailer was out in the area in May. Deputy Chief Thomas said in May the speed trailer was out on Pickering Road between Colby Street and the post office; he said most of the cars were in compliance and only 3 were in the high risk category, meaning 20 mph over the speed limit or more. He also stated that just this year PD has stopped 349 cars on Pickering Road; they do try to regularly patrol the area.

Councilor Lachapelle asked Mr. Bezanson to have Public Works look at the depressed roadway patch by this gentleman's house. Councilor Berlin asked if the speed trailer was recording cars coming from Colby to the Church Street intersection or the other direction. Councilor Lachapelle said the speed trailer was recording cars traveling south from Route 125/Colby toward downtown Gonic. Councilor Berlin suggested that the speed trailer could be positioned in the other direction; he said the speed issues seem to be coming around the corner. Deputy Chief Thomas said they could do that and that is the direction that the permanent speed sign will be installed. Councilor Lachapelle said speed bumps aren't really an option because they wreak havoc on the plow trucks. Councilor Berlin asked Mr. Pugsley if he felt that the removal of the parking spaces was beneficial for people in the crosswalk. Mrs. Pugsley said yes, that she can now cross the street to the post office and not be afraid. Mr. Pugsley said you can see the cars now that the parking spaces were removed.

3. Temporary No Parking on Pickering Road Discussion

There were members of the public present for item #9; this item was moved up on the agenda. Mr. Bob Murphy, the owner of 52 Pickering Road, was present to discuss the temporary "no parking" signs that were placed on Pickering Road. He stated that he and his wife have owned this property for 40 years and there has always been on-street parking in this area. He said it is a speeding issue not a parking problem; to solve the problem you have to slow the traffic down. There is no problem crossing the crosswalk from the post office to the other side of the street; crossing towards post office is the problem. He said the solution would be to stop the speeding or move the crosswalk. Mr. Murphy said those 4 to 5 spaces being temporarily taken away are generally parking for his building and always has been. No one will want to rent an apartment without parking. He stated that taking the parking away only gives them a better line-of-sight to go faster. He said taking the parking away will hurt him. Councilor Lachapelle said they are not looking to hurt anyone; it is beyond just the parking. To install a new crosswalk would require curb cuts, so the crosswalk would need to be eliminated and people would have to walk down by the church or where Phagin's use to be. Councilor Berlin said there are more issues than trying to cross one way. He said he was trying to turn left from Pickering onto Church for 15 minutes while a woman and a child were trying to cross towards the post office. He said that speed isn't really the issue; it's because they can't be seen on the crosswalk. Councilor Berlin said these are public parking spaces and the City can do as they choose with those spots; in this instance the safety of the crosswalk was more important. Councilor Lachapelle said they are not trying to take things away from people; if he lived there, he would be upset. He asked Mr. Murphy where the tenants park during the winter. Mr. Murphy said down below by the bridge. Councilor Malone said the change in the visibility since eliminating the parking spaces is like night and day; now you can see much better. Councilor Lachapelle asked Deputy Chief Thomas if he had anything to add. Deputy Chief Thomas said he has had positive feedback regarding eliminating the parking in the area and he stated they are trying to

address the speed as much as they can; having the flashing speed limit sign placed in the area will help. Councilor Lachapelle said he put this issue back on the agenda because it was a pilot program and it has been more than 30 days. He said they have heard people for the no parking and people against the no parking. ***Councilor Berlin MOVED to recommend to full council to change the temporary “no parking” area on Pickering Road to be permanently signed “no parking”. Councilor Malone seconded the motion. MOTION CARRIED by unanimous voice vote.***

4. Flat Rock Bridge Road/Salmon Falls Road Intersection Safety Concerns (kept in committee)

Councilor Lachapelle summarized the issue. Mr. Bezanson said the only update he has is that last year it looked like Flat Rock Bridge Road was coming up on the paving list, but the new roadway condition data and analysis is now not showing Flat Rock Bridge Road on the 5-year paving list at current funding levels. Rather than fund the survey effort with paving funds, Mr. Bezanson said they will have to move forward in a different fashion and will discuss using funds from the other professional services O&M account line. Councilor Lachapelle asked how much a survey might cost. Mr. Bezanson said thousands of dollars and in this case they would be looking at more than \$5,000.

5. Safety Issue Crosswalk Columbus Avenue near KFC (Route 125) (Request was sent by Councilor Berlin) (kept in committee)

Councilor Lachapelle summarized the issue. Mr. Bezanson said he has had some discussion with Eversource, but is having a hard time getting formal cost estimates.

6. Colby Street-One Way Traffic (kept in committee)

Councilor Lachapelle summarized the issue. Mr. Bezanson said he communicated with some folks with NHDOT. NHDOT is looking to make some improvements at the Church Street/Route 125 intersection and in preparation for that some analysis of the intersection will need to be completed. Mr. Bezanson asked them to incorporate the 2 signalized intersections to north in the same analysis. NHDOT agreed to do that, but not sure when. Councilor Lachapelle said he saw the traffic counter on the road. Mr. Bezanson said Strafford Regional Planning Commission helps NHDOT with traffic counts and usually collect them every 3 years. **(kept in committee)**

7. Emergency Call Boxes (Request from Councilor Berlin) (kept in committee)

Councilor Lachapelle summarized the issue. Councilor Berlin provided information in the packet regarding the dome cameras. Wire tower and solar tower both have dome cameras. He said as far as he aware they can do landline and cellular; might be easier to put in places where there is no landlines. He got rough estimate on costs for the standard white with blue text on overhead dome camera run \$8,000 per unit and the 125 volt with overhead

dome cameras run \$5,000 per unit. The wired tower can do landline, cellular, VoIP and WiFi VoIP. The cellular version also had landline features, VoIP and cellular capabilities. Mr. Bezanson suggested that if the City wanted to move forward, the Union Street Municipal Parking Lot project could be used as a pilot program. Councilor Berlin said maybe near the Riverwalk. Mr. Bezanson said they are in the conceptual design phase of the Union Street Parking Lot project and getting ready to move into final design. Councilor Lachapelle said he likes the solar option. He asked Mr. Bezanson if he could see if they could fit this into the Union Street conceptual design. Mr. Bezanson said the project is incorporating innovative ideas and one of them is looking at electric vehicle charging stations. Councilor Berlin will give Mr. Bezanson the contact information on the dome cameras. Deputy Chief Thomas asked who would be incurring the cellular or landline recurring costs. Councilor Lachapelle said that is another factor that needs to be looked at. **(kept in committee)**

8. Hospital Signs-Whitehall Road to the right

Councilor Lachapelle summarized the issue. Councilor Berlin said there is a sign on Salmon Falls Road coming from Dover indicating a left turn down Whitehall for the hospital, but not one in the other direction for the right turn. Councilor Lachapelle asked who pays for these signs. Mr. Bezanson said he wasn't sure and he would have to do some research. This was kept in committee for next month.

9. Whitehall Road Speeding Issues (Request from Councilor Lachapelle)

Councilor Lachapelle summarized the issue. An email was sent to Councilor Lachapelle regarding the speed limit on Whitehall Road. He suggested a few ideas that might help, install speed cameras that photograph the driver and vehicle along with the speed, change the speed in the area of 56 Whitehall Road, Jack & Jill Daycare/School to 15 mph (when this school is in session), install speed bumps in the area of 56 Whitehall Road by Jack & Jill Daycare/School or have police sit on the road at different times of day performing speed limit enforcement. Councilor Lachapelle responded to some of the requests stating it was illegal to install cameras and speed bumps wreak havoc with the winter snow maintenance. Councilor Lachapelle wanted to know if they could put school zone signs up if it wasn't a public school. Mr. Bezanson will look into that. Deputy Chief Thomas said they are on Whitehall Road a lot and they know this road has a speed issue; 563 vehicles were stopped on Whitehall Road this year of a total 4,000 stopped city-wide. Kept in committee until next month; Mr. Bezanson will get information on the school zone signs.

10. Other

Crosswalk Issues

Councilor Berlin said he got a call about the crosswalk by the Common and also by Parson Main on North Main Street (the crosswalk without the lights on them); traffic doesn't stop. Councilor Berlin would like to see at the earliest

possible time the police to do a sting. Deputy Chief Thomas said they can do that without the direction of the City Council or Police Commission. It is easier with the Problem Oriented Policing (POP) unit in place, but that won't be until end of year. They can do it during regular hours; they can make that work.

Woodman Area Construction

Mr. Bezanson said during the course of the construction of the Woodman Area Infrastructure Improvements project, DPW has had communication with the principal at the William Allen School and the new drop off/pick up route has been working alright. However, one of the results of the new traffic pattern is some of the parents are parking on Sheridan Avenue. The principal requested that "no parking" signs be installed on the right side of Sheridan between Granite and Glen and by the corner on the left side of Sheridan. The busses cannot turn the corner with the vehicles parked there. Councilor Berlin wanted to know if there is an officer dedicated to this area. Deputy Chief Thomas said they do not have an officer dedicated to this area. Mr. Bezanson said that the standard times for school zone speed limit signs are 45 minutes before school and 45 minutes after school closing. ***Councilor Berlin MOVED to recommend to full council to place "no parking" signs between certain times on the right side of Sheridan Avenue and a "no parking" sign on the left side of Sheridan Avenue by the corner, at the discretion of the Public Works Department. Councilor Malone seconded the motion. MOTION CARRIED by unanimous voice vote.***

Milton Road – No Parking Signs

Councilor Berlin said he drove by the "no parking" signs that are on the road by Cumberland Farms and Dunkin Donuts, he said that it was a good decision and they don't look obnoxious or look bad.

Councilor Lachapelle said that the next Public Safety Committee Meeting will be on November 16, 2022.

Councilor Lachapelle ADJOURNED the meeting at 6:52 PM.

The minutes were respectfully submitted by Laura J. McDormand, Admin. Assistant II

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City Clerk's Office

Public Works and Buildings Committee
City Hall Council Chambers
Meeting Minutes
October 20, 2022

MEMBERS PRESENT

Councilor Donald Hamann, Chairman

Councilor Jim Gray, Vice Chairman

Councilor John LaRochelle

Councilor Steve Beaudoin

OTHERS ABSENT

Councilor Alexander de Geofroy (Excused)

OTHERS PRESENT

Peter C. Nourse PE, Director of City Service

Lisa Clark, Administration & Utility Billing Supervisor

Dan Camara, DPW GIS

Jacqueline Raab

MINUTES

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

1. Approval of September 15, 2022 Meeting Minutes

Councilor Larochelle made a motion to accept the minutes as presented. Councilor Beaudoin seconded the motion. The motion passed unanimously.

2. Public Input

Jacqueline Raab of 23 Grove Street spoke to the Committee about a property located at the intersection of Grove Street and Highland Avenue. She explained that the property appears to have been abandoned for approximately the last 3-4 years. She stated it has become an eyesore to the Community. Ms. Raab asked if the City could do anything to enforce up keep on the property. Councilor Hamann stated that he would pass this on to the Code Compliance Office to see if anything could be done.

3. Drinking Water Quality

Mrs. Raab stated her concerns for water quality in her neighborhood. She stated that she has experience discolored water and black sediments for at least a year or more. Ms. Raab stated that she had discussed the issue with neighbors that they are experiencing the same concerns. Mrs. Raab stated that she has met with City Staff that have been very helpful with testing and implementing additional hydrant flushing in the neighborhood. Mrs. Raab also provided a letter from her neighbor, Nancy Morneault of 19 Pearl Street, which stated the same concerns (**Attached**). Councilor Hamann read the letter aloud. Mr. Nourse asked if staff had tested the water at her property. She stated they had tested twice and the results showed iron and manganese as present in the sample. Mr. Nourse explained the measures that the City has been taking to increase the hydrant flushing and he asked that her and her neighbors keep the Department advised of any improvements

and any additional problems they are having.

Mrs. Raab also discussed concerns for a possible scammer that has come to the neighborhood offering water testing with the intent to sell filtration systems to the property owners. She noted that he had told her that Rochester water is contaminated. Mrs. Raab stated that she had informed both the Water Department Staff and the City Manager of this concern.

Mr. Nourse stated that as the water quality concerns were on the agenda he wanted to circle back to the May 2022 water quality issue that the City had experienced. He explained that a letter had been sent to all Water Customers back in May in regards to a Notice of Violation. He stated that NHDES mandates the distribution of this letter if a water system exceeds a maximum contaminate level (MCL) for any testing. He stated at the time the Water System had received a violation notice from NHDES in regards to an exceedance of 1 part per billion for Haloacetic Acid testing which is a bi-product of the disinfection process. He stated that the MCL is 60 parts per billion and our twelve month rolling average was 61 parts per billion. Mr. Nourse explained the reporting requirements, the mandatory notification letters that were sent, and he explained the corrective actions taken. Mr. Nourse stated that during our internal investigation it was noted that a valve had been left open which allowed the water to flow past the testing site and caused the water at that site to age and resulted in an increase in the testing results. Mr. Nourse stated that the testing returned to within normal limits for the following reporting quarter, July.

4. Hanson Pines Basketball Court Lighting Project – Affinity Light Company Donation of Equipment

Mr. Nourse stated that the City of Rochester had gone out to bid for this project. He stated that the project budget Per the FY2023 CIP is seventy thousand dollars (\$70,000) and the low bid was forty thousand six hundred and six dollars (\$40,606). He stated that the low bidder had been given a letter from Affinity that donated some of the lighting equipment to the City. Mr. Nourse explained that the bid award was canceled as all bidders did not have the information of a donation which gave the low bidder an advantage not provided to all. Mr. Nourse noted that if the City Council approves the acceptance of the donation from Affinity, the City will re-bid the project with a modification to the specifications that stipulates that the donated equipment will be used. Mr. Nourse stated that the value of the donated equipment is \$13,319 and is detailed in the *attached* letter of donation and equipment descriptions. Councilor Beaudoin asked if the Director had a sense of where the re-bid results might come in at. Mr. Nourse stated he did not as the results of the other three bids without the donation were \$41,650, \$68,985 and \$92,868. There was a brief discussion regarding controls and vandalism. Mr. Nourse stated that he would get back to the Committee regarding the type of controls used at the Community Center and what is planned for this location.

Councilor Gray made a motion to recommend the full City Council accept lighting fixtures and equipment with a value of \$13,319 for the Hanson Pines Basketball Court Lighting Project and to rebid the project. Councilor Beaudoin seconded the motion. The motion passed unanimously.

5. FY2023 Proposed Paving Program

Mr. Nourse stated the one million dollars (\$1M) was appropriated for Pavement

Rehabilitation per the adopted FY2023 CIP. Mr. Nourse explained the Infrastructure Management Services program that is used to determine the pavement conditions of all streets. He stated that the specialized van was in Rochester evaluating road conditions in January of 2022 and the information is fed into our software program call the Pavement Conditions Index. He stated that annually we input the amount of funding we have for paving rehabilitation and the system exports the recommended streets. He stated that there will not be a notable roll over from previous years. Mr. Nourse displayed the recommendations on the overhead screens stating that the \$1M would get us through the roads above the dark line and if any additional funding as appropriated it would go towards the roads below that line. The roads referenced for paving are: Old Dover Road (from Tingley to Tebbetts), Flag Road (from 125 to Cemetery), Weeping Willow, Mountain View Lane, Margaret Street, Stephens Drive, and Violet Court. See **attached** listing. Councilor Beaudoin asked the difference between full width mill and overlay vs. reclaim and pave. Mr. Nourse stated that for the full width mill and overlay uses a milling machine scar/scrape existing pavement approximately 2 inches down and then 2 inches of new pavement is put back down. Full width means it is the entire width including shoulder to shoulder of paved surface rather than just the travel lane width. He stated that a reclaim and pave uses another grinding machine digs down deep and grinds all of the existing pavement into subbase materials giving the road a better subsurface to start with again prior to laying down new pavement. Councilor Hamann asked if the School Department is included in our bidding process. Mr. Nourse stated that the bid award allows for all City projects to use the bid pricing, including School Department. ***Councilor Gray made a motion to recommend the full City Council Approve the paving list that includes Old Dover Road (from Tingley to Tebbetts), Flag Road (from 125 to Cemetery Rd), Weeping Willow, Mountain View Lane, Margaret Street, Stephens Drive, and Violet Court. Councilor Beaudoin seconded the motion. The motion passed unanimously.***

6. Public Works Office Space

Mr. Nourse stated that this item had gone to the Finance Committee and has been referred to Public Works Committee. He stated that the DPW Facility has been constructed to specifications and is under budget. He stated that the project funds were appropriated as bonding and were mostly bonded in advance. He explained that funds expensed to date that are over the current bonding proceeds received and the funds to address two issues at the facility are recommended by the Finance Department for funding source change to cash. He stated Mark Sullivan is here to assist the Committee with questions on that. Mr. Nourse stated that the first of the two issues is the office space renovations. He stated these spaces are necessary to accommodate two new offices for the additional positions that have been approved. He stated these positions were approved after construction of the facility. Mr. Nourse explained that the original plans were drawn up in 2018 and with an office space for each individual employee at that time. He stated that since that time there have been staffing changes and the building has been able to accommodate those changes. He cited the Construction Inspector position as an example. Mr. Nourse stated that with the 2023 Budget the approval of the two Deputy Directors position has created a need for two additional office spaces, one for the Administration and Utility Billing Office position and one for the City Engineer. Mr. Nourse stated that the Deputy positions were created after the substantial completion of the building, but that the

building was constructed with collaboration areas, archive space, and circulation space that could later be used to accommodate administrative staff growth and additional office spaces. He stated that although we didn't anticipate the exact needs, there was a plan for growth. Mr. Nourse stated that the work could be completed with the buildings prime contractor but explained that would be a much greater cost due to large contractor overhead. He stated we obtained a proposal from a contractor that we have a high level of confidence with. He stated that this contractor has often been the low bidder on City projects and that they have been used previously and successfully on other City and School building construction projects. He stated the estimate for construction was forty-eight thousand six hundred dollars (\$48,600) plus office furnishings for a total of sixty-three thousand dollars (\$63,000). He stated that this contractor would use the same subcontractors used by the original construction company for the various building components. He stated this would ensure that all modifications would integrate seamlessly with current systems at the new facility. The total included all office furnishings, carpentry, HVAC, sprinklers systems, electrical, lighting, IT and coordination will all of the vendors to integrate into the facilities enterprise management systems. Mr. Sullivan stated that there was an appropriation with bonding authority for the New DPW Facility in the amount of twenty-two million dollars. He stated that the City did an advance bond in 2020 of ten million and an additional bond in July of 2022 in the amount of eleven million four hundred and forty thousand dollars. He stated the total bonded for the project is twenty one million four hundred and forty thousand dollars. Mr. Sullivan explained that that we were careful not to over bond as that would create other issues. Mr. Sullivan explained that the expenses are going to exceed that amount and it's not uncommon at the end of a project like this to convert the additional expenses over the bonded amount to cash funding from the General Fund unassigned fund balance or the water and sewer retained earnings accounts. He stated that he would recommend doing this for this project vs. going out to bond for the small remaining expenses. This would avoid interest and the administrative fees associated with bonding. He stated that he is recommending that any additional project expenses and the funding for the renovations, if approved, be rolled into that cash conversion. He noted that there would still be a considerable surplus to de-authorize in bonding authority on as the overall project is under budget. Mr. Sullivan stated that as we do not know the final number of all expenses at this time the Council could allow the DPW to complete the renovations using the funds knowing that we will be doing the cash conversion at the end of the project. He stated this project would not meet the intentions and bonding criteria. Mr. Sullivan also discussed that this and other building projects should be addressed sooner than later. He explained that the labor and materials shortages that we are facing now along with the price escalations are likely to get worse. He stated his belief that delaying projects now will just lead to higher costs down the road. Mr. Nourse displayed the graphic showing the Administrative Supervisor and the City Engineer office space renovations. He explained the efficiency of using these spaces without losing the dedicated work spaces or the ability to accomplish essential functions. Councilor Beaudoin discussed the HVAC, Sprinkler and other aspects of the project. He stated that the cost per square footage is excessive to him. Mr. Nourse stated that he too was surprised at the cost, but then he noted that another small project cost that had been bid recently which came in much higher than anticipated. Mr. Nourse explained that the cost escalations for work

now are very high and unpredictable. Councilor Beaudoin asked if this is a design build and not going out to bid. Mr. Nourse stated that it is design build and that he DPW is going to try to save cost by not going out to bid and contracting for plans sets to be drawn up by the architect. Councilor Gray had several suggestions for cost saving. He stated that he believes this should be a standalone supplemental appropriation. He said the project funds should be returned to fund balance account. Mr. Sullivan explained that the project accounts are set up for bond funding and that there are no funds to return to the fund balance account. He stated that the change in funding source would amount to the same as supplemental appropriation but that it could be done either way. Mr. Sullivan explained that finance will be coming to the City Council for a change in funding source for the other work still needing to be completed and the expenses that are already over the bonded amount. He stated that this project expenses could be rolled into that funding source change. Councilor Gray stated that he would prefer a supplemental appropriation for this project with implementation of some cost savings. He opined new doors with windows are not necessary. Councilor Beaudoin stated that he understands that the space is necessary, but he stated that this cost is too high. He asked if a bid could be put together to attempt better pricing. Mr. Nourse stated he might be able to get another contractor in for pricing but to draw up formal bid specifications would be costly and offset any cost savings we might gain. Mr. Sullivan stated that for the past year or so has seen much less bid competition. He noted that there have been zero bids or one bidder on some projects. He suggested the 3 quotes vs formal bid process. Councilor Hamann stated that he is in favor of moving forward with the project with the change of funding source. Councilor Larochelle mentioned that comfortable and adequate office space is part of the attracting and retaining staff and he would endorse this effort for that reason. **Councilor Hamann made a motion to proceed with the renovation project and the change of Sixty-five thousand dollars of current funding to the general fund unassigned fund balance and water and sewer retained earnings (cash). Councilor LaRochelle seconded the motion.**

Councilor Gray made suggestions on cost cutting by eliminating doors and suggested doing the project for less funding.

The motion failed 2-2.

There was discussions on procedure not that the motion failed. The consensus of the Committee was that it would come up at the full City without a recommendation of support from the Public Works Committee. Mr. Sullivan noted that if it was discussed at the full City Council it would need approval by 2/3 vote as there would be funding from unassigned fund balance.

7. Other:

Procedural Question - Councilor Beaudoin asked if the previous office space renovation should have been added to the agenda of the Public Works Committee. He stated that this issue was at the Finance Committee nine days ago and that 4.1 of the Council Rules of Order state that resolutions need to be submitted eleven days in advance of being put on the agenda. The Committee consensus was that only pertained to full City Council agenda and resolutions. Councilor Beaudoin asked to add an item to the agenda 24 hours before posting would it be acceptable. Councilor Hamann stated it would or as typical it could be brought up as and "Other" agenda item.

Colonial Pines – Mr. Nourse stated that the Colonial Pines Phase IV Sewer Extension

Project preliminary design consists of ten thousand feet of new sewer main and ten thousand feet of new drainage pipe. He stated that survey numbers have changed some since last month. He stated the survey was mailed in last month show that of the seventy-three surveys sent out, forty-three have responded. Mr. Nourse stated that when asked if they would like to tie into the new City sewer system, twenty-four said yes, twenty said no. He noted that twelve of the twenty-four yes replies were on Meadow Lane and he said that there are definite septic problems in the project area. Mr. Nourse stated that the department will be requesting additional funds for this project in the FY2024 Sewer CIP and this project has scored number one for Clean Water State Revolving Fund Loans which does have a typical 10% principal forgiveness. Mr. Nourse stated the current project estimate is nine million one hundred thousand dollars (\$9.1M). Councilor Beaudoin pointed out that some of the shading on the display might not be accurate. Councilor Gray suggested reducing the scope is possible and still accommodate those that are having problems. Mr. Nourse stated that he will look at alternatives as we proceed. The Committee discussed construction cost now vs. putting it off or building only portions.

Councilor Hamann adjourned the meeting at 8:19PM.

Minutes respectfully submitted by Lisa J. Clark, City of Rochester Administration and Utility Billing Supervisor



September 30, 2022

City of Rochester

Attn: Blaine Cox, City Manager

31 Wakefield St.

Rochester, NH 03867

RE: Affinity LED Donation of Sports Lighting for the Hanson Pines Basketball Court

Dear City Manager Cox,

Over the past five years, Affinity LED Lighting has had the honor and privilege of serving the City of Rochester in the completion of several lighting upgrade projects. Completed LED upgrade projects include the City's streetlighting and decorative fixtures, and building retrofits in the Fire Departments, Police Department, City Hall, City Library, Revenue Building, James Foley Community Center, Wastewater Treatment Plant, and all of the schools within the Rochester School District. The City of Rochester has been a strong supporter of Affinity LED and our locally built, Veteran assembled products and we appreciate the cooperative efforts of so many City and School District employees as these projects were completed.

It has come to our attention that the City is interested in upgrading the outdoor lighting at the Hanson Pines Basketball Court. As a gesture of our gratitude to the City of Rochester, Affinity LED would like to donate a complete system of sports lighting and controls required for this upcoming project. The value of the donation is currently estimated to be \$13,319 for the 8 LED fixtures and lighting control system to adjust lighting levels for various types of current and future recreational activities. Please see the attached pdf for further information on the LED fixture specifications and lighting design.

We are proud to be a Partner of Choice with the City of Rochester throughout the completed LED lighting improvements and resultant energy reduction and operational cost savings. We look forward to supporting the City and its selected installation contractor on the Hanson Pines Basketball Court project.

Sincerely Yours,

Steven R. Lieber

President/Founder

City of Rochester

Please be informed that the City water quality at 19 Pearl Street is presenting a staining problem in the tub, sink and toilet. Area neighbors are having a similar problem and authorized Jackie Raab to speak to this.

Feel free to call me at (603) 335-1145 or email me at monthouse19@gmail.com

Another concern is the quality of our drinking water. If it stains sinks Is it drinkable?

This has been ongoing for over a year in conjunction with cellar flooding resulting from road and surtury installation several years ago.

Thank you for your time.
Harvey Morneau

FY23 CIP Roadwork Proposed Assignments					
Roadway	Starting Cross Road	Ending Cross Road	Rehabilitation Method	Estimated Cost	Running Cost
Old Dover Rd	Tingley St	Tebbetts Rd	Full Width Mill and Overlay (2")	\$260,000	\$260,000
Flagg Rd	Gonic Rd	Stillwater Circle	Reclaim and Pave (4")	\$325,000	\$585,000
Weeping Willow Dr	Old Dover Rd	End	Reclaim and Pave (4")	\$97,000	\$682,000
Mountain View Ln	Cross Rd	End	Reclaim and Pave (4")	\$110,000	\$792,000
Margaret St	No Main St	End	Reclaim and Pave (4")	\$42,000	\$834,000
Stephens Dr	Walnut St	End	Reclaim and Pave (4")	\$69,000	\$903,000
Violet Ct	Betts Rd	End	Reclaim and Pave (4")	\$90,000	\$993,000
Berry St	Chestnut Hill Rd	End	Reclaim and Pave (4")	\$85,000	\$1,078,000
Roberts Dr	Tebbetts Rd	End	Reclaim and Pave (4")	\$194,000	\$1,272,000
Kipling Rock Rd	Blackwater Rd	Blackwater Rd	Reclaim and Pave (4")	\$165,000	\$1,437,000
Total Cost:				\$1,437,000	

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City Clerk's Office

Amendment to Chapter 275 of the General Ordinances of the City of Rochester
Regarding the Location and Boundaries of Zoning Districts

THE CITY OF ROCHESTER ORDAINS:

WHEREAS, Chapter 275-1.10 establishes that the location and boundaries of zoning districts within the City of Rochester are established as shown on a map titled, "City of Rochester Zoning Map."

WHEREAS, Chapter 275-1.10 further declares that the City of Rochester Zoning Map is incorporated by reference as part of Chapter 275 of the General Ordinances of Rochester regarding zoning.

WHEREAS, the Mayor and City Council of Rochester desire to amend the City of Rochester Zoning Map to convert certain properties from the Residential-2 Zone to the Downtown Commercial Zone.

THEREFORE, the Mayor and City Council of Rochester ordain that properties shall be converted to Downtown Commercial Zone in accordance with the Attached Exhibit. **(Exhibit A)**.

The effective date of these amendments shall be upon passage.



City of Rochester, New Hampshire
Office of Economic & Community Development
33 Wakefield Street, Rochester, NH 03867
(603) 335-7522, www.rochesterredc.com

July 6, 2022

Mr. Mark Collopy
Chair
City of Rochester Planning Board
31 Wakefield Street
Rochester, NH 03867

RE: Expansion of the Downtown Commercial Zone

Dear Chairman Collopy:

As part of the City's strategy for the redevelopment of the downtown area, the Department of Economic Development is seeking a change in classification for the properties listed below and outlined in Exhibit A.

These parcels are currently zoned Residential-2 (R2) and Econ Dev is requesting they be re-designated as Downtown Commercial (DC).

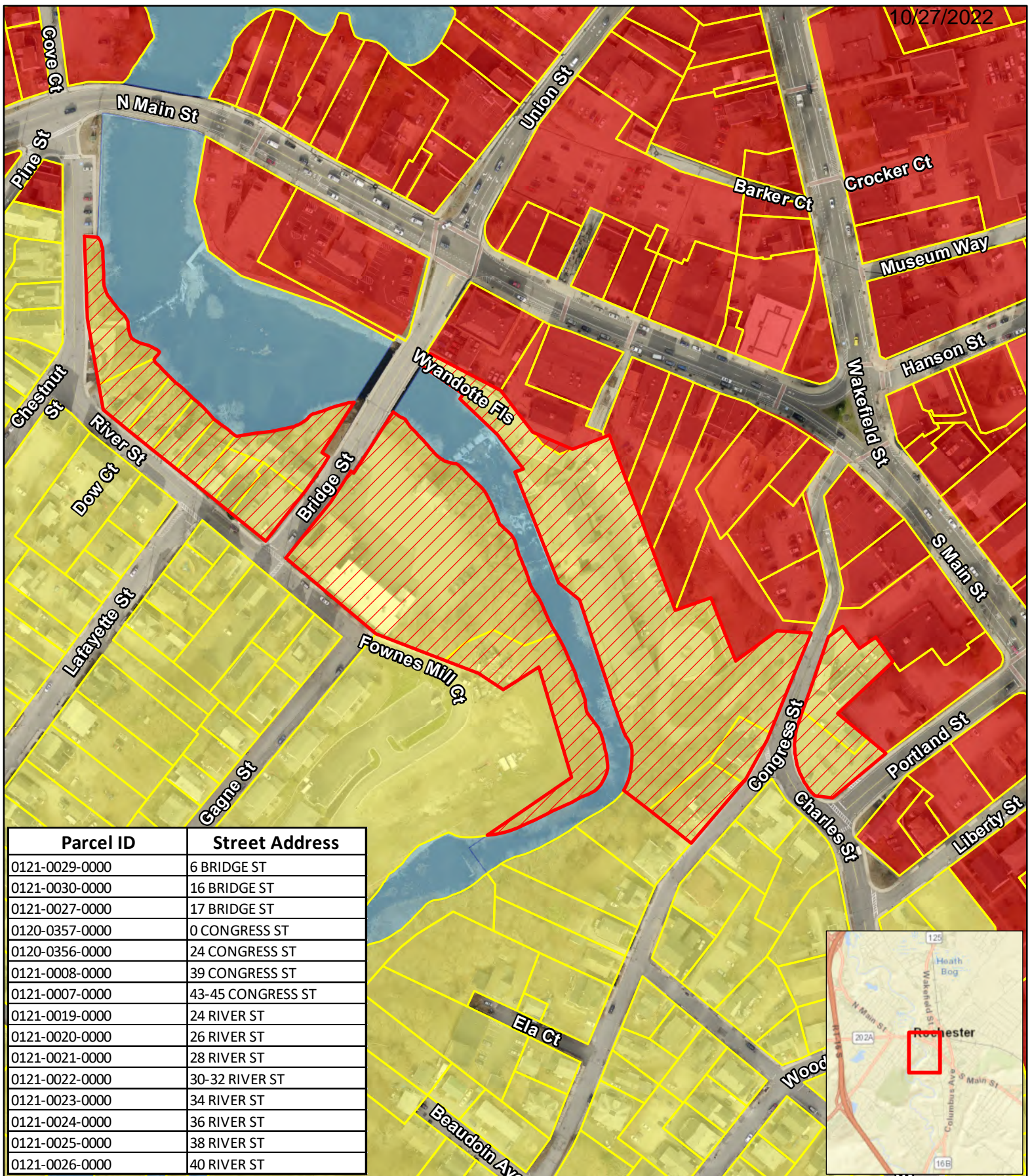
Parcel ID	Street Address
0121-0029-0000	6 Bridge Street
0121-0030-0000	16 Bridge Street
0121-0027-0000	17 Bridge Street
0120-0357-0000	0 Congress Street
0120-0356-0000	24 Congress Street
0121-0008-0000	39 Congress Street
0121-0007-0000	43-45 Congress Street
0121-0019-0000	24 River Street
0121-0020-0000	26 River Street
0121-0021-0000	28 River Street
0121-0022-0000	30-32 River Street
0121-0023-0000	34 River Street
0121-0024-0000	36 River Street
0121-0025-0000	38 River Street
0121-0026-0000	40 River Street

The rezoning of these parcels would allow for future development more in line with the DC redevelopment strategy of increased density within our urban center.

If the recent success of the City's downtown redevelopment efforts are to continue, we need to evaluate where future growth could and should go. Expanding the DC Zone to include these parcels will provide additional options for redevelopment and growth.

Sincerely,

Michael Scala
Director of Economic Development



Legend

- Proposed
Downtown Commercial
- Parcel Boundary

Zoning Districts

- Residential - 2
- Downtown Commercial
- Water

Data Sources:
 Rochester - Zoning (2022)
 CAI - Parcel Boundaries (2021)
 NHDOT - Roads (2021)
 Eagleview - Imagery (2020)
 Inset Map - Esri ArcGIS Online (2022)



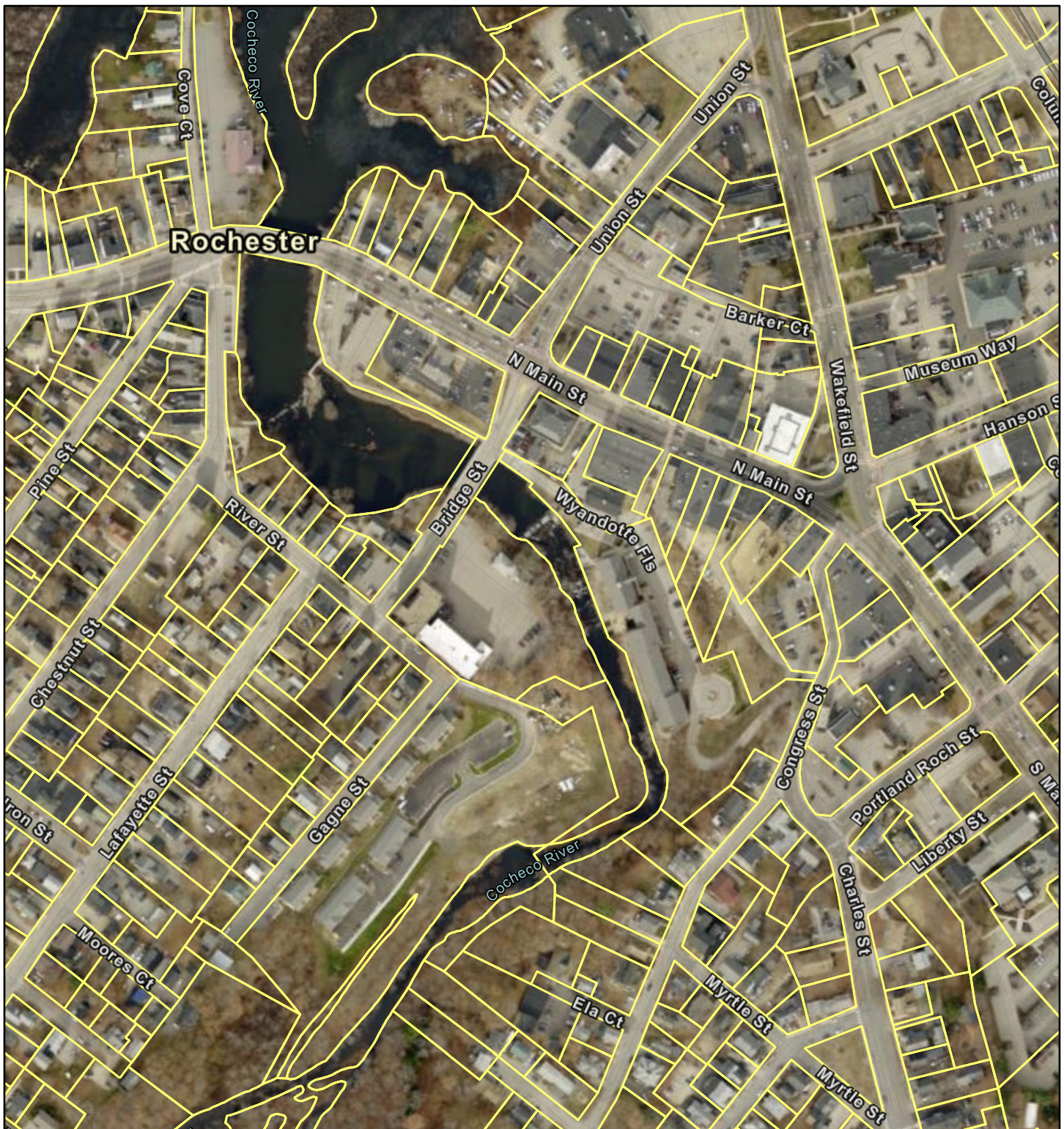
1 in = 200 ft

0 100 200 ft



This map is intended for planning purposes only.
 All features shown should be considered approximate.
 Map created by: DC, City of Rochester, NH
 Date: 6/27/2022

ArcGIS Web AppBuilder

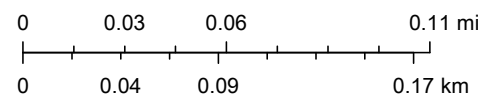


7/6/2022, 12:22:24 PM

 Tax Parcels

Parcel Info

1:4,514



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