



**City Council Regular Meeting  
March 7, 2023  
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: February 7, 2023 *consideration for approval* P. 7**
- 6. Communications from the City Manager**
  - 6.1 City Manager's Report P. 35**
- 7. Communications from the Mayor**
  - 7.1. *Announcement:* Tri-Centennial Celebration**
- 8. Presentation of Petitions and Council Correspondence**
- 9. Nominations, Appointments, Resignations, and Elections**
- 10. Reports of Committees**
  - 10.1 Community Development P. 49**
  - 10.2 Finance Committee P. 57**
    - 10.2.1 Resolution Authorizing Supplemental Appropriation in the amount of \$450,000.00 for City Hall and Opera House Life Safety Building Upgrades *first reading and refer to Public Hearing 3/21/23* P. 65**

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- 10.3 Planning Board P. 71
- 10.4 Public Safety P. 75
  - 10.4.1 **Committee Recommendation:** To extend the driveway culvert and shoulder at 119 Oak Street at the technical discretion of the DPW *consideration for approval* P. 76
  - 10.4.2 **Committee Recommendation:** To install two noise abatement signs (ride quietly) on Salmon Falls Road, one on each end *consideration for approval* P. 76
- 10.5 Public Works P. 79
- 11. Old Business
  - 11.1. Amendment to Chapter 275-21 of the General Ordinances of the City of Rochester Regarding Conditional Uses in the Granite Ridge District *second reading and consideration for adoption* P. 109
  - 11.2. **Codes and Ordinances Committee Recommendation:** To adopt the Code of Ethics, as further amended, and to review biannually along with the City Council Rules of Order, and to authorize distribution to all candidates filing for office or for City Boards/Commissions *consideration for adoption*
- 12. Consent Calendar
- 13. New Business
  - 13.1. Resolution in Support of Increased Funding for Public Transit and for the Statewide Public Transportation Coalition *first reading and consideration for adoption*
  - 13.2. RSA 79-E Extension for property located at 22 South Main Street *Motion to Approve*
  - 13.3. RSA 79-E Extension for property located at 73 – 77 North Main Street *Motion to Approve*
  - 13.4. Resolution Approving Cost Items Associated with Proposed City of Rochester Multi-Year Collective Bargaining Agreement with Rochester Municipal Employees Association SEIU Local 1984 (Support Personnel All City Departments) *first reading and consideration for adoption*
  - 13.5. Resolution Approving Cost Items Associated with Proposed City of Rochester Multi-Year Collective Bargaining Agreement with Rochester

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**Communications NEPBA Local 123 *first reading and consideration for adoption***

- 13.6. Amendment to Chapter 260 of the General Ordinances of the City of Rochester regarding Water *first reading and consideration for adoption* P. 193**
- 14. Non-Meeting/Non-Public Session**
- 15. Adjournment**

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**Regular City Council Meeting  
February 7, 2023  
Council Chambers  
6:00 PM**

**COUNCILORS PRESENT**

Councilor Beaudoin  
Councilor Berlin  
Councilor Desrochers  
Councilor Gilman  
Councilor Gray  
Councilor Hailey  
Councilor Hamann  
Councilor Larochelle  
Deputy Mayor Lachapelle  
Mayor Callaghan

**OTHERS PRESENT**

Blaine Cox, City Manager  
Katie Ambrose, Deputy City Manager  
Terence O'Rourke, City Attorney  
Peter Nourse, Director of City Services  
Mike Scala, Director of Economic Dev.

**COUNCILORS EXCUSED**

Councilor de Geofroy  
Councilor Fontneau  
Councilor Malone

**Minutes**

**1. Call to Order**

Mayor Callaghan called the City Council Regular meeting to order at 6:00 PM. He announced that two Councilors were connecting to the meeting remotely; Councilor Beaudoin and Councilor Hamann. He asked both Councilors if it was reasonably impractical for them to be present in person at the meeting. They both confirmed this was true.

**2. Opening Prayer**

Mayor Callaghan asked all to stand and bow their heads for a moment of silence in honor of the earthquake victims in Turkey and Syria.

**3. Pledge of Allegiance**

Councilors Desrochers led the Council in the Pledge of Allegiance.

**4. Roll Call**

Deputy City Clerk Cassie Givara took the roll call attendance. The following Councilors were present in Council Chambers: Councilors Berlin, Desrochers, Gilman, Gray, Hailey, Hamann, Larochelle, Deputy Mayor Lachapelle, and Mayor Callaghan. Councilors Beaudoin and Hamann were connecting remotely via Microsoft Teams. Councilors de

Geofroy and Malone were excused. Councilor Fontneau was absent, however Mayor Callaghan stated that he would be connecting remotely around 6:30 PM.

## 5. Acceptance of Minutes

### 5.1 Regular City Council Meeting: January 3, 2023 *consideration for approval*

Councilor Lachapelle **MOVED** to **ACCEPT** the minutes of the January 3 Regular City Council meeting. Councilor Desrochers seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Beaudoin, Hamann, Desrochers, Lachapelle, Berlin, Hainey, Larochelle, Gray, Gilman, and Mayor Callaghan all voting in favor.

## 6. Communications from the City Manager

City Manager Cox gave a summary of the operations at the Willand Warming Center. Due to the subzero temperatures the prior week, there had been 54 guests at the shelter on Thursday, February 2, 21 of whom were Rochester residents. On Friday 2/3, there were 61 guests, 23 of whom were Rochester residents. City Manager Cox said the facility remained open throughout the day on Saturday because of the frigid temperatures, and there were 55 guests who stayed during the day and 64 overnight guests. The facility was open on Monday evening and there will be another activation for tomorrow evening, Wednesday, February 8.

### 6.1 City Manager's Report

The City Manager's report appeared in the packet as follows:

Contracts and documents executed since last month:

- **Department of Public Works**
  - Task Order Amendment – WTP Residuals Management
  - Engineering Design Phase Agreement – Ledgeview Sewer Pump Station
  - Technical Assistance Task Order – Underwood Engineers
  - Engineering Services proposal, Tufts Pond Dam Rehab
  - Final Change Order, DPW Sidewalks – Hutter Construction
  - ARPA Cybersecurity Implementation grant
  - Engineering Services Task Order, Ridge Phase 2 – Hoyle & Tanner
  - Temporary Engineering Services – Weston & Sampson
  - Change Order Rt 202A Water Main/Storage Tank – D&C Construction
  - Agreement for consulting services (PREP Engagement) – Brown & Caldwell
  - Change Order, WWTF Sidewall Blower – Apex Construction
  - Scope of Services, Reservoir Dam engineering – SLR International
- **Economic Development**
  - FY22-FY23 CAP Weatherization – 12-29
  - FY22-FY23 CAP Weatherization – Monadnock
- **IT**

- EDR Managed Threat Platform
- **Finance**
  - Agreement for Ambulance Services – Frisbie Hospital
  - Tax Map Maintenance – CAI Technologies
  - Application for Group Insurance – MetLife
- **Planning**
  - Parking Monetization Study
- **Police**
  - Animal Shelter Agreement
- **Recreation & Arena**
  - Fireworks Contract – Central Maine Pyrotechnics

The following standard report has been enclosed:

- Personnel Action Report Summary

Councilor Beaudoin asked if the project awarded to Hoyle Tanner and Associates, as listed in the City Managers report, went out to bid or if the company was a preferred contractor with the City. Director of City Services Peter Nourse explained that Hoyle Tanner was contracted through the QVS process, which is a rigorous State process that is qualification-based. He further explained what is involved with this process, which allows DPW to use contractors for federal funds.

Councilor Beaudoin asked if the \$90,500 monthly fee for ambulance services contract referenced in the City Manager's report was an increase over the prior year. City Manager Cox confirmed this is an increase over the \$57,687 per month from the prior year. He explained that the hospital is required by law to get a fair market value assessment for every contract. It was data from this assessment, which necessitated the increase.

## **6.2 City Land Purchase Process/Policy**

City Manager Cox directed Council to the packet, which contains a draft version of his outline of a land purchase policy, and requested input. City Manager Cox referenced the portions that outline potential Council actions and he explained the flexibility granted to Council, which has been written into the policy. He gave further detail on the remainder of the policy and asked for input from the Council.

Councilor Larochelle thanked the City Manager for drafting this policy in a manner that makes the process more clear.

Councilor Beaudoin referenced section 4(D) of the policy regarding purchase and sales agreements. He stated that he felt these agreements should be reviewed by City Council before being signed by the City Manager. Councilor Beaudoin stated that he supports a third party buyer's agent and felt the City should utilize these on an as-needed basis. Councilor Beaudoin suggested that the minutes of the non-public land meetings should be unsealed immediately upon the signing of a purchase and sales agreement.

City Manager Cox said that he envisioned bringing staff recommendations to Council

at the same time as potential land proposals are presented.

## 7. Communications from the Mayor

Mayor Callaghan addressed comments that had been made at the prior workshop meeting regarding public input submissions via email. He pointed out that the City website states “Public input received by mail or through the online portal will be provided to the City Council but will not be read aloud or posted online.” He explained this policy has been in place for quite some time and is not a new procedure.

Mayor Callaghan thanked the Rochester Police Department, Welfare, and the Community Outreach Coordinator for their work with the area’s homeless population, ensuring that they were safe and/or had access to the warming center during the recent cold temperatures.

Mayor Callaghan read a proclamation designating the month of February 2023 as Career Technical Education month.

## 8. Presentation of Petitions and Council Correspondence

No discussion.

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

No discussion.

## 10. Reports of Committees

### 10.1 Appointments Review Committee

#### 10.1.1 **New Appointment:** Brylye Collins – Zoning Board of Adjustments, Alternate Member, Seat H, *Term to expire 1/2/2026 consideration for approval*

Mayor Callaghan nominated Brylye Collins to serve as an alternate member on the Zoning Board of Adjustments, Seat H, with a term to expire 1/2/2026. Councilor Lachapelle **MOVED** that nominations cease. Councilor Larochelle seconded the motion. The **MOTION CARRIED** by a 10 – 0 roll call vote with Councilors Hainey, Gray, Gilman, Larochelle, Desrochers, Berlin, Beaudoin, Hamann, Lachapelle, and Mayor Callaghan all voting in favor. The **MOTION CARRIED** to appoint Ms. Collins to serve as an alternate member of the ZBA by a 10 – 0 roll call vote with Councilors Berlin, Desrochers, Gray, Hamann, Hainey, Lachapelle, Larochelle, Beaudoin, Gilman, and Mayor Callaghan voting in favor.

#### 10.1.2 **New Appointment:** Tanya Hervey - Rochester Economic Development Commission, Regular Member, Seat D *Term to Expire 1/2/2024 consideration for approval*

Mayor Callaghan nominated Tanya Hervey to serve as a regular member of the Rochester Economic Development Commission, Seat D, with a term to expire 1/2/2024. Councilor Lachapelle **MOVED** that nominations cease. Councilor Desrochers seconded the motion. The **MOTION CARRIED** by a 10 – 0 roll call vote with Councilors Hainey, Gray, Gilman, Larochelle, Desrochers, Berlin, Beaudoin, Hamann, Lachapelle, and Mayor Callaghan all voting in favor. The **MOTION CARRIED** to appoint Ms. Hervey to serve as a regular member of the REDC by a 10 – 0 roll call vote with Councilors Berlin, Desrochers, Gray, Hamann, Hainey, Lachapelle, Larochelle, Beaudoin, Gilman, and Mayor Callaghan voting in favor.

**10.1.3 Appointment: Lance Powers – Zoning Board of Adjustments, Request for elevation from an Alternate to a Regular Member, Seat A Term to expire 1/2/2024** *consideration for approval*

**10.1.4 Reappointment: Mark Collopy – Planning Board, Regular Member, Seat F Term to expire 1/2/2026** *consideration for approval*

Mayor Callaghan nominated Lance Powers to be elevated from an alternate member to a regular member of the ZBA, seat A, with a term to expire 1/2/2024, and nominated Mark Collopy to be reappointed as a regular member of the Planning Board, Seat F, with a term to expire 1/2/2026. Councilor Lachapelle **MOVED** that nominations cease. Councilor Desrochers seconded the motion. The **MOTION CARRIED** by a 10 – 0 roll call vote with Councilors Gilman, Gray, Hainey, Larochelle, Berlin, Lachapelle, Hamann, Beaudoin, Desrochers, and Mayor Callaghan all voting in favor. The **MOTION CARRIED** to appoint both Mr. Powers and Mr. Collopy, as detailed above, by a 10 – 0 roll call vote with Councilors Hamann, Desrochers, Gilman, Larochelle, Gray, Berlin, Hainey, Lachapelle, Beaudoin, and Mayor Callaghan voting in favor.

**10.2 Codes & Ordinances Committee**

**10.2.1 Committee Recommendation: To install signs stating “two-hour parking between 8:00 AM – 8:00 PM, Monday through Saturday” in the two spaces across Summer Street from Tangles Salon** *consideration for approval*

Councilor Lachapelle **MOVED** to install “two-hour parking between 8:00 AM – 8:00 PM, Monday through Saturday” signs in the two spaces across Summer Street from Tangles Salon. Councilor Beaudoin seconded the motion. Councilor Hainey asked why this item had not gone through the Public Safety committee. Councilor Lachapelle responded that this was not a safety issue and seemed like it would be better handled at the Codes Committee. Councilor Desrochers clarified that there were cars being parked in these spaces for great lengths of time, which were impeding the owners’ ability to run their business; however, it was not a public safety concern. The **MOTION CARRIED** by a 10 – 0 roll call vote with Councilors Desrochers, Gray, Hamann, Beaudoin, Hainey, Lachapelle, Gilman, Larochelle, Berlin, and Mayor Callaghan all voting in favor.

**10.2.2 Committee Recommendation:** To direct the City Manager to develop a policy with the Director of Building and Licensing Services regarding EPA “Renovation, Repair, and Painting” certification numbers on building permits for Council consideration *consideration for approval*

Councilor Lachapelle **MOVED** to direct the City Manager to develop a policy with the director of Building and Licensing Services regarding adding the EPA “Renovation, Repair, and Painting” certification numbers to building permits. Councilor Desrochers seconded the motion. Councilor Hainey inquired if, because this is a City policy, it should come back to City Council for approval. Councilor Lachapelle said that this motion would allow the City Manager to draft a policy, which he has already started, that will then go to the Board of Health for review before coming back to Council for consideration. Councilor Hainey asked for clarification on the motion “for approval.” Councilor Lachapelle explained that the approval is authorizing the City Manager to move forward with the drafting of the policy, not approving the policy itself. Councilor Beaudoin clarified that the minutes reflect that the policy will be drafted by the City Manager and then brought back to Council for final approval. Councilor Berlin agreed that the motion on the floor is simply to “approve” the City Manager to move forward with the development of the policy. Councilor Desrochers spoke about high prevalence of lead poisoning in children in Rochester, and clarified that this proposal is not enforcement but rather education and awareness. The **MOTION CARRIED** by a 10 – 0 roll call vote with Councilors Laroche, Gilman, Berlin, Beaudoin, Hamann, Lachapelle, Desrochers, Gray, Hainey, and Mayor Callaghan all voting in favor.

**10.2.3 Committee Recommendation:** To adopt the Code of Ethics, as amended, and to review biannually along with the Council Rules of Order, and to authorize distribution to all candidates filing for office or for City Boards/Commissions *consideration for approval*

Councilor Lachapelle **MOVED** to **ADOPT** the Code of Ethics, as amended, to review it biannually along with the Council Rules of Order, and to authorize distribution to all candidates filing for office or for City Boards/Commissions. Councilor Gray stated that this item has come before City Council twice before and he has opposed it each time. He referenced the opening page of the Code of Ethics that says board members should “comply with both the letter and spirit of the laws and policies affecting the operations of government.” Councilor Gray felt that this verbiage would cause any illegal activity outside of Council, such as exceeding the speed limit, to be a violation of this proposed code. Councilor Gray said that the existing City Charter and Rules of Order were sufficient and covered most situations referenced in the Ethics Code. Additionally, he felt the Code of Ethics conflicts with the existing Rules of Order, and he felt that due to this conflict it would require a 2/3 majority vote to pass. Councilor Gray referenced the sanctions portion of the Code of Ethics, which he felt conflicted with the Rules of Order’s requirement for a 2/3 majority vote by Council for removal of members from boards. He also questioned the portion of the Code regarding accepting gifts and the financial disclosure form requiring that any source of income over \$10,000 be disclosed.

Councilor Gray felt that the proposed Code of Ethics expands the duties of the Mayor



beyond what is detailed in the Rules of Order. He said, in his opinion, the Code of Ethics is “illegal” because it directly conflicts with the Rules of Order, which would take a 2/3 vote to override.

Councilor Beaudoin agreed with Councilor Gray and his statements on the remaining issues with the Code. Councilor Beaudoin stated that his understanding from the Codes and Ordinances meetings was that there was no rush to approve the Code of Ethics and he felt there were still multiple items that needed to be reworked and revised before it would be ready for a vote. He suggested that the Council vote down the acceptance of the Code of Ethics and send it back to Codes and Ordinances for further work.

Councilor Hainey said that her understanding from the Codes and Ordinances Committee level was that the Committee had not had adequate time to review changes due to the incorrect version of the Code being placed in the packet at their last meeting; a version not containing the most recent edits. Councilor Lachapelle clarified that the Codes and Ordinances Committee had vetted the Code of Ethics numerous times over the course of two years and had previously received the correct version, which all members had available with ample time for review. There was input and collaboration from both the School Board and the Police Commission, and the Code had been reworked several times. There were multiple opportunities for additional edits. Deputy Mayor Lachapelle reiterated that this is a living document, which can be amended as needed post-adoption. He said that if Councilors do not want to support the adoption of a Code of Ethics, which he feels is common sense, he would question why and stated they will only have their constituents to answer to.

Councilor Desrochers reiterated that the Code of Ethics had spent months in Committee and had been thoroughly reviewed with plenty of time for input and edits. She spoke about the need for such a Code and said that the proposed Code of Ethics does not dictate what members can do but rather what they *cannot* do.

Councilor Berlin addressed a comment made by Councilor Gray in regards to the Code of Ethics dictating how a member should conduct themselves in their personal life. Councilor Berlin said the Code says these guidelines apply to members “...while representing the City of Rochester” in their official capacity.

Mayor Callaghan asked the City Attorney to comment on Councilor Gray’s statements that the Code of Ethics conflicted with the City Charter or Rules of Order. Attorney O’Rourke said that the 2/3 majority vote to change the Rules of Order referenced by Councilor Gray is only in a circumstance where Council is suspending their own rules during a meeting; however the Rules of Order (document) can be changed with a simple majority vote. Attorney O’Rourke said that he did not feel the Code of Ethics conflicts with the charter regarding the duties of the Mayor and, in fact, would limit the role of the Mayor beyond what is currently in the Rules of Order. This would necessitate an amendment to the Rules of Order; however, this could be done with a majority vote.

Councilor Hainey said she had been approached by a member of the Codes and Ordinances Committee who had expressed that they felt the Code of Ethics needed to be reviewed more thoroughly before a vote. She said she would not be voting to adopt at this

time. Councilor Hainey requested a point of order and asked, if the Mayor called the question, would Council need to vote on said motion. Mayor Callaghan said the Council would need to vote to call the question. It was clarified that the Mayor can call the question, however if a Councilor called the question they would need a 2/3 vote. There was further discussion on semantics of Robert's Rules.

Councilor Gray asked for a point of order on what would happen with the current Rules or Order if this Code of Ethics were adopted, specifically as it relates to perceived conflicts between the documents. Attorney O'Rourke said in the instances where there may be a conflict, the more recently passed and/or more specific provision would have precedence. He suggested if there were such situations, that the Rules of Order be amended to remove any conflicting language.

Councilor Desrochers referenced Councilor Gray's assertion that the proposed Code of Ethics is illegal and asked for the City Attorney's input before taking a vote. Attorney O'Rourke said this is not true; the Council has the authority to create their own rules of order, and they have the authority to create this Code of Ethics in that same manner. He clarified that the Council does not have the authority to impose these rules on either the School Board of the Police Commission, although both boards have indicated that they will bring this Code to their boards for a vote if Council adopts. The Mayor called for a vote on the question. The **MOTION CARRIED** to call the question by a 6 – 4 roll call vote with Councilors Lachapelle, Larochelle, Desrochers, Berlin, Hamann, and Mayor Callaghan voting in favor and Councilors Hainey, Gilman, Gray, and Beaudoin voting opposed.

Councilor Larochelle asked for a point or order on a councilor calling the question to cease debate and the process that should be followed. He said his understanding was that the Mayor can call the question when he feels debate is finished, but if a Councilor does so they will need a 2/3 vote. Attorney O'Rourke agreed that the Mayor had not indicated that debate was over, but in order to do so by a Councilor, there would need to be a 2/3 majority vote. There was not a 2/3 majority on the vote, so debate may continue.

Councilor Gilman said that he felt the Code of Ethics should be returned to the Codes and Ordinances Committee for further review of the revised and updated Code. Councilor Lachapelle reiterated that the Code of Ethics had been thoroughly reviewed at the Committee level and questioned why those who were reluctant to pass it in its current iteration had not attended Codes meetings to give their input the multiple times it has been on the agenda.

Councilor Beaudoin said he had more than a page of additional edits that he did not want to review at this meeting, but felt that the Code of Ethics should go back to Committee to address the potential conflicts with the Rules of Order as well as several other suggested changes. Councilor Beaudoin questioned the term "unwelcome conduct" which is defined in the document, but which he felt was too broad. He stated that there is no need to implement this Code of Ethics immediately because there is "no one on this Council who is misbehaving right now." He felt that the Code needed additional review and work and should not be passed until it is "perfect."

Councilor Desrochers reinforced the statement by Councilor Lachapelle that if a

Councilor feels that they have not had adequate time to read and review the proposed Code, it is unacceptable given the amount of times the Code has been reviewed and distributed over the past year.

There was discussion in Committee reiterating the reach of the Code of Ethics and the fact that it only covers Councilors or board members while in their official capacity and does not cover conduct in their personal lives.

Councilor Hainey asked for details on the financial disclosure section of the Code of Ethics and whether she would need to disclose her entire salary as a school department employee. Councilor Gray clarified that the financial disclosure form asks for any investments or income over \$10,000, but not for specific dollar amounts. He also clarified the reasoning for this disclosure as it relates to potential conflicts of interest.

Councilor Hainey asked how the Code of Ethics would affect Councilors wearing items with the City Seal and whether that would be prohibited. Councilor Berlin stated that Councilors would need to be clear and upfront that their views and opinions outside of Council are not those of the City of Rochester, regardless of what they may be wearing.

Councilor Desrochers said that the implementation of this Code would simply put a process in place if there were issues or situations that arise and would give guidelines on how these situations should be handled. By its nature, the Code could be discussed ad nauseam and there could potentially still be suggested changes, but by adopting this Code it would give the Council and adopting boards a starting point. Councilor Beaudoin said he is not opposed to an Ethics policy in general, however he feels this one needs further work at the Committee level.

Councilor Berlin asked for clarification on the motion. Councilor Lachapelle stated that if the Code is voted down by Council, it can still go back to the Codes and Ordinances Committee for further review.

Mayor Callaghan called for a vote on the adoption of the Code of Ethics. The **MOTION FAILED** by a 4 to 6 roll call vote with Councilors Desrochers, Lachapelle, Laroche, and Berlin voting in favor and Councilors Gray, Hamann, Beaudoin, Gilman, Hainey, and Mayor Callaghan voting opposed.

### **10.3 Community Development**

No Discussion.

### **10.4 Finance Committee**

No Discussion.

### **10.5 Planning Board**

No Discussion.

## 10.6 Public Safety

### 10.6.1 **Committee Recommendation:** To change the speed limit to 25 mph from Strafford square down North Main Street to Chestnut Hill Road and post signs at both ends *consideration for approval*

Councilor Lachapelle **MOVED** to change the speed limit from 30 mph to 25 mph on North Main Street from Strafford Square through downtown to South Main at the intersection with Franklin Street, and from that intersection on South Main Street through downtown to Wakefield Street at the intersection with Chestnut Hill Road, and to post signs at both ends. Councilor Desrochers seconded the motion. Councilor Beaudoin acknowledged that speeding is a problem downtown, but felt that lowering the posted limit by 5 mph would not be effective. He felt it was more of an issue with enforcement and less with the posted speed, which he said would be disregarded by speeders anyway.

Councilor Lachapelle said there had been discussion on raising the crosswalks (speed tables) downtown to slow traffic as well; lowering the posted speed limit is just another step to try to make the downtown area safer. Councilor Berlin stated that before the City could look into the use of speed tables, they will need to establish guidelines. He requested that if anyone has any input or guidelines for speed tables, that they send the information to the Public Safety Committee.

Councilor Larochelle acknowledged that drivers tend to go slightly above the posted speed limit, and having 25 mph signs in the downtown will send a message that people need to slow down in this area. Mayor Callaghan said that the Parking Review Group was looking at the downtown area and the potential of using materials and physical barriers that would force traffic to slow in this area. Councilor Berlin reported that the Public Safety Committee had received input from businesses in the downtown area who supported this slower speed limit. The **MOTION CARRIED** by a 8 – 2 roll call vote with Councilors Larochelle, Hainey, Desrochers, Gilman, Lachapelle, Berlin, Hamann, and Mayor Callaghan voting in favor and Councilors Gray and Beaudoin voting opposed.

### 10.6.2 **Committee Recommendation:** To install “no parking” signs on the left side of Sarah Court (toward Harrison Ave) *consideration for approval*

Councilor Lachapelle **MOVED** to install “no parking” signs on the left side of Sarah Court towards Harrison Avenue. Councilor Desrochers seconded the motion. Councilor Berlin explained that Deputy Mayor Lachapelle had confirmed with Waste Management that this side of the street where the signs are to be placed is the correct side for the operation of garbage trucks on this narrow street. The **MOTION CARRIED** by a 10 – 0 roll call vote with Councilors Beaudoin, Hamann, Hainey, Desrochers, Gray, Lachapelle, Berlin, Gilman, Larochelle, and Mayor Callaghan all voting in favor.

### 10.6.3 **Committee Recommendation:** to install “no parking” striping south of the crosswalk on Wakefield Street near Linscott Court *consideration for approval*

Councilor Lachapelle **MOVED** to install “no parking” striping south of the crosswalk on Wakefield Street near Linscott Court. Councilor Desrochers seconded the motion. Councilor Beaudoin inquired about the length of the no parking striping and distance from the crosswalk. Councilor Lachapelle stated that the striping needs to be within 15-feet of the crosswalk. The **MOTION CARRIED** by a 10 – 0 roll call vote with Councilors Larochelle, Hainey, Desrochers, Gray, Berlin, Gilman, Beaudoin, Lachapelle, Hamann, and Mayor Callaghan all voting in favor.

**10.6.4 Committee Recommendation: To stripe double yellow lines and 2 white lines on Chelsey Hill Road between Donald Street and Browning Drive *consideration for approval***

Councilor Lachapelle **MOVED** to stripe double yellow lines and two white lines on Chesley Hill Road between Donald Street and Browning Drive. Councilor Desrochers seconded the motion. Councilor Larochelle said that when driving down Chesley Hill, there is a dip or retention in the road on the west side that blocks oncoming traffic from view. Councilor Larochelle **AMENDED** the motion to extend the striping from the top of the hill down to Washington Street to alert drivers not to straddle the middle of the road and potentially drift into the opposing lane. Councilor Lachapelle seconded the amendment. Councilor Beaudoin asked if white striping on the side of the road prohibits vehicles from parking in these areas. Director of City Services Peter Nourse explained that these white lines are called “fog lines” and they ensure that vehicles remain in the travel lane and do not veer off in foggy conditions. Councilor Gray said that this striping issue on Chesley Hill Road has come up several times in the past and it has been voted down because the road did not meet the state criteria for traffic counts. Director Nourse explained that traffic count is not the only criteria for striping; it is also speed, configuration of the road, and other factors considered. Councilor Berlin explained that there is a cost associated with the extension of the striping; the 1,900 feet of road originally designated for striping were estimated at \$500 per year, whereas the entire length of the road would come at a cost of just under \$2,000 per year. Councilor Lachapelle estimated that the cost of striping the portion of road in the amended motion would be approximately \$1500 per year. The **MOTION CARRIED** to amend the motion by an 8 – 2 roll call vote with Councilors Beaudoin, Hamann, Desrochers, Lachapelle, Hainey, Larochelle, Gilman, and Mayor Callaghan voting in favor and Councilors Berlin and Gray voting opposed. Councilor Larochelle clarified that the amended motion is to stripe the road starting at Donald Street down to Washington Street. The amended **MOTION CARRIED** by a 9 – 1 roll call vote with Councilors Hainey, Gilman, Larochelle, Desrochers, Berlin, Beaudoin, Hamann, Lachapelle, and mayor Callaghan voting in favor and Councilor Gray voting opposed.

**10.6.5 Committee Recommendation: To place “deer crossing” signs on Salmon Falls Road between Whitehall Road and Haven Hill Road in each direction at the technical discretion of DPW *consideration for approval***

Councilor Lachapelle **MOVED** to place “deer crossing” signs on Salmon Falls Road between Whitehall Road and Haven Hill Road. Councilor Desrochers seconded the

motion. Councilor Lachapelle said that the police department had reported there had been eight deer hit in the area the prior year. The **MOTION CARRIED** by a 10 – 0 roll call vote with Councilors Berlin, Desrochers, Gray, Hamann, Hainey, Lachapelle, Laroche, Beaudoin, Gilman, and Mayor Callaghan all voting in favor.

## 10.7 Public Works

### 10.7.1 **Committee Recommendation:** To approve the pavement moratorium waiver for 2 Spruce Street with the conditions set for the pavement patch by the DPW *consideration for approval*

Councilor Hamann **MOVED** to approve the pavement moratorium waiver for 2 Spruce Street with the conditions set for the pavement patch by the DPW. Councilor Desrochers seconded the motion. The **MOTION CARRIED** by a 10 – 0 roll call vote with Councilors Gilman, Gray, Hainey, Laroche, Berlin, Lachapelle, Hamann, Beaudoin, Desrochers, and Mayor Callaghan all voting in favor.

### 10.7.2 **Committee Recommendation:** To install no parking signs to protect the grass on portions of Innovation way (at the technical discretion of the Department of Public Works) *consideration for approval*

Councilor Hamann **MOVED** to install “no parking” signs to protect the grass on portions of Innovation Way at the technical discretion of the Department of Public Works. He clarified that this action was to stop the large tractor and trailers from parking along the road and ruining the grass. Councilor Desrochers seconded the motion. The **MOTION CARRIED** by a 10 – 0 roll call vote with Councilors Hamann, Desrochers, Gilman, Laroche, Gray, Berlin, Hainey, Lachapelle, Beaudoin, and Mayor Callaghan all voting in favor.

## 11. Old Business

### 11.1 **Amendment to Chapter 275 of the General Ordinances of the City of Rochester regarding the Location and Boundaries of Zoning Districts** *Second Reading and Consideration of Adoption*

Mayor Callaghan read the resolution for a second time (*addendum A*). Councilor Lachapelle **MOVED** to **ADOPT** the amendment. Councilor Desrochers seconded the motion. Councilor Beaudoin stated that he would be voting against this amendment. He felt that the land and former DPW property was a huge public asset and the building in its current state and zone is more valuable to the City. He also speculated that current neighboring businesses in this zone would need to appear before the ZBA for a variance if they wanted to expand their operations in the future, because their use would now be nonconforming. Councilor Beaudoin further spoke about these parcels of land being zoned industrial being beneficial in their location directly off the highway.

Councilor Berlin said he has heard several questions about what development or buyer would potentially be moving into these parcels. He stated that this is not the issue on which Council is voting, but rather whether the parcels should be rezoned from industrial to residential.

Councilor Desrochers acknowledged that these parcels being zoned industrial could allow current businesses to expand and potentially other businesses to develop; however, there is a workforce housing shortage in Rochester that could be helped with this rezoning.

Mike Scala, Director of Economic Development, explained that the six parcels included in the proposal comprise 1.8% of the City's industrial acreage. This land also includes the baseball field, which is in a flood plain and could likely not be redeveloped for industrial use. Director Scala outlined the higher assessed value for residential use versus industrial use, and agreed that there is a great need for housing in the City. He also said that most developers and manufacturers seeking industrial land are not looking for such small parcels and this land would be more beneficial if zoned residential.

Councilors Gray asked for clarification on what would occur if the existing neighboring businesses wanted to expand, or if their uses became more non-confirming with the land being zoned residential. Attorney O'Rourke summarized the types of non-conformity (uses, lots, site conditions). He clarified that the uses currently in the area, which would be non-conforming in an R2 zone, would be allowed to continue in their current non-conformity until the businesses were no longer operating or until they tried to change their use.

Councilor Beaudoin inquired if the intention of the City was to sell the land "as is" or if the former DPW building would be demolished prior to such a sale. Director Scala said there are no current plans to demolish the former DPW. This decision, including who would cover the cost of the demolition, would be dependent on the potential buyer and would be negotiated during the purchase and sales process.

Councilor Beaudoin inquired about the cost of the land with and without the building. Director Scala said that the City had not moved that far into the process and there would need to be consultation with the Chief Assessor to determine these numbers. Councilor Beaudoin asked if there had been any interest in the property. Director Scala said he has been contacted by three interested parties at this time.

There was further discussion regarding the housing needs of the City.

Mayor Callaghan cautioned against the industrial uses in the middle of residential areas, such as the parcels in question. He speculated about the type of development that could move in and the hardships and issues it could cause neighboring residents. He further emphasized the need for housing in the City, which has also been expressed by manufacturers whose workers are having difficulty obtaining housing. Mayor Callaghan stated that he has not heard opposition from any Ward 2 residents for the rezoning of this area to residential at either the public hearings or the planning board meetings.

Councilor Berlin asked if the existing infrastructure in this area would be able to support the increase in bedrooms if this was rezoned to residential and a development was put in place. Director Nourse stated that there would be studies performed if there were any proposals for development, however he was fairly confident the infrastructure could support new development.

Councilor Beaudoin acknowledged the need for housing in the City, but stated that there are several developments underway that are not counted as available units currently. He reiterated that he felt the former DPW building in its current state is a more valuable asset than using the land for residential development. Mayor Callaghan stated that residential (R2) generated double the tax revenue that industrial square footage generates.

The **MOTION CARRIED** by a 9 – 1 roll call vote with Councilors Desrochers, Gray, Hamann, Hainey, Lachapelle, Gilman, Larochelle, Berlin, and Mayor Callaghan voting in favor and Councilor Beaudoin voting opposed.

## 12. Consent Calendar

No discussion.

## 13. New Business

### 13.1. Amendment to Chapter 275-21 of the General Ordinances of the City of Rochester Regarding Conditional Uses in the Granite Ridge District *first reading and refer to public hearing 2/22/23*

Mayor Callaghan read the amendment for a first time (*addendum B*) and referred to a public hearing on February 22, 2023.

### 13.2. 60 Shaw Drive Application for Building Permit on a Class VI Road *Motion to approve or deny*

Mayor Callaghan invited Packy Campbell, landowner of 60 Shaw Drive who is requesting this permit, to come forward and address Council.



Mr. Campbell explained that he is intending to build a solar farm (and blueberry farm) on the 60 Shaw Drive property and distributed a site plan detailing the proposal.

There was a brief pause in the meeting while the documentation provided by Mr. Campbell was made accessible for the Councilors connecting remotely.

Mr. Campbell reported that this proposal has been approved by the Planning Board at their November 7 meeting, he had received a variance from the Zoning Board, and his conditional use permit was approved by the Conservation Commission. He explained that the final piece is the approval of a waiver from the City Council to allow this project to move forward on a Class VI road. Mr. Campbell clarified that the waiver had already been filed, per request by the City, at the registry of deeds. He spoke about Rochester's ordinance, which states that the only development authorized on Class VI roads are for single family, forestry, or agricultural uses. However, he asserted that his use of the property is passive and will not generate any additional traffic, and will not have regular employees or hours of operation for the public. He stated that this is an ancillary use to a farming operation in an agricultural zone. He gave further detail on the how the property was being managed in regards to the wetlands and setbacks. Mr. Campbell spoke about the function of the proposed solar farm and the energy generated.

Councilor Larochelle said he supported such a project, which he felt was in the public interest to produce renewable energy.

Councilor Desrochers asked for clarification on how the blueberry farm would be run and operated following Mr. Campbell's assertion that there would not be public parking, business hours, or frequent employee traffic. Mr. Campbell explained "agrivoltaics" and how the placement of the blueberry plants underneath the solar panels makes the panels more efficient, amongst other benefits for the blueberry bushes. He clarified that he did not plan on having a "pick your own" farm which would generate traffic or require parking spaces.

Councilor Beaudoin asked if the Class VI road, on which this project is occurring would be restored to its original condition or improved upon following the completion of the proposal. Mr. Campbell said that as part of the TRG (Technical Review Group) and Planning Board approval, he was required to upgrade the existing road.

Councilor Lachapelle asked if the City had previously issued permits on Class VI roads. Attorney O'Rourke clarified that there had been a permit issued for Tractor Supply in 2013 prior to the adoption of the City's current zoning ordinance in 2014, which would have prohibited the issuance of that permit. There was also a permit issued for the construction of a credit union; however, the credit union would not have needed a Class VI permit because they already had access to and from their property.

Mayor Callaghan asked for specifics on the height of the solar structures. Mr. Campbell reported that the bottom edge of the structures is approximately 9' 6" off the ground, with the upper edge at 32' off the ground; which he clarified was within the structure height requirements for this zone. He gave more detail on the configuration of the property, which would not have fencing or ground disturbance and would be open for the wildlife corridor.

Councilor Hainey asked if the permit is being requested for the solar farm or if it was for a single utility building. Mr. Campbell said the permit was for the entire solar project, part of which is a small utility building/inverter room, which he referenced on the site plan.

Councilor Hainey asked for clarification that this project had already been approved by Planning Board, ZBA, and Conservation Commission. It was confirmed that the project had received these approvals. Attorney O'Rourke stated that what is before Council tonight is a separate issue than what was decided at these other boards. Mayor Callaghan explained that only City Council could approve development on a Class VI road. Attorney O'Rourke explained that applications for building permits on a class VI road are governed by RSA 674:41 (State Zoning) and City ordinance chapter 275-26.6. The State RSA applies to the entire State, regardless of whether it is adopted by the City. Attorney O'Rourke explained why the State RSA limits development on Class VI roads. The City of Rochester adopted this RSA under their zoning ordinance and stipulated that the only development on a Class VI road could be agricultural, single family homes, or forestry. He asserted that the applicant is proposing to build a power generation utility for commercial use on this property, which is not authorized under any approved uses for Class VI roads. Attorney O'Rourke said that the Council is obligated by their own ordinances to deny the permit and clarified that there are no provisions in place to allow this proposed use.

Councilor Hainey asked if Chapter 275-26.6 could be amended. Attorney O'Rourke confirmed that this could potentially be changed by following the process to amend the zoning ordinance, including Planning Board approval and public hearing. Councilor Hainey asked if the Council could approve the Class VI permit by way of a variance. Attorney O'Rourke said that City Council is not authorized to issue variances; they must go through the Zoning Board of Adjustments. He clarified that the ZBA had authorized a variance for the power generation utility, not for the Class VI road permit. Councilor Hainey asked if the only way to approve the permit was to amend the City Ordinances. Attorney O'Rourke confirmed that this is true.

Mr. Campbell outlined the process he had followed and the approvals that had already been obtained through City boards over the past year towards the goal of the permit approval. He suggested that the Council does have the authority to overturn their ordinances to allow this permit and felt there was past precedent for such an approval. Mr. Campbell gave reasons why he felt he did not meet the criteria for a power generation utility and said the distinction was made because the City does not have a solar ordinance. He spoke about the two lawsuits he currently had with the City regarding this project and speculated that he could accomplish the same goal by upgrading the existing road to a public roadway and having said road accepted; however, he stated that the City would need to sign a wetlands application in this circumstance because they would own the road.

Councilor Gray asked if a potential zoning amendment could be drafted in time to be added to the agenda for the February 22, 2023 Public Hearing. Attorney O'Rourke stated that this could not be accomplished for the upcoming Public Hearing; Councilor Gray asked what the timeline would be to have this amendment go to Public Hearing. Attorney O'Rourke said that there would need to be specific recommendations made before a draft was

developed at which time the zoning amendment process, which is detailed in the City Ordinances, would need to be followed. Councilor Gray stated that he felt there should be a faster way to complete this process and suggested draft language could be sent to the March Codes and Ordinances meeting for a public hearing. Councilor Lachapelle said he would need more information on the legality and pros and cons of amending the zoning ordinance for this purpose before the proposal was added to the Codes and Ordinances agenda. He gave the timeline for the required meetings at which this item would need to appear and speculated that it would not be ready for an additional Council vote until April at earliest.

Councilor Berlin inquired what the threshold would be for allowing solar panels and determining what is personal use versus a “power generation utility.” He questioned the conflicting definitions of “power generation utility” in the State law as opposed to the City ordinances, and felt that Mr. Campbell’s proposed project would be authorized under the State’s definition. Mr. Campbell agreed and clarified that the State statute defines a “customer generator” as producing up to 1 megawatt, which his solar farm would not exceed. He reiterated the option of upgrading the roadway to a public road and adhering to the frontage guidelines for agricultural usage on the property; although he surmised that the process of having a public road accepted would take another year.

Councilor Larochelle spoke in support of the approval of the building permit and felt that the Council needed to reduce the barriers for project such as this, which he felt were in the public interest.

Councilor Berlin reiterated that he did not feel the project being proposed meets the State definition of a power generation utility and therefore whether or not such a utility should be approved is a moot point. Attorney O’Rourke said that the definition of “power generation utility” being used is taken from the City zoning ordinance and the City’s zoning administrator had determined that Mr. Campbell’s project was, in fact, a power generation utility. There was an appeal made to the Zoning Board of Adjustments and the Zoning Administrator’s decision was upheld. The Planning Board then approved the project as a power generation utility. Attorney O’Rourke clarified that if this project was not being proposed on a Class VI road, it would not be an issue; the City’s ordinances do not allow the proposed use on a Class VI road.

Councilor Larochelle **MOVED to APPROVE** the Class VI road building application permit for 60 Shaw Drive. Councilor Hainey seconded the motion. Councilor Beaudoin said that the Council’s hands are tied and unless they go through the process of amending the zoning ordinance to allow this usage, the Council must follow their laws and vote against the permit, which is not authorized on a Class VI road. The **MOTION CARRIED** by a 7 – 3 roll call vote with Councilors Larochelle, Hainey, Gilman, Berlin, Gray, Hamann, and Mayor Callaghan voting in favor and Councilors Lachapelle, Desrochers, and Beaudoin voting opposed.

**13.3. Resolution Authorizing Acceptance of \$10,000 Donation from Rochester Youth Hockey Boosters** *first reading and consideration for adoption*  
Mayor Callaghan read the resolution for a first time by title only as follows:

**Resolution Authorizing Acceptance of \$10,000.00 Donation from Rochester Youth  
Hockey Boosters**

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 accept a Ten Thousand Dollar (\$10,000.00) donation from the Rochester Youth Hockey Boosters to be used for the purchase and installation of synthetic ice surfaces at the Rochester Ice Arena

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Desrochers seconded the motion. The **MOTION CARRIED** by a 10 – 0 roll call vote with Councilors Gray, Hamann, Beaudoin, Desrochers, Lachapelle, Gilman, Hailey, Larochelle, Berlin, and Mayor Callaghan all voting in favor.

**13.4 Resolution Authorizing Amended CDBG Application Regarding the  
Hanson Pines Improvement Project *first reading and consideration for  
adoption***

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

**Resolution Authorizing Amended CDBG Applications Regarding the Hanson Pines  
Improvement Project**

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

WHEREAS, the Mayor and City Council approved One Hundred Nine Thousand Eight Hundred Eighteen and 75/100 Dollars (\$109,818.75) for the Hanson Pines Improvement Project (the “Project”) as part of the FY23 CDBG Plan; and

WHEREAS, the Department of Housing and Urban Development (HUD) informed the City that the Project should be separated into two (2) separate project applications; and

WHEREAS, the separation of the Project into two (2) separate project applications does not affect the approved FY23 CDBG Plan.

THEREFORE, the Mayor and City Council authorize the submittal of one Pickle Ball Court Project application in the amount of Eighty Seven Thousand Fifty Dollars (\$87,050.00) and one Teen Area/Cameras Project application in the amount of Twenty Two Thousand Seven Hundred Sixty Eight and 75/100 Dollars (\$22,768.75).

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Desrochers seconded the motion. The **MOTION CARRIED** by a 10 – 0 roll call vote with Councilors

Gray, Larochelle, Hailey, Desrochers, Gilman, Lachapelle, Berlin, Beaudoin, Hamann, and Mayor Callaghan all voting in favor.

**13.5 Resolution Authorizing the Rochester Public Library to Apply for a National Endowment for the Humanities Grant of up to \$150,000.00 *first reading and consideration for adoption***

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

**Resolution Authorizing the Rochester Public Library to Apply for a National Endowment for the Humanities Grant of up to \$150,000.00**

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

That the Mayor and City Council of the City of Rochester hereby authorize the Rochester Public Library to apply for a National Endowment for the Humanities Grant in an amount up to One Hundred Fifty Thousand Dollars (\$150,000.00). The City shall serve as the fiscal sponsor of the grant, but it shall not be required to provide any matching funds.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Desrochers seconded the motion. The **MOTION CARRIED** by a 10 – 0 roll call vote with Councilors Beaudoin, Hamann, Hailey, Desrochers, Gray, Lachapelle, Berlin, Gilman, Larochelle, and Mayor Callaghan all voting in favor.

**13.6 19 Gonic Road Development Agreement *Motion to approve or deny***

Councilor Lachapelle **MOVED** to **APPROVE** the development agreement for 19 Gonic Road Councilor Larochelle seconded the motion. Deputy Finance Director Mark Sullivan explained that there is a 170-unit subdivision being build at this property, and the nearby sewer pump station on Route 125 will need to be upgraded to accommodate these new users. The agreement is that the developer will pay a \$107,000 exaction upon receipt of final approvals. The exaction will go to the pump station upgrade project. The City will have 36 months from receipt of funds to build the pump station and get it operational. The developer will also guarantee \$250,000 in new property tax generation within four years of the initial issuance of the building permit. This \$250,000 will be held in escrow from the initial issuance of the building permit.. He said that the City will ultimately receive \$357,000 as assurance that the developer will complete their plan. The **MOTION CARRIED** by a 10 – 0 roll call vote with Councilors Larochelle, Hailey, Desrochers, Gray, Berlin, Gilman, Beaudoin, Lachapelle, Hamann, and Mayor Callaghan all voting in favor.

**13.7 Resolution Approving Cost Items Associated with Proposed City of Rochester Multi-Year Collective Bargaining Agreement with Local 1451**

**International Association of Firefighters *first reading and consideration for adoption***

Mayor Callaghan read the resolution for a first time by title only (*addendum C*).

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Hainey seconded the motion. The **MOTION CARRIED** by a 9 – 1 roll call vote with Councilors Hamann, Desrochers, Lachapelle, Berlin, Hainey, Larochelle, Gray, Gilman, and Mayor Callaghan voting in favor and Councilor Beaudoin voting opposed.

**13.8 Resolution Approving Cost Items Associated with Proposed City of Rochester Multi-Year Collective Bargaining Agreement with New England Police Benevolent Association Local #23 (Police Patrol Personnel) *first reading and consideration for adoption***

Mayor Callaghan read the resolution for a first time by title only (*addendum D*).

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Larochelle seconded the motion. The **MOTION CARRIED** by an 8 – 2 roll call vote with Councilors Hainey, Gray, Gilman, Larochelle, Berlin, Hamann, Lachapelle, and Mayor Callaghan voting in favor and Councilors Desrochers and Beaudoin voting opposed.

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

Councilor Gray requested that the Codes and Ordinances Committee discuss amending the Class VI road portion of the zoning ordinance, as discussed earlier in the evening, to potentially allow an additional uses. Councilor Gray also reminded Ward 4 residents that the Special Election is taking place February 21, 2023 and that absentee ballots are available for those unable to make it to the polls on Election Day. Mayor Callaghan gave a reminder that due to the Election on February 21, the next City Council Workshop would take place the following evening; Wednesday, February 22 at 6:00 PM.

Councilor Lachapelle requested that Councilor Gray draft verbiage for his proposed amendment to Chapter 275-26.6 and submit this language to both himself and the City Clerk to be added to the next Codes and Ordinances agenda.

**14.1. Non-Public Session – Personnel, RSA 91-A:3, II (a)**

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

Councilor Lachapelle **MOVED** to enter into a Non-Public Session for Personnel, RSA 91-A:3, II (a) and Land, RSA 91-A:3, II (d) at 8:28 PM. Councilor Desrochers seconded the motion. Councilor Beaudoin stated that of the four land purchase proposals being discussed in the non-public session, he felt two of them did not meet the qualifications for a non-public session under RSA 91-A and stated that they should be held publicly. The

**MOTION CARRIED** by a 9 – 1 roll call vote with Councilors Berlin, Desrochers, Gray, Hamann, Hainey, Lachapelle, Laroche, Gilman, and Mayor Callaghan voting in favor and Councilor Beaudoin voting opposed.

Councilor Lachapelle **MOVED** to exit the Non-Public Session at 9:46 PM. Councilor Desrochers seconded the motion. The **MOTION CARRIED** by a 10 – 0 roll call vote with Councilors Gilman, Gray, Hainey, Laroche, Berlin, Lachapelle, Hamann, Beaudoin, Desrochers, and Mayor Callaghan voting in favor.

Councilor Lachapelle **MOVED** to seal the minutes of the non-public session because divulgence would render the proposed action ineffective. Councilor Desrochers seconded the motion. The **MOTION CARRIED** by a 10 – 0 roll call vote with Councilors Hamann, Desrochers, Gilman, Laroche, Gray, Berlin, Hainey, Lachapelle, Beaudoin, and Mayor Callaghan all voting in favor.

## **15. Adjournment**

Mayor Callaghan **ADJOURNED** the City Council Regular Meeting at 9:48 PM.

Respectfully Submitted,

Cassie Givara  
Deputy City Clerk

**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."

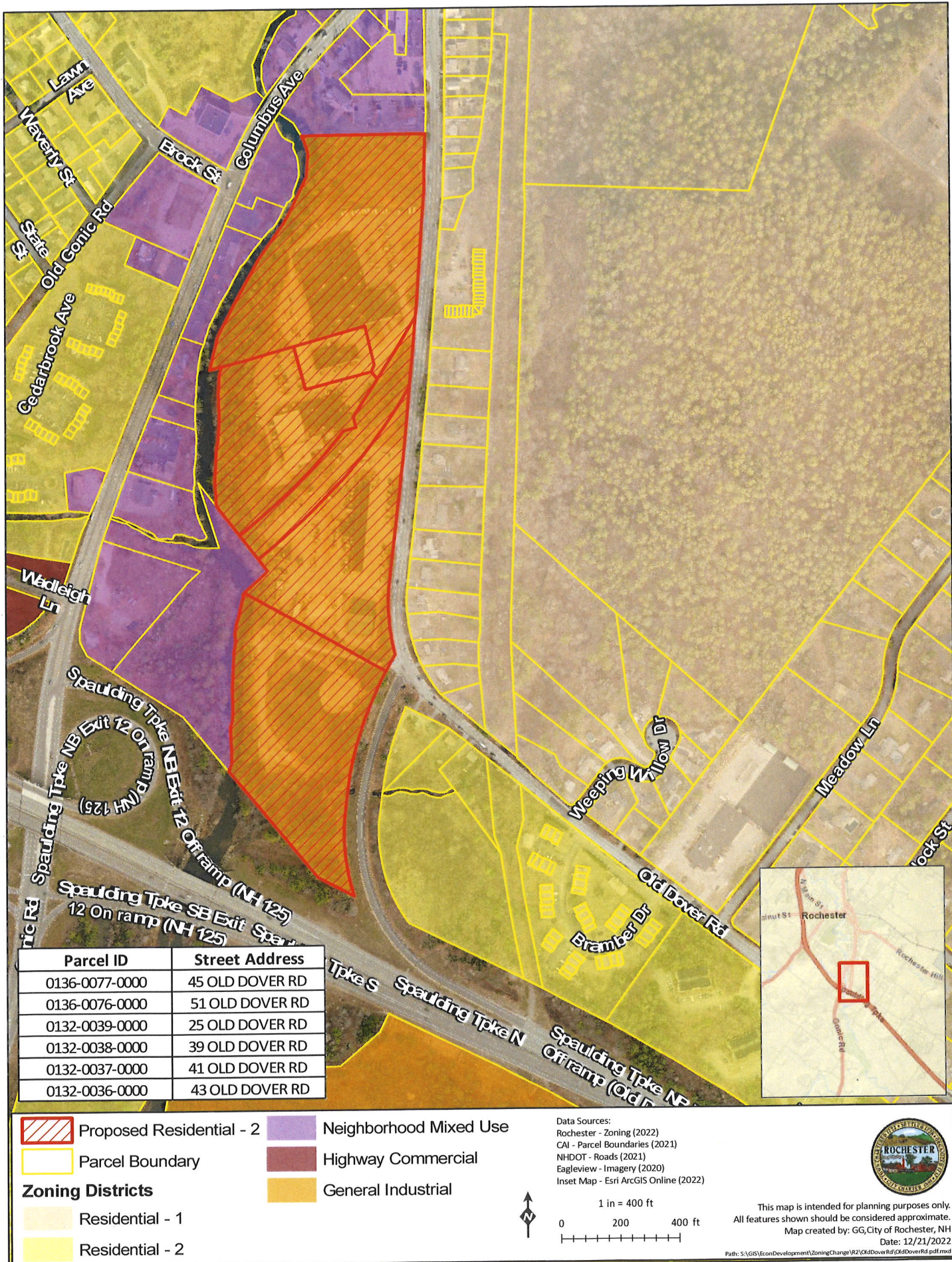
WHEREAS, Chapter 275-1.10 further declares that the City of Rochester Zoning Map is incorporated by reference as part of Chapter 275 of the General Ordinances of Rochester regarding zoning.

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

THEREFORE, the Mayor and City Council of Rochester ordain that properties shall be converted to the Residential-2 Zone in accordance with the Attached Exhibit. **(Exhibit A)**.

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







**Amendment to Chapter 275 of the General Ordinances of the City of Rochester**  
**Regarding Conditional Uses in the Granite Ridge District**

THE CITY OF ROCHESTER ORDAINS:

That Chapter 275 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows (additions in red):

§275-21.4 Conditions for particular uses.

\*

\*

\*

**R. Granite Ridge District Residential Housing-§275.8**

The Commercial footprint of fifty-five percent (55%), and Residential footprint of forty-five percent (45%) may be adjusted to increase the residential footprint percentage. The applicant shall demonstrate that a residential need exists which current market conditions are not adequately serving, or that commercial market conditions have changed which makes the 55% commercial footprint requirement economically unfeasible.

The completion and occupancy allocations of fifty percent (50%) of the residential development that may be occupied prior to the completion of between twenty-five to fifty percent (25%-50%) of the non-residential structures may be adjusted to increase the residential percentage. The applicant shall demonstrate that either residential or commercial market conditions are impacting the ability to comply with the allocation.

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

**RESOLUTION APPROVING COST ITEMS ASSOCIATED WITH  
PROPOSED  
CITY OF ROCHESTER  
MULTI-YEAR COLLECTIVE BARGAINING  
AGREEMENT WITH  
LOCAL 1451  
INTERNATIONAL ASSOCIATION OF  
FIREFIGHTERS**

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

That pursuant to, and in accordance with, the provisions of Chapter 273-A of the New Hampshire Revised Statutes Annotated, the cost items associated with the multi-year year collective bargaining agreement between the City of Rochester and the INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF) Local 1451 Bargaining Unit, covering the period July 1, 2023 to June 30, 2027, as set forth in the proposed contract, and as more particularly detailed on the attached "**EXHIBIT A: IAFF LOCAL 1451 – JULY 2023**," which includes a summary financial analysis of the annual costs of the contract to the City provided by the Rochester Director of Finance, is hereby approved. The provision of funds necessary to fund the aforementioned, and hereby approved, collective bargaining agreement "cost items" in the first year of the agreement will be contained in the Fiscal Year 2024 operating budget of the City.

International Association of Fire Fighters Local 1451 (IAFF)

City Health Contribution	80/20	80/20	80/20	80/20	80/20
	ABSOS 20/40	ABSOS 20/40	ABSOS 20/40	ABSOS 20/40	ABSOS 20/40
	RX 10/20/45	RX 10/20/45	RX 10/20/45	RX 10/20/45	RX 10/20/45
Health Plan	DED \$1000/\$3000	DED \$1000/\$3000	DED \$1000/\$3000	DED \$1000/\$3000	DED \$1000/\$3000
City Health Contribution	100/0	100/0	100/0	100/0	100/0
	ABSOS 25/50	ABSOS 25/50	ABSOS 25/50	ABSOS 25/50	ABSOS 25/50
	RX 10/20/45	RX 10/20/45	RX 10/20/45	RX 10/20/45	RX 10/20/45
Health Plan	DED \$3000/\$9000	DED \$3000/\$9000	DED \$3000/\$9000	DED \$3000/\$9000	DED \$3000/\$9000
Projected Health Increase		7.60%	6.00%	6.00%	6.00%
	<b>Current FY23</b>	<b>FY24</b>	<b>FY25</b>	<b>FY26</b>	<b>FY27</b>
<b>Wages</b>					
Base Wage	\$2,212,217.28	\$2,512,211.52	\$2,658,605.04	\$2,773,046.64	\$2,864,752.80
Holiday Pay	\$86,695.57	\$132,857.34	\$140,599.31	\$146,651.51	\$151,501.35
Educational Incentive	\$22,600.00	\$22,600.00	\$22,600.00	\$22,600.00	\$22,600.00
Total Wages	\$2,321,512.85	\$2,667,668.86	\$2,821,804.35	\$2,942,298.15	\$3,038,854.15
Dollar Change		\$346,156.01	\$154,135.48	\$120,493.80	\$96,556.00
% Change		<b>14.91%</b>	<b>5.78%</b>	<b>4.27%</b>	<b>3.28%</b>
<b>Benefits</b>					
Medicare	\$33,661.94	\$38,681.20	\$40,916.16	\$42,663.32	\$44,063.39
Health Insurance	\$427,135.73	\$459,598.04	\$487,173.93	\$516,404.36	\$547,388.62
Opt Out	\$19,400.00	\$19,400.00	\$19,400.00	\$19,400.00	\$19,400.00
Dental	\$9,600.00	\$9,600.00	\$9,600.00	\$9,600.00	\$9,600.00
Life	\$432.00	\$432.00	\$432.00	\$432.00	\$432.00
Total Benefits & Rollups	\$490,229.66	\$527,711.24	\$557,522.09	\$588,499.68	\$620,884.01
Dollar Change		\$37,481.58	\$29,810.85	\$30,977.60	\$32,384.32
% Change		<b>7.65%</b>	<b>5.65%</b>	<b>5.56%</b>	<b>5.50%</b>
<b>Totals</b>					
Total Wages, Benefits & Rollups	\$2,811,742.51	\$3,195,380.10	\$3,379,326.43	\$3,530,797.83	\$3,659,738.16
Dollar Change		\$383,637.59	\$183,946.33	\$151,471.40	\$128,940.33
% Change		<b>13.64%</b>	<b>5.76%</b>	<b>4.48%</b>	<b>3.65%</b>

40 Total Employees (Firemen, Captain & Lieutenant) - 100% FT

**RESOLUTION APPROVING COST ITEMS ASSOCIATED WITH  
PROPOSED  
CITY OF ROCHESTER  
MULTI-YEAR COLLECTIVE BARGAINING  
AGREEMENT WITH  
NEW ENGLAND POLICE BENEVOLENT  
ASSOCIATION  
LOCAL #23 (Police Patrol Personnel)**

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

That pursuant to, and in accordance with, the provisions of Chapter 273-A of the New Hampshire Revised Statutes Annotated, the cost items associated with the multi-year year collective bargaining agreement between the Rochester Police Commission and the NEW ENGLAND POLICE BENEVOLENT ASSOCIATION (NEPBA) Local #23 Bargaining Unit, covering the period July 1, 2023 to June 30, 2027, as set forth in the proposed contract, and as more particularly detailed on the attached "**EXHIBIT A: NEPBA LOCAL #23 – JULY 2023**," which includes a summary financial analysis of the annual costs of the contract to the City provided by the Rochester Director of Finance, is hereby approved. The provision of funds necessary to fund the aforementioned, and hereby approved, collective bargaining agreement "cost items" in the first year of the agreement will be contained in the Fiscal Year 2024 operating budget of the City.

New England Police Benevolent Association Local #23 (NEPBA)

City Health Contribution	80/20	80/20	80/20	80/20	80/20
	ABSOS 20/40	ABSOS 20/40	ABSOS 20/40	ABSOS 20/40	ABSOS 20/40
	RX 10/20/45	RX 10/20/45	RX 10/20/45	RX 10/20/45	RX 10/20/45
Health Plan	DED \$1000/\$3000	DED \$1000/\$3000	DED \$1000/\$3000	DED \$1000/\$3000	DED \$1000/\$3000
City Health Contribution	100/0	100/0	100/0	100/0	100/0
	ABSOS 25/50	ABSOS 25/50	ABSOS 25/50	ABSOS 25/50	ABSOS 25/50
	RX 10/20/45	RX 10/20/45	RX 10/20/45	RX 10/20/45	RX 10/20/45
Health Plan	DED \$3000/\$9000	DED \$3000/\$9000	DED \$3000/\$9000	DED \$3000/\$9000	DED \$3000/\$9000
Projected Health Increase		7.60%	6.00%	6.00%	6.00%
	<b>Current FY23</b>	<b>FY24</b>	<b>FY25</b>	<b>FY26</b>	<b>FY27</b>
<b>Wages</b>					
Base Wage	\$3,364,042.14	\$3,861,243.58	\$4,117,157.78	\$4,332,758.45	\$4,529,760.97
Early Report	\$105,123.98	\$120,663.86	\$128,661.18	\$135,398.70	\$141,555.03
Holiday Pay	\$142,324.89	\$163,360.31	\$174,187.44	\$183,309.01	\$191,643.73
Educational Incentive	\$8,500.00	\$8,500.00	\$8,500.00	\$8,500.00	\$8,500.00
Longevity	\$7,000.00	\$7,500.00	\$8,000.00	\$9,000.00	\$10,000.00
Total Wages	\$3,626,991.01	\$4,161,267.75	\$4,436,506.41	\$4,668,966.16	\$4,881,459.73
Dollar Change		\$534,276.73	\$275,238.66	\$232,459.75	\$212,493.57
<b>% Change</b>		<b>14.73%</b>	<b>6.61%</b>	<b>5.24%</b>	<b>4.55%</b>
<b>Benefits</b>					
Medicare	\$52,591.37	\$60,338.38	\$64,329.34	\$67,700.01	\$70,781.17
Health Insurance	\$477,453.82	\$513,740.31	\$544,564.72	\$577,238.61	\$611,872.92
Opt Out	\$32,800.00	\$32,800.00	\$32,800.00	\$32,800.00	\$32,800.00
Dental	\$12,000.00	\$12,000.00	\$12,000.00	\$12,000.00	\$12,000.00
Life	\$3,078.00	\$3,078.00	\$3,078.00	\$3,078.00	\$3,078.00
Total Benefits & Rollups	\$577,923.19	\$621,956.69	\$656,772.07	\$692,816.62	\$730,532.09
Dollar Change		\$44,033.50	\$34,815.38	\$36,044.55	\$37,715.47
<b>% Change</b>		<b>7.62%</b>	<b>5.60%</b>	<b>5.49%</b>	<b>5.44%</b>
<b>Totals</b>					
Total Wages, Benefits & Rollups	\$4,204,914.20	\$4,783,224.44	\$5,093,278.48	\$5,361,782.78	\$5,611,991.82
Dollar Change		\$578,310.24	\$310,054.04	\$268,504.30	\$250,209.04
<b>% Change</b>		<b>13.75%</b>	<b>6.48%</b>	<b>5.27%</b>	<b>4.67%</b>

57 Total Employees (Patrol & Sergeant) - 100% FT



*City of Rochester, New Hampshire*  
OFFICE OF THE CITY MANAGER  
31 Wakefield Street • Rochester, NH 03867  
(603) 332-1167  
[www.RochesterNH.net](http://www.RochesterNH.net)

**CITY MANAGER'S REPORT**  
**February 2023**

Contracts and documents executed since last month:

- **Department of Public Works**
  - Estimate, Water Main Rehab project – S.U.R. **P. 37**
  - Task Order Salmon Fall Booster Pump Station– Wright-Pierce **P. 38**
  - Estimate, temporary water to Howard Brook Rd – S.U.R. **P. 39**
- **Economic Development**
  - FY22-FY23 CAP Weatherization – Royal Crest **P. 40**
  - FY22-FY23 CAP Weatherization – Fuchsia Drive **P. 41**
  - FY22-FY23 CAP Weatherization – Cattail Place **P. 42**
  - FY22-FY23 CAP Weatherization – Cherokee Way **P. 43**
  - FY22-FY23 CAP Weatherization – Jamey Drive **P. 44**
- **IT**
  - Vendor Setup - Provantage **P. 45**
- **Finance**
  - ARPA Grant subrecipient agreement – Gonic Dam **P. 46**
  - ARPA Consultant selection justification form – Gonic Dam **P. 47**

The following standard report has been enclosed:

- Personnel Action Report Summary **P. 48**

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City Clerk's Office

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

03/02/2023



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## INTEROFFICE MEMORANDUM

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

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

**DATE:** January 27, 2023

**SUBJECT:** SUR Construction –Water 20” Transmission Main Rehab Project  
Additional Valve Insertion 55,548.65.

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

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Attached please find (1) one copy of the SUR Construction Company estimate/ scope of service for signature. This scope of work is for an additional 20” valve insertion / installation at the Washington Street Quonset Hut to facilitate the 20” Water Transmission Main Rehabilitation Project. This additional valve is necessary and not part of the previous project scope as record drawings indicated this valve existed. It does not. The pricing for equipment and labor is per City of Rochester Bid # 21-23 for Equipment Rental and Construction Contracting Services. That pricing was good through 12/31/2022 and as this is in addition to the previously executed scope, SUR is extending that pricing for this addition to the project. The have subsequently been selected as the City’s contractor for “On-call Construction Services and Related equipment Rentals” per bid#23-26. The prices per the new award are higher than those in this scope.

The funds are available in the following City ARPA account that was approved for the Water Transmission Pipe Rehabilitation Project:

Account # 61396010-771000-22570 = \$55,548.65

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

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



# City of Rochester, New Hampshire

PUBLIC WORKS DEPARTMENT

209 Chestnut Hill Road • Rochester, NH 03867

(603) 332-4096

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

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## INTEROFFICE MEMORANDUM

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

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

**DATE:** February 8, 2023

**SUBJECT:** **Salmon Falls Road Water Booster Pump Station Engineering Design Task Order \$147,000**

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

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Attached is a Task Order Agreement for Engineering Services for the design of the replacement Salmon Falls Road Booster Pump Station project. This contract is between the City and Wright-Pierce for engineering design services in the amount of \$147,000.00. Wright-Pierce has been selected through the qualifications based solicitation for on-call engineering services RFQ 21-19. Funds are available for this project in the following account line:

Water CIP                      55016010-772000-21527

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

Signature \_\_\_\_\_

Katie Ambrose  
Deputy City Manager/ Director of Finance & Administration

Attachment: Salmon Falls Rd Booster Pump Station, W-P Task Order No. FY2023-11



*City of Rochester, New Hampshire*  
PUBLIC WORKS DEPARTMENT  
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(603) 332-4096  
[www.RochesterNH.net](http://www.RochesterNH.net)

03/02/2023



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## INTEROFFICE MEMORANDUM

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

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

**DATE:** January 27, 2023

**SUBJECT:** SUR Construction –  
Temporary Water to Howard Brook Rd.-Water 20" Transmission Main Rehab Project  
Additional Valve Insertion \$18,474.25.

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

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Attached please find (1) one copy of the SUR Construction Company estimate/ scope of service for signature. SUR was contracted previously per scope of service attached to purchase order #3675 in Munis. The work included in the previous scope was to assess the 20" water main pipe and insert valves for isolation in advance of the 20" Transmission Main lining project. As work was proceeding, they discovered that the Howard Brook Road water main is tied directly to the 20" main vs. the 24-inch line on Estes Road as previously thought. The current scope of service is to provide Howard Brook Road temporary water service while the valves are inserted and pipes are videoed and assessed as planned.

The pricing for equipment and labor is per City of Rochester Bid # 21-23 for Equipment Rental and Construction Contracting Services. That pricing was good through 12/31/2022 and as this is in addition to the previously executed scope, SUR is extending that pricing for this addition to the project. They have subsequently been selected as the City's contractor for "On-call Construction Services and Related equipment Rentals" per bid#23-26. The prices per the new award are higher than those in this scope.

The funds are available in the following City ARPA account that was approved for the Water Transmission Pipe Rehabilitation Project:

Account # 61396010-771000-22570 = \$18,474.25

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

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



03/02/2023

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

## INTEROFFICE MEMORANDUM

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**TO: Blaine Cox, City Manager**

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

**DATE:** February 3, 2023

**SUBJECT: FY 22- 23 CAP Weatherization Assistance Program- Royal Crest**

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

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

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

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



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

## INTEROFFICE MEMORANDUM

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**TO: Blaine Cox, City Manager**

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

**DATE:** February 8, 2023

**SUBJECT: FY 22- 23 CAP Weatherization Assistance Program- Fuchsia Dr**

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

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

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

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



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Economic Development Department  
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## INTEROFFICE MEMORANDUM

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**TO: Blaine Cox, City Manager**

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

**DATE:** February 9, 2023

**SUBJECT: FY 22- 23 CAP Weatherization Assistance Program- Cattail**

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

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

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

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



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## INTEROFFICE MEMORANDUM

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**TO: Blaine Cox, City Manager**

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

**DATE:** February 17, 2023

**SUBJECT: FY 22- 23 CAP Weatherization Assistance Program- Cherokee**

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

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

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

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



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Economic Development Department  
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## INTEROFFICE MEMORANDUM

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**TO: Blaine Cox, City Manager**

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

**DATE:** February 13, 2023

**SUBJECT: FY 22- 23 CAP Weatherization Assistance Program- Jamey**

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

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

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

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





## *City of Rochester, New Hampshire*

INFORMATION TECHNOLOGY SERVICES

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### INTEROFFICE MEMORANDUM

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

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

**DATE:** February 15, 2023

**SUBJECT:** Provantage vendor setup

**CC:**

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Requesting electronic signature to complete the Provantage Vendor Set Up form.

No funding is being requested at this time.

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

Signature\_\_\_\_\_

Katie Ambrose, Finance Director



## *City of Rochester, New Hampshire*

Finance Office

31 Wakefield Street • Rochester, NH 03867-1917

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

Date: February 13, 2023

To: Blaine Cox, City Manager

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

RE: ARPA Grant Subrecipient Agreement – Gonic Dam \$150,000

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Attached please find (1) one copy of the ARPA grant Subrecipient Agreement for the Gonic Dams Removal Project/Cocheco River Restoration Project for your signature. City Council authorized the acceptance of the grant and designated authority to the City Manager to execute the grant documents at the April 5, 2022 Regular City Council Meeting. This agreement establishes the Subrecipient minimum terms and conditions with Gosport Properties, LLC.

Feel free to let me know if you have any questions. If you concur, please sign and return to my attention for distribution.

---

Katie Ambrose  
Deputy City Manager/ Director of Finance & Administration

Enclosures: CFRING Subrecipient Agreement



## *City of Rochester, New Hampshire*

Finance Office

31 Wakefield Street • Rochester, NH 03867-1917

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

Date: February 27, 2023

To: Blaine Cox, City Manager

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

RE: ARPA Consultant Selection Justification Form – Gonic Dam

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Attached please find (1) one copy of the ARPA Consultant Selection Justification Form for the Gonic Dams Removal Project/Cocheco River Restoration Project for your signature. This form documents the reasoning for Gosport Properties, LLC's selection of Gomez and Sullivan Engineers to perform services on the project.

Feel free to let me know if you have any questions. If you concur, please sign and return to my attention for distribution.

---

Katie Ambrose  
Deputy City Manager/ Director of Finance & Administration

Enclosures: ARPA Consultant Selection Justification Form

[illegible]



# Rochester City Council

## Community Development Committee

### MEETING MINUTES

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

<b>Meeting Date:</b>	Monday, January 30, 2023	
<b>Members Present:</b>	Laura Hainey Harlan "Skip" Gilman Amy Malone Tim Fontneau John LaRochelle	<b>Members Absent:</b>
<b>Guests/Staff:</b>	Kiersten Wright, Community Development Coordinator; Shanna Saunders, Planning Director	

Councilor Hainey called the meeting to order at 5:35 pm with Councilor Hainey, LaRochelle and Gilman in attendance.

Councilor Hainey arrived at 5:40pm

Councilor Fontneau arrived at 6:22pm

Councilor LaRochelle stated there was a typo in the minutes from January 30<sup>th</sup>.

Requested that minutes be edited to remove "guy students" to say "Guyer students"

Hainey made a motion to approve minutes with amendment. LaRochelle seconded and motion was carried.

<b>PUBLIC INPUT</b>	There was no public input.
<b>Meeting with Planning Director Shanna Saunders about Orton Foundation Heart and Soul Program.</b>	<p>Ms. Saunders introduced herself to the committee members and explained her previous work with the Orton Foundation and their Heart and Soul program when she was with the town of Laconia. She provided handouts with information on the program and the work they do with communities all over the US.</p> <p>The Heart and Soul program's goal is to come into communities and work with the leaders and residents to determine the community's "heart and soul" as well as their values and how to keep these values and ideas when making decisions that affect the community.</p> <p>The Orton Foundation reached out to Ms. Saunders to discuss the possibility of coming to Rochester to and implementing this program. She brought this to the City Manager's attention who suggested that she start with the Community Development</p>

	<p>Committee and see if this is a program that is worth looking into and bringing to the community.</p> <p>One of the points made by Ms. Saunders throughout her presentation was that this program comes in to help decision makers learn to work with the residents, rather than against them.</p> <p>Councilor LaRochelle brought up the meeting in Gonic in during the fall where there were several disrupters who were not productive to the conversation and did not provide any helpful information to the discussion being had. Councilor LaRochelle asked if this program would be something that would assist the community leaders in preventing another situation such as the Gonic Meeting. Ms. Saunders mentioned that the program and members from the program would be there to help teach the community leaders how to prevent situations like that in the future and to help work with those people and get them to be productive members of the conversations.</p> <p>Councilor Malone requested to know the difference between this group and a group like Rochester Listens. Ms. Saunders explained that Rochester Listens was there to help set up the conversations, where The Orton Foundation is there to teach leaders and members of the community how to work together towards the future and facilitate better communication between the groups. Councilor Malone stated this looks like a great program but that she would like to have a deeper conversation at one of the next meetings and meet a member of the program to ask more questions. She mentioned that there are updates happening throughout the city in the next few years and this could really benefit the council and get ahead of the issues to help the community come together.</p> <p>The Councilors unanimously agreed to have a member of the program come in with Ms. Saunders during the April meeting to discuss this program further with the group.</p> <p>Ms. Saunders stated she would be in touch with the Orton Foundation and Ms. Wright stated she would send an update on the date and time of the April Community Development Meeting date and time.</p>
<b>CDBG And Municipal Fund Applicants' Presentations</b>	<p><b><u>Rochester Museum of Fine Arts (RMFA)- Matt Wyatt- In Person</u></b></p> <p>Mr. Wyatt from the Rochester Museum of Fine Arts came to request an additional \$5,000 this year from the Rochester Municipal funding. Currently they receive \$5,000 from the Economic Department to assist with running their program located in the James Foley Community Center. Mr. Wyatt gave a background on how the Museum started 11 years ago. Originally, they wanted to get involved in the city, but they</p>

weren't sure how. They knew how to find and hang art but weren't sure how to get involved. The start of the museum was getting art into empty store fronts, specifically the downtown area to help make the area look more accessible and inviting. After working with these store front locations, they eventually ended up at the community center. Currently they have over 225 pieces that are donated and hang at the community center. They also have a short-term exhibit area that is rotating with new artists showcased throughout the year. No commission is taken from these artists, and they are able to do this because they have kept overhead so low. Not only have they added art to the Community center, but they have assisted in adding public art and murals across the city. Work with the Historic Society allowed the museum to have historic post cards from the city blown up and made into vinyl that can be found on the side of the Fire Department.

A goal of the museum was to provide accessibility to art that some people might not have had before. He brought up that to go to a regional other art museum, like those found in Manchester you would need to either drive or take the bus to that city. Once there you would then have to pay for parking, pay an entrance fee; in some cases, get lunch or dinner if you are there for a large part of the day, and eventually have to drive back home. These are expenses that some people cannot afford. The RMFA does not charge any fee to enter or enjoy the art. The museum is also housed in the Community Center which houses several public services. They work on filling the halls with plenty of artwork and create a more inviting atmosphere in what could otherwise be an unhappy or even stressful trip.

Councilor LaRochelle requested to know if they were part of the Arts and Culture committee. Mr. Wyatt stated they were, but they are not a large part of the group.

#### **COAST- Rad Nichols- In person**

Mr. Nichols introduced himself to the committee and discussed the work that COAST provides the city of Rochester. First is rebuilding their workforce and removing temporary service suspensions. Councilor Malone mentioned that the suspension of the Saturday service has caused a lot of issues and she has seen a lot of people suffer because of this suspension. Mr. Nichols stated they are working and hopeful that the service will be back up by May, bearing any illnesses or other issues. Mr. Nichols stated that over the last few months they have been bringing back services and as they bring back more they hope to increase ridership.

This year they are asking for \$225,377 in funding; a 10% increase from last year for funding. COAST is looking for other funding options as right now they only receive about \$35,000 a year from the state, which equates to roughly 1 day of service.

Councilor Fontneau requested to know if COAST Has meet with members of committees and other groups with the Sate regarding getting more funding for this service. Currently Mr. Nichols is working with several members of the state to increase funding and work to better public service across the state, especially in the Seacoast area. He has

met with several leaders, including Democratic leadership in New Hampshire towards this goal. He is set to meet with several senators to work with them to gain more support for funding. Mr. Nichols mentioned that assistance from community members and that providing feedback on how COAST has benefited them will assist in this goal.

Councilor Hailey mentioned that during the Committee meeting last month that the committee met with a group that works with COAST and had inquired about the services that had been cut as they had an increase in the budget last year but saw a significant decrease in service during the year. Councilor Hailey stated that it sounds like COAST is working diligently to get back on track and get these services back to the way they were in previous years.

#### **Easterseals NH- Laurie Duff- Virtual**

Ms. Duff introduced herself as the Director of Senior Services. She stated that Easterseals is seeking \$10,000 in municipal funding for the FY24 year. This is the same amount requested the previous year. Last year, Easterseals expected to help about 150 Rochester residents, and ended up helping 180. They provided several services for residents, including: in home care and adult day program. They also have a new building, Chaplin House, that has a currently list of applicants of 92 for housing.

Ms. Duff mentioned that during one of the storms 3 weeks ago their building that holds their adult day program flooded, and since then they have been working with their residents in their homes that would normally be at their adult day program. Their goal is to be back in the building by April 8, 2023. Their estimating of Rochester residents that will be assisted in the coming year will be 170.

Currently they have a waitlist for home care due to staffing and are hoping that with funding they maybe able to increase services, including providing services for veterans.

The Committee had no questions at this time for Ms Duff.

#### **Sharefund- Skip Smith- In Person**

Mr. Smith introduced himself to the Committee and provided some handouts to review some information on the Sharefund. The Sharefund provides numerous services to Rochester, as well as several surrounding towns like Somersworth. Some of those services are Gerry's Emergency Food Pantry, The Community Clothing and thrift store, emergency financial assistance and the community diaper bank. All of these services are free to low-moderate income individuals, with the exception of the Thrift Store that will provide clothes, toys and household items to those in need but also has a store open to the general public to purchase items from. Their biggest service that they provide on a regular basis is the food pantry. Over 200,000 pounds of food have been distributed to over 6800 households. This year the Sharefund is asking for \$12,000 in CDBG funds for rental assistance for LMI (Low-moderate income) Residents. Since the start of the year Sharefund has already distributed



about \$9000 in funding, some being for other towns residents, but \$6800 of that was for Rochester residents in Community based housing assistance.

Councilor Fontneau asked, outside of CDBG funds and surrounding communities, where do they receive funding from. Mr. Smith explained that they work with several grants, individual donors as well as social clubs like the American Legion. Their Thrift Store also helps alleviate some of the costs associated with their program.

Councilor Malone mentioned that in her work she has seen how versatile Sharefund is and how easy they make it for those in the community to have access to food and clothing as well as the other services they can provide. Councilor Fontneau mentioned that with a lot of the grants and other programs ending, as well as changes to programs like SNAP, that there are concerns about residents. Mr. Smith explained that LMI residents are able to come twice a month to get food, and that they saw a 53% increase between 2022 and 2021 in food requests. Mr. Smith stated that unfortunately with the changes being made to many programs and some programs ending, he doesn't see this number dropping and in fact states they are expected to see more people coming in for assistance.

#### **Waypoint- Mandy Lancaster- Virtual**

Mandy Lancaster introduced herself to the council and stated that Waypoint is looking for \$10,000 in CDBG funding for FY24 to support their program. Ms. Lancaster gave a brief synopsis on Waypoint and what they have to offer the city. Waypoint works with younger people to provide support, especially to those dealing with homelessness. With the new Drop In Center that launched in the fall of 2022, they have been able to support more people than before.

One of Waypoint's goals is to support young people and stop homelessness from reaching adulthood. They work on building trust and relationships to help assess the situation and help make decisions on what the people's next moves are. With the drop in center there is ever more support, and they are reaching even more people every day, giving comfort and support they might not have had otherwise.

The Committee had no further questions or comments.

#### **Triangle Club- Heather Blumenfeld (Executive Director) and Bob O'Connell (Business Manager)- In person**

Ms. Blumenfeld introduced herself to the committee as well as her colleague Bob O'Connell, Triangle Club's Business Manager. Ms. Blumenfeld gave an overview of Triangle Club and what they have to offer. Triangle Club provides numerous meetings, 7 days a week, 365 days out of the year (holidays are no exception). Many are 12 step programs to help with substance abuse, however they have recently been holding other types of holistic meetings, like Reiki, Yoga and Art classes to assist those battling substance abuse. They also offer some meetings for those affected by family with substance abuse problems.

The group is family friendly as well, allowing children to the meetings and events. There have been 3 sober living homes added to the city of Rochester and those programs require that people join meetings, which Triangle Club is able to provide.

Ms. Blumenfeld mentioned that they previously received funding in 2020 for funding the electric work. Right now they are looking to redo siding and redo the fire escape on the back of the building for safety reasons. The siding they are looking to fix is to weather tight the building. They estimate the project to cost \$31,700 with the estimate including Davis Bacon requirements included. They have broken the project down into just the siding and just the fire escape if they are unable to receive funding for both. Their main goal is to get the fire escape done for safety. Councilor Fontneau inquired if they had asked other communities for funding. Ms Blumenfeld stated that they are looking to Rochester to fund this project and are looking to other cities that utilize the Triangle Club's programs for other projects such as their parking lot. NH Charitable foundation has already agreed to finance \$10,000 for paving of the parking lot.

Councilor Fontneau inquired how many people they see per week. Ms. Blumenfeld mentioned that they average about 100 different people per day, 2800 per month and over 8400 per year. They estimate about 35% of their residents are Rochester residents. One goal they are working on is getting young people affected by addiction and trying to recover back to their hobbies and surrounded by peers. Programs like Yoga, and Reiki have offered that option. Ms. Blumenfeld mentioned that they are one of the few, if only, program in the area that offers so many meetings and different options for recover.

The Committee had no further questions for Triangle Club. All applicants have provided their presentations at this date.

**Recommendations for municipal funding:**

After all applicants left the Committee started discussion on the Municipal funding. Ms. Wright brought up a point made by Councilor Hainey the prior meeting, about My Friend's Place possibly receiving Municipal funding instead of CDBG funding due to their consistent work with the city and providing a necessary service. Councilor Hainey mentioned that bringing them into the Municipal funding shows that we as a city support these groups and want to make a long-term commitment. Councilor Hainey also stated that the City has other programs within their municipal funding recommendations every year, such as Easterseals, and SOS Recovery that provide necessary services to the city just as My Friend's Place does. .

Councilor LaRochelle moved to recommend My Friend's Place for Municipal funding instead of CDBG funding. Councilor Malone seconded this motion with a unanimous vote from the committee. Councilor Hainey mentioned that last year they received \$13,798.40 last year in CDBG funding and are asking for \$30,000 this year.

	<p>Councilor Hainey motioned to recommend My Friend's Place receive \$15,000 in Municipal funds, with Councilor Malone providing a second for the motion. Motion was passed in favor by all members of the committee.</p> <p>The Committee discussed the East Rochester Library's budget and Councilor Hainey recommended a 2% increase in funding from last year's \$7,500 budget, resulting in a recommendation of \$7,650 in funding. East Rochester Library had also applied for CDBG funding for certain projects. <b>Motion to change the \$11,000 recommendation for East Rochester Library to \$7650 made by Councilor Malone, with Councilor Gilman seconded. Motion passed unanimously.</b></p> <p><b>Councilor Malone suggested the city fund a portion of the archival storage for some of the items at the Historic Society and made a motion to drop the recommended funding amount from \$5,000 to \$3,000. Councilor Fontneau seconded, with unanimous vote for the recommendation.</b></p> <p>The Committee discussed their funding priorities for FY24 municipal funding and came to a consensus on the following recommendations for municipal funding:</p> <p>Cooperative Alliance for Seacoast Transportation- \$225,377  SOS Recovery- \$40,000  Cornerstone VNA- \$28,826  My Friend's Place- \$15,000  Community Action Partnership of Strafford County- \$10,000  Easterseals NH- \$10,000  East Rochester Library- \$7,650  Rochester Museum of Fine Arts (RMFA)- \$5,000  Historic Society of Rochester- \$3,000</p> <p><b>Motion made by Councilor Hainey to approve as amended above, with Councilor Malone seconded. Approved by unanimous vote. Ms Wright stated she would forward the committee's recommendation to the Finance Department for inclusion in the draft FY 2023 City Budget.</b></p>
<p><b>Review of Upcoming CDBG Reports</b></p>	<p>Ms. Wright informed the committee that the FY24 Annual Action Report is due May 15, 2023 to HUD. Ms. Wright stated she is currently working on this report and is working on getting a drafted copy of this report by March 21, 2023 for the Public Hearing that will be held at before the City Council workshop the same day.</p> <p>Ms. Wright explained that the Public Hearing will coincide with the Public Comment period. Per HUD the Public Comment period must be at least 30 days. Starting March 21, 2023, the public</p>

	<p>comment period will be open to the public to submit questions or concerns about the Annual Action Plan for FY 24.</p> <p>Ms. Wright also mentioned that she was able to post Community Survey online via the Rochester Post and has already received 15 responses as of Monday, February 27, 2023. She also has placed hard copy surveys at several locations throughout the city. The surveys will be used within the Annual Action Plan report.</p>

Motion was made by Councilor Hailey to adjourn the meeting. Councilor Gilman seconded the motion. All in favor, meeting adjourned at 8:09pm.

**Next Meeting** – Monday, March 20, 2023, at 6:00 p.m., Cocheco Conference Room, City Hall Annex, 33 Wakefield St.

**Topics:** Decisions on CDBG Funding applicants

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## Finance Committee

## Meeting Minutes

Meeting Information

Date: February 14, 2023

Time: 6:00 P.M.

Location: 31 Wakefield Street

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

**City staff present:** Finance Director Katie Ambrose. Deputy Finance Director Mark Sullivan. Director of City Services, Peter Nourse.

**Others Present:** Anthony Ejarque, Rochester Opera House. John McKenna, Opera House

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

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

Councilor Beaudoin led the Pledge of Allegiance.

Deputy City Clerk Cassie Givara took a silent roll call attendance. All Councilors were present.

**2. Acceptance of Minutes: January 10, 2023**

Councilor Lachapelle **MOVED** to **ACCEPT** the minutes of the January 10, 2023 Finance Committee meeting. Councilor Larochelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**3. Public Input**

Anthony Ejarque, Executive Director of the Rochester Opera House, reported that the Opera House Board of Directors had discussed the potential of the Opera House funding a portion of the requested fly system project and how this may allay some of the financial concerns related to the project. They proposed that they could allocate 1/3 of the cost, or around \$50,000.

**4. Unfinished Business: None**

No discussion.

## 5. New Business-

### 5.1.1 Opera House Life Safety Project & Fly System Project

Councilor Beaudoin requested a profit and loss statement for the Opera House before a decision is made on the funding. Director Ejarque said he would provide that information. John McKenna, President of the Opera House Board of Directors, explained that the Opera House's balance sheet is strong following the receipt of both federal and state grant money during the pandemic. However, he said the Opera House is currently operating at a loss, with the current year-to-date showing a loss of \$136,000.

Mayor Callaghan asked if the Opera House had applied for ARPA (American Rescue Plan Act) or other federal grant funding for the fly system project. Director Ejarque said that the Opera House had applied for CDBG (Community Development Block Grant) funding, but they denied funding because the project did not qualify for these funds. They also looked into federal grants, but did not qualify for these either. Mr. Ejarque clarified that the Opera House had been closed for a period during COVID, and then opened at limited capacity due to needed fire code improvements. He estimated that total losses since the COVID shutdown, and subsequent limited operations, were around \$300,000.

Councilor Hainey inquired about the amount of in-kind services the Opera House had contributed to the City, especially through the schools. Mr. Ejarque said they do not have a dollar amount, but confirmed that the Opera House does work closely with the local schools and does contribute to many local events. He explained that the Opera House offers scholarship programs to children who would not be able to participate in programs otherwise; they also offer free tickets for performances, donate to multiple local fundraisers, and work with non-profits to offer the space at both RPAC and the Opera House. These contributions would total a large amount if charged.

Councilor Gray questioned the urgency of recommending this project to City Council and suggested it be kept in Committee for further discussion. He felt that if this were approved, it should either be part of the annual budget or an additional expenditure, neither of which needed to be passed quickly. There was a brief discussion on whether there would be any impact from waiting on a recommendation. Councilor Lachapelle asked if this item was currently in the proposed budget. Finance Director Ambrose said that this item had been an "Issues & Options" request from the prior budget, although it was City Manager excluded. It had been further discussed at Finance Committee and the recommendation had been for the Opera House to look into grant funding. She explained that this is coming back to Finance Committee due to the other recommended improvements being proposed throughout City Hall and the Opera House. She said the Committee could decide whether to keep it in Finance for further discussion, to recommend a supplemental appropriation from unassigned fund balance offset by the Opera House contribution, or to include the proposal in the budget. Director Ambrose clarified that the Opera House does not currently have an Issues & Options proposal for this item.

Councilor Lachapelle asked what the proposed cost had been the year prior. Director Ambrose said that the cost had increased approximately \$10,000 to \$174, 898. Councilor Lachapelle pointed

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out that this was one of the impacts of waiting on proposals such as this; the increasing costs for supplies and construction. Councilor Lachapelle asked if the \$174,898 was inclusive of the 1/3 contribution the Opera House had proposed. Mr. Ejarque confirmed that this total does not include the potential Opera House contribution.

Mayor Callaghan said the Opera House life safety project, which would be discussed next on the agenda, is time sensitive. He said that ideally, these improvements would take place at the same time as the flywheel project so the improvements could all be completed in tandem while the Opera House was closed for a single time and would limit the effect to programming and operations.

Mayor Callaghan said that he had heard concern from constituents regarding the purchases of properties by the Opera House, including RPAC, the property on Charles Street, and rental office space at 1 Wakefield Street. He said that one of the organization's core missions is to preserve the Opera House and questioned how the acquisition of these properties helped towards that end. Mayor Callaghan also said that the City of Rochester contributes \$37,000 to the Opera House for utilities and maintenance costs and charges nominal rent. He asked why the Opera House was unable to use the money they currently had to complete the flywheel project. Mr. Ejarque said that one of the issues encountered when applying for federal or state grant funds is that the Opera House does not own their facility; they rent from the City of Rochester. They are unable to apply for grants for a facility they do not own. He spoke about the question of responsibility for repairs and improvements within the Opera House, which is City-owned.

Councilor Beaudoin agreed with Councilor Gray that this project should be part of the budget process as an "Issues & Options" request, to give Council a better idea of how much money is available. Councilor Beaudoin **MOVED** to **TABLE** the decision. Councilor Hainey seconded the motion. There was a discussion on the logistics on tabling for time certain or tabling in general. The **MOTION CARRIED** by a 5 to 2 voice vote to table the discussion. Mayor Callaghan said that there would be further discussion at the next Finance Committee meeting.

Peter Nourse, Director of City Services, explained that in 2019 the Rochester Fire Department had a budget project to review the life safety of the Rochester Opera House and City Hall. The study identified code deficiencies. He said that many of these deficiencies had since been corrected by City Buildings and Grounds staff, but there were remaining issues in the Opera House that had limited capacity to first floor seating. Director Nourse said that this past November, a temporary occupancy egress plan had been implemented for the Opera House balcony to allow limited (75%) occupancy until the upgrades are implemented. He summarized the upgrades and renovations that remain to be completed, estimated at \$450,000. Director Nourse said the City issued a "Request for Qualifications" to seven contractors they felt could be a good fit for the improvements. Two of these contractors responded, and both have been vetted by the City. They will now receive a Request for Proposal (RFP) in March and see who responds with the responsible low bid. He said that the construction duration is estimated at 3-months and would likely be late summer into early fall.

Councilor Larochelle questioned some of the improvements cited in the report and speculated that based on the existing conditions, some of these improvements would be unnecessary because the specifications may already meet code. He suggested doing a cost/benefit analysis for each of the issues listed and determine what the real hazards are and what actually needs to be addressed.

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Director Nourse responded that the handrails previously referenced by Councilor Larochelle do not meet code. He cautioned that he does not know the finer details of the NFPA code like the Fire Department does, and he explained that many of these improvements are required by these codes. Councilor Larochelle reiterated that taxpayer money should be first spent on what has been identified as the real safety hazards that do not meet codes as opposed to items that do not pose a hazard and could be postponed until a later date. Councilor Lachapelle said that with new construction, a certificate of occupancy would not be issued if items such as this existed; with City Hall and the Opera House being public buildings with frequent patrons, these code issues need to be addressed.

Councilor Beaudoin asked if the steel railings in the stairwell between the Annex and City Hall would need to be replaced in their entirety. Director Nourse explained that these railings would not be replaced, but rather modified to meet code compliance. Councilor Beaudoin asked if the Opera House stage egress had already been improved. Director Nourse explained that these improvements had not yet been made and explained the work that needed to be completed. Councilor Beaudoin inquired about the cost estimate for the head clearance above the balcony staircase. He asked if the estimate could be increased once the ceiling is opened and it can be determined what is behind. Director Nourse clarified that the ceiling had been opened up and there was an I-beam discovered. He explained the proposed work to increase head clearance and said that the current estimate was accurate. There was further discussion on safety improvements needed in the Opera House balcony and the specifics on the work to be completed.

Mayor Callaghan responded to concerns expressed by Councilor Larochelle regarding the validity or urgency of some of the improvements in the report. He said that Weston & Sampson Engineers had followed up on the Fire Department's original code review of the building. Director Nourse agreed and said that the engineering firm has specialized life safety engineers and code engineers who served on this review.

Councilor Gray asked what the current balance is of the City Manager's contingency account. Deputy Finance Director Sullivan responded that this account contained \$210,000; there had been \$80,724 expended for a balance of \$129,275. Director Ambrose said there would be approximately \$3,000 transferred out of this account for the February 21 Special Election, and a \$30,000 contribution to the Willand Warming Center, which would leave the total at around \$96,000.

Councilor Beaudoin recalled that the City had designated \$500,000 for the purpose of maintaining downtown buildings. Director Ambrose said that there is a Public Buildings Capital Reserve Fund approve the year prior; however, the direction given to the Trustees of the Trust Fund was to invest with the knowledge that these funds would not be expended for at least three years.

Councilor Larochelle acknowledged that the Opera House does not belong to them, but rather to the City of Rochester. He spoke about past improvements in the Opera House that the City of Rochester has funded, and spoke in support of the City maintaining the Opera House and keeping it in good condition.

Councilor Lachapelle **MOVED** to recommend that City Council approve a supplemental appropriation from unassigned fund balance for the Opera House Life Safety project. Councilor



Hamann seconded the motion. Councilor Beaudoin asked if this Council vote would require a 2/3 majority vote. Director Ambrose confirmed that this approval would need a 2/3 majority vote as well as a public hearing. The **MOTION CARRIED** by a unanimous voice vote.

### **5.1.2 Community Outreach Facilitator-Program Funding Discussion**

Finance Director Ambrose explained that the year prior, Council had voted to allocate ARPA funds to fund the Community Outreach Coordinator program for the first year. At the time, it had been requested that the discussion come back to Finance Committee after the first year for a recommendation on the funding of this position moving forward. Director Ambrose clarified that there was no requested action at this meeting, but rather further discussion on the options. She explained that the Community Outreach Facilitator would be presenting to City Council at the February 22 workshop to give an overview of the first year of the program.

Deputy Director Sullivan gave a summary of the expenditures during the first year of this program and outlined three potential funding scenarios (*addendum A*) for phasing the position out of ARPA funding and gradually increasing the allocation from the General Fund. He recommended if the City wanted to employ a phased in approach, that they consider option B to maximize the use of the ARPA funds. He said there was a total allocation of \$916,000 in ARPA funds for this position, with \$143,000 allocated for the first year to cover salary, benefits, and start-up costs.

Councilor Gray said that the sense of Council during the ARPA funding discussions was that this money should be used for one-time expenses, not operational costs. He said that he felt if the City was going to be funding the Community Outreach Facilitator position; the funding should come from the operating budget. He cautioned against putting the responsibility of funding the position on a future Council if the current Council cannot find the funding in their budget outside of grant funding. Councilor Beaudoin said that he did not support using ARPA funds for positions and salaries. Councilor Lachapelle said that he supported utilizing the ARPA funds to offset the cost of the initial startup, but felt the program should be phased in with the General Fund. He asked if this project was already in the budget and said suggested it should be part of the upcoming budget discussions. Finance Director Ambrose said that, at the department level, this program is 100% ARPA funded; adjustments can be made at either the City Manager level or the City Council level.

Finance Director Ambrose suggested that this program could be discussed further at the February 22, 2023 Workshop meeting and then come to Council for a decision at the March Regular meeting.

## **Reports from Finance & Administration**

### **5.2.1 Monthly Financial Report Summary-January 31, 2023**

Deputy Finance Director Sullivan said non-property tax revenues continue to be strong. Interest income and building permits are up substantially.

Mayor Callaghan noted that the police and dispatch overtime budgets are still high; he asked if they were being controlled through the salary line. Deputy Director Sullivan said that the

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department is over-expending this overtime line due to the amount of vacancies in dispatch. This will be offset with the surplus in the regular salaries line.

Councilor Beaudoin asked if interest income included money derived from the Trustees of the Trust Fund investments. Deputy Director Sullivan clarified that this money represents investments in liquid investment accounts as well as a CD in which the City invests; however, the Trustees of the Trust fund investments are not included. Councilor Beaudoin inquired if the Committee would receive a report from the Trustees. Deputy Director Sullivan said there would be quarterly reports received by Bar Harbor Wealth Management, which would be reviewed by the Trustees before coming back to the Committee.

## **6. Other**

No discussion.

## **7. Adjournment**

Mayor Callaghan **ADJOURNED** the Finance Committee meeting at 6:43 PM.

Respectfully Submitted,

Cassie Givara,  
Deputy City Clerk

## Community Outreach Coordinator-Funding Scenarios

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

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

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

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

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City Clerk's Office

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

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

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

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

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03/02/2023

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

AGENDA SUBJECT

**Resolution Authorizing \$450,000 Supplemental Appropriation for Life Safety Building Upgrades**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	March 7, 2023		
DEPT. HEAD SIGNATURE			
DATE SUBMITTED			
ATTACHMENTS	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	1

**COMMITTEE SIGN-OFF**

COMMITTEE	Finance Committee
CHAIR PERSON	Mayor Callaghan

**DEPARTMENT APPROVALS**

DEPUTY CITY MANAGER	
CITY MANAGER	

**FINANCE & BUDGET INFORMATION**

DIRECTOR OF FINANCE APPROVAL	Kathryn L. Ambrose
SOURCE OF FUNDS	General Fund Unassigned Fund Balance
ACCOUNT NUMBER	
AMOUNT	\$450,000.00
APPROPRIATION REQUIRED	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

**LEGAL AUTHORITY**

City Council Resolution

**SUMMARY STATEMENT**

Finance Committee voted at their February 14<sup>th</sup> meeting to recommend a \$450,000 supplemental appropriation from General Fund Unassigned Fund Balance for City Hall and Opera House life safety building upgrades.

The building repairs and upgrades are the result of a code evaluation and assessment report produced by Weston & Sampson Engineers on City Hall and the Opera House.

**RECOMMENDED ACTION**

Authorize resolution to appropriate the funds.



**AGENDA BILL - FUNDING RESOLUTION****EXHIBIT**Project Name: Date: Fiscal Year: 

Fund (select):

GF ☒ Water ☐ Sewer ☐ Arena ☐  
 CIP ☐ Water CIP ☐ Sewer CIP ☐ Arena CIP ☐  
 Special Revenue ☐

Fund Type: Annual Lapsing ☐ Multi-year Non-Lapsing ☐**Deauthorization**

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

**Appropriation**

	Org #	Object #	Project #	Fed Amount \$	State Amount \$	Local Amount \$
1			TBD			450,000.00
2				-	-	-
3				-	-	-
4				-	-	-

**Revenue**

	Org #	Object #	Project #	Fed Amount \$	State Amount \$	Local Amount \$
1			TBD			450,000.00
2						
3				-	-	
4				-	-	-

DUNS # CFDA # Grant # Grant Period: From   
To 

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

Reimbursement Request will be reduced ☐Funds will be returned ☐

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City Clerk's Office

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**City of Rochester Planning Board**  
Monday February 6, 2023  
City Hall Council Chambers  
31 Wakefield Street, Rochester, NH 03867  
(These minutes were approved on February 27, 2023)

Members Present

Mark Collopy, *Chair*  
Robert May, *Vice Chair*  
Peter Bruckner  
Keith Fitts  
Matthew Richardson  
Dave Walker

Members Absent

Don Hamann, *excused*  
James Hayden, *excused*  
Mark Sullivan, *excused*  
Alexander de Geofroy, *excused*  
Michael McQuade

Alternate Members Present

Rick Healey

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

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

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**I. Call to Order**

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

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**II. Roll Call**

Senior Planner, Ryan O'Connor conducted roll call.

**III. Seating of Alternates**

Mr. Collopy asked Mr. Healey to vote in place of Mr. Hayden.

**IV. Communications from the Chair**

Mr. Collopy thanked Ms. Saunders and Mr. O'Connor for putting together the retreat meeting. He said the training from New Hampshire Municipal Association was very helpful.

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## V. Opening Discussion/Comments (up to 30 minutes)

### A. Public comment

There was no from the public present to speak.

### B. Discussion of general planning issues

There were no general planning issues to discuss.

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## VI. New Applications

### A. 68 Hemingway, LLC; 68 Hemingway Drive (By Holden Engineering & Surveying INC) Condominium Conversion (Major Subdivision). Case # 258-63-R2-22

David Jordan of Greenman-Pedersen, Inc. gave an overview of the condo conversion of Country Brook Apartments. He said they are creating a condominium ownership of the buildings on the property and there is no further construction proposed at this time. Mr. Jordan explained the conversion is being done for financing purposes and to create convertible land for future development.

Mr. Jordan further explained with the condo conversion, each building will be considered a unit which means there will be four units total.

Mr. Collopy opened the public hearing. There was no one from the public present to speak; Mr. Collopy brought the discussion back to the Board.

Ms. Saunders explained this is a simple four-unit condo conversion. She said the applicant has submitted condo documents which staff has reviewed with the City's Legal Counsel. Ms. Saunders explained outside of the standard conditions of approval, staff is asking the locations of underground utilities be added to the plans. She said the land is in Current Use so the applicant will need to work with the Assessing Department, and they will need to work with staff on addressing and unit numbers.

Ms. Saunders said staff recommends the application be considered complete and recommends approval.

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

*A motion was made by Mr. Walker and seconded by Mr. Bruckner to approve the application as presented with the conditions as stated.*

Mr. May asked for clarification regarding convertible ownership. Applicant Matt Manning of Elm Grove Properties explained the purpose is to separate the existing structures into separate legal entities. He said they are using low-income housing tax credit financing and working with New Hampshire Housing. Mr. Manning further explained if they were to do further development in the future they would have to be a new owner entity.

Mr. May asked if changing ownership of the condo needs to come back to the Board. Mr. Manning said they would have to come back with a site plan but it does not give them right to construct or alter the land.

*The motion for approval carried unanimously by a voice vote.*

**B. Bright Spot Solar, LLC; 17 Sterling Drive** (By Norway Plains & Associates) Amendment to an Approved Site Plan. Case # 208-18-GRD-21

Scott Lawler of Norway Plains Associates explained the project was originally approved in January 2021 to allow construction of four self-storage buildings and eleven solar trackers. Mr. Lawler said there is an existing cemetery on the parcel as well as a municipal pump station. Mr. Lawler said the amendment is to install an additional thirteen solar trackers. He explained four will be placed on the westerly edge of the parking lot, between the self-storage units and Sterling Drive. Three additional trackers will be constructed along the northerly edge of the developed area within the stormwater management system. The other six trackers will be installed outside of the uplands, inside the jurisdictional wetlands located to the north of the site. Mr. Lawler explained as part of the amendment they are also seeking approval to construct a swing gate that will be installed at the entrance to the development. He said at the recommendation of the Planning Staff there will be additional lilacs bushes installed along the perimeter of the paved area and around the cemetery.

Mr. Lawler said due to the construction activity within the Conservation Overlay District they have met with the Conservation Commission and were granted recommendations for approval. He said they are also required to receive NHDES approval for the construction of the six trackers located in the wetlands.

Mr. Lawler said the applicant received a Special Exception for the Zoning Board of Adjustment to allow a Power Generation Utility within the Granite Ridge Development District.

Mr. Collopy opened the public hearing. There was no one from the public present to speak; Mr. Collopy brought the discussion back to the Board.

Ms. Saunders went through the staff recommendations. She explained as part of the original approval the eleven solar trackers were considered accessory to the self-storage. She said when the applicant came back to add thirteen more trackers, staff determined it was a change to add a secondary primary-use for the property. Ms. Saunders said the property is now considered two primary uses of Power Generation Utility and Mini Storage. She explained that part of the Zoning Board's approval is additional landscaping be installed on the frontage of Sterling Drive to soften the viewscape. The landscaping needs to be at least three feet tall because the Zoning Board was aware of the previous Planning Board condition requiring the landscaping be at least three feet tall but instead was installed at about eight inches tall.

Ms. Saunders said the recommendations from the Conservation Commission have been included in Staff's recommendations for approval. She explained the Commission asked that a vegetation management plan be required as a condition of approval to see what type of cutting will be required in the wetland to support the solar install. Ms. Saunders said there were discussions about minimizing wetland buffer impacts and focus on maintenance.

Ms. Saunders went through the conditions of approval which include a Knox Box, Knox gate key switch, click to enter radio-controlled gate opener that utilizes emergency services radio frequencies, or Opticom operated gate opener be installed. Fire Department clearance shall have an unobstructed vertical clearance of not less than thirteen feet, six inches. The total previously disturbed area, to include temporary disturbance is to be included on the plan. A plan detail showing reconstruction and restoration of the proposed disturbance to the infiltration basin is to be included on the plan.

Ms. Saunders said Staff is recommending the application be accepted as complete and approved with the conditions stated.

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

*A motion was made by Mr. Walker and seconded by Mr. Bruckner to approve the Conditional Use Permit and the Site Plan Amendment as presented with the conditions stated. The motion carried unanimously by a voice vote.*

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**VII. Other Business**

**A. Planning Update**

Ms. Saunders gave an overview of the retreat meeting. She said at the upcoming workshop Staff will have some recommended changes to the Site Plan and Subdivision Regulations as well as Rules of Procedure in order to be a little more efficient and in line with some of the new State Statutes.

**B. Other**

There was no other business to discuss.

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**VIII. Adjournment**

*A motion was made by Mr. Walker and seconded by Mr. Bruckner to adjourn the meeting at 6:56pm. The motion carried unanimously.*

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Respectfully submitted,

Crystal Galloway,  
Planner I

and

Shanna B. Saunders,  
Director of Planning & Development

**Public Safety Committee  
Draft Meeting Minutes  
February 15, 2023  
6:00 PM  
Council Chambers**

**Members Present**

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

**Members Absent**

Councilor Dana Berlin

**Others Present**

Michael Bezanson, PE, City Engineer  
Gina Golden-Silvestro, GIS/AM Technician  
Lt. Elizabeth Turner, PD  
Dave Smith 588 Salmon Falls Road  
Martin Hamel, 584 Salmon Falls Road  
Sergei Markovskii, 119 Oak Street

**Minutes**

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

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

***Councilor Malone MOVED to approve the minutes from January 18, 2023. Councilor Gilman seconded the motion. MOTION CARRIED by a unanimous voice vote.***

**2. Public Input**

David Smith of 588 Salmon Falls Road was present to talk about speed limits on Salmon Falls Road and the flashing electronic sign that is located at 584 Salmon Falls Road. Mr. Smith has begun to obtain signatures for a petition to: 1) remove the electronic sign, 2) change the speed limit back to 35 mph where it was recently lowered to 25 mph, 3) change the speed limit to 40 mph heading toward Somersworth, and 4) remove the discrepancy in speed limit where one direction is 35 mph and the other is 30 mph. Mr. Smith stated that this area is not a neighborhood or downtown; it's a route to move traffic to Maine or Rochester. He doesn't feel that speed is the primary concern; the original complaint came from a resident that lives about 500 feet from the intersection of Portland Street and was regarding noise. Mr. Smith stated that Salmon Falls Road is noisy; it's just part of living on the road if you wanted a quieter location you would have to move. Mr. Smith currently has 12 signatures on the petition. Mr. Hamel of 584 Salmon Falls Road was present to discuss the electronic sign that is in front of his property; he would like it removed. Previously there was a sign in place on wheels that was located near his lilac bushes; he wonders why the flashing electronic sign could not be placed in that area and not in front of his living room window.

### 3. Oak Street-Sign Near 119 Oak Street (kept in committee)

Councilor Lachapelle summarized the issue. Mr. Bezanson evaluated this area of Oak Street with the DPW Highway Supervisor and proposed that 100 feet of culvert pipe could be installed with DPW crews; they could purchase the pipe and other materials, use in house equipment and labor. Mr. Bezanson said there is plenty of grade for the water to flow in a pipe. Drainage currently flows along the side of the road from Barrington Lane to a brook just west of the 119 Oak Street driveway. DPW would need to replace the existing driveway culvert and repave the driveway apron area. Councilor Lachapelle asked if the shoulder would be extended. Mr. Bezanson said yes, the area of the proposed culvert pipe would be filled in and provide enough roadway shoulder for a vehicle to potentially recover if it went off the road. Councilor de Geofroy asked if the shoulder would be vehicle bearing. Mr. Bezanson said yes it would be compacted when installed. ***Councilor Malone MOVED to recommend to full Council to extend the driveway culvert and shoulder at 119 Oak Street at the discretion of DPW. Councilor de Geofroy seconded the motion. MOTION CARRIED by unanimous voice vote.***

### 4. Salmon Falls Road Noise Abatement Signs (Request came from Councilor Gilman)

Item # 5 was moved up on the agenda members of the public were present for this Item. Councilor Gilman said he had received some speed and noise complaints and a resident was requesting some signs. Councilor Lachapelle thinks “speed limit” signs are not working and putting more signs up is sign pollution. Councilor de Geofroy asked if 25 mph is an appropriate speed for this area and should it be best practice. Mr. Bezanson said it is an approach to a “stop” sign, eventually motorists would have to get to 0 mph. Councilor Lachapelle said he feels bad for the gentleman that has the electronic sign in front of his living room window and asked Mr. Bezanson if it was placed correctly. Mr. Bezanson said he would look into it and said he thought it was placed there because that was the location of the previous speed limit sign. Councilor Malone said everything we do seems to have a domino effect. She stated that the Salmon Falls Road residents’ opinions should matter and wanted to know if the sign could be moved so it was not an eyesore. Councilor Lachapelle said to Mr. Smith to keep getting other signatures. Councilor de Geofroy said it sounds like no real value is coming from the electronic sign; and, if we are discussing taking it out to move it, should we discuss simply removing it from this location altogether? Councilor Gilman stated that he felt that the electronic sign does work effectively for alerting motorists and slowing traffic. Councilor de Geofroy asked how difficult it would be to get data from before the electronic sign was placed and after it was placed. Councilor Lachapelle said they could see if the speed trailer could be put blackout in the area. Councilor Lachapelle said this issue would not be resolved tonight. ***(This was kept in committee for more research). Councilor Gilman MOVED to recommend to full Council to install 2 signs on Salmon Falls Road to ride quietly, 1 on each end. Councilor Malone seconded the motion. Voice vote was 2 to 2; will go to full Council for vote.***

### 5. Intersection of Summer and Columbus-Request to Change Pedestrian Walk



**Sign to Push Button (Request came in from City Mangers office)**

Councilor Lachapelle summarized the issue. Mr. Bezanson said that DPW's signal contractor was working at this intersection today and they retimed the pedestrian signal. Councilor de Geofroy stated the request for the pedestrian walk sign be changed to a push button. Mr. Bezanson said there is a capital project in design for this intersection and this will be addressed during the construction of this project.

**6. Flashing Lights and Raised Table Policy Discussion (This item was kept in committee)**

Councilor Berlin was not present to discuss this item.

**7. Other**

**Downtown Patrols**

Lt. Elizabeth Turner said they have started extra patrols in the downtown area to address different violations and address speeding issues. The POP unit alone logged a total of 8 hours of directed patrol for the downtown area in the last month, which does not include other patrols.

**COAST Bus Stop Relocation Near Cove Court**

Mr. Bezanson said he was contacted by COAST Bus company regarding relocation of the bus stop near Cove Court to a location to the west near the no parking zone just past a crosswalk. The Committee agreed that the COAST Bus stop could be moved and that they didn't believe they needed to vote on this.

**Stop Sign End of Hemlock/Lowell is Missing**

Councilor Lachapelle said that someone said that the "stop" sign at the end of Hemlock at Lowell was missing. Mr. Bezanson said he would check to see if there was a "stop" sign previously there. **(kept in committee)**

**Councilor Lachapelle ADJOURNED the meeting at 6:44 PM.**

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

# PETITION TO THE CITY OF ROCHESTER SAFETY COMMISSION FOR THE REMOVAL OF ELECTRONIC SPEED SIGN AND CHANGE TO SPEED LIMITS ON SALMON FALLS RD

This petition seeks to address several traffic signage and speed limit changes along Salmon Falls Rd from Portland Ave to the Somersworth town line. It is our opinion and observation that the recent changes to the speed limit and electronic signage poses safety issues as well as infringing upon the rights of the residents living within the parameters of the aforementioned roadway. The following specifically addresses those issues.

- 1) Remove the electronic sign that was placed in November directly in front of 584 Salmon Falls Rd. The sign directly infringes on the owners' property rights due to the obtrusive nature of the sign as well as the flashing nature of the sign. This is also highly visible to 588 Salmon Falls Rd  
The electronic sign also poses a safety hazard as vehicles brake heavily directly before the sign which have almost caused several near rear end accidents.
- 2) Reinstitute the 35 MPH speed limit as the 25 MPH limit is not applicable to the road type and is causing traffic tie ups and unsafe conditions. Salmon Falls Rd is not a neighborhood. There are no sidewalks, school zones, or business zones. The purpose is to carry traffic from Rochester to points east and west. Based on the nationally recognized 85th percentile rule for establishing speed limits, the speed should be between 35-45 MPH. Due to the reduced speed limit vehicles are now passing on the double solid.
- 3) Raise the posted speed limit to 40 MPH from the corner after Tara Estates up to the Somersworth city line. Again, this is in accordance with the safe limits of the road as well as within the standard of the 85th percentile rule.
- 4) Change the speed limit sign from the corner of Tara Estates heading west towards Portland Ave to 35 MPH to coincide with the 35 MPH limit traveling east on the exact same stretch of road. It is both confusing and unenforceable.

David L. Smith 588 Salmon Falls Rd  
 Nancy Wilcox/NANCY TILTON 82 Salmon Falls  
 Brock Allen/BROCK GLE 54 Jay Way  
 Jeff Adams 203 E. EXETER AVE  
 ROBERT ARTHUR 24 BETTS RD ROCHESTER NH  
 MICHAEL ARTHUR 58 Salmon Falls Rd  
 LARRY ARTHUR 203 CACE DR  
 Monique Wood Monique Wood 5 Watercress Dr, Rochester, NH 03868  
 Harry Stephen Wood Harry Wood 5 Watercress Dr, Rochester, NH 03868  
 Sandra Lee Turner ANITA TURNER 103 CACE DR  
 Audrey 588 Salmon Falls  
 Martin Hamel 584 Salmon Falls Rd  
 Claire Hamel Claire Hamel 584 Salmon Falls Rd

**Public Works and Buildings Committee**  
**City Hall Council Chambers**  
**Meeting Minutes**  
**February 16, 2023 7PM**

**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, Deputy Director DPW  
Dan Camara, Coordinator GIS & Asset Mgmt.

**MINUTES**

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

**1. Approval of January 19, 2023 Meeting Minutes**

*Councilor Beaudoin made a motion to accept the minutes of the January 19, 2023 meeting as presented. Councilor Larochelle seconded the motion. The motion passed unanimously.*

**2. Public Input**

No Public Input.

**3. Colonial Pines Phase 4 Sewer Routing Options**

Mr. Nourse displayed on the monitor the original phasing plan for the Colonial Pines Sewer Extension Project (attached). He stated that in October 2022 he had reviewed the project strategy for Phase 4 of this large project. He stated that Phase 4 includes homes on Hemlock Street, Meadow and Balsam Lane. He noted that the current scope of Phase 4 has highest cost of all phases. He stated it includes approximately 74 homes and has 9000 feet of sewer main with 10,000 feet of new drainage and road surface. Mr. Nourse stated that the current project estimate is \$9.1Million. He stated that this project scored high for a Clean Water State Revolving Fund (CWSRF) Loan, but there is only a 10% principal forgiveness with this CWSRF loan. Mr. Nourse stated that given that this area consists of newer homes, larger parcels where homes are further than the 100-foot mandatory tie-in, and the compression of the Sewer Capital Improvement Project Budget (CIP), he has looked at prioritizing and breaking the Phase 4 Project into two phases. One phase to be completed now, and one phase that could be completed at a later time based on the need for public sewer. Mr. Nourse stated that the engineers have drawn up two options for the next phase and the preferred phase would capture all the homes that have known problems with existing septic systems. Mr. Nourse stated that in August of 2022 he had sent out survey letters to all homes within the Phase 4 area. He displayed a

map of the area on the monitors that showed the responses to the survey. This map is attached to minutes. He noted that 60% of the homes in the area had responded to the survey and 55% of those responses (shown in green) stated that they would like to tie-in to City Sewer. The properties in red responded but said they are not interested in tie into sewer at this time. The parcels in light gray did not respond. Mr. Nourse then displayed a map on the monitors that showed the two possible options of the reduced scope. This map is attached to minutes. Mr. Nourse stated that Option 1 is shown in orange and reduces the next phase of cost estimate to \$4.4Million. He stated that this option would capture all systems that are currently known to be in distress. He stated that Option 2 is shown in blue and reduces cost estimate to \$4.3Million. Mr. Nourse stated that his recommendation is for Option 1 as it would reduce the scope of Phase 4 and it picks up all the homes with noted septic system distress and all homes that stated a preference to tie in except for 29 Hemlock. He stated that he had spoken with the property owner of 29 Hemlock Street, and they report that they are interested in tie-in, but their current septic is not in distress. Mr. Nourse stated that Option 2 could be completed later, possibly several years later as the Sewer Fund CIP is heavy with other priority projects. Mr. Nourse stated that the FY2024 CIP request will fund the Option 1 at \$4.4Million and the funds for Option 2 are programmed for FY2025 and could be pushed if necessary, with consideration of other projects. Councilor Gray ask about the sections that have both orange and blue lines. Mr. Nourse stated that just means both options would cover that area, but if option one completes that work, it will not be necessary in the next option. Councilor Beaudoin expressed his support for reducing the scope and going with Option 1 and suggested we may see additional Federal or State funding coming in during the interim. Mr. Nourse stated it is important to note that this neighborhood is expecting the Sewer Extension and that Councilors may receive inquiries from residents in the area regarding it if it is pushed off. Councilor Hamann stated his approval of Option 1 for Phase 4. Councilor Gray suggested using the terms Phase 4 and Phase 5 going forward vs. Options 1 & 2. Mr. Nourse stated that the Committee had previously asked him process of decommissioning current septic tanks. He informed the Committee that per State of NH requirements the contents are pumped out, filled with stone, and crushed in place and then loamed over.

#### **4. Cocheco Well – Water Treatment Plant Upgrades**

Mr. Nourse gave the Committee some background information on the current Cocheco Well. He stated that the City of Rochester started investigating groundwater supply back in the late 1990's. He said aquifer studies were conducted and test wells were drilled to determine yield productions. He stated that in 2000 there were thirteen sand and gravel packed areas identified as favorable for groundwater extraction sites with 4 being ranked the highest. Eventually the best zone was determined to be the site of the Cocheco Well which is located off RT11 just north of Two Rod Road. The facility was built in 2010 with American Recovery and Reinvestment Act Funds (ARRA). Mr. Nourse stated that the well is permitted for up to one-million gallons per day and typically provides approximately 15% of the City's demand when in operation. He called the well both supplemental and redundant, stating it is supplemental when it is on because it reduces the workload and the stress of the Strafford Road Surface Water Plant. He stated that it is redundant because it has its own watershed and power grid. He stated that there have

been times when the well has provided up to 25% of our need. Mr. Nourse stated that the well has limitations to use based on the flow rates of the Cocheco River. He stated that there is an average of forty-five days in the summer that we cannot operate the well due to these limits. He stated that the original design was completed with provisions for a future connection that would provide treatment of Iron and Manganese. Mr. Nourse explained the advantages of blending the surface water and well water within our system. He stated that the Total Organic Carbon (TOC) that comes out of the well is approximately 1/16<sup>th</sup> of what comes from the surface water reservoir. He says this is important to reducing disinfection byproducts. Mr. Nourse explained that disinfection byproducts are halogenated compounds that are regulated by the Environmental Protection Agency (EPA) and we are required to test and report for this. Mr. Nourse stated that in addition to the lower TOC levels the lower water temps from the well vs. surface water retard the kinetics for disinfection by-product formation which plays into better water quality. He stated that this assists us to stay in compliance with the maximum contaminant levels (MCL) set by the EPA. Mr. Nourse stated that there is also a downside to groundwater wells. He stated that they can have Manganese and Iron that can have detrimental effects that have been historically viewed as nuisances such as staining of fixtures and clothing, taste, and odor, and they can also accelerate the formation of biofilm in the City's water system. Mr. Nourse stated that the EPA and State have regulated these metals as Secondary Contaminants because they are not health hazards. Since the Cocheco Well went online in 2011 it has shown a steady increase in Iron and Manganese. He displayed charts displaying the increases over time for both Iron and Manganese. He stated that while both show an increase, these charts show that Manganese is the prominent issue. Mr. Nourse explained that in 2004 the EPA issued a Drinking Water Health Advisory for Manganese. He stated that an advisory is not enforceable for action but is meant to be used as a guideline for addressing Manganese contamination. The advisory explains that manganese is ubiquitous in air, soil, and water and is an essential nutrient for humans and animals. The advisory states that chronic high doses or exposure may be harmful and that the nervous system is primary target. Mr. Nourse stated that there is substantial data supporting neurological disorders from inhaled exposure in trade environments, but there is little data regarding oral exposure. He stated that there is little data supporting links to cancer. He stated that the groups thought to be most sensitive to exposure are the very young and the elderly due to the speed in which the body can metabolize the manganese. The Advisory recommends reducing the level of manganese to 0.05 milligrams per liter (MG/L), which happens to be Secondary Contaminant level that the EPA has promulgated. Mr. Nourse stated that the lifetime health advisory is set at 0.3 MG/L for infants younger than six months. Attached to minutes is the EPA Fact sheet on Iron and / or Manganese in Drinking Water. In December of 2020 based on the EPA Advisory New Hampshire's Ambient Groundwater Quality Standards for Manganese in drinking water was dropped from 0.84 MG/L to 0.30 MG/L. This standard was to be enforceable for Public Water Systems and further a public notification would be required to be issued if concentrations in produced water reached 0.1 MG/L. Mr. Nourse stated that although our Cocheco Well finish water is below the limit of 0.30 MG/L, it is routinely above the public notification level of 0.1 MGL. Mr. Nourse stated that even though our well comes out into the system via Rt. 11 and blends with the surface water, we would still be subject to the notification process

regulation. He stated given this information he asked our Drinking Water Engineering Consultant to design an upgrade to the Cocheco Well Water Plant to treat for the Manganese and Iron. He stated the goal was set to treat the Manganese level to 0.03MG/L which is 1/10<sup>th</sup> of the primary level of 0.3 MG/L. He stated that we do have options that would accomplish this goal and the design includes treatment for Iron reduction to reach 0.2 MG/L He stated that this is lower than the current Secondary Contaminate level of 0.3 MG/L. Mr. Nourse stated that this would be a significant upgrade to the Cocheco Well Plant with an original estimate of \$5.6Million which has been funded and authorized by the City Council. He stated that there are American Rescue Plan Act (ARPA) Funds, Drinking Water and Ground Water Trust fund Grant and Loans committed to this project. Mr. Nourse stated that this estimate for the project was very rough and is now outdated given the inflation rates. He stated that the estimate for this project is now \$12Million. Mr. Nourse stated that NHDES contacted Rochester and other Public Water Systems last month to advise that the implementation of an enforceable standard for Manganese has been suspended indefinitely due to policy and legal issues. He stated the requirement to reduce to the 0.3 MG/L and to issue notifications at 0.1 MG/L are not required at this time. Mr. Nourse stated that although this is not required at this time NHDES is encouraging the reductions and have said that they may adopt the reduced levels at a later date and could take enforcement actions by issuing Administrative Orders. He stated that the Regulators may also prioritize public funding for the treatment of Manganese in Public Water Systems. He stated that currently the Secondary Contaminant level for Manganese remains at 0.05 MG/L. Mr. Nourse stated that as a Public Water System we are still interested in reducing Manganese due to the nuisance and biofilm issues and in preparation of future regulation. Mr. Nourse explained with the current funding we are going to pilot a green sand program that will likely assist us with reduction as planned and we are going to explore possible additional external funding sources for this project. Councilor Laroche asked if the City receives complaints about the water quality nuisance issues. Mr. Nourse stated we do receive complaints about the color and staining. He noted some issues at East Rochester homes. The Committee was in support of the Pilot Program and was pleased that staff will look for additional grant funding.

##### **5. Gonic Dams Removal Project Update**

Mr. Nourse stated he last discussed this project with the Committee in October of 2014. He stated that this is a long-standing project that has had fits and starts and a recent funding opportunity has sparked it for progress again. He explained that this is a State of NH initiated project to remove both the Gonic Mill Dam and the Gonic Sawmill Dam. He stated that this has been in the works for over twenty years. The State's cited reasons for removal are in regards to public safety and for the ecological health of the Cocheco River. Mr. Nourse displayed graphic showing the location of the Gonic Dams. He stated the removal of the dams will improve resilience to extreme weather events and flooding by reducing water stage and flood inundation areas and removal would also reconnect 13 miles of river and improve water quality in the Gulf of Maine. Attached to these minutes is a pictorial presentation Mr. Nourse put together to show the Dam locations and previous work in the area. Mr. Nourse stated that a failure of the dams could result in damage to the City's sewer main that runs through this area. He also discussed the source and previous efforts to mitigate the sediment contamination of soils in these areas. Mr.

Nourse stated that the State of NH and the owner of the Gonic Dam (Gosport Co.) have reached a legal settlement that mandates the removal of both Dams prior to 2025 by owner, Gosport. An ARPA Grant for Critical Flood Infrastructure in the amount of \$150,000 was awarded to the City of Rochester. Although the City is not the owner of the Dams, only Public Entities can apply for ARPA Grants. Mr. Nourse stated that the City has become the Grantee and has a subrecipient agreement with Gosport to execute the work. The Scope of the work to be covered by the Grant includes Final Design for Dam removal, a Sediment Management Plan and Report, Sewer System Protection, Permitting and Bid Documents. Mr. Nourse stated that he believes there is no liability for the City on this project. Gosport is responsible to make this happen. Councilor Larochelle asked if a decision was made regarding the responsibility of the contaminated sediments that are on “Lot 3” of the plan. Mr. Nourse stated that this is still not resolved as the ownership of Lot 3 has not been determined. Mr. Nourse stated that it does look good for future funding opportunities for the dam removal and contaminate mitigation. Mr. Nourse stated that there is a Kick Off meeting for the project at Gosport Office. Councilor Gray asked for the meeting details as he may be able to attend. Mr. Nourse stated he would forward details to Councilor Gray and other Gonic Representatives. .

**6. Winter Operations Policy Update**

Mr. Nourse stated that at the last meeting he had presented an updated Winter Operations Policy and that Ms. Clark had emailed the Committee the existing policy and the red lined version. He asked if the Committee had a chance to look at it and asked if there were any questions or comments. Councilor Gay stated that it was much shorter in length. There were no questions or concerns.

**7. Other:**

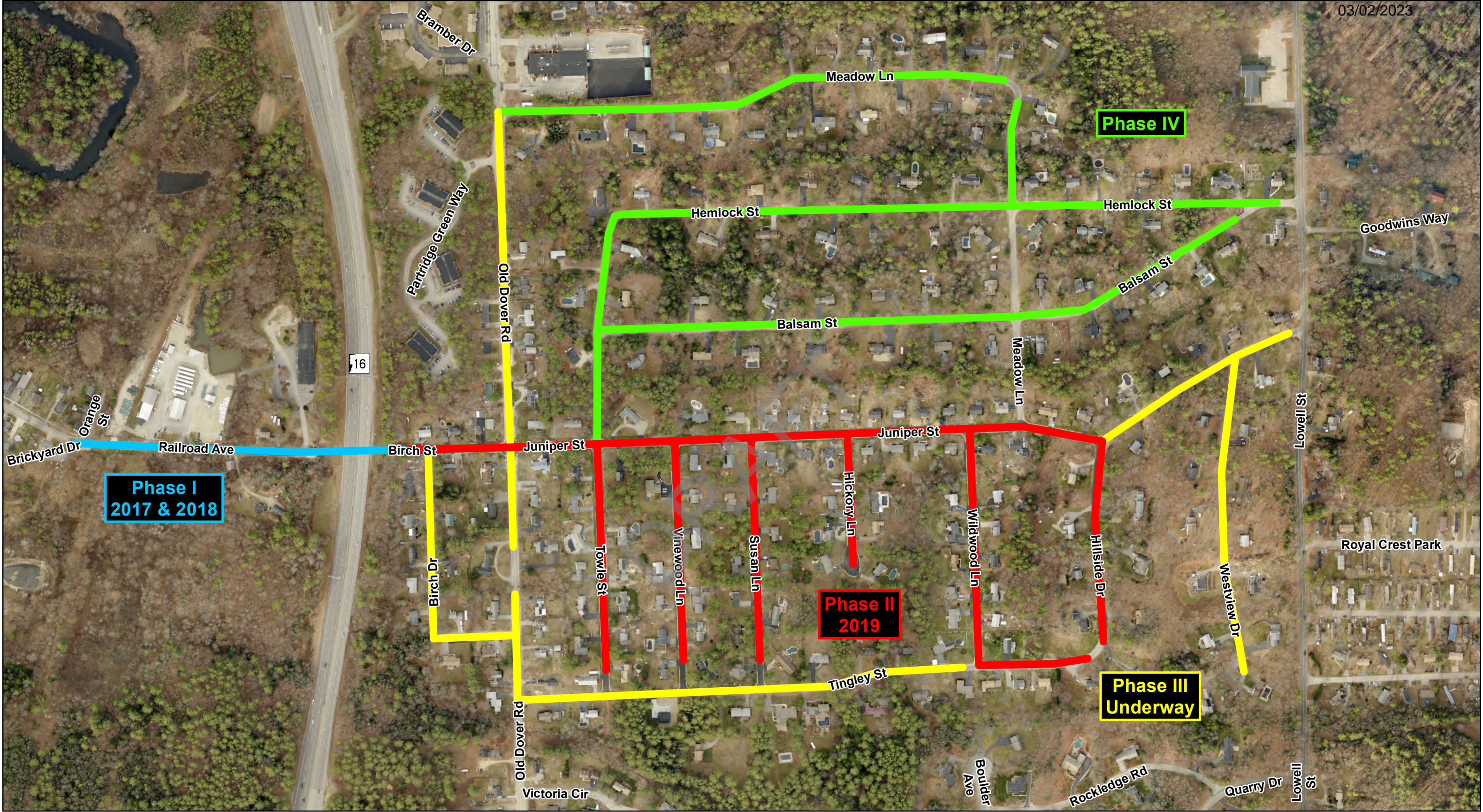
**Portland Street Road Closure** – Councilor Gray asked if there was any additional information on this. He stated he saw a posting for road closure. It was determined that the Road Closure was for Railroad repairs on 2/20/2023 through 2/21/2023.

**Gonic Sewer Issue** – Mr. Nourse stated that investigations into the “mystery slime” located in the Gonic Sewer Mains continues. He stated he is hopeful to provide a full report next meeting. Councilor Beaudoin asked if this has caused issues at the Wastewater Treatment Facility (WWTF). Mr. Nourse stated that it has not caused problems at the WWTF, but the Sewer Pump Station has had several clogs requiring staff to go in and clean out.

***Councilor Hamann adjourned the meeting at 7:42 PM.***

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



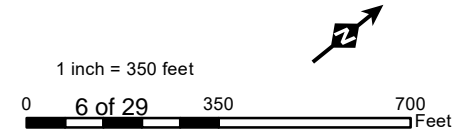


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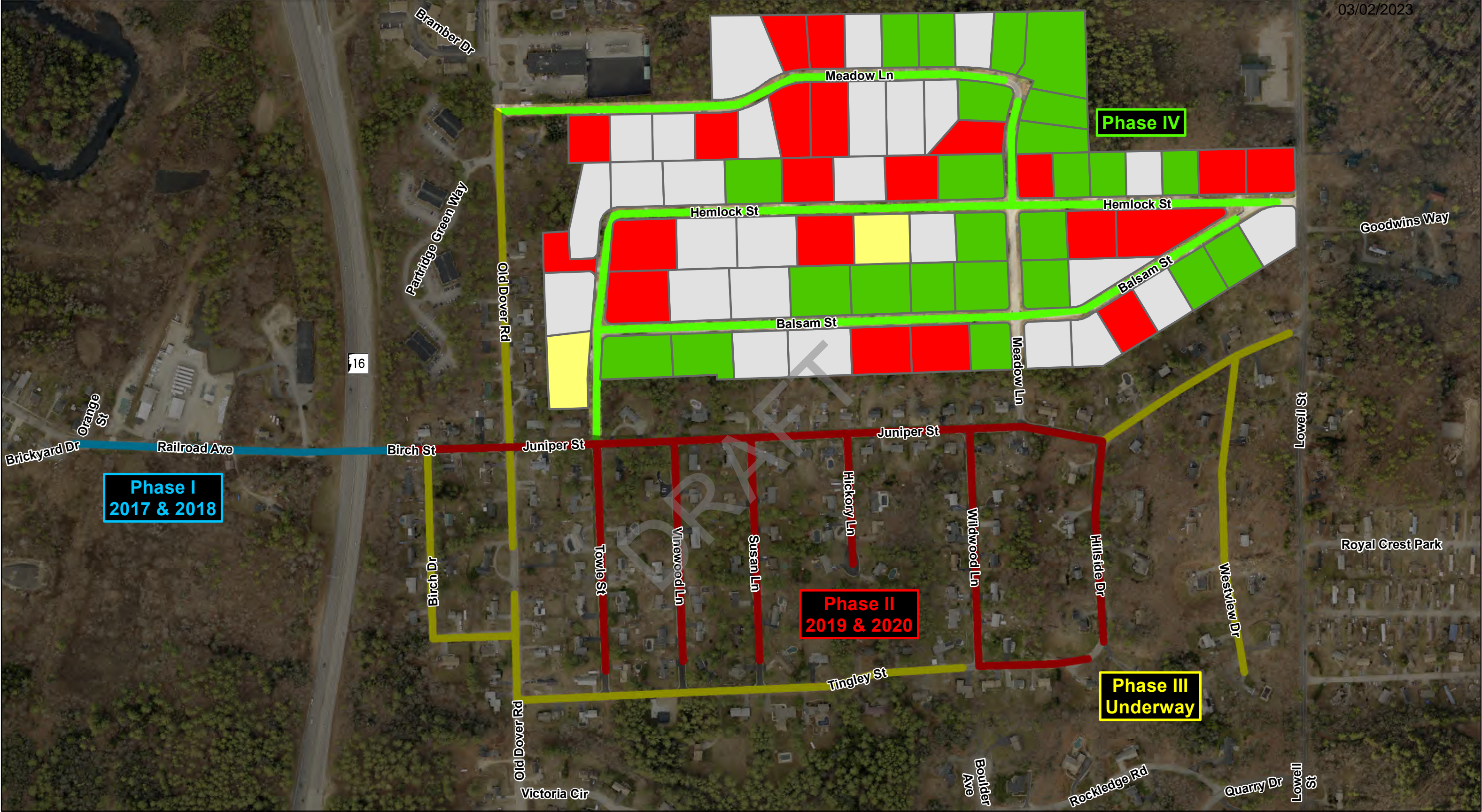
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- Phase IV











This map is intended for planning purposes only.  
All features shown should be considered approximate.  
Date: 10/4/2022  
Author: DC - Rochester, NH  
Source: NHGRANIT, ArcGIS Online, City of Rochester

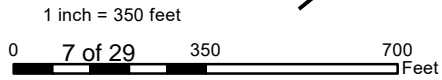






Legend

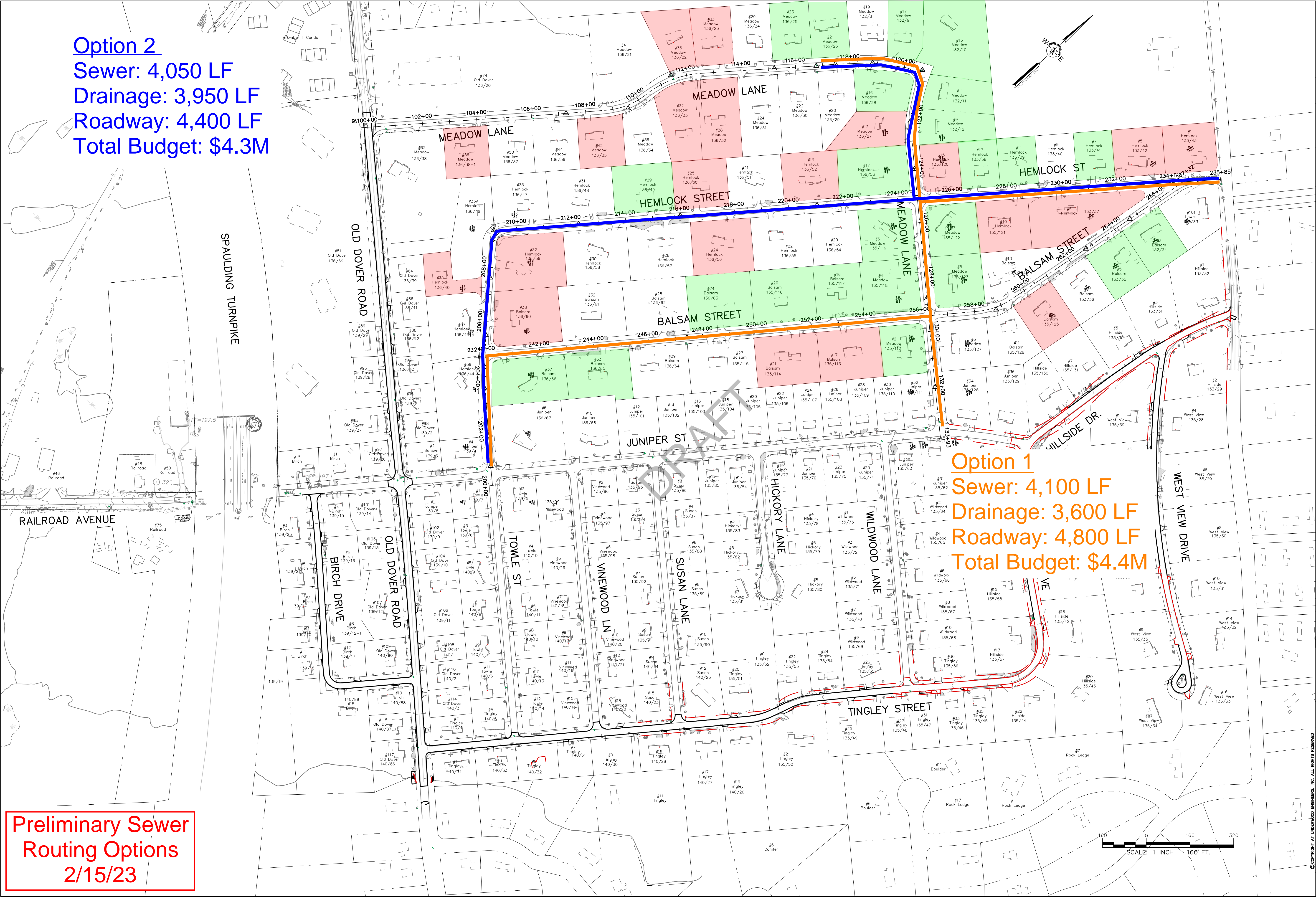
- |  |  |   |           |
|--|--|---|-----------|
|  | "Yes" Response to Survey (24)                    |  | Phase I   |
|  | "No" Response to Survey (21)                     |  | Phase II  |
|  | No Preference Provided in Response to Survey (2) |  | Phase III |
|  | No Response Received (29)                        |  | Phase IV  |



This map is intended for planning purposes only.  
All features shown should be considered approximate.  
Date: 11/15/2022  
Author: DC - Rochester, NH  
Source: NHGRANIT, ArcGIS Online, City of Rochester

Phase IV Survey Response  
Colonial Pines  
  
Rochester, NH





Option 2  
Sewer: 4,050 LF  
Drainage: 3,950 LF  
Roadway: 4,400 LF  
Total Budget: \$4.3M

Option 1  
Sewer: 4,100 LF  
Drainage: 3,600 LF  
Roadway: 4,800 LF  
Total Budget: \$4.4M

Preliminary Sewer  
Routing Options  
2/15/23

<p>Drawn/Chk Designed Approved Date Book No. Project No. Dwg. ID</p>	<p>RMS DUR 1/4/2022 2022 2272_Jase_PHS</p>	<p>ISSUE FOR APPROVAL By CONSTRUCTION By RECORD DRAWING By</p>	<p>APPROVAL By CONSTRUCTION By RECORD DRAWING By</p>	<p>REVISIONS NO.</p>	<p>APPROVAL By</p>
<p>PRELIMINARY JANUARY, 2023 NOT FOR CONSTRUCTION</p>					
<p><b>UNDERWOOD</b> engineers</p> <p>25 Vaughan Mall, Portsmouth, N.H. 03801 Tel. 603-436-6192 Fax. 603-431-4733</p>					
<p>BASELINE LAYOUT</p>					
<p>COLONIAL PINES SEWER EXTENSION – PHASE 4</p>					
<p>CITY OF ROCHESTER ROCHESTER, NH</p>					
<p>DWG NO G7</p>	<p>SHEET 8 OF 40</p>				



# ENVIRONMENTAL Fact Sheet



29 Hazen Drive, Concord, New Hampshire 03301 • (603) 271-3503 • [www.des.nh.gov](http://www.des.nh.gov)

WD-DWGB-3-8

2019

## Iron and/or Manganese in Drinking Water

### INTRODUCTION AND OCCURRENCE

Iron and manganese occur naturally in the earth's crust and are released into water by weathering processes. Both elements are very common in both shallow and deep wells in New Hampshire. Concentrations in groundwater vary widely depending on the local geology and groundwater chemistry, from barely detectable levels of 0.05 mg/L or less, to more than 1.0 mg/L manganese or greater than 10 mg/L iron. Depending on localized pH and oxygen levels in the aquifer, these constituents may be found in their reduced, soluble forms ( $\text{Mn}^{2+}$ ,  $\text{Fe}^{2+}$ ), or as oxidized, colloidal, particulate forms. Laboratory analyses of total versus filtered metals may be used to establish their relative presence as dissolved or particulate in order to evaluate treatment options.

### HEALTH EFFECTS

Iron and manganese are generally considered secondary or aesthetic contaminants due to their staining of plumbing fixtures and laundry. This still holds true for iron, however, the US EPA issued a [manganese Health Advisory Level](#) of 0.3 mg/L in 2004 indicating that infant exposure should be avoided because of their inability to purge excess manganese. Based on these studies, NHDES recommends that water used to reconstitute/dilute infant formula should have no detectable manganese. Private well users should have their water tested, and customers of community water systems should contact their water supplier or NHDES to become informed about their own drinking water quality. If manganese is present in the water supply, parents of infants should consider treatment (see below), or the use of bottled water that shows no detectable manganese. For information about the health effects of manganese, particularly the potential neurotoxic effects on children, please see NHDES Fact Sheet ARD-EHP-15, "Manganese: Health Information Summary."

### HEALTH STANDARDS OR ADVISORIES

In addition to EPA's Manganese Health Advisory of **0.3 mg/L for infants**, New Hampshire's ambient groundwater quality standard (AGQS) for manganese is **0.840 mg/L**. The AGQS is a health based standard and is enforceable for public water systems and groundwater discharges. There are no health-based standards for iron in drinking water in New Hampshire. The federal and state **secondary** or **aesthetic standards**, established under the Safe Drinking Water Act of 1974, are **iron at 0.30 mg/L and manganese at 0.05 mg/L**. Secondary standards are reference levels where the contaminant may contribute to taste or staining of plumbing fixtures or laundry.

### TESTING

Obtain water sample bottles by contacting an accredited laboratory from the list provided at [des.nh.gov](http://des.nh.gov), or a web search for "NHDES Private Wells." NHDES recommends testing for the Standard Analysis suite of parameters which includes iron, manganese, bacteria, arsenic, lead, uranium and other important water quality parameters. NHDES recommends testing for the standard analysis suite **every 3 to 5 years**.

## MITIGATION AND TREATMENT

Treatment for iron and/or manganese depends on raw water levels and whether the minerals are dissolved, particulate, or both. Co-occurrence with other contaminants such as hardness, sulfide or arsenic also affects the selection of treatment. Whole-house treatment is recommended in order to control staining of fixtures and laundry. Installation cost for a typical residential whole-house system is \$1,500 to \$3,000 for a single filtration step, regardless of technology. Common options are:

- a) **Oxidation-Filtration** – filter tradenames for this technology include Birm®, Greensand®, Clack MTM® and Filox®. This is the preferred option for residential and public water supplies regardless of contaminant levels, due to its selectivity to iron and manganese, and avoidance of brine discharge to the environment.

When **manganese** is present, a strong pre-oxidant such as potassium permanganate (KMnO<sub>4</sub>) or chlorine pellets are required for filtration to be effective. Residential systems can be equipped with a permanganate or chlorine pellet feed tank for either intermittent (batch) or continuous pre-oxidation.

For **iron only**, AIR pre-oxidation is adequate. In some cases, fine colloidal iron may pass through the filter. If so, a deeper filter bed, or multi-layer bed including a fine garnet layer may be used to improve iron capture.

- b) **Softening** – cation exchange “softening” may be used when there is iron or manganese co-occurrence with high hardness over 150 mg/L. This process exchanges all cations (calcium, magnesium, iron, manganese) with the ‘softer’ minerals sodium or potassium. The softener is regenerated with standard salt (sodium chloride), with the brine waste discharged to your septic system or a drywell. Advantages of softening systems are their simplicity and low maintenance cost. However, they are highly inefficient for iron/manganese because they must remove all the “good minerals” calcium and magnesium first, which are present at two to three orders of magnitude higher concentration. Other disadvantages are the high volume of brine discharges which contaminate the groundwater including your own well and those of your neighbors, and the increased sodium levels which may be a concern for those on a sodium-restricted diet.

**Reducing Salt Use** – if a softener must be used, reducing salt discharge to the environment is extremely important to protect groundwater and nearby streams. Recommendations to reduce salt discharges are:

- Avoid water softeners unless water hardness is over 150 mg/L AND causing aesthetic issues.
- Use non-salt treatment technologies such as Birm or Greensand filtration for Iron or Manganese.
- Use a “demand-based” unit which backwashes based on actual water use rather than on a fixed timer.
- Reduce the brine loading to 6-8 pounds salt/CF instead of the factory setting of 10-12 pounds/CF.

## FOR MORE INFORMATION

Contact the Drinking Water and Groundwater Bureau at (603) 271-2513 or [dwginfo@des.nh.gov](mailto:dwginfo@des.nh.gov), or visit us at [www.des.nh.gov](http://www.des.nh.gov). You may also input your water test results to the “**NHDES Be Well Informed**” water treatment application (available via a web search) to interpret your results and identify appropriate treatment options.

**Note:** This fact sheet is accurate as June 2019. Statutory or regulatory changes or the availability of additional information after this date may render this information inaccurate or incomplete.



# Gonic Dam & Gonic Sawmill Dam Removal Project





# Gonic Dam

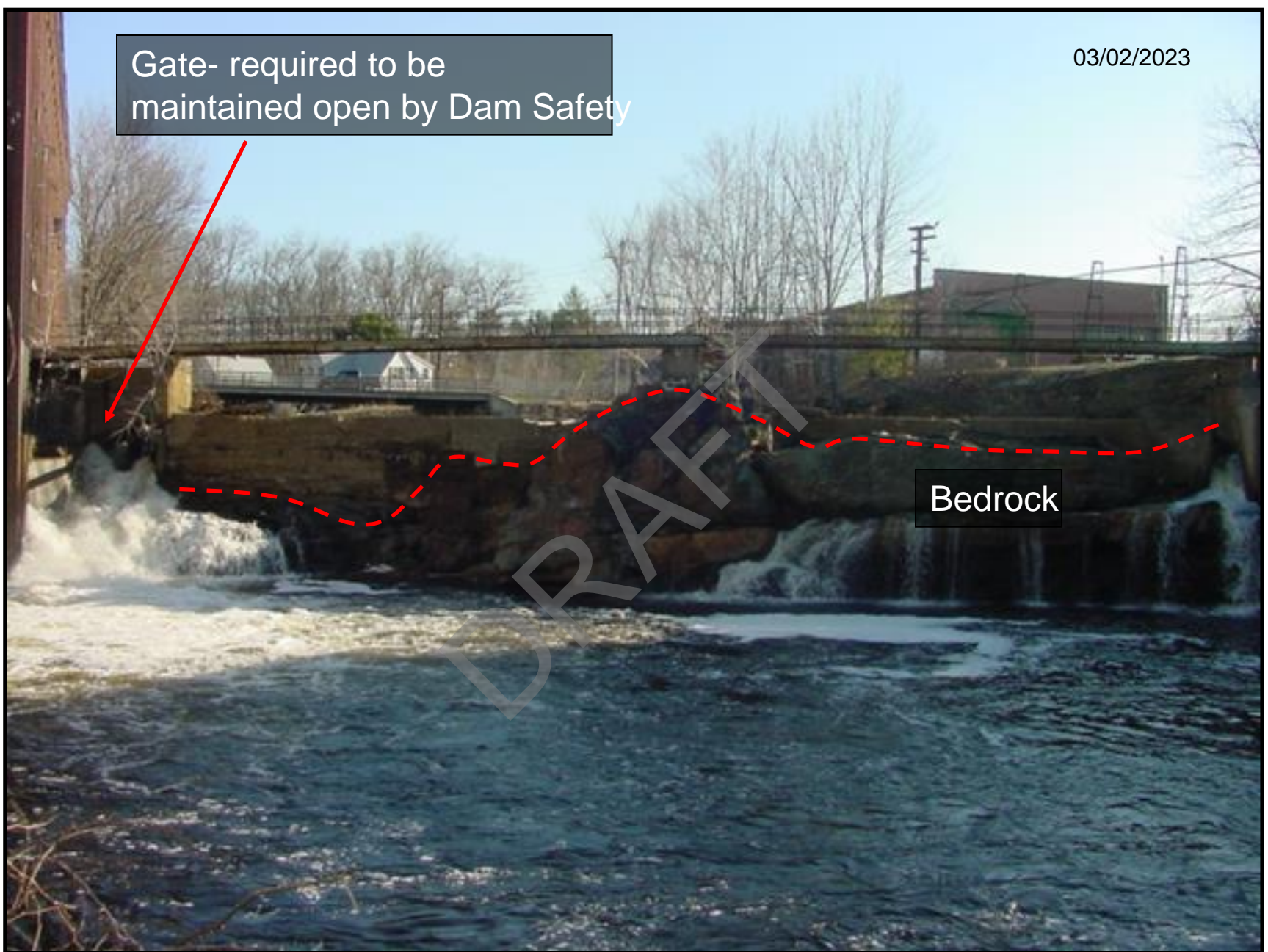
GONIC MILL

NEFCO



03/02/2023

Gate- required to be  
maintained open by Dam Safety



Bedrock

**Gonick Dam- Looking upstream at dam**



# Gonic Sawmill Dam

03/02/2023





# Gonic Sawmill Dam



03/02/2023



16 of 29



03/02/2023





03/02/2023



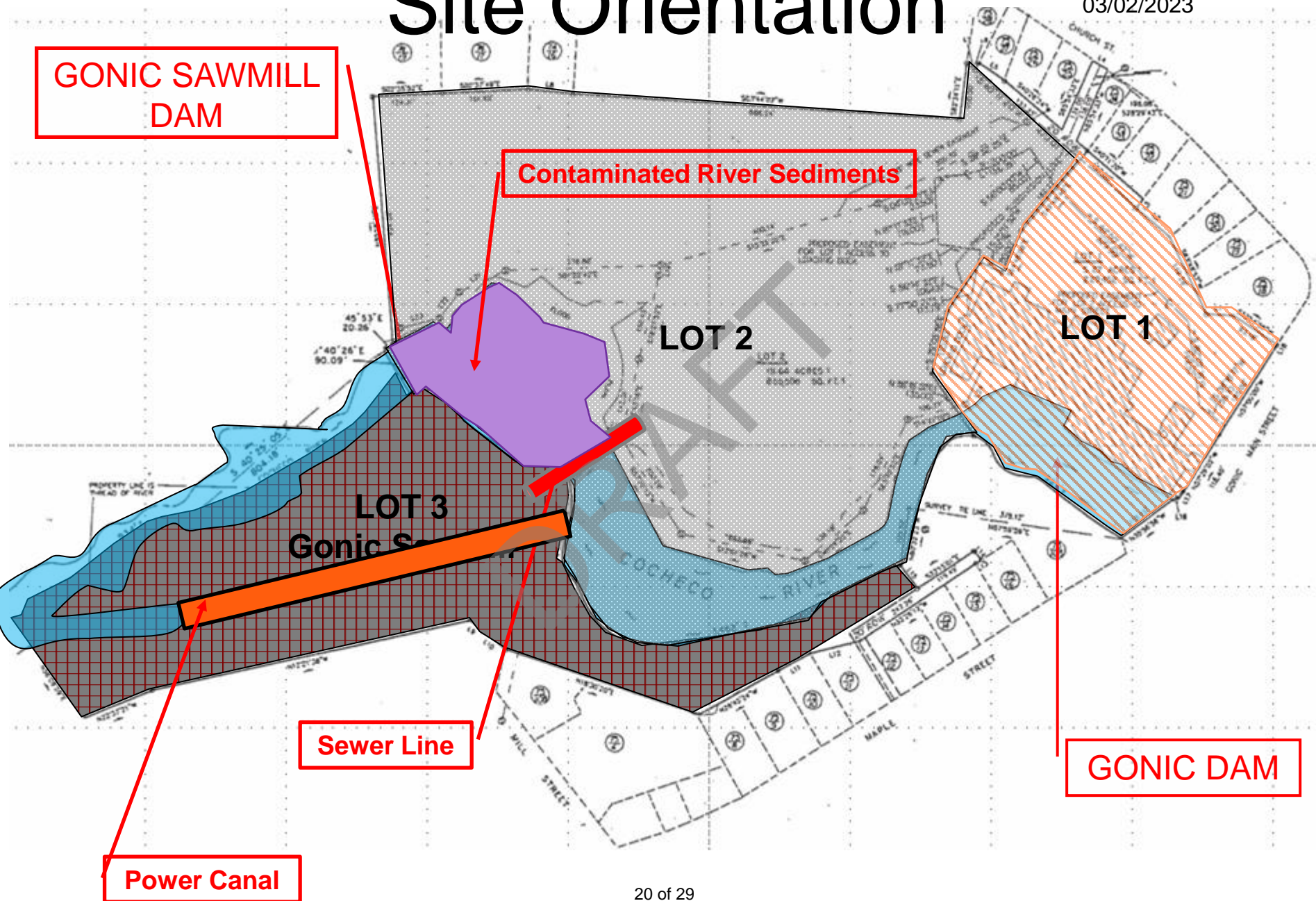






# Site Orientation

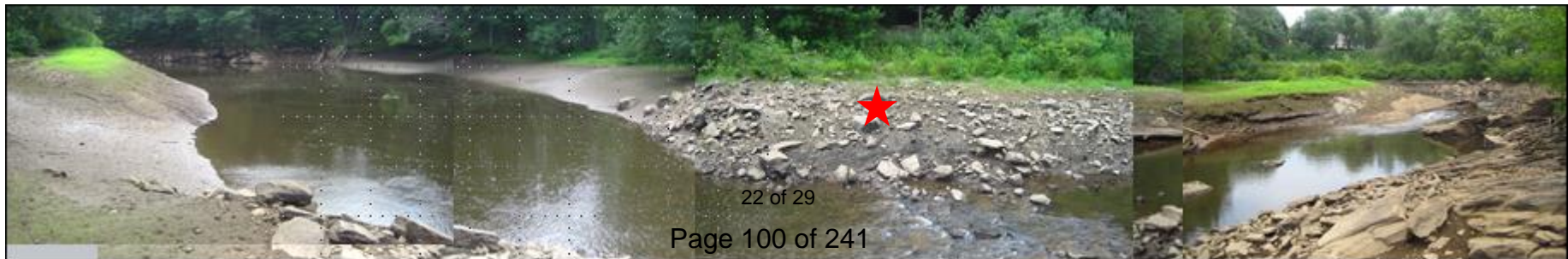
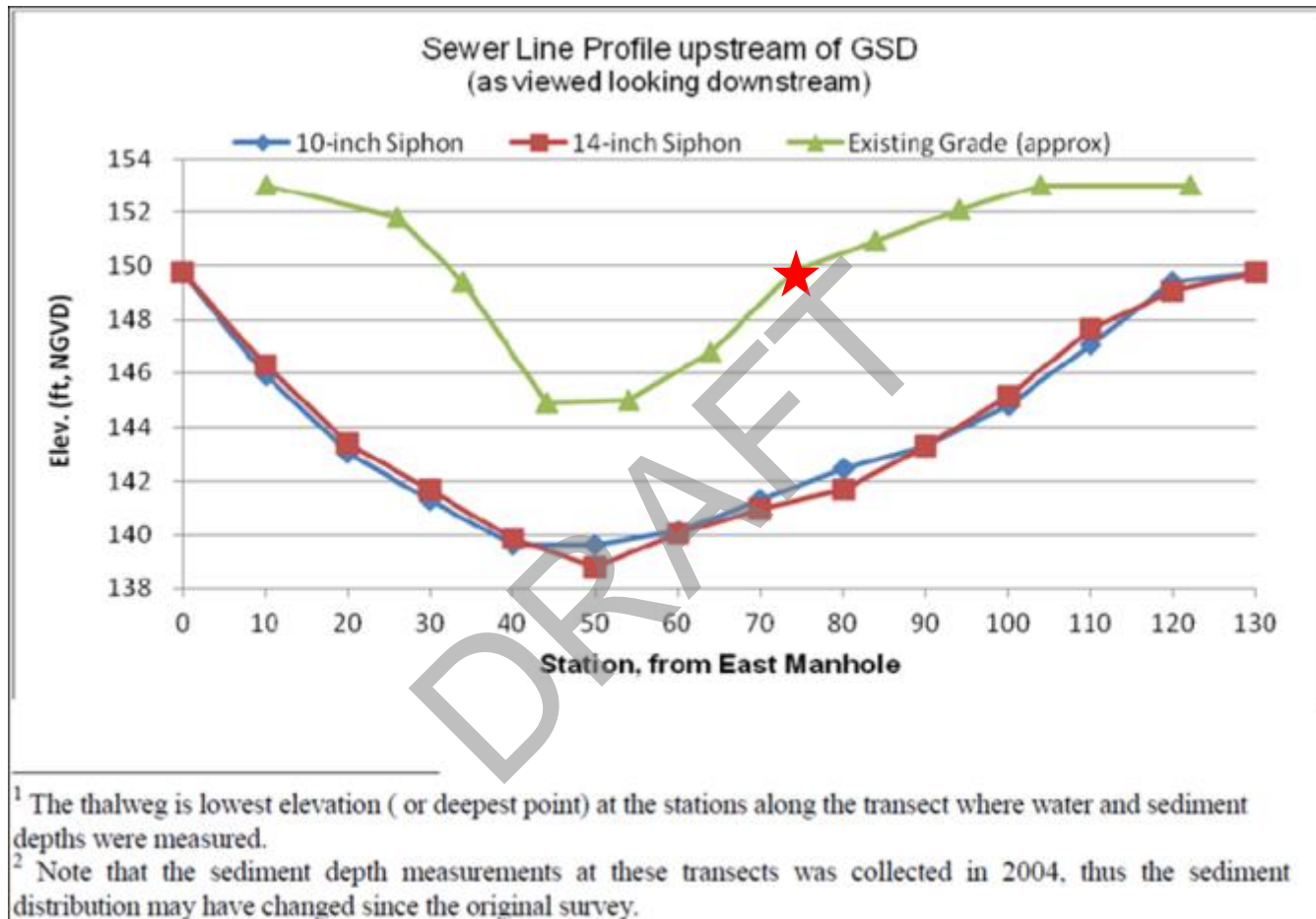
03/02/2023



Hypothetical failure of the Gonic Sawmill Dam may imperil a sewer line that crosses the Gonic Sawmill Impoundment.

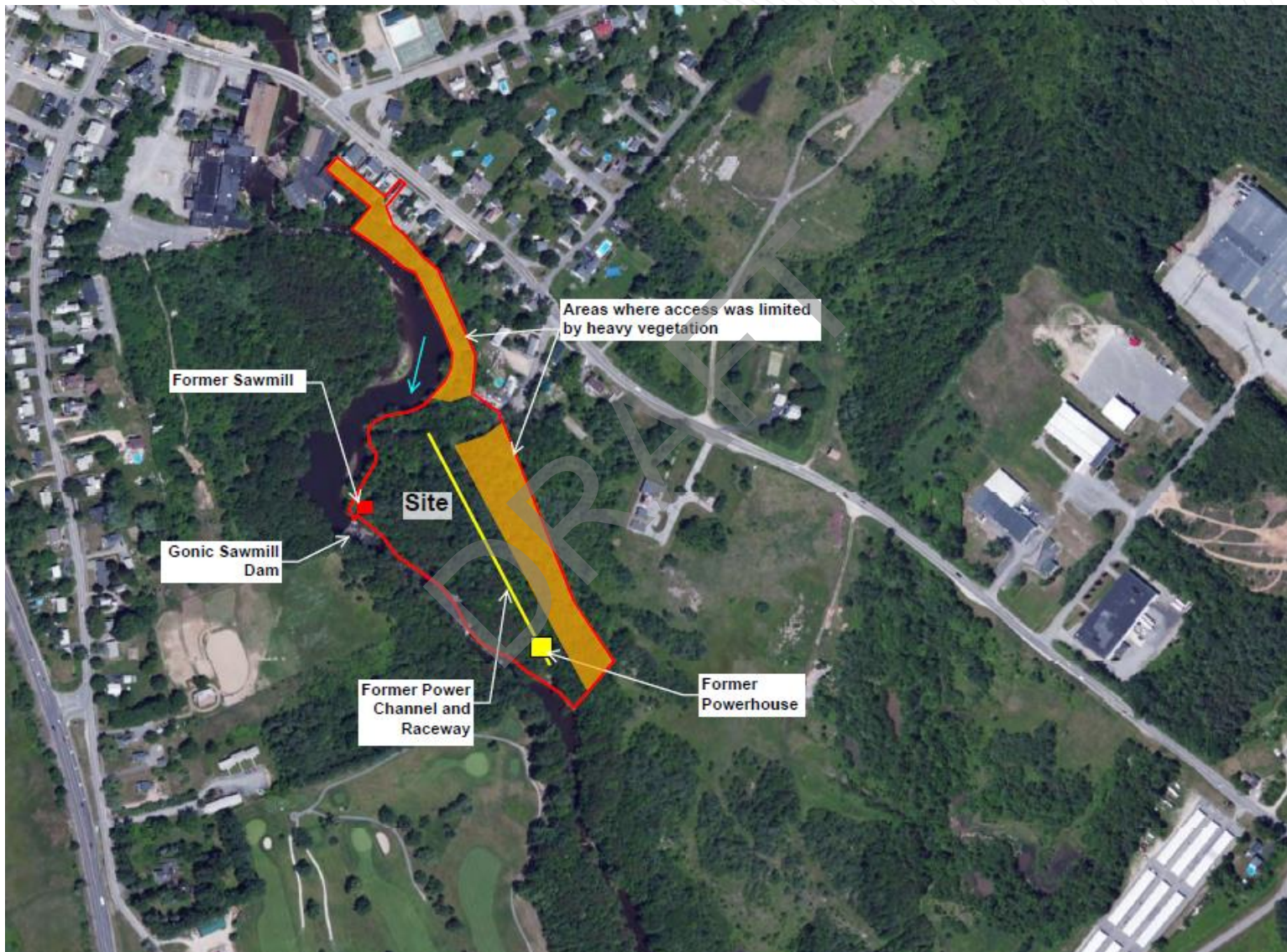


# SEWER LINE SCOUR ANALYSIS





# Phase I ESA



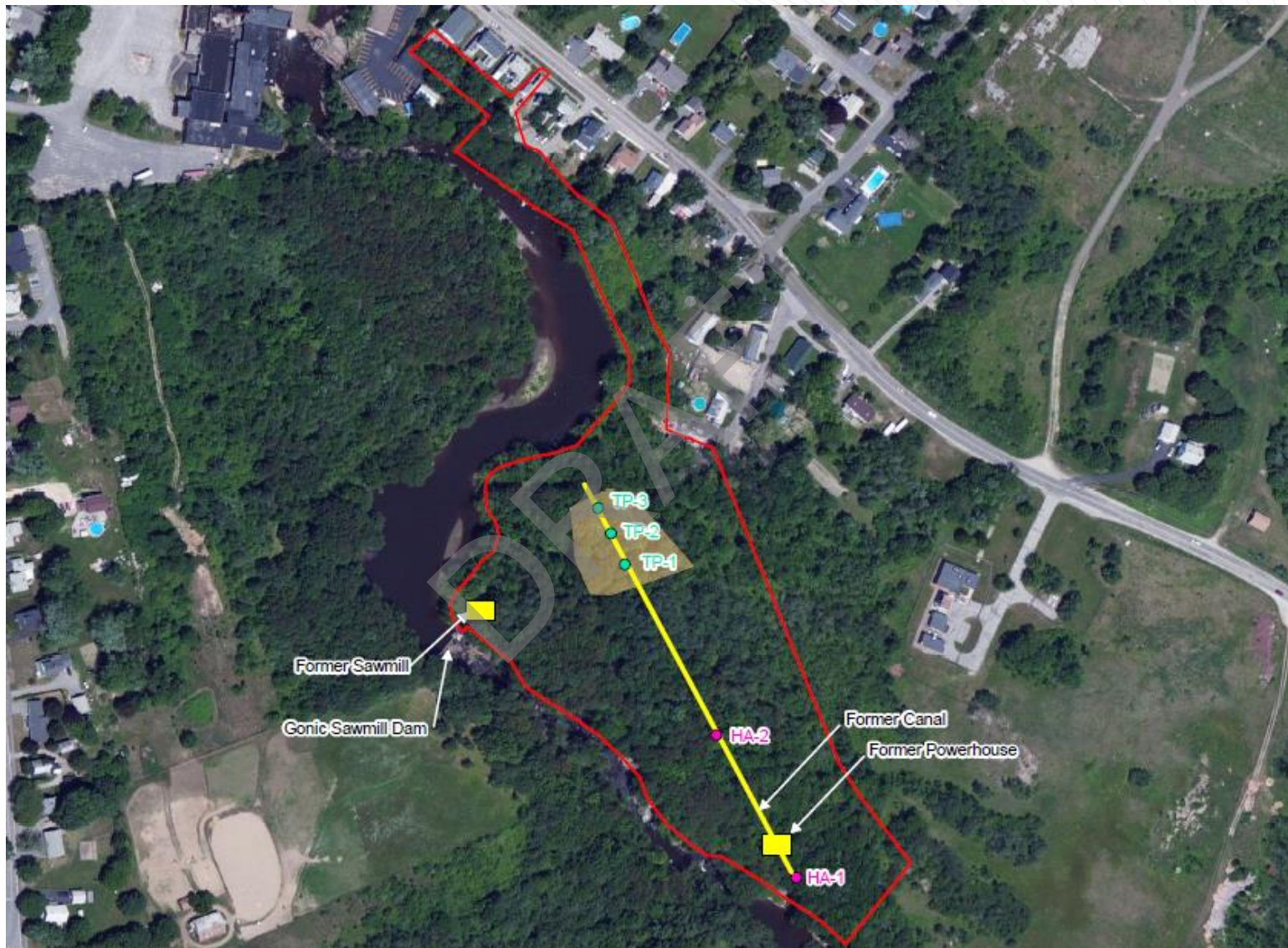


# At 1pm..... Site walk





# Phase II ESA





# Phase II Findings – Filled Portion of Canal

03/02/2023









# Phase II Findings – Remaining Portion of Canal

03/02/2023







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City Clerk's Office

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**Amendment to Chapter 275 of the General Ordinances of the City of Rochester**  
**Regarding Conditional Uses in the Granite Ridge District**

THE CITY OF ROCHESTER ORDAINS:

That Chapter 275 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows (additions in red):

§275-21.4 Conditions for particular uses.

\*

\*

\*

**R. Granite Ridge District Residential Housing-§275.8**

The Commercial footprint of fifty-five percent (55%), and Residential footprint of forty-five percent (45%) may be adjusted to increase the residential footprint percentage. The applicant shall demonstrate that a residential need exists which current market conditions are not adequately serving, or that commercial market conditions have changed which makes the 55% commercial footprint requirement economically unfeasible.

The completion and occupancy allocations of fifty percent (50%) of the residential development that may be occupied prior to the completion of between twenty-five to fifty percent (25%-50%) of the non-residential structures may be adjusted to increase the residential percentage. The applicant shall demonstrate that either residential or commercial market conditions are impacting the ability to comply with the allocation.

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

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City Clerk's Office

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03/02/2023

## City of Rochester Formal Council Meeting

### AGENDA BILL

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

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

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

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

#### COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

#### DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

#### FINANCE & BUDGET INFORMATION

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

#### LEGAL AUTHORITY

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**SUMMARY STATEMENT**

**RECOMMENDED ACTION**

# REDLINE VERSION



City of Rochester, NH

Code of Ethics and Conduct  
For  
Elected and Appointed Officials

Adopted \_\_\_\_ 2023

## 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~~ particular 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.
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.

~~8.—**Conflict of Interest.** See Rochester City Charter, Section 72 **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.~~

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~~— 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.~~

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~~— 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:~~

~~— Listing an individual's primary source of annual income.~~

~~— 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.~~

~~— Listing capital assets in an amount greater than Ten Thousand Dollars (\$10,000.00) related to matters before the Council in which the member has a special interest. "Special Interest" means an item over which the Council has jurisdiction so that a change in law, a contracting decision, the granting of a license or permit, or other decision of the Council would have a greater potential impact on the Member than on the general public.~~

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

~~8. 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. **Gifts and Favors.** Members shall not take engage in quid pro quo by taking 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. **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.

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11. **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. **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. **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. **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. **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. **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.

## **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.*

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.*

The chair will determine and announce limits on speakers at the start of the public hearing process.

*c) Practice active listening*

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 member of the public might be speaking. To the best of your ability, remain focused on the speaker and avoid noise and distractions.

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

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*

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*

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 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.
- 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  
Councilmembers who do not sign an acknowledgement that they have read and understand the Code of

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Ethics and Conduct shall not be assigned intergovernmental assignments or Council subcommittees by the Mayor. 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-appointed positions~~.<sup>1</sup>

*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 as determined by City Council 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.

*d) Councilmembers*

Councilmembers who intentionally and repeatedly do not follow proper conduct may be reprimanded by the Mayor or formally censured by the Council, lose committee assignments (both within the City of Rochester and with intergovernmental agencies) or other privileges afforded 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.

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 Deputy 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.

*e) 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.

<sup>1</sup> This section does not apply to Council members or Committee members currently serving at the time of adoption.

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 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-in addition 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



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City Clerk's Office

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**City of Rochester, NH**

**Code of Ethics and Conduct  
For  
Elected and Appointed Officials**

Adopted \_\_\_\_ 2023

## 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 particular 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.
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.

8. **Conflict of Interest.** See Rochester City Charter, Section 72
9. **Gifts and Favors.** Members shall not take engage in quid pro quo by taking 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. **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. **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. **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. **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. **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. **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. **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.

## **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.*

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.*

The chair will determine and announce limits on speakers at the start of the public hearing process.

### *c) Practice active listening*

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 member of the public might be speaking. To the best of your ability, remain focused on the speaker and avoid noise and

distractions.

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

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*

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*

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 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.

*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

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### c) *Behavior and Conduct*

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2. Required to issue a formal, sincere apology.
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***I affirm that I have read and understand the City of Rochester Code of Ethics and Conduct for Elected and Appointed Officials***

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Resolution In Support of Increased Funding For Public Transit and for the Statewide  
Public Transportation Coalition**

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

WHEREAS: The City of Rochester fully supports and promotes public transit in our community; and

WHEREAS: The Cooperative Alliance for Seacoast Transportation (COAST) is leading an effort to start a meaningful dialogue on increasing financial support for public transportation operations throughout the State of New Hampshire; and

WHEREAS: A statewide coalition of public transit and community-based transportation providers and the communities, businesses, and other organizations they serve is being formed and is known as the Statewide Public Transportation Coalition; and

WHEREAS: The initial policy objective of this coalition is to increase the State's share of the operating costs of public transit, as the State's per capita contribution to public transit operations according to AASHTO is by far the lowest in New England and nearly the lowest in the nation; and

WHEREAS: With Federal emergency relief funding currently provided to public transit system operators expected to be fully expended by 2024, and operating costs having increased significantly due to workforce shortages and inflation, additional State support is urgently needed to avoid deep cuts in the services provided by the State's public transit agencies; and

WHEREAS: There are recently approved Federal funds that will be unavailable to public transit systems in New Hampshire if matching funds are not available from the State. Without increased State support to unlock these new Federal funds, the State's public transit agencies, and the services provided, will need to be significantly reduced by 2024/2025; and

WHEREAS: Cuts in services will create adverse impacts to vulnerable members of the Rochester community who rely on public transit, and will hinder the realization of City Council's goals of resilience in energy and infrastructure policy; and

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

The Mayor and City Council support the policy objective of significantly increased financial support from the State of New Hampshire and strongly urge that these increased funds be included in the State Fiscal Year 2024/2025 biennial budget. Also, the Mayor and City Council vigorously support the City of Rochester joining the Statewide Public Transportation Coalition and will work with the other coalition members to advocate for reasonable State funding levels so that public transit agencies across the State will be able to continue operations into the foreseeable future



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City Clerk's Office

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03/02/2023

## City of Rochester Formal Council Meeting

### AGENDA BILL

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

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

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

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

#### COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

#### DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

#### FINANCE & BUDGET INFORMATION

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

#### LEGAL AUTHORITY

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**SUMMARY STATEMENT**

**RECOMMENDED ACTION**

NORMAN & STACIA VETTER  
PO BOX 181, ROCHESTER, NH 03866-0181

February 17, 2023

Ms. Jennifer Marsh  
Economic Development  
City of Rochester  
31 Wakefield Street  
Rochester, NH 03867

RE: Extension of 79E for 22 South Main Street

Dear Jenn,

We respectfully request an extension of the 79E Tax Program for the 22 South Main Street project. Due to COVID, the increase in material pricing, material procurement issues as well as failure to secure a first-floor tenant have caused a significant delay for this project.

The original cost of this project started at 1.3 million and has more than doubled since COVID. With an increase of this size, a first-floor tenant must be secured prior to construction. Until three weeks ago, an interested tenant had not presented. We now have several interested parties in the pipeline and are working diligently to finalize plans that best utilize the space.

Status of the building is as follows:

- Building is 90% demoed on the inside and should be completed within two weeks.
- Preliminary plans for the first-floor restaurant space are in the final stages.
- Permits have been secured.
- A meeting with the building inspector was held for feedback on the project.

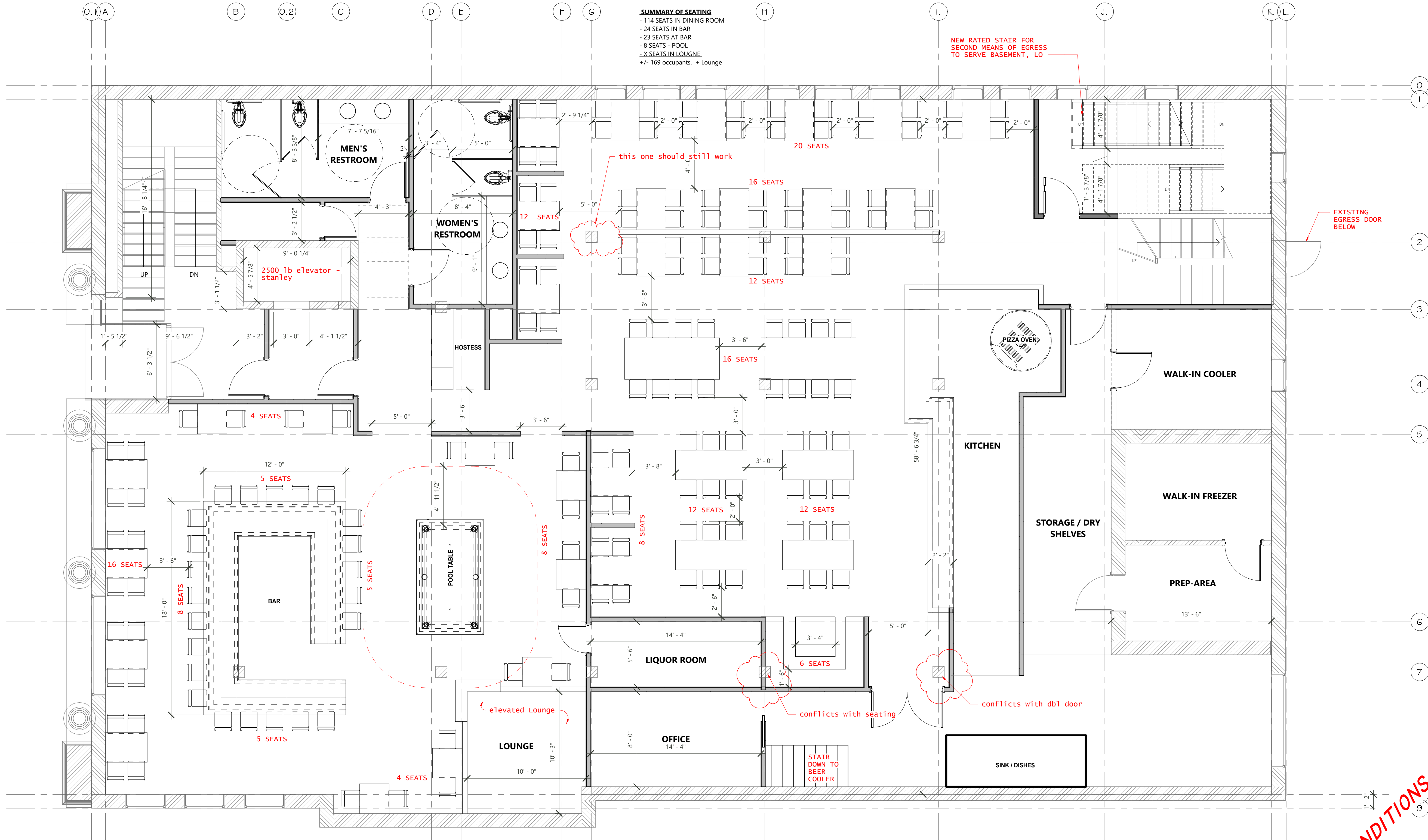
We feel confident that the construction will be completed on or before 3/1/24. Please bear in mind that this project is not feasible without the 79E Tax Program with the escalation of material and labor costs; it's challenging at best.

Staci and I believe that Rochester is on the cusp of something great. We are proud to be residents of this fine city and business owners in the city since 1984.

Thank you for your consideration.

Norm & Staci Vetter





1 PROPOSED Restaurant - scheme B  
1/4" = 1'-0"

EXISTING CONDITIONS  
2/16/2023

Revision 1		Date 1
No.	Description	Date
Revision Schedule		

Project Info:

**Proposed Restaurant**

22 Main St.  
Rochester, NH

Sheet Status:

Latest Release: Existing Conditions  
N.F.C.

Job No: Author  
Checked: Checker

Scale: 1/4" = 1'-0"

Sheet Title:

**Restaurant Floor Plan Scheme B**

Sheet Number:

**A1**

Printed on: 2/16/2023





CLIENT

STRUCTURAL ENGINEER

MECHANICAL ENGINEER

ELECTRICAL ENGINEER

CIVIL ENGINEER

[illegible]

## Project Status

PROJECT NUMBER

Project Number

## 22 SOUTH MAIN STREET RENOVATION

22 South Main Street  
Rochester, NH

## Existing Elevations

DRAWN BY

Author

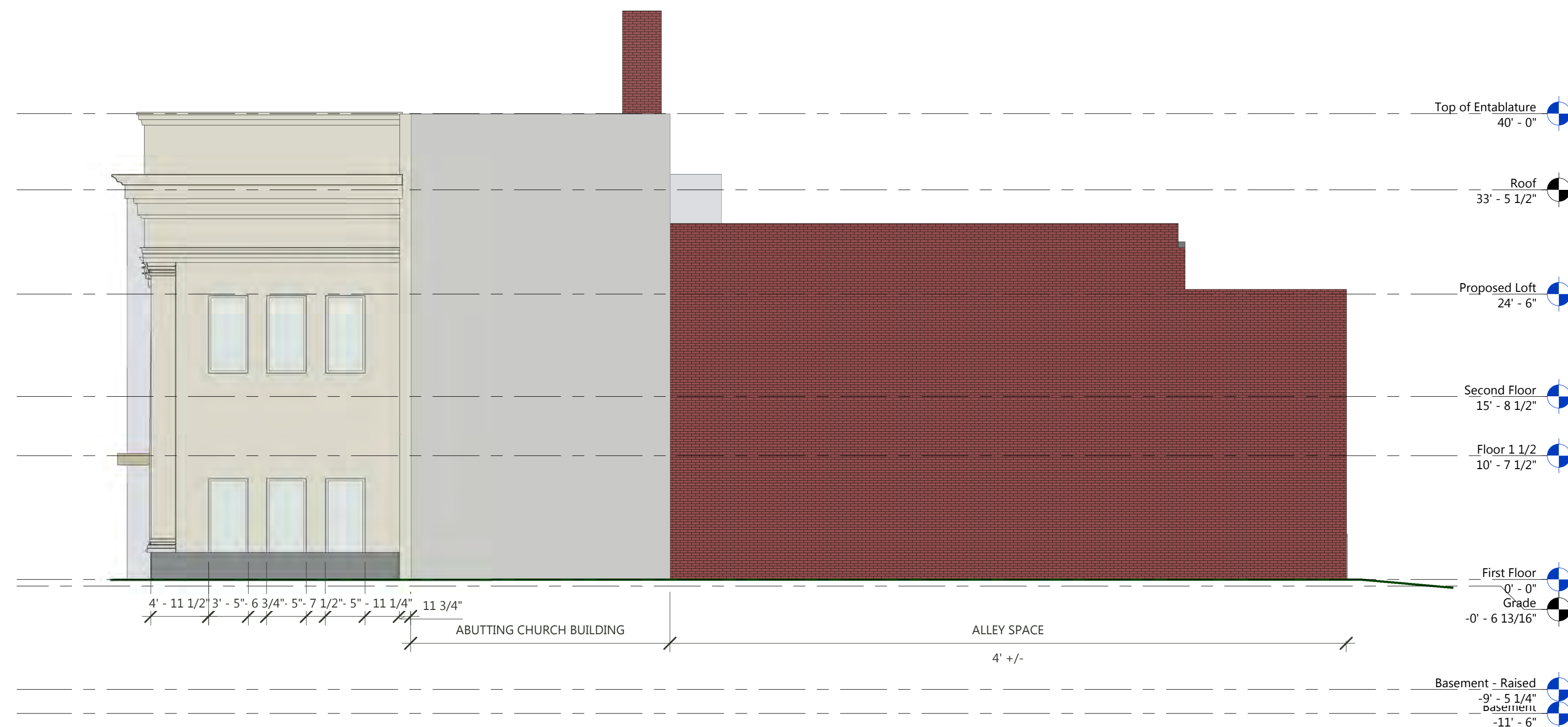
CHECKED BY

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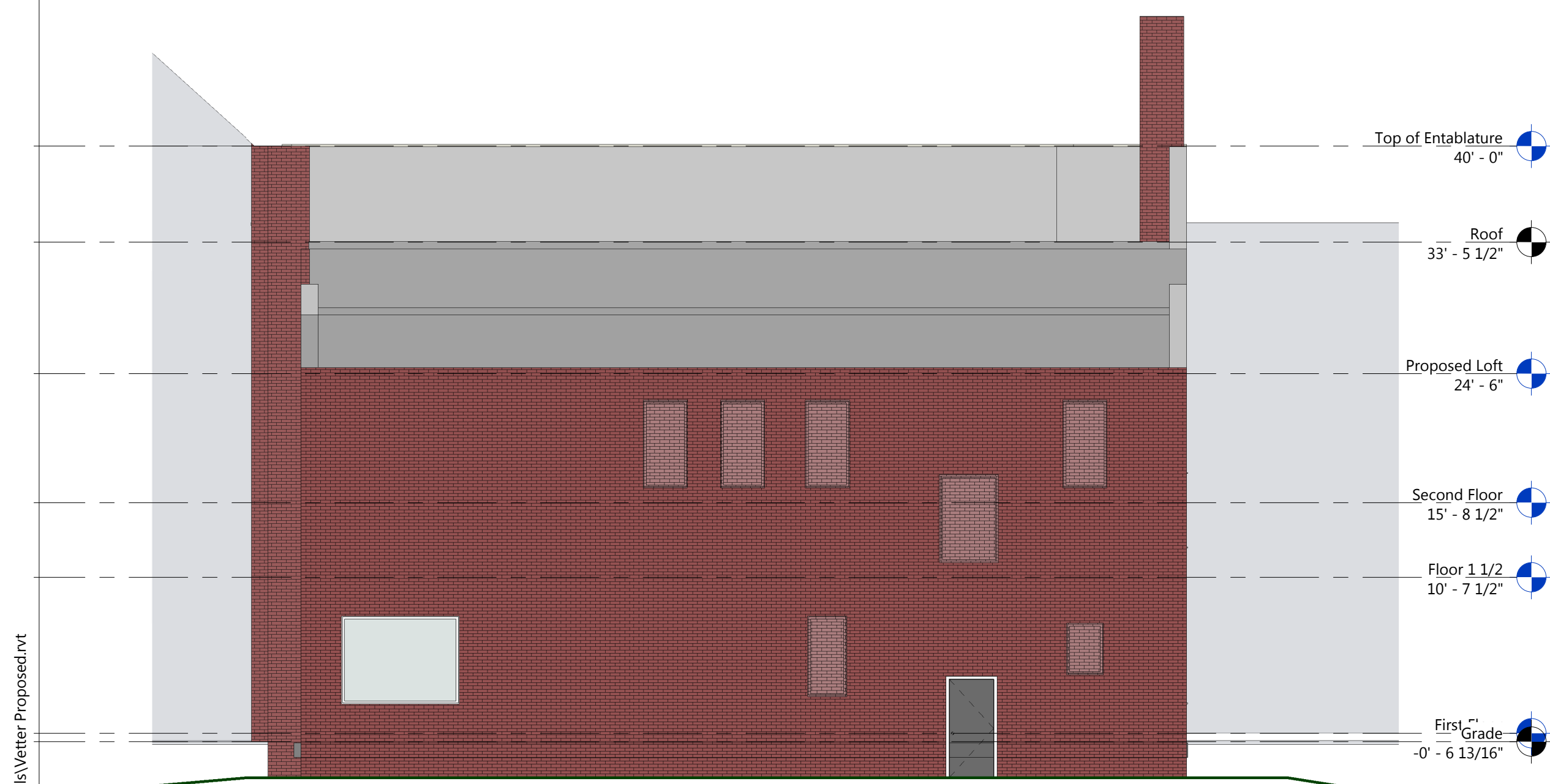
SHEET SCALE

$$1/8'' = 1$$


1 EXISTING ELEVATION  
EX.1.1 1/8" = 1'-0"



2 EXISTING ELEVATION  
EX.1.1 1/8" = 1'-0"



4 EXISTING ELEVATION  
EX.1.1 1/8" = 1'-0"



3	EXISTING ELEVATION
EX.1.1	1/8" = 1'-0"



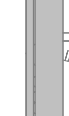
A100



3  
A100



A100



4  
A100

<h1>A100</h1>	DRAWN BY	Author
	CHECKED BY	Checker
	SHEET SCALE	1/8" = 1'-0"
	SHEET DATE	09/19/17







CIVIL ENGINEER

### Project Status

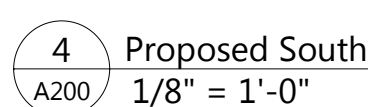
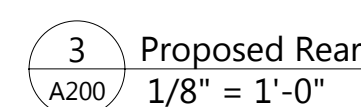
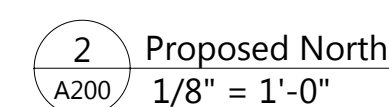
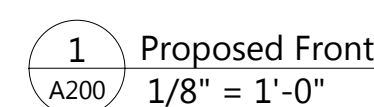
Project Number

## 22 SOUTH MAIN STREET RENOVATION

22 South Main Street  
Rochester, NH

## Elevations

DRAWN BY	Author
CHECKED BY	Checker
SHEET SCALE	1/8" = 1'-0"
SHEET DATE	09/19/17





[illegible]

### Project Status

PROJECT NUMBER

Project Number

# 22 SOUTH MAIN STREET RENOVATION

22 South Main Street  
Rochester, NH

## Perspective Views

P1

DRAWN BY	Author
CHECKED BY	Checker
SHEET SCALE	
SHEET DATE	05/20/19





03/02/2023

## City of Rochester Formal Council Meeting

### AGENDA BILL

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

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

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

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

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

#### COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

#### DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

#### FINANCE & BUDGET INFORMATION

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

#### LEGAL AUTHORITY

--

**SUMMARY STATEMENT**

**RECOMMENDED ACTION**



Justin Garguilo  
73-77 South Main Street

Attn: Jenn Marsh  
Economic Development  
City of Rochester  
31 Wakefield Street  
Rochester, NH 03867

I wanted to reach out to see if I could get a one-year extension on the 79E. As you know, I have run into many issues since last year including having to install a new water line into the building, which I did not anticipate.

I also had to revise my original plans that I had submitted because the building department wanted ones that showed more detail. This caused substantial delays as the architect was over 12 weeks out. I had to search for another one, but he too was very behind. Both of these issues have caused great hardship, as I was ready to go last summer/early fall with the work.

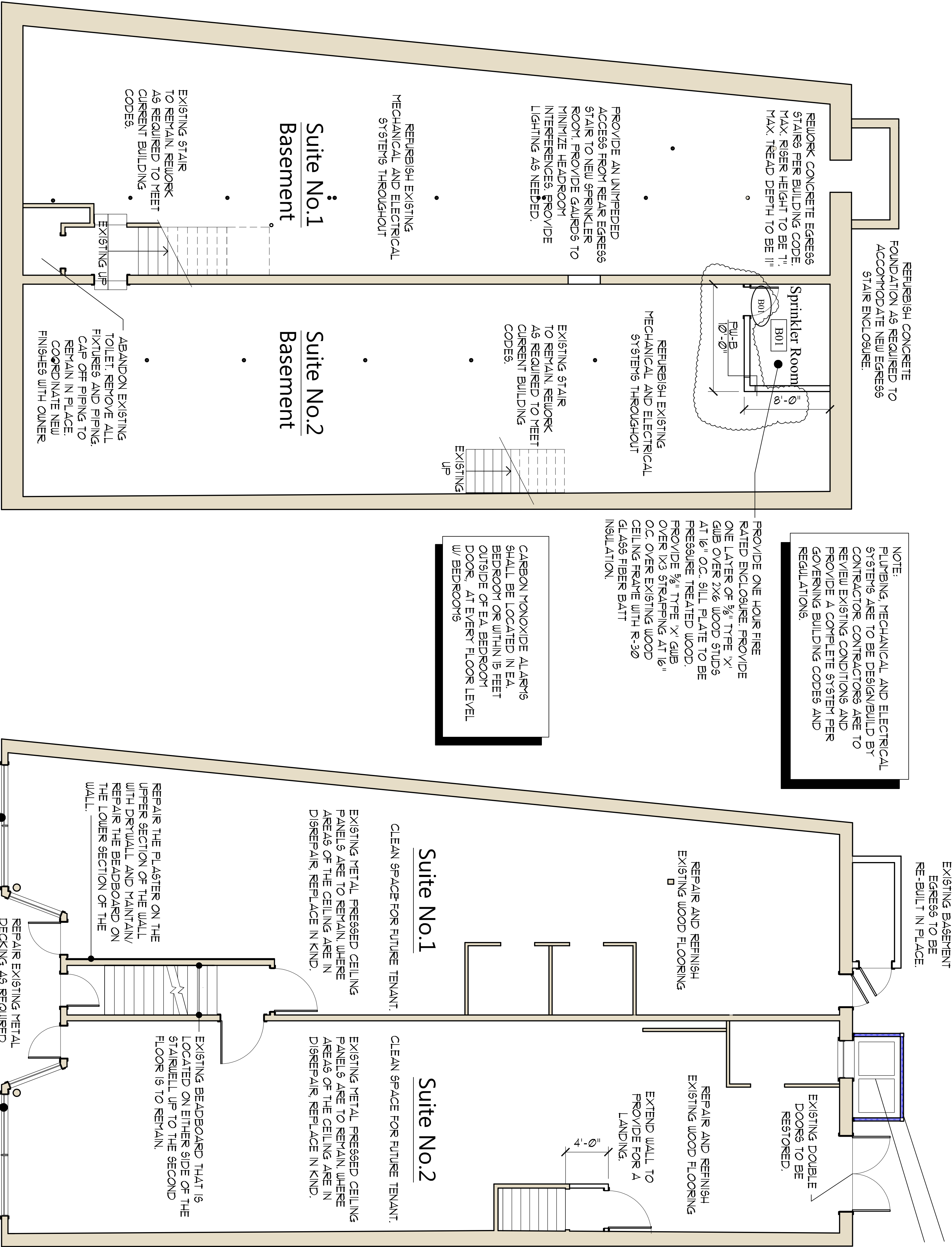
At this point Donald Graves has one more thing he needs in the latest architect plans, which I expect to have, back this week for my building permit to be complete. I am hopeful Don's team will give me the green light and I can get moving on this once the project as soon as possible.

COVID, increased costs, delays with architects and tax credits have all been challenging and have played a major part in my delays. I plan to have the project complete by no later 3/31/2024. I really appreciate the City Council's patience on this project.

Thank you for all your assistance during the way.

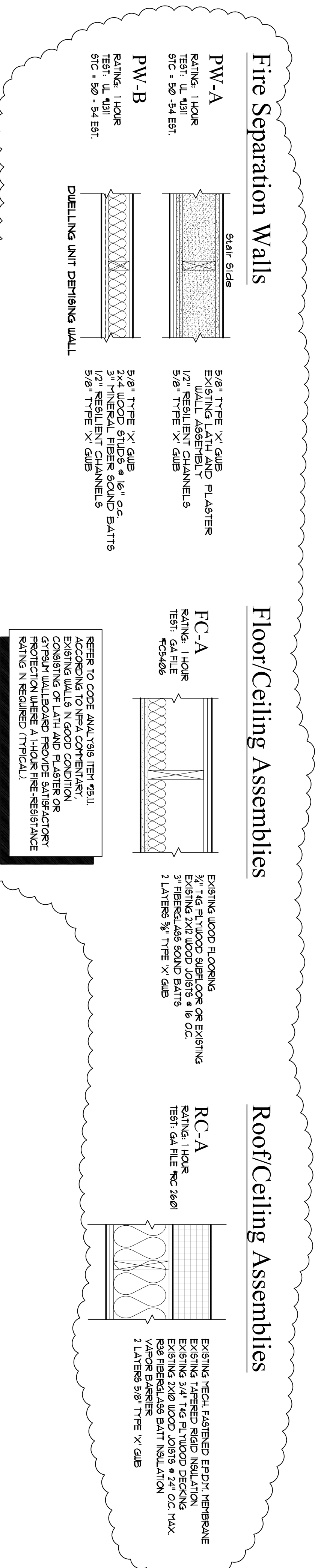
Best,  
Justin





## 1 Basement Floor Plan

## 2 First Floor Plan



- NEW WOODEN FENCING  
NEW AC CONDENSERS
- EXISTING BASEMENT EGRESS TO BE RE-BUILT IN PLACE.
- EXISTING BASTMENT EGRESS TO BE RE-BUILT IN PLACE.
- NEW WOODEN FENCING  
NEW AC CONDENSERS
- GENERAL
1. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS AT THE SITE AND REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE ORDERING MATERIALS AND PROCEEDING WITH THE WORK.
  2. ALL WORK SHALL CONFORM TO THE REQUIREMENTS OF THE NEW HAMPSHIRE STATE BUILDING CODE (2018 INTERNATIONAL BUILDING CODE), SHOULD LOCAL CODES AND/OR ORDINANCES DIFFER FROM THESE PLANS, A DETERMINATION SHALL BE MADE BY THE CONTRACTOR AND/OR LOCAL CODE ENFORCEMENT OFFICER AS TO WHICH IS MOST STRINGENT. THE MOST STRINGENT REQUIREMENT SHALL RULE.
  3. ALL SECTIONS, DETAILS, NOTES, OR MATERIALS SHOWN AND/OR NOTED ON ANY PLAN, SECTION OR ELEVATION SHALL APPLY TO ALL OTHER SIMILAR LOCATIONS UNLESS NOTED OTHERWISE.
  4. TESTING AND INSPECTION AGENCIES SELECTED BY THE OWNER. ALL WORK SHALL REQUIRE ADHERENCE TO THE REQUIREMENTS OF ASTM DESIGNATION E-329 ENTITLED "RECOMMENDED PRACTICE FOR INSPECTION AND TESTING AGENCIES FOR CONCRETE AND STEEL USED IN CONSTRUCTION."
  5. REPAIR EXISTING FLOORING TO ACCOMMODATE NEW WOOD FLOORING WHERE REQUIRED. VINYL FLOORING TO BE PROVIDED WITHIN THE KITCHENS AND BATHROOMS, COORDINATE WITH OWNER.
  6. TEMPERED GLASS TO BE PROVIDED WHEN THE BOTTOM EDGE OF THE GLASS IS LESS THAN 24" ABOVE FINISHED FLOOR PLAN.
  7. ALL INTERIOR WALLS ARE TO CONSIST OF 2X4 @ 16" O.C. UNLESS OTHERWISE NOTED.
  8. INSTALL ALL BLOCKING, BRACING, STIFFBACKS, ETC., AS REQUIRED BY THE BUILDING CODE AND IN ACCORDANCE WITH GOOD FRAMING PRACTICES AND STANDARDS.
  9. PROVIDE FIRE CALLING AT ALL CEILING PENETRATIONS. PROVIDE ONE ADDITIONAL LAYER OF 5/8" TYPE 'X' GIBB, VERIFY WITH OWNER IF EXPOSED PIPING IS TO REMAIN AS IS OR IF A DROPPED GIBB CEILING WILL BE REQUIRED.
  10. PROVIDE SMOKE DETECTORS IN SUFFICIENT QUANTITIES AND LOCATIONS TO MEET REQUIREMENTS OF THE BUILDING CODE. PROVIDE NOT LESS THAN ONE SMOKE DETECTOR ON EACH FLOOR INCLUDING BASEMENT AND ATTICS CAPABLE OF BEING INHABITED.
    - PROVIDE ONE SMOKE DETECTOR IN EACH BEDROOM AREA
    - PROVIDE NOT LESS THAN ONE SMOKE DETECTOR FOR EVERY 1200 SF OF FLOOR SPACE
    - PROVIDE PHOTO ELECTRIC SMOKE DETECTOR IF LOCATED LESS THAN 20 FEET FROM EITHER A KITCHEN OR A BATHROOM WITH A TUB OR SHOWER
  11. PROVIDE FIRE ALARMS PER BUILDING CODE.
  12. REFER TO OWNER FOR APPLIANCES, KITCHEN CABINETS, PLUMBING FIXTURES AND BATHROOM CABINETRY FOR MAKE, MODEL, AND FINISHES.
  13. DOOR HARDWARE AND FUNCTIONS, REFER TO OWNER FOR ALL DOOR HARDWARE.
  14. ALL DRAWINGS ARE NOT TO BE SCALED.
  15. CONTRACTOR TO CLEAN ALL STOREFRONT WINDOW/DOOR ASSEMBLIES AS REQUIRED.
  16. CONTRACTOR TO PAINT ALL INTERIOR WALLS, COORDINATE WITH OWNER FOR COLOR AND MANUFACTURER.
  17. PROVIDE EXIT LIGHTS/SIGNAGE AS WELL AS ADA COMPLIANT SIGNAGE
  18. CONTRACTOR IS REQUIRED TO USE THE OWNER'S ROOFING CONTRACTOR FOR ALL ROOF PENETRATION REPAIRS, IF REQUIRED.
  19. TO MAINTAIN HISTORIC HALL, EXISTING DOOR MUST REMAIN IN ITS EXISTING LOCATION. THE DOOR WILL NOW BE NON-FUNCTIONING AND WALLED OFF WITH FIRE PROTECTION ON UNIT SIDE OF DOOR
  20. EXTERIOR SIGNAGE AND LIGHTING IS TO REMAIN AS-IS UNTIL NEW TENANTS OCCUPY THE FIRST FLOOR

THA ARCHITECTS, LLC

ARCHITECTURE • DESIGN • PLANNING • INTERIOR DESIGN

89 WILLLOWBROOK AVENUE  
SOUTHAM, NEW HAMPSHIRE 03886

Tel: (603) 770-2491  
www.thaac.com

THA Architects, LLC  
No. 2390  
NEW HAMPSHIRE  
03886

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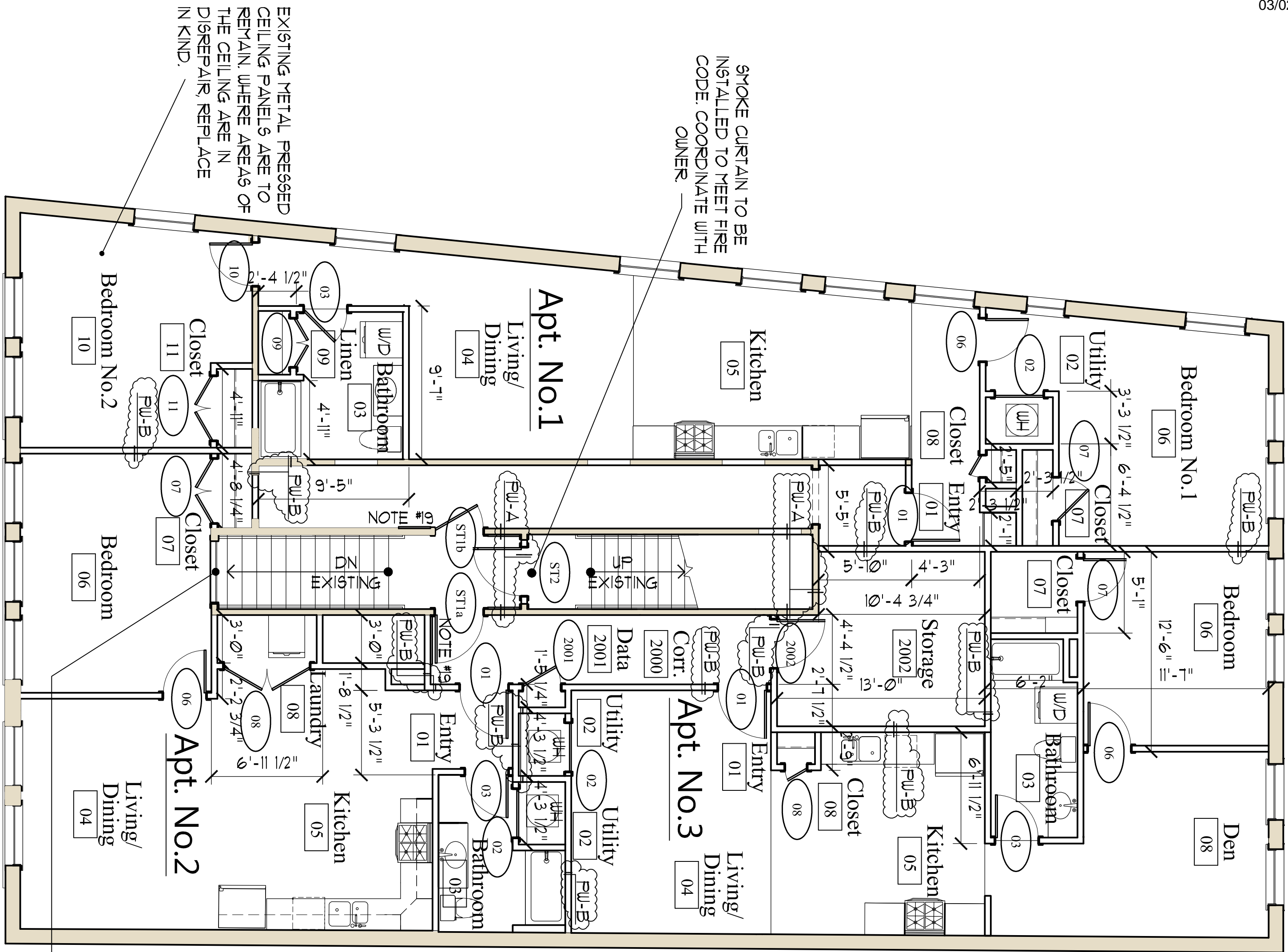
Basement First Floor Notes

Structural Engineer  
MEP Engineer  
FP Engineer

SCALE:  
ISSUED / DRAWN BY  
January 31, 2023  
REVISED / REVISED BY  
2/15/23

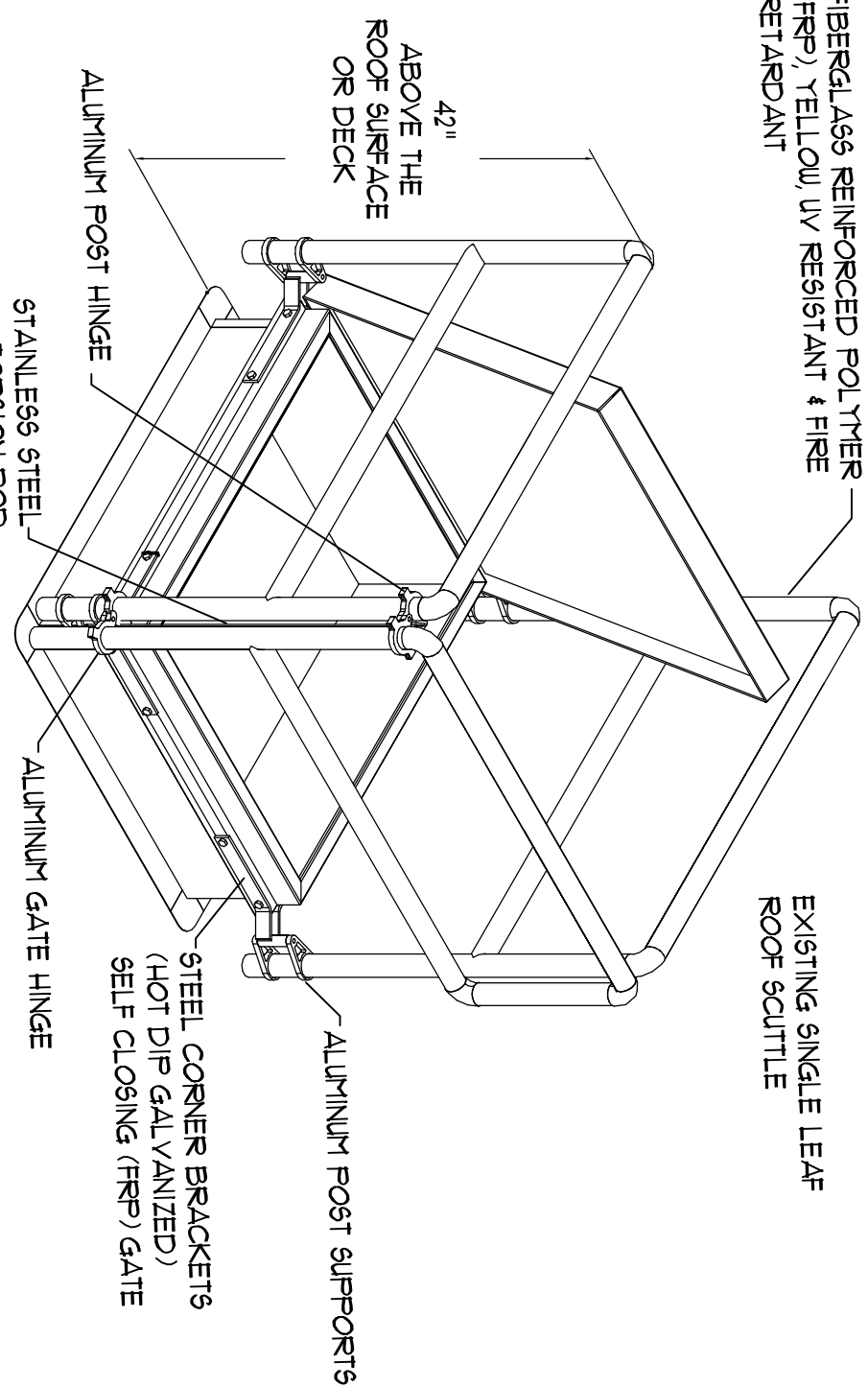
JOB NO: 22013  
SHEET NUMBER  
A-3





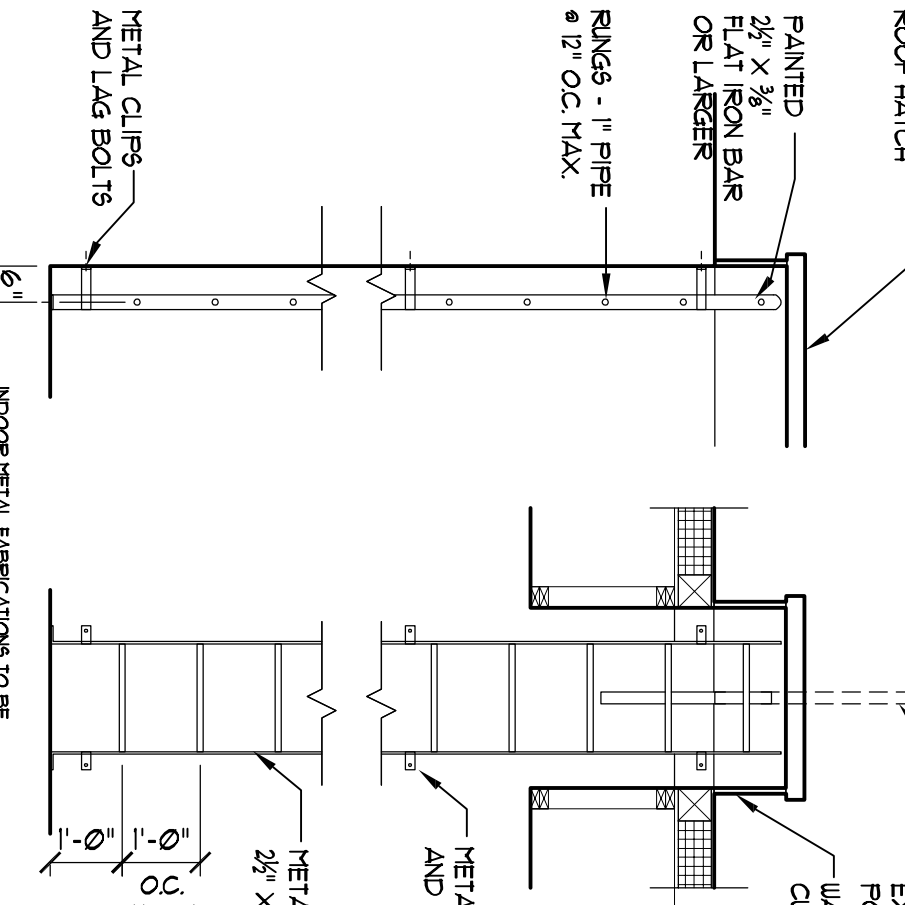
## 1 Second Floor Plan

3/16" = 1'-0"



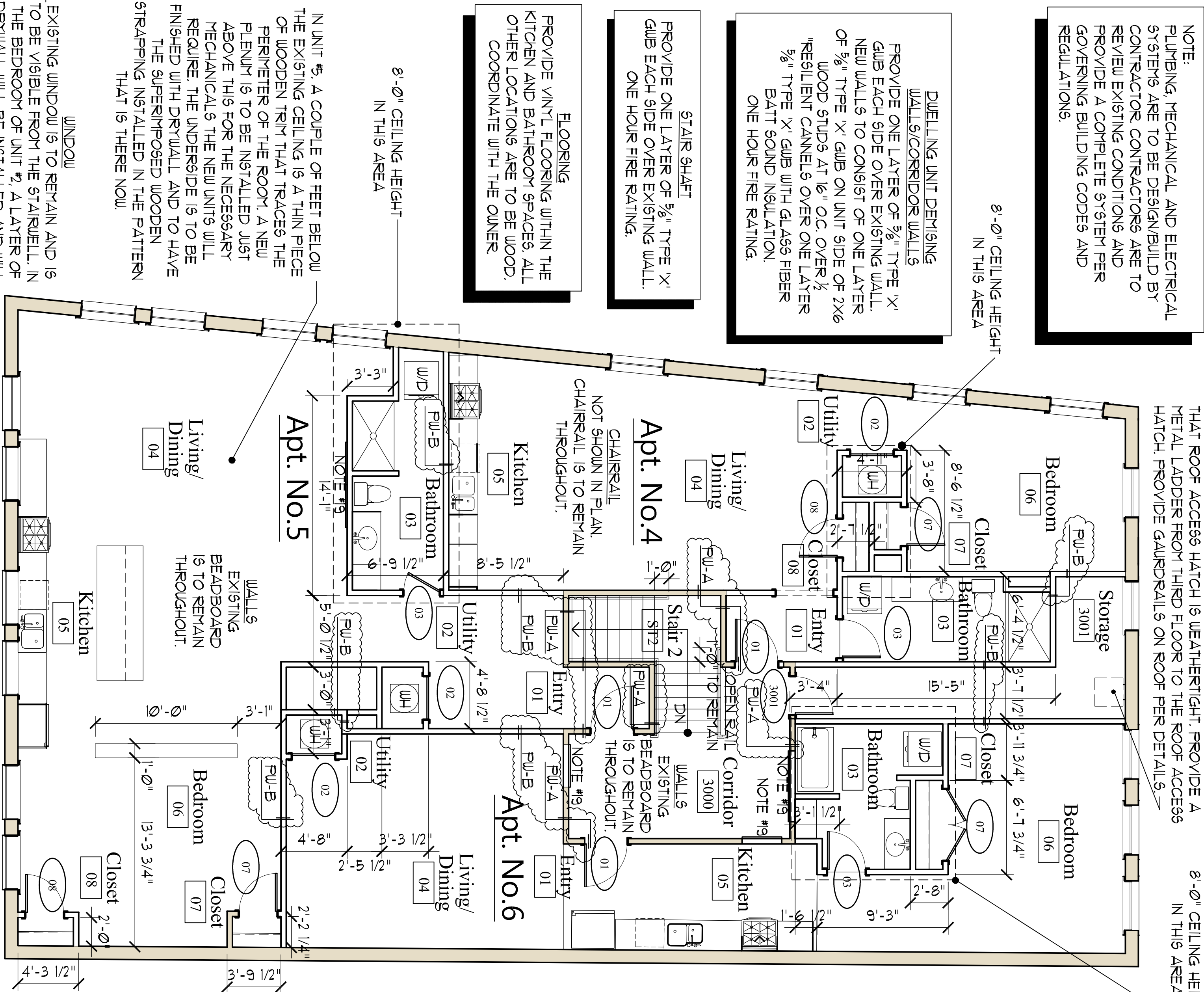
## 3 Roof Access Hatch Guard

NOT TO SCALE



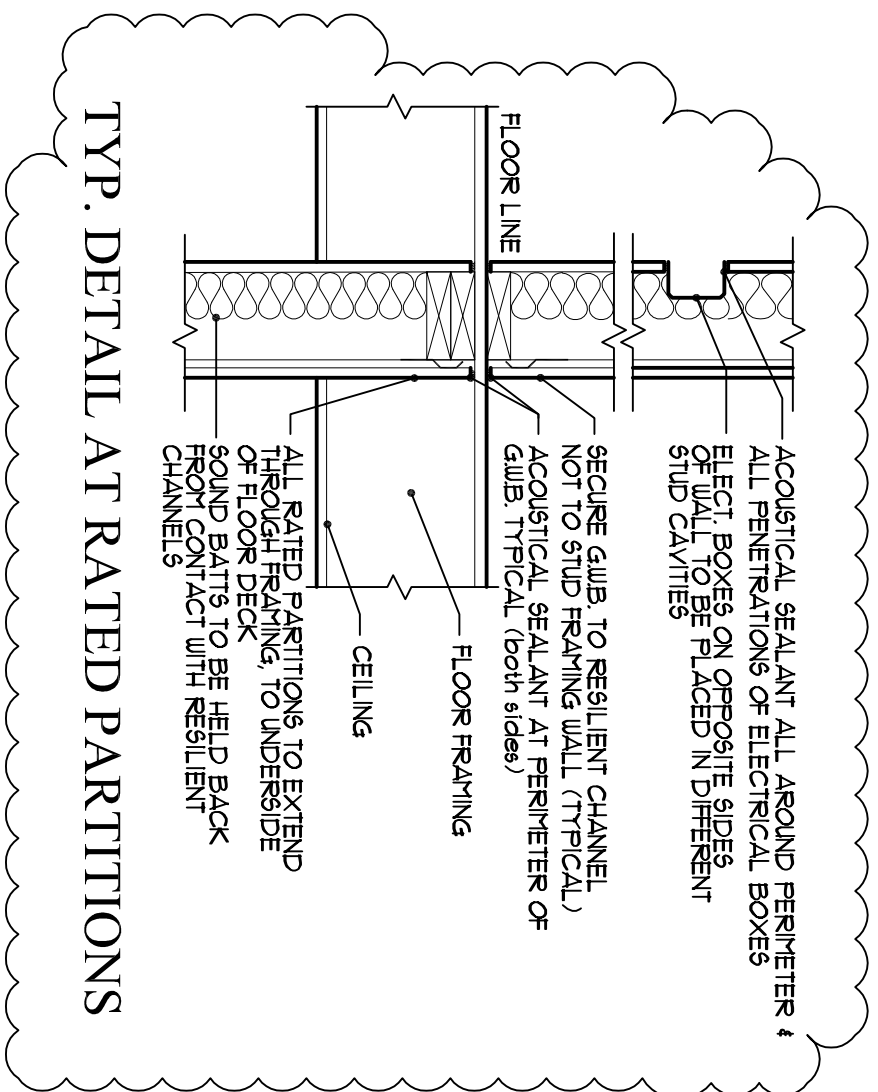
## 4 Access Ladder

3/8" = 1'-0"



## 2 Third Floor Plan

3/16" = 1'-0"



EXISTING ROOF ACCESS HATCH TO REMAIN IN PLACE. VERIFY THAT ROOF ACCESS HATCH IS WEATHERTIGHT. PROVIDE A METAL LADDER FROM THIRD FLOOR TO THE ROOF ACCESS HATCH. PROVIDE GUARDRAILS ON ROOF PER DETAILS.

NOTE:  
PLUMBING, MECHANICAL AND ELECTRICAL SYSTEMS ARE TO BE DESIGN/BUILD BY CONTRACTOR. CONTRACTORS ARE TO REVIEW EXISTING CONDITIONS AND PROVIDE A COMPLETE SYSTEM PER GOVERNING BUILDING CODES AND REGULATIONS.

DWELLING UNIT DESIGNING WALLS/CORRIDOR WALLS  
PROVIDE ONE LAYER OF 5/8" TYPE 'X' GIB EACH SIDE OVER EXISTING WALL. NEW WALLS TO CONSIST OF ONE LAYER OF 5/8" TYPE 'X' GIB ON UNIT SIDE OF 2X6 WOOD STUDS AT 16" O.C. OVER 1/2" RESILIENT CANNELS OVER ONE LAYER 5/8" TYPE 'X' GIB WITH GLASS FIBER BATT SOUND INSULATION. ONE HOUR FIRE RATING.

STAIR SHAFT  
PROVIDE ONE LAYER OF 5/8" TYPE 'X' GIB EACH SIDE OVER EXISTING WALL. ONE HOUR FIRE RATING.

FLOORING  
PROVIDE VINYL FLOORING WITHIN THE KITCHEN AND BATHROOM SPACES. ALL OTHER LOCATIONS ARE TO BE WOOD. COORDINATE WITH THE OWNER.

IN UNIT #5, A COUPLE OF FEET BELOW THE EXISTING CEILING IS A THIN PIECE OF WOODEN TRIM THAT TRACES THE PERIMETER OF THE ROOM. A NEW PLENUM IS TO BE INSTALLED JUST ABOVE THIS FOR THE NECESSARY MECHANICALS. THE NEW UNITS WILL REQUIRE THE UNDERSIDE IS TO BE FINISHED WITH DRYWALL AND TO HAVE THE SUPERIMPOSED WOODEN STRAPPING INSTALLED IN THE PATTERN THAT IS THERE NOW.

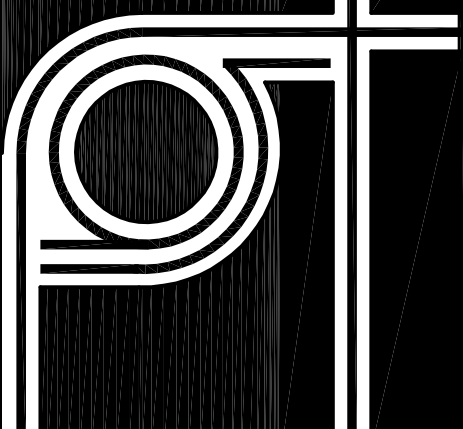
WINDOW  
EXISTING WINDOW IS TO REMAIN AND IS TO BE VISIBLE FROM THE STAIRWELL. IN THE BEDROOM OF UNIT #2, A LAYER OF DRYWALL WILL BE INSTALLED AND WILL COVER UP THE WINDOW TO OFFER THE REQUIRED FIRE RATING AND PRIVACY.

8'-0" CEILING HEIGHT IN THIS AREA

8'-0" CEILING HEIGHT IN THIS AREA

C.O. DET. LOCATION  
CARBON MONOXIDE ALARMS SHALL BE LOCATED IN EACH BEDROOM OR WITHIN 15 FEET OUTSIDE OF EACH BEDROOM DOOR. AT EVERY FLOOR LEVEL W/ BEDROOMS

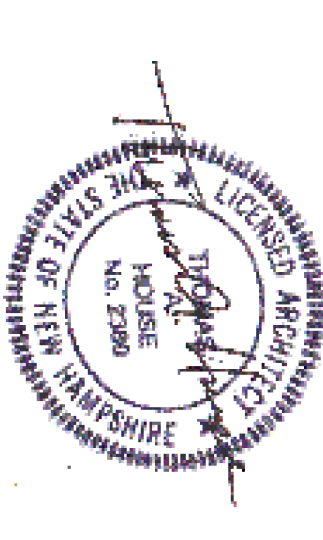
- GENERAL
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  9. PROVIDE FIRE CAULKING AT ALL CEILING PENETRATIONS. PROVIDE ONE ADDITIONAL LAYER OF 5/8" TYPE 'X' GIB. VERIFY WITH OWNER IF EXPOSED PIPING IS TO REMAIN AS IS OR IF A DROPPED GIB CEILING WILL BE REQUIRED.
  10. PROVIDE SMOKE DETECTORS IN SUFFICIENT QUANTITIES AND LOCATIONS TO MEET REQUIREMENTS OF THE BUILDING CODE. PROVIDE NOT LESS THAN ONE SMOKE DETECTOR ON EACH FLOOR, INCLUDING BASEMENT AND ATTICS CAPABLE OF BEING INACTIVATED.  
- PROVIDE ONE SMOKE DETECTOR IN EACH BEDROOM AREA.  
- PROVIDE NOT LESS THAN ONE SMOKE DETECTOR FOR EVERY 1200 SF OF FLOOR SPACE.  
- PROVIDE PHOTO ELECTRIC SMOKE DETECTOR IF LOCATED LESS THAN 20 FEET FROM EITHER A KITCHEN OR A BATHROOM WITH A TUB OR SHOWER.
  11. PROVIDE FIRE ALARMS PER BUILDING CODE.
  12. REFER TO OWNER FOR APPLIANCES, KITCHEN CABINETS, PLUMBING FIXTURES AND BATHROOM CABINETRY FOR MAKE, MODEL AND FINISHES.
  13. DOOR HARDWARE AND FUNCTION: REFER TO OWNER FOR ALL DOOR HARDWARE.
  14. ALL DRAWINGS ARE NOT TO BE SCALED.
  15. CONTRACTOR TO CLEAN ALL STOREFRONT WINDOW/DOOR ASSEMBLIES, REPLACE ALL DAMAGED STOREFRONT ASSEMBLIES AS REQUIRED.
  16. CONTRACTOR TO PAINT ALL INTERIOR WALLS, COORDINATE WITH OWNER FOR COLOR AND MANUFACTURER COMPLIANT SIGNAGE.
  17. PROVIDE EXIT LIGHTS/SIGNAGE AS WELL AS ADA COMPLIANT SIGNAGE.
  18. CONTRACTOR IS REQUIRED TO USE THE OWNER'S ROOFING CONTRACTOR FOR ALL ROOF PENETRATION REPAIRS, IF REQUIRED.
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THA  
ARCHITECTS, LLC

ARCHITECTURE #26304-PLANNING #110708-DESIGN  
89 WILLOWBROOK AVENUE  
SOUTHAM, NEW HAMPSHIRE 03865  
Tel.: (603) 770-2491  
www.thaarc.com

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Hartigan Block  
73-77 N. Main St.  
Rochester, NH

Second Floor  
Third Floor  
Notes

Structural Engineer  
MEP Engineer  
FP Engineer

SCALE:  
ISSUED / DRAWN BY  
January 31, 2023  
© THA Architects, LLC  
REVISED / REVISED BY  
2/15/23  
JOB NO.: 22013  
SHEET NUMBER

A-4



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left blank...*

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City Clerk's Office

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**RESOLUTION APPROVING COST ITEMS ASSOCIATED WITH  
PROPOSED  
CITY OF ROCHESTER  
MULTI-YEAR COLLECTIVE BARGAINING  
AGREEMENT WITH  
ROCHESTER MUNICIPAL EMPLOYEES  
ASSOCIATION  
SEIU LOCAL 1984  
(Support Personnel All City Departments)**

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

That pursuant to, and in accordance with, the provisions of Chapter 273-A of the New Hampshire Revised Statutes Annotated, the cost items associated with the multi-year year collective bargaining agreement between the City of Rochester and the ROCHESTER MUNICIPAL EMPLOYEES ASSOCIATION (RMEA) Local 1984 Bargaining Unit, covering the period July 1, 2023 to June 30, 2027, as set forth in the proposed contract, and as more particularly detailed on the attached **"EXHIBIT A: RMEA LOCAL 1984 – JULY 2023,"** which includes a summary financial analysis of the annual costs of the contract to the City provided by the Rochester Director of Finance, is hereby approved. The provision of funds necessary to fund the aforementioned, and hereby approved, collective bargaining agreement "cost items" in the first year of the agreement will be contained in the Fiscal Year 2024 operating budget of the City.

## EXHIBIT A: RMEA LOCAL 1984 – JULY 2023

## Rochester Municipal Employees Association

City Health Contribution	80/20	80/20	80/20	80/20	80/20
	ABSOS 20/40	ABSOS 20/40	ABSOS 20/40	ABSOS 20/40	ABSOS 20/40
	RX 10/20/45	RX 10/20/45	RX 10/20/45	RX 10/20/45	RX 10/20/45
Health Plan	DED \$1000/\$3000	DED \$1000/\$3000	DED \$1000/\$3000	DED \$1000/\$3000	DED \$1000/\$3000
Projected Health Increase		7.60%	6.00%	6.00%	6.00%
	<b>Current FY23</b>	<b>FY24</b>	<b>FY25</b>	<b>FY26</b>	<b>FY27</b>
<b>Wages</b>					
Base Wage	\$1,883,677.90	\$2,040,521.34	\$2,157,972.44	\$2,275,016.12	\$2,369,882.06
Longevity	\$7,975.00	\$8,575.00	\$9,200.00	\$10,925.00	\$12,750.00
Total Wages	\$1,891,652.90	\$2,049,096.34	\$2,167,172.44	\$2,285,941.12	\$2,382,632.06
Dollar Change		\$157,443.44	\$118,076.10	\$118,768.68	\$96,690.94
<b>% Change</b>		<b>8.32%</b>	<b>5.76%</b>	<b>5.48%</b>	<b>4.23%</b>
<b>Benefits</b>					
Medicare	\$27,428.97	\$29,711.90	\$31,424.00	\$33,146.15	\$34,548.16
Social Security	\$117,282.48	\$127,043.97	\$134,364.69	\$141,728.35	\$147,723.19
Health Insurance	\$384,745.25	\$413,782.49	\$438,447.44	\$464,592.28	\$492,305.82
Opt Out	\$7,200.00	\$7,200.00	\$7,200.00	\$7,200.00	\$7,200.00
Dental	\$8,600.00	\$8,600.00	\$8,600.00	\$8,600.00	\$8,600.00
Life Insurance	\$4,068.74	\$4,407.53	\$4,661.22	\$4,914.03	\$5,118.95
STD Disability Insurance	\$10,171.86	\$11,018.82	\$11,653.05	\$12,285.09	\$12,797.36
LTD Disability Insurance	\$14,692.69	\$15,916.07	\$16,832.19	\$17,745.13	\$18,485.08
Total Benefits & Rollups	\$574,189.99	\$617,680.77	\$653,182.59	\$690,211.03	\$726,778.56
Dollar Change		\$43,490.78	\$35,501.82	\$37,028.44	\$36,567.53
<b>% Change</b>		<b>7.57%</b>	<b>5.75%</b>	<b>5.67%</b>	<b>5.30%</b>
<b>Totals</b>					
Total Wages, Benefits & Rollups	\$2,465,842.89	\$2,666,777.11	\$2,820,355.03	\$2,976,152.15	\$3,109,410.62
Dollar Change		\$200,934.22	\$153,577.92	\$155,797.12	\$133,258.47
<b>% Change</b>		<b>8.15%</b>	<b>5.76%</b>	<b>5.52%</b>	<b>4.48%</b>

40 Total Employees - 80% FT



03/02/2023

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

AGENDA SUBJECT

RMEA SEIU Local 1984 Collective Bargaining Agreement

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	March 7, 2023		
DEPT. HEAD SIGNATURE			
DATE SUBMITTED			
ATTACHMENTS	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	18

**COMMITTEE SIGN-OFF**

COMMITTEE	
CHAIR PERSON	

**DEPARTMENT APPROVALS**

DEPUTY CITY MANAGER	
CITY MANAGER	

**FINANCE & BUDGET INFORMATION**

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

**LEGAL AUTHORITY**

NH RSA 273-A: Public Employee Labor Relations

**SUMMARY STATEMENT**

The Collective Bargaining Agreement (CBA) between Rochester Municipal Employees Association (RMEA) SEIU Local 1984 (support personnel all city departments) and the City expires on June 30, 2023. The negotiating teams for both sides reached a Tentative Agreement (TA) and the RMEA SEIU Local 1984 personnel ratified the agreement. It now comes to the City Council for consideration for final approval.

**RECOMMENDED ACTION**

Adoption of this CBA.



**CITY OF ROCHESTER and ROCHESTER MUNICIPAL EMPLOYEES  
ASSOCIATION, Affiliated with STATE EMPLOYEES ASSOCIATION OF NEW  
HAMPSHIRE, SEIU Local 1984**

**PROPOSED TENTATIVE AGREEMENT**

**1/31/2023**

**ARTICLE 1: RECOGNITION**

The City of Rochester (City) recognizes the State Employees Association, SEIU Local 1984 (Union), as the exclusive representative for all employees in the following positions:

**Classification Title**

Administrative Assistant I

Administrative Assistant II

Administrative Technician I

Administrative Technician II

Assessor I

Assessor II

Account Clerk

Animal Control Officer

Arena Attendant

**Chief Waste Water Treatment Operator**

**Chief Water Treatment Operator**

Community Development Coordinator

Compliance Officer

**Construction Inspector**

Crime Analyst

Economic Development Specialist

Electrical Inspector (Building/Mechanical Inspector)

Evidence Technician

GIS/Asset Management Technician- **New Job Description**

**Proposal**

GIS/Construction Technician

Government Channel Coordinator

Health Inspector (Health/Plumbing Inspector)

IT Technician

Juvenile Division Coordinator

Parking Enforcement Officer

Planner I

Recreation **Marketing &** Program Coordinator

Senior Planner **Planner II**  
 Social Worker  
 Systems Administrator  
 Utility Billing Administrator  
 Welfare Intake Worker

**Note: The Parties agree to file a joint petition to modify the certification on file with PELRB.**

## **ARTICLE 7: VACATIONS**

The provisions of this section shall apply to full-time regular employees and, on a pro-rata basis, to part-time regular employees who work a minimum of 40 hours a pay period. Applications for vacation leave shall be approved by the Department Head and shall be chosen based on seniority, except that no employee shall select more than two (2) weeks at one time until all employees have been given an opportunity to choose their preferred vacation time. Vacation time will be accrued during the probationary period but may not be taken until after successful completion of probation, except with approval of the employee's supervisor and the City Manager. After commencement of the first year of continuous full-time employment, each employee shall accrue paid vacation time at the rate of ten twelfths ( $10/12$ ) of a day for each month of full-time employment during each employment year through and including the fifth ( $5^{\text{th}}$ ) employment year. After the commencement of the sixth ( $6^{\text{th}}$ ) year of full-time employment, each employee shall accrue paid vacation time at the rate of one and three twelfths ( $1\frac{3}{12}$ ) days for each month of full-time employment during each employment year through and including the tenth ( $10^{\text{th}}$ ) employment year. After commencement of the eleventh ( $11^{\text{th}}$ ) year of full-time employment, each employee shall accrue paid vacation at the rate of one and eight twelfths ( $1\frac{8}{12}$ ) days for each month of full-time employment during each employment year.

### Illustrative Table

0—5 years	$10/12^{\text{th}}$ day/month	2 weeks/year
6—10 years	$1\frac{3}{12}^{\text{th}}$ day/month	3 weeks/year
11+ years	$1\frac{8}{12}^{\text{th}}$ day/month	4 weeks/year

Employees may opt to buy or sell vacation days in accordance with the Flexible Benefit Plan.

The maximum accumulation shall be one and one-half (1.5) times the annual accumulation amount. Upon reaching the maximum, monthly additions to the total shall cease until usage reduces the accumulation.

The employer shall approve or reject a request for vacation time in writing within ten (10) business days, exclusive of the absence of the employee's supervisor or designee,

~~after receiving a properly executed application for leave. A rejected request for vacation time shall state the reason for the rejection.~~

**7.1 The provisions of this section shall apply to full-time regular employees and, on a pro-rata basis, to part-time regular employees who work a minimum of 40 hours a pay period.**

**7.2 Vacation time may be used after the completion of the first six (6) months of employment.**

**7.3 Vacation time will be accrued on a bi-weekly basis.**

**7.4 Vacation time will accrue in accordance with the following table:**

**Illustrative Table**

<b>0 – 5 years</b>	<b>3 weeks/year</b>
<b>6+</b>	<b>4 weeks/year</b>

**7.5 The Maximum accumulation shall be one and one-half (1.5) times the annual accumulation amount. Upon reaching the maximum accumulation, periodic additions to the total shall cease until usage reduces the accumulation.**

~~7.6 Applications for vacation leave shall be approved by the Department Head and shall be chosen based on seniority, except that no employee shall select more than two (2) weeks at one time until all employees have been given an opportunity to choose their preferred vacation time.~~

**7.6 The employer shall approve or reject a request for vacation time in writing within ten (10) business days, exclusive of the absence of the employee's supervisor or designee, after receiving a properly executed application for leave. If request for vacation time is rejected it shall state the reasons for the rejection. Requests for vacation time shall not be unreasonably rejected.**

**ARTICLE 8: PERSONAL DAYS**

Each eligible employee shall be entitled to two (2) non-cumulative Personal Days when hired and each year thereafter, granted on the **first of the month following the** employee's anniversary date. Personal days may be taken for any purpose except as substitution for suspension as a result of disciplinary action. Personal days must be scheduled and approved by the Department Head in accordance with the employee's

preference and the needs of the Department, so long as notice is provided as soon as practicable.

## **ARTICLE 9: SICK LEAVE**

1. **Sick Leave:** The provisions of this section shall apply to full-time regular employees and, on a pro-rata basis, to part-time regular employees. Sick leave shall be computed and accrued on a monthly basis, including the probationary period of an employee. Sick leave with pay shall be granted to all employees at the rate of one (1) day per calendar month worked, credited at the end of the month. ~~Employees hired prior to November 1, 1998, who elected to continue their current plan, shall be allowed accruals up to one hundred and twenty (120) days. Group members hired November 1, 1998 or later shall be allowed sick leave accrual up to twenty (20) days.~~
2. **Earned Personal Leave:** Employees completing ~~twelve (12)~~ **Six (6)** consecutive months of employment without taking sick leave will be granted one (1) non-accumulative personal day. Employees may, at their discretion and with Department head approval, sell their non-accumulative personal day during the annual open enrollment period. This provision relates only to the non-accumulative personal day awarded for non-use of sick leave for twelve (12) consecutive months.
3. **Family Sick:** ~~Up to three~~ **Three** additional days each year (non-accumulative from year to year) **will be given to employees on the first day of the month following his/her anniversary date of hire. This family sick time** may be taken by an employee when the ill health of a member of the employee's immediate family requires the employee's care. For purposes of this section, an employee's immediate family shall be deemed to be the spouse, child, stepchild, mother, father, or other dependents living in the same household. An exception may be made by the Department head where extenuating circumstances exist.

~~Employees who terminate their employment through retirement shall be entitled to a lump sum payment for three quarters of the number of accumulated days due at the rate of pay at the time of termination of service, not to exceed seventy five percent of one hundred and twenty (120) days accumulated sick leave. For the purpose of this section, retirement shall be defined as having completed ten (10) consecutive years of service with the City of Rochester and being eligible to retire under the New Hampshire Retirement System or other retirement plan paid in part or in full by the City.~~ **MOVED TO NEW SEPARATION ARTICLE**

~~Employees who terminate their employment by voluntary resignation, and who have served at least ten (10) **consecutive** years with the City of Rochester, shall be entitled to a lump sum payment for one half of the accumulated sick leave due them,~~



at the employee's rate of pay at the time of termination, not to exceed fifty (50%) percent of one hundred and twenty (120) days accumulated sick leave. In the event of termination by reason of death, said payment in the amount of 50% of accrued sick leave shall be made to his/her beneficiary. **MOVED TO NEW SEPARATION ARTICLE**

## **ARTICLE 11: BEREAVEMENT LEAVE**

Bereavement leave shall be granted as follows:

1. ~~Special leave of five (5) working days to attend the funeral, memorial and/or burial services, without any loss of wages in the event of the death of a spouse or child.~~
2. ~~Special leave of three (3) working days, from the date of death, without loss of wages in the event of death of employee's:~~

Father	_____	Mother
Sister	_____	Brother
Father in law	_____	Mother in law
Step Parent	_____	Son or daughter in law
Grandchild	_____	or person domiciled in employee's household.
3. ~~Special leave of one (1) working day with pay shall be granted to attend funeral of employee's:~~

Grandmother	_____	Sister in law
Grandfather	_____	Brother in law
Aunt	_____	Uncle
Niece	_____	Nephew
4. ~~Upon written approval of Department Head, two (2) additional days with pay may be granted for the above when there are extenuating circumstances.~~
5. ~~An employee shall be required to give notice if they intend to use bereavement leave in nonconsecutive working days. Such request will not be unreasonably denied.~~

**Bereavement Leave shall be granted as follows:**

- (a) **Bereavement leave of five (5) working days, without any loss of pay in the event of death of:**
  - **Spouse/Partner**
  - **Child/Step Child**
- (b) **Bereavement of three (3) working days, without any loss of pay in the event of death of his/her:**
  - **Mother/Step Mother/Mother-in-Law**
  - **Father/Step Father/Father-in-Law**

- **Brother/Step Brother**
- **Sister/Step Sister**
- **Grandchild/Step Grandchild**
- **Daughter-in-Law**
- **Son-in Law**

**(c) Bereavement of one (1) working day with pay, for the purpose of attending the funeral, shall be granted an employee in the event of the death of his/her:**

- **Aunt/Uncle**
- **Niece/Nephew**
- **Grandparent/Step/in-Law**
- **Sister-in-Law**
- **Brother-in-Law**

**(d) Under extenuating circumstances, two (2) additional days with pay may be granted under sections 1, 2, and 3 above with the written request to your department director or his/her designee and final approval from the City Manager.**

### **ARTICLE 13: MILITARY LEAVE**

Any permanent employee who is a member of the Reserve Component of the Armed Forces of the United States, and is activated or required to undergo field training therein, shall be entitled to a leave of absence with pay for the period of such training, but not to exceed three (3) weeks in any one (1) year. ~~in addition to the annual vacation leave, provided the amount of base pay paid to such employee for such leave of absence shall be the difference between his compensation for military activities as shown by a statement by military authorities giving rank, pay and allowance, and the amount of employee's regular wage.~~ **The City will augment any military leave pay received by the unit member from the federal government up to the net wages the member would have received had she/he been working for the City during the same pay period.**

**Any member that chooses to invoke the military leave clause should submit to Human Resources their military orders once received. The member will take leave without pay during active duty and continue to pay applicable benefit deductions while on leave. Once returned from active duty, the member will submit to Human Resources their military leave pays from the federal government. If augmentation of pay is required, the member will receive compensation the following pay period of receipt of military pay.**

### **ARTICLE 15: HOURS OF WORK**

1. Non Salaried employees: The employees shall work days and hours determined by the Department head or the City Manager in the case of any non-salaried Department Head schedule. Overtime shall be paid for any work performed beyond the 40 hours in a week ~~(for the purposes of this article, holiday hours paid in accordance with Article 6 of this agreement are included as work performed).~~ With the exception of flex-scheduled employees, overtime shall be paid for any work performed by employees that take minutes at board and committee meetings after 6PM or working on Saturday or Sunday.
2. Salaried employees: An employee who, under this agreement, regularly receives each pay period a predetermined or fixed amount of money constituting compensation, based on a predetermined amount of wages to be paid as determined by a weekly rate and which amount is not subject to reduction because of variations in the quality or quantity of the work performed and regardless of the hours or days. Salaried employees do not have a fixed schedule.
3. The City recognizes the Union is composed of salaried and hourly, professional members whose hours and methods of work are defined by the requirements of their respective positions.
4. Non-Salaried employees may request to be compensated with compensatory time at the rate of one and one half (1 ½) hours for each hour of overtime worked. All overtime must receive the prior approval of the Department Head. If compensatory time is to be used to compensate overtime hours, the employee and the Department Head prior to the hours being worked must agree to it. Compensatory time may be accrued to a total of ~~forty (40)~~ **One Hundred (100)** hours. ~~All compensatory time must be used by June 15 of each year or it will be paid out as overtime on the next pay day.~~ An hourly employee called back to work after normal working hours, shall be paid one and one half (1 ½) time the employee's regular hourly rate of pay for a minimum of two (2) hours for each such call back. **Any compensatory time unused at the end of the last full pay period in June will be paid at the current hourly rate in the last full payroll period in June.**

## ARTICLE 18: WORKERS' COMPENSATION

1. An employee out of work due to a job-connected injury shall receive worker's compensation. The difference between the amount paid to the employee through worker's compensation and the employee's regular ~~net~~ wage shall be paid to the employee by the City for a period of the first twenty (20) work days of said job connected injury; said amount shall not be charged against the employee's accumulated sick leave or vacation time. The actual payment of wages shall be a combination of the worker's compensation benefit as determined by the Department of Labor and a supplemental payment by the City which will be the difference between the worker's compensation payment and the employee's ~~net~~ regular compensation, to be paid on a bi-weekly basis.

2. At the end of the twenty (20) day period of said job connected injury, the employee shall continue to receive both worker's compensation benefit and the difference between that benefit and the employee's regular compensation, except that the differential between the worker's compensation benefit and the employee's ~~net~~ regular compensation shall be charged against the employee's accrued sick leave, if any, and thereafter, against vacation leave. The employee may elect to receive only the worker's compensation benefit and decline to receive the differential between the worker's compensation benefit and the ~~net~~ regular weekly compensation, so as to avoid the charge against sick leave or vacation leave.

## **ARTICLE 22: UNIFORMS**

**Increase boot allowance from \$125 to \$200/yr.**

~~Employees, at the time of separation of employment, are required to return all articles of uniforms, clothing and equipment which were provided by the City.~~ **MOVED TO NEW SEPARATION ARTICLE**

## **ARTICLE 23: EDUCATIONAL REIMBURSEMENTS**

The following Educational Reimbursement Incentive Policy will apply to all City employees after one (1) year of service. The City agrees to provide reimbursement for courses if all of the following are met:

1. The course is approved in advance by the Department **Head**.
2. The course is related to the employee's job or as part of a career development **program**.
3. There is sufficient funding in the budget for that **purpose**.
4. No more than three (3) courses per fiscal year unless approved by the City **Manager**.
5. Reimbursement for only the cost of the course will be as follows:  
100% for an A grade; 90% for a B grade; and 70% for a C grade. If the course is pass/fail, a grade of pass will qualify for 100% reimbursement.

## **ARTICLE 24: UNION BUSINESS LEAVE**

6. Any Officer or Steward of the Union shall be allowed to investigate any situation/issue brought to his/her attention by either union members or management. If the nature of the issue is such that expedited handling will result in prompt disposition thereof without interference to department operations, then management shall allow the Officer/Steward to investigate the matter while on duty, provided that City operations will always take priority over other business. It is further understood that time spent by Officers/Stewards on Union related



matters while off duty is non-compensable. Time spent by Officers/Stewards processing matters through the grievance procedure, attending disciplinary sessions with supervisors, and attending disciplinary and/or administrative hearings before appropriate authorities shall only be paid during their regularly scheduled workweek.

## **ARTICLE 26: DUES DEDUCTION**

To the extent that action is necessary by the Employer to implement the dues deductions, the Employer shall make reasonable effort to ~~insure~~ **ensure** that the payroll deductions are put into effect as soon as practicable.

## **ARTICLE 27: FLEXIBLE BENEFITS PROGRAM**

*With the exception of the Health Plans offered and provisions for selling accrued leave, the meaning and intent is to provide the same level of benefit and coverage under the Flexible Benefit Program that is available to employees prior to the implementation of this agreement.*

### **A. ~~HEALTH PLAN OPTIONS~~ HEALTH INSURANCE**

~~All full-time regular employees shall be provided with comprehensive medical insurance coverage through the Flexible Benefits Program as offered by the City of Rochester.~~

- ~~a) The City's contribution to medical insurance premiums shall be limited to 80% of the ABSOS20/40/1KDED RX10/20/45~~  
~~Anthem Blue Site of Service plan~~  
~~\$1000/3000 deductible~~  
~~Co-pays: \$20 office visits; \$40 specialist visits, \$100 emergency room,~~  
~~— \$50 urgent care~~  
~~RX co-pays: \$10/20/45 34-day retail or 90-day mail order~~

~~The employee share of premiums shall be paid by the individual employee through payroll deductions.~~

**A.1 All employees shall be provided with comprehensive medical insurance coverage by the City of Rochester. The City's contribution to medical insurance premiums will be limited to 80% of the total premium of PLAN A towards PLAN A, PLAN B, or PLAN C.**

**Plan A – ABSOS20/40/1KDED (07L) - RX10/20/45**

**Plan B – ABSOS25/50/3KDED – RX 10/20/45**

**Plan C – Lumenos 2500(07L) – RX Anthem**

**Plans are attached as Exhibit\_\_\_\_.**

**(a) The employee share of premiums shall be paid by the individual employee through payroll deductions.**

**(b) During the City's open enrollment period, employees may opt to buy or sell back to the City up to six (6) days of accrued vacation hours and/ or sell back to the City one (1) day of accrued earned personal hours to reduce their share of medical, dental, and/or supplemental life insurance. However, after the exchange, the employee still must have at least five (5) days of vacation leave.**

**A.2** The City and the Union agree that the City reserves the right to select and substitute alternative health plans to replace the existing health plans identified above. Such alternative plans must provide employees with services that are equal or comparable to the above mentioned plans. The Union will also agree that the City may add any other plans as long as the plans are optional.

**A.4** Employees that have medical coverage through their spouse may choose to "opt out" or "opt down" of participation in the City-sponsored plan. If employees opt out or opt down, they will receive a portion of the monthly premium savings that can be used to offset the cost of other benefits or receive it as taxable compensation in their paychecks throughout the year.

The amount the employee can receive depends on their eligible coverage level, as shown in this chart:

<b>Eligible Coverage Level*</b>	<b>Annual Opt-Out Amount</b>
Family Coverage	\$2,400
2-Person Coverage	\$1,600
Single Coverage	\$1,000
<b>Eligible/Chosen Level**</b>	<b>Annual Opt-Down Amount</b>
Family to Single Coverage	\$1,200
Family to 2-Person Coverage	\$750
2-Person to Single Coverage	\$750

*\*Eligible coverage level refers to the number of eligible dependents the employee has.*

*\*\*Eligible/chosen coverage level refers to an employee that chooses a plan lower than their eligible coverage level.*

To opt out, employees must provide proof of comprehensive insurance coverage elsewhere.

- A.3** The parties reserve the limited right to re-open this agreement in the event that unanticipated changes in health insurance regulations and/or costs substantially increase, alter or impair the financial obligations of the parties or subject its health insurance plans to fines, taxes and/or penalties. Nothing herein shall obligate either party to reach agreement on any change after the reopening of the agreement and if no agreement is reached then the current agreement shall remain in full force and effect.

## **C. REIMBURSEMENT ACCOUNTS**

Reimbursement accounts offer a tax effective way to pay certain healthcare and dependent care expenses. Two types of reimbursement accounts are available to all employees:

- ~~Healthcare reimbursement~~ **Flexible Spending Account** (maximum annual contribution ~~\$2,500~~ **Maximum equal to IRS annual contribution limit**)
- Dependent care reimbursement account (maximum annual contribution – the lesser of the follows:
  - \$5,000 if you are married and file joint tax returns, or if you are single,
  - \$2,500 if you are married and file separately, or
  - The lower of you and your spouse's income

These deductions shall be **pro-rated** for employees who are employed for less than a full calendar year.

## **B. DENTAL INSURANCE**

~~All employees covered by this agreement are provided with the Northeast Delta Dental Plan through the Local Government Center. That plan or one with the same or greater benefits is provided by the City with the City paying up to three hundred dollars (\$300.00) per year towards the cost of the benefit. Employee pays costs above that amount through the Flexible Benefits Program and payroll deductions. The Base Option V Coverage A, B; Mid Option III Coverage A, B, C and High Option I coverage A, B, C, and D are available to the employee in either Single, Two Person or Family Plans.~~

**All employees covered by this agreement are provided with a Delta Dental Plan through HealthTrust. The City contributes up to three hundred dollars (\$300.00) per year towards the cost of this benefit. Employees pay the premium cost above \$300.00 through payroll deduction. The Base Option 5 Coverage A, B; Mid Option 3D Coverage A, B, C and High Option 1S coverage A, B, C, and D are available to the employee in either Single, Two-Person or Family Plans.**

## **C. DISABILITY INCOME PROTECTION**

### Full Coverage Plan

The Full Coverage Plan is mandatory for employees hired after November 1, 1998. It includes three separate and distinct elements:

- a) Sick Leave Account
- b) Short-Term Disability (STD) Plan

c) Long-Term Disability (LTD) Plan

Limited Plan

With this plan, if you are unable to work because of accident or illness, you will receive 100 percent of your salary for as many sick days as you have accrued, to a maximum of 120 days.

Limited Plan Plus

Employees hired prior to November 1, 1998, may continue their participation in the sick leave program in place at that time and purchase LTD insurance.

## **D. LIFE INSURANCE**

The City pays 100% of the cost of a basic amount of life insurance protection for all employees. This "core coverage" is equal to one times the employee's base salary. Employees can choose to purchase additional "supplemental coverage". The cost of any additional insurance will be made through payroll deductions or offset by any remaining city-provided benefit funds.

## **~~BUY/SELL ACCRUED LEAVE~~**

~~During the City's open enrollment period, and part of the Flexible Benefits Program, employees may opt to buy or sell back to the City up to six (6) days of accrued vacation or sell back to the City one (1) day of accrued earned personal leave in exchange for Benefit Bucks (used for the employee's share of medical, dental and/or supplemental life insurance). However, after the exchange, the employee still must have at least five (5) days of vacation leave.~~ **MOVED TO HEALTH INSURANCE ARTICLE**

## **ARTICLE 28: COMPENSATION AND WAGES**

- ~~1. Effective July 1, 2020, employees~~ **Employees** shall be placed on a Merit Track (Exhibit B) in accordance with their classification grade (Exhibit A) ~~and the agreed to worksheet. If the July 1, 2020 Merit Track placement results in the employee receiving 4% or higher, the employee will not be eligible for a merit track advancement in the first year of this agreement. If the July 1, 2020 Merit Track placement results in the employee receiving 1% or lower, employee will be placed on the next higher step.~~
2. Thereafter, employees **Employees** will be eligible for a Merit Track advancement effective the first full pay period including their anniversary date of hire, based upon the results of a performance evaluation process that shall include, but not be limited to, a written evaluation (Exhibit C) performed by the employee's supervisor, the personnel file and such other information to determine in his/her discretion is relevant before making a recommendation to the City Manager for Merit Track advancement. The Merit Advancement Worksheet (Exhibit C) will have a total of one hundred available points.



Employees that do not receive a score of 70 or better **on evaluation** shall not be recommended for Merit Track advancement. Merit Track advancement will not be diminished because of financial considerations of the Department or the City.

3. The merit tracks attached hereto will be adjusted as follows:

- A. Effective July 1, 2021-**2023: 4.0%**
- B. Effective July 1, 2022-**2024: 3.0%**
- C. Effective July 1, 2022-**2025: 3.0%**
- D. Effective July 1, 2022-**2026: 2.0%**

**Employees on the top step in the prior fiscal year shall receive, in addition to any merit track COLA adjustment, a two percent 2.0% one-time payment (not added to the base) in lieu of a step increase (must score a 70 or better on evaluation).**

#### **ARTICLE 29: LONGEVITY**

The City provides longevity pay to full-time employees based on continuous years of service as follows:

<b><u>Years of Service</u></b>	<b><u>Annual Payment</u></b>
3 – 5	\$200.
6 –10	\$325.
11–15	\$400.
16-20	\$550.
21 or more	\$600

Payment shall be made annually on the payroll that includes the employee's anniversary date:

~~Upon termination of employment with the City, employees shall receive longevity pay pro-rated for the number of days of longevity in that year calculated from the employee's anniversary date to the day employee terminates.~~ **MOVED TO NEW SEPARATION ARTICLE**

The City provides longevity pay to part-time employees based on continuous years of service as follows:

<b><u>Years of Service</u></b>	<b><u>Annual Payment</u></b>
3 – 5	\$100.
6 –10	\$165.
11–15	\$200.
16-21	\$275.
21 or more	\$300.

Payment shall be made annually on the payroll that includes the employee's anniversary date. ~~Upon termination of employment with the City, employees shall receive longevity pay pro-rated for the number of days of longevity in that year calculated from the employee's anniversary date to the day employee terminates.~~

**MOVED TO NEW SEPARATION ARTICLE**

The amount of payment will be based upon the status (part time/full time) of the employee on their anniversary date.

**EXHIBIT A: CLASSIFICATION GRADES**

<b><u>Grade</u></b>	<b><u>Classification Title</u></b>
3	Administrative Assistant I
6	Administrative Assistant II
2	Administrative Technician I
4	Administrative Technician II
6	Assessor I
9	Assessor II
5	Account Clerk
6	Animal Control Officer
4	Arena Attendant
8	Community Development Coordinator
<b>10</b>	Compliance Officer
6	Crime Analyst
<b>9</b>	<b>Construction Inspector</b>
10	Economic Development Specialist
<b>11</b>	Electrical Inspector (Building/Mechanical Inspector)
6	Evidence Technician
11	GIS/Asset Management Technician
10	GIS/Construction Technician
8	Government Channel Coordinator
11	Health Inspector (Health/Plumbing Inspector)
9	IT Technician
9	Juvenile Division Coordinator
3	Parking Enforcement Officer
8	Planner I
7	Recreation <b>Marketing &amp;</b> Program Coordinator
10	Senior Planner <b>II</b>
9	Social Worker
12	<del>Systems Administrator</del>
5	Utility Billing Administrator
5	Welfare Intake Worker

**EXHIBIT B: MERIT TRACK**

See Attached.

**ARTICLE NEW: SEPARATION PAYMENTS AND BENEFITS**

- **For full-time employees, 'Retirement or Retire'** as used in this Agreement shall mean withdrawal from active service having been granted a retirement allowance by the New Hampshire Retirement System (NHRS) and the employee actually drawing such a retirement allowance no later than 90 days after separation.
- **For full-time and part-time employees, 'Resignation'** shall be defined as voluntarily separating from employment with the City other than for the purposes of retirement.
- **Dismissal During the Probationary Period.** If at any time during the probationary period, the agency head determines that the services of a new or rehired employee have been unsatisfactory, the employee may be dismissed from his/her position without right of appeal or grievance. Written notice of such dismissal shall be given to the employee.

Upon receipt of a signed letter of intent to separate from the service with the City of Rochester, a severance payment shall be issued as follows:

1. **Vacation:** Upon resignation or retirement, 100% of accumulated vacation after completion of the 6 months probationary period. If an employee resigns from the City during his probationary period, vacation pay-out will be pro-rated based upon his service time. The maximum payout shall not exceed one and one-half (1.5) times the annual accrual amount.
2. **Sick:** 75% of accumulated sick time shall be paid if the employee has been granted a retirement allowance from the NHRS and is actually drawing such an allowance within 90 days of separation. Employees who terminate their employment through retirement shall be entitled to a lump sum payment for three-quarters of the number of accumulated days due at the rate of pay at the time of termination of service, not to exceed seventy-five percent of one hundred and twenty (120) days accumulated sick leave. For the purpose of this section, retirement shall be defined as having completed ten (10) consecutive years of service with the City of Rochester and being eligible to retire under the New Hampshire Retirement System or other retirement plan paid in part or in full by the City.

3. **Sick:** 50% of accumulated sick time shall be paid if the employee submits his/her resignation and has completed ten (10) years of continuous service with the City of Rochester at the time of separation. Employees who terminate their employment by voluntary resignation, and who have served at least ten (10) years with the City of Rochester, shall be entitled to a lump sum payment for one-half of the accumulated sick leave due them, at the employee's rate of pay at the time of termination, not to exceed fifty (50%) percent of one hundred and twenty (120) days accumulated sick leave.
4. **Personal:** Upon resignation or retirement, 100% of accumulated personal time.
5. If an employee leaves the city during his probationary period, vacation pay-out will be pro-rated based upon his service time.
6. **Earned Personal:** Upon resignation or retirement, 100% of accumulated earned personal time.
7. **Compensatory Time (Comp Time):** Upon resignation or retirement, 100% of accumulated comp time.
8. **Longevity:** Upon resignation or retirement, pro-rated amount calculated from the employee's anniversary date of hire to the employee's date of separation.
9. The employee shall not receive any accrued benefits except compensatory time if the employee is dismissed during the probationary period.

For purposes of determining sick and vacation benefits, the number of days for each shall be based upon the employee's accruals and his/her per diem rate at the time of separation.

In the event of termination by reason of death, said payment in the amount of 100% of accrued sick leave shall be made to his/her beneficiary.

Employees, at the time of separation of employment, are required to return all articles of uniforms, clothing and equipment which were provided by the City.



<b>FY24</b>	<b>4% COLA</b>											
<b>Grade</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>
2	17.27	17.74	18.23	18.73	19.25	19.78	20.32	20.88	21.45	22.04	22.65	23.27
3	18.16	18.66	19.17	19.70	20.24	20.79	21.37	21.95	22.56	23.18	23.81	24.47
4	19.04	19.57	20.11	20.66	21.23	21.81	22.41	23.03	23.66	24.31	24.98	25.67
5	20.00	20.55	21.11	21.69	22.29	22.90	23.53	24.18	24.84	25.53	26.23	26.95
6	22.04	22.65	23.27	23.91	24.57	25.24	25.94	26.65	27.38	28.14	28.91	29.70
7	23.14	23.78	24.43	25.11	25.80	26.51	27.24	27.98	28.75	29.54	30.36	31.19
8	24.30	24.97	25.66	26.36	27.09	27.83	28.60	29.38	30.19	31.02	31.88	32.75
9	26.83	27.57	28.33	29.11	29.91	30.73	31.58	32.45	33.34	34.25	35.20	36.16
10	28.18	28.95	29.75	30.56	31.41	32.27	33.16	34.07	35.00	35.97	36.96	37.97
11	30.30	31.13	31.99	32.87	33.77	34.70	35.65	36.63	37.64	38.67	39.74	40.83
12	32.83	33.73	34.66	35.61	36.59	37.60	38.63	39.69	40.79	41.91	43.06	44.24
<b>FY25</b>	<b>3% COLA</b>											
<b>Grade</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>
2	17.79	18.28	18.78	19.30	19.83	20.37	20.93	21.51	22.10	22.71	23.33	23.97
3	18.70	19.22	19.74	20.29	20.84	21.42	22.01	22.61	23.23	23.87	24.53	25.20
4	19.61	20.15	20.71	21.28	21.86	22.46	23.08	23.72	24.37	25.04	25.73	26.44
5	20.60	21.16	21.74	22.34	22.96	23.59	24.24	24.90	25.59	26.29	27.01	27.76
6	22.70	23.33	23.97	24.63	25.30	26.00	26.71	27.45	28.20	28.98	29.78	30.60
7	23.84	24.49	25.17	25.86	26.57	27.30	28.05	28.82	29.62	30.43	31.27	32.13
8	25.03	25.72	26.43	27.15	27.90	28.67	29.46	30.27	31.10	31.95	32.83	33.74
9	27.64	28.40	29.18	29.98	30.81	31.65	32.52	33.42	34.34	35.28	36.25	37.25
10	29.02	29.82	30.64	31.48	32.35	33.24	34.15	35.09	36.06	37.05	38.07	39.11
11	31.21	32.06	32.95	33.85	34.78	35.74	36.72	37.73	38.77	39.84	40.93	42.06
12	33.81	34.74	35.70	36.68	37.69	38.73	39.79	40.88	42.01	43.16	44.35	45.57
<b>FY26</b>	<b>3% COLA</b>											
<b>Grade</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>
2	18.32	18.82	19.34	19.87	20.42	20.98	21.56	22.15	22.76	23.39	24.03	24.69
3	19.26	19.79	20.34	20.90	21.47	22.06	22.67	23.29	23.93	24.59	25.26	25.96
4	20.20	20.76	21.33	21.92	22.52	23.14	23.77	24.43	25.10	25.79	26.50	27.23
5	21.21	21.80	22.40	23.01	23.64	24.30	24.96	25.65	26.36	27.08	27.82	28.59
6	23.38	24.03	24.69	25.37	26.06	26.78	27.52	28.27	29.05	29.85	30.67	31.51
7	24.55	25.23	25.92	26.64	27.37	28.12	28.89	29.69	30.51	31.34	32.21	33.09
8	25.78	26.49	27.22	27.97	28.74	29.53	30.34	31.17	32.03	32.91	33.82	34.75
9	28.47	29.25	30.06	30.88	31.73	32.60	33.50	34.42	35.37	36.34	37.34	38.37
10	29.89	30.71	31.56	32.43	33.32	34.23	35.18	36.14	37.14	38.16	39.21	40.29
11	32.14	33.03	33.93	34.87	35.83	36.81	37.82	38.86	39.93	41.03	42.16	43.32
12	34.83	35.79	36.77	37.78	38.82	39.89	40.98	42.11	43.27	44.46	45.68	46.94

<b>FY27</b>	<b>2% COLA</b>											
<b>Grade</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>
2	18.69	19.20	19.73	20.27	20.83	21.40	21.99	22.60	23.22	23.85	24.51	25.18
3	19.65	20.19	20.74	21.31	21.90	22.50	23.12	23.76	24.41	25.08	25.77	26.48
4	20.61	21.17	21.76	22.35	22.97	23.60	24.25	24.92	25.60	26.31	27.03	27.77
5	21.64	22.23	22.84	23.47	24.12	24.78	25.46	26.16	26.88	27.62	28.38	29.16
6	23.85	24.51	25.18	25.87	26.58	27.32	28.07	28.84	29.63	30.45	31.28	32.14
7	25.04	25.73	26.44	27.17	27.92	28.68	29.47	30.28	31.12	31.97	32.85	33.75
8	26.30	27.02	27.76	28.53	29.31	30.12	30.95	31.80	32.67	33.57	34.49	35.44
9	29.04	29.84	30.66	31.50	32.37	33.26	34.17	35.11	36.08	37.07	38.09	39.13
10	30.49	31.33	32.19	33.07	33.98	34.92	35.88	36.87	37.88	38.92	39.99	41.09
11	32.78	33.69	34.61	35.56	36.54	37.55	38.58	39.64	40.73	41.85	43.00	44.18
12	35.52	36.50	37.50	38.54	39.60	40.68	41.80	42.95	44.13	45.35	46.60	47.88

**RESOLUTION APPROVING COST ITEMS ASSOCIATED WITH  
PROPOSED  
CITY OF ROCHESTER  
MULTI-YEAR COLLECTIVE BARGAINING  
AGREEMENT WITH  
ROCHESTER COMMUNICATIONS  
NEPBA LOCAL 123**

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

That pursuant to, and in accordance with, the provisions of Chapter 273-A of the New Hampshire Revised Statutes Annotated, the cost items associated with the multi-year year collective bargaining agreement between the City of Rochester and the ROCHESTER COMMUNICATIONS NEPBA Local 123 Bargaining Unit, covering the period July 1, 2023 to June 30, 2026, as set forth in the proposed contract, and as more particularly detailed on the attached "**EXHIBIT A: COMMUNICATIONS NEPBA LOCAL 123 – JULY 2023**," which includes a summary financial analysis of the annual costs of the contract to the City provided by the Rochester Director of Finance, is hereby approved. The provision of funds necessary to fund the aforementioned, and hereby approved, collective bargaining agreement "cost items" in the first year of the agreement will be contained in the Fiscal Year 2024 operating budget of the City.

## EXHIBIT A: COMMUNICATIONS NEPBA LOCAL 123 – JULY 2023

## Rochester Communications, NEPBA Local 123

City Health Contribution	80/20	80/20	80/20	80/20
	ABSOS 20/40	ABSOS 20/40	ABSOS 20/40	ABSOS 20/40
	RX 10/20/45	RX 10/20/45	RX 10/20/45	RX 10/20/45
Health Plan	DED \$1000/\$3000	DED \$1000/\$3000	DED \$1000/\$3000	DED \$1000/\$3000
Projected Health Increase		7.60%	6.00%	6.00%
	<b>Current FY23</b>	<b>FY24</b>	<b>FY25</b>	<b>FY26</b>
<b>Wages</b>				
Base Wage	\$489,756.80	\$530,566.40	\$558,188.80	\$587,308.80
Holiday Pay	\$20,720.48	\$22,447.04	\$23,615.68	\$24,847.68
Longevity	\$975.00	\$1,225.00	\$1,225.00	\$1,600.00
Total Wages	\$511,452.28	\$554,238.44	\$583,029.48	\$613,756.48
Dollar Change		\$42,786.16	\$28,791.04	\$30,727.00
<b>% Change</b>		<b>8.37%</b>	<b>5.19%</b>	<b>5.27%</b>
<b>Benefits</b>				
Medicare	\$7,416.06	\$8,036.46	\$8,453.93	\$8,899.47
Social Security	\$31,710.04	\$34,362.78	\$36,147.83	\$38,052.90
Health Insurance	\$126,733.30	\$136,308.82	\$144,442.34	\$153,063.89
Opt Out	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00
Dental	\$3,050.00	\$3,050.00	\$3,050.00	\$3,050.00
Life Insurance	\$1,057.87	\$1,146.02	\$1,205.69	\$1,268.59
STD Disability Insurance	\$2,644.69	\$2,865.06	\$3,014.22	\$3,171.47
LTD Disability Insurance	\$3,820.10	\$4,138.42	\$4,353.87	\$4,581.01
Total Benefits & Rollups	\$177,432.06	\$190,907.56	\$201,667.88	\$213,087.32
Dollar Change		\$13,475.50	\$10,760.32	\$11,419.44
<b>% Change</b>		<b>7.59%</b>	<b>5.64%</b>	<b>5.66%</b>
<b>Totals</b>				
Total Wages, Benefits & Rollups	\$688,884.34	\$745,146.00	\$784,697.36	\$826,843.80
Dollar Change		\$56,261.66	\$39,551.36	\$42,146.44
<b>% Change</b>		<b>8.17%</b>	<b>5.31%</b>	<b>5.37%</b>

11 Total Employees - 100% FT





03/02/2023

## City of Rochester Formal Council Meeting

### AGENDA BILL

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

AGENDA SUBJECT

Rochester Communications NEPBA Local 123 Collective Bargaining Agreement

COUNCIL ACTION ITEM ☒  
INFORMATION ONLY ☐

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

RESOLUTION REQUIRED? YES ☒ NO ☐

FUNDING RESOLUTION FORM? YES ☐ NO ☒

AGENDA DATE	March 7, 2023		
DEPT. HEAD SIGNATURE			
DATE SUBMITTED			
ATTACHMENTS YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	17	

#### COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

#### DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

#### FINANCE & BUDGET INFORMATION

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

#### LEGAL AUTHORITY

NH RSA 273-A: Public Employee Labor Relations

**SUMMARY STATEMENT**

The Collective Bargaining Agreement (CBA) between Rochester Communications NEPBA Local 123 the City expires on June 30, 2023. The negotiating teams for both sides reached a Tentative Agreement (TA) and the Local 123 personnel ratified the agreement. It now comes to the City Council for consideration for final approval.

**RECOMMENDED ACTION**

Adoption of this CBA.

**THE CITY OF ROCHESTER**

**&**

**ROCHESTER COMMUNICATIONS, NEPBA LOCAL 123**

**NOVEMBER 30, 2022**

**TENTATIVE AGREEMENT<sup>1</sup>**

**ARTICLE TEN: COMPENSATION AND WAGES**

**A. Compensation**

1. ~~Effective July 1, 2020, employees shall be placed on a Merit Track based upon years of service (in accordance with agreed to worksheet). Thereafter,~~ employees **Employees** will be eligible for a Merit Track advancement effective the first full pay period including their anniversary date of hire, based upon the results of a performance evaluation process that shall include, but not be limited to, a written evaluation performed by the employee's supervisor. The Manager will consider the written evaluation, the personnel file and such other information to determine in his/her discretion is relevant before making a recommendation to the Chief of Police for Merit Track advancement. The Manager shall develop a merit Advancement Worksheet with a total of one hundred available points assigned to the above-referenced categories. Employees that do not receive a score of 70 or better shall not be recommended for Merit Track advancement. Merit Track advancement will not be diminished because of financial considerations of the Department or the City.
2. The minimum and maximum pay ranges attached hereto will be adjusted as follows:
  - A. Effective July 1, **2023: 4.0%**
  - B. Effective July 1, **2024: 3.0%**
  - C. Effective July 1, **2025: 3.0%**

**B. Increase CTO pay to \$2.50 per hour.**

**C. Increase evening and midnight shift differentials to 1.50/hour.**

**D. Longevity**

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<sup>1</sup> Unless modified by Tentative Agreement, all other contract language shall remain unchanged unless otherwise inconsistent with the terms of the Tentative Agreement.

~~Upon termination of employment with the City, employees shall receive longevity pay pro-rated for the number of days of longevity in that year calculated from the employee's anniversary date to the day employee terminates. MOVE TO SEPARATION ARTICLE~~

**E. (New) Employees meeting the attached requirements for Dispatcher II shall receive wages that are five percent (5.0%) above the highest step on the corresponding dispatcher wage scale.**

**F. (New) All unit employees shall receive an additional \$100/week in Critical Shortage Pay during any complete pay period when the number of qualified employees available to cover shifts drops below full compliment by three (3) or more. Unless otherwise agreed, this provision shall not apply due to vacations, personal leave, sick leave, workers compensation or any other form of paid leave.**

#### **ARTICLE ELEVEN: HOURS OF WORK – OVERTIME – COMPENSATORY TIME**

Compensatory time is permitted in lieu of overtime compensation if a request for such by the employee is approved by the Chief of Police or designee in advance of the overtime work. Compensatory time shall be granted at the rate of one and one-half (1 ½) hours for each hour of overtime worked in excess of any hours worked over forty (40) hours per week. Maximum accrual of compensatory time shall be forty (40) hours. ~~If taken, the Department may elect to pay off accumulated compensatory time at the end of the fiscal year.~~ **Any compensatory time unused at the end of the last pay period in June will be paid at the current hourly rate in the last full pay period in June.** An employee may not request compensatory time in lieu of overtime when the maximum has been reached. If an employee uses earned compensatory time, the employee may replenish his/her account up to its maximum accrual.

#### **ARTICLE TWELVE: SHIFT ASSIGNMENTS**

A. The selection process for shift assignment will be based on seniority. The shift selection will be submitted, no later than thirty (30) days before the start of the next shift selection. This shift selection will be for a period of ~~three (3)~~ **Four (4)** months. The senior Dispatcher shall be notified that he/she has three (3) days to declare their shift choice. Once this selection has been made the next senior Dispatcher shall make the selection in the same manner and same time frame. This will continue until all Dispatchers have made their requests. ~~An employee is limited to selecting the same shift rotation twice (consecutively).~~ Employees may voluntarily agree to swap shift rotations following selection with the written approval of the Police Chief.



G. Overtime shall be available equally to employees. **Overtime shall be selected at eight (8) hours at a time by seniority. Management reserves the right to allow for more hours to be selected when there is a staffing shortage.**

Employees that turn down the overtime will lose any right to dispute the equitableness of the overtime distribution

#### **ARTICLE FOURTEEN: ~~HEALTH AND BENEFIT PLAN~~ MEDICAL AND DENTAL INSURANCE**

~~A. The Flexible Benefits Program as offered by the City of Rochester will be provided to all full-time regular Communications employees. The City's contribution to medical insurance premiums will be limited to 80% of total premium of one of the following:~~

~~Plan A — ABSOS20/40/1KDED — RX10/20/45~~

~~Plan B — Anthem LUMENOS~~

**14.1 MEDICAL INSURANCE: All employees shall be offered comprehensive medical insurance coverage by the City of Rochester. The City's contribution to medical insurance premiums will be limited to 80% of the total premium of PLAN A towards either PLAN A, PLAN B, or PLAN C.**

**Plan A — ABSOS20/40/1KDED(07L) - RX10/20/45**

**Plan B — ABSOS25/50/3KDED — RX 10/20/45**

**Plan C — Lumenos2500(07L) — RX Anthem**

**(a) The employee share of premiums shall be paid by the individual employee through payroll deductions.**

**(b) During the City's open enrollment period, employees may opt to buy or sell back to the City up to 32 hours of accrued vacation hours and/ or sell back to the City eight (8) hours of accrued earned personal hours to reduce their share of medical, dental, and/or supplemental life insurance. However, after the exchange, the employee still must have at least five (5) days of vacation leave.**

**14.2 DENTAL INSURANCE: All employees covered by this agreement shall be offered provided a Delta Dental Plan through HealthTrust. The City contributes up to three hundred dollars (\$300.00) per year towards the cost of this benefit. Employees shall pay the premium cost above \$300.00 through payroll deduction for any coverage chosen. The plans shall be offered shall include coverage for Single, Two-Person or Families as follows: Base Option 5 Coverage A, B; Mid Option 3D Coverage A, B, C**

**and High Option 1S coverage A, B, C, and D .**

- 14.2** In order to reduce health insurance costs for the benefit of all involved the City reserves the right to select and substitute a more **cost-effective** alternate health insurance plan to replace the plan(s) identified above. Such alternate plan must provide employees with comprehensive core protection and services that are fundamentally equivalent to the protections and services enjoyed by employees under the plans previously provided by the City. The Union will also agree that the City may add any other plans as long as the plans are optional.
- 14.3** It is agreed that the City or the Union may immediately reopen this Agreement solely for the limited purpose of negotiating any changes in the health insurance plan that may be necessary to avoid the application of the Cadillac Tax to the City or any plan administrator, insurer, risk pool or plan participant, or to assure that the plan is legally compliant. An initial bargaining session shall be held within ten (10) business days of a request for reopen, unless another schedule is agreed to by the parties.
- 14.4 Employees that have comprehensive medical coverage other than through a state or federal exchange, may choose to “opt out” of participation in the city sponsored plan. If employees opt out, they will receive a portion of the monthly premium savings that can be used to offset the cost of other benefits or receive it as taxable compensation in their paychecks throughout the year. The amount the employee can receive depends on their eligible coverage level, as shown in this chart:**

<b>Eligible Coverage Level*</b>	<b>Annual Opt-Out Amount</b>
<b>Family Coverage</b>	<b>\$2,400</b>
<b>2-Person Coverage</b>	<b>\$1,600</b>
<b>Single Coverage</b>	<b>\$1,000</b>
<b>Eligible/Chosen Level**</b>	<b>Annual Opt-Down Amount</b>
<b>Family to Single Coverage</b>	<b>\$1,200</b>
<b>Family to 2-Person Coverage</b>	<b>\$750</b>
<b>2-Person to Single Coverage</b>	<b>\$750</b>

***\* Eligible coverage level refers to the number of eligible dependents the employee has.***

***\*\*Eligible/chosen coverage level refers to an employee that chooses a plan***

***lower than their eligible coverage level.***

**To opt out, employees must provide proof of comprehensive insurance coverage elsewhere.**

## ARTICLE FIFTEEN: VACATION

- A. ~~The provisions of this section shall apply to full-time regular employees. Applications for vacation leave shall be approved by the Police Chief or designee. Vacations shall be arranged by seniority. Employees shall have two vacation bids: one for summer (May–Oct.) and one for winter (Nov.–April). No employee shall select more than two (2) weeks at one time until all employees have been given an opportunity to choose their preferred vacation time. Employees shall give the Chief of Police or designee at least thirty (30) days advance notice of his/her desire to utilize a specific week or day(s) for his/her vacation which is subject to approval of the Chief of Police or designee. Employees shall be entitled to schedule vacation periods adjacent to regular days off. Time-off slips will be approved/denied within 48 hours if requested within the 30-day period. Vacation time will be accrued during the probationary period but may not be taken until after successful completion of probation, except with approval of the employee's supervisor and the City Manager. Vacation time accrued in a year (based on anniversary date) shall be taken within the next following employment year, except when, upon application by an employee, the City Manager shall have granted an exception to this section.~~
- B. ~~**Employees hired prior to 7-1-2016:** After commencement of the first year of continuous full-time employment, each employee shall accrue paid vacation time at the rate of ten-twelfths (10/12) of a day\*\* for each month of full-time employment during each employment year through and including the fifth (5<sup>th</sup>) employment year. After the commencement of the sixth (6<sup>th</sup>) year of full-time employment, each employee shall accrue paid vacation time at the rate of one and three-twelfths (1 3/12) days for each month of full-time employment during each employment year through and including the tenth (10<sup>th</sup>) employment year. After commencement of the eleventh (11<sup>th</sup>) year of full-time employment, each employee shall accrue paid vacation at the rate of one and eight-twelfths (1 8/12) days for each month of full-time employment during each employment year.~~

~~\*\* For purposes of vacation accrual, each day is equal to eight~~

~~(8) hours. Illustrative Table:~~

<del>0-5 years</del>	<del>10/12<sup>th</sup> day/month</del>	<del>(2 weeks/year)</del>
<del>6-10 years</del>	<del>1 3/12<sup>th</sup> day/month</del>	<del>(3 weeks/year)</del>
<del>11+ years</del>	<del>1 8/12 day/month</del>	<del>(4 weeks/year)</del>

~~**Employees hired after 6-30-2016:** Each eligible employee shall be granted non-cumulative vacation days (see Illustrative table below) each year granted on the employee's anniversary date. Vacation days are to be used within the year they~~



are granted.

In the event the employee's legitimate job responsibilities or an approved leave of absence (such as FMLA or worker's comp) prevent vacation usage as outlined above, an exception shall be granted with an approved plan for vacation usage bringing the employee's accumulations within the specified limits.

~~Illustrative Table (hired after 6/30/16):~~

<del>1-5 years</del>	<del>10 days/year</del>
<del>6-10 years</del>	<del>15 days/year</del>
<del>11+ years</del>	<del>20 ays/year</del>

**15.1 The provisions of this section shall apply to full-time regular employees.**

**15.2 Vacation time may be used after the completion of the first six (6) months of employment (probationary period).**

**15.3 Vacation time will be accrued on a bi-weekly basis.**

**15.4 Vacation time will accrue in accordance with the following table:**

**Illustrative Table**

<b>0 – 5 years</b>	<b>3 weeks/year</b>
<b>6+</b>	<b>4 weeks/year</b>

**15.5 The Maximum accrual of vacation time at any point in time shall not exceed one and one-half (1.5) times the annual allotment. Upon reaching the maximum accrual amount, further accruals shall be suspended until such time as usage reduces the total accrued vacation time below the maximum allowed.**

**15.6 Applications for vacation leave shall be approved by the Police Chief or designee. Vacations shall be arranged by seniority. Employees shall have two vacation bids: one for summer (May- Oct.) and one for winter (Nov. – April). No employee shall select more than two (2) weeks at one time until all employees have been given an opportunity to choose their preferred vacation time.**

**Employees shall give the Chief of Police or designee at least thirty (30) days advance notice of his/her desire to utilize a specific week or day(s) for his/her vacation which is subject to approval of the Chief of Police or designee. Employees shall be entitled to schedule vacation periods adjacent to regular days off. Time-off slips will be approved/denied within 48 hours if requested within the 30-day period.**

**15.7 During the City's open enrollment period, employees may opt to buy or sell back to the City up to 32 hours of accrued vacation hours and/ or sell back to the City 8 hours of accrued earned personal hours to reduce their share of medical, dental, and/or supplemental life insurance. However, after the exchange, the employee still must have at least five (5) days of vacation leave.**

~~C. Employees may opt to buy or sell vacation days in accordance with the Flexible Benefit Plan.~~

~~D. Upon severance of employment, the maximum accumulation paid shall be one and one-half (1.5) times the annual accumulation amount. No vacation time may be used during an employee's severance notice period. MOVE TO SEPARATION ARTICLE~~

~~E. **Parental Leave:** All full-time employees shall be eligible to receive one extra week (5 days) of paid vacation time during any year in which they or their current spouse have a birth or adoption of a child (or children). The employee shall have one calendar year from the date of birth or adoption in which to use the extra week of vacation or it is forfeited. MOVE TO ARTICLE SEVENTEEN~~

## **ARTICLE SIXTEEN: SICK LEAVE AND WORK CONNECTED INJURIES**

### **A. Sick leave**

Sick leave shall be granted at the rate of one (1) day per month, to be credited on the last day of the month of employment, the unused portion accumulating up to a maximum of ~~20 days~~ **four hundred and forty (440) hours** during the term of this Agreement.

At the discretion of the Chief of Police, a doctor's certificate may be required for absence due to illness in excess of three (3) days. If the Chief of Police has reasonable basis to believe or suspect an employee has abused sick leave privileges, he/she may require a doctor's certificate for an illness of three (3) days or less with the Chief of Police selecting the doctor and the City paying for the cost of the visit to the doctor.

### **B. Workers Compensation**

The Parties to this Agreement hereby agree that an employee out of work due to a job connected injury or illness shall receive workers' compensation. The difference between the amount paid to the employee through workers' compensation and his/her regular net wage shall be paid to the employee by the employer for a period of the first twenty (20) calendar days of said job connected injury; said amount shall not be charged against the employee's

accumulated sick leave or vacation time. The actual payment of wages under this section shall be a combination of the workers' compensation benefit as determined by the Department of Labor and a supplemental payment by the City of Rochester will be the difference between the workers' compensation payment and the employee's regular net compensation, to be paid on a bi-weekly basis.

At the end of the twenty (20) day period of said job connected injury, the employee shall continue to receive both worker's compensation benefit and the difference between that benefit and the employee's regular net compensation, except that the differential between the worker's compensation benefit and the employee's regular net compensation shall be charged against the employee's accrued sick leave, if any, and thereafter, against vacation leave. The employee may elect to receive only the worker's compensation benefit and decline to receive the differential between the worker's compensation benefit and the regular net-weekly compensation, so as to avoid the charge against sick leave or vacation leave.

Provided further, that after the expiration of the ninety (90) day period, the Chief of Police shall at once order a complete physical and/or mental examination of said employee by two (2) registered physicians. If the report of their examination establishes the injury as one that permanently incapacitates said employee, application shall be made for retirement under the provision of the New Hampshire Retirement Law. The commencement of payment under the New Hampshire Retirement Law shall end the employer's obligation of payment on annual and/or accumulated sick leave and/or worker's compensation payments. Further, if it is determined by two register physicians selected by the Department head immediately after the employee is injured that said employee will not be able to return to his/her regular duties at any time in the future, the employer shall not be obligated to pay the difference between worker's compensation and the employee's regular salary for the time period of injury as outlined above.

#### **C. Earned Personal Leave**

Each employee who does not use any sick leave in a four (4) month period shall be entitled to one (1) day paid leave to be used within the following four (4) month period.

#### **D. Personal Days MOVE TO ARTICLE SEVENTEEN**

~~Each eligible employee shall be entitled to two (2) non-cumulative Personal Days when hired and each year thereafter, granted on the employee's anniversary date. Personal days may be taken for any purpose except as substitution for suspension as a result of disciplinary action. Personal days must be scheduled and approved by the department head in accordance~~



with the employee's preference and the needs of the Department, so long as at least forty-eight (48) hours' notice is provided.

- E. ~~Upon retirement through the New Hampshire Retirement System, an employee shall be paid for seventy-five percent (75%) of accrued sick leave at his/her regular rate of pay. Upon death while employed by the City of Rochester, the employee's heir shall be paid one hundred percent (100%) of accrued sick leave at his/her regular rate of pay. MOVE TO SEPARATION ARTICLE~~

**F. Family Sick Leave MOVE TO ARTICLE SEVENTEEN**

~~Up to three (3) additional days each year with pay with no accumulation from year to year, may be taken by an employee when the ill health of a member of the employee's immediate family requires the employee's care. For purposes of this section, an employee's immediate family shall be deemed to be the spouse, child, stepchild, mother, father or other dependents, as determined by the Internal Revenue Service five point test; (Package 1040-1 Pub 12115Q, 1995). An exception may be made by the Chief of Police where extenuating circumstances exist.~~

**ARTICLE SEVENTEEN: BEREAVEMENT AND OTHER LEAVE**

~~Bereavement leave shall be granted as follows:~~

- A. ~~Special leave of five (5) days to attend funeral, memorial and/or burial services, without any loss of wages in the event of the death of a spouse or child.~~
- B. ~~Special leave of three (3) days, in the event of death of~~  
~~employee's: Father Mother~~  
~~Sister Brother~~  
~~Father in law Mother in law~~  
~~Grandchild or person domiciled in employee's household.~~
- C. ~~Special leave of one (1) working day with pay shall be granted to attend funeral of employee's:~~  
~~Grandmother Sister in law~~  
~~Grandfather Brother in law~~  
~~Aunt Uncle~~

~~Upon written approval of Department Head, two (2) additional days with pay may be granted for the above when there are extenuating circumstances.~~

**17.1 Bereavement Leave shall be granted as follows:**

- (a) **Bereavement leave of five (5) working days, without any loss of pay in the event of death of:**
  - **Spouse/Partner**
  - **Child/Step Child**
- (b) **Bereavement of three (3) working days, without any loss of pay in the event of death of his/her:**
  - **Mother/Step Mother/Mother-in-Law**
  - **Father/Step Father/Father-in-Law**
  - **Brother/Step Brother**
  - **Sister/Step Sister**
  - **Grandchild/Step Grandchild**
  - **Daughter-in-Law**
  - **Son-in Law**
- (c) **Bereavement of one (1) working day with pay, for the purpose of attending the funeral, shall be granted an employee in the event of the death of his/her:**
  - **Aunt/Uncle**
  - **Niece/Nephew**
  - **Grandparent/Step/in-Law**
  - **Sister-in-Law**
  - **Brother-in-Law**
- (d) **Under extenuating circumstances, two (2) additional days with pay may be granted under sections 1, 2, and 3 above with the written request to your appr department director or his/her designee and final approval from the City Manager.**

## **17.2 Personal Days FROM ARTICLE SIXTEEN**

Each eligible employee shall be entitled to two (2) non-cumulative Personal Days when hired and each year thereafter, granted on the employee's anniversary date. Personal days may be taken for any purpose except as substitution for suspension as a result of disciplinary action. Personal days must be scheduled and approved by the department head in accordance with the employee's preference and the needs of the Department, so long as at least forty-eight (48) hours' notice is provided.

## **17.3 Family Sick Leave FROM ARTICLE SIXTEEN**

~~Up to three~~ **Three** (3) additional days each year with pay [with no accumulation from year to year] **will be given to employees on the first of the month following their anniversary date of hire. This family sick leave** may be taken by an employee when the ill health of a member of

the employee's immediate family requires the employee's care. For purposes of this section, an employee's immediate family shall be deemed to be the spouse, child, stepchild, mother, father or other dependents, as determined by the Internal Revenue Service five point test; (Package 1040-1 Pub 12115Q, 1995). An exception may be made by the Chief of Police where extenuating circumstances exist.

#### **17.4 Parental Leave FROM ARTICLE FIFTEEN**

All full-time employees shall be eligible to receive one extra week (5 days) of paid vacation time during any year in which they or their current spouse have a birth or adoption of a child (or children). The employee shall have one calendar year from the date of birth or adoption in which to use the extra week of vacation or it is forfeited.

#### **ARTICLE TWENTY: HOLIDAYS**

A. The following days shall be paid holidays for the Communications

Specialists: New Year's Day	Columbus Day
Civil Rights Day	Veteran's Day
Washington's Birthday	Thanksgiving Day
Memorial Day	Day after
Thanksgiving	
Independence Day	Christmas
Day Labor Day	

Members of the Communications Center shall receive a day's pay for each of the above holidays, in addition to his/her regular weekly pay., ~~payment to be made June 30<sup>th</sup> and the first full pay period in November.~~ **Payment will be made in the full pay period where the holiday lands.**

~~When the employee terminates his/her employment for any reason, he/she shall receive payment for all holiday pay due him/her, up to the time of termination.~~ MOVE TO ARTICLE SEVENTEEN

#### **ARTICLE TWENTY-ONE: SENIORITY, PROMOTION AND LAYOFF**

**G. Any full time Specialist who terminates employment after 7/1/2023 and continues as a per diem specialist working a minimum of twenty (20) hours shall retain his/her seniority upon rehire.**

#### **ARTICLE TWENTY-FOUR: DRESS CODE**

A. Communications Specialists shall wear business-casual attire **excluding pants that are ripped/frayed jeans, leggings or yoga pants. Shirts shall be limited to city approved shirts or shirts that are considered**

**business casual.** ~~as outlined in the City's Dress Code Policy (2.002). Communication Specialists are required to wear one piece of clothing that identifies them as employees of the Dispatch Center.~~

B. The City will provide up to two (2) polo shirts (annually) and one (1) vest which will be embroidered with the City seal with 'Communications' below it on the left breast and the Specialist name on the right breast.

## **ARTICLE NEW: SEPARATION PAYMENTS AND BENEFITS**

- **For full-time employees, 'Retirement or Retire' as used in this Agreement shall mean withdrawal from active service having been granted a retirement allowance by the New Hampshire Retirement System (NHRS) and the employee actually drawing such a retirement allowance no later than 90 days after separation.**
- **For full-time and part-time employees, 'Resignation' shall be defined as voluntarily separating from employment with the City other than for the purposes of retirement.**
- **Dismissal During the Probationary Period. If at any time during the probationary period, the agency head determines that the services of a new or rehired employee have been unsatisfactory, the employee may be dismissed from his/her position without right of appeal or grievance. Written notice of such dismissal shall be given to the employee.**

**Upon receipt of a signed letter of intent to separate from the service with the City of Rochester, a severance payment shall be issued as follows:**

- 1. Vacation: Upon resignation or retirement, 100% of accumulated vacation after completion of the 6 months probationary period. If an employee resigns from the City during his probationary period, vacation pay-out will be pro-rated based upon his service time. The maximum payout shall not exceed one and one-half (1.5) times the annual accrual amount.**
- 2. Sick: 50% of accumulated sick time (maximum of 220 hours) shall be paid if the employee has been granted a retirement allowance from the NHRS and is actually drawing such an allowance within 90 days of separation.**
- 3. Sick: 50% of accumulated sick time (maximum of 220 hours) shall be paid if the employee submits his/her resignation and has completed twenty (20) years of continuous service with the City of Rochester at the time of separation.**



4. **Personal:** Upon resignation or retirement, 100% of accumulated personal time.
5. **Earned Personal:** Upon resignation or retirement, 100% of accumulated earned personal time.
6. **Compensatory Time (Comp Time):** Upon resignation or retirement, 100% of accumulated comp time.
7. **Longevity:** Upon resignation or retirement, pro-rated amount calculated from the employee's anniversary date of hire to the employee's date of separation.
8. The employee shall not receive any accrued benefits except compensatory time if the employee is dismissed during the probationary period.

For purposes of determining sick and vacation benefits, the number of days for each shall be based upon the employee's accruals and his/her per diem rate at the time of separation.

In the event of termination by reason of death, while employed by the Rochester Police Department, said payment in the amount of 100% of accrued sick leave shall be made to his/her beneficiary.

#### **ARTICLE NEW: OUTSIDE DETAILS, PRIVATE DUTY ASSIGNMENTS**

**A. For private duty work assignments through the Police Department for full-time dispatchers, the following rate of pay shall apply for all work performed on behalf of either profit or non-profit individuals or entities:**

**Dispatchers will receive one and one-half of base of highest merit track when assigned as a supervisor of other officers on private detail assignments.**

**Payment for private duty services shall be paid by the Department to the employee in the next regular pay period following the private duty work.**

**B. All private details will be appointed on a daily basis in order that every member of the communications department will be considered for details in a fair manner, although for efficiency and planning purposes and for personal planning purposes by dispatchers, known upcoming details shall be planned at least forty-eight (48) hours in advance.**

**C. All private details shall be on a voluntary basis. If no dispatcher volunteers, the Communications Supervisor, or his/her designee, shall select a dispatcher from the list maintained by the Department. If an employee volunteers and is unavailable, he/she shall find a replacement acceptable to the Communications supervisor and notify the Communications Supervisor twenty-four (24) hours prior to detail.**

**D. Whenever a private duty assignment is posted with less than forty-**

**eight (48) hours between the time of posting and time of assignment, the first person to sign up shall have the right to take the private duty assignment without being bumped.**

**In order to implement this section, all requests for private duty assignments shall be posted on the date received and dated.**

## COMMUNICATIONS

Merit Track	FY22	FY23	FY24 with 4% COLA & 2.75% Steps	FY25 3% COLA	FY26 3% COLA
1	19.38	19.77	20.86	21.48	22.13
2	19.91	20.31	21.43	22.07	22.74
3	20.46	20.87	22.02	22.68	23.36
4	21.02	21.44	22.63	23.31	24.00
5	21.60	22.03	23.25	23.95	24.66
6	22.36	22.81	23.89	24.61	25.34
7	23.14	23.60	24.55	25.28	26.04
8	23.78	24.26	25.22	25.98	26.76
9	24.43	24.92	25.91	26.69	27.49
10	25.10	25.60	26.63	27.43	28.25
11	25.79	26.31	27.36	28.18	29.02
12-Dispatcher 2			28.73	29.59	30.48

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City Clerk's Office

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03/02/2023

## City of Rochester Formal Council Meeting

### AGENDA BILL

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

AGENDA SUBJECT

COUNCIL ACTION ITEM ☐  
INFORMATION ONLY ☐

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

RESOLUTION REQUIRED? YES ☐ NO ☐

FUNDING RESOLUTION FORM? YES ☐ NO ☐

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**

+The following Code does not display images or complicated formatting. Codes should be viewed online.  
This tool is only meant for editing.

## Chapter 260

### Water

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

#### GENERAL REFERENCES

Building construction and property maintenance — See Ch. 40.

Health and sanitation — See Ch. 94.

Sewers — See Ch. 200.

#### Article I

##### Use Regulations and Rates

**[Adopted 6-6-1995 as Ch. 17 of the 1995 Code]**

#### § 260-1 Agreement.

**[Amended 5-5-1998]**

The following rules and regulations, and such regulations as may be hereafter established by the Rochester Department of Public Works, shall be considered a part of the contract with every customer who uses water supplied by the Rochester Department of Public Works and such customer by taking water shall be considered as expressing his/her assent to be bound thereby.

#### § 260-2 Definitions.

As used in this article, the following words and terms shall have the meaning set forth below:

#### **AIR GAP (approved for both high- and low-hazard protection)**

An unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of the receptacle. Physically defined as a distance equal to twice the diameter of the supply side pipe but never less than one inch.

#### **AMERICAN WATER WORKS ASSOCIATION (AWWA)**

The American Water Works Association (AWWA) is an international, nonprofit, scientific and educational society dedicated to providing total water solutions assuring the effective management of water. Founded in 1881, the AWWA has developed the industry standards that govern the operations of community tap water providers and is the largest organization of water supply professionals in the world.

#### **APPLICATION FOR WATER SERVICE**

The form signed by the Customer owner or his/her designated representative to obtain water service at the Premises and/or dwelling unit from the City distribution water mains which will become the contract

between the Department of Public Works and the Customer~~applicant~~.

#### **APPROVED BACKFLOW PREVENTION DEVICE**

A backflow prevention device that has been:

- A. Manufactured to allow for accurate testing and inspection so as to allow verification of performance; and
- B. Tested and certified by the University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research;
- C. Has a test procedure approved by the New England Water Works Association;
- D. Has been reviewed and approved by the Department

#### **APPROVED SOURCE**

A source of water utilized by a public water system for distribution to the public for consumption purposes and which is approved by the New Hampshire Department of Environmental Services, Water Division, for said use following a required and/or approved treatment process.

[Amended 3-5-2019]

#### **ATMOSPHERIC VACUUM BREAKER**

A device which prevents backsiphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure in a water system.

#### **AUXILIARY WATER SUPPLY**

Any water supply on, or available to, a premises other than the City's approved public potable water supply.

[Amended 3-5-2019]

#### **BACKFLOW**

The flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water supply from any source or sources other than the intended source.

#### **BACKFLOW ENCLOSURE**

An above-ground structure used to shelter, isolate, and protect a backflow prevention device from the environment for those connections and devices installed to protect against a high degree of hazard. Per law such high-hazard devices cannot be installed below ground level.

#### **BACKFLOW PREVENTER WITH INTERMEDIATE ATMOSPHERIC VENT**

A device having two independently operating check valves separated by an intermediate chamber with a means for automatically venting it to the atmosphere. The check valves are force loaded to a normally closed position and the venting means is force loaded to abnormally open position.

#### **BACKFLOW PREVENTION DEVICE**

A device or means designed to prevent backflow or backsiphonage<sup>1</sup>. Most commonly categorized as including air gap, reduced pressure principle device, double check valve assembly, pressure vacuum breaker,

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<sup>1</sup> As defined by Env-Dw 103.06 and consistent with Env-Dw 505.03.

atmospheric vacuum breaker, hose bib vacuum breaker, residential dual check, double check with intermediate atmospheric vent, and barometric loop.

#### **BACKFLOW PREVENTION DEVICE INSPECTOR, CERTIFIED**

A person who has proven his/her competency to inspect and test backflow prevention devices by the possession of a valid backflow prevention device certification issued by the New England Water Works Association or other equivalent certification approved by New Hampshire Department of Environmental Services.

#### **BACK PRESSURE**

Pressure created by mechanical means or other means causing water, liquids, or other substances to flow or move in a direction opposite of what is intended.

#### **BACKSIPHONAGE**

The flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water system from any source other than its intended source, that is caused by negative or reduced pressure in the potable water system.

#### **BAROMETRIC LOOP**

A section of pipe rising at least 35 feet at its topmost point above the highest fixture it supplies. It is utilized in water supply systems to protect against backsiphonage (only).

#### **BUSINESS OFFICE**

The Business Office of the City of Rochester, New Hampshire, as represented by its Finance Director, or duly authorized employee.

#### **CHECK VALVE**

A self-closing device which is designed to permit the flow of fluids in one direction and to close if there is a reversal of flow.

#### **CITY**

The City of Rochester, New Hampshire.

#### **COMMISSIONER**

The Commissioner of Public Works or his/her designee. See § 7-18A of the City Code. [Amended 3-5-2019]

#### **CONSECUTIVE WATER SYSTEM**

A public water system that buys or otherwise receives some or all of its finished water from one or more wholesale systems. Delivery may be through a direct connection or through the distribution system of one or more consecutive systems.

#### **CONTAINMENT PHILOSOPHY**

The method and philosophy of backflow prevention which requires a backflow preventer at the service entrance which isolates the customer's facility from the public water supply.

## **CONTAMINANT**

As defined in RSA 485:1-a, II, any physical, chemical, biological or radiological substance or matter in water.

## **CROSS-CONNECTION**

Any actual or potential physical connection or arrangement between two otherwise separate systems, one of which contains potable water and the other of which contains water of unknown or questionable safety and/or steam, chemicals, gases, or other contaminants whereby there may be a flow of an unapproved water or other substance to a potable water system.

## **CURB STOP**

The shutoff valve located on the water service line that operates the connection of the water service from the water main to the structure Premises. Curb stops are accessible for operation from outdoors and generally located near the municipal-private property line or right of way. Curb stops are considered by the Department to be the point of sanitary control between the Premises and the Public Water System.

## **CUSTOMER**

The owner or duly authorized representative of the owner party, who ~~has~~ made an application for a water service for a Premises and/or dwelling unit described in the application, or the subdivision supplied with water service by the City of Rochester. This includes any private person, commercial business, corporation, industry or governmental division.

## **CUSTOMER (OWNER) – CROSS CONNECTION**

For the purposes of cross-connection compliance, any ~~O~~wner or Person with legal right to -operate or reside in a Premises at which a cross-connection inspection is to be made or at which a cross-connection is present.

## **DEPARTMENT OF PUBLIC WORKS OR DEPARTMENT**

The Department of Public Works ("Department") of the City of Rochester, New Hampshire, as represented by its Commissioner of Public Works or duly authorized employee or agents, including the Water Division.

## **DEPARTMENT**

~~The City of Rochester Department of Public Works.~~

## **DETECTOR ASSEMBLY**

A backflow prevention device primarily utilized in fire line installations. Its purpose is to protect the potable water supply line from possible contamination, back pressure or pollution from the fire system. It may also detect any water use in the fire line due to fire line leakage or deliberate water theft.

## **DEVICE UPGRADE**

The replacement of an existing backflow prevention device with another appropriate device designed for a higher-hazard duty when the degree of hazard is increased.

## **DISTRIBUTION WATER MAIN**

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Water mains which are installed or presently located on roadway layouts, rights-of-way, or easements which provide the water for fire protection or domestic water services, including the individual shutoff.

## **DIVISION**

Division of Water, New Hampshire Department of Environmental Services.

## **DOMESTIC WATER**

A potable water which is suitable for uses, including but not limited to, drinking, gardening and other household uses, municipal uses and farmstead uses, including water used in the washing or hydro-cooling of farm products destined for human consumption on the farm, for sale on the fresh food market or for delivery to a processing plant for canning, freezing or other type of preparation prior to marketing.

## **DOUBLE CHECK VALVE ASSEMBLY or DCA (approved for low-hazard protection only)**

An assembly of two independently operating spring-loaded check valves with tightly closing shutoff valves on each side of the check valves, plus properly located test cocks for the testing of each check valve.

## **DUPLEX/CONDEX**

A duplex is a two (2) family dwelling owned by one person typically having two separate entrances. A condex is a condominium, where two (2) different individuals own each side and have shared rights to common areas.

## **DWELLING UNIT STRUCTURE**

A building including a single-family home unit, cottage, mobile home, apartment, condominium or townhouse or other structure containing one or more residential units located on a Premises served by public water from the City. This definition applies to multiple dwelling units and mixed-use residential units that may exist in larger structures.

## **FIRE PROTECTION ENGINEER (FPE)**

A professional fire protection engineer registered in the state of New Hampshire.

## **FIRE WATER SERVICE**

A water service pipe that is used to convey public water to be used for firefighting and/or fire suppression.

## **FIXTURE ISOLATION PHILOSOPHY**

An ~~more complex~~ isolation approach whereby protective devices are placed at individual fixtures within a facility as well as where cross-connections exist at the last free-flowing outlet to ensure occupants of a facility are protected within.

## **FRANCHISE**

The right to conduct business as a utility pursuant to RSA 374:22 and RSA 374:26.

## **HIGH DEGREE OF HAZARD**

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A condition where, if a backflow were to occur, the resulting effect on the water supply could cause injury, illness or death if consumed by humans. The foreign substance may be hazardous to humans from a chemical, biological, physical, or radiological standpoint. The effects of the contaminant may result from short-term or long-term exposure.

#### **HOSE BIBB VACUUM BREAKER**

A device which is attached to a hose bibb, and which acts as an atmospheric vacuum breaker.  
[Amended 3-5-2019]

#### **LOW DEGREE OF HAZARD**

A condition where, if a backflow were to occur, the resulting effect on the water supply would be a change in aesthetic qualities. The foreign substance must be non-toxic and non-hazardous to humans.

#### **MASTER METER / COMMON METER**

A meter device used for billing purposes to measure consumption of water serving more than one structure or a group of structures.

#### **MULTI-FAMILY DWELLING**

A building or portion thereof containing three or more residential units with separate cooking and toilet facilities for each dwelling on one individual lot. See City of Rochester Zoning Code §275-2.2.

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#### **NATIONAL FIRE PROTECTION AGENCYSOCIATION (NFPA)**

The National Fire Protection Association is a non-profit organization that establishes codes and standards designed to minimize the risk and effects of fire by establishing criteria for building, processing, design, service, and installations.

#### **NON-DWELLING UNIT STRUCTURE**

A physical building unit that receives public water in which occupants are present to receive such public water but not for dwelling or residential purposes. Such structures typically include commercial, industrial, institutional, or mixed purposes and may have multiple spaces for mixed purposes (non-residential).

#### **OWNER**

A Person who holds legal title or rights to real property or a Premises.

#### **PERMIT**

A document issued by the Department that allows the use of a backflow preventer.

#### **PERSON**

As defined in RSA 485:1-a, XIII, any individual, partnership, company, public or private corporation, political subdivision or agency of the state, department, agency or instrumentality of the United States, or any other legal entity.

#### **POST INDICATOR VALVE (PIV)**

Post indicator valves (PIV) provide a means to operate a buried or otherwise inaccessible non-rising stem (NRS) gate valve including NRS Gate Valve; NRS Gate Valve with post flange; outside stem and yoke

(OS&Y) Gate Valves; Vertical Post Indicator; Wall Post Indicator; Supervisory Switches and Flange Packs.

## **POTABLE WATER**

Water meant for human consumption from a source that has been approved by the New Hampshire Department of Environmental Services. All municipal water is produced and conveyed to premises as potable water.

**[Amended 3-5-2019]**

## **PROFESSIONAL ENGINEER (PE)**

A registered professional engineer in the state of New Hampshire. Such an engineer shall have professional competency in civil or mechanical specialties as they pertain to this ordinance.

## **PREMISES**

A parcel of real estate or portion of land which may include multiple parcels located within the City, including any improvements or structures therein (including Dwelling Unit Structures, Non-Dwelling Unit Structures and/or other improvements), which is determined by the City to be a single user for the purposes of receiving, using and paying for water from a water service connected to the public water supply. The industrial, commercial or residential facility or dwelling connected to the public water supply.

**[Amended 3-5-2019]**

## **PRESSURE VACUUM BREAKER or PVB (approved for low-hazard protection only)**

A device containing one or two independently operating spring-loaded check valves and an independently operating spring-loaded air inlet valve located on the discharge side of the check or checks. The device includes tightly closing shutoff valves on each side of the check valves plus properly located test cocks for the testing of each of the check valve(s).

## **PRIVATE DISTRIBUTION SYSTEM**

Shall mean a water piping system and appurtenances such as hydrants and valves that may convey Public Water but is owned and maintained by a private entity and is on the Customer's side of the point of sanitary control, commonly delineated by the Curb Stop or other control device.

## **PRIVATE HYDRANT**

Any fire hydrant located outside the public right-of-way and/or located on property other than that is not owned by the City, but which is connected to the public water system and installed and maintained by an Owner(s) for the purpose of providing private fire protection/suppression.

## **PRIVATE WATER MAIN**

Shall mean a water main that is not owned or maintained by the City but that conveys Public Water to customers through private service lines and is owned and maintained by a private entity.

## **PRIVATE WATER SERVICE**

The portion of the water service line providing domestic and, in some cases, both domestic and fire water service to the Customer running either from the connection to the public service line at the curb stop on public ways to the termination with the plumbing system within the Premises or from the connection to the public water main on private ways or through private property, which is the responsibility of the Customer

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to maintain.

## **PUBLIC WATER**

Potable water or water provided for public fire protection supplied by the City's public water system and made available to its Customers through the City's distribution system, the distribution system of any City franchises, private distribution systems, community water systems, or other source of potable water produced by any consecutive public water systems under the City's drinking water regulatory responsibility, through such systems' distribution systems, or the City's system.

## **PUBLIC WATER MAIN**

Shall mean the water main owned or maintained by the City, any of its franchises or consecutive water systems under its drinking water regulatory responsibility and qualify as part of the public water system, which are installed in a public way, publicly-owned easements whether recorded or by prescription, or private way open to public travel, or that may cross private properties, for the purpose of supplying water to one or more Customers potable water consumption or for public fire protection.

## **PUBLIC WATER SERVICE**

The portion of the water service line providing domestic and, in some cases, both domestic and fire water service to the Premises running from the connection at the City distribution main to ~~and including the curb stop on public ways or to~~ and including a curb stop or other containment valve for ~~the a~~ private water service connection on private ways or private property, which is the responsibility of the City to maintain.

## **PUBLIC WATER SYSTEM**

As defined by RSA 485:1-a, XV, a system for the provision to the public of piped water for human consumption; if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. Such term includes any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system, and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Any water system which meets all of the following conditions is not a public water system:

- A. Consists only of distribution and storage facilities (and does not have any collection and treatment facilities);
- B. Obtains all of its water from, but is not owned or operated by, a public water system; and
- C. Does not sell water to any person.

## **READER**

A device installed by the Department of Public Works for remote reading of the quantity of water consumed and measured by the water meter.

## **REDUCED PRESSURE ZONE PRINCIPLE BACKFLOW PREVENTION DEVICE or RPZ** **(approved for both high- and low-hazard protection)**

An assembly consisting of two independently operating approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the two check valves and below the first check valve. These units are located between two tightly closing, resilient-seated shutoff valves as an assembly and equipped with properly located resilient-seated test cocks for the testing of the

check valves and the relief valve.

## REPLACEMENT COSTS

Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the operational life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement costs. [Amended 5-5-1998]

## RESIDENTIAL NO. 7 DUAL CHECK VALVE

A device, designed for backpressure and back-siphonage protection for residential dwellings only, which incorporates an assembly of two independently operating, spring-loaded check valves without tightly closing shutoff valves and test cocks, generally employed immediately downstream of the water meter to act as a containment device. This is a non-testable device.

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## SEWER DEDUCT METER

A device installed and owned by the Department of Public Works for the measurement of water that will not be disposed of in the City sewer system.

## SERVICE VALVE / SHUT OFF VALVE

A gate or valve located on a water main, or water service line used to isolate flows to and from a device such as a meter, backflow device, fire protection or structure. Service or shut off valves may be located on service lines to Premises located on private property and must be accessible for access and operation by the Department.

## SINGLE-FAMILY DWELLING

A detached dwelling which contains exactly one residential unit (except for accessory apartments, where permitted); is not attached to any other dwelling or residential unit; and occupies its own individual lot on which there is no other dwelling or principal use. See City of Rochester Zoning Code §275-2.2.

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## SITE SURVEYS

Initial site surveys of existing commercial and industrial properties are required to determine degree of compliance with the regulations herein. Such activities shall be executed by the Department either using its own resources or contracted resources. Activities shall include on-site surveys of commercial and industrial users of the public water supply which in the judgment of the Department may present risk of cross contamination.

## SUB-METER

A privately owned and read water meter used for measuring water consumption for dwelling units connected after a meter pit or public meter. The City will only read individual sub-metered customers directly for those Premises complying with RSA 205-A:6; otherwise, the Owner will be responsible for reading, maintaining and/or repairing the meters.

## SUPPLIER

Any person who controls, owns, or generally manages a public water supply system.



**TAMPER/TAMPERING**

Tamper or tampering shall mean any unauthorized action which disables, disconnects, bypasses, or otherwise inhibits or prevents the water meter from operating or registering, to affect, in any way, the ability of such meter to accurately measure the water being supplied to a Customer. Tampering shall also mean to affect any unauthorized use or modification to City water infrastructure.

**TWO-FAMILY DWELLING**

A building which contains exactly two residential units; is not attached to any other dwelling or dwelling unit; and occupies its own individual lot on which there is no other dwelling or principal use. See City of Rochester Zoning Code §275-2.2.

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**UTILITY ADVISORY BOARD**

The Utility Advisory Board of the City of Rochester, New Hampshire.

**VAULT**

An underground, water-proofed chamber or structure used to house or protect meters, backflow devices, valves, and or pumps connected to a public or private water system. This definition shall apply to and include the term meter pits which are structures defined above to protect, control, and access the meter device.

**WATER MAIN**

The water main shall mean the piping and associated valves, hydrants, and appurtenances for the purpose of supplying water to one or more customers or Premises for portable water consumption or for public fire protection.

**WATER METER**

A device installed by the Department of Public Works for the measurement of water quantities to be used as a basis for determining charges for water services.

**WATER SERVICE**

The water pipe extending from the City distribution water main to the building or structure located on the c- Customer's Premises. Such water service is further delineated by a Public Water Service and a Private Water Service.

**WATER SERVICE ENTRANCE**

The point in the customer's water system beyond the sanitary control of the Department; generally considered to be the outlet end of the water meter and always before any unprotected branch.

[Amended 3-5-2019]

**WATER ~~SYSTEM SUPERINTENDENT~~TREATMENT CHIEF OPERATOR**

The Water System Superintendent~~Treatment Chief Operator~~ of the City of Rochester, New Hampshire, Water System Treatment Facility, Department of Public Works, or his/her designated representative, who is vested with the authority and responsibility for implementation of a cross-connection control program and for

enforcement of the provisions of Article I of this chapter and these regulations.

## WATER UTILITY

The suppliers of water.

### § 260-3 Policy statement.

- A. In its administration of its drinking water program, the City will implement the best practices of the American Water Works Association (AWWA), other drinking water trade organizations, and the standards of the State of New Hampshire and US Environmental Protection Agency to the fullest extent.
- B. To the largest extent possible, the City of Rochester intends to have a fully metered system with outside and/or remote readers; all residential, commercial, institutional and industrial customers shall be metered on a per-premises basis, unless it is determined by the Department not practical to do so or unless otherwise required by RSA 205-A:6. In general, the City requires a single water meter for a Premises with one structure served by a single service pipe and requires a master meter on a single service line that serves a Premises with multiple dwellings and/or non-dwelling structures. In general, a separate service and water meter shall be required for each Premises of different ownership which abuts a public way. See 260-4 (I) for requirements for services and meters for premises on private ways or drives. The City shall determine the water service pipe connections for duplexes, condexes, and/or condominiums. However, there shall be no separate services for vertical condominiums, that is, condominiums substantially within the same footprint.
- C. All school buildings, non-City community facilities, hospitals, etc., shall be considered separate services, metered, and billed as commercial customers.
- D. All Customers shall be billed in accordance with the provisions of § 260-18 of this article.
- E. In agreement with any like provision in Chapter 200, Sewers, an elderly exemption, based on existing property tax requirements for such exemptions, shall be instituted.
- F. All Customers that are ~~For all commercial and industrial customers~~ not presently metered, the installation of a water meter will be required, unless determined by ~~the Department Business Office as not practical to do so~~. The customer shall pay any costs associated with such initial installation of the water meter, including all necessary fittings and appurtenances thereto.
- G. In the event of a meter or reader failure or when in the opinion of the ~~Department Business Office or Commissioner~~ a flat rate billing is necessary, ~~each unit of a multi-unit dwelling or mobile home park shall be considered a residential customer.~~ The ~~property owner or Customer or Customer~~ shall be billed for the sum of each dwelling unit even if the property has only one service (e.g., the owner of a ten-unit apartment building shall be billed the residential flat rate times 10).

### § 260-4 Application for service.

- A. All applications for water service or expansions or fire sprinklers ~~shall must~~ be made at the Department of Public Works ~~office, or via or via on~~ an application form, at the City's website, stating fully and truly the uses to which the water is to be applied. The customer or his/her duly authorized representative

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- shall~~must~~ sign such application. The Department shall have final authority and approval for all water service and infrastructure connections.
- B. An estimate of the cost of work to install the service will be prepared by the applicant and reviewed~~verified~~ by the Department of Public Works. Any costs incurred by the Applicant prior to submission of the application or in preparation of the application shall be borne solely by the Applicant. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- C. A deposit equal to the estimated cost or a payment agreement shall be made by the Applicant with the Department Business Office~~the Department Business Office~~ before the work is begun. This regulation also applies to repairs of on-~~of on-~~ service piping, the setting installation~~setting installation~~ of new meters, including outside reader, radio read equipment and appurtenances, or the repair of meters already installed if damaged due to the negligence of the owner. All financial obligations involved in such transactions shall be adjusted immediately upon the completion of the work in the interests of all parties involved. [Amended 3-6-2007]
- D. Installation charges and other fees on all new services shall~~must~~ be paid by the Applicant~~by the Applicant~~ or a payment agreement made with the Department Business Office~~the Department Business Office~~ before the water is turned on. This regulation also applies to repairs on service piping, the setting installation~~setting installation~~ of new meters, including outside reader, radio read equipment and appurtenances, or the repair of meters already installed if damaged due to the negligence of the owner. All financial obligations involved in such transactions shall be adjusted immediately upon the completion of the work in the interests of all parties involved. [Amended 3-6-2007] The Applicant must also pay Water Development Connection Fees, if applicable, as set forth in Chapter 260 A. Article III.
- E. The Department Commissioner~~Department Commissioner~~ may waive the deposit for emergency repair purposes.
- F. The City may allow applicants to enter into agreements with the City to pay all costs in equal installments over a period of time. Interest shall accrue on late payments at the same rate charged by the City for overdue property tax bills. Such agreements shall be recorded with the Strafford County Register of Deeds at the expense of the applicant. In the event property is conveyed, all monies owed to the City shall be remitted in full. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- G. Applications for service shall be furnished with existing and projected water flow and pressure requirements data. Such data shall be furnished for all domestic and fire needs as applicable. Applicants are responsible for any field verifications such as flow and pressure tests. Such tests shall be under the direction of a registered professional engineer and/or a registered professional fire protection engineer. Department of Public Works forces may be available to assist in such investigations by operating City infrastructure under the direction of a professional engineer and/or fire protection engineer, however, the applicant's registered professional shall be responsible for the gathering, preparation, interpretation, or presentation of any data.
- H. A fire protection engineer may be required to design fire suppression systems, per the most current best practices of the National Fire Protection Association. Supporting plans and calculations shall be submitted to the Rochester Fire Department and the Department of Public Works.
- I. Premises with multiple dwelling structures and/or non-dwelling structures of differing ownership which

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are located on private roads or private drives shall receive public water via a singular, shared private service. All piping and infrastructure on the Owner'(s)/Customer'(s) side of the curb stop shall be the responsibility of the Owner(s)/Customer(s). In certain cases, the Department may approve the installation of multiple individual water meters in lieu of a master meter in a singular vault or backflow enclosure.

**§ 260-5 Size of service and meter required.**

**[Amended 11-14-2006; at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

The minimum size of service connections and meter installation permitted shall conform to the recommendations of the American Water Works Association.

**§ 260-6 Water Service Requirements, ~~Installation and Repair~~.**

- ~~A. The Department of Public Works or its agent shall or developer's or property owner's contractor shall install all new water services.~~
- ~~B. The Department of Public Works or its agent shall make necessary repairs to existing services up to the customer's side of the curb stop. The cost incurred for the repair and maintenance of all existing water services from the distribution main up to the customer's side of the curb stop, or to the customer's property line, whichever is further from the distribution main, shall be the responsibility of the Department of Public Works. The cost incurred for the repair and maintenance of existing water services from the customer's side of the curb stop, or from the customer's property line, whichever is closer to the customer's building, shall be the responsibility of the customer, except that the customer shall not be responsible for the cost of the sidewalk or roadway excavation and repair.~~
- ~~C. If new services are installed by a developer or property owner, the Department of Public Works must approve all materials, inspect the installation, provide and install the meter, perform the installation of the remote reader, install all wiring and perform testing and sealing of meters. All charges incurred during the work are the responsibility of the developer or property owner.~~
- ~~D. If a developer's or property owner's contractor's installation is found to be incorrect it shall be the developer's or property owner's responsibility to have it corrected.~~
- ~~E. Annually, before any contractor or company shall install or repair any portion of a water system within the City of Rochester, such contractor or company shall obtain a license from the Department of Public Works authorizing such contractor or company to perform installations of or repairs to such water system. Licenses shall be valid from January 1 through December 31 for any given year, except that in the first year after adoption, said existing licenses shall be prorated. The Commissioner of Public Works shall issue such license only to contractors or companies which demonstrate the ability to perform water installations and repairs in a workmanlike manner, consistent with the standards maintained by the Department of Public Works. All applicants shall be required to submit evidence of general liability insurance. The City Manager shall establish an annual fee for such water installation and repair license that shall be listed in § 260-33, Water Rate and Fee Schedule.~~
- ~~F. Any contractor or company installing or repairing any portion of the public water system must receive written authorization from the Department of Public Works and provide a performance bond or escrow account in the name of the City for the total (100%) of the estimated cost of the work.~~

- ~~G. The Department of Public Works and its agents shall have an easement 10 feet on each side of the water service for its entire length for the installation or repair of the service.~~
- ~~H. The customer shall be charged for all materials and labor associated with the initial installation or subsequent repairs due to negligence of the customer. The Department of Public Works shall do its best to return the easement to its prior condition as a result of installation or repair; however, it will be the customer's responsibility to repair and replace any damaged property within the aforementioned easement.~~
- ~~I. When it becomes necessary to thaw a frozen service pipe and it cannot be determined where it is frozen, 1/2 of the cost thereof shall be paid by the customer. The entire cost of thawing a frozen service pipe between the curb stop and the dwelling unit or other structure being served shall be the responsibility of the customer.~~
- ~~J. Ordinarily, no new service pipes or extensions of mains will be installed between December 1 and March 31 unless the customer shall defray all extra expenses incurred. An additional minimum charge as listed in § 260-33, Water Rate and Fee Schedule, shall be applied to the customer for road maintenance during these winter conditions if service or extension is allowed. [Amended 11-14-2006]~~
- A. All new water services may only be installed by the Department of Public Works or with its approval by an Owner's agent or contractor. All new water services shall be installed per the specifications of Department. There shall be established a singular, private water service and account for each Premises for which public water is supplied. Exceptions are subject to the approval of the Department. All piping, vaults or meter pits, enclosures, valves, backflow prevention devices and individual services lines in sum from the curb stop to customer's plumbing shall be considered a private water service and the maintenance and operation of which subject to the responsibility of the customer.
- B. Premises with structures such as dwelling unit structures and/or non-dwelling unit structures:
- Shall have the curb stop or other approved containment valve in a location as determined by the Department. A vault or meter pit may be required by the Department. If required, such vault or meter pit shall be generally located on the customer's property in the immediate vicinity of the property line closest to the curb stop or other approved containment valve in a location approved by the Department. Such vault or meter pit shall contain the meter, shutoff valve and if determined by the Department, a backflow prevention device whereupon the type of backflow prevention device may require a backflow enclosure in lieu of a vault. Meter reading equipment shall be immediately appurtenant to such vault or meter pit or enclosure. Vaults or meter pits and enclosures and their contents shall be subject to the specifications of the Department. Cost of vaults or meter pits, enclosures and any contents are the responsibility of the customer. Vaults or meter pits and enclosures shall be maintained by the customer in adequate operating condition to protect contents and their operation, shall be free of standing water. Depending upon facility use, water needs and application of metering, and as determined by the City, City meters may be required internally. Costs to provide and maintain non-City sub meters if desired by a customer are at the customer's cost.
- Each structure on each premises which receives public water shall have an individual, exterior,



accessible service with an approved shutoff valve which may be operated by the City in emergency situations to completely isolate individual structures or piping systems from the public water supply or otherwise from other discreet structures or piping systems. In cases where a dwelling unit structure or non-dwelling unit structure may contain individual, unique customer accounts or piping systems, the same is required. This requirement is in addition to local plumbing requirements for individual, interior isolation valves for individual dwelling, commercial, industrial, or institutional units within such structures.

- C. Premises with one single family dwelling unit structure and duplexes or condexes with a water service length less than one hundred and fifty feet:

Shall have the curb stop in a location determined by the Department. A residential No. 7 dual check backflow prevention device and meter shall be installed within the dwelling unit in accordance with the Plumbing Code. In cases where there is or may be a potential backflow of high degree of hazard, a testable backflow device for such high hazard applications shall be installed in the dwelling unit. The separate living quarters of duplexes and condexes shall generally be serviced and metered separately. Exceptions will be considered at the Department's discretion.

- D. Premises with one single family dwelling unit structure and duplexes or condexes with a water service length greater than one hundred and fifty feet:

Shall have the curb stop in a location determined by the Department. An approved vault or meter pit which shall contain the meter, shutoff valve and required residential No. 7 dual check backflow prevention device shall be generally located on the customer's property in the immediate vicinity of the property line closest to the curb stop in a location approved by the Department. In cases where there is or may be a potential backflow of low degree of hazard, a testable backflow device for such low hazard applications shall be installed in the vault. In cases where there is or may be a potential backflow of high degree of hazard, a testable backflow device for such high hazard applications shall be installed in the dwelling unit. Meter reading equipment shall be immediately appurtenant to such vault. Vaults or meter pits and their contents shall be subject to the specifications of the Department. Cost of vaults and any contents is the responsibility of the customer. Vaults or meter pits shall be maintained by the customer in adequate operating condition to protect contents and their operation, shall be free of standing water. If approved by the Department, such vaults or meter pits may be designed to service multiple single-family dwellings with water service lengths greater than one hundred and fifty feet. The separate living quarters of duplexes and condexes shall generally be serviced and metered separately. Exceptions will be considered at the Department's discretion.

- E. Premises with multiple manufactured homes:

Shall have the curb stop in a location as determined by the Department. A vault or meter pit may be required by the Department. If required, such vault or meter pit shall be generally located on the customer's property in the immediate vicinity of the property line closest to the curb stop in a location approved by the Department. Such vault or meter pit shall contain the meter, shutoff valve and if determined by the Department, a backflow prevention device whereupon the type of backflow prevention device may require a backflow enclosure in lieu of a vault. Meter reading equipment shall be immediately appurtenant to such vault or meter pit or enclosure. Vaults and enclosures and

their contents shall be subject to the specifications of the Department. Cost of vaults or meter pits, enclosures and any contents are the responsibility of the customer. Vaults or meter pits and enclosures shall be maintained by the customer in adequate operating condition to protect contents and their operation, shall be free of standing water. Only those manufactured homes complying with the requirements of RSA 205-A:6 shall be read separately by the City, and costs to install, maintain, and upgrade such sub meters shall be borne by the customer. All others will be read at the master/common meter in the vault or meter pit.

F. Fire Water Services Requirements:

In general, fire water services shall be services from the water main to the premises which are separate from private water services from the water main. In some cases, such as long service runs, vaulted or meter pit services and ultimately at the discretion of the Department, a singular private water service may supply both domestic and fire water. In such cases domestic water and fire water shall be separated on premises by individual, exterior service/shutoff valves. The best practices of AWWA and NFPA shall be implemented to ensure simultaneous drinking water quality and fire protection supply. A testable backflow prevention device is required for fire suppression systems. Detector assemblies and/or post indicator valves may be required on fire water services.

G. Exceptions:

Requirements in A. through G. provide a consistent, uniform approach to establish water service with best management practices. It is recognized that modifications of or exceptions to the above requirements may be considered by the Department in unique circumstances. Such considerations and determinations are solely the right of the Department.

H. The Department of Public Works or its agent will make necessary repairs to public water service lines. The cost incurred for the repair and maintenance of private water service lines, including leaking service lines, shall be the responsibility of the Owner or Customer, except that the Owner or Customer shall not be responsible for the cost of the sidewalk or roadway excavation and repair.

I. If new services are installed by an Owner, its agent, developer or contractor, the Department of Public Works must approve all materials, inspect the installation, provide and install the meter (including necessary fittings and appurtenances thereto), perform the installation of the remote meter reader, install all wiring and perform testing and sealing of meters. All charges incurred by the Department during this work are the responsibility of the Owner, its agent, developer, or contractor. The installation cost for new service lines to include all components including public and private services as defined shall be borne by the customer.

J. If an Owner's, its agent's, developer's, or contractor's installation is found to be incorrect it shall be their responsibility to have it corrected.

K. Annually, before any contractor shall install, tie-into or repair any portion of a water system within the City, such contractor shall obtain a license from the Department of Public Works authorizing such contractor to perform installations of or repairs to such water system. Licenses shall be valid from January 1 through December 31 for any given year., The Department of Public Works shall issue such license only to qualified contractors which demonstrate the ability to perform water

installations and repairs in a workmanlike manner, consistent with the standards maintained by the Department of Public Works and possess for use proper equipment. All applicants shall be required to submit evidence of general liability insurance. Developers and companies which are not qualified contractors shall not be eligible to obtain licensing. The City Manager shall establish an annual fee for such water installation and repair license that shall be listed in § 260-33, Water Rate and Fee Schedule.

- L. Any contractor or company installing, tying-into or repairing any portion of the public water system shall receive written authorization from the Department of Public Works and if determined by the Department, provide a performance bond or escrow account in the name of the City for the total (100%) of the estimated cost of the work.
- M. The Department may revoke the license of any contractor which has performed work below the Department's standards. Time period of revocation is solely at the discretion of the Department and may be permanent.
- N. The Department of Public Works and its agents shall have a perpetual easement 10 feet on each side of the water service for its entire length for the installation or repair of the service. This easement is contiguous along all public and private portions to include exterior service and isolation valves, and interior isolation valves to multi-family and commercial, industrial, and institutional structures.
- O. The Customer shall be charged for all materials and labor associated with the initial installation or subsequent repairs by the City due to negligence of the Customer. The Department of Public Works shall use a reasonable standard of care to return private property to its prior condition; however, it will be the customer's responsibility to repair and replace any damaged property.
- P. When it becomes necessary to thaw a frozen service pipe if it cannot be determined whether it is frozen on the public or private portion 1/2 of the cost thereof shall be paid by the Customer. The entire cost of thawing a frozen service pipe on the private portion of service shall be the responsibility of the Customer.
- Q. No new service pipes or extensions of mains will be installed between December 1 and March 31 unless the authorized by the Department of Public Works and Customer shall be responsible for any and all extra expenses incurred as a result of the new service or main extension. An additional minimum charge as listed in § 260-33, Water Rate and Fee Schedule, shall be applied to the customer for road maintenance during these winter conditions if service or extension is allowed. [Amended 11-14-2006]

#### § 260-7 Pipes and fixtures.

- A. No persons except those duly authorized by the Department of Public Works ~~shall~~<sup>will</sup> tap any water main or connect any service pipes thereto, shut off or turn on the water from any main ~~or tamper with any City water infrastructure~~. No person except firefighters shall open any hydrants ~~including private hydrants that are not behind the customer's meter~~ without the consent of the Department of Public Works. Water taken out of the system without permission will be calculated by the Department of Public Works ~~Division of Water Supply Works~~ and the violator will be required to pay the same and, in addition, may be subject to a fine for the violation of above provision.

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

- ~~B.~~ Notice of shutoff for repairs to mains or service pipes will be given in accordance with Env-Dw-503.9, except in emergencies.
- ~~C.~~ No water service pipes shall be laid in the same trench with gas pipes, sewer pipes, or any other facility of a public utility nor within three feet of any open excavation or vault.
- ~~D.~~ No cross-connection between the public water system and any non-potable supply will be permitted. ~~allowed unless properly protected. The Department of Public Works shall inspect any such connection.~~ No connection capable of causing backflow between public water supply and ~~any waste outlet will~~ non-public water supply shall be permitted

§ 260-8 Meters.

- A. All services are to be metered except in unusual cases where the Department ~~Commissioner~~ determines that it is not practicable. Every ~~Premises owned property served by the public water system shall have one customer account consisting of an individually shall be metered water service and equipped with a separate exterior shutoff valve curb stop for each meter, and when applicable, appropriate cross-connection protection unless otherwise determined by the Department Commissioner of Public Works.~~ Existing City water customers prior to March 1, 2008, will not be required to retrofit existing services to comply with this shutoff valve requirement. However, new Sub-meters for individual ~~by dwelling units structures on the Premises may be operated by the Owner but shall not be read by the City for billing, nor maintained/required by the City unless they comply with RSA 205-A:6.~~ New services or any meters not currently being read by the City shall be required to comply with this provision prior to the City taking ~~over~~ responsibility for reading or billing of said meter or ~~Customer, a master A common~~ meter shall ~~will~~ be provided for all new multi-unit dwelling structures or rented units or developments.
- B. All meters are owned and maintained by the Department of Public Works, but the customer will be charged for any damage to meters (including necessary fittings and appurtenances thereto) caused by abnormal conditions, i.e., freezing, fire, tampering, etc. The Department of Public Works will typically install up to a 2-inch meter only one meter per on any one service, and except sewer deduct meters. ~~And the~~ Owner of the premises shall be liable for the entire amount of water used on the premises irrespective of any leases or presence of sub-meters for ~~of~~ individual consumers. The City shall directly read, maintain and repair only those sub-meters for developments in compliance with RSA 205-A:6. [Amended 4-2-2008]
- C. Meters are installed for measurement of all water supplied to Customer. Customers shall provide a clean, dry, warm, safe, sanitary, and accessible place (always free from debris) for installation, ~~-~~ maintenance, and repair of a meter. The location shall be easily accessible by a person in the upright position for reading, maintaining, and changing.
- D. All persons shall avoid unnecessary waste of water. Water shall not be left running to prevent freezing unless required or authorized by the Department of Public Works. All customers taking water shall ~~keep~~ keep their own fixtures, and service pipes within their property lines, in good repair, and fully protected from injury by frost, and all such pipes and connections shall conform to City

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Standards the Rochester Plumbing Code. To encourage the conservation of water, all water-cooled air conditioning and refrigeration equipment with a total installed cooling capacity in excess of three (3) tons shall include a water conserving device that limits the actual water used for cooling to ten percent (10%) of the usual amount required for service to the Premises without use of the equipment.

**§ 260-9 Sewer deduct meter.**  
**[Amended 5-5-1998; 4-2-2008]**

Upon application and approval by the Department of Public Works, a customer may have installed by the City a sewer deduct meter to measure water that will not be disposed of in the City's sewer system. The purpose of this meter is ~~would be~~ to meter water uses, including but not limited to irrigation, in-ground sprinkler systems, swimming pool filling and commercial air-conditioning systems. ~~In order to encourage the conservation of water, all water-cooled air conditioning and refrigeration equipment with a total installed cooling capacity in excess of three (3) tons shall include a water conserving device that limits the actual water used for cooling to ten percent (10%) of the usual amount required for service to the Premises without use of the equipment.~~ Customer shall be responsible for the cost of inspection and installation of the sewer deduct meter. ~~The cost of this meter inspection of the installation by the City is entirely the responsibility of the customer.~~ The meter ~~shall will~~ fully meet the requirements of § 260-8 of this chapter except that the sewer deduct meter shall not be required to have a separate exterior shutoff valve.

**§ 260-10 Meter repairs.**

- A. All meters shall be maintained and kept in repaired by the Department of Public Works except when damaged or tampered with by the ~~customer~~ Customer or by his/her negligence, including freezing. In case of any such damage, the cost of repairs to the meter (including necessary fittings and appurtenances thereto) shall be charged to the ~~owner~~ Owner of the Premises.
- B. If the reader is out of repair or fails to register, the customer will be charged at the average daily consumption as shown by the reader when in order or the flat rate structure, whichever is less. Subsequently, if the actual amount of water used is determined to be different than the amount previously estimated, the charge will be on the subsequent billing by the difference between the two.
- C. If a customer, after being so notified, does not allow timely ~~immediate~~ access to the Department of Public Works in order to test and/or correct a faulty meter or reader, the customer's subsequent bill will be 1.5 times the average daily consumption as historically shown on the meter.
- D. No person, except the duly authorized agent of the Department of Public Works, shall be allowed to reset, take off, or repair a meter. Tampering with the meter may be subject to fines or termination of water service. **[Amended 5-5-1998]**

**§ 260-11 Meter testing.**

- A. Only the Department of Public Works shall replace or remove and test all meters. No meter shall be placed in service or permitted to remain in service if the error of registration exceeds 2% or as established by the latest American Water Works Association (AWWA) meter standards, whichever is less.
- B. The Department of Public Works may test a meter for accuracy in registration upon complaint of the ~~water customer~~ Customer. There shall be a minimum service charge for any complaint-driven service



call. The minimum service charge shall be as listed in § **260-33**, Water Rate and Fee Schedule. Any meter found to be accurate in accordance with this article will not be replaced by the Public Works Department due to a complaint.

- C. Should the meter in question be found to be within the accuracy limits set forth in § 260-11 A, established by the latest AWWA meter standards, all applicable fees associated with testing shall be paid by the customer. If the meter in question is found to be inaccurate, all fees will be waived.
- D. The percent of error of registration shall be taken as the average of the error at the intermediate and maximum rates of test flow. Any determination of charges shall be based on this average error. **[Amended 5-5-1998; 4-2-2008]**

**§ 260-12 Sealing of meter.**  
**[Amended 5-5-1998]**

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

**§ 260-13 Tampering with ~~meter~~ Meter Operations.**

- A. No ~~customer~~ Customer or Person or his or her agent shall move, alter, or otherwise perform a tampering event with ~~regard to~~ a meter. No person may move or alter a meter without having first received the written consent and authorization of the Department of Public Works ~~Commissioner~~ and/or his/her designee to take such action. In the event that the Department of Public Works ~~Commissioner~~ and/or his/her designee shall determine that a ~~customer~~ Customer or Person or his or her agent has performed a tampered with a meter, such Customer or Person shall be subject to the following charges: **[Amended 5-5-1998]**
  - (1) A charge in an amount based upon the actual water usage metered to such meter prior to ~~the~~ tampering ~~event~~, if determinable and if not, a best reasonable estimate.
  - (2) A charge in an amount equal to based upon twice the ~~billed~~ estimated water usage for the Premises serviced by the meter equal to the usage for the in question during the preceeding same billing period for the prior year. (s) or the corresponding billing period(s) during the year immediately preceeding such tampering event, whichever is greater.
  - (3) A charge for all costs associated with the repair and/or replacement of such meter.
  - (4) A reconnection fee as listed in § **260-33**, Water Rate and Fee Schedule.
- B. Anything in Subsection A above to the contrary notwithstanding, should a ~~customer~~ Customer or his or her agent, as a result of an emergency or other circumstances beyond his/her control, move or alter perform a tampering event with respect to a meter, without having received the prior written consent and authorization of the Department of Public Works ~~Commissioner~~. Such customer may, upon appeal to the Utility Advisory Board in accordance with the provisions of § **260-19** and within its discretion, be relieved of any or all of the charges listed in Subsection A ~~(1)~~ through ~~(4)~~ above,

provided that such customer shall have notified the Department of Public Works, in writing, of the movement or alteration in question within three business days of the occurrence of such tampering event.

- C. Any provisions of this section to the contrary notwithstanding, ~~tampering may be cause the occurrence of a tampering event without a customer and/or his/her agent having first obtained the written consent and authorization of the Commissioner of the Department of Public Works shall because~~ for discontinuance of service to the customer.
- D. For the purposes of this section, the term "tampering" ~~event~~ shall mean any unauthorized action which disables, disconnects, bypasses, or otherwise inhibits or prevents the ~~tampers with a~~ water meter from operating or registering, so as to affect, in any way, the ability of such meter to accurately measure the water being supplied to a Customer. Such tampering ~~event~~ shall include, but shall not be limited to, any breaking or other disruption of the seal affixed to a meter pursuant to the provisions of § 260-12 of this chapter.

**§ 260-14 Outside reader.**  
**[Amended 3-6-2007]**

All ~~e~~Ccustomers shall be required to have an outside reader with radio read capability for their meter installed at the Premises. ~~Existing City maintained meters that were installed prior to November 1, 2004, shall be exempt from the requirement for radio read capability until such time as the radio read program is implemented.~~ The outside reader shall be installed at a place on the premises acceptable to the City and according to the specifications available at the Department of Public Works. The customer shall be responsible for repairs or replacement of damaged outside readers and associated wiring when damage is due to abuse, neglect and/or negligence of the customer. The City shall render a bill for labor, equipment, and materials for all such repairs or replacement. The outside reader and appurtenances shall be the property of the City. The customer shall be responsible for providing safe access to City personnel for reading. The customer shall remove potential hazards and nuisances such as snow, ice, vegetation, and dogs from the outside reader's access. ~~Exceptions may be granted by the Commissioner the Department of Public Works, in which case r~~Reasonable access shall be granted to Department of Public Works personnel for the purposes of reading and maintenance. If satisfactory access is not provided the City reserves the right to produce an estimated bill.

**§ 260-15 Inspections.**  
**[Amended 5-5-1998; 3-6-2007]**

The Department of Public Works employees or its agents shall be allowed access to the customer's premises between the hours of 8:00 a.m. and 6:00 p.m. for examination of pipes, fixtures, connections, the quantity of water used, and the manner of use. In the case of an emergency, no prior notice needs to be given, and, in the event of refusal of entry, water may be shut off with a fee assessed and application can be made to the courts for an appropriate order with all legal costs being charged to the customer.

**§ 260-16 (Reserved)**

**§ 260-17 Establishment of water rates.**  
**[Amended 5-5-1998; at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

Water rates shall be established periodically by the City Council. Such water rates shall be computed based

on the total amount budgeted for the Department of Public Works, ~~Division of Water Supply Works, for any~~ operations and maintenance costs, plus any debt service and capital outlays determined by the City Council, and projections of estimated water consumption, number of accounts, and/or other such factors. Water rates shall be recommended to the City Council by the Utility Advisory Board and/or the City Manager and shall be established to provide sufficient revenue to at least pay the expenses of operating and maintaining the water treatment works, transmission and distribution system, and appurtenant facilities.

- A. Exemption. The City Council may authorize elderly exemptions for users qualifying for property tax exemptions in the City, but such exemptions shall not result in charges lower than those necessary to recover operation and maintenance costs. Only the portion of the water rates that recovers the debt service or capital outlays may be exempted.
- B. Implementation of new rates. Before new rates and/or fees are effective, there shall be two readings before the City Council. In addition, a public hearing shall be held between the first and the second readings. The public hearing shall be held at least 10 calendar days before the rates are effective.

#### § 260-18 **Billing and payment.**

- A. Water bills shall be rendered to all customers at least quarterly and may be rendered more frequently at the discretion of the Business Office with the approval of the City Manager. **[Amended 5-5-1998]**
- B. Water bills shall be due and payable upon presentation and shall become delinquent after 30 days after the date of issuance. Interest shall accrue on bills not paid when due at the same rate charged by the City for overdue property tax bills. Seasonal customers will not be eligible for service unless the previous year's bill has been paid in full.
- C. Checks shall be made payable to the City of Rochester and mailed to the Tax Collector's office or paid online in City Hall. When bills are overdue, the customer will be sent a notice. Bills not paid when due become a lien on the property by New Hampshire statute.
- D. The failure of a customer to receive water bills does not relieve the customer of the responsibility of making prompt payment.
- E. The Department of Public Works in supplying water, doing work, or furnishing material shall ~~deal with~~ interact only with the ~~e~~Customer. ~~Said Customer and the premises, and such~~ customer shall keep the ~~Department Business Office~~ advised of the address to which bills, notices, and communications may be forwarded. Although the payment for service rate may be assumed by an agent or tenant, the Customer of the Premises ~~shall~~ will be held personally responsible for the same. A change in ownership shall not relieve the Premises from payment of back bills. In case of forfeiture, the water may be shut off and will not be turned on again until all unpaid charges have been settled in full. A water shutoff notice will be delivered to the Customer prior to shutoff. (See § 260-20.)

#### § 260-19 **Appeals.** **[Amended 5-5-1998]**

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

- A. Notification. The aggrieved ~~Customer~~ user shall notify the Business Office in writing that said bill is contested before the next bill for water service is issued ~~payment is due for water service~~. The

notification shall explain why the bill is contested and provide the information necessary to determine the validity of the claim. The Finance Director may require the use of forms to expedite the appeals process.

- B. Resolution. Upon receipt of a notification under Subsection A, the Finance Director shall submit the claim to the Utility Advisory Board with a recommendation on the validity of the claim. The decision of the Utility Advisory Board shall be final, except that the City Manager shall have the authority to veto or modify any action of the Utility Advisory Board. Aggrieved parties shall be allowed only one appeal per claim. **[Amended 3-5-2019]**
- C. Disposition of appeals. For appeals found to be valid, the date of the billing ~~will~~shall be revised to the date of the Utility Advisory Board's decision. Revised charges ~~will~~shall become due and payable as specified in § 260-18. For appeals not found to be valid, the date of the billing ~~will~~shall be as originally issued, and charges and interest ~~will~~shall be as computed as specified in § 260-18.

#### § 260-20 Agreements and shutoffs.

- A. An agreement between the City Finance Director and the customer may be signed ~~on a form provided by the Department or on-line at the City's website in the Business Office,~~ if the customer is unable to satisfy his/her water bill in full at the due date. A water shutoff notice and agreement procedure shall be established by the Finance Director and approved by the City Manager. **[Amended 5-5-1998]**
- B. ~~Bills unpaid more than~~Unpaid bills of over than 30 days shall constitute cause for termination of water service or shutoff. If on the day of the shutoff the customer pays the outstanding water bill after City personnel arrive at the customer's service to execute the shutoff, the customer will be assessed a minimum service charge. This charge is as listed in § 260-33, Water Rate and Fee Schedule.

#### § 260-21 Miscellaneous bills. **[Amended 5-5-1998; 3-5-2019]**

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

#### § 260-22 Turning on and off. **[Amended 5-5-1998; 3-5-2019]**

Forty-eight hours' advance notice is normally required for turning on and shutting off water for work performed by the Department of Public Works, except in the case of emergency, consistent with Env-Dw 503.9. The requested service will be provided as soon as possible thereafter, except in cases of termination for non-payment. Fourteen (14) days advanced notice will be provided to the Customer for termination of service for unpaid charges. The requested service will be provided as soon as possible thereafter. All expenses involved for the shut-off at either a customer's request or for non-payment will be the responsibility of the customer. Overtime charges at the rate of time and 1/2 will be charged before or after duty hours, with a minimum of a three-hour charge.

**§ 260-23 Swimming pools.**  
**[Amended 5-5-1998]**

The Department of Public Works does not use its equipment to fill private swimming pools. Private companies ~~shall must~~ obtain written authority from the Department of Public Works to use water from the water system. Customers desiring an abatement of sewer charges while filling their pools must ~~call~~ contact the ~~Department Business Office~~ for instructions prior to filling the pool. There will be no abatement if the ~~Department Business Office~~ has not been contacted.

**§ 260-24 Bulk Water Hauling.**

Any construction, irrigation, swimming pool or other bulk water hauler shall contact the Department to arrange access to designated City bulk water station(s) where metering and backflow prevention can be ensured. Any such hauler's use of hydrants or any other water source other than the designated station(s) shall constitute a tampering violation and hauler shall be responsible to compensate the City for all water released. The Department will estimate such quantities for charges.

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**§ 260-~~24-25~~ Transfers.**

On sale or transfer of property, the customer must give notification to the Business Office of such sale or transfer in order that a final meter reading can be taken, and proper charges made to the proper owner. A minimum of 24 hours' notice is required. ~~If an existing If an apartment building or other multi-unit, or other structure, or dwelling unit or Premises is converted to a become a~~ condominium, the Owner shall provide written notification to the ~~Department Business Office~~. The new Owner shall complete a water service application and be responsible for any fees or charges from the Department of Public Works and any private plumber necessary to provide a separate service and meter.

**§ 260-~~25-26~~ Violations.**

- A. Should any Customer violate any regulations established by the ~~Department Division of Water Supply Works,~~ or fail to pay rates or other charges when due, his/her supply ~~may~~ shall be shut off, or terminated, and it shall not be resumed until causes of a complaint ~~or non-compliance~~ are removed and/or all charges paid. **[Amended 5-5-1998; 3-5-2019]**
- B. Any violation of the rules and regulations hereby established or failure on the part of any ~~customer~~ Customer receiving taking water to promptly pay any and all ~~claims~~ charges due to of the Department shall be considered sufficient cause for ~~cutting off~~ termination of water service ~~the water supply~~ of such Customer and such ~~services~~ supply shall not be turned on again until all such ~~breach~~ cause of complaint shall have been removed, including any additional work or costs incurred for the turning on of the water.
- C. Where two or more Customers take water through one service pipe, the provision in regards to ~~termination of service or cutting off the~~ supply shall be applicable to all such customers although one or more of them may be innocent of any cause of offense.

**§ 260-~~26-27~~ Interruption of service.**  
**[Amended 5-5-1998]**

The Department of Public Works reserves the right to shut off the service temporarily whenever it becomes



necessary to make extensions, alterations, or repairs, or to curtail the use of water whenever conditions so require without prior notice. The Department of Public Works will make best efforts to provide advanced notice to Customers when practicable.

**§ 260-~~27-28~~ Claims for damages and liability.**  
**[Amended 5-5-1998]**

- A. The Department of Public Works will not be responsible for any damage caused by shutoffs in the mains or service pipes, because of shortage of supply, ~~installing~~~~setting~~ or removing meters, repairs, construction, or for other reasons beyond the control of the Department. Notice of shutoff will be given when practicable; however, nothing in this rule shall be construed as requiring the giving of such notice. The Department of Public Works will not be liable for any damages resulting from leakage escaping from any part of the owner's system.
- B. All customers having direct pressure hot water tanks or appliances ~~should~~~~must~~ place proper automatic vacuum and relief valves in the pipe system to prevent any damage to such tanks or appliances should it become necessary to shut off water on the street mains or service pipe. Service will be provided to such direct pressure installations only at the customer's risk and in no case will the Department of Public Works be liable for any damage occasioned thereby.

**§ 260-29 Regulation of water usage during emergency.**  
**[Amended 9-14-1999; 7-10-2018]**

- A. Purpose. The purpose of this regulation is to ensure the use of water is properly regulated whenever an emergency exists by reason of a shortage of water due to inadequate supply, limited treatment or distribution capacity, or failure of equipment or material. The City of Rochester may use reasonable means to protect, preserve, and maintain the public health, safety, and welfare when a water supply shortage exists.
- B. Authority. The City of Rochester adopts these regulations under its authority to regulate public water systems under RSA 38:26. In accordance with the provisions of RSA 47:17, XV, whenever an emergency exists by reason of a shortage of water due to inadequate supply, limited treatment or distribution capacity or failure of equipment or material, the City Manager is authorized to restrict or prohibit the use of water from the City water system.
- C. Applicability. The requirements of this section shall apply to all water users with connections receiving water from the City's public water system, including any connections with consecutive water systems~~which includes all public water systems owned and operated by the City.~~
- D. Definitions. As used in this section, the following terms have the meanings indicated:

**~~PERSON-~~**

~~Any individual, corporation, trust, partnership, joint stock company, association, state, municipality, commission, United States government or any agency thereof, political subdivision of the state or any interstate body, or other entity.~~

**WATER SUPPLY SHORTAGE**

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A situation when the City's water supply is in jeopardy as evidenced by a state or federal government agency declaring a drought in the area or the water system being unable to, or within 60 days of such written determination becomes unable to, supply the full commercial, domestic, and residential needs of the users of the City's water system, including needs for adequate fire protection. A water supply shortage usually occurs due to drought or a major infrastructure failure.

- E. Water emergency declaration. A water emergency declaration may be issued by the City Manager whenever a supply shortage or other water emergency occurs.
- F. Water use restrictions. Upon declaration of a water emergency, the City Manager shall implement certain water use restrictions necessary to conserve and maintain adequate reserves of the public water supply. Provided there is a declaration as noted above, the following levels of restriction will apply immediately after the public notification period specified in Subsection **H**:
  - (1) If a Level 1 water use restriction is issued, then customers are encouraged to refrain from outside water use such as landscape watering and to limit the amount of water used outdoors for other purposes.
  - (2) If a Level 2 water use restriction is issued, then:
    - (a) Any outside water use by odd-numbered addresses is allowed only on odd-numbered days.
    - (b) Any outside water use by even-numbered addresses is allowed only on even-numbered days.
    - (c) Any outside water use shall not occur between the hours of 8:00 a.m. and 5:00 p.m.
  - (3) If a Level 3 water use restriction is issued, then:
    - (a) No outside water use for lawn watering or irrigation. This applies to automatic sprinklers, automatic irrigation systems, and any unattended lawn watering.
    - (b) Filling of any swimming pools or containers greater than 100 gallons' capacity is prohibited.
    - (c) Washing of vehicles, including automobiles, trailers, trucks, etc., by hose is prohibited.
    - (d) Any outside water use shall not occur between the hours of 8:00 a.m. and 5:00 p.m.
  - (4) If a Level 4 water use restriction is issued, then all outside water use is prohibited.
- G. Exemptions to water use restrictions.
  - (1) Hand irrigation of crops used for food by residents at a residential property, provided a competent person is present using watering equipment with an automatic shut-off device, shall not be restricted.
  - (2) Water to sustain animal life shall not be restricted.
  - (3) Despite the authority granted by Subsection **B** of this regulation, orders imposing water use

restrictions shall not apply to uses that obtain water from sources other than the City water system, unless it can be clearly demonstrated that the use of such water directly affects the City water system.

- (4) The City Council may issue temporary water use restriction exemption permits for identified properties and locations that have made recent landscaping investments. The exemption period for limited irrigation for new seed, sod, or plugs is up to 45 days from the date of installation, and will be permitted between the hours of 5:00 p.m. and 8:00 a.m. Property owners must demonstrate that area soils have been appropriately prepared and use efficient irrigation best management practices. A watering exemption permit only pertains to newly seeded lawns and will not be issued for over seeding. This exemption does not apply during a Level 4 water use restriction.
- H. Public notification. Upon declaration of a water emergency by the City Manager, the City shall issue a written emergency notice declaring the emergency and setting forth with particularity a water use restriction that regulates the use of water from the City's water system. The notification, as issued, shall be reissued whenever there are modifications to the water use level restrictions.
- (1) Publication and/or posting of notice. The written emergency notice shall be published in a newspaper of general circulation in the City of Rochester within 72 hours after the issuance of such notice. In addition, the written emergency notice shall be posted in five prominent places within the City and on the City website.
  - (2) Immediate threat to public health or safety. Whenever a sudden or unexpected event reduces the availability of water or water pressure as to create an immediate threat to public health or safety, the emergency notice may be issued by any reasonable means, including electronic means.
- I. Termination notice of a water emergency. Upon a determination by the City that the water emergency no longer exists, the City Manager may terminate the water use restrictions. Public notification of such termination shall be given in accordance with Subsection **H(1)**.
- J. Appeals of water emergency declaration. Any person aggrieved by a water emergency declaration by the City Manager shall have the right to present the matter to the next regular or special meeting of the City Council or any emergency session of the Council called to discuss the water emergency. The City Council may exempt such aggrieved person, in whole or in part, from the compliance with such water use restrictions upon a showing that compliance with such water use restrictions creates an immediate threat to such person, or such person's immediate household's, health or safety. A ruling by a majority vote of the City Council with regards to such appeal shall be final and binding. Until and unless the action of the City Manager is modified or revoked by action of the City Council, all water usage shall be bound by the terms of the water use declaration issued by the City Manager.
- K. Penalties. Any person who, in any manner, directly or indirectly, violates or permits others under his/her custody or control to violate any terms of a duly issued water use restriction shall be guilty of a violation. Each separate day of water use in violation of such emergency notice shall constitute a separate offense and each separate prohibited water use in excess of one on the same day shall constitute a separate offense. In addition to the foregoing penalties, the City of Rochester is authorized to discontinue the furnishing of water where orders and restrictions have been violated on

multiple accounts. Such discontinuance shall be made pursuant to RSA 38:31 and may be continued so long as there is evidence that the violations continue. Penalties are determined by each water level restriction as follows:

- (1) Level 1 water restriction. There are no penalties as this is voluntary.
- (2) Level 2 and 3 water restrictions.
  - (a) First violation will be issued a warning.
  - (b) Second violation shall be punishable by a fine of one hundred dollars (\$100.00).
  - (c) Third violation shall be punishable by a fine of one hundred dollars (\$100.00).
  - (d) Additional violations shall be punishable by a fine of five hundred dollars (\$500.00) to ten thousand dollars (\$10,000.00) and discontinuance of water service. A service reactivation fee, as defined by § **260-33B**, will be charged before water service is restored.
- (3) Level 4 water restriction. Each violation shall be punishable by a fine of five hundred dollars (\$500.00) to ten thousand dollars (\$10,000.00) and discontinuance of water service. A service reactivation fee, as defined by § **260-33B**, will be charged before water service is restored.

§ 260-~~28-30~~ **Utility Advisory Board.**

- A. Function of the Board. The Utility Advisory Board shall periodically make recommendations to the City Council on the level of water rates to be established under this article, but such recommendations are not binding on the City Council. The Utility Advisory Board shall rule on appeals of user and other charges and fees and perform such other duties that may be assigned by City Council. **[Amended 5-5-1998; at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- B. Membership. The Utility Advisory Board shall consist of five members. Such members shall be nominated by the Mayor and appointed by the City Council.
- C. Term. Members appointed on, or after, June 1, 2013, shall serve a term of three years from the date of appointment. **[Amended 6-4-2013]**
- D. Vacancies. Vacancies on the Utility Advisory Board shall be filled in the same manner that members are appointed under Subsection B. The term of a member appointed to fill a vacancy shall be equal to the remaining term of the member being replaced.
- E. Administrative actions. The City Manager shall have the authority to veto or modify any action of the Utility Advisory Board.

§ 260-~~29-31~~ **Construction/extension of water mains for new development which may become public water mains.**

- A. Applications for the construction/extension of water mains that are intended to be accepted by the City as City-owned mains shall be in the form of a petition addressed to the Department of Public

Works in compliance with the rules established by the Department of Public Works. **[Amended 5-5-1998; 5-1-2007]**

- B. The Department of Public Works may require that an applicant file a site plan with the Planning and Development Department such rights-of-way, easements, releases, performance surety, or any other instruments reasonably consistent for any such construction, and the City of Rochester shall be grantee, guaranteed insured, or payee of any such instrument. **[Amended 5-1-2007]**
- C. Construction or extension of any such water mains shall be per City standards.
- D. The applicant shall pay full costs for any such construction of water main and installation and full title to the same shall, upon acceptance by the City Council, be the property of the City of Rochester. All construction of water mains shall be under the direct supervision of the Department of Public Works.
- E. The City will not normally accept water mains that are constructed or extended appurtenant to roadways where such roadways are not intended to be accepted by the City. Such mains will be considered by the City to be private services and all required maintenance the responsibility of the owner. Owner maintenance and operation of such mains shall be subject to the directives of the Department to ensure water quality.
- F. Construction or extension of private water mains or private distribution systems beneath private property shall meet the specifications of the Department and Owner maintenance and operation of such mains shall be subject to the directives of the Department to ensure water quality.

§ 260-~~31-32~~ **Extension of existing water mains in accepted roadways.**

- A. Upon petition by citizens of the City or when deemed necessary or desirable for the protection and well-being of the City, the extension of water mains in accepted roadways may be approved by a vote of the City Council in accordance with City Ordinance § 22~~33-9~~. **[Amended 5-5-1998]**
- B. Where the construction and installation of water mains is to be made in and upon existing streets and roads, and the public good requires it and/or undue hardships would result if cash payment were made, then and in such case the City of Rochester may finance the construction through the issuance of bonds or other financing method and pay the full costs. The proportionate share of each abutter along the line of construction and installation based on the actual cost of construction per running foot or other equitable distribution of cost when petition, application, or late petition is made and granted shall become a lien on such abutting property as real estate taxes until payment of said proportionate share of full costs, including financing, is made.
- C. Payment may be as follows:
  - (1) The affected party may pay his/her proportionate share in cash for the full amount, at the time the obligation is incurred; or
  - (2) The affected party may enter into an agreement with the City of Rochester that said proportionate



share of all costs may be paid in equal installments over a period of time equal to the term of the bond or a lesser period. Such agreement is to be recorded with the Strafford County Register of Deeds at the expense of the affected party. In the event property is conveyed, the new owner(s) will be responsible for all unpaid bills and liens.

§ 260-~~32-33~~ **Private fire protection.**

- A. Private fire services may be permitted at the discretion of the ~~Department~~Commissioner of Public Works and Fire Chief. All applications for private fire protection services must follow the provisions of § 260-4, Application for service. [Amended 5-5-1998]
- B. Fees for private fire hydrants shall be as listed in § 260-33, Water Rate and Fee Schedule.
- C. Private fire hydrants shall typically be set on the customer's side of the meter so that all use is recorded and billed. In cases where private fire hydrants are before the customer's meter any such use of a private fire hydrant for non-fire service flows must utilize a fire hydrant meter authorized and provided by the Department to measure said flows. The Customer or user shall be responsible for all water utilized and measured by said hydrant meter pursuant to the rates set forth in §260-33.

§ 260-~~33-34~~ **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; 8-2-22]

- A. Quarterly water rates. [Amended 11-1-2016; 2-6-2018; 8-2-22]
  - ~~(1) Residential Customers without exemption: five dollars and fifty-five cents (\$5.55) per 100 cubic feet of water use.~~
  - ~~(2) Residential customers with exemption: two dollars and forty cents (\$2.40).~~
  - ~~(3) Commercial and industrial Customers: five dollars and fifty-five cents (\$5.55) per 100 cubic feet of water use.~~
  - ~~(4) Unmetered residential, commercial and industrial Customers:~~
    - ~~(a) Per quarter per unit without exemption: one hundred forty-eight dollars and fifty-three cents (\$148.53).~~
    - ~~(b) Per quarter per unit with exemption: seventy-four dollars and twenty-five cents (\$74.25).~~
  - ~~(5) Minimum fee:~~
    - ~~(a) Per quarter per unit without exemption: twenty-one dollars and nine cents (\$21.09).~~
    - ~~(b) Per quarter per unit with exemption: sixteen dollars and ninety-one cents (\$16.91).~~
  - (1) Residential Customers without exemption: six dollars and fifty-four cents (\$6.41) per 100 cubic feet of water use.

- (2) Residential customers with exemption: two dollars and seventy-seven cents (\$2.77).
- (3) Commercial and industrial Customers: six dollars and forty-one cents (\$6.41) per 100 cubic feet of water use.
- (4) Unmetered residential, commercial, and industrial Customers:
  - (a) Per quarter per unit without exemption: one hundred seventy-one dollars and fifty-six cents (\$171.56).
  - (b) Per quarter per unit with exemption: eighty-five dollars and seventy-six cents (\$85.76).
- (5) Minimum fee:
  - (a) Per quarter per unit without exemption: twenty-four dollars and thirty-five cents (\$24.35).
  - (b) Per quarter per unit with exemption: nineteen dollars and fifty-one cents (\$19.51).

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## B. Fees.

- (1) Meter Installation: a minimum of three hundred dollars (\$300.00) or estimated cost of installation, in advance one hundred dollars (\$100.00).
- (2) Installation and repair license: one hundred dollars (\$100.00) per year.
- (3) Bad check: twenty-five dollars (\$25.00) plus all associated fees.
- (4) Service reactivated following payment when shut off due to nonpayment: sixty dollars (\$60.00).
- (5) Service shutoff or turn on by request: thirty dollars (\$30.00).
- (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 (\$150.00) 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 is not 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) Service Connection Permit Fee: fifty dollars (\$50.00).
- (9)10 Swimming pools: fees based on volume used times unit rate.
- (40)11 Meter repair or testing: thirty dollars (\$30.00) per visit plus cost of transportation of meter to testing facility and cost of testing.

(~~41~~12) Meter damage: fifty dollars (\$50.~~00~~).

(~~42~~13) Backflow prevention devices: all costs associated with installation, repair, or inspection paid by owner. Inspection costs shall be not less than minimum service charge.

(~~43~~14) Violations: all costs to correct violation paid by owner.

(~~44~~15) Minimum service charge: thirty dollars (\$30.~~00~~) per visit.

(~~45~~16) Meter tampering charge: a reconnection fee of not less than one hundred dollars (\$100.~~00~~) nor more than five hundred dollars (\$500.~~00~~).

(~~46~~17) Minimum charge for road maintenance between December 1 and March 31: two hundred dollars (\$200.).

(18) Service Development Fee: \$3.17 per gallon per day, per unit in accordance with the Table 1008-1 referenced and as set forth §260A-5.

## Article II Cross-Connections

[Adopted 4-2-2013 (Ch. 18 of the 1995 Code); amended in its entirety 12-3-2013]

§ 260-~~34~~35 Purpose.

- A. New Hampshire Code of Administrative Rules Part Env-Dw 505 requires that the City of Rochester take appropriate actions to prevent the reverse flow of water previously delivered to customers or the backflow of harmful substances into the public water system. Each public water system serving 1,000 or more persons must have a written cross-connection control program ordinance. **[Amended 3-5-2019]**
- B. Cross-connections between water supplies and non-potable sources of contamination represent one of the most significant threats to health in the water supply industry. This program is designed to accomplish the following:
  - (1) To protect the City of Rochester, New Hampshire, public ~~potable~~ water supply from contamination by isolating, within its customers' internal distribution systems, contaminants that could backflow or backsiphon into the public water system.
  - (2) To promote the elimination or control of existing cross-connections, actual or potential, between the customer's in-plant potable and non-potable water systems by isolating those contaminants that could backflow or backsiphon into the customer's internal distribution system.
  - (3) To provide for the maintenance of a continuing program of cross-connection control that will systematically and effectively prevent the contamination of potable water systems via cross-connections.
  - (4) To supplement the regulations promulgated and revised by the New Hampshire Department of

Environmental Services as listed in § 260-36 below.

~~§ 260-35 Definitions-~~

~~As used in this article, the following terms shall have the meanings indicated:~~

~~**AIR GAP (approved for both high and low hazard protection)-**~~

~~An unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of the receptacle. Physically defined as a distance equal to twice the diameter of the supply side pipe but never less than one inch.~~

~~**APPROVED BACKFLOW PREVENTION DEVICE-**~~

~~A backflow prevention device that has been:~~

- ~~A. Manufactured to allow for accurate testing and inspection so as to allow verification of performance; and~~
- ~~B. Tested and certified by the University of Southern California, Foundation for Cross Connection Control and Hydraulic Research.~~

~~**APPROVED SOURCE-**~~

~~A source of water utilized by a public water system for distribution to the public for consumption purposes and which is approved by the New Hampshire Department of Environmental Services, Water Division, for said use following a required and/or approved treatment process.~~

~~[Amended 3-5-2019]~~

~~**ATMOSPHERIC VACUUM BREAKER-**~~

~~A device which prevents backsiphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure in a water system.~~

~~**AUXILIARY WATER SUPPLY-**~~

~~Any water supply on, or available to, a premises other than the City's approved public potable water supply.~~

~~[Amended 3-5-2019]~~

~~**BACKFLOW-**~~

~~The flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water supply from any source or sources other than the intended source.~~

~~**BACKFLOW PREVENTER WITH INTERMEDIATE ATMOSPHERIC VENT-**~~

~~A device having two independently operating check valves separated by an intermediate chamber with a means for automatically venting it to the atmosphere. The check valves are force loaded to a normally closed position and the venting means is force loaded to abnormally open position.~~

~~**BACKFLOW PREVENTION DEVICE-**~~

~~A device or means designed to prevent backflow or backsiphonage. Most commonly categorized as air~~

gap, reduced pressure principle device, double check valve assembly, pressure vacuum breaker, atmospheric vacuum breaker, hose bib vacuum breaker, residential dual check, double check with intermediate atmospheric vent, and barometric loop.

#### **~~BACKFLOW PREVENTION DEVICE INSPECTOR, CERTIFIED~~**

A person who has proven his/her competency to inspect and test backflow prevention devices by the possession of a valid backflow prevention device certification issued by the New England Water Works Association or other equivalent certification approved by New Hampshire Department of Environmental Services.

#### **~~BACK PRESSURE~~**

Pressure created by mechanical means or other means causing water, liquids, or other substances to flow or move in a direction opposite of what is intended.

#### **~~BACKSIPHONAGE~~**

The flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water system from any source other than its intended source, that is caused by negative or reduced pressure in the potable water system.

#### **~~BAROMETRIC LOOP~~**

A section of pipe rising at least 35 feet at its topmost point above the highest fixture it supplies. It is utilized in water supply systems to protect against backsiphonage (only).

#### **~~CHECK VALVE~~**

A self-closing device which is designed to permit the flow of fluids in one direction and to close if there is a reversal of flow.

#### **~~CONTAINMENT PHILOSOPHY~~**

The method and philosophy of backflow prevention which requires a backflow preventer at the service entrance which isolates the customer's facility from the public water supply.

#### **~~CONTAMINANT~~**

As defined in RSA 485:1-a, II, any physical, chemical, biological or radiological substance or matter in water.

#### **~~CROSS CONNECTION~~**

Any actual or potential physical connection or arrangement between two otherwise separate systems, one of which contains potable water and the other of which contains water of unknown or questionable safety and/or steam, chemicals, gases, or other contaminants whereby there may be a flow of an unapproved water or other substance to a potable water system.

#### **~~CUSTOMER (OWNER)~~**

Any person who has legal title to or license to operate or inhabit in a property at which a cross-connection inspection is to be made or at which a cross-connection is present.

#### **~~DEPARTMENT~~**

The City of Rochester Department of Public Works.



**~~DEVICE UPGRADE-~~**

~~The replacement of an existing backflow prevention device with another appropriate device designed for a higher hazard duty when the degree of hazard is increased.~~

**~~DIVISION-~~**

~~Division of Water, New Hampshire Department of Environmental Services.~~

**~~DOUBLE CHECK VALVE ASSEMBLY or DCA (approved for low hazard protection only)-~~**

~~An assembly of two independently operating spring loaded check valves with tightly closing shutoff valves on each side of the check valves, plus properly located test cocks for the testing of each check valve.~~

**~~FIXTURE ISOLATION PHILOSOPHY-~~**

~~A more complex isolation approach whereby protective devices are placed at individual fixtures within a facility as well as where cross connections exist at the last free flowing outlet to ensure occupants of a facility are protected within.~~

**~~HIGH DEGREE OF HAZARD-~~**

~~A condition where, if a backflow were to occur, the resulting effect on the water supply could cause injury, illness or death if consumed by humans. The foreign substance may be hazardous to humans from a chemical, biological, physical, or radiological standpoint. The effects of the contaminant may result from short or long term exposure.~~

**~~HOSE BIBB VACUUM BREAKER-~~**

~~A device which is attached to a hose bibb and which acts as an atmospheric vacuum breaker.~~

~~[Amended 3-5-2019]~~

**~~LOW DEGREE OF HAZARD-~~**

~~A condition where, if a backflow were to occur, the resulting effect on the water supply would be a change in aesthetic qualities. The foreign substance must be non-toxic and non-hazardous to humans.~~

**~~PERMIT-~~**

~~A document issued by the Department that allows the use of a backflow preventer.~~

**~~PERSON-~~**

~~As defined in RSA 485-I a, XIII, any individual, partnership, company, public or private corporation, political subdivision or agency of the state, department, agency or instrumentality of the United States, or any other legal entity.~~

**~~POTABLE WATER-~~**

~~Water from a source that has been approved by the New Hampshire Department of Environmental Services.~~

~~[Amended 3-5-2019]~~

**~~PREMISES-~~**

~~The industrial, commercial or residential facility or dwelling connected to the public water supply.~~

~~[Amended 3-5-2019]~~

**~~PRESSURE VACUUM BREAKER or PVB (approved for low-hazard protection only)~~**

~~A device containing one or two independently operating spring-loaded check valves and an independently operating spring-loaded air inlet valve located on the discharge side of the check or checks. The device includes tightly closing shutoff valves on each side of the check valves plus properly located test cocks for the testing of each of the check valve(s).~~

**~~PUBLIC WATER SYSTEM~~**

~~As defined by RSA 485:1-a, XV, a system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. Such term includes any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system, and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Any water system which meets all of the following conditions is not a public water system:~~

- ~~A. Consists only of distribution and storage facilities (and does not have any collection and treatment facilities);~~
- ~~B. Obtains all of its water from, but is not owned or operated by, a public water system; and~~
- ~~C. Does not sell water to any person.~~

**~~REDUCED PRESSURE ZONE PRINCIPLE BACKFLOW PREVENTION DEVICE or RPZ (approved for both high and low-hazard protection)~~**

~~An assembly consisting of two independently operating approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the two check valves and below the first check valve. These units are located between two tightly closing, resilient-seated shutoff valves as an assembly and equipped with properly located resilient-seated test cocks for the testing of the check valves and the relief valve.~~

**~~RESIDENTIAL NO. 7 DUAL CHECK~~**

~~An assembly of two independently operating, spring-loaded check valves without tightly closing shutoff valves and test cocks. Generally employed immediately downstream of the water meter to act as a containment device. This is a non-testable device.~~

**~~SITE SURVEYS~~**

~~Initial site surveys of existing commercial and industrial properties are required to determine degree of compliance with the regulations herein. Such activities shall be executed by the Department either using its own resources or contracted resources. Activities shall include on-site surveys of commercial and industrial users of the public water supply which in the judgment of the Department may present risk of cross contamination.~~

**~~SUPPLIER~~**

~~Any person who controls, owns, or generally manages a public water supply system.~~

**~~WATER SERVICE ENTRANCE~~**

~~The point in the customer's water system beyond the sanitary control of the Department; generally considered to be the outlet end of the water meter and always before any unprotected branch.~~

~~[Amended 3-5-2019]~~

**~~WATER TREATMENT CHIEF OPERATOR~~**

~~The Water Treatment Chief Operator of the City of Rochester, New Hampshire, Water Treatment Facility, Department of Public Works, or his/her designated representative, who is vested with the authority and responsibility for implementation of a cross-connection control program and for enforcement of the provisions of Article I of this chapter and these regulations.~~

**~~WATER UTILITY~~**

~~The suppliers of water.~~

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**§ 260-36 Authority.**

**[Amended 3-5-2019]**

The authority for this article is derived from the New Hampshire Administrative Rules Part Env-Dw 505, Backflow Prevention, and the City of Rochester public water system rules and regulations, as adopted.

**§ 260-37 Responsibilities of Department.**

The Department is responsible for protecting the public potable water distribution system from contamination due to the backflow or backsiphon of contaminants through the water service connection.

**§ 260-38 Duties of Department of Public Works.**

- A. The Department will determine if an approved backflow prevention device is required at the City's water service connection to any customer's premises.
- B. The Department may, directly or through a designated representative, give notice in writing to any such customer to install an approved backflow prevention device at each water service connection to his/her premises.
- C. The Department will issue permits for all new backflow prevention devices and amended permits for any upgrades to such devices for higher-hazard duty. No permit will be issued by the Department without an application from the owner.
- D. Permits shall have a duration based upon degree of hazard for the protective device. High-hazard device permits shall have a duration of six months to coincide with semiannual inspection and testing requirements. Low-hazard device permits shall have a duration of 12 months to coincide with annual inspection and testing requirements. All permits shall automatically renew following certification from owner that periodic inspection and testing has been completed on schedule.
- E. There will be no fees for permits issued.
- F. Existing commercial and industrial properties at the time of the issuance of this article shall be the

subject of site surveys conducted by the Department to determine the need for backflow prevention devices. Department shall conduct site surveys in accordance with Env-Dw 505.

- G. The Department will not allow any cross-connection to remain unless it is protected by an approved backflow prevention device for which a permit has been issued and which will be regularly tested and inspected per required schedule to ensure satisfactory operation.
- H. If the Department determines at any time that a serious threat to the public health exists, the water service will be terminated immediately.
- I. The Department will maintain records to include all applications for backflow prevention devices, installation, inspection and testing certification forms, notices of inspection/test requirement and permits.
- J. The Department will monitor for permit compliance. Permits shall lapse and become void if inspection and testing are not certified on schedule. A void permit shall constitute grounds for discontinuation of water.
- K. The Department will inform the owner by letter of any failure to comply with scheduled inspection and testing and resulting permit violation. The Department will allow an additional 14 days past the original due date for completion of inspection and testing and owner certification. In the event that the owner fails to provide the certification within the additional 14 days, the Department will inform the owner, by letter, that the water service to the owner's premises will be terminated. In the event that the owner informs the Department of extenuating circumstances as to why the certification has not been made on schedule, a time extension may be granted by the Department, but in no case will exceed an additional 30 days.
- L. All new single-family residential water services, as well as substantive remodeling of residential properties that require meter changes and/or plumbing permits, will be required to install a residential No. 7 dual check device immediately downstream of the water meter. **[Amended 3-5-2019]**
- M. Installation of a residential dual check valve results in a potential closed plumbing system within the residence. As such, provisions shall be made by the owner to provide for thermal expansion within the closed loop system, i.e., the installation of thermal expansion devices and/or pressure relief valves.
- N. New and retrofit installations of reduced pressure zone principle devices and double check valve backflow preventer shall include the installation of strainers located immediately upstream of the backflow device. The installation of strainers will preclude fouling of backflow devices due to both foreseen and unforeseen circumstances occurring to the water supply system such as water main repairs, water main breaks, fires, periodic flushing, and cleaning of mains, etc. These occurrences may stir up debris within the water main that will cause fouling of backflow devices installed without the benefit of strainers.

**§ 260-39 Requirements of owner.**  
**[Amended 3-5-2019]**

- A. The owner shall be responsible for the elimination or protection of all cross-connections on his/her

premises.

- B. The owner shall ensure the protection of the public water supply within his/her premises by the installation of approved backflow prevention devices, where necessary, or by fixture isolation techniques to comply with the City's containment philosophy and NH state regulations. All testing, inspection and maintenance shall be the responsibility of the owner. Those devices internal to the facility will not be regulated by the Department; however, -any isolation devices required to be installed by the Department shall be regulated by the Department.
- C. The owner, after having been informed by letter from the Department, shall at his/her expense install, maintain, and test, or have tested, any and all backflow preventers on his/her premises.
- D. On new commercial and industrial installations, the owner or his/her qualified agent supplying the device(s) shall propose the type of backflow preventer, if any, that will be required. The owner shall supply a complete application for the installation of a backflow prevention device and provide it to the Department for permit issuance. The Department shall approve proposed devices.
- E. The owner shall inform the Department of any proposed or modified cross-connections and ~~also~~ of existing cross-connections ~~of~~ which the owner is aware but may not be known by the Department.
- F. The owner shall not install a bypass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Owners who wish to continue operations cannot shut down operation for during testing of the device(s) shall must supply additional devices for an operational by-pass. additional devices necessary for testing to take place.
- G. The owner shall install backflow devices with the minimum requirements as provided herein in a manner approved by the Department or its designee and in accordance with approved plumbing regulations. All new devices shall be tested satisfactorily upon installation.
- H. The owner shall install only a backflow preventer approved by the Department and the Division.
- I. The owner shall be responsible for the payment of all fees for device installation or replacement, annual or semiannual device inspection and testing, re-testing in the case that the device fails to operate correctly, and second reinsertions for noncompliance with Department rules and regulations.
- ~~I. Any owner having a private well or other private water source shall not connect ("hard pipe") to the Department's system. The owner may be required to install a backflow preventer at the service entrance if a private water source is maintained, even if it is not cross-connected to the Department's system.~~
- ~~J. In the event the owner installs plumbing to provide potable water for domestic purposes which is on the Department's side of the backflow preventer, such plumbing must have its own backflow preventer installed.~~
- J. Should a backflow prevention device be required or an upgraded device, whether determined by the Department or otherwise the owner, the owner shall be responsible for submitting an application for

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such device to the Department.

- K. There will be no fee for applications submitted.
- L. Owners shall certify the installation of new or upgraded backflow prevention devices in writing to the Department within ~~90~~30 days of issuance by the Department of the permit.
- M. Failure, refusal, or inability on the part of the owner to install the required initial or upgrade device(s) and provide certification to the Department within 30 days shall constitute grounds for discontinuing water service to the premises until such time as the required certification of compliance is received by the Department.
- N. Owner shall be responsible for providing certification of inspection and testing to the Department within 14 days of regularly scheduled periodic inspection and testing, and retesting following initial test failure if applicable. Failure to submit the certification within 14 days shall void the permit and constitute grounds for discontinuing water service to the ~~p~~Premises.
- O. The owner shall correct at his/her cost any malfunction of the backflow preventer which is revealed by periodic testing. Corrections that impact the required certification schedule above shall be communicated to the Department at the earliest possible time.

**§ 260-40 Administration.**  
**[Amended 3-5-2019]**

- A. Philosophy: The City will administer the program on the theory of containment, the approach of which utilizes a minimum of backflow devices and isolates the customer from the public water supply so that contamination of the public water system does not occur. If he/she so desires, the owner may utilize public health officials or private consultants to assist in the survey of his/her facilities and to assist in the selection of proper fixture isolation devices and the proper installation of these devices.
- B. The owner shall allow his/her property to be inspected for possible cross-connections and shall follow the provisions of the Department's program and the Division's regulations if a cross-connection is required.

**§ 260-41 Degree of hazard.**

The Department recognizes the threat to the public water system arising from cross-connections. These threats are classified as follows in this section:

- A. Low hazard. If a backflow were to occur, the resulting effect on the water supply would, at the most, be a change in its aesthetic qualities. The foreign substance(s) must be non-toxic to humans. All threats classified as "low hazard" will require, at a minimum, the installation of an approved double check valve assembly.
- B. High hazard. If a backflow were to occur, the resulting effect on the water supply could cause illness, injury or death if consumed by humans. The foreign substances may be hazardous to humans from a physical, chemical, biological, and/or radiological standpoint. The effects of the contaminants may result from short- or long-term exposure. All threats classified as "high hazard" will require the

installation of approved reduced pressure zone principle backflow prevention devices, ~~or air gaps or other high hazard device approved by the Department.~~

**§ 260-42 Auxiliary water sources.**  
**[Amended 3-5-2019]**

- A. Any owner having a private well or other private water source shall not cross-connect ("hard pipe") to the Department's system. The owner may be required to install a testable high hazard backflow prevention device at the service entrance to the public water system if a private water source is maintained, even if it is not cross-connected to the Department's system.

~~Where a single or dual family residential customer served by the public water supply system has or proposes to install an auxiliary water supply (i.e., well, cistern, spring, etc.), the supplier of the water shall protect the public water supply against backflow by requiring the customer to perform one of the following:~~

- ~~(1) Permanently disconnect the auxiliary water supply from any direct connection to the public water supply system. An inspection to determine compliance with this requirement shall be made by the supplier of the water, local Director of Building, Zoning, and Licensing Services, or his/her designee. The frequency of the inspections shall be at the time of the disconnection and at periodic intervals thereafter (i.e., every three to five years).~~

**Commented [JJ51]:** Include commercial and/or industrial?

**Commented [JJ52]:** This section should be subject to discussion, but I think "shall" is stronger.

**Commented [JJ53]:** There is some law that suggests that you cannot require someone to take public water service if they have their own supply; question is whether that applies to auxiliary services.

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- ~~(1) The owner has the option to. The owner has the option to abandon or discontinue the auxiliary water supply in a manner acceptable to the Water Division of the Department, to the Division Department and NH Department of Environmental Services.~~ in lieu of installation of a backflow prevention device.

- B. The Department shall not permit a cross-connection within the public water ~~supply~~ system unless it is considered necessary and that it cannot be eliminated.

~~(1) The customer shall install an approved reduced pressure zone (RPZ) device at the public water supply service connection.~~

- ~~(2) The Customer shall provide the Department water supplier with backflow prevention device test results per required schedule or the customer's water service from the water provider will be shut off until the data is supplied to the Department water supplier and approved.~~

**§ 260-43 Permits.**  
**[Amended 3-5-2019]**

- A. Cross-connection permits that are required for backflow prevention devices are obtained from the Department. A permit will be issued for each individual device. There will be no fees for initial permits and subsequent renewals. Permits shall be issued with a duration which coincides with the inspection and testing schedule of the device. High-hazard devices shall have permits with durations of six months; low-hazard devices shall have durations of 12 months. Failure of the owner to provide certification of inspections and testing on the required schedule shall void the permit and constitute grounds for discontinuation of water.

- B. Amended permits shall be issued for any premises whereby there are any increases in degree of hazard such as to supersede the effectiveness of the present backflow preventer. Owners are responsible for submitting applications for the amended permits.
- C. The permit shall contain the information required in New Hampshire Administrative Rules Part Env-Dw 505, Backflow Prevention.
- D. Permits are subject to revocation for cause by the Department and become immediately revoked if the owner should so change the type of cross-connection or degree of hazard associated with the service without proper notification to the Department.
- E. Fixture isolation devices internal to a facility will not be regulated by the Department and permits are not required.

**§ 260-44 Existing backflow prevention devices.**  
**[Amended 3-5-2019]**

Any existing backflow preventer shall be allowed by the Department to continue in service if in good working order unless the degree of hazard is such as to supersede the effectiveness of the present backflow preventer or result in an unreasonable risk to the public health. Permits for existing devices shall be issued with durations to coincide with the required schedule of inspection and testing. Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment, an existing backflow preventer must be upgraded to an approved device, or an approved device must be installed in the event that no backflow device is present.

**§ 260-45 Installation.**  
**[Amended 3-5-2019]**

- A. Installation requirements. Initial installations, replacements and upgrades shall be performed by an individual with a current backflow prevention device inspector/tester certification from the New England Water Works Association (NEWWA) and in accordance with Department of Public Works requirements and NH statutes.
- B. Reduced pressure zone backflow prevention devices.
  - (1) The reduced pressure zone backflow prevention device shall be installed on the owner's side of the water meter on the potable water supply line.
  - (2) For "in-plant" protection, lines for safety showers and lines for eye wash units must be taken off the upstream side of the reduced pressure zone backflow prevention device.
  - (3) The reduced pressure zone backflow prevention device shall be located ~~so as to~~ permit easy access and provide adequate and convenient space for maintenance, inspection, and testing. The device must be protected from freezing, flooding, and mechanical damage.
  - (4) The reduced pressure zone backflow prevention device and shutoff valves must be installed in a horizontal alignment between three and four feet from the floor to the bottom of the device and a minimum of 12 inches from any wall, unless the device is approved by the Department of Public Works or its designee for vertical installations.

- (5) Tightly closing valves must be installed at each end of the device and must be immediately accessible unless otherwise approved by the Department of Public Works or its designee.
- (6) A drain is to be provided for a relief valve port. There must be an approved air gap separation between the port and the drain line. To be approved, the air gap must be at least twice the internal diameter of the discharge line, or two inches minimum.
- (7) Backflow prevention devices are not allowed to be installed below grade or other location that may be prone to unit inundation and/or submergence.

C. Double check valve assemblies.

- (1) The double check valve assembly shall be installed on the owner's side of the water meter on the potable water supply line.
- (2) For "in-plant" protection, lines for safety showers and lines for eye wash units must be taken off the upstream side of the double check valve assembly.
- (3) The double check valve assembly shall be located so as to permit easy access and provide adequate and convenient space for maintenance, inspection, and testing. The device must be protected from freezing, flooding, and mechanical damage.
- (4) The double check valve assembly and shutoff valves must be installed in a horizontal alignment and the top of the double check valve assembly must be between 30 inches and 53 inches from the floor to the bottom of the device and a minimum of 12 inches from any wall, unless the device is approved by the Department of Public Works or its designee.
- (5) Tightly closing valves must be installed at each end of the device and be immediately accessible unless otherwise approved by the Department of Public Works or its designee.
- (6) Double check valve assemblies must be provided with suitable connections and appurtenances for testing.

§ 260-46 **Periodic testing.**  
**[Amended 3-5-2019]**

- A. Backflow prevention devices shall be inspected and tested at least semiannually for high-hazard applications and at least annually for low-hazard applications. All new devices in new facilities shall be tested for positive operation upon installation. Responsibility for ensuring inspections and testing and providing certification to the Department shall be the ~~owner's~~ Owner's. Failure to certify inspections and testing on the required schedule shall void the permit and be grounds for discontinuation of water service.
- B. Testing and inspection of all devices, to include reduced pressure principle backflow devices, testable double check valve assemblies, and testable pressure vacuum breakers, shall be performed by an individual with a current backflow prevention device inspector/tester certification from the New England Water Works Association (NEWWA).

- C. Any backflow preventer which fails during a periodic test shall be repaired or replaced. When repairs are necessary, upon completion of the repair, the device shall be re-tested at the owner's expense to ensure correct operation. High-hazard situations shall not be allowed to continue unprotected if the backflow preventer fails the test and cannot be repaired immediately. The owner is responsible for spare parts, repair tools, or a replacement device. Parallel installation of two devices is an effective means of ensuring that uninterrupted water service during testing and repair of devices is maintained and is strongly recommended when the owner desires such continuity.
- D. Backflow devices will be tested more frequently than specified in Subsection A above in cases where there is a history of test failures and the Department feels that, due to the degree of hazard involved, additional testing is warranted. Cost of the additional testing will be borne by the owner.
- E. Failure to test a backflow prevention device as required, or failure to repair a device when needed, ~~may~~shall result in immediate, temporary termination of the water service until the device is tested or repaired as directed by the Department.

**§ 260-47 Conflicting provisions; severability.**

- A. If a provision of this article is found to be in conflict with any provision of a zoning, building, safety or health or other ordinance or code of the City of Rochester, or the State of New Hampshire, or the federal government, existing on or subsequent to the effective date of this article, that provision which in the judgment of the City of Rochester establishes the higher standard of safety and protection shall prevail.
- B. The invalidity of any section, clause, sentence, or provision of this article shall not affect the validity of any other part of this article that can be given effect without such invalid part or parts.

**§ 260-48 Interpretation.**

The provisions of this article with respect to the meaning of technical terms and phrases, the classification of different plumbing devices, the regulations with respect to installing, inspecting, or testing backflow prevention equipment, and other technical matters shall be interpreted and administered by the Department acting in and for the City of Rochester, New Hampshire.

**§ 260-49 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 to the Department which shall issue a decision within 30 calendar days 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 and then to the City Manager.

**§ 260-50 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 control and management of cross-connections, which additional rules and regulations, to the extent appropriate, shall be a part of these regulations. Future changes to this article will be submitted to New Hampshire Department of Environmental Services for approval prior to City adoption.



§ 260-51 **When effective; repealer.**

This article shall be in full force and effect immediately following its passage, as provided by law. The adoption of this article specifically repeals any previously adopted cross-connection ordinance or rules of the City of Rochester, New Hampshire, with regard to cross-connections between water supplies of potable and non-potable systems and/or sources.

**Chapter 260A**  
**Water Development Connection Fee**  
**(As approved September 6, 2022)**

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**§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.

C. The Department shall make a report to the City Council at the end of the fiscal year providing an account of all public water system facilities funded through water development connection fees during the prior year, and the report shall also include a summary of all waivers granted during the 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 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.