



**City Council Regular Meeting
October 4, 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: September 6, 2022 *consideration for approval* P. 9
6. Communications from the City Manager
 - 6.1 City Manager's Report P. 39
7. Communications from the Mayor
 - 7.1. **Proclamation:** Extra Mile Day, November 1, 2022 P. 51
8. Presentation of Petitions and Council Correspondence
9. Nominations, Appointments, Resignations, and Elections
 - 9.1. **Resignation:** Leonard Bernard – Moderator, Ward 3 *consideration for approval* P. 53
 - 9.2. **Resignation:** Susan (Candy) Bailey – Supervisor of the Checklist, Ward 3 (resignation contingent on appointment as Moderator of Ward 3) *consideration for approval* P. 55
 - 9.3. **Appointment:** Susan (Candy) Bailey – Moderator, Ward 3 *Term to Expire 1/2/2024 consideration for approval* P. 57
 - 9.4. **Appointment:** Robert Longo – Supervisor of the Checklist, Ward 3 *Term to Expire 1/2/2024 consideration for approval* P. 59

*Intentionally
left blank...*

City Clerk's Office

- 9.5. **Appointment:** Therese (Teri) Hurley – Ward Clerk, Ward 3 *Term to expire 1/2/2024 consideration for approval* P. 61
- 9.6. **Resignation:** Jim Grant – Supervisor of the Checklist, Ward 6 *consideration for approval* P. 63
- 9.7. **Appointment:** Fred Chisholm – Supervisor of the Checklist, Ward 6 *Term to Expire 1/2/2024 consideration for approval*
- 9.8. **Resignation:** A. Terese Dwyer – Planning Board, Seat A *consideration for approval* P. 67
- 9.9. **Resignation:** Jeffrey Turgeon – Ward Clerk, Ward 5 *consideration for approval* P. 69

10. Reports of Committees

10.1 Appointments Review Committee P. 71

- 10.1.1 **New Appointment:** Lexy Van Binsbergen – Recreation and Arena Commission, Seat C *Term to expire 1/2/2023 consideration for approval* P. 73
- 10.1.2 **New Appointment:** Sarah Rowe – Arts & Culture Commission, Seat H *Term to expire 7/1/2023 consideration for approval* P. 74
- 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* P. 75

10.2 Codes & Ordinances Committee P. 77

10.3 Finance Committee P. 99

10.4 Planning Board P. 105

10.5 Public Safety P. 115

- 10.5.1 **Committee Recommendation:** To install “no parking” signs across the street from Cumberland Farms on Milton Road *consideration for approval* P. 117
- 10.5.2 **Committee Recommendation:** to install flashing sign near

*Intentionally
left blank...*

City Clerk's Office

Pickering Road bridge at the discretion of DPW
consideration for approval P. 118

10.6 Public Works P. 121

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* P. 123

11. Old Business

12. Consent Calendar

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* P. 135
- 13.2. Resolution Authorizing Supplemental Appropriation in the amount of \$150,000.00 for Opioid Abatement *first reading and consideration for adoption* P. 139
- 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* P. 143
- 13.4. Resolution Deauthorizing \$2,239.42 of the Rochester Police Department Granite Shield Grant *first reading and consideration for adoption* P. 147
- 13.5. Resolution authorizing acceptance of State forfeiture funds in the amount of \$2,669.63 *first reading and consideration for adoption* P. 153
- 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* P. 159
- 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* P. 163
- 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* P. 167

*Intentionally
left blank...*

City Clerk's Office

- 13.9. Waterstone Phase II Development Agreement *consideration for approval* P. 169
- 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* P. 207
- 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* P. 213
- 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* P. 219
- 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* P. 223

14. Adjournment

*Intentionally
left blank...*

City Clerk's Office

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

COUNCILORS PRESENT

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

OTHERS PRESENT

Blaine Cox, City Manager
Katie Ambrose, Deputy City Manager
Terence, O'Rourke, City Attorney
Mark Sullivan, Deputy Finance
Peter Nourse, Director of City Services
Michael Scala, Economic Development

COUNCILORS EXCUSED

MINUTES

1. Call to Order

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

2. Opening Prayer

Mayor Callaghan invited Fr. Schultz, Our Lady of the Holy Rosary Parish, to offer the opening prayer.

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.

Councilor Lachapelle **MOVED** to **ENTER** a non-meeting with legal counsel at 6:04 PM. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a roll call vote of 13 to 0. Councilors de Geofroy, Beaudoin, Hamann, Desrochers, Lachapelle, Malone, Berlin, Hainey, Larochelle, Gray, Gilman, Fontneau, and Mayor Callaghan voted in favor of the motion.

Mayor Callaghan reconvened the meeting at 6:28 PM.

5. Acceptance of Minutes

5.1 Regular City Council Meeting: August 2, 2022

Councilor Lachapelle **MOVED** to **ACCEPT** the Regular City Council meeting minutes of August 2, 2022. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

5.2 Special City Council Meeting: August 16, 2022

Councilor Lachapelle **MOVED** to **ACCEPT** the minutes of the July 5, 2022, Regular City Council Meeting. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

6. Communications from the City Manager

City Manager Cox had no other communication other than what is listed in the report below.

6.1 City Manager's Report

City Manager Cox stated that there are no changes to his written report, which is in the packet as follows:

Contracts and documents executed since last month:

- **Department of Public Works**
 - Drainage Easement Agreement, 117 and 121 Old Dover Road
 - Notice to Proceed – Apex Construction
 - Task Order, Granite Ridge Phase II – Hoyle Tanner
 - Scope of Services, Katie Lane drainage – S.U.R.
 - Change Order, Rt. 11 Sewer Pump Station – Northeast Earth Mechanics
 - Change Order, Woodman Area Infrastructure – S.U.R.

- **Economic Development**
 - FY23 Municipal Contracts – East Rochester Library & COAST
 - FY22/FY23 CAP Weatherization
 - Dumpster License – MSR Holdings
- **Finance**
 - FY22 Audit Engagement Letter - Melanson
 - ARPA Grant Agreement – Gonic Dam
- **Planning**
 - Preservation Company Contract

Standard Reports

- **Personnel Action Report Summary**

City Manager Cox reported that the City Council has received ten electronic public input comments as follows:

- *James Gray Plan to Ban Books*, submitted by Kate Baker (Tilton, NH)
- *Rochester Public Library*, submitted by Danielle Ballou (Ward 3 – Rochester, NH)
- *September 6th Council Meeting Re: Topic #13.3 – Book Ban*, submitted by Jennifer Rhode (Dover Resident)
- *Stop the Attack on Our Library and LGBT Youth*, submitted by Julian Long Rochester Resident)
- *No to Book Banning*, submitted by Chuck Rhoades (Dover Resident)
- *Book Banning*, submitted by Jeremiah Minihan (Resident)
- *Councilor Gray's Request to Ban books*, submitted by Amy Michael (Rochester Resident)
- *No Book Bans Ever*, submitted by Amanda Hendsbee (Rochester Resident)
- *I Am Against Government Censorship*, submitted by Devon Christen (Rochester Resident)
- *Sculpture in Central Square*, submitted by Susan Page (Rochester Resident)

7. Communications from the Mayor

Mayor Callaghan expressed appreciation for the residents of Gonic who attended the last Planning Board Meeting held on August 22, 2022, to speak about the following Agenda Item: *Changing in Zoning Request*

on *Pickering Road*. He said as a result of the amount of interest in the proposed zoning changes in that area, there will be a Community Engagement Session held on September 22, 2022, from 7 PM to 9 PM at Gonic School. There will be more information forthcoming from the Rochester Post.

Mayor Callaghan said if there are no objections from the City Council, he will amend the agenda in order to move a New Business Item to be discussed at this time, as follows:

13.1 Councilor Gray Agenda Item –

- **Request to Discuss Book Policies at Rochester Public Library**

Councilor Berlin said this agenda item has the strong appearance of targeting a very specific class of people. Councilor Berlin **MOVED** to **REMOVE** this item from the Agenda. Councilor Desrochers seconded the motion.

Councilor Gray explained that Foster's Daily Democrat reported that he (Councilor Gray) was seeking to ban books; however, the previous minutes and the recording of the August 16 City Council Workshop meeting both reflect that his intention was to seek a review of the policy/ordinances to review books. He was seeking to take appropriate action upon such materials that show sexual contact between individuals depicted as children. He said that that these materials should not remain in the Children's section of the library and rather should be moved to the young adult/adult section of the library. He took issue with the newspaper article, which, in his opinion, did not reflect his intention.

Councilor Larochelle asked if a Council member has a "right" to place a topic on the agenda and if so, does the City Council have the authority to then remove that agenda item. City Attorney O'Rourke said the agenda can be amended by a two-thirds vote of the City Council.

Councilor Lachapelle supported removing the agenda item and said there is no proposed action for this agenda item. He said it was placed on the agenda as a discussion topic. Councilor Desrochers supported the motion to remove the item from the agenda and said the City Council does not have the authority to act on this matter; therefore it should be removed. She added that the discussion could be harmful to some people. Councilor Malone acknowledged the supporters in the audience

and said this is not the “job” of the City Council and the agenda item should be removed.

Councilor Fontneau supported removing the item from the agenda; however, he did have concerns that by removing the item, the City Councilors do not have an opportunity to discuss the disgrace that the subject matter has caused. Councilor Berlin said by removing the topic immediately and not entertaining discussion on the matter, that it shows the City Council disagrees with it completely. Councilor de Geofroy gave reasons why he supported the motion to remove the agenda item as well. The **MOTION CARRIED** to remove the agenda item from the agenda by a roll call vote of 12 to 1. Councilors Hailey, Malone, Gilman, Larochelle, de Geofroy, Desrochers, Fontneau, Berlin, Beaudoin, Hamann, Lachapelle, and Mayor Callaghan voted in favor of the motion. Councilor Gray voted against the motion.

8. Presentation of Petitions and Council Correspondence

No discussion.

9. Nominations, Appointments, Resignations, and Elections

9.1. Resignation: Amy Marie Regan – Arts & Culture Commission, Seat E *consideration for approval*

Councilor Lachapelle **MOVED** to **ACCEPT** the resignation, with regret, for Amy Marie Regan. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

9.2. Resignation: Jamie Kinsley – Arts & Culture Commission, Seat H *consideration for approval*

Councilor Lachapelle **MOVED** to **ACCEPT** the resignation, with regret, for Jamie Kinsley. Councilor Malone seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Desrochers expressed regret in regard to the members leaving the Commission and expressed excitement for the new members who are proposed to be appointed.

10. Reports of Committees

10.1 Appointments Review Committee

10.1.1 New Appointment: Nicole Lee – Arts & Culture

**Commission, Seat E Term to expire 7/1/2023
*consideration for approval***

10.1.2 New Appointment: Marie Lejeune – Arts & Culture Commission, Seat A Term to expire 7/1/2025 *consideration for approval*

10.1.3 Re-Appointment: Brett Johnson – Utility Advisory Board, Seat D Term to expire 1/2/2025 *consideration for approval*

Councilor Gray **MOVED** to **APPROVE** all three appointments as stated above. Councilor Hamann seconded the motion. Mayor Callaghan asked if there were any objections. The **MOTION CARRIED** by a unanimous voice vote.

10.2 Codes & Ordinances Committee

10.2.1 Committee Recommendation: to approve the amendment to Chapter 167-24 of the General Ordinances of the City of Rochester regarding Trapping and Bear Baiting *consideration for approval*

Councilor Lachapelle read the title of the amendment as follows:

§ 167-24 Trapping and Bear Baiting Prohibited.

Except when necessary for the health, safety, and welfare of the community or the animal, trapping of fur-bearing animals and bear baiting shall be prohibited upon all City-owned property.

Councilor Lachapelle gave a brief overview of the matter. He **MOVED** to **ACCEPT** the **AMENDMENT** as written above. Councilor Beaudoin seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.3 Community Development Committee

10.3.1 Resolution Amending the Adopted FY 2023 Rochester CDBG “Action Plan for the City of Rochester, N.H.” for Dover Adult Learning and Haven *first reading and consideration for adoption*

Councilor Hainey read the resolution as follows:

**RESOLUTION AMENDING THE ADOPTED AN FY 2023 ROCHESTER
CDBG "ACTION PLAN FOR THE CITY OF ROCHESTER, N.H." FOR
DOVER ADULT LEARNING AND HAVEN**

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

That the FY 2023 Rochester CDBG "Action Plan for the City of Rochester, N.H." be and hereby is amended to allow the application of Dover Adult Learning Center to use Five Thousand Dollars (\$5,000.00) previously committed to rent expenses to be used for rent expenses and for utilities, a copier, and Internet related expenses and to allow the application of HAVEN to use Two Thousand Dollars (\$2,000.00) previously committed to pay a Shelter Program Manager to be used for rent and utilities.

This Resolution is effective upon adoption.

Councilor Hainey explained that the original request for additional funding was intended to be used for rent for the Dover Adult Learning Center and HAVEN; however, the amended request would include utilities as well.

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

10.4 Finance Committee

10.4.1 Committee Recommendation: To approval of all six new positions as recommended by the Personnel Advisory Board with the updated recommendation for the Business Analysts Position from Grade 10 to Grade 11 consideration for approval P. 113 & 117

Mayor Callaghan referred to the packet for more information about the six new positions as recommended by the Personnel Advisory Board. Councilor Lachapelle **MOVED** to **APPROVE** all positions as stated above. Councilor Desrochers seconded the motion. The **MOTION CARRIED** by a majority voice vote.

a. Business System Analyst

- b. GIS Asset Management Coordinator
- c. Water System Superintendent
- d. Waste System Superintendent
- e. Deputy Director of Public Works – Technical Services
- f. Deputy Director of Public Works – Operations and Administration

10.5 Planning Board

No discussion.

10.6 Public Safety

10.6.1 Committee Recommendation: to install temporary “no parking” signs on Pickering Road for one month near the crosswalk to the fire hydrant *consideration for approval*

Councilor Lachapelle explained that this section of Pickering Road has been reviewed by the Public Safety Committee a number of times.

Councilor Lachapelle **MOVED** to **APPROVE** the Committee Recommendation to install temporary “no parking” signs on Pickering Road for one month near the crosswalk to the fire hydrant near the post office. Councilor Malone seconded the motion. Councilor Berlin said that he requested that this section of the road be reviewed by the Public Safety Committee because of a situation he witnessed with pedestrians in the crosswalk. Councilor Larochelle shared a story about his experience with that section of the road and stated he supported the motion as well. The **MOTION CARRIED** by a unanimous voice vote.

10.6.2 Committee Recommendation: To install “no thru trucks” signs on Colby Street *consideration for approval*

Councilor Lachapelle **MOVED** to **APPROVE** the Committee Recommendation to install “no thru trucks” signs on Colby Street. Councilor de Geofroy seconded the motion. Councilor Hainey asked if there was enough room for the large trucks to make the turn if they are not permitted down Colby Street. Councilor Lachapelle replied yes.

Councilor Berlin agreed and said the right-turn on Colby Street is a sharper turn than the other option near the traffic light. Councilor Beaudoin asked about the possibility of trucks being diverted down Church Street. Councilor Lachapelle said it could be a potential problem; however, the road (Church Street) is very narrow. He stated that the discussion about the possibility of converting Colby Street to a one-way street was held in Committee.

Mayor Callaghan asked if the City Engineer supported the motion as stated above. Councilor Lachapelle replied yes. The **MOTION CARRIED** by a unanimous voice vote.

10.6.3 Committee Recommendation: To install a "dead end" sign on Creteau Street *consideration for approval*

Councilor Lachapelle **MOVED** to **APPROVE** the Committee Recommendation to install a "dead end" sign on Creteau Street. Councilor Malone seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

11. Old Business

11.1 Amendment to the General Ordinances of the City of Rochester Creating Chapter 260A Regarding Water Development Connection Fee *second reading and consideration for adoption*

Councilor Larochelle had one additional question about the Finance Committee. He referred to page 2 of the Finance Committee minutes, which states that Jonathan Rice, Chief Assessor, said that the primary residence, retirement savings, second homes, amongst multiple other items included on a list of assets would not be counted as assets. Councilor Larochelle disagreed that the primary home should not be included on the list of assets being considered for an elderly exemption.

Mayor Callaghan read the resolution relative to creating Chapter 260A Regarding Water Development Connection Fee for a second time. *See Addendum A.*

Councilor Lachapelle **MOVED** to **ADOPT** the Amendment. Councilor Desrochers seconded the motion.

Councilor Beaudoin spoke against the motion. He said the City has already passed a 10% water and sewer rate increase. He gave reasons why he felt this action is not necessary: He said granting waivers would not be vetted through a public process. He believed that large developers would be granted waivers as opposed to the small homeowners. He believed the entire process is just a "money grab." Councilor Beaudoin felt the adoption should be delayed for at least a year or two in order to see if the problem resolves itself and, if not, the implementation of such an ordinance could be re-visited at that time.

Councilor Beaudoin spoke about the cost of inflation and its impact on residents. He said the implementation of this ordinance is not in line with offering affordable housing in Rochester.

Mark Sullivan, Deputy Finance Director, said the projections in which the connection fees were created by, were done so with guidance of the Utility Advisory Board (UAB). He said the user rates were not gradually increased as they should have been over the years and that has caused the deficit issues. This ordinance would establish a revenue source to stabilize the rate increases, moving forward. The funds would essentially be raised only through the new development revenues.

Mayor Callaghan wished to confirm that only one waiver to the current policy was requested in the last ten years, which was denied. Mr. Sullivan replied that was correct.

Councilor Fontneau disagreed with comments made by Councilor Beaudoin. He said the new development connection revenue would actually stabilize the user fee rates and it would also generate revenue to be used for Capital Improvement Projects (CIP). He supported the motion based on the fairness to charging the fees to the new developers rather than raising the rates to all users in order to pay for new development.

Councilor de Geofroy said it seems that by not implementing this ordinance now, that the City is essentially asking the ratepayer to pay for these large developments, which would be unfair. The City should ensure that the large developers are paying their fair share for the impact that new development has on the user rate fees.

Councilor Desrochers expressed her concerns and struggles over adopting this ordinance; however, comments made by Councilor Fontneau and Councilor de Geofroy do make a lot of sense.

Councilor Beaudoin said it might be true that no waivers have been requested/granted in the last ten years; however, the implementation of this ordinance will have a greater impact on more new developers/single family homes, which may cause an increase in the amount of waivers to be requested/granted moving forward. He reiterated that this is why he felt the waiver process should be made public.

Mayor Callaghan restated the motion to adopt and called the question. The **MOTION CARRIED** by a 9 to 4 roll call vote. Councilors Berlin, Desrochers, Fontneau, Hamann, Hailey, Lachapelle, Larochelle, de Geofroy and Mayor Callaghan voted in favor of the motion. Councilors Gray, Beaudoin, Malone and Gilman voted against the motion.

11.2 Resolution to Chapter 260-33 'Water Rate and Fee Schedule" *second reading and consideration for adoption*

Mayor Callaghan read the resolution for a second time. See Addendum B.

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

11.3 Resolution to Chapter 200 of the General Ordinances of the City of Rochester Regarding Sewer Development Connection Fee *second reading and consideration for adoption*

Mayor Callaghan read the resolution for a second time. See Addendum C.

Councilor Lachapelle **MOVED** to **ADOPT** the Amendment. Councilor Desrochers seconded the motion. Councilor Fontneau echoed his same comments regarding the implantation of the development connection fees. The **MOTION CARRIED** by a 9 to 4 roll call vote. Councilors Lachapelle, Larochelle, Hailey, Desrochers, Berlin, de Geofroy, Fontneau, Hamann, and Mayor Callaghan voted in favor of the motion. Councilors Gilman, Gray, Malone and Councilor Beaudoin voted against the motion.

11.4 Resolution to Chapter 200-33 "Wastewater Rate and Fee Schedule" *second reading and consideration for adoption*

Mayor Callaghan read the resolution for a second time. See Addendum D.

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

12. Consent Calendar

No Discussion.

13. New Business

13.1 Resolution authorizing supplemental appropriation of \$903,579.04 from the sewer fund retained earnings for costs associated with Methuen Construction settlement agreement *first reading and consideration for adoption*

Mayor Callaghan read the resolution as follows:

Resolution Authorizing Supplemental Appropriation in the amount of \$903,579.04 for the the Methuen Construction Settlement Agreement

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 Nine Hundred Three Thousand Five Hundred Seventy Nine and 04/100 Dollars (\$903,579.04) to cover the costs associated with the Settlement Agreement with Methuen Construction related to the Biosolids Dewatering System and Carbon Storage Building Contract. The supplemental appropriation will be derived in its entirety from the Sewer Fund Retained Earnings.

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

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Desrochers seconded the motion. The **MOTION CARRIED** by a roll call vote of 13 to 0. Councilors Malone, Gray, Hamann, de Geofroy, Beaudoin, Desrochers, Lachapelle, Gilman, Hainey, Fontneau, Larochelle, Berlin, and Mayor Callaghan voted in favor of the motion.

13.2 Resolution Pursuant to RSA 47:1-c, IV Rescinding the City of Rochester Economic Development Special Reserve Fund
first reading and refer to Public Hearing September 20, 2022

Mayor Callaghan read the resolution by title only as follows and referred the matter to a Public Hearing to be held on September 20, 2022:

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 Larochelle asked that this process be explained to the public regarding what this action would entail.

Deputy City Manager Ambrose said an Economic Development Non-Capital Reserve Fund was recently created, with the intent, to replace the

existing Economic Development Special Reserve Fund. She explained now that the new fund has been created, the next step is to discontinue the fund that it is replacing, *as stated in the above resolution*.

13.3 Councilor Gray Agenda Item –

- **Request to Discuss Book Policies at Rochester Public Library**

This agenda item was removed earlier in the meeting.

13.4 Resolution Authorizing the Acceptance of a Juvenile Alcohol Grant from the State of New Hampshire in the amount of \$250.00 *first reading and consideration for adoption*

Mayor Callaghan read the resolution by title only as follows:

Resolution Authorizing the Acceptance of a Juvenile Alcohol Grant from the State of New Hampshire in the amount of \$250.00

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

The City hereby accepts a Juvenile Alcohol Grant of Two Hundred Fifty Dollars (\$250.00) from the State of New Hampshire to be used by the Rochester Police Department as part of its New Hampshire Juvenile Court Diversion Network SBIRT Program.

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.

14. Non-Meeting/Non-Public Session

Councilor Hainey **MOVED** to enter into Non-Public Sessions under Personnel, RSA 91-A:3, II(a) at 7:10 PM. Councilor de Geofroy seconded

the motion. The **MOTION CARRIED** by a unanimous roll call vote of 13 to 0. Councilors Gray, Larochelle, Hainey, Desrochers, Gilman, Lachapelle, de Geofroy, Berlin, Fontneau, Beaudoin, Malone, Hamann, and Mayor Callaghan voted in favor of the motion.

Councilor Lachapelle **MOVED** to exit the Non-Public Session at 8:18 PM. Councilor Malone seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Lachapelle **MOVED** to seal the minutes indefinitely because it is determined that divulgence of this information likely would effect adversely the reputation of any person, other than a member of the Board. Councilor Malone seconded the motion. The **MOTION CARRIED** by a unanimous roll vote. Councilors Desrochers, Gray, Hamann, de Geofroy, Beaudoin, Hainey, Lachapelle, Gilman, Malone, Fontneau, Larochelle, Berlin, and Mayor Callaghan voted in favor of the motion.

15. Adjournment

Mayor Callaghan **ADJOURNED** the Regular City Council meeting at 8:19 PM.

Respectfully submitted,

Kelly Walters, CMC
City Clerk

Chapter 260A

Water Development Connection Fee

§260A-1 Authority.

The City of Rochester is authorized pursuant to RSA 38:278 and RSA 38:2837 to assess a Water Development Connection Fee on new connections and development to help meet the additional water system demands created by the new development including capital construction and improvement of the City's water system. Said fees are assessed on a capacity-buy in approach as set forth in §260A-54 below.

§260A-2 Definitions.

This Chapter incorporates by reference the Definitions found in the City of Rochester Water Ordinance, Chapter 260, §260-2, as amended.

§260A-3 Purpose.

These regulations shall govern the assessment of connection fees upon new development connections ~~and development~~ to the City's Public Water System to generate capital funds to maintain, improve and expand the water system to minimize the effect on existing customers in a fair and equitable manner.

§260A-4 Water Development Connection Fee

The water development connection fee or assessment imposed pursuant to these provisions only upon new development connections ~~and development~~, including subdivisions, building construction and other land use changes, ~~are~~ based on a capacity-buy in approach. This approach applies, where to new users that are required to invest in the equity of the City's Public Water System at a rate that reflects prior investments by of existing users per unit of total capacity to raise funds to meet the demands and impacts created by the new development connections ~~and development~~ to the City's water treatment and distribution facilities, inclusive of the system defined herein as the Public Water System. The water development connection fee shall not apply to any capital projects, including new connections or repairs, improvements, replacements, or expansion of the public water system initiated by the City, as approved by the City Council.

§260A-5 Calculation of Fees

The water development connection fee is calculated as a per gallon per day charge by dividing the net equity in user paid capital assets by the capacity of the respective water system in gallons per day. The portion of the water system capacity assigned to any new user is determined based on New Hampshire Water Usage Unit Design Standards, as contained in Table 1008-1 in Env-Wq 1000 of the New Hampshire Code of Administrative Rules. The Code of Administrative Rules can be found at:

<https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/2020-01/Env-Wq%201000.pdf>

§260A-6 Assessment and Collection of Fees

The water development connection fee will be assessed by the Department at the time of application only for new connections pursuant to Article I, §260-4. The fee shall not be assessed for any existing connections or developments. The fees shall be collected at the time of application for connection in accordance with §260-4 above; however, the Department and applicant may establish an alternate, mutually acceptable schedule of payment of water development connection fees. If an alternate schedule for payment of fees is established, the Department may require the applicant to post surety, in the form of a cash bond, letter of credit or performance bond to guaranty future payment of the assessed impact fees. The Department and City reserve the right to annual review and amend the water development connection fees as necessary.

§260A-7 Waivers

A. An applicant may request a full or partial waiver from the Department of the water development connection fee assessments imposed by this ordinance. ~~from the Department.~~ The amount of any such waiver, including ~~shall not exceed~~ the value of the land, facilities constructed ~~ed~~ion, or other like-kind contributions or improvements to be made by the applicant ~~at person~~ toward public capital facilities in lieu of a water development connection fee shall not exceed the value of the water development connection fee. -

B. The applicant must exclude from a waiver application the ~~any~~ value of any on-site and/or off-site contributions or improvements that the applicant is ~~are~~ required by the Department or City to implement or construct as a result of a plan or development approval. The required on or off-site contributions or improvements as a result of a plan or development approval by the City must be, ~~which the applicant would completed by the applicant in addition to or~~ regardless of the water development connection fee under this ordinance. The value of contributions or improvements proposed as a waiver to offset the connection fee by the applicant shall be credited only towards facilities of a like kind. All costs incurred by the Department for the review of a proposed waiver, including reasonable consultant and counsel fees, shall be paid by the applicant requesting a waiver.

~~BC.~~ An applicant may apply to the Department for a waiver of a portion or the full amount of the water development connection fee, where such waiver application is accompanied by an independent fee calculation study that documents the proportionate capital cost impacts of the new connection or development. The Department shall review any such study, and in its discretion, and make a recommendation to the City Manager as to ~~decide~~ whether a waiver should be ~~is~~ granted or denied. The City Manager shall approve all waiver applications. All costs incurred by the Department for review of any such study shall be paid by the applicant.

§260A-8 Administration of Water Development Connection Fees

A. All funds collected shall be properly identified and promptly transferred for deposit into an individual capital facilities connection fee account for the water facilities for which fees are assessed, and shall be used solely for the purposes specified in this ordinance. The water development connection fee account shall be a capital reserve fund account and the City shall not accrue these fee revenues to the general fund.

B. Payment, administration, collection, custody and records for the water development connection fee

09/29/2022
account shall be done by the Finance Department upon the direction of the City Manager.

C. The Department shall provide p a detailed report to the City Council at the end of each the fiscal year ~~providing an account identifying of~~ all public water system facilities expenses funded through ~~impact water~~ development connection fees, as well as all waivers requested and granted, ~~during the prior year, and that the~~ report shall also include a summary of all waivers granted occurred during the fiscal year being reported. prior year.

E. Funds withdrawn from the water development connection fee account shall be used solely for the purpose of acquiring, constructing, expanding or equipping those public water system facilities identified in this ordinance.

§ 260A-9 Appeals.

Any party aggrieved by any decision, regulation or provision under this Article, as amended, from time to time, shall have the right to appeal said decision first to the Department. The Department ~~which~~ shall issue a decision within 30 calendar days of receipt of the appeal. If said appeal is denied by the Department, then the aggrieved party shall have the right to appeal to the Utility Advisory Board within thirty days (30). ~~and then to the City Manager.~~

§ 260A-10 Additional rules and regulations; amendments.

The City reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to this Article, which additional rules and regulations, to the extent appropriate, shall be a part of this Article.

§ 260A-11 When effective

This Article shall be in full force and effect immediately following its passage, as provided by law.

Chapter 260A

Water Development Connection Fee

§260A-1 Authority.

The City of Rochester is authorized pursuant to RSA 38:27 and RSA 38:28 to assess a Water Development Connection Fee on new connections and development to help meet the additional water system demands created by the new development including capital construction and improvement of the City's water system. Said fees are assessed on a capacity-buy in approach as set forth in §260A-4 below.

§260A-2 Definitions.

This Chapter incorporates by reference the Definitions found in the City of Rochester Water Ordinance, Chapter 260, §260-2, as amended.

§260A-3 Purpose.

These regulations shall govern the assessment of connection fees upon new development connections to the City's Public Water System to generate capital funds to maintain, improve and expand the water system to minimize the effect on existing customers in a fair and equitable manner.

§260A-4 Water Development Connection Fee

The water development connection fee or assessment imposed pursuant to these provisions only upon new development connections, including subdivisions, building construction and other land use changes, based on a capacity-buy in approach. This approach applies to new users that are required to invest in the equity of the City's Public Water System at a rate that reflects prior investments by existing users per unit of total capacity to raise funds to meet the demands and impacts created by the new development connections to the City's water treatment and distribution facilities, inclusive of the system defined herein as the Public Water System. The water development connection fee shall not apply to any capital projects, including new connections or repairs, improvements, replacements, or expansion of the public water system initiated by the City, as approved by the City Council.

§260A-5 Calculation of Fees

The water development connection fee is calculated as a per gallon per day charge by dividing the net equity in user paid capital assets by the capacity of the respective water system in gallons per day. The portion of the water system capacity assigned to any new user is determined based on New Hampshire Water Usage Unit Design Standards, as contained in Table 1008-1 in Env-Wq 1000 of the New Hampshire Code of Administrative Rules. The Code of Administrative Rules can be found at:

<https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/2020-01/Env-Wq%201000.pdf>

§260A-6 Assessment and Collection of Fees

The water development connection fee will be assessed by the Department at the time of application only for new connections pursuant to Article I, §260-4. The fee shall not be assessed for any existing connections or developments. The fees shall be collected at the time of application for connection in accordance with §260-4 above; however, the Department and applicant may establish an alternate, mutually acceptable schedule of payment of water development connection fees. If an alternate schedule for payment of fees is established, the Department may require the applicant to post surety, in the form of a cash bond, letter of credit or performance bond to guaranty future payment of the assessed impact fees. The Department and City reserve the right to annual review and amend the water development connection fees as necessary.

§260A-7 Waivers

- A. An applicant may request a full or partial waiver from the Department of the water development connection fee assessments imposed by this ordinance. The amount of any such waiver, including the value of the land, facilities constructed, or other like-kind contributions or improvements to be made by the applicant toward public capital facilities in lieu of a water development connection fee shall not exceed the value of the water development connection fee.
- B. The applicant must exclude from a waiver application the value of any on-site and/or off-site contributions or improvements that the applicant is required by the Department or City to implement or construct as a result of a plan or development approval. The required on or off-site contributions or improvements as a result of a plan or development approval by the City must be completed by the applicant in addition to or regardless of the water development connection fee under this ordinance. The value of contributions or improvements proposed as a waiver to offset the connection fee by the applicant shall be credited only towards facilities of a like kind. All costs incurred by the Department for the review of a proposed waiver, including reasonable consultant and counsel fees, shall be paid by the applicant requesting a waiver.
- C. An applicant may apply to the Department for a waiver of a portion or the full amount of the water development connection fee, where such waiver application is accompanied by an independent fee calculation study that documents the proportionate capital cost impacts of the new connection or development. The Department shall review any such study, and in its discretion, and make a recommendation to the City Manager as to whether a waiver should be granted or denied. The City Manager shall approve all waiver applications. All costs incurred by the Department for review of any such study shall be paid by the applicant.

§260A-8 Administration of Water Development Connection Fees

- A. All funds collected shall be properly identified and promptly transferred for deposit into an individual capital facilities connection fee account for the water facilities for which fees are assessed, and shall be used solely for the purposes specified in this ordinance. The water development connection fee account shall be a capital reserve fund account and the City shall not accrue these fee revenues to the general fund.
- B. Payment, administration, collection, custody and records for the water development connection fee

account shall be done by the Finance Department upon the direction of the City Manager.^{09/29/2022}

C. The Department shall provide a detailed report to the City Council at the end of each fiscal year identifying all public water system facilities expenses funded through water development connection fees, including all waivers requested and granted, that occurred during the fiscal year being reported.

E. Funds withdrawn from the water development connection fee account shall be used solely for the purpose of acquiring, constructing, expanding or equipping those public water system facilities identified in this ordinance.

§ 260A-9 Appeals.

Any party aggrieved by any decision, regulation or provision under this Article, as amended, from time to time, shall have the right to appeal said decision first to the Department. The Department shall issue a decision within 30 calendar days of receipt of the appeal. If said appeal is denied by the Department, then the aggrieved party shall have the right to appeal to the Utility Advisory Board within thirty days (30).

§ 260A-10 Additional rules and regulations; amendments.

The City reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to this Article, which additional rules and regulations, to the extent appropriate, shall be a part of this Article.

§ 260A-11 When effective

This Article shall be in full force and effect immediately following its passage, as provided by law.

§ 260-33. Water Rate and Fee Schedule. [Amended 6-26-2007; 6-10-2008; 6-16-2009; 7-5-2011; 11-20-2012; 2-4-2014; 9-15-2015]

A. Quarterly water rates. [Amended 11-1-2016; 2-6-2018; 5-5-2020]

- (1) Residential customers without exemption: five dollars and eighty-three cents (\$5.83) per 100 cubic feet of water use.
- (2) Residential customers with exemption: two dollars and fifty-two cents (\$2.52).
- (3) Commercial and industrial customers: five dollars and eighty-three cents (\$5.83).
- (4) Unmetered residential customers:
 - (a) Per quarter per unit without exemption: one hundred fifty-five dollars and ninety-six cents (\$155.96).
 - (b) Per quarter per unit with exemption: seventy-seven dollars and ninety-six cents (\$77.96).
- (5) Minimum fee:
 - (a) Per quarter per unit without exemption: twenty-two dollars and fourteen cents (\$22.14).
 - (b) Per quarter per unit with exemption: seventeen dollars and seventy-six cents (\$17.76).

B. Fees.

- (1) Installation: a minimum of three hundred dollars (\$300.) or estimated cost of installation, in advance one hundred dollars (\$100.).
- (2) Installation and repair license: one hundred dollars (\$100.) per year.
- (3) Bad check: twenty-five dollars (\$25.) plus all associated fees.
- (4) Service reactivated following payment when shut off due to nonpayment: sixty dollars (\$60.).
- (5) Service shutoff or turn on by request: thirty dollars (\$30.).
- (6) Temporary service: see installation fees; water charges will be billed accordingly.
- (7) Private fire protection service: see installation fees.
- (8) Private fire hydrant service connection: one hundred fifty dollars (\$150.) per hydrant per fiscal year. For purposes of this subsection, a private fire hydrant shall mean any fire hydrant located outside the public right-of-way and/or located on property other than that owned by the City of Rochester but which is connected to the public water system. Any private hydrant located behind a water meter on that property shall be exempt from this charge.
- (9) Swimming pools: fees based on volume used times unit rate.
- (10) Meter repair or testing: thirty dollars (\$30.) per visit plus cost of transportation of meter to testing facility and cost of testing.
- (11) Meter damage: fifty dollars (\$50.).

- 09/29/2022
- (12) Backflow prevention devices: all costs associated with installation, repair, or inspection paid by owner. Inspection costs shall be not less than minimum service charge.
 - (13) Violations: all costs to correct violation paid by owner.
 - (14) Minimum service charge: thirty dollars (\$30.) per visit.
 - (15) Meter tampering charge: a reconnection fee of not less than one hundred dollars (\$100.) nor more than five hundred dollars (\$500)
 - (16) Minimum charge for road maintenance between December 1 and March 31: two hundred dollars (\$200.)
 - (17) [System Development Fees: Three Dollars and Seventeen Cents \(\\$3.17\)](#)

Chapter 200-7-T

Sewer Development Connection Fee

§200-7-T-1 Authority.

The City of Rochester is authorized pursuant to RSA 31-~~139~~ 141 to assess a Sewer Development Connection Fee on new connections and development to help meet the additional Sewer system demands created by the new development including capital construction and improvement of the City's Sewer system. Said fees are assessed on a capacity-buy in approach as set forth in §200-7-T-4 below.

§200-7-T-2 Definitions.

This Chapter incorporates by reference the Definitions found in the City of Rochester Sewer Ordinance, Chapter §200, as amended.

§200-7-T-3 Purpose.

These regulations shall govern the assessment of connection fees upon new development connections ~~and development~~ to the City's Public Sewer System to generate capital funds to maintain, improve and expand the Sewer system to minimize the effect on existing customers in a fair and equitable manner.

§200-7-T-4 Sewer Development Connection Fee

The Sewer development connection fee or assessment imposed pursuant to these provisions only upon new development connections ~~and development~~, including subdivisions, building construction and other land use changes, ~~are~~ based on a capacity-buy in approach. -, This approach applies to where new users that are required to invest in the equity of the City's Public Sewer System at a rate that reflects prior investments by ~~of~~ existing users per unit of total capacity to raise funds to meet the demands and impacts created by the new development connections ~~and development~~ to the City's Sewer treatment and distribution facilities, inclusive of the system defined herein as the Public Sewer System. The sewer development fee shall not apply to any capital projects, including new connections or repairs, improvements, replacements, or expansion of the public sewer system initiated by the City, as approved by the City Council.

§200-7-T-5 Calculation of Fees

The Sewer development connection fee is calculated as a per gallon per day charge by dividing the net equity in user paid capital assets by the capacity of the respective Sewer system in gallons per day. The portion of the Sewer system capacity assigned to any new user is determined based on New Hampshire Sewer Usage Unit Design Standards, as contained in Table 1008.01 in Env-Wq 1008.3 of the New Hampshire Code of Administrative Rules. The Code of Administrative Rules can be found at:

<https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/2020-01/Env-Wq%201000.pdf>

§200-7-T-6 Assessment and Collection of Fees

The Sewer development connection fee will be assessed by the Department at the time of application for new connections pursuant to Article I, §200-7-T-4. The fee shall not be assessed for any existing connections or developments. The fees shall be collected at the time of application for connection in accordance with §200-7-T-4 above; however, the Department and applicant may establish an alternate, mutually acceptable schedule of payment of Sewer development connection fees. If an alternate schedule for payment of fees is established, the Department may require the applicant to post surety, in the form of a cash bond, letter of credit or performance bond to guaranty future payment of the assessed impact fees. The Department and City reserve the right to annual review and amend the Sewer development connection fees as necessary.

§200-7-T-7 Waivers

A. ~~A.~~ An applicant may request a full or partial waiver from the Department of the ~~S~~sewer development connection fee assessments imposed by this ordinance from the Department. The amount of any such waiver, including ~~shall not exceed~~ the value of the land, facilities construction, or other like-kind contributions, or improvements to be made by the applicant that person toward public capital facilities in lieu of a Sewer development connection fee shall not exceed the value of the sewer development connection fee.

B. ~~—~~ The applicant must exclude from a waiver application the any-value of any on-site and/or off-site contributions, or improvements that the applicant isare required by the Department or City to implement, or construct as a result of a plan or development approval. The required on or off-site contributions or improvements as a result of a plan or development approval by the City must be completed by which the applicant in addition to or would complete regardless of the ~~S~~sewer development connection fee under this ordinance. The value of contributions or improvements proposed as a waiver to offset the connection fee by the applicant shall be credited only towards facilities of a like kind. All costs incurred by the Department for the review of a proposed waiver, including reasonable consultant and counsel fees, shall be paid by the applicant requesting a waiver.

CB. An applicant may apply to the Department for a waiver of a portion or the full amount of the Sewer development connection fee, where such waiver application is accompanied by an independent fee calculation study that documents the proportionate capital cost impacts of the new connection or development. The Department shall review any such study, and in its discretion, make a recommendation to the City Manager as to ~~decide~~ whether a waiver should be ~~is~~ granted or denied. The City Manager shall approve all waiver applications. All costs incurred by the Department for review of any such study shall be paid by the applicant.

§200-7-T-8 Administration of Sewer Development Connection Fees

A. All funds collected shall be properly identified and promptly transferred for deposit into an individual capital facilities connection fee account for the Sewer facilities for which fees are assessed, and shall be used

09/29/2022

solely for the purposes specified in this ordinance. The ~~s~~Sewer development connection fee account shall be a capital reserve fund account and the City shall not accrue these fee revenues to the general fund.

B. Payment, administration, collection, custody and records for the ~~S~~sewer development connection fee account shall be done by the Finance Department upon the direction of the City Manager.

C. The Department shall ~~provide make~~ a ~~detailed~~ report to the City Council at the end of ~~each the~~ fiscal year ~~providing an account summarizing of identifying~~ all public ~~S~~sewer system facilities ~~expenses~~ funded through ~~sewer development connection impact~~ fees, ~~including as well as all waivers requested and granted, during that occurred during the fiscal year being reported. the prior year.~~

E. Funds withdrawn from the Sewer development connection fee account shall be used solely for the purpose of acquiring, constructing, expanding or equipping those public Sewer system facilities identified in this ordinance.

§ 200-7-T-9 Appeals.

Any party aggrieved by any decision, regulation or provision under this Article, as amended, from time to time, shall have the right to appeal said decision first to the Department. The Department ~~which~~ shall issue a decision within 30 calendar days of receipt of the appeal. If said appeal is denied by the Department, then the aggrieved party shall have the right to appeal to the Utility Advisory Board within thirty days (30). ~~and then to the City Manager~~

§ 200-7-T-10 Additional rules and regulations; amendments.

The City reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to this Article, which additional rules and regulations, to the extent appropriate, shall be a part of this Article.

§ 200-7-T-11 When effective

This Article shall be in full force and effect immediately following its passage, as provided by law.

Chapter 200-7-T

Sewer Development Connection Fee

§200-7-T-1 **Authority.**

The City of Rochester is authorized pursuant to RSA 31- 141 to assess a Sewer Development Connection Fee on new connections and development to help meet the additional Sewer system demands created by the new development including capital construction and improvement of the City's Sewer system. Said fees are assessed on a capacity-buy in approach as set forth in §200-7-T-4 below.

§200-7-T-2 **Definitions.**

This Chapter incorporates by reference the Definitions found in the City of Rochester Sewer Ordinance, Chapter §200, as amended.

§200-7-T-3 **Purpose.**

These regulations shall govern the assessment of connection fees upon new development connections to the City's Public Sewer System to generate capital funds to maintain, improve and expand the Sewer system to minimize the effect on existing customers in a fair and equitable manner.

§200-7-T-4 **Sewer Development Connection Fee**

The Sewer development connection fee or assessment imposed pursuant to these provisions only upon new development connections, including subdivisions, building construction and other land use changes, based on a capacity-buy in approach. This approach applies to new users that are required to invest in the equity of the City's Public Sewer System at a rate that reflects prior investments by existing users per unit of total capacity to raise funds to meet the demands and impacts created by the new development connections to the City's Sewer treatment and distribution facilities, inclusive of the system defined herein as the Public Sewer System. The sewer development fee shall not apply to any capital projects, including new connections or repairs, improvements, replacements, or expansion of the public sewer system initiated by the City, as approved by the City Council.

§200-7-T-5 **Calculation of Fees**

The Sewer development connection fee is calculated as a per gallon per day charge by dividing the net equity in user paid capital assets by the capacity of the respective Sewer system in gallons per day. The portion of the Sewer system capacity assigned to any new user is determined based on New Hampshire Sewer Usage Unit Design Standards, as contained in Table 1008.01 in Env-Wq 1008.3 of the New Hampshire Code of Administrative Rules. The Code of Administrative Rules can be found at:

<https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/2020-01/Env-Wq%201000.pdf>

§200-7-T-6 Assessment and Collection of Fees

The Sewer development connection fee will be assessed by the Department at the time of application for new connections pursuant to Article I, §200-7-T-4. The fee shall not be assessed for any existing connections or developments. The fees shall be collected at the time of application for connection in accordance with §200-7-T-4 above; however, the Department and applicant may establish an alternate, mutually acceptable schedule of payment of Sewer development connection fees. If an alternate schedule for payment of fees is established, the Department may require the applicant to post surety, in the form of a cash bond, letter of credit or performance bond to guaranty future payment of the assessed impact fees. The Department and City reserve the right to annual review and amend the Sewer development connection fees as necessary.

§200-7-T-7 Waivers

- A. An applicant may request a full or partial waiver from the Department of the sewer development connection fee assessments imposed by this ordinance from the Department. The amount of any such waiver, including the value of the land, facilities construction, or other like-kind contributions, or improvements to be made by the applicant toward public capital facilities in lieu of a Sewer development connection fee shall not exceed the value of the sewer development connection fee.
- B. The applicant must exclude from a waiver application the value of any on-site and/or off-site contributions, or improvements that the applicant is required by the Department or City to implement, or construct as a result of a plan or development approval. The required on or off-site contributions or improvements as a result of a plan or development approval by the City must be completed by the applicant in addition to or regardless of the sewer development connection fee under this ordinance. The value of contributions or improvements proposed as a waiver to offset the connection fee by the applicant shall be credited only towards facilities of a like kind. All costs incurred by the Department for the review of a proposed waiver, including reasonable consultant and counsel fees, shall be paid by the applicant requesting a waiver.
- C. An applicant may apply to the Department for a waiver of a portion or the full amount of the Sewer development connection fee, where such waiver application is accompanied by an independent fee calculation study that documents the proportionate capital cost impacts of the new connection or development. The Department shall review any such study, and in its discretion, make a recommendation to the City Manager as to whether a waiver should be granted or denied. The City Manager shall approve all waiver applications. All costs incurred by the Department for review of any such study shall be paid by the applicant.

§200-7-T-8 Administration of Sewer Development Connection Fees

- A. All funds collected shall be properly identified and promptly transferred for deposit into an individual capital facilities connection fee account for the Sewer facilities for which fees are assessed, and shall be used solely for the purposes specified in this ordinance. The sewer development connection fee account shall be a capital reserve fund account and the City shall not accrue these fee revenues to the general fund.

- B. Payment, administration, collection, custody and records for the sewer development connection fee account shall be done by the Finance Department upon the direction of the City Manager.
- C. The Department shall provide a detailed report to the City Council at the end of each fiscal year identifying all public sewer system facilities expenses funded through sewer development connection fees, including all waivers requested and granted, that occurred during the fiscal year being reported.
- E. Funds withdrawn from the Sewer development connection fee account shall be used solely for the purpose of acquiring, constructing, expanding or equipping those public Sewer system facilities identified in this ordinance.

§ 200-7-T-9 Appeals.

Any party aggrieved by any decision, regulation or provision under this Article, as amended, from time to time, shall have the right to appeal said decision first to the Department. The Department shall issue a decision within 30 calendar days of receipt of the appeal. If said appeal is denied by the Department, then the aggrieved party shall have the right to appeal to the Utility Advisory Board within thirty days (30).

§ 200-7-T-10 Additional rules and regulations; amendments.

The City reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to this Article, which additional rules and regulations, to the extent appropriate, shall be a part of this Article.

§ 200-7-T-11 When effective

This Article shall be in full force and effect immediately following its passage, as provided by law.

§ 200-33. Wastewater Rate and Fee Schedule. [Amended 7-1-2000; 6-26-2007; 2-5-2008; 5-6-2008; 6-10-2008; 6-16-2009; 8-18-2009; 6-21-2011; 11-20-2012; 11-1-2016; 2-6-2018; 3-5-2019; 5-5-2020]

A. Quarterly wastewater rates.

- (1) Residential customers without exemption: seven dollars and forty-three cents (\$7.43) per 100 cubic feet of water use.
- (2) Residential customers with exemption: four dollars and ninety-four cents (\$4.94) per 100 cubic feet of water use.
- (3) Commercial and industrial customers: seven dollars and forty-three cents (\$7.43) per 100 cubic feet of water use.
- (4) High-volume customers (i.e., customers using more than 5,000 units** monthly): six dollars and sixty-eight cents (\$6.68) per 100 cubic feet of water use. **Note: For purposes of this section the word "unit" shall mean 100 cubic feet or 748 gallons of water use.
- (5) Unmetered residential customers:
 - (a) Per quarter per unit without exemption: two hundred twenty-nine dollars and forty-seven cents (\$229.47).
 - (b) Per quarter per unit with exemption: one hundred fourteen dollars and seventy-two cents (\$114.72).
- (6) Sewer metered customers: seven dollars and forty-three cents (\$7.43) per 100 cubic feet.
- (7) Minimum fee:
 - (a) Per quarter per unit without exemption: thirty-four dollars and thirty-one cents (\$34.31).
 - (b) Per quarter per unit with exemption: twenty-seven dollars and thirty-one cents (\$27.31).

B. Septage discharge: fifty-five dollars (\$55.) per 500 gallons or portion thereof.

C. RV septage discharge: sixteen dollars (\$16.) flat fee.

D. Graywater disposal: thirty dollars (\$30.) per 2,000 gallons or portion thereof.

E. TKN surcharge:

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

F. Fees.

- (1) Permit and inspection fee: fifty dollars (\$50.).
- (2) Wastewater discharge permit fee: fifty dollars (\$50.)
- (3) Reserve capacity assessment: ~~two~~ four dollars and thirty three cents (~~\$2.~~\$4.33) per gallon.
- (4) Installation fees. Installation by City: three hundred dollars (\$300.) minimum or estimated costs.



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
September 2022

Contracts and documents executed since last month:

- **Department of Public Works**
 - WWTP equipment Service/Maintenance contract – Ixom Watercare **P. 41**
 - Task Order, Distribution system hydraulic model update – Wright Pierce **P. 42**
 - Recommendation to award bid, Strafford Sq Intersection – S.U.R. **P. 43**
 - Task Order, Old Dover Water Main Ext – Wright Pierce. **P. 44**
 - Construction Phase Srvcs Contract, Strafford Square – Stantec Consulting **P. 45**
 - 2017 NPDES MS4 General Permit Annual Report. **P. 46**
- **Economic Development**
 - FY23 CDBG Contracts – HAVEN **P. 47**
 - HUD Certificate of Consistency w/ the Consolidated Plan **P. 48**

The following standard report has been enclosed:

- Personnel Action Report Summary **P. 49**

*Intentionally
left blank...*

City Clerk's Office



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

09/29/2022



INTEROFFICE MEMORANDUM

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

FROM: LISA J. CLARK, DPW ADMIN & UB SUPERVISOR

DATE: August 18, 2022

SUBJECT: Ixom Watercare – Gridbee & Solar Bee Annual 3 year Contract
September 1, 2022 through August 31, 2025
Fixed Annual Amount \$20,280.00

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

Attached please find (1) one copy of the Ixom Watercare 3 Year Contract at fix annual pricing. This is a service and maintenance contract for the Wastewater Treatment Facility Gridbee and Solar Bee equipment manufactured by Ixom in Dickson ND. IXOM is the sole source for sales, maintenance and repair due to having the sole license/patent to the proprietary technology.

Funds for this contract were budgeted in the WWTP O&M Account as follows:

52602074-543002

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

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



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

09/29/2022



INTEROFFICE MEMORANDUM

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

FROM: LISA J. CLARK, ADMINISTRATIVE SUPERVISOR

DATE: September 14, 2022

SUBJECT: Wright Pierce – Task Order-2023-4 Engineering
Distribution System Hydraulic Model Update – Study Phase Services
Total Amount \$36,015.00

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

Attached please find (1) one copy of the Wright Pierce Task Order associated with the Update to the Distribution System Hydraulic Model. Wright Pierce Engineering was selected for Water System CIP Infrastructure Projects per RFQ 21-19.

The funding for project is available in the following Account:

55016010-771000-22546 = \$28,168.47 Water Distribution System Upgrades
55016010-771000-23541 = \$ 7,846.53 Water Distribution System Upgrades

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

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 15, 2022

SUBJECT: **Recommendation to Award Bid #22-42, Strafford Square Intersection Improvements – Phase 2 – Roadway Reconstruction Project**

CC: Peter Nourse, PE, Director of City Services

Based upon a review of the bids received for the above referenced project, I am recommending Award of Bid #22-42 to S.U.R. Construction, Inc. (SUR). Our engineering consultant, Stantec Consulting Services, Inc., has reviewed the bids received and submitted to the City a Bid Review Memo recommending award to SUR (see attached). As funding agency, NHDOT has reviewed the bid analysis and approves award to SUR (see attached).

The total award, including bid alternate 1, is for \$3,530,777.50. Funds are available for this award in the following CIP account lines:

- Public Works 15013010-771000-16531
- Public Works 15013010-771000-23558

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 Notice of Award document should be returned to DPW for distribution.

Signature _____

Katie Ambrose

Deputy City Manager/ Director of Finance & Administration

Attachments: Notice of Award for Bid No. 22-42

Stantec Bid Review Memo dated 8/24/22 (without attachments)

NHDOT Notice to Proceed To Award Low Bid dated 9/14/22



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

09/29/2022



INTEROFFICE MEMORANDUM

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

FROM: LISA J. CLARK, ADMINISTRATIVE SUPERVISOR

DATE: September 14, 2022

SUBJECT: Wright Pierce – Task Order-2023-2 Engineering
Old Dover Road Water Main Ext/Connection Asteria Drive to Alexandria Drive
Total Amount \$7,200.00

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

Attached please find (1) one copy of the Wright Pierce Task Order associated with the study phase engineering for the Old Dover Road connection / extension of the water main. Wright Pierce Engineering was selected for Water Distribution CIP Infrastructure Projects per RFQ 21-19.

The funding for project is available in the following Account:

55016010-771000-23541 = \$7,200.00 Water Distribution System Upgrades

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
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 20, 2022

SUBJECT: **Construction Phase Engineering Services, Strafford Square Int. Improvements – Phase 2 – Roadway Reconstruction Project (#22-42)**

CC: Peter Nourse, PE, Director of City Services

Attached is one (1) original Construction Phase Services contract for the Strafford Square Intersection Improvements – Phase 2 – Roadway Reconstruction project (#22-42). This contract is between the City and Stantec Consulting Services, Inc. for construction administration, resident engineering and related services. Stantec has been selected through the qualifications based solicitation for on-call engineering services RFQ 21-19. As funding agency, NHDOT has reviewed the selection process and the contract, and has given approval to contract with Stantec (see attached NHDOT letter dated 9/14/22).

The total amount of the fixed fee contract with Stantec is for \$261,074.44. Funds are available for this award in the following CIP account lines:

- Public Works 15013010-771000-16531
- Public Works 15013010-771000-23558

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 document should be returned to DPW for distribution.

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

Attachments: Stantec CPS Agreement dated June 2022
NHDOT Notice to Proceed To CE (Stantec) dated 9/14/22



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
FROM: Michael Bezanson, PE, City Engineer *MSB*
DATE: September 26, 2022
SUBJECT: **2017 NH NPDES Small MS4 General Permit -
Year 4 Annual Report (July 1, 2021 – June 30, 2022)**
CC: Peter Nourse, PE, Director of City Services

Attached please find one (1) original of the City's Year 4 Annual Report for the 2017 NH NPDES Small MS4 General Permit for stormwater discharges (reporting period July 1, 2021 – June 30, 2022).

Please sign the original document and return the Annual Report to me at Public Works.

This Annual Report will be submitted to both the NHDES and EPA (due date: September 28, 2022).

Please contact me with any questions. Thank you.



09/29/2022

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

DATE: September 16, 2022

SUBJECT: FY 2023 CDBG Contract- Haven

CC: Jenn Marsh, Assistant Director of Economic Development

Please see attached the signed copy of the FY 2023 Community Development Block Grant (CDBG) contract between the City of Rochester and Haven. City Council approved funding for this activity at the July 5th, 2022 City Council meeting.

The contract requires the signature of the City Manager and the signature of a witness. The contract has been reviewed and approved by the Community Development Coordinator.

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

Signature_____Date_____

Michael Scala, Director Economic Development

Signature_____Date_____



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

DATE: September 12, 2022

SUBJECT: HUD CoC Certification of Consistency with the Consolidated Plan

CC: Jenn Marsh, Assistant Director of Economic Development

Please find the attached documents from the New Hampshire Department of Health and Human Services (DHHS) for the HUD CoC Certification of Consistency with the Consolidated Plan. There are two documents that require your signature. I have also provided a copy of the ranking of Rochester Projects provided by DHHS.

Please direct all questions to Kiersten regarding these documents.

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	BENJAMIN GREGOIRE	ARENA ATTENDANT	1		X	X											X	AQUATICS FACILITY OPERATOR TO ARENA ATTENDANT
ARENA	COLE SULLIVAN	ARENA ATTENDANT	1		X	X											X	CAMP DIRECTOR TO ARENA ATTENDANT
ARENA	DEREK PERKINS	ARENA ATTENDANT	1		X	X		X						X				
ARENA	BOB PERKINS	ARENA ATTENDANT	1		X	X		X						X				
ARENA	STEVE BRENNAN	ARENA ATTENDANT	1		X	X		X						X				
ARENA	KAYLEIGH GUY	PROGRAM LEAD 1	1		X	X		X						X				
ARENA	TREVOR BRENNAN	SUPPORT STAFF 1	1		X	X		X									X	CAMP COUNSELOR TO SUPPORT STAFF 1
ARENA	ADDISON FRENCH	SUPPORT STAFF 1	1		X	X		X									X	POOL ATTENDANT TO SUPPORT STAFF 1
ARENA	ANNABEL PROCHILLO	SUPPORT STAFF 1	1		X	X		X									X	POOL ATTENDANT TO SUPPORT STAFF 1
ARENA	JACKSON FARROW	SUPPORT STAFF 2	1		X	X		X						X				SUPPORT STAFF 1 TO SUPPORT STAFF 2
ARENA	HUNTER CAMIRE	SUPPORT STAFF 2	1		X	X											X	LIFEGUARD TO SUPPORT STAFF 2
CITY CLERK	MATTHEW WINDERS	PT SEASONAL ELECTIONS	1		X	X		X										
CITY MANAGER	BLAINE COX	CITY MANAGER	1	X										X				ANNIVERSARY DATE 07/012018
CITY MANAGER	MATTHEW WYATT	PUBLIC INFORMATION MANAGER	1	X										X				ANNIVERSARY DATE 07/27/2020
COMMUNICATIONS	RILEY KIRCHOFER	COMMUNICATIONS SPECIALIST	1	X			X											
DPW	PATRICK SBRIZZA	CUSTODIAN	1	X												X		PT GROUNDS LABORER TO FT CUSTODIAN
DPW	DANIEL CAMARA	GIS/ASSET MANAGEMENT COORDINATOR	1	X												X		GIS/ASSET MGMT TECHNICIAN TO GIS/ASSET MANAGEMENT COORDINATOR
DPW	JACOB HOGUE	GIS/ASSET MGMT TECHNICIAN	1	X						X								
DPW	TYLER MADORE	HEAVY EQUIPMENT OPERATOR	1	X												X		MEO TO HEO
DPW	NICHOLAS WHITE	LIGHT EQUIPMENT OPERATOR	1	X			X											
DPW	TYLER MADORE	MEDIUM EQUIPMENT OPERATOR	1	X													X	SEWER COLLECTION GRADE 2
DPW	KEITH HERSOM	MEDIUM EQUIPMENT OPERATOR	1	X													X	SEWER COLLECTION GRADE 2
DPW	JAY PALMER	MEDIUM EQUIPMENT OPERATOR	1	X						X								
DPW	GEORGE STEELE	MEDIUM EQUIPMENT OPERATOR	1	X													X	TRANSFER TO HIGHWAY
DPW	KEITH HERSOM	MEDIUM EQUIPMENT OPERATOR	1	X													X	INTERNAL TRANSFER FROM UTILITIES MEO TO WATER MEO
DPW	DAVID GREEN	WASTEWATER SYSTEM SUPERINTENDENT	1	X												X		CHIEF WWTP OPERATOR TO WASTEWATER SYSTEM SUPERINTENDENT
DPW	IAN ROHRBACHER	WATER SYSTEM SUPERINTENDENT	1	X												X		CHIEF WTP OPERATOR TO WATER SYSTEM SUPERINTENDENT
ECON DEV	CAROLE GLENN	ADMINISTRATIVE ASSISTANT II	1	X							X							ANNIVERSARY DATE 09/01/2021
FIRE	RYE MORRILL	FIREFIGHTER	1	X							X							ANNIVERSARY DATE 09/10/2018
IT	ELIZABETH GREEN	BUSINESS SYSTEMS ANALYST	1	X												X		EXECUTIVE SECRETARY TO BUSINESS SYSTEMS ANALYST
IT	MATTHEW ANDERSON	SYSTEMS ADMINISTRATOR	1	X						X								
LEGAL	NICOLE GARCIA	VICTIM/WITNESS ADVOCATE	1	X						X								
LIBRARY	SARAH HART	LEAD LIBRARIAN	1	X						X								
LIBRARY	KATHRINE MITCHELL	LIBRARY PAGE	1		X												X	BI-WEEKLY HOUR CHANGE
LIBRARY	EMMA PERRY	LIBRARY PAGE	1		X												X	BI-WEEKLY HOUR CHANGE
PLANNING	CRYSTAL GALLOWAY	PLANNER 1	1	X							X							ANNIVERSARY DATE 04/17/2006
PLANNING	RENEE MCISAAC	PLANNER 1	1	X			X											
POLICE	SUZANNE PARADIS	ANIMAL CONTROL OFFICER	1	X							X							ANNIVERSARY DATE 08/19/1997
POLICE	ZACHARY WILSON	PATROL OFFICER	1	X													X	MILITARY LEAVE
POLICE	KEVEN MILLER	PATROL OFFICER	1	X													X	MILITARY LEAVE
POLICE	MICHAEL MIEHLE	POLICE LIEUTENANT	1	X													X	MILITARY LEAVE
POLICE	KYLE DANIE	PATROL OFFICER	1	X							X							ANNIVERSARY DATE 08/28/2017
POLICE	THOMAS SEAGER	PATROL OFFICER	1	X							X							ANNIVERSARY DATE 08/28/2017
POLICE	JEFFREY SLANKARD	PATROL OFFICER	1	X							X							ANNIVERSARY DATE 08/02/2021
POLICE	NICOLE KNOX	PATROL OFFICER	1	X													X	REFERRAL BONUS FOR FT CERTIFIED OFFICER
POLICE	THOMAS BUTCHER	PATROL OFFICER	1	X						X								
POLICE	AIDAN BIRMINGHAM	PATROL OFFICER	1	X			X											
POLICE	CARL ROOT	PATROL SERGEANT	1	X												X		PATROL OFFICER TO PATROL SERGEANT
POLICE	ELIZABETH TURNER	POLICE LIEUTENANT	1	X												X		PATROL SERGEANT TO POLICE LIEUTENANT
POLICE	ANDREW JACKSON	PT PATROL OFFICER	1		X			X										
RECREATION	VERONICA WOODLIEF-KRAPF	PROGRAM LEAD 1	1		X	X	X											
RECREATION	LAURIE BIRACREE	PROGRAM LEAD 2	1		X	X		X										
TAX	MELISSA (BEAL) HEITZ	DEPUTY TAX COLLECTOR	1	X						X								
TAX	RACHEL LAUGHNER	DEPUTY TAX COLLECTOR	1	X			X											

*Intentionally
left blank...*

City Clerk's Office



City of Rochester, New Hampshire

OFFICE OF THE MAYOR

31 Wakefield Street • Rochester, NH 03867

(603) 332-1167

www.RochesterNH.net

09/29/2022



EXTRA MILE DAY PROCLAMATION

WHEREAS, Rochester, NH, is a community which acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively “go the extra mile” in personal effort, volunteerism, and service; and

WHEREAS, Rochester, NH, is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their individual ambitions, family, friends, and community; and

WHEREAS, Rochester, NH, is a community which chooses to shine a light on and celebrate individuals and organizations within its community who “go the extra mile” in order to make a difference and lift up fellow members of their community; and

WHEREAS, Rochester, NH, acknowledges the mission of Extra Mile America to create 550 Extra Mile cities in America and is proud to support “Extra Mile Day” on November 1, 2022.

NOW THEREFORE, I, Paul Callaghan, Mayor of Rochester, NH, do hereby proclaim November 1, 2022, to be Extra Mile Day. I urge each individual in the community to take time on this day to not only “go the extra mile” in his or her own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place.

IN WITNESS WHEREOF I have hereunto set my hand and have caused the great seal of the City of Rochester to be affixed this 4th day of October, in the year of our Lord, Two Thousand Twenty Two.

Paul Callaghan
Mayor

*Intentionally
left blank...*

City Clerk's Office

From: Lenny Bernard <l.bernard454@gmail.com>
Sent: Thursday, September 29, 2022 12:08 PM
To: Kelly Walters <kelly.walters@rochesternh.gov>
Subject: Re: resignation

Caution: External email.

Please let this email serve as my letter of resignation. My house sold on September 19th and I have moved out of the ward. It was my pleasure to serve. Good luck to Candy. Great working with everyone.

Thank you,

Lenny

*Intentionally
left blank...*

City Clerk's Office

September 28, 2022

To Whom it May Concern:

I hereby tender my resignation as Supervisor of the checklist for Ward 3, Rochester, NH.

Susan (Candy) Bailey

*Intentionally
left blank...*

City Clerk's Office



09/29/2022

City of Rochester, New Hampshire
OFFICE OF THE CITY CLERK
31 Wakefield Street • Rochester, NH 03867
FAX (603) 509-1915 PHONE (603) 332-2130

**STATEMENT OF INTEREST
BOARD AND COMMISSION MEMBERSHIP**

POSITION DESIRED: _____

NEW _____ RE-APPOINTMENT _____ REGULAR _____ ALTERNATE _____

NAME: _____

STREET ADDRESS: _____

ZIP _____

TELEPHONE:(H) 603-767-3022 E-MAIL _____

REGISTERED VOTER: (CIRCLE ONE) YES _____ NO _____ **WARD** _____

Statement of Interest/Experience/Background/Qualifications, Etc. (This section need not be completed, but any information provided will be given to all City Councilors and will be available for public inspection). (Additional sheets/information may be attached, if desired; please do not write on the back of this form.)

If this is an application for reappointment to a position, please list all training sessions you have attended relative to your appointed position.

I understand that: (1) this application will be presented to the Rochester City Council only for the position specified above and not for subsequent vacancies on the same board; (2) the Mayor and/or City Council may nominate someone who has not filed a similar application; and (3) this application will be available for public inspection.

I certify that I am 18 years of age or older: _____

*Intentionally
left blank...*

City Clerk's Office



09/29/2022

City of Rochester, New Hampshire
OFFICE OF THE CITY CLERK
31 Wakefield Street • Rochester, NH 03867
FAX (603) 509-1915 PHONE (603) 332-2130

**STATEMENT OF INTEREST
BOARD AND COMMISSION MEMBERSHIP**

POSITION DESIRED: Supervisor of the Checklist, Ward 3

NEW ☒ RE-APPOINTMENT _____ REGULAR _____ ALTERNATE _____

NAME: Robert Longo

STREET ADDRESS: 36 Pickering Rd., Rochester, NH

ZIP 03839

TELEPHONE:(H) _____ (W) _____ E-MAIL scirocco16v@metrocast.net

REGISTERED VOTER: (CIRCLE ONE) YES ☒ NO _____ **WARD** 3

Statement of Interest/Experience/Background/Qualifications, Etc. (This section need not be completed, but any information provided will be given to all City Councilors and will be available for public inspection). (Additional sheets/information may be attached, if desired; please do not write on the back of this form.)

I served as Assistant Supervisor in the recent primary election. I am
interested in serving as Supervisor in future elections. The previous
Supervisor will be serving as Moderator, since the previous Moderator
moved out of the ward. I have studied the duties of Supervisors in
the Election Procedure Manual.

If this is an application for reappointment to a position, please list all training sessions you have attended relative to your appointed position.

I understand that: (1) this application will be presented to the Rochester City Council only for the position specified above and not for subsequent vacancies on the same board; (2) the Mayor and/or City Council may nominate someone who has not filed a similar application; and (3) this application will be available for public inspection.

I certify that I am 18 years of age or older:



*Intentionally
left blank...*

City Clerk's Office



09/29/2022

City of Rochester, New Hampshire
OFFICE OF THE CITY CLERK
31 Wakefield Street • Rochester, NH 03867
FAX (603) 509-1915 PHONE (603) 332-2130

**STATEMENT OF INTEREST
BOARD AND COMMISSION MEMBERSHIP**

POSITION DESIRED: Ward Clerk

NEW ☒ RE-APPOINTMENT _____ REGULAR _____ ALTERNATE _____

NAME: Therese M Hurley

STREET ADDRESS: 38 Church St

ZIP 03839

TELEPHONE:(H) _____ (W) _____ E-MAIL fleuredelis@metrocast.net

REGISTERED VOTER: (CIRCLE ONE) YES ☒ NO _____ **WARD** 3

Statement of Interest/Experience/Background/Qualifications, Etc. (This section need not be completed, but any information provided will be given to all City Councilors and will be available for public inspection). (Additional sheets/information may be attached, if desired; please do not write on the back of this form.)

I've been a ballot clerk for the last 2 elections and thought this

position would be interesting.

If this is an application for reappointment to a position, please list all training sessions you have attended relative to your appointed position.

I understand that: (1) this application will be presented to the Rochester City Council only for the position specified above and not for subsequent vacancies on the same board; (2) the Mayor and/or City Council may nominate someone who has not filed a similar application; and (3) this application will be available for public inspection.

I certify that I am 18 years of age or older:

Therese M Hurley

*Intentionally
left blank...*

City Clerk's Office

From: Jim Grant <jim.grant@rochesternh.gov>
Sent: Monday, September 26, 2022 11:40 AM
To: Cassie Givara <cassie.givara@rochesternh.gov>
Subject: RE: Supervisor

Dear City Clerk,

I, James Grant, will be moving out of Ward 6 into Ward 4 on 10/1/2022. As such, I am no longer able to fulfill my roles as the Supervisor of the Checklist in Ward 6.

Jim Grant.

*Intentionally
left blank...*

City Clerk's Office



09/29/2022

City of Rochester, New Hampshire
OFFICE OF THE CITY CLERK
31 Wakefield Street • Rochester, NH 03867
FAX (603) 509-1915 PHONE (603) 332-2130

**STATEMENT OF INTEREST
BOARD AND COMMISSION MEMBERSHIP**

POSITION DESIRED: Supervisor of the Checklist - Ward 6

NEW ☒ RE-APPOINTMENT _____ REGULAR _____ ALTERNATE _____

NAME: Fred Chisholm

STREET ADDRESS: 5 Fifth St., Rochester, NH

ZIP 03867

TELEPHONE: (H) ⁶⁰³ 948-6342 (W) 603-430-2222 **E-MAIL** fbchism25@gmail.com

REGISTERED VOTER: (CIRCLE ONE) YES ☒ NO _____ **WARD** 6

Statement of Interest/Experience/Background/Qualifications, Etc. (This section need not be completed, but any information provided will be given to all City Councilors and will be available for public inspection). (Additional sheets/information may be attached, if desired; please do not write on the back of this form.)

I have worked the last 2 primaries and elections
as a ballot clerk and assisting the
supervisor of the checklist during the 19st
NH state election.

If this is an application for reappointment to a position, please list all training sessions you have attended relative to your appointed position.

I understand that: (1) this application will be presented to the Rochester City Council only for the position specified above and not for subsequent vacancies on the same board; (2) the Mayor and/or City Council may nominate someone who has not filed a similar application; and (3) this application will be available for public inspection.

I certify that I am 18 years of age or older: [Signature]

*Intentionally
left blank...*

City Clerk's Office

September 12, 2022

Dear Shanna;

It is with great regret that I must submit my resignation from the Rochester City Planning Board. Due to unexpected health issues I will not be able to fulfill my obligation to the fullest in the near future, this is not far to the board or the city. Please accept this as my formal resignation letter effective September 13, 2022.

Respectfully,

A handwritten signature in black ink, appearing to read 'A. Terese Dwyer'.

A. Terese Dwyer

*Intentionally
left blank...*

City Clerk's Office

From: Jeff Turgeon <umpref21@metrocast.net>
Sent: Monday, September 26, 2022 1:31 PM
To: Kelly Walters <kelly.walters@rochesternh.gov>
Subject: Resignation

Caution: External email.

Dear Kelly Walters and City Council,

With regret, I need to resign as Ward 5 Ward Clerk, effective immediately due to time constraints and other factors. I hope to be able to assist part-time going forward, as time permits.

Thanks

Jeff

This email has been scanned for spam and viruses by Proofpoint Essentials. Visit the following link to report this email as spam:
https://us3.proofpointessentials.com/index01.php?mod_id=&mod_option=gitem&mail_id64213496-JWIC4HnQ8Zeh&r_address=lly.walters%40rochesternh.gov&report=

*Intentionally
left blank...*

City Clerk's Office



City of Rochester, New Hampshire

CITY COUNCIL –
APPOINTMENTS REVIEW COMMITTEE

31 Wakefield Street • Rochester, NH

03867 (603) 332-1167

www.RochesterNH.net

Appointments Review Committee

September 22, 2022

City Hall Chambers – Conference Room

6:00 PM

Committee Members Present:

James Gray, Chair

Laura Hainey, Vice-Chair

Dana Berlin

Committee Members Excused:

Ashley Desrochers

Amy Malone

Minutes

Chair Gray called the meeting to order at 6:00 PM on September 22, 2022.

New appointment(s):

Lexy van Binsbergen - Recreation and Arena, Seat C (New Appointment, Regular member)

Term to Expire 01/2/2023

Ms. van Binsbergen reported that she had been working for the Portsmouth Recreation Department for over 20 years, with a focus on Portsmouth's aquatics facilities and working as a lifeguard instructor. Ms. Van Binsbergen stated that she has been in contact with Rochester's Recreation Department, sharing her expertise and experience in relation to Rochester's aquatics facilities. The Committee discussed the difficulties experienced with hiring and retaining lifeguards and Ms. Van Binsbergen shared her experience and ideas for this issue. The Committee consensus was that Ms. Van Binsbergen has the experience and knowledge that would fit well with the Rochester Recreation and Arena Commission.

Councilor Berlin **MOVED** to recommend to full Council the appointment of Lexy van Binsbergen to the Recreation and Arena Commission, Seat C, with a term to expire 1/2/2023. Councilor Hainey seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Sarah Rowe - Arts & Culture Commission, Seat H (New Appointment, Regular member) *Term to Expire 7/1/2023*

Ms. Rowe explained that she had moved to Rochester three years prior, and after working from home for several years, she was ready to get involved in her community again. She stated that one of her first exposures when moving to Rochester was at RiverStones Custom Framing,

which spurred her interest in Rochester's arts community. She relayed her experiences in the theater and arts as a child. Ms. Rowe explained that she has already attended several Arts & Culture Commission meetings and is excited to get more involved and be a more active contributor. Ms. Rowe invited all present to the Rochester Arts Awards at the Governor's Inn, scheduled for October 17, 2022 at 6:00 PM.

Councilor Berlin **MOVED** to recommend to full Council the appointment of Sarah Rowe to the Arts & Culture Commission, Seat H, with a term to expire 7/1/2023. Councilor Hainey seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Matthew Winders - Zoning Board of Adjustments, Seat B (Elevation from Alternate to Regular Member) Term to Expire 01/2/2025

Mr. Winders explained that he is a current alternate on the Zoning Board, where he has served for approximately one year. Now that there is a regular position is open, he is looking to fill a more active role on the board. Mr. Winders stated that he has a current minor in Community Planning, which has a large component geared towards zooming. He felt that this knowledge would be relevant and beneficial on the Zoning Board. Councilor Hainey inquired about Mr. Winders other board memberships and whether he felt his meeting and school schedule was manageable. Mr. Winders reported that he is currently on the Historic District Commission, the Trustees of the Trust Fund, the Zoning Board, and working in the City Clerk's office for elections. He is able to manage his current schedule without issue.

Councilor Berlin **MOVED** to recommend to full Council the elevation of Matthew Winders from an alternate to a regular member of the Zoning Board of Adjustments, into Seat B, with a term to expire 1/2/2025. Councilor Hainey seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Chair Gray **ADJOURNED** the Appointments Review Committee meeting at 5:50 PM

Respectfully submitted,

Cassie Givara
Deputy City Clerk



09/29/2022

City of Rochester, New Hampshire
OFFICE OF THE CITY CLERK
31 Wakefield Street • Rochester, NH 03867
FAX (603) 509-1915 PHONE (603) 332-2130

**STATEMENT OF INTEREST
BOARD AND COMMISSION MEMBERSHIP**

POSITION DESIRED: _____

NEW _____ RE-APPOINTMENT _____ REGULAR _____ ALTERNATE _____

NAME: _____

STREET ADDRESS: _____

ZIP _____

TELEPHONE:(H) _____ (W) _____ E-MAIL _____

REGISTERED VOTER: (CIRCLE ONE) YES _____ NO _____ **WARD** _____

Statement of Interest/Experience/Background/Qualifications, Etc. (This section need not be completed, but any information provided will be given to all City Councilors and will be available for public inspection). (Additional sheets/information may be attached, if desired; please do not write on the back of this form.)

If this is an application for reappointment to a position, please list all training sessions you have attended relative to your appointed position.

I understand that: (1) this application will be presented to the Rochester City Council only for the position specified above and not for subsequent vacancies on the same board; (2) the Mayor and/or City Council may nominate someone who has not filed a similar application; and (3) this application will be available for public inspection.

I certify that I am 18 years of age or older: _____



09/29/2022

City of Rochester, New Hampshire
OFFICE OF THE CITY CLERK
31 Wakefield Street • Rochester, NH 03867
FAX (603) 509-1915 PHONE (603) 332-2130

**STATEMENT OF INTEREST
BOARD AND COMMISSION MEMBERSHIP**

POSITION DESIRED: Member - Arts & Culture Commission

NEW X RE-APPOINTMENT _____ REGULAR _____ ALTERNATE _____

NAME: Sarah Rowe

STREET ADDRESS: 122 Winkley Farm Ln

ZIP 03867 301 448 0614
TELEPHONE:(H) _____ (W) _____ **E-MAIL** esrowe@gmail.com


REGISTERED VOTER: (CIRCLE ONE) YES X NO _____ **WARD** 5

Statement of Interest/Experience/Background/Qualifications, Etc. (This section need not be completed, but any information provided will be given to all City Councilors and will be available for public inspection). (Additional sheets/information may be attached, if desired; please do not write on the back of this form.)

One of my favorite parts of living in
Rochester is the amount of art in the
community and how community members
value it

If this is an application for reappointment to a position, please list all training sessions you have attended relative to your appointed position.

I understand that: (1) this application will be presented to the Rochester City Council only for the position specified above and not for subsequent vacancies on the same board; (2) the Mayor and/or City Council may nominate someone who has not filed a similar application; and (3) this application will be available for public inspection.

I certify that I am 18 years of age or older: 



City of Rochester, New Hampshire
 OFFICE OF THE CITY CLERK
 31 Wakefield Street • Rochester, NH 03867
 FAX (603) 509-1915 PHONE (603) 332-2130

**STATEMENT OF INTEREST
 BOARD AND COMMISSION MEMBERSHIP**

POSITION DESIRED: Zoning Board of Adjustments

NEW ☒ RE-APPOINTMENT ☐ REGULAR ☒ ALTERNATE ☐

NAME: Matthew A. Winders

STREET ADDRESS: 346 Salmon Falls RD

ZIP 03868

TELEPHONE:(H) _____ (W) 603-923-9433 E-MAIL matthew.winders@rochesternh.net

REGISTERED VOTER: (CIRCLE ONE) YES ☒ NO ☐ **WARD** One

Statement of Interest/Experience/Background/Qualifications, Etc. (This section need not be completed, but any information provided will be given to all City Councilors and will be available for public inspection). (Additional sheets/information may be attached, if desired; please do not write on the back of this form.)

I am currently serving as an alternate on the ZBA and am
requesting to be elevated to a regular member.

If this is an application for reappointment to a position, please list all training sessions you have attended relative to your appointed position.

2022 Planning and Zoning Conference

I understand that: (1) this application will be presented to the Rochester City Council only for the position specified above and not for subsequent vacancies on the same board; (2) the Mayor and/or City Council may nominate someone who has not filed a similar application; and (3) this application will be available for public inspection.

I certify that I am 18 years of age or older: Matthew
winders

Digitally signed by
 Matthew winders
 Date: 2022.09.15
 23:12:49 -04'00'

*Intentionally
left blank...*

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

Mayor Paul Callaghan*
Terence O'Rourke, City Attorney
Councilor Dana Berlin
HR Director Kim Conley

CODES AND ORDINANCES COMMITTEE
Of the Rochester City Council
Thursday, September 1, 2022
Council Chambers
6:00 PM

Minutes

1. Call to Order

Chair Lachapelle called the Codes and Ordinances meeting to order at 6:00 PM (*The above noted members were excused from the meeting at 6:45 PM).

2. Public Input

Susan Rice, resident, asked for clarification on rules of procedure for the meeting and when the public would be authorized to speak. Chair Lachapelle stated that public comment would be allowed at the start of the meeting, but would not be accepted during the discussions later in the agenda. Ms. Rice referenced the draft cover page of the proposed Code of Ethics in the packet which indicates it was "Adopted August 2022." She stated that this wording is misleading, as the Code has not yet been adopted.

Ms. Rice questioned how the proposed Code of Ethics would affect land-use boards. She also questioned the requirement for a signed acknowledgment within the Code of Ethics potentially prohibiting a person from filling an elected seat.

Ms. Rice spoke about the absence of backup in the packet for agenda item #7 and distributed state RSAs to the Chair for review in regards to land-use board bylaws.

3. Acceptance of the Minutes

3.1 August 4, 2022 *motion to approve*

Councilor Desrochers **MOVED** to **ACCEPT** the minutes of the August 4, 2022 Codes and Ordinances Committee meeting. Councilor Gilman seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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

Attorney O'Rourke explained that this agenda item coincides with an agenda item slated to occur at the September 6, 2022 City Council meeting for the first reading and referral to public hearing of a resolution to rescind the Economic Development special reserve fund. The City Council voted to discontinue this Economic Development special reserve fund, which will be replaced with the Economic Development non-capital reserve fund. The Codes and Ordinance Committee will need to send to the October City Council Regular meeting the recommendation for deletion of the Economic Development Special Reserve fund from the City's General ordinances.

Councilor Beaudoin spoke about the multiple steps and meetings involved in the process of rescinding one fund and establishing the new fund. He inquired if there could have been a way to complete the process more quickly without the multiple actions. Attorney O'Rourke stated that the money was originally sitting in the special reserve fund where it needed to remain by law. The Council then needed to approve establishment of the non-capital reserve fund, after said fund was revised and vetted by the Finance Committee and went to public hearing. Once the fund was approved, the money from the original special reserve fund could be moved to the non-capital reserve fund. However, this process would leave the special reserve fund empty, and the final stage is to rescind this fund and remove it from the City ordinances in another multi-stage process. Each step in the process is dictated by state RSA and needs to be followed appropriately.

Councilor Beaudoin **MOVED** to recommend to full Council the deletion of this portion of the General Ordinances regarding the Special Reserve Fund. Councilor Gilman seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

5. Code of Ethics and Conduct

Chair Lachapelle stated that there had been suggested edits received from Councilor Desrochers, Councilor Berlin, and Attorney O'Rourke, along with some edits from HR Director Kim Conley. The Committee will go through the suggestions section by section.

Chair Lachapelle directed the Committee to the documentation from Ms. Conley regarding guidelines for elected and appointed officials using social media. Director Conley addressed the committee and emphasized the need to remain professional as a Councilor on social media, even

on personal pages, because constituents and peers are always watching.

Councilor Beaudoin referenced the portion of the provided social media guidelines with the following recommendation:

- *Post a disclaimer on your personal account that identifies the account purpose and that the opinions you express are your own.*

He felt this was a good option and stated he would be doing this on his personal Facebook page. However, he stated that he had concerns with the list of “Don’ts”:

- *Don’t write posts on personal accounts that would fit within the scope of employment.*
- *Don’t discuss your private accounts in public meetings or documents.*
- *Don’t link to your private accounts from an official city account.*
- *Don’t use city devices to maintain your private account.*

Councilor Beaudoin expressed concern that political discussion on his personal page could be construed as a violation of these guidelines and, in turn, an ethics violation. He felt that they needed to be cautious with how these guidelines are worded. Chair Lachapelle reminded Councilors that as elected officials, they are in the public eye whether they like it or not and they should use caution when posting anything on social media, keeping in mind that it can be seen by constituents. Councilor Berlin said that his concern was that the portion of the ethics code regarding social media was under the section on “adjudicative matters.” He asked if the social media use being discussed is specifically during adjudicative matters, or if it is being discussed generally in the role as an elected official. Attorney O’Rourke suggested dropping the word “adjudicative” and simply stating that these guidelines are for matters pending before the body. Councilor Berlin read the first portion of his edits as follows :

“Council members shall avoid posting to social media, in regards to any adjudicative matters pending before the body. Outside of adjudicative matters pending before the body, members of the Council/Commission/Board/Committee are advised to not participate in discrimination or harassment, even if the identified behavior is not targeting a protected class, consisting of unwelcome conduct, sexual or otherwise, whether verbal, physical, or visual. Harassing conduct Includes, but is not limited to: slurs or negative stereotypes, bullying, threatening, intimidating, or other hostile acts, degrading jokes and display or circulation of graphic material that degrades or shows hostility, and physical touching. Members are also advised to never demean or personally attack an employee regarding the employee’s job performance in public”

Councilor Berlin stated that he felt members should not be posting regarding adjudicative matters to personal, political, or professional pages. Outside of adjudicative matters, members should only be limited as outlined in the passage above. Councilor Desrochers reminded the Committee that they had discussed this distinction between adjudicative and general matters at the prior meeting and it had been determined that this could be split into two sections: Social media conduct during adjudicative matters and general social media guidelines. She stated that she had similar verbiage to Councilor Berlin’s edits in her suggested edits.

Attorney O'Rourke directed the Committee to section 6 under "A. Ethics" and the following edits:

6. **Decisions Based on Merit.** Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations. When making adjudicative decisions (those decisions where the member is called upon to determine and apply facts peculiar to an individual case), members shall maintain an open mind until the conclusion of the hearing on the matter and shall base their decisions on the facts presented at the hearing **and on the personal knowledge of a Member on the issue presented to the rest of the City Council at said hearing.** ~~Should seek outside information on the subject matter from all possible sources-~~

Attorney O'Rourke clarified that this verbiage is asking that members state any personal knowledge publicly at the meeting so it is reflected in the record and available for other members to consider when making their decision. He felt that the prior wording implied that members would seek outside information on their own without presenting this information to the board. Councilor Beaudoin stated that the issue is with the word "adjudicative" within the paragraph. He wished to clarify that this particular paragraph deals with adjudicative matters and not public hearings or other meetings. Attorney O'Rourke gave examples of how a member's personal knowledge could be introduced at a ZBA or Planning Board meeting and used to assist in the decision-making. He reiterated that the emphasis is being placed on the knowledge being shared with the board publicly. This would avoid having a member make a decision or voting based on personal knowledge without disclosing the reasons behind their decisions.

Councilor Desrochers requested that there be better definition of what type of adjudicative matters this would cover. Attorney O'Rourke clarified that adjudicative matters are rare for City Council and are more common on land use boards. These are matters where the board would sit as judges in making a determination on a matter. Councilor Desrochers suggested that there be verbiage added requiring a member to state if they were a subject matter expert. There was a brief discussion on the subjective nature of the term "expert" and whether it would be sufficient to just state personal knowledge and allow other members to give it the weight they felt it deserved. Councilor Beaudoin expressed concerns that this would allow "hearsay" to be introduced into adjudicative matters. HR Director Conley clarified that when "outside sources" were referenced, it was intended to mean facts and relevant data/research that would be introduced at the meeting as opposed to opinions or speculation. Attorney O'Rourke clarified that the Council is not a legal court and does not follow the rules of evidence. He further clarified that hearsay, which would not be a recognized term for a Council proceeding, would refer to statements made by someone other than the member making the statement; however, in the situation being discussed it would be a member him/herself making a statement into the record. Councilor Berlin stated that the City Council follows their "Rules of Order" and inquired if hearsay evidence is allowable by these rules. Attorney O'Rourke answered that because the Council is not a court, this is allowable.

Councilor Berlin directed the Committee to section “3. *Conduct of Members.*” He suggested the following edits:

- 3. Conduct of Members.** The professional and personal conduct of members while exercising their office must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character ~~or motives~~ of other members of Council, Boards, Committees and Commissions, the staff or public.

Councilor Berlin stated that although he agreed that members should not be attacking others for their personal interpretation of their motives, it should not be prohibited to question these motives in an appropriate manner if they felt there were ulterior motives at play. Attorney O’Rourke stated that this verbiage is common throughout the government in codes of conduct; it is typically considered out of order to question another member’s motives on the floor, and doing so is a reprimandable offense. Councilor Berlin agreed that it was not appropriate to question a member’s motives during a meeting, but he stated that due to the code of ethics extending beyond meetings, this wording would prohibit members from politely asking others outside of a meeting what their reasoning was behind a decision. Councilor Beaudoin pointed out the wording in the first sentence, which indicates that this refers to members “...while exercising their office...” He stated that he felt this specifically referred to conduct during meetings. Councilor Berlin agreed on this interpretation and felt that the passage should be left as-is.

Councilor Berlin directed the Committee to the remainder of section 7. *Communications* and read his edits in their entirety:

7. Communication. Council Members shall avoid posting to social media in regards to any adjudicative matters pending before the body. Outside of adjudicative matters pending before the body, members of the Council/Commission/Board/Committee are advised not to participate in discrimination or harassment, even if the identified behaviors are not targeting a protected class, consisting of unwelcome conduct, sexual or otherwise, whether verbal, physical, or visual. Harassing conduct includes, but is not limited to: slurs or negative stereotyping; bullying, threatening, intimidating or other hostile acts; degrading jokes and displays or circulation of graphic material that degrades or shows hostility; and physical touching. Members are also advised to never demean or personally attack an employee regarding the employee’s job performance in public.

He reiterated that outside of adjudicative matters, members should only be limited by restrictions against discrimination or harassment.

Councilor Desrochers read her edits to this portion in their entirety as follows:

- (a) *Pertaining to all communications in any form of media which includes communications with news entities, on social media and/or public events.*
- a. *Presence in the media by officials covered under this code is to be informative in nature and positively reflect on the community and City staff and promote*

local activities.

- b. Refrain from making belligerent, impertinent, slanderous, threatening, abusive, or personally disparaging comments.*
- c. Ensure that they do not participate in discrimination or harassment, even if the identified behavior is not targeting a protected class, consisting of unwelcome conduct, sexual or otherwise, whether verbal, physical, or visual. Harassing conduct includes but is not limited to: slurs or negative stereotyping; bullying, threatening, intimidating or other hostile acts; degrading jokes and display or circulation of graphic material that degrades or shows hostility; and physical touching.*
- d. Shall never demean or personally attack an employee regarding the employee's job performance in public; and*
- e. Are to demonstrate their honesty and integrity, and to be an example of appropriate and ethical conduct*

(b) For adjudicative matters pending before the body, members shall:

- a. Refrain from receiving information outside of an open public meeting or the agenda materials, except on advice of the City Attorney. Members shall publicly disclose substantive information that is relevant to a matter under consideration by the body which they may have received from sources outside of the public decision-making process.*
- b. Avoid expressing opinions or bias regarding City business or issues that may come before the Council/Commission/Board/Committee when it may be construed that they are acting on behalf of the City.*

Councilor Desrochers explained that she had edited the original document to make a more clear distinction between adjudicative matters and general conduct. Councilor Beaudoin stated that he felt section A(a) *“Presence in the media by officials covered under this code is to be informative in nature and positively reflect on the community and City staff and promote local activities”* was too restrictive, especially when taking into consideration B(b) *“Avoid expressing opinions or bias regarding City business or issues that may come before the Council/Commission/Board/Committee when it may be construed that they are acting on behalf of the City.”* He felt that City Councilors and Board members still had a right to express themselves about City business in any way they see fit. Chair Lachapelle reiterated that he agreed in a Councilor’s right to express their opinions; he just felt there should be a disclaimer present that the opinions are personal and not the position of the City. Councilor Berlin stated that it should not be viewed as a violation to post something on a personal social media page, even if that content is not considered “informative.” He reiterated the need for a disclaimer to distinguish between a personal and professional page. Councilor Desrochers said the verbiage could be added to indicate this is “pertaining to all communications when acting as/identified as a member of the body. “

Attorney O’Rourke endorsed Councilor Berlin’s proposed wording and reminded the Committee that the Code of Ethics is a living document that will be reviewed bi-annually and can be changed and revised as it is put into use and learned from;. He recommended making Councilor Berlin’s verbiage into the new “7. *Communications.*” Councilor Beaudoin stated that

he felt the wording and punctuation needed to be cleaned up slightly, but he was in favor of Councilor Berlin's proposed wording. Councilor Beaudoin **MOVED** to recommend the revisions to section 7. Communications. Councilor Gilman seconded the motion. Councilor Desrochers said she was in favor of the revisions as long as there is a clear distinction between public/professional and private pages.

Attorney O'Rourke spoke in regards to the "*Conflict of Interest*" section. He explained the revisions he made by adding the relevant portion of Portsmouth's ordinance, in which they adopted the NH RSA 15-A financial disclosure form. He stated that he had added a portion stating that the form would be returned to a member six months following the end of their term. There was discussion in committee regarding what is contained on this form and the type of financial activity that would need to be reported. Councilor Beaudoin spoke about the criteria for recusals from discussions and actions.

Councilor Berlin addressed the Committee regarding the section titled "Practice Active Listening" and explaining his suggested revisions:

"It is disconcerting to speakers to have members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing around the room gives the appearance of disinterest. While you cannot be required to listen to public speakers in a certain way, it is advised that all members remain conscious of their actions during such time as a member of the public might be speaking. To the best of your ability remain focused on the speaker and avoid noise and distractions."

Councilor Berlin stated that the Code cannot dictate how a member listens; however, this wording clarifies that speakers need to feel like members are listening and asks board members to be cognizant of this fact.

Councilor Desrochers explained her suggested edits to the section:

- (a) *Practice active listening*
 - a. **Members shall be cognizant of non-verbal body language and facial expressions that could be interpreted as disbelief, anger, or boredom.**
 - b. **Members shall make attempts to listen actively and respectfully to city staff, members of the public and other council members whenever possible.**

Councilor Desrochers spoke briefly about body language and her suggested wording, which keeps the phrasing general and outlines what should and should not be done while listening. Chair Lachapelle agreed that both Councilors' suggested wording was sufficient. Councilor Berlin surmised that both passages said essentially the same thing. He reiterated that this code is aspirational and felt that this section is just requesting that members make their best effort of the appearance of active listening. Attorney O'Rourke stated that he would combine the two edits to integrate the suggestions from each one.

Attorney O'Rourke directed the Committee to his edits of section "C. *Sanctions*." He explained the suggested wording under "*a. Acknowledgment*", which indicates that if a person applies to be appointed to a board or commission, they must sign an acknowledgment to comply

with the Code of Ethics or else they will not be granted an interview with the Appointments Review Committee and subsequently not be given a seat on said board. Councilor Berlin asked how this would affect current board members. Attorney O'Rourke stated that this would not take effect until adopted and would be instated for those applying to boards and commissions post-adoption. He said that ideally, current members would sign the acknowledgement, although theoretically it would not take effect until after the next election due to current board assignments already being made.

Attorney O'Rourke discussed his edits to section C as follows:

Councilmembers

Councilmembers who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Mayor or Council, lose committee assignments (both within the City of Rochester and with intergovernmental agencies) or other privileges afforded by the Council. ~~Serious infractions of the Code of Ethics or Code of Conduct could lead to other sanctions as deemed appropriate by the Council.~~

Further, any Councilmember found in violation of this Code or any other misconduct in office may also be subject to the following sanctions imposed by the Council:

1. Required to attend and successfully complete training related to the nature of the violation.
2. Required to pay any monetary costs associated with investigating violations.
3. Required to issue a formal, sincere apology.
4. Removed from office in accordance with Section 70 of the City Charter.

Failure to comply with any sanctions imposed by the Council will be considered a violation of this Code and an act of misconduct in office.

Attorney O'Rourke explained that the final sentence allows for further sanctions to be imposed or escalation of action if a member does not comply with the sanction that has been handed down.

Councilor Desrochers stated that she approves of the list of sanctions developed by Attorney O'Rourke as a starting point; however, she emphasized the need for the formation of an Ethics Commission. She felt that such a committee would take the responsibility off Council and board members to research and review towards the judgement of their peers, as well as reducing the time away from the job they have been elected to perform. She recalled that constituents had inquired why Rochester does not have an Ethics Commission and how they might get involved if one was formed. Attorney O'Rourke recommended a two-step process, with a first step of having the Code of Ethics adopted by Council, Police Commission, and School Board. Once the Code has been adopted, there can be a discussion started about the formation of an Ethics Commission and the make-up of said board

Councilor Beaudoin referenced the sentence stating “*Council members who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Mayor or Council.*” He felt that this portion gave too much power to the Mayor and suggested striking “by the Mayor” to indicate that the censure would come from the elected body. Councilor Beaudoin questioned the sanction requiring payment for costs of investigation. Attorney O’Rourke stated that it is a standard sanction in multiple professional organizations that a member found in violation would be required to pay for the costs of the investigation. It was clarified that these costs would be assessed only if a member was found in violation. Councilor Desrochers speculated that these costs might be a deterrent for repeat violators and would prevent taxpayers from having to cover the costs of these investigations. Attorney O’Rourke suggested the following edit in response to Councilor Beaudoin’s concerns: “*Councilmembers who intentionally and repeatedly do not follow proper conduct may be reprimanded by the Mayor or formally censured by the Council...*”

Councilor Beaudoin inquired if, in a situation where an investigation led to the removal of an official from office and a sanction was imposed for the former member to pay the cost of said investigation, how the City would go about collecting that money once the member is no longer seated. Attorney O’Rourke acknowledged the potential for this situation and said that if it were to occur, the money could be pursued under a breach of contract if the member had signed the Code of Ethics following election. Councilor Berlin expressed concern that if the financial cost of an investigation were imposed on a violator, it could be detrimental and implausible to pay if the cost were not capped at a manageable amount. Chair Lachapelle stated that if this censure were being imposed, it would be for good reason and the costs would be justified. There was further discussion on scenarios that could occur if investigatory costs were assessed. Attorney O’Rourke pointed out that the Code of Ethics states these sanctions “may” be imposed, not “shall.” He cautioned against a cap and speculated that the costs could potentially deter the behavior for which a member could be found in violation.

HR Director Conley stated that she would distribute a power point to the Committee regarding conduct on social media for them to review. Ms. Conley asked if there were any clarifications needed on the preamble for the Code of Ethics as discussed at the prior meeting. Councilor Berlin suggested the following edit within the preamble:

“...Is created upon the recognition that serving the community is a servant that is professional. ~~As such, there is an acknowledgement within serving the public that the Code of Ethics is applicable to all aspects of a City Councilors life.~~

He clarified that he did not feel a Councilor should be held to the same standards in their private life as they would be at a meeting or a City function, and Councilors/board members should not be reprimanded for perceived violations in their private lives. Councilor Beaudoin acknowledged that this verbiage was contained in the preamble but not reflected within the code.

Chair Lachapelle stated that the Code of Ethics would be kept in Committee and come back in October with further suggestions solicited from Council. Councilor Beaudoin asked if this Code, if adopted, would override the individual codes in place for other boards and commissions. Attorney O’Rourke stated that members of these boards would be asked for input, as had been done on the previous iteration of the Code, with hopes that they will also adopt the

Code of Ethics. However, it is not a requirement that the other boards adopt it. Chair Lachapelle asked the Committee if they would entertain the invitation of a School Board member and a Police Commissioner to the October meeting for further work on the Code of Ethics. The Committee consensus was to bring these board members to the meeting for input. Attorney O'Rourke stated he would record the edits up until this point and distribute to the Committee.

6. Discussion: Revision to City Building Permits adding option for EPA "Renovation, Repair, & Painting" certification number

Councilor Desrochers gave some background on the prevalence of childhood lead exposure in NH as well as the detrimental results and unintentional consequences of this exposure. She stated that any home built prior to 1978 should be treated as though it contains lead and that any contractor doing work in a home should maintain the referenced certification. Councilor Desrochers emphasized the importance of education and awareness regarding lead exposure.

Chair Lachapelle asked what would need to be done at the City-level to facilitate this proposal. Councilor Desrochers stated that there could be a check box added to the building permit application asking for a contractor's certification code. She clarified that it would not be a requirement, but rather a mechanism for a talking point with Code Enforcement and a starting point for education and information distribution. Chair Lachapelle suggested that the Director of Building and Licensing be invited to the October Codes and Ordinances meeting for further discussion on this matter. Councilor Berlin questioned whether putting this option on the building permits may cause it to become a requirement somewhere down the road. Councilor Desrochers stated that she had not heard of municipalities mandating this information. She clarified that this is a recommendation from NH Healthy Homes, which is a part of the Department of Health and Human Services, as a starting point for education. She reported that there are also unused federal funds for these certifications as well as lead abatement, and this proposal could be a way to funnel some of this funding for use in Rochester.

Councilor Desrochers addressed the comments made by Ms. Rice during public input and stated that if she or anyone else wanted more information, it can be found at leadfreekidsnh.org.

4. Other

No Discussion.

5. Adjournment

Chair Lachapelle reported that the next Codes and Ordinances Committee meeting will be held on October 6, 2022 at 6:00 PM.

Chair Lachapelle **ADJOURNED** the Codes and Ordinances Committee meeting at 7:23 PM.

Respectfully Submitted,

Cassie Givara
Deputy City Clerk



City of Rochester, NH

Code of Ethics and Conduct
For
Elected and Appointed Officials

~~Adopted August 2022~~

A. **ETHICS**

The citizens and businesses of the City of Rochester are entitled to have fair, ethical and accountable local government. To this end, the public should have full confidence that their elected and appointed officials:

- Comply with both the letter and spirit of the laws and policies affecting the operations of government.
- Are independent, impartial, and fair in their judgment and actions.
- Use their public office for the public good, not for personal gain; and
- Conduct public deliberations and processes openly, unless required by law to be confidential, in an atmosphere of respect and civility.

Therefore, members of the City Council, all Boards, and Committees and Commissions shall conduct themselves in accordance with the following ethical standards:

1. **Act in the Public Interest.** Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of Rochester and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before them.
2. **Comply with both the spirit and the letter of the Law and City Policy.** Members shall comply with the laws of the nation, the State of New Hampshire, and the City of Rochester in the performance of their public duties.
3. **Conduct of Members.** The professional and personal conduct of members while exercising their office must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, Boards, Committees and Commissions, the staff or public.
4. **Respect for Process.** Members shall perform their duties in accordance with the processes and rules of order established by the City Council.
5. **Conduct at Public Meetings.** Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand.
6. **Decisions Based on Merit.** Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations. When making adjudicative decisions (those decisions where the member is called upon to determine and apply facts peculiar to an individual case), members shall maintain an open mind until the conclusion of the hearing on the matter and shall base their decisions on the facts presented at the hearing and on the personal knowledge of a Member on the issue presented to the rest of the City Council at said hearing. ~~should seek outside information on the subject matter from all possible sources.~~
7. **Communication.** Council Members shall avoid posting to social media in regards to any adjudicative matters pending before the body. Outside of adjudicative matters pending before the body, members of the Council/Commission/Board/Committee are advised not to participate in discrimination or harassment, even if the identified behaviors are not targeting a protected class, consisting of unwelcome conduct, sexual or otherwise, whether verbal, physical, or visual. Harassing conduct includes, but is not limited to: slurs or negative stereotyping; bullying, threatening, intimidating or other hostile acts; degrading jokes and displays or circulation of

Formatted: Not Strikethrough

Formatted: Not Strikethrough

graphic material that degrades or shows hostility; and physical touching. Members are also advised to never demean or personally attack an employee regarding the employee's job performance in public.

~~For adjudicative matters pending before the body, members shall refrain from receiving information outside of an open public meeting or the agenda materials, except on advice of the City Attorney. Members shall publicly disclose substantive information that is relevant to a matter under consideration by the body which they may have received from sources outside of the public decision-making process.~~

~~(a) Social Media Social media presence by those officials covered under this code is to be informative in nature and positively reflect on the community and City staff and promote local activities. All officials shall avoid expressing opinions or bias regarding City business or issues that may come before the Council/Commission/Board/Committee when it may be construed that they are acting on behalf of the City.~~

~~In the use of social media, all officials are to abide by the following:~~

- ~~• Refrain from making belligerent, impertinent, slanderous, threatening, abusive, or personally disparaging comments.~~
- ~~• Ensure that they do not participate in discrimination or harassment, even if the identified behavior is not targeting a protected class, consisting of unwelcome conduct, sexual or otherwise, whether verbal, physical, or visual. Harassing conduct includes but is not limited to: slurs or negative stereotyping; bullying, threatening, intimidating or other hostile acts; degrading jokes and display or circulation of graphic material that degrades or shows hostility; and physical touching.~~
- ~~• Shall never demean or personally attack an employee regarding the employee's job performance in public; and~~
- ~~• Are to demonstrate their honesty and integrity, and to be an example of appropriate and ethical conduct.~~

8.7. Conflict of Interest. In order to assure their independence and impartiality on behalf of the common good and compliance with conflict-of-interest laws, members shall use their best efforts to refrain from creating an appearance of impropriety in their actions and decisions. Members shall not use their official positions to influence government decisions in which they have (a) a material financial interest, (b) an organizational responsibility or personal relationship which may give the appearance of a conflict of interest, or (c) a strong personal bias.

A member who has a potential conflict of interest regarding a particular decision shall disclose the matter to the City Attorney and reasonably cooperate with the City Attorney to analyze the potential conflict. If advised by the City Attorney to seek advice from other appropriate entities, a member shall not participate in a decision unless and until he or she has requested and received advice allowing the member to participate. A member shall diligently pursue obtaining such advice. The member shall provide the Mayor and the City Attorney a copy of any written request or advice and conform his or her participation to the advice given. In providing assistance to members, the City Attorney represents the City and not individual members.

All members will maintain an updated financial disclosure statement in the Office of the City Clerk. The Financial Disclosure Statement shall be updated annually as of June 30th. Forms shall be based on the form used by the State to implement RSA 15-A prepared by the City Clerk for approval by the City Council and made available to all members for this purpose.

Financial Disclosure Statement shall mean a written statement, given under oath:

- 1) Listing an individual's primary source of annual income and capital assets. However, in no

Formatted: Indent: Hanging: 0.38", Right: 0.1", Space Before: 3.4 pt, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.32" + Indent at: 0.7", Tab stops: 0.7", Left + 0.7", Left

Formatted: Indent: Hanging: 0.38", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.32" + Indent at:

instance shall disclosure be mandated of any capital asset whose value at the time of disclosure is below Ten Thousand Dollars (\$10,000.00) nor shall the value of any source of income or the value of any capital asset be required for disclosure.

2) Listing any sources of income, whether or not connected with the City of Rochester which individually produce income in an amount greater than Ten Thousand Dollars (\$10,000.00) calculated annually on a per calendar year basis.

Financial Disclosure Statements shall be public records and shall be returned to the member Six (6) months after leaving office.

Waiting on verbiage from Terence on Portsmouth ordinance for the following paragraph

In accordance with the law, members ~~shall disclose investments, interests in real property, sources of income, and gifts; and if they have a conflict of interest regarding a particular decision,~~ shall not, once the conflict is ascertained, participate in the decision and shall not discuss or comment on the matter in any way to ~~any person including~~ other members unless otherwise permitted by law.

~~9.8.~~ **Gifts and Favors.** Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office that is not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.

~~10.9.~~ **Confidential Information.** Members must maintain the confidentiality of all written materials and verbal information provided to members which is confidential or privileged. Members shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial, or other private interests.

~~11.10.~~ **Use of Public Resources.** Members shall not use public resources which are not available to the public in general (e.g., City staff time, equipment, supplies or facilities) for private gain or for personal purposes not otherwise authorized by law.

~~12.11.~~ **Representation of Private Interests.** In keeping with their role as stewards of the public interest, members of Council shall not appear on behalf of the private interests of third parties before the Council or any Board, Committee, Commission or proceeding of the City, nor shall members of Boards, Committees and Commissions appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

~~13.12.~~ **Advocacy.** Members shall represent the official policies or positions of the City Council, Board, Committee or Commission to the best of their ability **when designated as delegates** for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Rochester, nor will they allow the inference that they do. Councilmembers and Board, Committee and Commission members have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention or display endorsements during Council meetings, or Board, Committee and Commission meetings, or other official City meetings.

~~14.13.~~ **Policy Role of Members.** Members shall respect and adhere to the council-manager structure of the Rochester City government. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by City staff, Boards, Committees and Commissions, and

the public. Except as provided by the City Charter and Code, members shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions.

~~15.~~14. **Independence of Boards, Committees and Commissions.** Because of the value of the independent advice of Boards, Committees and Commissions to the public decision-making process, members of Council shall refrain from using their position to unduly influence the deliberations or outcomes of Board, Committee and Commission proceedings.

~~16.~~15. **Positive Workplace Environment.** Members shall support the maintenance of a positive and constructive workplace environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to staff.

DRAFT

B. CONDUCT GUIDELINES

The Conduct Guidelines are designed to describe the manner in which elected and appointed officials should treat one another, City staff, constituents, and others they come into contact with while representing the City of Rochester.

1. Elected and Appointed Officials' Conduct with Each Other in Public Meetings

Elected and appointed officials are individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even though individuals may not agree on every issue.

- (a) *Honor the role of the chair in maintaining order*
It is the responsibility of the Mayor, as chair to keep the comments of members on track during public meetings. Members should honor efforts by the chair to focus discussion on current agenda items. If there is disagreement about the agenda or the chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.
- (b) *Practice civility and decorum in discussions and debate*
Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of debate by a free democracy in action. Free debate does not require nor justify, however, public officials to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments.
- (c) *Avoid personal comments that could offend other members*
If a member is personally offended by the remarks of another member, the offended member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other member to justify or apologize for the language used. The chair will maintain control of this discussion.
- (d) *Demonstrate effective problem-solving approaches*
Members have a public stage and have the responsibility to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

2. Elected and Appointed Officials' Conduct with the Public in Public Meetings

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

- (a) *Be welcoming to speakers and treat them with care and gentleness.*
 - a. While questions of clarification may be asked, the official's primary role during public testimony is to listen.
- (b) *Be fair and equitable in allocating public hearing time to individual speakers.*
 - a. The chair will determine and announce limits on speakers at the start of the public hearing process.

(c) ~~Practice active listening~~

a. It is disconcerting to speakers to have members not look at them when they are speaking. It is fine to look down at documents or to make notes but reading for a long period of time or gazing around the room gives the appearance of disinterest. ~~Members shall try to be conscious of facial expressions and avoid those that could be interpreted as "smirking," disbelief, anger, or boredom. While you cannot be required to listen to public speakers in a certain way, it is advised that all members remain conscious of their actions during such time as member of the public might be speaking. To the best of your ability, remain focused on the speaker and avoid noise and distractions.~~

b. ~~Members shall be cognizant of non-verbal body language and facial expressions that could be interpreted as disbelief, anger, or boredom.~~

~~a-c. Members shall make attempts to listen actively and respectfully to City staff, members of the public and other Members whenever possible.~~

(d) *Maintain an open mind*

a. Members of the public deserve an opportunity to influence the thinking of elected and appointed officials.

(e) *Ask for clarification, but avoid debate and argument with the public*

a. Only the chair – not individual members – can interrupt a speaker during a presentation. However, a member can ask the chair for a point of order if the speaker is off the topic or exhibiting behavior or language the member finds disturbing.

3. **Elected and Appointed Officials' Conduct with City Staff**

Governance of a City relies on the cooperative efforts of elected officials, who set policy, appointed officials who advise the elected, and City staff who implement and administer the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by everyone for the good of the community. The council is committed to providing an environment that is free from discrimination and harassment, even if the identified behavior is not targeting a protected class.

Harassment consists of unwelcome conduct, sexual or otherwise, whether verbal, physical, or visual. Harassing conduct includes, but is not limited to slurs or negative stereotyping; bullying, threatening, intimidating or other hostile acts; degrading jokes and display or circulation of graphic material that degrades or shows hostility; and physical touching

(a) *Treat all staff as professionals*

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

(b) *Do not disrupt City staff from their jobs*

Elected and appointed officials should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met. Do not attend City staff meetings unless requested by staff – even if the elected or appointed official does not say anything, his or her presence implies support, shows partiality, may intimidate staff, and hampers staff's ability to do their job objectively.

(c) *Never publicly criticize an individual employee*

Elected and appointed officials should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about staff performance

Formatted: Indent: Left: 1", No bullets or numbering

Formatted: Indent: Left: 1", No bullets or numbering

should only be made to the City Manager through private correspondence or conversation. Appointed officials should make their comments regarding staff to the City Manager or the Mayor.

DRAFT

- (d) *Do not get involved in administrative functions*
Elected and appointed officials acting in their individual capacity must not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.
- (e) *Do not solicit political support from staff*
Elected and appointed officials should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.
- (f) *No Attorney-Client Relationship*
Members shall not seek to establish an attorney-client relationship with the City Attorney, including his or her staff and attorneys contracted to work on behalf of the City. The City Attorney represents the City and not individual members. Members who consult with the City Attorney cannot enjoy or establish an attorney-client relationship with the attorney.

4. **Council Conduct with Boards, Committees and Commissions**

The City has established several Boards, Committees and Commissions as a means of gathering more community input. Citizens who serve on Boards, Committees and Commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

- (a) *If attending a Board, Committee or Commission meeting, be careful to only express personal opinions*
Councilmembers may attend any Board, Committee or Commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation – especially if it is on behalf of an individual, business or developer – could be viewed as unfairly affecting the process. Any public comments by a Councilmember at a Board, Committee or Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City Council.
- (b) *Limit contact with Board, Committee and Commission members to questions of clarification* It is inappropriate for a Councilmember to contact a Board, Committee or Commission member to lobby on behalf of an individual, business, or developer, and vice versa. It is acceptable for Councilmembers to contact Board, Committee or Commission members in order to clarify a position taken by the Board, Committee or Commission.
- (c) *Respect that Boards, Committees and Commissions serve the community, not individual Councilmembers*
The City Council appoints individuals to serve on Boards, Committees and Commissions, and it is the responsibility of Boards, Committees and Commissions to follow policy established by the Council. But Board, Committee and Commission members do not report to individual Councilmembers, nor should Councilmembers feel they have the power or right to threaten Board, Committee and Commission members with removal if they disagree about an issue.
Appointment and re-appointment to a Board, Committee or Commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Board, Committee or Commission appointment should not be used as a political "reward."

(d) *Be respectful of diverse opinions*

A primary role of Boards, Committees and Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Councilmembers may have a closer working relationship with some individuals serving on Boards, Committees and Commissions, but must be fair and respectful of all citizens serving on Boards, Committees and Commissions.

(e) *Keep political support away from public forums*

Board, Committee and Commission members may offer political support to a Councilmember, but not in a public forum while conducting official duties. Conversely, Councilmembers may support Board, Committee and Commission members who are running for office, but not in an official forum in their capacity as a Councilmember.

C. SANCTIONS(a) *Acknowledgement of Code of Ethics and Conduct*

Section needs rewording

Councilmembers who do not sign an acknowledgement that they have read and understand the Code of Ethics and Conduct shall ~~be ineligible for not be assigned~~ intergovernmental assignments or Council subcommittees by the Mayor, Board, Committee and Commission members- Members of committees appointed by the Mayor and/or the City Council who do not sign an acknowledgement that they have read and understand the Code of Ethics and Conduct are not eligible to hold office.

(b) *Ethics Training for Local Officials*

Councilmembers, ~~City Treasurer, City Clerk,~~ Board, Committee and Commission Members who are out of compliance with State or City mandated requirements for ethics training shall not represent the City on intergovernmental assignments or Council subcommittees, and may be subject to sanctions.

(c) *Behavior and Conduct*

The City of Rochester's Code of Ethics and Conduct expresses standards of ethical conduct expected for members of the City of Rochester Council, Boards, Committees and Commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. The chairs of Boards, Committees and Commissions and the Mayor and Council have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Ethics and Conduct are brought to their attention.

Councilmembers

Councilmembers who intentionally and repeatedly do not follow proper conduct may be reprimanded by the Mayor or formally censured by the Council, lose ~~seniority or~~ committee assignments (both within the City of Rochester and with intergovernmental agencies) or other privileges afforded by the Council. ~~Serious infractions of the Code of Ethics or Code of Conduct could lead to other sanctions as deemed appropriate by the Council.~~ Needs to be expanded on.

Further, any Councilmember found in violation of this Code or any other misconduct in office may also be subject to the following sanctions imposed by the Council:

1. Required to attend and successfully complete training related to the nature of the violation.

2. Required to pay any monetary costs associated with investigating violations.

3. Required to issue a formal, sincere apology.

4. Removed from office in accordance with Section 70 of the City Charter.

Failure to comply with any sanctions imposed by the Council will be considered a violation of this Code and an act of misconduct in office.

Individual Councilmembers should point out to the offending Councilmember perceived infractions of the Code of Ethics and Conduct. If the offenses continue, then the matter should be referred to the Mayor in private. If the Mayor is the individual whose actions are being questioned, then the matter should be referred to the Vice Mayor. It is the responsibility of the Mayor (Deputy Mayor) to initiate action if a Councilmember's behavior may warrant sanction. If no action is taken by the Mayor (or Deputy Mayor), then the alleged violation(s) can be brought up with the full Council.

DRAFT

Board, Committee and Commission Members:

Counseling, verbal reprimands and written warnings may be administered by the Mayor to Board, Committee and Commission members failing to comply with City policy. These lower levels of sanctions shall be kept private to the degree allowed by law. Copies of all written reprimands administered by the Mayor shall be distributed in memo format to the chair of the respective Board, Committee or Commission, the City Clerk, the City Attorney, the City Manager, and the City Council.

The City Council may impose sanctions on Board, Committee and Commission members whose conduct does not comply with the City's policies, up to and including removal from office. Any form of discipline, **short of removal** imposed by Council shall be determined by a majority vote of **elected members** ~~at least a quorum~~ of the Council at a noticed public meeting and such action shall be preceded by a Report to Council with supporting documentation.

When deemed warranted, the Mayor or majority of Council may call for an investigation of Board, Committee or Commission member conduct. Also, should the City Manager or City Attorney believe an investigation is warranted, they shall confer with the Mayor or Council. The Mayor or Council shall ask the City Manager or the City Attorney to investigate the allegation and report the findings.

These sanctions are alternatives to any other remedy **that** might otherwise be available to remedy conduct that violates this code or state or federal law. In order to protect and preserve good government, any individual including the City Manager and the City Attorney after complying with the State of New Hampshire Bar Rules of Professional Conduct, who knows or reasonably believes a member acts or intends or refuses to act in a manner that is or may be a violation of law reasonably imputable to the organization, or in a manner which is likely to result in substantial injury to the organization, may report the violation to the appropriate governmental authorities.

D. IMPLEMENTATION

The Code of Ethics and Conduct is intended to be self-enforcing and is an expression of the standards of conduct for members expected by the City. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions.

For this reason, this document shall be included in the regular orientations for candidates for City Council, applicants to Board, Committee and Commissions, and newly elected and appointed officials. Members entering office shall sign The below acknowledging they have read and understand the Code of Ethics and Conduct. In addition, the Code of Ethics and Conduct shall be periodically reviewed by the City Council, Boards, Committees and Commissions, and updated it, as necessary.

I affirm that I have read and understand the City of Rochester Code of Ethics and Conduct for Elected and Appointed Officials

Signature

Date

DRAFT

Finance Committee

Meeting Minutes

Meeting Information

Date: September 13, 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 (via Teams). Dan Camara, GIS/Asset Management Technician

Others present: 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.

2. Acceptance of Minutes: August 9, 2022

Councilor Lachapelle **MOVED** to **ACCEPT** the minutes of the August 9, 2022 Finance Committee meeting. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

3. Public Input

Ray Barnett, resident, addressed the Committee regarding an adjustment to the elderly tax exemption. Mr. Barnett spoke about the right-to-know requests he had submitted for information on City assisted daycare and public input emails.

4. Unfinished Business:**4.1.1 Assessing Property Tax Exemptions**

DRAFT

Councilor Larochelle explained that he had compared numbers from the NH Department of Revenue Administration as well as numbers from other municipalities to see how Rochester compares. He questioned the difference in data contained on the spreadsheet from the prior Finance Committee meeting versus that contained in the spreadsheet within the current Finance packet. He questioned the rationale behind the differences, especially between the figures for the Cities of Dover and Rochester.

Mark Sullivan, Deputy Finance Director, explained that the date was likely obtained from the MS-1 valuation report for the City of Dover, and there is a potential that the data from a single category was inserted into the spreadsheet instead of the whole figure. He stated that he would need to review this data to confirm whether the numbers are accurate. Mr. Sullivan said he would return to the Committee once this information has been reviewed.

Mayor Callaghan asked for an explanation of the categories of veteran's exemptions. Deputy Director Sullivan explained the six categories of potential veteran's exemptions, the criteria, and the exemption amounts for each category. Councilor Larochelle requested data from the NH DRA comparing the exemptions in all six categories from several reference communities to those of Rochester, particularly the data from Dover, which does not seem to add up.

Deputy City Manager Katie Ambrose explained that the two categories of municipalities contained in the spreadsheet developed by Chief Assessor Jonathan Rice consisted of the communities that the City Council typically requests for comparison to Rochester, as well as a second category containing comparison to municipalities requested by Mr. Barnett at prior Finance Committee meetings.

Councilor Hainey asked if the City was responsible solely for setting the rate for the standard deduction with the other exemptions being set by statute. Deputy Director Sullivan answered that these exemptions are determined by the City Council. Councilor Larochelle clarified that the enabling legislation, if adopted, allows the City to spend a minimum to a maximum.

5. New Business-

5.1.1 Pictometry Aerial Imagery Flyover-Fall 2022

Deputy Director Sullivan explained that during the FY23 budget cycle, the Council had cut a project for aerial imagery from the CIP budget due to the high cost of the aerial imagery combined with cost for LiDAR data capture included in the same narrative. Dan Camara, Rochester GIS, has reported that the removal of this project has now impacted the standard flyover period for aerial imagery which occurs every 3 years.

Mr. Camara explained that the CIP was not presented adequately during the budget process; with the full project cost being frontloaded to the current fiscal year as opposed to over the course of three years as it should have been. He also stated that the LiDAR capture should have been presented as a separate project from the imagery capture. Mr. Camara explained that since 2006, this aerial imagery

DRAFT

has been captured every three years and is utilized not only by the public, but also by departments throughout the City, most notably dispatch and first responders.

Councilor Beaudoin inquired about the acronym LiDAR. Mr. Camara responded that this stands for “Light Detection and Ranging” which is a methodology using laser pulses to measure distances, resulting in better topographical data. He reported that the last time this data was collected in Rochester was 2010, with this data now becoming outdated. He explained how this data is utilized by the Department of Public Works (stormwater, drainage) as well as outside consultants for a multitude of tasks and projects. Councilor Beaudoin asked if this data would assist in reducing the need for on-site topographical mapping and surveying. Mr. Camara confirmed this was true.

Mr. Camara stated that the City of Rochester has not previously contracted to have LiDAR data collected; it has previously been done by state DOT in combination with the NH Geological Survey. Councilor Lachapelle stated that he supported the aerial imagery project, which is not only useful for City Departments but also to potential developers in the City. Mayor Callaghan asked for more information on how this data is utilized by police/fire dispatch. Mr. Camara explained that this aerial imagery contains not only a top down image, but also an oblique image, which can be useful for first responders to have a full picture of a property including means of egress and access.

Councilor Larochelle asked if the LiDAR was done aurally and if it looks at the entire City. Mr. Camara said that the project area covers Rochester and up into the watershed in the Strafford, Farmington, New Durham area. He stated that the LiDAR data is collected at the same time as the aerial imagery while on the same flight grid.

Councilor Hamann asked if the request was for both the LiDAR data capture and the aerial imagery. Mr. Camara said that the purpose of tonight’s request was for the aerial imagery alone, however the LiDAR capture would be beneficial as well. Councilor Hamann referenced a project being discussed at Planning Board and how this LiDAR data would have been beneficial. He felt that approval of this funding would save money in the long run.

Councilor Beaudoin expressed that LiDAR should not be used in place of a physical survey. He acknowledged the benefits of capturing this data but felt that it was not a necessity. He said that he was in favor of the \$27,000 for the aerial imagery and expressed that this GIS data is used by both the public and staff heavily, however he felt the additional cost for LiDAR was not needed at this time.

Councilor Lachapelle **MOVED** to recommend to full Council the approval of \$27,000 for the Aerial Imagery Capture. Councilor Beaudoin seconded the motion. Deputy Finance Director Sullivan clarified that if the Committee was only considering the \$27,000 for aerial imagery capture, this funding could be found within existing budgets without full Council approval; the Finance Committee could just authorize the cost and finance can move forward with sourcing the funds. Councilor Lachapelle **WITHDREW** his motion. Councilor Beaudoin withdrew his second. Councilor Lachapelle **MOVED** to authorize the City to proceed with finding the \$27,000 within the existing budget to move forward with the aerial imagery capture. Councilor Beaudoin seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

DRAFT

Reports from Finance & Administration

4.1.1 Land Use Change Tax Collections-Conservation Fund

Deputy Finance Director Sullivan stated that the report is slightly late being presented; the revised ordinance states that it will be presented by July 31. This report details the revenues taken in for land use change tax in FY22, equaling \$380,128 which goes directly into the conservation fund. The starting balance was \$253,042, for a combined total fiscal yearend balance of \$633,170. Mr. Sullivan reported that in August, the Conservation Commission executed a contribution of \$200,000 to the Society for the Protection of Forests related to 121 acres in Champlin Ridge. This left the Commission with an ending balance of \$433,170. Deputy Director Sullivan said that the information is being presented to give the Committee an opportunity monitor the balance and activity, as well as discussing the adjustment of the percentage of funds going into the account.

Councilor Beaudoin recalled that the funds were directed to be held until such a time when Council votes to disperse them to the Conservation Commission. Deputy Director Sullivan stated that the revised ordinance allows the land use change tax revenue to be placed directly into the Conservation Fund. Councilor Beaudoin rephrased that he understood that the Conservation Commission was required to come before Council for the disbursement of funds from the Conservation Fund. Deputy Director Sullivan explained that the ordinance does not require the Planning Department of Conservation Commission to come before Council for expenditures from the Conservation Fund; however, once the City Manager executes the contracts, the Conservation Commission typically comes before Council to inform them of the impending expenditures, although this step did not occur with this most recent expenditure and will be rectified moving forward.

4.1.2 Monthly Financial Report Summary-August 31, 2022

Mayor Callaghan asked if the overtime for Police and Fire are no longer being tracked in this report. Deputy Director Sullivan said that he had removed this category from the report, but would re-add it per request from the Committee.

Councilor Beaudoin requested the first, second, and third quarter reports from the Trustees of the Trust Fund in the next monthly Financial report.

Councilor Beaudoin referenced data from the Arena fund showing revenues of 1% and expenses of 36%. He asked if this was due to the time of year and asked when these numbers would stabilize. Deputy Director Sullivan reported that the ice revenue would start increasing steadily in October when they restart operations.

6. Other

Deputy City Manager Ambrose stated that the School Board had requested a joint meeting with the Finance Committee in October to provide a presentation regarding Capital Reserve Funds.

DRAFT

7. Adjournment

Mayor Callaghan **ADJOURNED** the Finance Committee meeting at 6:30 PM.

Respectfully Submitted,

Cassie Givara
Deputy City Clerk

*Intentionally
left blank...*

City Clerk's Office

City of Rochester Planning Board
Monday September 12, 2022
City Hall Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on September , 2022)

Members Present

Mark Collopy, *Chair*
Robert May, *Vice Chair*
Peter Bruckner
A.Terese Dwyer – excused at 7:46 p.m.
Keith Fitts
Don Hamann
Mark Sullivan
Dave Walker

Members Absent

Paul Giuliano, *excused*
James Hayden, *excused*

Alternate Members Present

Alexander de Geofroy
Michael McQuade
Matthew Richardson

Staff: Shanna B. Saunders, *Director of Planning & Development*
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 Michael McQuade to vote for Paul Giuliano.

IV. Communications from the Chair

There were no communications from the chair.

V. Approval of minutes for August 8 and 22, 2022

Terry Dwyer requested to change “Jeff Newton” to Cliff Newton in the August 22, 2022, minutes.

Dave Walker made a motion to approve the minutes with the changes stated. Don Hamann seconded the motion. The motion carried by a unanimous voice vote.

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

A. Public comment

There was no public comment.

B. Discussion of general planning issues

Mr. Walker asked for clarification on the sewer hookup fees that recently was voted on by the City Council. Mr. Walker asked if this is only for new approved projects? Ms. Saunders explained that she would ask for clarification from the Department of Public Works.

VII. Extensions

A. [Victoria Perez, Ko-Go, LLC, 0 Farmington Road](#) (by Norway Plains) Extension Request to meet precedent conditions Case# 208 – 16 – GRD – 22 **Extension to 3/7/2023**

Ms. Saunders explained the extension request is due to manufacturing and shipping delays. The applicant is seeking an extension to March 7, 2023.

Mr. Walker asked how many extensions this project has had. Ms. Saunders said that this is the first extension request.

Mr. Walker made a motion to approve the extension request to March 7, 2023. Ms. Dwyer seconded the motion. The motion carried by a unanimous voice vote.

VIII. New Applications

- A. **Champlin Place, Easter Seals of NH, 215 Rochester Hill Road** (by Norway Plains)
Modification to an approved Site Plan Case# 243 – 39 – A – 21 **ACCEPTANCE/FINAL DECISION***

Bob May recused himself from this application. Mr. Collopy asked Matthew Richardson to vote for Bob May.

Scott Lawler, of Norway Plains, discussed the amendment to an approved Site Plan project. Mr. Lawler explained the modification is being requested due to an issue with the Eversource and where the underground utilities would be running from a utility pole to the building. Mr. Lawler explained Eversource determined that the utility wires running through the field was no longer an option and need to be placed closer to a paved access way in order to maintain service. Mr. Lawler explained the new proposal shows the utilities coming down the entrance of the property.

Ms. Saunders explained that City staff support the waiver and modification request.

Peter Bruckner made a motion to approve the waiver request. Mr. Walker seconded the motion. The motion carried by a unanimous voice vote.

Mr. Walker made a motion to approve the modification request. Mr. Hamann seconded the motion. The motion carried by a unanimous voice vote.

- B. **Elizabeth Dunnells, Tibetan Drive, 797 Portland Street** (by Berry Surveying) Design review for a proposed roadway with 16 lots for 16 Duplex buildings Case# 108 – 50 – A – 22 **Public Hearing ACCEPTANCE/FINAL HEARING***

Christopher Berry, of Berry Surveying & Engineering, discussed the design review of the 16-lot subdivision. Mr. Berry explained the boundary and existing conditions survey that was conducted in the Spring of 2022. Mr. Berry discussed the wetlands analysis that was conducted by a wetland's scientist. Mr. Berry discussed the existing conditions and the three frontages available to the lot. Mr. Berry explained where the wetlands are located and the stream on the property. The site has City water but no sewer. Mr. Berry explained the stormwater analysis that will be conducted. Mr. Berry discussed the submittal and TRG completed after the design review, including the road design, subdivision design, and the additional information needed to continue with the subdivision. A traffic analysis is needed, specifically from the intersection on Crowhill Road, Portland Street, and Grove Street. Mr. Berry discussed the stormwater analysis and the amount of stormwater that affects the abutting landowners. Mr. Berry explained the proposal to capture a lot of the stormwater and route it to a gravel area. Mr. Berry said there is one wetland crossing that will be submitted to NH DES and to Conservation Commission. Mr. Berry explained the Alteration of Terrain permit that is required.

Mr. Collopy opened the public hearing.

Karl Stevens, 61 Crowhill Road, discussed the runoff and seasonal Brook that runs through his property. Mr. Stevens explained that the Brook has grown over the years and is now 4 feet deep.

Mr. Stevens discussed the retaining wall that he put in on his property. Mr. Stevens is concerned about who would be responsible for relief if it effected his property.

Dottie and John McClain, 63 Crowhill Road, expressed their concerns of the amount of run off that is on their property. Ms. McClain expressed concern with traffic on a dead-end road. Ms. McClain discussed the flooding that occurred in 2008 and how residents on Crowhill were forced to evacuate. Ms. McClain discussed the water supply and the oldest infrastructure within the City. Ms. McClain explained that there is a fire hydrant constantly running to keep the water flushed. Mr. McClain expressed concern with the general wetlands that are on the proposed parcel and the current conditions now compared to when it is not a dry summer. Mr. McClain that every time timber is removed from the area the water problem gets worse. Mr. McClain explained the amount of water that still comes onto their property even with a retaining wall in place. Mr. McClain discussed the need for a sub pump in their basement. Ms. McClain expressed her concern with the school systems and additional children and the safety of children walking on Crowhill with no sidewalks.

Carl Goodwin, 817 Portland Street, discussed the problems with the water on properties. Mr. Goodwin expressed his concern with the foundations on the duplexes, the size of them, and if they are going to rentals or owner occupied. Mr. Goodwin expressed his concern with low-income housing.

Jill Goodwin, 817 Portland Street, discussed her sub pump in the basement. Ms. Goodwin explained that her entire backyard is wet. Ms. Goodwin discussed the trees being taken down and having to look at a development.

Dave LeClair, 745 Portland Street, discussed the right of way that was once Blaisdell Lane is now City owned. Mr. LeClair expressed concern with the runoff.

Colin Claffey, 795 Portland Street, expressed his concern with traffic during school hours. Mr. Claffey expressed his concern with the right of way next to his property being developed. Mr. Claffey discussed the drainage and the runoff. Mr. Claffey explained that he had to put a sub pump in his basement. Mr. Claffey expressed concern with who is responsible for his property if it is ruined by this project.

Christina Paquette, 9 Copper Lane, said that she is not a direct abutter but lives across the way. Ms. Paquette expressed her concern with traffic and the lack of sidewalks on Crowhill Road. Ms. Paquette asked if there was a way to put a walking lane towards the back of the subdivision to the school for kids to walk. Ms. Paquette expressed her concern with the full buses and where the kids would have to walk to get to the bus stop. Ms. Paquette expressed her concern with traffic at the 5 corners and on Portland Street.

John Kirchdorfer, 67 Crowhill Road, expressed his concern with the entrance of the subdivision coming right next to his home and five duplexes possibly surrounding his property. Mr. Kirchdorfer expressed his concern with the trees and the water that runs through his property. Mr. Kirchdorfer said that his neighborhood is quiet, peaceful, and hardly ever any cops. Mr. Kirchdorfer explained the lack of paint on the roads and safety for kids that could be walking the road. Mr. Kirchdorfer discussed the burden on school systems and lack of fire station.

Jason Picard, 74 Crowhill Road, expressed his concern with the new road aimed directly at his house. Mr. Picard expressed his concern with safety and cars stopping at the bottom of the slope.

Art Jacobs, 67 Copper Lane, said that he is not a direct abutter but across the way. Mr. Jacobs asked how would be in charge of the open space that is indicated on the plans. Mr. Jacobs asked if the duplexes will be owner occupied or rentals? Mr. Jacobs discussed the wetlands and the water concerns surrounding the property. Mr. Jacobs asked if there could be single family homes put in rather than duplexes.

Carl Goodwin, expressed his concern with the water problem that floods his property and the surrounding properties.

Damon Kondrup, 570 Salmon Falls Road, discussed the water concerns and how the current surveying plan does not represent how wet the land actually is during a normal season. Mr. Kondrup expressed his concern with the property being Agricultural and how landowners are trying to preserve the land. Mr. Kondrup explained that the land should be preserved rather than developed. Mr. Kondrup expressed his concern with this bring a large multi-family development and how this development does not fit with the surrounding properties.

Mr. Collopy closed the public hearing.

Ms. Saunders explained that the application is a design review and that it went to one TRG review and that there will be third party reviews for this project.

Mr. Walker discussed how wet the land is and the difficulty of rerouting the water. Mr. Walker explained that the proposed roadway should be lined up with Stair Falls Drive rather than in front of a home.

Mr. Collopy asked Mr. Berry to discuss where the water is going to go and how the pond is going to draw the water away from properties.

Mr. Berry discussed the mitigation design and where the water will end up for this proposal. Mr. Berry explained that he is very aware of the water problem in the area, and he is working with the developer to make it better. Mr. Berry explained the process for determining the wetlands and how to determine the seasonal high-water tables.

Mark Sullivan asked if this design would improve water flow for the abutters. Mr. Berry explained it would help the abutters and a stormwater analysis has been submitted and currently being reviewed. Mr. Berry discussed the detention system proposed and the route of the water.

Mr. Collopy expressed his concern with traffic and location of the road on Crowhill Road. Mr. Collopy explained that he does not feel the duplexes match the tone of the neighborhood.

Mr. Walker discussed the lack of sidewalks, and that the road is not wide enough to support a sidewalk. Mr. Walker asked about the traffic pattern. Mr. Berry explained that the traffic pattern is still underway, but the field data has been obtained.

Mr. Walker asked if the water flows south to north or north to south in this area. Mr. Berry explained that the water flows from the southern hemisphere to the northern, but there is a large elevational difference.

Ms. Dwyer asked about the traffic study and if it was done at the beginning and end of school? Mr. Berry said the pm peak was done from 4pm to 6pm, so it was not done during the school release time. Mr. Berry said that the am peak was done during school hours.

Mr. Bruckner asked to know what the plan is for the duplex units from an architectural standpoint. Mr. Bruckner asked for contour maps.

Mr. May asked for clarification on the foundations and if it will be an issue. Mr. Berry explained that the duplexes will be slab on grade, but not on full foundations. Mr. May asked if there was any plans for sidewalks, especially on Crowhill Road. Mr. Berry explained that there are no plans for sidewalks on Crowhill Road. Mr. May asked if there are any pedestrian amenities. Mr. Berry said no plans as of right now.

Mr. McQuade expressed his concern with the water situation being improved for the abutters and to make sure this subdivision is not adding to the water problem.

Mr. Collopy discussed the sidewalks and how they do not seem to be fitting in that area. Mr. Collopy expressed his concern with duplexes not being the best option due to the high foot traffic it may bring in.

Ms. Dwyer discussed what would happen if the drainage system does not work and who would be responsible. Ms. Dwyer expressed her concern with making sure this project does not cause more damage to the surrounding abutters.

Mr. Berry explained that he is going to take this input and submit new plans for review with TRG.

Mr. May asked if there will be third party reviews for this project. Ms. Saunders explained that there would be third party reviews.

Ms. Saunders explained the design review process and the next step. Ms. Saunders let the public know that there would be another abutter notice once the project comes back to the board.

C. Anthony DiLorenzo, 400 North Main Street, LLC, 0 North Main Street (by TFMoran)

Site Plan to construct two buildings for automotive service and sales

Case# 114 – 2 – HC – 22 **Public Hearing ACCEPTANCE/FINAL HEARING***

Mr. Collopy excused Ms. Dwyer at 7:46 p.m. and asked Mr. Richardson to vote for Ms. Dwyer.

Chris Rice, from TFMoran, presenting on behalf of the applicant. Mr. Rice explained that there was a previous approval for a car dealership on this site but has since expired. Mr. Rice discussed the site including that it is in the conservation overlay district and the location of wetlands on the property. Mr. Rice explained the curb cut is moved further down from the exit off the Spaulding Turnpike. Mr. Rice explained that the proposal is to construct two dealership buildings, the building on the left will be GMC and 22,000 sf and the building on the right will be a Jeep dealership and 26,300 sf. There will be approximately 523 parking spaces which includes 396 display spaces and 127 customer and employee spaces. Mr. Rice explained the landscaping proposed for the site. There will be municipal water and sewer and there is currently a sewer capacity review underway. Mr. Rice explained there is a 1,500-gallon oil and water separator proposed for each building. There are no wetland impacts and all new pavement is at least 150 feet away from the wetland

boundary. Mr. Rice explained that the application went to Conservation Commission to remove pavement that is currently in the conservation overlay district and some other work that needs to be completed within the overlay. Mr. Rice explained the stormwater management plan. Mr. Rice discussed the evergreens that are currently planted within the parcel and that NH DOT has no issues with the evergreens being removed as long as it is accepted by the city staff and planning board. Mr. Rice discussed the results of the traffic study. Mr. Rice discussed the waiver requests; three landscaping waivers, parking waiver, and a drainage waiver. Mr. Rice discussed the reviews that have been completed by the state, including NH DES and NH AoT permits.

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

Ms. Saunders discussed the staff recommendations for the project. Ms. Saunders explained that there are two sets of waivers to approve, including the waivers for landscaping and the waiver for the stormwater management. There are two conditional use permits for approval which are for a car dealership and the second is for the wetlands buffer which went before the Conservation Commission. Ms. Saunders said that staff recommends the application be accepted 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 sewer and water capacity studies. Ms. Saunders explained the drainage maintenance agreement to be recorded, and under general and subsequent conditions a requirement for a contribution for a future Route 11 traffic study. Ms. Saunders explained the PTAPP condition to be completed with the as-builts. Ms. Saunders discussed the landscaping of the evergreen trees in the DOT right of way is new tonight and the removal of the trees will need to be reviewed by staff.

Mr. McQuade asked if the dealerships are two separate dealerships with two separate licenses? Mr. Rice said it is two separate dealerships. Mr. McQuade asked if there is a physical barrier to separate the inventory. Mr. Rice explained that there is not a physical barrier. John Tuttle, of TW Designs, said that the physical barrier is the travel lane between the dealerships. Mr. McQuade asked if the plan has been reviewed by the dealer desk and if it was approved by them. Mr. McQuade explained that there are safety rules that need to be followed and the inventories can't be crossed. Mr. McQuade suggested getting that approval before approving the application. Ms. Saunders asked if this could be a condition of approval? Mr. McQuade agreed.

Mr. Hamann asked about the piles of sand that are on the site currently. Mr. Rice explained that there is a good amount of fill to raise the site. Mr. Hamann asked about the removal of the trees and if they would all be removed? Mr. Rice explained the intent was to remove them all but the applicant is willing to work with staff. Ms. Saunders explained staff would like to opportunity to look back at old minutes to make sure it wasn't a previous condition of approval.

Mr. Walker asked about the sidewalk being put in on North Main Street. Mr. Rice explained the sidewalk will be put in until almost the Spaulding Turnpike. Mr. Walker asked about the dumpsters on site and if they are screened in. Mr. Rice said they are screened in behind both buildings. Mr. Walker asked about the snow removal plans. Mr. Rice explained that snow removal has been shown on the plans, but snow removal will be on the permitter of the parcel.

Mr. Fitts asked about the plans for the dealership across the street. Mr. Rice said there are no plans currently.

Mr. May asked if there are any plans for solar panels or for electric vehicle charging stations. Mr. Rice explained there is no plans for solar panels but there is plans for electric vehicle charging stations on site. Mr. May asked if the applicant would have to come back to the planning board if they put up trackers. Ms. Saunders explained they would not unless it was a large array of trackers.

Mr. Sullivan asked about the contribution for a traffic study. Ms. Saunders explained that there is concern about the traffic in the corridor and the concern about needing a traffic light. Ms. Saunders explained that the intent is to build the project and see what it looks like for 6 months and then consider a traffic study. Mr. Sullivan requested the contribution for the traffic study be removed.

Mr. Walker asked what the bottom line of the traffic study would be and the cost of the traffic study. Ms. Saunders said that it would be determined by Planning and Public Works Departments.

Mr. McQuade said the NH Code of Administrative Rules SAF-C 3003.03 is the structural requirements for separation between dealerships.

Mr. Collopy asked if the street signage to be used would be similar to their other dealerships. Mr. Rice said it would be similar and a sign permit would be applied for.

Mr. Bruckner discussed making the building solar panel ready and having EV Charging stations. Mr. Rice explained there will be EV Charging stations.

Mr. Walker made a motion to accept the two waivers and the conditional use permits. Mr. Hamann seconded the motion. The motion carried by a unanimous voice vote.

Ms. Saunders discussed the conditions requested by the planning board including addition of the EV Charging Stations to the final plan, the approval from the Department of Safety dealer desk for the separation between the dealerships, and the allowance for staff to review and make recommendations to remove the evergreens within the state right of way.

Mr. Sullivan made a motion to approve the application with the three conditions stated and the removal of the condition to contribute to the city traffic study. Mr. Walker seconded the motion. The motion carried by a unanimous voice vote.

IX. Other Business

A. Planning Update

Ms. Saunders reminded the board that Monday September 19th is the workshop meeting. Ms. Saunders discussed the Rochester Listens meeting with residents of Gonic on 9/22/22.

Ms. Saunders announced the Planner I position has been filled by Renee McIsaac and that she is starting September 19, 2022.

B. Other

There was no other business to discuss.

X. Adjournment

Mr. Walker made a motion to adjourn the meeting at 8:31 p.m. Mr. Bruckner 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

*Intentionally
left blank...*

City Clerk's Office

**Public Safety Committee
Draft Meeting Minutes
September 21, 2022
6:00 PM
Council Chambers**

Members Present

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

Others Present

Michael Bezanson, PE, City Engineer
Dan Camara, GIS Asset Mgmt. Technician
Deputy Chief Jason Thomas, PD
Andrew Herman, 52A Pickering Road
Emily Talon, 52A Pickering Road
Ronda Boisvert, DPW

Minutes

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

1. Public Input

Andrew Herman and Emily Talon from 52A Pickering Road were present to discuss safety and parking issues in the Pickering Road/Church Street intersection area. Mr. Herman said that the real issue in the area is speeding; taking the parking spaces away does affect them as their apartment building is right in front of where the temporary “no parking” signs have been placed. Councilor Lachapelle said it is very difficult to see traffic coming from around the corner when there are cars parked in that area across from the post office to the fire hydrant. Taking a left out of Church Street is hard; and, you have to edge out to see. Changing the location of a crosswalk would require a curb cut; if a speed bump were installed in one location, it will escalate from there and be requested in many other locations. Permanently installed speed bumps will cause havoc with snowplows. Councilor Berlin said he is in favor of speed tables but does not think they will be beneficial in this area. The real issue for the no parking for him was when he was turning left he saw a woman waiting to cross and ended up going down to the other crosswalk to cross Pickering. Councilor Lachapelle said the line of sight is much better. Councilor Lachapelle asked Mr. Bezanson if a rapid rectangular flashing beacon would be appropriate in this area. Mr. Bezanson said that they also have one of the radar feedback speed signs that could be placed on the approach to Gonic. Councilor Berlin suggested pedestrian signs at the crosswalk, and supported the installation of the radar feedback sign in this area. Councilor de Geofroy said he was also in support of the flashing sign. Councilor Lachapelle said that they could discuss under other the speed limit sign and bring to full council. Councilor Gilman asked if the crosswalk could be moved. Mr. Bezanson said since there is already another crosswalk, he would probably recommend removing the crosswalk altogether rather than moving it to another location. Councilor Berlin asked Deputy

Chief Thomas if they ever do stings around the City. Deputy Chief Thomas said they have a unit called POP, Problem Oriented Policing. They have not had the unit for the past year due to staffing. They have had one of the POP officers in plain clothes who radios another about violations. He said at the end of this year they are confident they can fill this unit. Councilor Lachapelle will take Mr. Herman's name and number and keep him updated.

2. **Approve Minutes from August 17, 2022 Public Safety Meeting.**
Councilor Berlin MOVED to approve the minutes from August 17, 2022 Councilor Malone seconded the motion. MOTION CARRIED by a unanimous voice vote.

3. **Flat Rock Bridge Road/Salmon Falls Road intersection Safety Concerns (kept in committee)**
 Councilor Lachapelle summarized the issue. Mr. Bezanson said he is still working on this issue, but has no update for tonight.

4. **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 is still working on getting a cost estimate for lighting; no update for tonight.

5. **Columbus Avenue-Request Crosswalk/Sidewalk**
 Councilor Lachapelle summarized the issue. A call came into the Department of Public Works for a crosswalk request near 682 Columbus Avenue. Ms. Pare stated her children are unable to take the bus; they need to walk, but it's dangerous and not safe for them to walk. Mr. Lachapelle asked Mr. Bezanson if there would be any projects in the area. Mr. Bezanson said that there has been discussion among City staff regarding adding sidewalk on Old Dover Road that would connect to Columbus Avenue, but so far there is no funding for this. There is a project to address the intersections of Columbus/Old Dover/Wilson and Columbus/Charles in the NHDOT Ten Year Plan, but construction is at least 7 years out. Mr. Bezanson said that there is existing sidewalk on the opposite side of Columbus Avenue, but finding a short term solution to add sidewalk and crosswalk to connect to the existing from this property would be very difficult. Councilor Berlin suggested that there is a paved area across from Jiffy Lube where it looks like a drain is located; could a crosswalk be located there? Mr. Bezanson said the limits of the right of way would need to be determined, potentially requiring negotiations with private land owners, a sidewalk would need to be installed along with curb ramps; this location is not a recommended location for a mid-block crosswalk. No Action.

6. **Colby Street-One-way**
 Councilor Lachapelle summarized the issue. Mr. Bezanson reached out to NHDOT regarding converting Colby to a one-way street and the State would like to look more in depth at the proposal, conduct traffic counts, and perform a traffic signal analysis which includes Chesley Hill Road intersection as well. The State

Highway Safety Engineer is planning to conduct a study of Church Street and Route 125, so Mr. Bezanson asked if they could include these 2 traffic signals to the north in the analysis as well. No firm commitment from the State yet; Mr. Bezanson will keep the Committee updated. Mr. Lachapelle asked about the accident in Gonic. Deputy Chief Thomas said it was 2 vehicles going through red lights. Mr. Bezanson said the “no thru trucks” signs have been installed. The ones installed say “Class 8 and above”; signs that read only “no thru trucks” are on order and will be installed once received. Councilor Berlin asked Mr. Bezanson to explain what Class 8 means. Mr. Bezanson said Class 8 refers to larger trucks. **(kept in committee)**

7. Flat Rock Bridge/Milton Road by Cumberland Farms and Dunkin Donuts Parking Issues

Councilor Lachapelle summarized the issue. Large trucks parking in “no parking” areas are causing line of sight issues. Deputy Chief Thomas said that the parking enforcement officer is in the area twice a day and it is on her radar to check for violations. Mr. Bezanson said that DPW had discussed options and propose moving the location of the “no parking” signs out into paved area, maybe about five or six feet from the curb. ***Councilor Berlin MOVED to recommend to full council to install “no parking” signs across the street of Cumberland Farms. Councilor Malone seconded the motion. MOTION CARRIED by a unanimous voice vote.***

8. Downtown-Speeding issues

Councilor Lachapelle summarized the issue. Councilor Malone said a sign has been fixed. Councilor Berlin mentioned the issue of wrong-way drivers on Congress Street; should there be a “no left turn” or “wrong way” sign installed near the parking lot? Councilor Malone said if you’re from out of town you might not know it’s a one way. Mr. Bezanson said a “right turn only” sign and/or painted symbols could be installed. Councilor Berlin said the existing “do not enter” sign could be moved a little. Mr. Bezanson agreed that the “do not enter” sign could be relocated and a motion from the Committee would not be needed because it is an existing sign.

9. Emergency Call Boxes (request from Councilor Berlin)

Councilor Lachapelle summarized the issue. Councilor Berlin explained what emergency call boxes are. It is a direct line to dispatch you see a lot on college campus. He said some have cameras; he thinks they would be beneficial for Rochester as there have been a lot of tagging issues. Might not be used a lot, but they are there for safety. Councilor Berlin asked if anybody had questions. Councilor de Geofroy said he would like the two issues be separate; he supports the emergency boxes, but said a need for surveillance would need to be discussed more broadly. Councilor Berlin said he does not feel it would be beneficial without the cameras. Deputy Chief Thomas said the Police Department wouldn’t be against it. UNH campus has them and they will keep but not adding anymore. You get more crank calls than real calls. The call boxes were more prevalent before

there were a lot of cell phones. Councilor Lachapelle asked Councilor Berlin if he could get information for the councilors about call boxes for next month's meeting. Mr. Bezanson said he is on the Parking Review Group and one of the things they're talking about is parking and safety situations. How safe you feel in parking lots and going to venues. Also, as part of the design of the Union Street Municipal Parking Lot reconstruction project, emergency call boxes have been discussed. Councilor Berlin had discussed with Chief Boudreau installing a few to start in certain areas. Councilor Berlin said there were several different options and can be solar-powered. Councilor Berlin will get more information regarding call boxes and distribute to the Committee prior to the next meeting. **(kept in committee)**

10. Winter Street "No Parking" Request" (request from Councilor Berlin)

Councilor Lachapelle summarized the issue. Councilor Berlin said there is a sidewalk on Winter Street, but after Silver Street the sidewalk is on the left hand side; there are no parking signs, but vehicles are parking on the sidewalk to get around the no parking on the street. Not sure what can be done because they technically may not be breaking any rules if there is no defined sidewalk. Deputy Chief Thomas said you cannot park on the sidewalk. Mr. Bezanson said there could be extra pavement that residents have installed in front of their houses; he said this area is planned to be part of a future CIP project. The infrastructure in this area is in need of rehabilitation, but this project may continue to be pushed out depending upon the priority of other CIP projects. Curbing would be addressed in the project and street parking would be evaluated during design. Councilor Berlin would like some information to bring back to the person who sent the request. No action taken.

11. Franklin Street brush Request (request from Councilor Berlin)

Councilor Lachapelle summarized the issue. Councilor Berlin said that the person who sent this request to him just wanted information when pruning is done. Mr. Bezanson said he doesn't know if there is a set schedule; fall is normally a good time for the DPW to address roadside trimming. He stated that they encourage residents to call in when they see areas that need to be pruned.

12. Other

Pickering Road in Gonic

Councilor Lachapelle said he would like to know the best location for the radar feedback speed sign. ***Councilor Malone MOVED to recommend to full council to install radar feedback speed sign near the Pickering Road bridge at the discretion of DPW. Councilor de Geofroy seconded the motion. MOTION CARRIED by a unanimous voice vote.***

In front Of U-Haul on South Main Street

Councilor Lachapelle asked Mr. Bezanson if the crosswalk has been painted recently in front of the U-Haul on South Main Street and if they could add a crosswalk sign. Mr. Bezanson will look into this.

51A Charles Street Eyesore a lot of Stuff in front

Councilor Lachapelle said that a request came in to remove the items in front of 51A Charles Street it continues to be an eyesore. Deputy Chief Thomas will look into this and get Code Enforcement involved with this if needed.

Hospital Sign-Whitehall Road

Councilor Lachapelle said a request came in to the City Clerk's office regarding a right turn to hospital. There is one coming from Salmon Falls Road to turn left but not the other way. Councilor Lachapelle will get more information. **(this was kept in committee)**

187 Old Dover/Tebbetts-Request white painted stop line on Tebbetts Road

Deputy Chief Thomas said he got a request from the resident of 187 Old Dover Road. He has got a lot of debris in his yard from accidents and is requesting that the white painted stop sign line get repainted, because it is faded. Mr. Bezanson will look into this. He also said there was a Roadway Safety Audit conducted for the intersection of Old Dover Road/Tebbetts Road; and, the City recently signed a project agreement with NHDOT and a safety improvement project is in the design phase now.

202/Estes Safety Improvement Project

Mr. Bezanson shared an update on the NHDOT Route 202/Estes Road safety improvement project. Mr. Bezanson has updated the State that the City completed paving on Estes Road, which included slightly raising the elevation of the road at this intersection. Mr. Bezanson said that the State informed him that preliminary design funding has been obligated and they will be moving forward in early fall with survey and hiring a design consultant. Councilor de Geofroy asked if there was anything being done on the Crown Point side. Mr. Bezanson said that the City has conducted a site walk of that area with NHDOT as well, but there is no defined project to address that intersection yet.

Councilor Lachapelle ADJOURNED the meeting at 7:23 PM.

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

*Intentionally
left blank...*

City Clerk's Office

Public Works and Buildings Committee
City Hall Council Chambers
Meeting Minutes
September 15, 2022

MEMBERS PRESENT

Councilor Donald Hamann, Chairman
Councilor Jim Gray, Vice Chairman
Councilor John LaRochelle
Councilor Steve Beaudoin
Councilor Alexander de Geofroy

OTHERS PRESENT

Peter C. Nourse PE, Director of City Service
Lisa Clark, Administration & Utility Billing Supervisor
Dan Camara, DPW GIS
John Dunster, Revision Energy Representative

MINUTES

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

1. Approval of July 21, 2022 Meeting Minutes

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

2. Public Input

No Public Input

3. Municipal Solar Power Projects

Mr. Nourse stated that will be discussing the City's initiatives with solar power. Mr. Nourse stated that a few years ago the City Council had expressed interest in solar power and since that time he has been working with the Deputy Finance Director, Mark Sullivan, and a solar company, Revision Energy, represented by John Dunster. Mr. Nourse stated that the School Department has completed a few solar projects and he stated that the first solar project for the City Municipal side was the solar array on the new Department of Public Works (DPW) facility. Mr. Nourse explained that the DPW array is a 403,000 kilowatt (kw) hour system that was designed to meet the peak demand of the facility and that on sunny days sell any excess power back to grid. He stated that this project was completed using a Power Purchase Agreement (PPA). Mr. Nourse explained that a PPA is an agreement where the system is installed, funded and owned by investors. There are no investment cost to the City. He stated that the City has the option to purchase the system in years six, and he has programmed that cost into the long term Capital Improvement Plan (CIP) for 2025. Mr. Nourse specified that the DPW system his producing more than the building's draw is at this time, but states that once we have a full year at full operations he will be better able to report on the financial

efficiency of the system. Mr. Nourse noted that due to the increasing Eversource's delivery fees there will be additional savings for the City. Mr. Nourse stated that the next project under consideration is a solar array on the Community Center. He stated that the original design was to put a solar array on the entire roof of the building and may have been able to meet the building's demand. This would have been a 433,000kw hour system. Mr. Nourse stated that a structural analysis has been done that shows that only a portion of the Community Center Roof could support a solar array. He stated that it is just the Gym roof and the array on the building will now be designed as a 160,000 kw hour system. He stated this is about a quarter of the facilities demand. Mr. Nourse stated that staff is considering another PPA or possibly a direct purchase of the system. He explained that there are currently several incentive programs that may make the direct purchase more advantageous. Mr. Dunster spoke to the Committee and discussed the possible incentives that could be up to 50% of the total cost of the project. Mr. Dunster stated that one of the incentives could be for 10% of the entire project cost and it would be for using American made panels. He stated with all of the incentives it may make it worth purchasing the array vs. using PPA. Councilor Larochelle noted that the life span of 40 years is assumed using the efficiency rating that decreases over time. He stated that the array would likely last much longer but may be working at a lesser efficiency. He stated the City would not need to discard the panels, they could be left in place many more years. Mr. Dunster confirmed that this is true and stated that the newer panels are even better and will last longer. He stated at 40 years they could still be running at 80%. Councilor Beaudoin asked if there are significant cost increases for using the American made panels. Mr. Dunster stated that now it is about a 40% premium as there are so few American made panels. He stated that there is a chance that this number could change over the next several years as more American made products become available. He believes that the 10% on the whole project, will outweigh the additional 40% premium cost of the American made panels in the project. Councilor Larochelle asked the quality of the American made vs. imported product. Mr. Dunster stated they would only use tier 1 quality and noted to obtain that rating it would be universal regardless of origin. Councilor de Geofroy asked the likelihood of Eversource refusing to buy back power sent to the grid. Mr. Dunster stated the DPW project has a twenty year contract that requires Eversource to purchase the power sent to the grid. Mr. Dunster explained that there have been some attempts to repeal legislation requiring the power companies to purchase the power sent to the grid. He stated that he does not see that gaining any momentum, but is worth watching to see if that changes. Mr. Dunster also noted that the Community Center will not be producing enough energy to power the building, so sending it back to the grid will not be of concern. Councilor de Geofroy asked if reconstruction of the roof structure to hold more solar would be cost prohibitive. Mr. Nourse stated he believes it would be too costly. Councilor Larochelle suggested the Police Station's south facing sloped roof for a project. Councilor Hamann asked if we were looking at any large ground solar fields. Mr. Nourse stated that he had looked at a large City owned field on Pickering Road, but there were wetlands involved and it was not feasible. Councilor Beaudoin asked if the Director would be able to provide a report in January that would detail the cost saving for the 12 months at the DPW building. Mr. Nourse stated that he would produce a report, but mentioned that the first few months the system was operating at 2/3's capacity as one of the inverters were not in operation. Mr.

Nourse stated that he would continue to look for places to implement the solar projects and that he would keep the Committee informed of this and any other solar projects as they come up. Councilor Beaudoin asked for the Community Center PPA Breakdown and the incentives flyer to be attached to the minutes. (Attached)

4. Shaw Drive & Norway Plains Road Pavement Moratorium Waivers

Mr. Nourse stated that there are two moratorium requests.

Shaw Drive: Mr. Nourse stated that the street was paved in 2020 as part of the Granite State Industrial Park Water Loop project. He states that in accordance with chapter 223 the moratorium prohibiting pavement to be cut is in effect for 5 years. Mr. Nourse stated there is a subdivision to split one lot into two for the construction of two separate duplexes. Mr. Nourse stated that the duplexes require fire sprinkler systems and will therefor require a connection to the water system to avoid having large holding tanks. He stated there will be two cuts, once for each water connection.

Councilor Beaudoin asked the Directors opinion on cutting into new pavement and granting these waivers. Mr. Nourse stated that adding additional services and allowing for the City's growth are important and financially beneficial to the rate payers. He stated given the robust restorations completed there shouldn't be any significant problems. He stated that all recent waivers have been monitored closely and the pavement patches have held up well.

4 Norway Plains Road: Mr. Nourse stated that this street was paved in 2019. He stated that this waiver is to accommodate a three lot subdivision. He stated that two of the lots will not need a waiver, but one lot will require a full cut across the road for water and a partial cut for sewer.

Councilor Beaudoin asked to recuse himself from this discussion and vote as he has an interest in the properties.

Councilor de Geofroy asked the Director for his recommendation on the waivers. Mr. Nourse stated that he is in favor of the waivers with the given the DPW restoration process is followed.

Councilor Larochelle made a motion to recommend that the full City Council approve the waiver of the pavement moratorium for both Shaw Drive and Norway Plains Road with the restoration meeting the DPW guidelines. Councilor de Geofroy seconded the motion. The motion passed unanimously.

5. Colonial Pines Update

Mr. Nourse stated that Phase Three of this sewer extension project is underway. He stated that this phase includes up to seventy-one home owner connections, seven thousand three hundred feet of sewer main, eight thousand one hundred feet of sewer laterals and five thousand feet of closed drainage. Mr. Nourse stated that construction is moving along as planned. He noted that of the seventy-one planned home connections there are currently seven homes connected, and five waivers have been granted. The other connections are scheduled to be completed prior to winter. He noted that the drainage is complete and some areas have received the top coat of pavement. Mr. Nourse reminded the Committee that this sewer extension project was planned as a four phase project, prioritizing the areas that had the most failed or aging septic systems. He stated that Phase One brought the sewer main under the Spaulding Turnpike and Phase Two

brought sewer into the neighborhood and connected over seventy homes. Mr. Nourse stated that Phase Four is the largest phase and will be to bring sewer and closed drainage to Hemlock, Balsam and Meadow Lane. He stated that there are about seventy-four homes in the project area. The project would consist of ten thousand feet of sewer and seven thousand feet of closed drainage. Mr. Nourse explained that homes in the Phase Four portion of the project are newer and have larger lot sizes. He stated that the homes on Meadow Lane are the newest and some will qualify for waivers based on age and condition and about ½ on Meadow Lane are further than one hundred feet and would not be required to tie in. Mr. Nourse stated that in 2017 a survey was sent to this area and there was little interest in tying into the sewer at that time. He stated another survey has gone out this month to determine the interest at this time. He stated those result should be in by the end of this month. Mr. Nourse stated it might be a consideration to push this the project off, or parts of it. He stated currently we have received seventeen of the seventy-four surveys back, with ten interested in new sewer. Four of them are on Meadow Lane. Mr. Nourse stated that this phase of the project is estimated at nine million dollars. He stated when originally planned it was six million nine hundred thousand dollars. Councilor Beaudoin mentioned that the lot sizes in phase four are one acre vs. the ½ acre lots in phases two and three, making the cost per connection much higher as there are less connections per footage. Mr. Nourse stated that this project was not initiated with economic factors being beneficial. There is a benefit to the environment and a benefit to include the project for credits on our MS4 reporting. Mr. Nourse stated that at the next meeting he will update the Committee on the survey results.

6. RT 202A Water Main Extension Project Update

Mr. Nourse described the project as a thirteen million five hundred thousand dollar project bringing municipal drinking water from Washington Street to the Rt 202A corridor. He stated water mains will run from the top of Highfields Common to a water tank, then cross country to Bickford Road out to 202A and running west to the Crown Point area. He stated that this will include the Winkley Farm Lane and Fiddlehead Lane subdivisions. Mr. Nourse stated that approximately 2/3's of the project will be paid for by Drinking Water Ground Water Trust Fund and MtBE Grant programs. He stated that this area has significant ground water contaminants including MtBE, manganese and iron. Mr. Nourse stated that approximately three miles of water main has been installed ending at the area of Sampson Road and Fiddlehead Lane area of 202A. He noted that the service work to tie in homes on Winkley Farm Lane and Bickford Road will be completed in October and November. Mr. Nourse stated that there have been delays on water main pipe, and when those delays are happening the contractor concentrates work on service tie-ins. He stated that Fiddlehead services are planned for March, unless there are pipe delays and the end of the line service tie-ins to the MtBE properties are scheduled for November of 2023. He stated there has been some ledge in the project area but the contracted ledge contingency has barely been tapped. Mr. Nourse stated that the fuel escalation budget has been surpassed. Mr. Nourse noted that there is still sufficient funding with approximately eight hundred and eighty-five thousand still available for contingencies. Mr. Nourse informed the Committee that NHDES is working with the City's Community Engagement Manager to hold a Public Relations (P/R) event to celebrate and memorialize the first pour of municipal water in October. He stated that this event may be at Dustin Homestead Condo Association and he mentioned all of the

Council is welcome to attend. He stated he will keep the Council informed of the date. Mr. Nourse stated that there water tank components deliveries delayed until May of 2023, but he noted even without the tank the City can provide drinking water to the project area but noted pressure for fire flows would not be sufficient. Councilor de Geofroy asked if the individual services are paid for by the abutters. Mr. Nourse stated that the services are at the expense of the homeowner. He noted that the average service cost on Winkley Farm Lane was seventeen thousand five hundred dollars. He did explain that the City does provide financing at zero percent interest.

7. Environmental Protection Agency (EPA) Revised Lead & Copper Rule for Drinking Water:

Mr. Nourse states he is bringing this to the Committees attention as there are significant revisions in place that the City will need to comply with. He stated that the first Lead and Copper Rules were established in 1991. It was established to minimize the amount of lead and copper leaching into the drinking water through services and plumbing. He stated that this rule was to accomplish removing the lead contamination by regulating corrosion control treatment to the public drinking water systems. He stated that there has been many revisions to reduce the use and quantity of lead used in fixtures and Soddler. Mr. Nourse stated that the highest risk is to pregnant women and children. Mr. Nourse stated that there is not a concern for copper in the City's water system. Our test results for copper are very far below the action level. He stated that our water does not leach copper due to our corrosion control and saturation indexes. Mr. Nourse stated that the new revisions focus on removal of lead in all service lines, including water mains and individual services. He stated that this will go into effect in October of 2024 and will require that the City has established a lead service line inventory, and a goal-based program to systematically eliminate all qualifying service lines by this date. It must prioritize populations most sensitive to the effects of lead and it must have funding strategies to accommodate customers unable to afford lead service line replacements. Qualifying services for replacement are made of lead or galvanized pipe that could ever have been downstream of a lead line. Mr. Nourse stated until we have documentation to the contrary we will need to assume every galvanized line will need to be replaced. He also stated that the inventory will need to assume that any services that are of unknown materials will be assumed to be lead unless properly determined. He stated that brass service lines are not at issue, nor are lead pigtails, but the pig tails do need to be removed when found. He stated that removal is our current practice. He stated that the City cannot just replace main to curb stop. He said in order for it to qualify as removed it must be the full service from the main to the building. He stated that the Utility will need to document at least two good faith attempt to contact the property owner to get the line replaced. Mr. Nourse stated that if the Utility replaces the main to the curb stop and the homeowner section does not get replaced, the Utility will need to supply the homeowner with point of service filters or filtered pitchers for six months. Mr. Nourse stated that the new rules will require that the City have a funding strategies for the customers with low income and he believes our current homeowner option at zero percent will meet this requirement. The City can decide to fund the service to all homes if it chooses. If Rochester's lead service line is determined as nominal then that may be option. Mr. Nourse stated at this time we have started the inventory of the City's approximately seven

thousand five hundred services. He stated that staff has reviewed about five thousand of them to date. Mr. Nourse stated that of the five thousand reviewed staff has found that we have seventy galvanized services lines that will need to be replaced and one hundred and sixty-eight unknowns that will require further investigation. He stated at this time we have no records of any lead service line in the City. Mr. Nourse stated there is approximately twenty-five hundred feet of small galvanized main that we are currently working to eliminate. He stated he believes that Rochester has a minimal amount of lead, and that elimination will be manageable. Mr. Nourse stated that we are working in the Woodman Street area on a project now and hope to identify and remove any lead lines in that area. He stated that there has been some difficulty gaining access to the all buildings, but staff will make additional efforts to get into the homes to assess the services.

Mr. Nourse stated that there are several proposed State and Federal Funding sources for this work if assistance is required. Mr. Nourse stated that also included in the revision to the rules is a trigger level of 10 parts per billion on the 90 percentile. Mr. Nourse stated that we test every 3 years as we are well below the action levels. He stated we have a voluntary pool of seventy-five homes and we test thirty on a rotating basis every three years. He stated that the pool is developed with NHDES and it targets areas that were constructed before lead ban in 1986. The new revisions also state that if one sample site is over the 15ppb we must find and fix. Mr. Nourse stated that there is also required public education materials to be delivered to any lead, galvanized or unknown locations annually. The Committee discussed the ways of determining the lead services lines. Mr. Nourse stated that he would update the Committee periodically but he believes the City is in a good position to manage this program. Councilor Beaudoin asked that the reference guidelines be attached to the minutes (attached).

8. Sewer Deduct Meter – Costs & Requirements

Councilor Beaudoin stated that he heard from a customer that they were told it would cost approximately \$1,000 to have a sewer deduct meter installed and he believes that the customer was told that he would need an RPZ backflow device. He questioned why someone would tell him an RPZ is necessary. Mr. Nourse stated that the cost for the City's meter, mxu, connections and labor totals \$560. Mr. Nourse stated he would check into the RPZ issue on a home without an irrigation system and if incorrect information was provided.

9. Other:

Strafford Square – Mr. Nourse stated that the notice to proceed was issued by NHDOT this week and the Notice of Award will go to contractor this week. He said the contractor should be starting work in the area soon and will proceed as much as possible through the winter. Councilor de Geofroy asked about the timeline for completion. Mr. Nourse stated the roundabout project should finish within a year.

Woodman Area Reconstruction Project – Mr. Nourse displayed a picture of turburcuated pipe from the water main replacement. He described that this pipe as being over 100 years old and stated that this pipe is a good example of why we must replace the older infrastructure in the City.

Katie Lane - Councilor Haman asked if this project had started up. Mr. Nourse stated he had been out to the area and noted some work had begun. He stated that this project should be completed by winter.

Councilor LaRochelle made a motion to adjourn the meeting at 8:38 pm. Councilor Beaudoin seconded the motion. The motion passed unanimously.

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

DRAFT



Commercial Solar Incentives

IRA Benefits for Businesses, Nonprofits & Public Sector

The **Inflation Reduction Act of 2022 (IRA)** represents the largest-ever federal government commitment to tackling climate change by accelerating the clean energy transition. By 2030 it is expected to cut nationwide carbon emissions by 42% below 2005 levels, double the clean energy workforce to nearly 1 million, triple the amount of clean electricity on the grid to offset every home in America, and save the average American over \$1,000 in annual energy expenditures. As an employee-owned B Corporation, ReVision Energy is committed to helping our clients and partners – especially low-income communities hit first and worst by climate change – understand and apply the relevant provisions in the IRA, as summarized below.



Solar Investment Tax Credit

Since it was first introduced in 2006, the solar investment tax credit (ITC) has enabled taxpaying entities to reduce their federal income tax liability by up to 30% of the basis-eligible cost of a solar investment while also taking advantage of MACRS and/or Bonus depreciation. Unlike long-term federal incentives for non-renewable energy sources, the current ITC is time-limited and scheduled to step down to 22% in 2023 and 10% thereafter for any commercial solar project. Non-taxpaying entities like schools, towns, and nonprofits have lacked access to the ITC except by indirect means of a Power Purchase Agreement (PPA), financed by taxpaying investors who seek a financial return.

Under the new IRA, the investment tax credit is effectively restored to the prior 30% effective in 2022, with the potential for stackable “bonus” ITC adders starting in 2023 worth 10 or 20 percentage points each, for a total ITC value of 40%, 50% or more in certain cases. For taxpaying entities that do not have sufficient tax liability to monetize the ITC in the first year, the ITC may now be transferred once to another taxpayer or retroactively applied to offset up to the three prior years of taxes paid by the solar

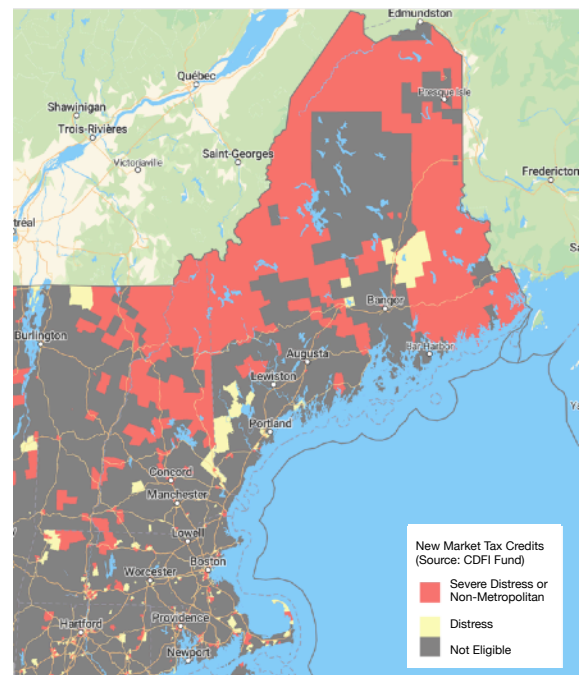
	2022	2023	2024	2025	2026	2027	2028	2029	2030
Current ITC	26%	22%	10%	10%	10%	10%	10%	10%	10%
New Standard ITC	30%	30%	30%	30%	30%	30%	30%	30%	30%
+10% Domestic Content	NA	40%	40%	40%	40%	40%	40%	40%	40%
+10% Brownfield Sites	NA	40%	40%	40%	40%	40%	40%	40%	40%
+10% Low-Income Area	NA	40%	40%	40%	40%	40%	40%	40%	40%
+20% Affordable Housing	NA	50%	50%	50%	50%	50%	50%	50%	50%
+ Additional Coverages:	utility upgrade costs, direct pay for tax-exempt entities, 3-year carry-back								

ReVision Energy • Commercial Solar Incentives

project owner. A 20-year carry-forward provision still applies from the previous ITC. Non-taxpaying entities like municipalities and nonprofits may now access the ITC via a new **“direct pay”** provision by receiving a 100% government rebate for the ITC value in 2023 and from 2024 onwards if domestic content requirements are met (outlined below). The IRA also expands the definition of basis-eligibility when calculating ITC value to include **utility upgrade costs** for projects up to 5 MW (AC) starting in 2022, a major source of solar project cost inflation in recent years.

“Bonus” Investment Tax Credits

- Domestic Content:** Solar projects seeking to access the 10 percentage point bonus ITC for domestic content must procure 100% of their steel/iron from the United States along with 40% of manufactured products in 2024, 45% in 2025, 50% in 2026, and 55% in 2027 and beyond. ReVision Energy currently sources most of our steel racking systems and increasing quantities of our solar modules and associated equipment domestically.
- Brownfield Sites:** Solar arrays sited on state-designated brownfields or in newly-defined “energy communities” where coal mines or coal-fired power plants have recently been decommissioned are eligible for an additional 10 point bonus ITC. Maine has 179 contaminated brownfield sites and New Hampshire has 298; Massachusetts brownfield sites remain limited by utility interconnection constraints on larger offsite projects. Coal-related infrastructure is limited in New England.
- Low-Income Areas:** Solar arrays located in federally-designed New Market Tax Credit (NMTC) locations with poverty rates over 20%, regardless of project type, are eligible for an additional 10 point bonus ITC. The U.S. Treasury Department will allocate such bonus credits for up to 1.8 GW of annual solar capacity starting in 2023, with unused capacity rolled forward to the next year. Projects in federally-defined “Indian land” are eligible for the same ITC adder. ReVision Energy’s New England service territory includes over 100 NMTC-designated census tracts and multiple Native American communities (marked red or yellow on the inset map).
- Affordable Housing:** Solar projects that are located on a low-income residential rental building that is part of a HUD-approved housing program, and other qualified low-income economic benefit projects, are eligible for a 20 point bonus ITC. The projects must allocate at least 50% of the financial benefits of the electricity produced (including electricity acquired at a below-market rate) to households with income of less than 200% of the poverty line or 80% of area median gross income.



ReVision Energy • Commercial Solar Incentives

Construction Labor Requirements

Large solar projects over 1 MW (AC) wishing to receive the standard 30% ITC and adders (rather than the 1/5 base rates) are required to meet new prevailing wage and apprenticeship requirements designed to strengthen the clean energy workforce. Prevailing wages are set locally by the Department of Labor. Apprenticeship requirements are met by making a good-faith effort to employ apprentices for 12.5% (2023) or 15% (2024 and beyond) of total project construction hours. ReVision Energy established the nation's first in-house solar apprenticeship program in 2018 and has a long history of paying our co-owners and union subcontractors prevailing wages. We will monitor the U.S. Treasury guidance closely when it is released to ensure full compliance with these requirements, which go into effect 60 days after issuance of such regulations (expected in the first half of 2023).

Energy Storage Investment Tax Credit

In addition to expanded solar incentives, the IRA adds standalone energy storage systems as qualifying projects under the new investment tax credit. Although most storage solutions today utilize lithium-ion battery technology, the IRA defines storage is as any property which receives, stores, and delivers energy for conversion to electricity (or, in the case of hydrogen, which stores energy) with 5 kWh or more in capacity. Storage projects with output of 1 MW (AC) or more must meet the prevailing wage and apprenticeship requirements outlined above. Standalone storage projects are not eligible for the direct pay provision outlined above.

	2022	2024	2025	2026	2027	2028	2029	2030
Current ITC with solar	26%	22%	10%	10%	10%	10%	10%	10%
Current ITC w/o solar	0%	0%	0%	0%	0%	0%	0%	0%
New ITC with solar	30%	30%	30%	30%	30%	30%	30%	30%
New ITC w/o solar	NA	30%	30%	30%	30%	30%	30%	30%

IRA Grant/Loan Programs and EV Charging

- Greenhouse Gas Reduction Fund (overseen by EPA): **\$29 billion**, including \$2 billion for state, local, and nonprofit programs to install zero-emission vehicle charging infrastructure
- Climate Pollution Reduction Grants to state and local governments: **\$5 billion**
- Environmental and Climate Justice Block Grants: **\$3 billion** for disadvantaged communities
- Department of Energy Loan Program Office: **\$40 billion** in additional loan commitment authority
- Rural renewable energy electrification (incl. storage): **\$1 billion** in additional loans
- Renewable Energy for America Program (REAP) grants for rural farms/business: **\$1 billion** in additional funding with grants up to 50% of total project cost (up from 25% today)
- Extension, expansion, and changes to electric vehicle tax credits, including a new credit for purchasing used EVs and increased incentives for fleet electrification



City of Rochester Solar

Preliminary PPA Proposal for the Community Center

Solar Design Summary

Project Size (DC)	391 Panels	185.7 kW
Project Size (AC)	Inverter Rating	160 kW
Year 1 Generation (kWh)		217,000

PPA Financial Summary

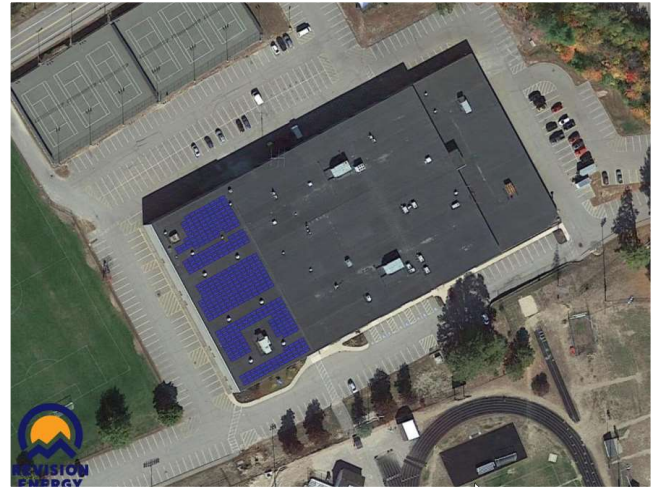
Upfront cost to City of Rochester	\$0.00
Operations & Maintenance (O&M) cost	\$0.00
Year 1 PPA rate (per kWh)	\$0.0825
PPA rate escalator starting year 2	2.0%
PPA term (minimum 5 years)	5-25 years
Year 6 early buyout estimate (optional)	\$332,640
Upfront cost financed by investor partner	\$528,000

PPA rate offer good for 30 days from date above

Engineer's Rendering

Preliminary Proposal Date

September 13, 2022



(Satellite Data)

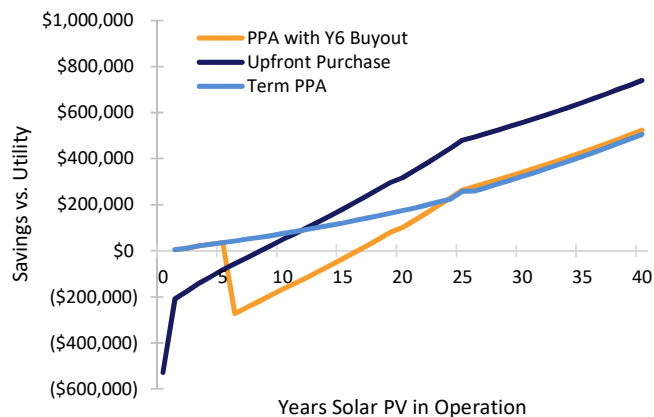
PPA Project Savings/Revenue

Estimated savings years 1-5 under PPA	\$35,000
Year 6 early buyout (optional) less savings	\$297,640
O&M cost after buyout (per year, optional)	\$1,751
Term PPA savings, no buyout	\$258,000
25-Year net savings with year 6 buyout	\$263,000
40-Year net savings with year 6 buyout	\$524,000

Environmental Benefits

Annual CO2e offset (lbs)	212,660
Equivalent to...	
Gallons of gasoline not burned	10,854
Passenger cars removed from the road	21
Pounds of coal not burned	106,281
Tons of waste recycled	33

Solar Savings vs. Utility



Not Included

Potential Saving From lower demand Charges
Income from Capacity Market Payments

Includes Potential ITC Adders

10% ITC Adder for Low Income Area

Reference Guide for Public Water Systems Lead and Copper Rule Comparison

This table compares the major differences between the current Lead and Copper Rule (LCR) and the final Lead and Copper Rule revisions (LCRR). In general, requirements that are unchanged are not listed. For existing rule requirements visit: <https://www.epa.gov/dwreginfo/lead-and-copper-rule>. For more information on the new LCR visit: <https://www.epa.gov/ground-water-and-drinking-water/final-revisions-lead-and-copper-rule>.

CURRENT LCR	FINAL REVISED LCRR
<i>Action Level (AL) and Trigger Level (TL)</i>	
<ul style="list-style-type: none"> 90th percentile (P90) level above lead AL of 15 µg/L or copper AL of 1.3 mg/L requires additional actions. 	<ul style="list-style-type: none"> 90th percentile (P90) level above lead AL of 15 µg/L or copper AL of 1.3 mg/L requires more actions than the previous rule. Defines lead trigger level (TL) of $10 < P90 \leq 15$ µg/L that triggers additional planning, monitoring, and treatment requirements.
<i>Lead and Copper Tap Monitoring</i>	
Sample Site Selection <ul style="list-style-type: none"> Prioritizes collection of samples from sites with sources of lead in contact with drinking water. Highest priority given to sites served by copper pipes with lead solder installed after 1982 but before the state ban on lead pipes and/or LSLs. Systems must collect 50% of samples from LSLs, if available. 	Sample Site Selection <ul style="list-style-type: none"> Changes priorities for collection of samples with a greater focus on LSLs. Prioritizes collecting samples from sites served by LSLs –all samples must be collected from sites served by LSLs, if available. No distinction in prioritization of copper pipes with lead solder by installation date. Improved tap sample site selection tiering criteria.
Collection Procedure <ul style="list-style-type: none"> Requires collection of the first liter sample after water has sat stagnant for a minimum of 6 hours. 	Collection Procedure <ul style="list-style-type: none"> Requires collection of the fifth-liter sample in homes with LSLs after water has sat stagnant for a minimum of 6 hours and maintains first-liter sampling protocol in homes without LSLs. Adds requirement that samples must be collected in wide-mouth bottles.



CURRENT LCR	FINAL REVISED LCRR
	<ul style="list-style-type: none"> Prohibits sampling instructions that include recommendations for aerator cleaning/removal and pre-stagnation flushing prior to sample collection.
<p>Monitoring Frequency</p> <ul style="list-style-type: none"> Samples are analyzed for both lead and copper. Systems must collect standard number of samples, based on population; semi-annually unless they qualify for reduced monitoring. Systems can qualify for annual or triennial monitoring at reduced number of sites. Schedule based on number of consecutive years meeting the following criteria: <ul style="list-style-type: none"> Serves $\leq 50,000$ people and \leq lead & copper ALs. Serves any population size, meets state-specified optimal water quality parameters (OWQPs), and \leq lead AL. Triennial monitoring also applies to any system with lead and copper 90th percentile levels ≤ 0.005 mg/L and ≤ 0.65 mg/L, respectively, for 2 consecutive 6-month monitoring periods. 9-year monitoring waiver available to systems serving $\leq 3,300$. 	<p>Monitoring Frequency</p> <ul style="list-style-type: none"> Some samples may be analyzed for only lead when lead monitoring is conducted more frequently than copper. Copper follows the same criteria as the current rule. Lead monitoring schedule is based on P90 level for all systems as follows: <ul style="list-style-type: none"> P90 > 15 $\mu\text{g/L}$: Semi-annually at the standard number of sites. P90 > 10 to 15 $\mu\text{g/L}$: Annually at the standard number of sites. P90 ≤ 10 $\mu\text{g/L}$: <ul style="list-style-type: none"> Annually at the standard number of sites and triennially at reduced number of sites using same criteria as previous rule except copper 90th percentile level is not considered. Every 9 years based on current rule requirements for a 9-year monitoring waiver.

*Intentionally
left blank...*

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).

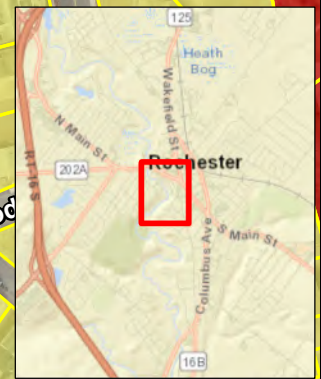
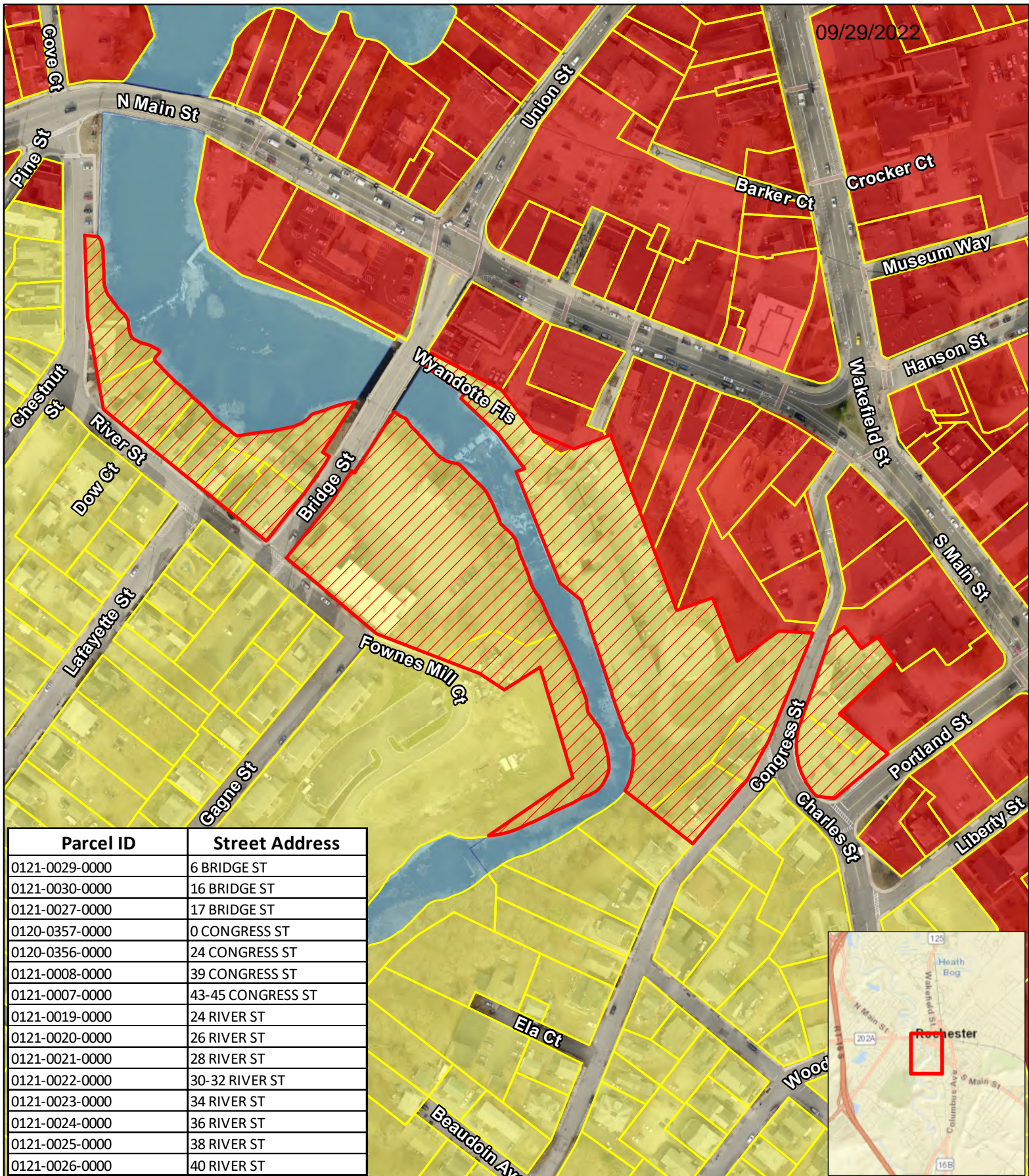
Parcel ID	Street Address
0121-0029-0000	6 Bridge Street
0121-0030-0000	16 Bridge Street
0121-0027-0000	17 Bridge Street
0120-0357-0000	0 Congress Street
0120-0356-0000	24 Congress Street
0121-0008-0000	39 Congress Street
0121-0007-0000	43-45 Congress Street
0121-0019-0000	24 River Street
0121-0020-0000	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)



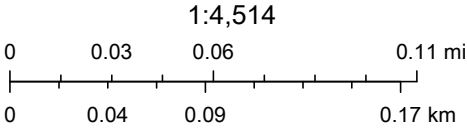
1 in = 200 ft

0 100 200 ft



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

**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.

*Intentionally
left blank...*

City Clerk's Office



09/29/2022

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 \$150,000 Supplemental Appropriation for Opioid Abatement

COUNCIL ACTION ITEM ☒
INFORMATION ONLY ☐

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

RESOLUTION REQUIRED? YES ☒ NO ☐

FUNDING RESOLUTION FORM? YES ☐ NO ☐

AGENDA DATE	October 4, 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	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

DIRECTOR OF FINANCE APPROVAL	Kathryn L. Ambrose
SOURCE OF FUNDS	Settlement agreements
ACCOUNT NUMBER	
AMOUNT	\$150,000
APPROPRIATION REQUIRED YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	

LEGAL AUTHORITY

City Council Resolution

SUMMARY STATEMENT

The City has received \$26,664.78 in opioid litigation settlement distributions and will continue to receive abatement funds related to opioid litigation settlements per NH RSA 126-A:83,II. This resolution will appropriate the funds the City receives so that they may be expended following the recommendations of the Mayoral Ad Hoc Committee (as approved by Council).

RECOMMENDED ACTION

Authorize the resolution to appropriate the funds.

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.

*Intentionally
left blank...*

City Clerk's Office



09/29/2022

City of Rochester Formal Council Meeting

AGENDA BILL

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

AGENDA SUBJECT

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

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

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

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

LEGAL AUTHORITY

--

SUMMARY STATEMENT

RECOMMENDED ACTION

Resolution Deauthorizing \$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.

*Intentionally
left blank...*

City Clerk's Office



09/29/2022

City of Rochester Formal Council Meeting

AGENDA BILL

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

AGENDA SUBJECT

Seeking de-authorization of Granite Shield Grant funds in the amount of \$2,239.42.

COUNCIL ACTION ITEM INFORMATION ONLY

FUNDING REQUIRED? YES ☐ NO ☒

* IF YES ATTACH A FUNDING RESOLUTION FORM

RESOLUTION REQUIRED? YES ☒ NO ☐

FUNDING RESOLUTION FORM? YES ☒ NO ☐

AGENDA DATE

Next October 2022 meeting

DEPT. HEAD SIGNATURE

GBL

DATE SUBMITTED

9/15/22

ATTACHMENTS

☐☒

* 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

Strafford County

ACCOUNT NUMBER

61282010 proj. 22577

AMOUNT

\$2,239.42

APPROPRIATION REQUIRED YES ☒ NO ☐

LEGAL AUTHORITY

Council action required.

SUMMARY STATEMENT

Seeking de-authorization of Granite Shield Grant funds in the amount of \$2,239.42. This was an estimated amount for overtime to cover drug investigations throughout the County but ended up not expending the full estimated amount of funding.

RECOMMENDED ACTION

De-authorize funds in the amount of \$2,239.42.

AGENDA BILL - FUNDING RESOLUTION

EXHIBIT

Project Name: Seeking de-authorization of Granite Shield funds in the amount of \$2,239.42

Date: 9/15/22

Fiscal Year: FY23

Fund (select):

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

Deauthorization

	Org #	Object #	Project #	Fed Amount \$	State Amount \$	Local Amount \$
1	61282010	513001	22577	-	\$1,659.95	-
2	61282010	522000	22577	-	\$20.66	-
3	61282010	523000	22577	-	\$558.81	-
4				-	-	-

Appropriation

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

Revenue

	Org #	Object #	Project #	Fed Amount \$	State Amount \$	Local Amount \$
1	6128002	402148	22577	-	\$2,239.42	-
2				-	-	-
3				-	-	-
4				-	-	-

DUNS # N/A

CFDA # N/A

Grant # N/A

Grant Period: From 7/1/21
To 6/30/22

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

Reimbursement Request will be reduced ☒Funds will be returned ☐

*Intentionally
left blank...*

City Clerk's Office

Resolution Authorizing 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 (\$250.00) 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.

*Intentionally
left blank...*

City Clerk's Office



09/29/2022

City of Rochester Formal Council Meeting


AGENDA BILL

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

AGENDA SUBJECT

Seeking permission from Council to accept State forfeiture funds in the amount of \$2,669.63

COUNCIL ACTION ITEM ☒
INFORMATION ONLY ☐FUNDING REQUIRED? YES ☒ NO ☐
* IF YES ATTACH A FUNDING RESOLUTION FORMRESOLUTION REQUIRED? YES ☒ NO ☐FUNDING RESOLUTION FORM? YES ☒ NO ☐

AGENDA DATE	Next October 2022 meeting		
DEPT. HEAD SIGNATURE			
DATE SUBMITTED	9/8/22		
ATTACHMENTS	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

FINANCE OFFICE APPROVAL	
SOURCE OF FUNDS	State of NH
ACCOUNT NUMBER	61032010-561032-23XXX
AMOUNT	\$2,669.63
APPROPRIATION REQUIRED	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

LEGAL AUTHORITY

Council action required.

SUMMARY STATEMENT

Seeking permission from Council to accept State forfeiture funds in the amount of \$2,669.63. These funds were seized from a drug arrest and awarded to us from the State.

RECOMMENDED ACTION

Accept State forfeiture funds in the amount of \$2,669.63.

AGENDA BILL - FUNDING RESOLUTION

EXHIBIT

Project Name: Requesting Council accept State forfeiture funds in the amount of \$2,669.63 from the State of NH.

Date: 09/8/22

Fiscal Year: FY23

Fund (select):

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

Deauthorization

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

Appropriation

	Org #	Object #	Project #	Fed Amount \$	State Amount \$	Local Amount \$
1	61032010	561032	23XXX	-	\$2,669.63	-
2				-	-	-
3				-	-	-
4				-	-	-

Revenue

	Org #	Object #	Project #	Fed Amount \$	State Amount \$	Local Amount \$
1	6103002	402148	23XXX	-	\$2,669.63	-
2				-	-	-
3				-	-	-
4				-	-	-

DUNS # N/A

CFDA # N/A

Grant # N/A

Grant Period: From N/A
To N/A

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

Reimbursement Request will be reduced ☐Funds will be returned ☐

*Intentionally
left blank...*

City Clerk's Office

Resolution Authorizing 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.

*Intentionally
left blank...*

City Clerk's Office



09/29/2022

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 Transfer of Balance of the Economic Development Special Reserve Fund to the Economic Development Non-Capital Reserve Fund	
COUNCIL ACTION ITEM <input checked="" type="checkbox"/> INFORMATION ONLY <input type="checkbox"/>	FUNDING REQUIRED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> * IF YES ATTACH A FUNDING RESOLUTION FORM
RESOLUTION REQUIRED? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	FUNDING RESOLUTION FORM? YES <input type="checkbox"/> NO <input type="checkbox"/>

AGENDA DATE	October 4, 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	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

DIRECTOR OF FINANCE APPROVAL	Kathryn L. Ambrose
SOURCE OF FUNDS	ED Special Reserve Fund
ACCOUNT NUMBER	
AMOUNT	
APPROPRIATION REQUIRED YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	

LEGAL AUTHORITY

City Council Resolution

SUMMARY STATEMENT

City Council is in the process of converting the existing Economic Development Special Reserve Fund from a Special Revenue Fund to a Non-Capital Reserve Fund. The first step in this process was completed with the establishment of the new Non-Capital Reserve Fund. The next step in this conversion is to rescind the Special Revenue Fund. Before doing so, City Council will need to transfer the balance of \$1,482,928.39 to the new, non-capital reserve fund.

Adoption of this resolution would effectively transfer the funds in ED Special Revenue Fund to the ED Non-Capital Reserve Fund before it is rescinded.

RECOMMENDED ACTION

Authorize the resolution to transfer the funds.

**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.

*Intentionally
left blank...*

City Clerk's Office



09/29/2022

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 Pursuant to RSA 47:1-c, IV Rescinding the City of Rochester Economic Development Special Reserve Fund	
COUNCIL ACTION ITEM <input checked="" type="checkbox"/> INFORMATION ONLY <input type="checkbox"/>	FUNDING REQUIRED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> * IF YES ATTACH A FUNDING RESOLUTION FORM
RESOLUTION REQUIRED? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	FUNDING RESOLUTION FORM? YES <input type="checkbox"/> NO <input type="checkbox"/>

AGENDA DATE	September 6, 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	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

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

LEGAL AUTHORITY

City Council Resolution

SUMMARY STATEMENT

City Council is in the process of converting the existing Economic Development Special Reserve Fund from a Special Revenue Fund to a Non-Capital Reserve Fund. The first step in this process was completed with the establishment of the new Non-Capital Reserve Fund. The next step in this conversion is to rescind the Special Revenue Fund.

Adoption of this resolution would effectively rescind the ED Special Revenue Fund, leaving the Non-Capital Reserve Fund in place.

RECOMMENDED ACTION

Authorize the resolution to rescind the City of Rochester Economic Development Special Reserve Fund effectively immediately.

09/29/2022

**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,~~

09/29/2022

~~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.

THIRD AMENDED AND RESTATED DEVELOPMENT AGREEMENT
BETWEEN THE CITY OF ROCHESTER, NEW HAMPSHIRE
AND
FARMINGTON ASSOCIATES PROPERTIES, LLC
AND
FARMINGTON ASSOCIATES PROPERTIES GROUND TENANT, LLC

THIS AMENDED AND RESTATED AGREEMENT, made and entered into this ____ day of _____, 2022, by and between the **CITY OF ROCHESTER**, a New Hampshire municipal corporation (hereinafter referred to as the "City"), with a place of business, and mailing address, at 31 Wakefield Street, Rochester, New Hampshire 03867, **FARMINGTON ASSOCIATES PROPERTIES, LLC** and **FARMINGTON ASSOCIATES PROPERTIES GROUND TENANT, LLC**, with a place of business c/o Waterstone Properties Group, Inc., with a mailing address of 250 First Avenue, Suite 202, Needham, Massachusetts 02494 (hereinafter "Waterstone"), (the entities referred to in this paragraph are sometimes hereinafter collectively referred to as the "Parties"), as follows:

RECITALS:

WHEREAS, on December 3, 2015, Farmington Associates Properties, LLC and Waterstone Properties Group, Inc. and the City entered into a certain Development Agreement as amended by a First Amendment to Development Agreement dated March, 2016 and by an Addendum dated November 15, 2016, and by a Second Amended and Restated Development agreement dated May 5, 2021 (collectively, the "**Development Agreement**") relating to the development of certain property located at the Project Premises, as shown on Exhibit A. Farmington Associates Properties, LLC has since ground leased the Project Premises to Farmington Associates Properties Ground Tenant, LLC. Since the time of execution of the Development Agreement, Waterstone has decided to re-design the development plan for the Project Premises, as provided herein. This re-design of the Project Premises necessitates a revision of the Development Agreement, all as provided herein.

WHEREAS, Waterstone received site plan approval on or around December 15, 2015, from the City of Rochester Planning Board (hereinafter the "Planning Board"), and additional site plan approvals on or around December 31, 2017, as the same have been extended through December 7, 2021, and anticipates the construction of a commercial development buildings consisting of approximately seventy five thousand square feet (75,000 sq. ft.) of commercial and retail space, two hundred fifty thousand square feet (250,000) of residential space with appurtenant roadways,

parking lots, drainage structures and other on-site and off-site public and private infrastructure improvements, for office, retail entertainment, and other permitted uses (hereinafter the "**Project**"), the same to be located on land currently owned by Waterstone, situated on NH Route 11 in Rochester, New Hampshire (the "**Project Premises**"); all as more particularly shown and/or described in/on the plans, documents, and representations made by Waterstone, in connection with its Project application and presentations made to the Planning Board in conjunction with the obtaining of Waterstone's aforementioned site plan review approvals, as the same will be revised and resubmitted for approval as provided in this Agreement; and

WHEREAS, the Project has undergone a redesign by Waterstone, which needs to be resubmitted to the Planning Board for approval. In addition, the parties have agreed that the City shall control the construction of on-site and off-site public infrastructure improvements, attached hereto as Exhibit A. The parties also intend that the City will permit and construct the public infrastructure at its expense, but subject to the provisions contained herein, and that will consist solely of public improvements, such as the roadway system and the appurtenant drainage structures and other on-site and off-site public infrastructure improvements

WHEREAS, as a result of the delays caused by the COVID-19 Global Pandemic and due to recent changes to the City's Zoning Ordinance, the parties require the amendment and restatement of the Development Agreement, to include provisions regarding funding for off-site public infrastructure improvements (hereinafter the "**Off-Site Public Infrastructure Improvements**"), and on-site public improvements to benefit the public (hereinafter the "**On-Site Public Improvements**"), (collectively the Off-Site Public Infrastructure Improvements and the On-Site Public Improvements are hereinafter referred to as the "**Public Infrastructure Improvements**"), as well as provisions relating to the timing of development of the respective phases, the coordination of such matters, and other issues of needed and/or necessary cooperation and coordination between the City and Waterstone, and/or with other governmental agencies and/or private entities, such as the State and/or federal government departments or agencies and/or private utilities and the like, in order for Waterstone to develop the Project as ultimately approved by the Planning Board; and

WHEREAS, the City is desirous of having Waterstone develop the Project in Rochester, and to have Waterstone's prospective Project tenants locate in Rochester, as it will result in the creation of approximately 300 construction jobs and approximately 200 permanent full/part time jobs in the City, will significantly expand the City's tax base, and will also result in significant expansion of, and contribution to, substantially enhanced Public Infrastructure Improvements, and, therefore, the City and Waterstone have agreed to cooperate to bring about the creation of such Public Infrastructure Improvements, including the improvements required by the Planning Board, and/or by the New Hampshire, Department of Transportation (hereinafter "**NHDOT**") and/or other governmental agencies having jurisdiction over the Project, or aspects thereof; and

WHEREAS, it is the intent of the City and Waterstone to execute this Development Agreement for the purpose of identifying, providing for the creation of, and allocating responsibility for the costs of, and payment for, the Public Infrastructure Improvements required, or to be required, by the City, the State and the Planning Board's site plan review for the Project, as well as establishing, and providing for, a viable financing mechanism for such Public Infrastructure Improvements, and the maintenance thereof, including the creation and implementation of payment and payment guaranty mechanisms for the same; and

WHEREAS, given the importance of the coordination of the construction of the Project with the availability of a viable financing mechanism to pay the cost of providing the Public Infrastructure Improvements designed and intended and/or required to complement the Project, it is the intent of the parties to establish a schedule for the timely completion of both phases of the Public Infrastructure Improvements and implementation of the necessary and/or required financing mechanisms so as to permit the simultaneous, or near simultaneous, construction of the Project and of the Public Infrastructure Improvements contemplated/required for each phase of the Project in order to permit Waterstone to occupy the Project in a timely manner; and if necessary to allow Waterstone to assist the City with Public Infrastructure Improvements, at the City's or other available funding mechanisms and/or entities expense, in order to allow occupancy in a timely manner, provided that the City consents, in advance, to the allocation of such expense to the City or such other available mechanism and/or entity; and

WHEREAS, the City, by a resolution of the Mayor and City Council (hereinafter, the "City Council") on June 17, 2014, has established the so-called Granite Ridge Development District, a New Hampshire Chapter 162-K tax increment financing district, and adopted the **"Granite Ridge Development District: Tax Increment Development Program & Financing Plan"**;

and

WHEREAS, given the establishment of the Granite Ridge Development District and the adoption of the "Granite Ridge Development District: Tax Increment Development Program & Financing Plan" as amended, Waterstone has agreed to undertake the Project, as to be phased herein, and to guarantee the payment of a new so-called tax increment financing bond or bonds (the **"TIF Bond"**) but not any payments should the City decide to fund its obligations utilizing cash flows of existing TIF Bonds, to be issued by the City with respect to the Public Infrastructure Improvements associated with the Project, or other funds, in a principal amount of no more than \$7,430,000.00 as more particularly set forth and detailed herein;

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

1. Public Infrastructure Improvements

1.1 The term “**Public Infrastructure Improvements**” as used in this Development Agreement includes the construction of public improvements, on and off the Project Premises, which are being constructed in conjunction with the Project and which are more particularly described and/or referred to in Section 1.2 below and/or contemplated on **Exhibit B** whether such improvements are to be constructed: (a) on City owned/controlled property not part of the Project Premises; or (b) on-site at the Project Premises or (c) on neighboring premises over which Waterstone has easement access rights, but which involve an improvement that is anticipated and intended to be transferred to the City (by deed, easement and/or other legal conveyance instrument¹) (d) on said Public Infrastructure Improvements or over which the City will have non-exclusive access rights with Waterstone (such as shared access or parking areas); or (e) New Hampshire Department of Transportation (NHDOT) owned/controlled rights-of-way as they related to off-site improvements stipulated in any NHDOT driveway permit issued for the Project. The term “**On-Site Public Infrastructure Improvement(s)**” as it is used in this Development Agreement is intended to refer specifically to public infrastructure improvement(s) being constructed on the Project Premises.

1.2 The construction of Public Infrastructure Improvements referred to in this Development Agreement include, but are not limited to, the following, whether such costs are incurred prior to, or after, the issuance of the TIF Bond(s) and paid for by the City out of the TIF Bonds or Granite Ridge Development District (GRDD) TIF cash reserve or other cash reserves:

- (a) Public Infrastructure Improvements Design/Construction Responsibilities with all design work to be performed by the City:
 - i. All design and engineering costs associated with the Public Infrastructure Improvements, including the Rt. 11 improvements to meet NHDOT specifications (cross-sections at certain intervals, etc.);
 - ii. Preparation of a NHDES sewer connection permit with associated cross sections as needed, (as well as any state permit required for extension of City services);

¹ Transfer of property shall occur after the City finalizes its plan, but before construction.

- iii. Design of any improvements to the water system required to increase pressure as needed (note that this excludes looping a water line if needed);
- iv. Design of any improvements to the sewage pump station required;
- v. A contribution to the NHDES Alteration of Terrain (“AOT”) permit, proportional to the City’s disturbance;
- vi. Engineer’s preparation of bid ready, construction drawings and specifications, to the extent required for competitive construction bidding;
- vii. Design engineer’s limited, part time construction oversight and so-called “stamp of approval” at project completion of the work within the proposed right of way that will be acquired by the City (the “**City ROW**”), beyond City staff involvement;
- viii. Engineer’s assistance and advice on any unforeseen change orders, and the like;
- ix. Cost of site preparation and physical roadway improvements within the proposed City ROW;
- x. Cost of water and sewer main lines within the proposed City ROW to include stubs and connection points; laterals to actual development locations will be the responsibility of the developer. ;
- xi. Cost of underground electric improvements within the ROW;
- xii. Cost of landscaping within the ROW;
- xiii. Cost of lighting within the ROW;
- xiv. Cost of site preparation and accessibility (pedestrian and vehicular)
- xv. A contribution to the overall drainage improvements that is proportional to the City’s disturbance;
- xvi. Cost of physical improvements along Route 11;
- xvii. Cost of water and/or sewer service improvements required to service the Granite Ridge Development District area.

1.3 Except as expressly indicated otherwise in this Development Agreement, the City will determine the design and specifications of the Public Infrastructure Improvements. All building design, engineering and construction by the City shall be done in accordance with all applicable

laws and regulations, federal, state and local governing including, but not limited to, compliance with all building codes, planning ordinances, regulations and zoning ordinances, regulations and any other applicable legal requirements of the City.

1.4 Waterstone and its consultants, contractors, agents, and representatives shall coordinate the design of On-site Infrastructure Improvements for the Project by Waterstone with the Public Infrastructure Improvements as undertaken by the City. Such coordination shall include, but not be limited to, attending meetings as well as providing copies of plans/designs to the City in both hard and electronic (in an AutoCAD format reasonably acceptable to the City) copies.

1.5 Waterstone shall, at a time mutually agreed upon by the Parties, prior to commencement of work by the City on the Public Infrastructure Improvements on the Project Premises offer/tender to the City a deed(s) or other appropriate legal instrument(s) in order to transfer title to the land and/or interest in land on which the Public Infrastructure Improvements will be located, and/or such other necessary components required to support or otherwise operate and/or maintain the use and/or functionality of the Public Infrastructure Improvements to be constructed.

2. City of Rochester Obligations.

2.1 . The City agrees that it shall design and construct the Public Infrastructure Improvements in accordance with pertinent City rules, regulations and design standards and that the City shall bear the full cost of completing the Public Infrastructure Improvements, and shall fund through Tax Incremental Financing (TIF) Bonds, or TIF Retained Cash Reserves. In the event a TIF bond is issued the amortization period shall not exceed ten (10) years

2.2 The construction of the Public Infrastructure Improvements by, or on behalf of, the City shall be subject to the following:

- a. All design and engineering costs associated with the Public Infrastructure Improvements;
- b. The City obtaining all permits and approval needed by the City for the obligations accepted by the City in this Development Agreement.
- c. The City shall provide Waterstone, for their review, approval and recommendations, which approval shall not be unreasonably withheld, a copy of the plan, design and schedule for the Public Infrastructure

Improvements, which shall be completed on or before October 15, 2022 with respect to the Project.

- d. Before undertaking any construction of the Public Infrastructure Improvements, the City shall provide Waterstone, for their review copies of all bids and quotes from contractors for the Public Infrastructure Improvements.
- e. The Public Infrastructure Improvements will be substantially completed on or before November, 2024 (subject to the provisions of **Exhibit B**).

2.3 The City shall require a municipal competitive bidding process for the completion of the within delineated Public Infrastructure Improvements.

2.4 The City and its consultants, contractors, agents, and representatives shall coordinate the design of On-Site Public Infrastructure Improvements as defined in Section 1.1 with Waterstone, including, but not limited to where the Public Infrastructure Improvements enter the Project Premises and the elevations thereof. Such coordination shall include, but not be limited to, attending meetings as well as providing copies of plans/designs in both hard copy and electronic (in an AutoCAD format acceptable to Waterstone) copy.

2.5 To the extent appropriate and/or required by law, the City has and will comply with the provisions of RSA 162-K, including, but not limited to, the reporting requirements set forth in RSA 162-K: 11.

3. Waterstone Obligations.

3.1 Waterstone will perform, or cause to be performed, all of the building design, engineering and construction to be located on the Project Premises (with the exception of Public Infrastructure Improvements) Except as expressly indicated otherwise in this Development Agreement, Waterstone will determine the design and specifications of the buildings and appurtenances. All building design, engineering and construction by Waterstone shall be done in accordance with all applicable laws and regulations, federal, state and local governing including, but not limited to, compliance with all building codes, planning ordinances, regulations and zoning ordinances, regulations and any other applicable legal requirements of the City.

3.2 The buildings to be constructed by Waterstone in connection with the Project shall have an estimated value when completed of approximately Twenty Five Million (\$25,000,000.00)

Dollars at minimum. Waterstone shall provide the City with all design plans for the buildings and on-site Project Premises utilities and any existing surveys or plans it currently has for the buildings and any other appurtenances related to the remainder of the Project Premises. The City, however, shall have no design control over the design plans for the buildings and on-site Project Premises utilities, except to the extent provided for in Section 2.1 above.

3.3 It is anticipated that construction of the building(s) to be located on the Project Premises shall be substantially completed on or about December 31, 2027, subject to the provisions of Section 5.2 hereof. In the event that economic conditions dictate either additional phasing of the Project by Waterstone or an extension of the development schedule set forth herein (see **Exhibit B** attached hereto), Waterstone may seek, and the City shall not unreasonably decline to grant, extensions of time for substantial construction completion for a period of up to, but not to exceed 48 months with respect to the completion of each phase of the Project.

3.4 Waterstone agrees to use commercially reasonable efforts to accomplish its design, engineering and construction obligations under this Development Agreement in accordance with the Development Schedule attached hereto as **Exhibit B** (and as defined in Section 5.1 hereof), provided, however, time for the performance thereof shall be extended by a period equal to an act of God, war, civil commotion, fire or other casualty, labor difficulties, shortages of energy, labor, materials or equipment, government regulations, or other causes beyond Waterstone's control whether such time be designated by a fixed date, a fixed time (as further defined in Section 5.2 hereof), or a reasonable time, provided, further, in the event that the City has not completed the On-Site Public Infrastructure Improvements for the Project (as defined in Section 1 herein) by the conclusion of the time period set forth in **Exhibit B**, Waterstone's time for performance shall be extended for a reasonable period of time taking into account winter conditions and the difficulty of commencing, prosecution and completing construction during winter months (if applicable).

3.5 Waterstone shall undertake, and shall, subject to applicable government approvals and regulations, be solely responsible for, the design, development, permitting and construction of all required Non-Public On-Site Improvements and construction of all service connections to all Public Infrastructure Improvements (as well as the payment of all connection fees related thereto), which the City will bring to the property line of, or other appropriate and/or agreed upon areas within, the Project Premises, at capacities, locations and elevations agreed to by the Parties.

3.6 Except for the financing contemplated herein, Waterstone shall be responsible for securing any other financing required for the Project. To the extent that any re-financing shall involve a mortgage, lien and/or another encumbrance(s) on the Project Premises, or any portion or product thereof, which contains terms and/or conditions which are not generally commercially utilized (such as, but not limited to, a contemporaneous pledge of rents as collected), any such financing agreement(s) shall, prior to its/their execution, be on terms and conditions reasonably

acceptable by the City and shall be approved/or rejected in writing by the City within five (5) business days of the City's receipt of the same, provided that if no action is taken on the request during such period the non-action shall be deemed to be an approval. Any financing agreement(s) shall specifically provide that such mortgage, lien and/or similar encumbrance(s) shall be subject, but not subordinate, to the provisions of this Development Agreement, and the holder of such security shall execute an acknowledgment of such fact in a recordable writing approved in advance by the City.

3.7 Waterstone and its consultants, contractors, agents, and representatives shall coordinate the design of On-site Infrastructure Improvements for the Project by Waterstone with the Public Infrastructure Improvements as undertaken by the City. Such coordination shall include, but not be limited to, attending meetings as well as providing copies of plans/designs to the City in both hard and electronic (in an AutoCAD format reasonably acceptable to the City) copies.

3.8 Waterstone's obligations hereunder are subject to the following condition:

- a. The City performing its obligations in accordance with the terms of this Development Agreement, including, but not limited to, those set forth in Articles 1 and 2, above.

3.9 All documents, except financial documents not related to the Project Premises, of Waterstone relating to the design, engineering and construction of the Project shall be made available at the offices of Waterstone, for the review and copying by the City upon reasonable request. In the case where Waterstone has committed an Event of Default as defined in 7.2 of this Development Agreement, the City shall be entitled to access Waterstone's financial documents in the manner provided for in the preceding sentence.

3.10 Waterstone shall use commercially reasonable efforts to create, by itself, and/or in conjunction with its prospective tenants, cause to be created, approximately 200 full/part time jobs at the Project Premises. Waterstone shall annually report to the City and the Department of Business and Economic Development Affairs as to the number of employees utilizing the Project Premises and providing a general description of the job classifications. Due to the nature of leasing, the City acknowledges that Waterstone cannot require any tenants to maintain a minimum number of employees at any given time, as Waterstone does not control the hiring practices of such tenants, and that the job creation is dependent upon Agreements being executed.

3.11 Commencing four (4) years following completion of the Public Infrastructure, as certified in a notice provided by the Rochester Department of Public Works to Waterstone (the

“Infrastructure Completion Date”), and expiring on the earlier of: (a) the date that a Revenue Increase has been achieved in a given Revenue Year, or (b) the payment by Waterstone of a total of \$1,500,000.00 to the City (the **“Guaranty Period”**), Waterstone shall guarantee an increase in retained revenues of the GRDD TIF from the Project of Four Hundred and Fifty Thousand Dollars (\$450,000.00) (the **“Revenue Increase”**) in a Measurement Year, from the construction of the Project.

On the Infrastructure Completion Date, the City will certify the current assessed value for the Project. Thereafter, at the end of each Revenue Year, the City will certify the increase, if any, in the assessed value for the Project. A **“Measurement Year”** shall be each one year period commencing four (4) years after the Infrastructure Completion Date. A **“Revenue Year”** shall be each year after the Infrastructure Completion Date.

Waterstone shall enter into an Escrow Agreement (the **“Escrow Agreement”**) in favor of the City, in the form set forth in Exhibit C hereto. As part of the Escrow Agreement, Waterstone shall pay Three Hundred Fifty Thousand Dollars (\$350,000.00) into a City of Rochester escrow account. Currently, the City is holding no less than \$150,000.00 in escrow from the prior Phase I Development Agreement, and another \$145,700.00 in escrow. Such sums will be moved into a new escrow agreement, to which Waterstone will add another no more than \$54,300.00, to total the \$350,000.00 required escrow.

The Escrow Agreement will provide that, if, commencing on the fourth anniversary of the Infrastructure Completion Date and thereafter for each Measurement Year, the increase in revenue from the Project does not equal or exceed the Revenue Increase for such Measurement Year, Waterstone will pay to the City the difference between the actual revenue increase and \$450,000.00 (the **“Revenue Deficit”**) for such Measurement Year. The City shall, within thirty (30) days after the expiration of any Revenue Year, provide Waterstone with its calculation of the Revenue Increase and the amount owed, if any, from Waterstone (no payments, however, shall be due for the Revenue Years prior to the commencement of the first Measurement Year). The City shall have the right to draw out of the escrow account sufficient funds to meet the Revenue Deficit, and will provide notice to Waterstone of any such draw on the escrow. Once the escrow has been exhausted, Waterstone will pay any Revenue Deficit within thirty (30) days after its receipt of the City’s notice showing computation of the Revenue Deficit for such Measurement Year until Waterstone has paid the Cap. Waterstone shall also enter into a Guaranty agreement with the City incorporating the terms of the guaranty provided for herein, also in the form of Exhibit C attached hereto.

The Revenue Increase of \$450,000 for purposes of this agreement is based on assessed value of Eighteen Million Dollars (\$18,000,000) for improvements constructed by Waterstone, at an assumed property tax rate of twenty five dollars (\$25.00) per every one thousand dollars in valuation. The actual assessed value and actual property tax rate shall be used in each measurement year to determine whether the \$450,000 threshold has been met. The following examples are used for purposes of illustration:

- a. Waterstone's construction results in an added assessed value of \$18,000,000. $\$18,000.00 \times \$25.00 = \$450,000.00$: therefore Waterstone's liability is met and the Guaranty is satisfied.
- b. No construction has been completed in the first Measurement Year, resulting in no addition to the assessed value of Waterstone's property: therefore, Waterstone owes \$450,000.00 to the City for such Measurement Year.
- c. In the first Measurement Year, Waterstone has completed sufficient construction that there is an added assessed value of \$15,000,000: $\$15,000 \times \$25.00 = \$375,000$. Waterstone owes \$75,000.00 to the City for such Measurement Year.

Provided, however, that if in any given Revenue Year or Measurement Year after the Infrastructure Completion Date, there is no Revenue Deficit for such year, Waterstone's obligations under the Guaranty and the Escrow Agreement shall expire and any funds remaining in escrow shall be promptly returned to Waterstone. If Waterstone completes the Project prior to or within the Measurement Period, the funds remaining in the escrow, if any, and the Guaranty, shall be returned to Waterstone.

If Waterstone pays to the City a cumulative total of \$1,500,000.00 (the "**Cap**"), the Escrow Agreement and the Guaranty shall both expire and be of no further force and effect.

The agreements provided in this paragraph are subject to the force majeure provisions of Section 8.3 of this Agreement.

Upon the completion of the Public Infrastructure Improvements, Waterstone agrees to guaranty annual maintenance costs contained in the annual Granite Ridge Development District TIF budget, to the extent, but only to the extent, that such costs exceed the total tax increment revenues received by the TIF District from the RSA Chapter 162-K tax increment for such budget year, plus any designated TIF District budget reserves available to fund such excess costs (the "**Maintenance Costs**");

3.13. Waterstone shall immediately proceed to redesign the Project as shown generally on Exhibit A to this Agreement. Waterstone shall, no later than 12/31/22 submit the redesign for TRG review and immediately after such review, shall submit such reviewed plans to the Planning Board no later than 3/1/23 for a planned 4/15/23 TRG meeting and a 5/31/23 Planning Board meeting. Waterstone will thereafter diligently pursue approval of the plans with the Planning Board and will consult with town departments on a regular basis concerning such redesigned plans. Waterstone shall bear the cost of any Sewer or Water impact fees. Waterstone shall bear the cost of any Sewer or Water impact fees in accordance with Chapter 260A and Chapter 200-7-T of the Code of the City of Rochester.

4. Financing Provisions.

4.1 The City has approved, and will continue to cooperate in the implementation of, a development plan under RSA Chapter 162-K for the so-called Granite Ridge Development District of which the Project Premises is a part.

4.2. In accordance with the provisions of Chapter 162-K, the annual tax increment created as a result of the TIF Plan will, to the extent available, be utilized to pay the annual costs of the TIF Bond(s), and to the extent available, to pay other permissible expenses relative to the so called Granite Ridge Development District, including the Maintenance Costs, as described in Section 2.14 (c) herein. If the annual tax increment is not available, such unavailability shall not affect the City's underlying obligation to pay for the cost of the Public Infrastructure Improvements.

5. Development Schedule.

5.1 Attached to this Development Agreement is a Development Schedule for the Project (Exhibit B being referred to as the "**Development Schedule**") showing the anticipated date and sequence of various elements of the Project that are to be completed by the respective Parties as set forth herein. The Parties acknowledge that the Development Schedule is a complex schedule requiring the coordinated efforts of multiple parties and is dependent in many instances on the actions or approvals of third parties. The Parties agree to use diligent efforts and to cooperate with each other in undertaking their respective responsibilities under this Agreement, including, but not limited to, those events listed on the Development Schedule. It is further understood by the Parties that the Development Schedule (**Exhibit B**) may require adjustment

based upon economic conditions, site constraints, actions of third parties, and circumstances beyond the control of Waterstone or the City. Any such adjustment(s) shall be reviewed and agreed upon by the Parties hereto. Consent to such Development Schedule adjustment shall not be unreasonably withheld.

5.2 Expressly subject to the provisions of Section 3.4 above, for the purposes of any of the provisions of this Agreement, the Parties shall not be considered in breach or default of its/their respective obligations hereunder in the event of unavoidable delay in the performance of such obligations due to causes beyond its control and without its fault or negligence, including but not restricted to, acts of God, or of the public enemy, acts of the other party, fires, floods or other casualties, epidemics, quarantine restrictions, labor disputes, litigations (including, without limitation, any appeal of any approval needed either for the TIF Bond(s) (including the appropriation vote or any permit or approval needed for the Project), freight embargoes, undue and unanticipated economic conditions and unusually severe weather or delays of contractors and subcontractors due to such causes; it being the purpose and intent of this provision that in the event of the occurrence of any such enforced delay, the time or times for performance of the obligations of such party shall be extended for the period of the enforced delay, provided, that the party seeking the benefit of the provisions of this section shall, within thirty (30) days after the beginning of any such enforced delay, have first notified the other party thereof in writing stating the cause or causes thereof and requested an extension for the period of the enforced delay. In calculating the length of the delay, the City and Waterstone shall consider not only actual work stoppages, but also any consequential delays resulting from such stoppage as well.

6. Representations and Warranties.

6.1 Representations and Warranties of City. The City hereby represents and warrants that:

6.1.1 The execution and delivery of this Development Agreement and the performance of the City's obligations hereunder have been duly authorized by such municipal action as necessary, and this Development Agreement constitutes the legal, valid and binding agreement of the City, enforceable against the City in accordance with its terms subject only to the conditions set out in this Development Agreement.

6.1.2 There is no action, suit or proceeding, at law or in equity, or official investigation before or by any court or governmental authority, pending or to the best of the City's knowledge threatened against the City, wherein an unfavorable decision, ruling or finding would materially adversely affect the performance by the City of its obligations hereunder or the performance by the City of its obligations under the transactions contemplated hereby, or

which, in any way, questions or may adversely affect the validity or enforceability of this Development Agreement, or any other agreement or instrument entered into by the City in connection with the transactions contemplated hereby.

6.1.3 The City has complied, and will continue to comply, where and to the extent necessary, with the provisions of RSA Chapter 162-K.

6.1.4 If required by Waterstone or its lender(s), the City shall provide Waterstone with a legal counsel's opinion, in a form acceptable to Waterstone, with respect to the matters described in this section.

6.2 Representations and Warranties of Waterstone. Waterstone hereby represents and warrants to the best of its knowledge and belief that:

6.2.1 **Farmington Associates Properties, LLC.** is a limited liability company, duly organized, validly existing and in good standing under the laws of the State of Delaware, the state of its formation, with all requisite authority to own its property and assets and to conduct its business as presently conducted or proposed to be conducted, and is duly qualified or authorized to transact business and in good standing under the laws of the State of New Hampshire. **Farmington Associates Properties Ground Tenant, LLC** is a limited liability company, duly organized, validly existing and in good standing under the laws of the of the state of Delaware, the state of its formation, with all requisite authority to own its property and assets and to conduct its business as presently conducted or proposed to be conducted, and is duly qualified or authorized to transact business and in good standing under the laws of the State of New Hampshire.

6.2.2 Waterstone has the power and authority to execute, deliver and carry out the terms and provisions of this Development Agreement and all necessary action has been taken to authorize the execution, delivery and performance by it of this Development Agreement. This Development Agreement will, upon execution and delivery thereof by Waterstone, constitute valid, legal and binding obligations of Waterstone enforceable in accordance with the respective terms thereof.

6.2.3 Neither the execution or delivery by Waterstone of this Development Agreement, the performance by Waterstone of its obligations in connection with the transactions contemplated hereby, nor the fulfillment by Waterstone of the terms or conditions hereof conflicts with, violates or results in a breach of any constitution, law or governmental regulation applicable to Waterstone, or conflicts with, violates or result in a breach of any term or condition of any judgment or decree, to which Waterstone

is a party or by which Waterstone or any of its properties or assets are bound, or constitutes a default there under.

- 6.2.4 There is no action, suit or proceeding, at law or in equity, or official investigation before or by any court or governmental authority, pending or to the best of Waterstone's knowledge threatened against Waterstone, its principal(s), affiliate(s), or entities controlled by its principal(s), wherein an unfavorable decision, ruling or finding would materially adversely affect the performance by Waterstone of its obligations hereunder or the performance by Waterstone of its obligations under the transactions contemplated hereby, or which, in any way, questions or may adversely materially affect the validity or enforceability of this Development Agreement or any other agreement or instrument entered into by Waterstone in connection with the transactions contemplated hereby.
- 6.2.5 Waterstone and Farmington shall provide certification from their respective corporate secretary or manager, as the case may be, indicating that the signatory to the within Development Agreement has obtained all necessary corporate authority to execute and perform the terms of the within Development Agreement.
- 6.2.6 If required by the City, Waterstone shall provide the City with a legal counsel's opinion, in a form acceptable to the City, with respect to the matters described in this section.

7. Defaults and Remedies.

7.1 Events of Default by City. Any one or more of the following shall constitute an "Event of Default" of the City.

- 7.1.1 Any representation or warranty made by the City shall prove incorrect or untrue in any material respect when made and have a material adverse effect on Waterstone or its rights under this Development Agreement;
- 7.1.2 The City shall fail or refuse to fulfill any of its material obligations under this Development Agreement, (unless such failure or refusal is caused by the acts or omissions of Waterstone, or its servants or agents) including, without limitation, the failure by the City to undertake or complete the Public Infrastructure Improvements or to complete any of its obligations within the time frames established by the Development Schedule attached hereto as Exhibit B unless such timeframes have been extended and mutually agreed upon by the City and Waterstone pursuant to this Development Agreement;

Provided, however, that no such failure shall constitute an Event of Default unless and until:

7.1.3 Waterstone has given written notice to the City stating that in its opinion a particular default exists that will, unless corrected, constitute a material breach of this Development Agreement or any related agreement on the part of the City and that such default will, in the opinion of Waterstone, give Waterstone a right to exercise its remedies pursuant to Section 8.1 unless such default is corrected within a reasonable period of time not to exceed ninety (90) days; and

7.2 Events of Default by Waterstone. Any one or more of the following shall constitute an “Event of Default” of Waterstone:

7.2.1 Waterstone shall fail to pay any amount due with respect to the provisions of Section 3.11 and/or to complete the improvements to be constructed by it contemplated in this Development Agreement and such failure is not otherwise excused or extended under this Development Agreement;

7.2.2 Any representation or warranty made herein by Waterstone shall prove to be incorrect or untrue in any material respect when made and has a material adverse effect on the City or its rights under this Development Agreement; or

7.2.3 Waterstone fails or refuses to fulfill any of its material obligations under this Development Agreement (unless such failure or refusal is caused by the acts or omissions of the City, or its servants or agents) including, without limitation, the failure by Waterstone to complete any of its obligations within the time frames established by the Development Schedule attached hereto as Exhibit B as such timeframes may be extended pursuant to this Development Agreement; or

7.2.4 Waterstone (through the date of the completion of the Project and compliance with the terms of this Development Agreement, including responsibilities per Article 2) shall suffer the following:

7.2.4.1 commencement by Waterstone (or any of such term’s component entities) of a voluntary case under Title 11 of the United States Code as from time to time in effect, or by its authorizing, by appropriate proceedings of its board of directors, partners, members, or other governing body, the commencement of such a voluntary case;

- 7.2.4.2 by its seeking relief as a debtor under any applicable law, other than said Title 11, of any jurisdiction relating to the liquidation or reorganization of debtors or to the modification or alteration of the rights of creditors, or by its consenting to or acquiescing in such relief;
- 7.2.4.3 by the entry of an order by a court of competent jurisdiction (a) finding it to be bankrupt or insolvent, (b) ordering or approving its liquidation, reorganization or any modification or alteration of the rights of its creditors, or (c) assuming custody of, or appointing a receiver or other custodian for all or a substantial part of its property;
- 7.2.4.4 by an assignment for the benefit of its creditors, or admission in writing of its inability to pay its debts generally as they become due, or consent to the appointment of a receiver or liquidator or trustee or assignee in bankruptcy or insolvency of it or of a major part of its property.

Provided however, that the foregoing shall not be deemed to constitute an Event of Default with respect to Waterstone if the debtor in possession, trustee, receiver, custodian, liquidator, agent or other party exercising control over the assets of the Party, affirms this Development Agreement without modification and within a reasonable period of time and provides evidence satisfactory to the City, in the City's sole discretion, of the capacity to continue the performance of Waterstone's obligations under this Development Agreement and to cure, in a timely manner, all breaches thereunder.

7.2.5 Once site work at the Project Premises has commenced, Waterstone has ceased active and substantial construction of the Project for a period of ninety (90) days, excluding winter shut down periods or except as provided by the Development Schedule attached hereto as Exhibit B , unless such timeframes have been extended and mutually agreed upon by the City and Waterstone pursuant to this Development Agreement .

7.2.6 None of 7.2.1 through 7.2.5 shall constitute an Event of Default unless and until:

7.2.6.1 The City has given written notice to Waterstone stating that, in its opinion, a particular default or defaults exist that will, unless corrected, constitute a material breach of this Development Agreement on the part of Waterstone and that such default or defaults will, in the opinion of the City, give the City a right to exercise its remedies pursuant to Section 8.2 unless such default is corrected within a reasonable period of time not to exceed ninety (90) days from the receipt of such notice..

8. Consequences of Defaults.

8.1 **Consequences of Events of Default by the City.** Upon the occurrence of an Event of Default by the City, Waterstone may proceed by appropriate proceedings, judicial, administrative or otherwise at law or in equity or otherwise to protect and enforce or recover its rights or damages to which it may be entitled to enforce performance by the City. Said proceeding is to be brought in the Strafford County Superior Court, and Waterstone may take any action and incur any expense necessary to cure or avoid any default and Waterstone may recover from the City, and the City shall pay to reimburse Waterstone, for all expenses so incurred or that must be paid by Waterstone.

8.1.2 In the event the cure by the City delays work by Waterstone, Waterstone's obligations under the Development Schedule may be extended for the period of delay taking into account winter conditions and the difficulty of commencing, prosecution and completing construction during winter months (if applicable).

8.2 **Consequences of Events of Default by Waterstone.** In the event of an event of default by Waterstone, the City may proceed by appropriate proceedings, judicial, administrative or otherwise in law or in equity to protect and enforce their rights to recover any actual damages to which they may be entitled and to enforce performance by Waterstone. Said proceedings to be brought in the Strafford County Superior Court and the City may take any action and incur any expense necessary to cure or avoid any default.

8.3 **Force Majeure.** The time for performance by The City or Waterstone of any obligation set forth in any term, provision or covenant of this Agreement shall be deemed extended by the period of time lost due to delays resulting from acts of God, casualties, strikes, lockouts, unavailability of building materials or laborers (for construction work or general staffing), civil unrest, acts of terrorism, floods, hurricanes, windstorms, material or labor restrictions by any governmental authority having jurisdiction over the Premises, enforcement of governmental regulations or requirements, present or future governmental restrictions, regulations, controls, inaction and/or delays, contagious or infectious disease outbreaks or other public health emergencies in the geographic area where the Premises are located, such as, but not limited to, epidemics, pandemics or impositions of quarantine and/or travel restrictions by any governmental authority having jurisdiction over the Project, inaction and/or delays of any utility service provider and any other cause not within the control of The City or Waterstone or their respective agents, employees, contractors or suppliers (except financial inability), as the case may be. The party claiming such an extension due to a delay resulting from a force majeure event shall notify the other party, in writing, of the circumstances supporting such claim within thirty (30) days after the

date(s) of such force majeure event (otherwise such extension claim shall be deemed to have been waived).

9. Further Assurances/Cooperation.

9.1 City staff shall attend all Zoning Board of Adjustment, Conservation Commission, and Planning Board meetings or public hearings concerning each phase of the Project. City staff shall also provide guidance with respect to the preparation of pertinent Zoning and Planning Board applications, as required. However, Waterstone shall be solely responsible for preparing and filing said applications, as well as paying all application fees associated therewith.

9.2 The Parties recognize and acknowledge that there may be issues regarding the operation and maintenance of the Public Infrastructure Improvements during and particularly after their completion pursuant to the terms of this Development Agreement. These issues include, but are not limited to, maintenance of the Public Infrastructure Improvements, and the operation of the drainage system contemplated by such improvements. The Parties, therefore, mutually agree, to negotiate, approve and execute agreements, with reasonable provisions, relative to:

1. Maintenance issues with respect to Public Infrastructure Improvements, including, but not limited to, responsibilities with respect thereto; and
2. Drainage issues related to the Public Infrastructure Improvements designed to deal with drainage, including, but not limited to, (1) responsibilities with respect thereto; and (2) rules and/or regulations regarding drainage, etc.

9.3 In accordance with the provisions of Chapter 162-K of the New Hampshire Revised Statutes Annotated and the provisions of Section D.7 of the Granite Ridge Development District: Tax Increment Development Program & Financing Plan, adopted by the City on June 17, 2014 (the "TIF Plan"), the Parties agree that, except as otherwise provided for herein, the annual Maintenance Costs for the Public Infrastructure Improvements shall be paid by the TIF District Administrator from the so-called tax increment, to the extent of the availability of such tax increment funds after the payment of amounts due on the TIF Bond(s).

10. General Provisions.

101 This Development Agreement shall be governed and construed in accordance with the laws of the State of New Hampshire.

10.2 If any term or provision of this Development Agreement is held to be invalid or unenforceable, to any extent, the remainder of this Development Agreement shall continue to be fully valid and enforceable.

10.3 Notices, demands, consents, approvals or other instruments required or permitted by this Development Agreement shall be in writing and shall be executed by the party or an officer, agent, attorney of the party, and shall be deemed to have been effective as to the date of actual delivery, if delivered personally, or as of the third day from and including the date on which it is mailed by registered or certified mail, return receipt requested, with postage prepaid as follows:

To Waterstone:

Farmington Associates Properties, LLC and
Farmington Associates Properties Ground Tenant,
LLC
Attn: Josh Levy
117 Kendrick Street
Needham, MA 02494

With a copy to:

Robert Orsi, Esq.
Orsi Arone Rothenberg Turner, LLP
160 Gould Street, Suite 320
Needham, MA 02494

To City:

City Manager
City of Rochester
31 Wakefield Street
Rochester, NH 03867

With a copy to:

City of Rochester
Attn: Finance Director
31 Wakefield Street
Rochester, NH 03867

10.4 Time is of the essence with regard to this Development Agreement.

10.5 This Development Agreement shall be binding upon and inure to the benefit of the Parties hereto, and their respective successors and assigns. This Development Agreement may be assigned by Waterstone to an entity that is a subsidiary or affiliate of Waterstone. Except as permitted herein, neither this Development Agreement nor any of the rights, interests or obligations of this Development Agreement may be assigned or delegated by any party without the prior written consent of the other parties.

10.6 Waterstone shall not pledge or assign this Development Agreement or any documents relating thereto as security for any financing without the prior written consent of the City except that Waterstone may finance and secure the construction of the building(s) or other improvements on the Project Premises and may pledge or assign this Development Agreement and any documents relating thereto in connection with such financing, but may not otherwise pledge or assign this Development Agreement or any documents relating thereto as security for any financing without the prior written of the City, which consent may not be unreasonably withheld or delayed; provided, however, in the event of said financing pledge and/or assignment, the obligations of Waterstone shall not be relieved or diminished.

10.7 The Parties anticipate that the obligations set forth herein will be further described in other agreements and/or deeds or Agreements as agreed to by the Parties. The Parties agree to cooperate in good faith with regard to each and every aspect required for the completion of construction, operation and financing contemplated by this Development Agreement. The Parties recognize, however, that the land use regulatory authorities of the City and the State must perform their responsibilities in accordance with the law governing that performance and consequently are not obligated in any way by this Development Agreement. The Parties agree to further negotiate in good faith and to enter into such other and further agreements as may be necessary to implement any aspect of design, engineering, or construction contemplated under this Development Agreement.

10.8 Waterstone submits to the jurisdiction of the courts of the State of New Hampshire and the courts from which an appeal from such trial venue may be taken or other relief may be sought for purposes of any action or proceeding arising out of this Development Agreement or any related agreement. All legal actions taken by the Parties shall be commenced in Strafford County New Hampshire Superior Court.

10.9 Unless expressly stated otherwise in this Development Agreement, whenever a party's consent or approval is required under this Development Agreement, or whenever a party shall have the right to give an instruction or request another party to act or to refrain from acting under this Development Agreement, or whenever a party must act or perform before another party may act or perform under this Development Agreement, such consent, approval, or instruction, request, act or performance shall be reasonably made or done, or shall not be unreasonably withheld, delayed, or conditioned, as the case may be.

10.10 The execution of this Development Agreement does not preempt or supersede the review process or powers of any City or other governmental Board, Committee, Commission, or Department, or excuse Waterstone from the requirement to apply for and receive all necessary permits and approvals from all applicable City or other governmental Boards, Committees, Commissions, or Departments.

10.11 In the event that any of the terms or provisions of this Development Agreement are declared invalid or unenforceable by any Court of competent jurisdiction or any Federal or State Government Agency having jurisdiction over the subject matter of this Development Agreement, the remaining terms and provisions that are not effected thereby shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have set their hands this ____ day of _____, 2022.

CITY OF ROCHESTER

Witness

By: _____
Blaine Cox, City Manager
Duly authorized

FARMINGTON ASSOCIATES PROPERTIES, LLC

Witness

By: _____
Joshua Levy, Manager
Duly authorized

**FARMINGTON ASSOCIATES PROPERTIES
GROUND TENANT, LLC**

Witness

By: _____
Joshua Levy, Manager
Duly authorized

Exhibit A
Overall Plan

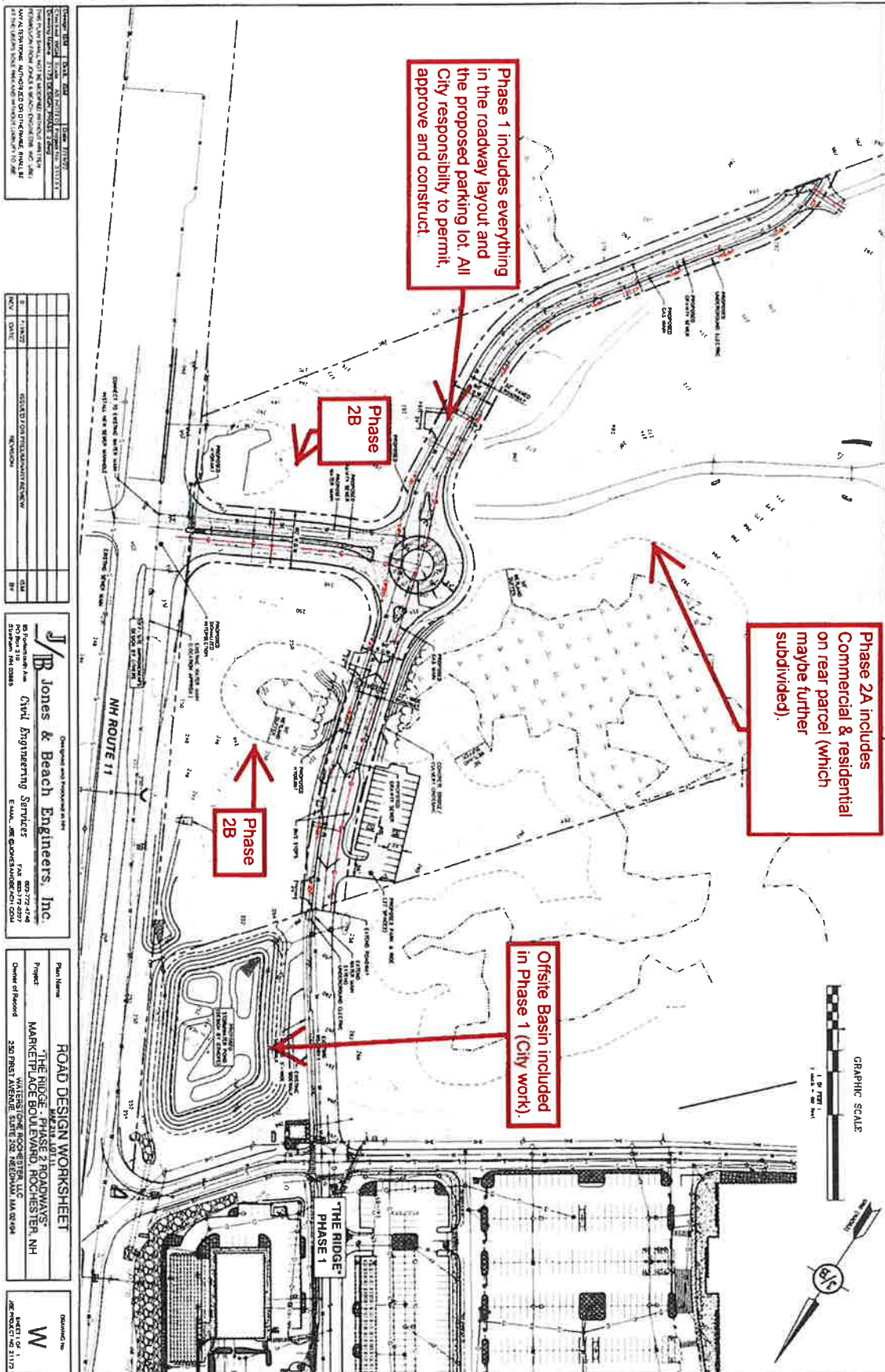


Exhibit B
Public Infrastructure Improvements

Project Timeline – Phase 2

	START	FINISH
<u>Waterstone</u>		
Local Approvals	December 2022 (dependent upon timing of city approval of roadways)	April 2023
State Approvals		
Wetlands	December 2015	December 2019 COMPLETED
AOT	December 2022	May 2022
Phase 2 site work		May 2025
Construction		48 months from completion of City Infrastructure work

1 Start of site work is typically contingent on receiving all state and local approvals. Rochester Planning Department and Planning Board would have to waive this requirement to start excavation process and preliminary site work prior to receiving NHDOT approvals.

City of Rochester

Subdivision Roadway/Utilities/Stormwater Treatment/Parking Lot

Design Work	October 2022	March 2023
Presentation to Planning Board	December 2022	December 2022
Permitting	April 2023	June 2023
Bid Process and Award	May 2023	July 2023
Construction	August 2023	May 2024 (Substantial Completion)
Final Completion	July 2024	July 2024

Route 11 Improvements

Design Work	October 2022	March 2023
Final State Approvals	April 2023	June 2023
Bid Process and Award	May 2023	August 2023
Construction	September 2023	July 2024 (Substantial Completion)
Final Completion	August 2024	September 2024

Exhibit C
Escrow Agreement and Guaranty Agreement

ESCROW AGREEMENT

NOW COMES **FARMINGTON ASSOCIATES PROPERTIES, LLC** and **FARMINGTON ASSOCIATES PROPERTIES GROUND TENANT, LLC**, with a place of business c/o Waterstone Properties Group, Inc., with a mailing address of 250 First Avenue, Suite 202, Needham, Massachusetts 02494 (being hereinafter collectively referred to as "Waterstone") and the **City of Rochester, New Hampshire**, a municipal corporation with a principal place of business at 31 Wakefield Street, Rochester, New Hampshire (hereinafter referred to as the "City") and **Mark Sullivan** (herein referred to as the "Escrow Agent") (the entities referred to in this paragraph are sometimes hereinafter collectively referred to as the "Parties"), and state as follows:

Whereas Waterstone and the City have entered into a so-called Third Amended and Restated Development Agreement originally dated December 3, 2015, as amended by an amendment dated March, 2016 and by an Addendum dated November 15, 2016, and by a Second Amended and Restated Development Agreement dated May 5, 2021 and by a Third Amended and Restated Development Agreement of even date herewith (the "Development Agreement"), regarding the development of a certain tract of land located on the westerly side of NH Route 11 in Rochester, that may involve the use of the provisions of NH RSA Chapter 162-K tax increment financing mechanism for the financing of certain Public Infrastructure Improvements related to, and necessary for the Project (as defined in the Development Agreement) or separate funding by the City; and

Whereas the Development Agreement contains an agreement by Waterstone to guaranty, in full or in part, the payment of certain costs identified to in the Development Agreement and referred to respectively as the TIF Bond(s) and the Maintenance Costs by virtue of a so-called Guaranty Agreement (see **Exhibit B** to the Development Agreement), with such Guaranty to be secured by the within Escrow Agreement (the "Escrow Agreement"); and

Whereas the Parties agree, by execution of this Escrow Agreement, to appoint the City's Deputy Finance Director as Escrow Agent under this Escrow Agreement, and the said Deputy Finance Director, by signing this Escrow Agreement below agrees to serve as Escrow Agent under the provisions of the Development Agreement, the Guaranty Agreement and this Escrow Agreement for the purpose of implementing the provisions of the Development Agreement, the Guaranty Agreement and this Escrow Agreement relative to Waterstone's guaranty obligations thereunder and therein; and

Whereas the Escrow Agent is agreeable to act as escrow agent without compensation under this Agreement and to disburse the Funds in accordance with the terms and conditions set forth in the Development Agreement, the Guaranty Agreement and this Escrow Agreement relative to Waterstone's guaranty obligations;

Now, Therefore, in consideration of the mutual covenants and promises set forth below, the parties agree as follows:

1. Establishment of the Escrow Account

An escrow account shall be established under this Agreement by Waterstone with Escrow Agent who shall hold, invest in an interest bearing account, and distribute the Funds in accordance with the terms set forth in the Development Agreement, the Guaranty Agreement and this Escrow Agreement. Waterstone shall fund the escrow account with the sum of \$350,000.00 on or about September __, 2022;

Waterstone and the City agree that the funds (the "Funds") in the Escrow Account are to be used exclusively for the purposes, and in the manner, set forth in the Development Agreement, the Guaranty Agreement and this Escrow Agreement.

2. Disbursements

The Escrow Agent shall disburse all or a portion of the Funds in accordance with the terms set forth in the Development Agreement, the Guaranty Agreement and this Escrow Agreement. Prior to any disbursements of any portion of the Funds by the Escrow Agent, the Escrow Agent shall provide at least seven (7) days' prior notice to Waterstone and the City of its intend to release such portion of the Funds, and the purpose for which the Escrow Agent shall make such release, in accordance with the terms of the Development Agreement, the Guaranty Agreement, and this Escrow Agreement. If, within the above seven (7) day period, neither Waterstone nor the City disputes that the Escrow Agent shall release such portion of the Funds, the Escrow Agent may release such funds. In the event that the Escrow Agent is notified in writing (with a copy of the same being provided to the other party) during any above referenced seven (7) day period, of any dispute concerning the release of any portion of the Funds in question are in dispute, the Escrow Agent shall not release the an amount of funds from the Escrow account equal to the amount of Funds in dispute, but shall hold them pending mutual instructions from the City and Waterstone, or the Escrow Agent may immediately interplead the disputed Funds into a court of competent jurisdiction located in Strafford County, New Hampshire. Funds with respect to which no notice of dispute has been timely received by the Escrow Agent, may be released and disbursed by the Escrow Agent.

Upon proper disbursement all of the Funds to be placed, or contemplated to be placed, in Escrow by the terms of the Development Agreement, the Guaranty Agreement and/or the Escrow Agreement, this Escrow Agreement shall terminate in accordance with the provisions of Section 3.11 of the Development Agreement, Waterstone shall be reimbursed any unencumbered funds remaining in the escrow account, and thereupon Waterstone shall have no remaining obligation to replenish the Funds. Any reimbursements to be made to Waterstone shall be made directly from the Funds or otherwise, and shall not be made by way of any set-off against taxes.

3. Escrow Agent's Responsibility

The City and Waterstone hereby appoint the Escrow Agent to serve hereunder, and the Escrow Agent hereby accepts such appointment and agrees to perform all duties expressly set forth in this Agreement.

Upon disbursement of the Funds in accordance with the Development Agreement, the Guaranty Agreement and this Escrow Agreement, the Escrow Agent shall have no further responsibility with respect to the amounts so disbursed. In this regard, it is expressly agreed and understood that in no event shall the aggregate amount of disbursements from the Escrow Account by the Escrow Agent exceed the amount deposited by Waterstone in the Escrow Account plus any and all accrued interest.

The Escrow Agent shall have the authority to invest and reinvest the Fund's principal and income upon written notice from the City and pursuant to this Escrow Agreement in an insured savings account and/or accounts at a financial institution having a branch in Rochester, New Hampshire.

The Escrow Agent shall not be liable for any action taken or omitted hereunder or under this Agreement except in the case of its bad faith, gross negligence or willful misconduct.

The Escrow Agent shall furnish to the City and Waterstone an accounting of the receipts in, and disbursements from, the Escrow Accounts, as requested.

The Escrow Agent may resign at any time upon giving the City and Waterstone thirty (30) days' prior written notice; provided, however, that no such resignation shall be effective until a successor escrow agent shall have been appointed by the City and Waterstone and shall have accepted such appointment in writing. The

City and Waterstone shall jointly consent to appointment of such successor escrow agent. Upon such appointment, the Escrow Agent's only duty shall be to pay over to the successor escrow agent the Funds in the escrow pursuant to this Agreement. Neither this provision, nor any other provision of the Development Agreement, the Guaranty Agreement and/or the Escrow Agreement, shall prevent the Escrow Agent from representing the City with respect to any dispute regarding the distribution of Funds, or any matter arising out of the transaction between the parties giving rise to the Agreement. Furthermore, this provision shall not prevent the distribution of Funds by the Escrow Agent, the distribution of which are not in dispute.

4. This Agreement shall be governed and construed in accordance with the laws of the State of New Hampshire.
5. If any term or provision of this Agreement is held to be invalid or unenforceable, to any extent, the remainder of this Agreement shall continue to be fully valid and enforceable.
6. Notices, demands, consents, approvals or other instruments required or permitted by this Agreement shall be in writing and shall be executed by the party or an officer, agent, attorney of the party, and shall be deemed to have been effective as to the date of actual delivery, if delivered personally, or as of the third day from and including the date on which it is mailed by registered or certified mail, return receipt requested, with postage prepaid addressed as follows:

To Waterstone:

FARMINGTON ASSOCIATES PROPERTIES, LLC
and FARMINGTON ASSOCIATES PROPERTIES
GROUND TENANT, LLC
 c/o Waterstone Acquisitions Group, LLC
 250 First Avenue, Suite 202
 Needham, MA 02094

With a copy to:

Robert Orsi, Esq.
 Orsi, Arone & Rothenberg
 160 Gould Street, Suite 320
 Needham, MA 02494

To City: Blaine Cox, City Manager
City of Rochester
31 Wakefield Street
Rochester, NH 03867

With copy to: City of Rochester
Attn: Finance Director
31 Wakefield Street
Rochester, NH 03867

To Escrow Agent : Mark Sullivan, Deputy Finance Director
City of Rochester
31 Wakefield Street
Rochester, NH 03867

Any party to this Escrow Agreement shall be entitled to change the address to be utilized for notifications by giving the other parties written notice of such new address in the manner provided for in this paragraph.

7. The Parties agree that, unless otherwise specifically defined in this Guaranty agreement, defined terms as used or referred to herein shall have the same meanings as such defined terms have accorded to them in the Development Agreement.
8. This Agreement contains the entire agreement of the parties with respect to the subject matter hereof. This Escrow Agreement may be amended only by a written instrument signed by the City, Waterstone and the Escrow Agent.
9. This Escrow Agreement may be executed in any number of counterparts with the same effect as if the signatures on all counterparts were on the same instrument.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the last date set forth below.

CITY OF ROCHESTER

**FARMINGTON ASSOCIATES
PROPERTIES, LLC**

(Signature)

(Signature)

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

**FARMINGTON ASSOCIATES
PROPERTIES GROUND TENANT,
LLC**

(Signature)

Name: _____

Title: _____

Date: _____

Escrow Agent

Mark Sullivan (Signature)

Name: _____

Title: _____

GUARANTY

NOW COME, **FARMINGTON ASSOCIATES PROPERTIES, LLC**, a Delaware LLC and **FARMINGTON ASSOCIATES PROPERTIES GROUND TENANT, LLC**, with a place of business c/o Waterstone Acquisitions Group, LLC, with a mailing address of 250 First Avenue, Suite 202, Needham, Massachusetts 02094 (hereinafter "Waterstone"), and the **City of Rochester, New Hampshire**, a municipal corporation with a principal place of business at 31 Wakefield Street, Rochester, New Hampshire (hereinafter referred to as the "City") (the entities referred to in this paragraph are sometimes hereinafter collectively referred to as the "Parties"), and state as follows:

A. That the City and Waterstone entered into a Third Amended and Restated Development Agreement ("Agreement") dated September __, 2022.

B. In accordance with the provisions of Section 3.11 of the Agreement, Waterstone agreed to enter into a guaranty agreement (the "Guaranty Agreement") and to enter into a so-called Phase I Escrow Agreement (the "Escrow Agreement") in favor of the City whereby Waterstone agreed to: (1) guaranty certain payment obligations of Waterstone to the City all as set forth in said Section 3.11; and (2) an Escrow Agreement which shall provide additional security for the guaranty of Waterstone to the City as provided for in the Agreement as well as herein.

NOW THEREFORE, for good and valuable consideration and in exchange for the mutual promises contained by the Parties in the Agreement and in satisfaction of Section 3.11 of the Agreement:

1. Waterstone does hereby guaranty any payments due from Waterstone to the City pursuant to Section 3.11 of the Agreement, and further the obligation to pay, upon demand, all costs and expenses, including counsel fees, which may be incurred in connection with the liabilities due to the City in connection with the enforcement of this Guaranty.

2. After the exhaustion of the funds held pursuant to the terms of the Escrow Agreement, Waterstone will pay any insufficiency to satisfy the payments due to the City upon thirty (30) days written notice to Waterstone at the address specified in the

Agreement, and elsewhere herein, as the funds placed into Escrow pursuant to the Escrow Agreement have been exhausted/diminished as provided for and/or contemplated in Section 3.11 of the Agreement.

3. The obligation of Waterstone in this Guaranty shall be direct and not conditioned or contingent upon the pursuit of any remedy against any other party or entity. This is a guaranty of payment, when due, and not merely of collectability. It is the intention of the parties to this Guaranty that this Guaranty may be resorted to in full, and that all liabilities will become immediately due and owing, notwithstanding that the City is unable to pursue or exhaust its remedies against any other party or entity, whether as a consequence of any intervening bankruptcy or for any other reason whatsoever.

4. All diligence in collection, and all presentment for payment, demand, protest, notice of protest, and notice of non-payment, dishonor or default, and of the acceptance of this Guaranty are expressly waived.

5. No delay in the enforcement of payment of omission in exercising any right or power held by the City, or any other circumstances, shall affect the liability of Waterstone to this Guaranty.

6. Waterstone expressly waives all suretyship defenses.

7. It is represented and agreed that there are no conditions or limitations upon the undertaking in this Guaranty except those written or printed herein at the time of the signing hereof; and that after the execution, no alteration, change or modification shall be made except by writing, signed or initialed by all parties hereto.

8. This instrument shall be governed, construed and interpreted in accordance with the laws of the State of New Hampshire. The undersigned submit to the jurisdiction of the Courts of the State of New Hampshire for all matters in connection herewith.

9. This Guaranty is entered into with the full authority of the undersigned and for the purpose of satisfying the guaranty obligations set forth and/or contemplated in Section 3.11 of the Agreement.

10. This Guaranty is secured by an Escrow Agreement as referred to in Section 3.11 of the Agreement.

11. The Parties agree that, unless otherwise specifically defined in this Guaranty agreement, defined terms as used or referred to herein shall have the same meanings as such defined terms have accorded to them in the Agreement.

12. This Guaranty is binding upon Waterstone and upon its successors and assigns and shall inure to the benefit of the City, its successors and assigns. Waterstone may, however, transfer or assign this Guaranty Agreement and any documents relating thereto to any unrelated third party to whom Waterstone sells or otherwise transfers ownership of the Project Premises (other than the transfer to the City of the portion of the Project Premises to the City contemplated in the Agreement) but only with the prior written consent of the City, which shall not be unreasonably withheld or. In the event of such transfer, provided that Waterstone has transferred its obligations under the Guaranty and the Escrow Agreement, Waterstone may be relieved of any remaining obligations under this Guaranty Agreement or the Escrow Agreement to the extent provided for in the aforesaid transfer/assignment document required to be approved by the City pursuant to this sentence.

IN WITNESS WHEREOF, this _____ day of _____, 2022.

**FARMINGTON ASSOCIATES PROPERTIES,
LLC**

Witness

By: _____

(Print Name) (title)
Duly Authorized

**FARMINGTON ASSOCIATES PROPERTIES
GROUND TENANT, LLC**

Witness

By: _____

(Print Name) (title)
Duly Authorized

Accepted:

CITY OF ROCHESTER

Witness

By: _____
Blaine Cox, City Manager
Duly authorized

*Intentionally
left blank...*

City Clerk's Office

**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.

*Intentionally
left blank...*

City Clerk's Office



09/29/2022

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

Seeking permission from Council to accept JAG grant funds in the amount of \$27,300.00.

COUNCIL ACTION ITEM ☒
INFORMATION ONLY ☐FUNDING REQUIRED? YES ☒ NO ☐
* IF YES ATTACH A FUNDING RESOLUTION FORMRESOLUTION REQUIRED? YES ☒ NO ☐FUNDING RESOLUTION FORM? YES ☒ NO ☐

AGENDA DATE	Next October 2022 meeting		
DEPT. HEAD SIGNATURE			
DATE SUBMITTED	9/27/22		
ATTACHMENTS	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

FINANCE OFFICE APPROVAL	
SOURCE OF FUNDS	Federal
ACCOUNT NUMBER	Fund TBD
AMOUNT	\$27,300.00
APPROPRIATION REQUIRED	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

LEGAL AUTHORITY

Council action required.

SUMMARY STATEMENT

Seeking permission from Council to accept JAG funding in the amount of \$27,300.00 to purchase equipment for department/officer use and specific training as listed below:

Equipment

1 - Gas Masks and Filters - These would be for our current seven (7) SWAT team members who are on the Strafford County Regional Tactical Operations Unit. Their current gas masks are estimated to be over 20 years old, have dry rot, and have become highly ineffective. These new masks are less bulky, easier to breathe through, more durable, and better fog mitigation features. These masks are mandated for team members. To purchase the 7 gas masks, with additional filters, the cost is \$6,139.00

2 - FARO Technologies - This technology and training would allow our traffic accident this 3D technology of "shooting" crime scenes and accident scene. This cost would be for FARO to come to our agency and train 6 officers on this equipment. Also includes the FARO Zone 3D Advanced Digital Download and "SCENE" license. The cost of the equipment and training to our officers is \$11,400.

3 - Institute of Police Technology and Management (IPTM) Training - With the retirement of our most recent Accident Reconstructionist, we are working towards getting new officers trained in that expertise. IPTM has four courses one officer has to go through to become a Reconstructionist. This request, is to have two officers attend the first two courses (of 4 courses). Each training course is \$1,195.00 each. So to have two officers attend the first two courses each is \$4,780.00

4 - Northeast Counterdrug Training Center (NCTC) - With our most recent polygraph examiner leaving our agency after 17 years for another agency; we have the need to have a current officer or detective become trained and certified as a polygraph examiner. Through the NCTC Polygraph Program, the tuition and lodging is free. We are responsible for the cost of travel and food. This is a 12-week course in Fort Indiantown GAP Pennsylvania. The travel and food for 12-weeks is \$5,000.00

RECOMMENDED ACTION

Accept JAG Grant funds in the amount of \$27,300.00.

AGENDA BILL - FUNDING RESOLUTION

EXHIBIT

Project Name: Date: Fiscal Year:

Fund (select):

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

Deauthorization

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

Appropriation

	Org #	Object #	Project #	Fed Amount \$	State Amount \$	Local Amount \$
1	TBD	TBD	TBD	\$27,300.00	-	-
2				-	-	-
3				-	-	-
4				-	-	-

Revenue

	Org #	Object #	Project #	Fed Amount \$	State Amount \$	Local Amount \$
1	TBD	TBD	TBD	\$27,300.00	-	-
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

*Intentionally
left blank...*

City Clerk's Office

**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.

*Intentionally
left blank...*

City Clerk's Office



09/29/2022

City of Rochester Formal Council Meeting


AGENDA BILL

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

AGENDA SUBJECT

Seeking permission from Council to accept Vest Grant funding in the amount of \$5,640.25.

COUNCIL ACTION ITEM ☒
INFORMATION ONLY ☐FUNDING REQUIRED? YES ☒ NO ☐
* IF YES ATTACH A FUNDING RESOLUTION FORMRESOLUTION REQUIRED? YES ☒ NO ☐FUNDING RESOLUTION FORM? YES ☒ NO ☐

AGENDA DATE	Next October 2022 meeting		
DEPT. HEAD SIGNATURE			
DATE SUBMITTED	9/21/22		
ATTACHMENTS	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

FINANCE OFFICE APPROVAL	
SOURCE OF FUNDS	Federal
ACCOUNT NUMBER	Fund 61142021-561010-Project 23XXX
AMOUNT	\$5,640.25
APPROPRIATION REQUIRED	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

LEGAL AUTHORITY

Council action required.

SUMMARY STATEMENT

Seeking permission from Council to accept Vest Grant funding in the amount of \$5,640.25 to purchase new ballistic vests when officers vests expire and for newly hired officers.

RECOMMENDED ACTION

Accept funds in the amount of \$5,640.25

AGENDA BILL - FUNDING RESOLUTION**EXHIBIT**Project Name: Date: Fiscal Year:

Fund (select):

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

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

Appropriation

	Org #	Object #	Project #	Fed Amount \$	State Amount \$	Local Amount \$
1	61142021	561010	23XXX	\$5,640.25	-	-
2				-	-	-
3				-	-	-
4				-	-	-

Revenue

	Org #	Object #	Project #	Fed Amount \$	State Amount \$	Local Amount \$
1	6114003	402179	23XXX	\$5,640.25	-	-
2				-	-	-
3				-	-	-
4				-	-	-

DUNS # CFDA # Grant # Grant Period: From
To

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

Reimbursement Request will be reduced Funds will be returned

*Intentionally
left blank...*

City Clerk's Office

Resolution 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.

*Intentionally
left blank...*

City Clerk's Office



09/29/2022

City of Rochester Formal Council Meeting

AGENDA BILL

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

AGENDA SUBJECT

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

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

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

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

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

LEGAL AUTHORITY

--

SUMMARY STATEMENT

RECOMMENDED ACTION

**Resolution 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.