



**City Council Regular Meeting
April 4, 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: March 7, 2023 *consideration for approval***
P. 9
6. **Communications from the City Manager**
 - 6.1 **City Manager's Report P. 91**
7. **Communications from the Mayor**
 - 7.1. ***Proclamation:* Arbor Day - Friday, April 28 P. 115**
8. **Presentation of Petitions and Council Correspondence**
 - 8.1. **Petition to Amend the Zoning Ordinance, Chapter 275-26.6 "Class VI Roads" *Motion to accept or deny* P. 117**
 - 8.2. **Petition regarding Extended Operations of Willand Warming Center - *referred to the Tri-City Mayors for consideration due to the Tri-City nature of the request* P. 123**
9. **Nominations, Appointments, Resignations, and Elections**
10. **Reports of Committees**
 - 10.1 **Appointments Review Committee P. 127**

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City Clerk's Office

10.1.1 **New Appointment:** Stephen Foster – Zoning Board of Adjustments, Seat G, New Alternate Member *Term to expire 1/2/2025* **consideration for approval** P. 129

10.1.2 **New Appointment:** Dylan Dowe – Conservation Commission, Seat H, New Alternate member *Term to Expire 1/2/2026* **consideration for approval** P. 130

10.1.3 **Reappointment:** James Connor – Zoning Board of Adjustments, Seat C – Elevation from an Alternate to a Regular Member *Term to expire 1/2/2025* **consideration for approval** P. 131

10.1.4 **Reappointment:** James Connor – Historic District Commission, Seat D – Elevation from an Alternate to a Regular Member *Term to expire 1/2/2025* **consideration for approval** P. 132

10.2 Codes and Ordinances Committee P. 133

10.2.1 **Committee Recommendations:** To approve the addition of section 1.9 to the Rules of Order “Guidelines for Public Input” **consideration for approval** P. 136

10.2.2 **Committee Recommendation:** To approve the changes to Section 4.21 of the Rules of Order “Inaugural Meeting, Order Exercises” **consideration for approval** P. 138

10.3 Community Development P. 139

10.4 Planning Board P. 143

10.4.1 Amendment to Chapter 275 of the General Ordinances of the City of Rochester regarding Solar Energy **first reading and refer to public hearing 4/18/2023** P. 154

10.5 Public Safety P. 179

10.5.1 **Committee Recommendation:** To change the speed limit on Salmon Falls Road coming from Maine to 35 mph to be uniform with the other speed limit sign **consideration for approval** P. 179

10.5.2 **Committee Recommendation:** To install a “stop” sign at the intersection of Hemlock/Lowell Street **consideration for approval** P. 181

11. Old Business

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City Clerk's Office

- 11.1. Resolution Authorizing Supplemental Appropriation in the amount of \$450,000.00 for City Hall and Opera House Life Safety Building Upgrades *second reading and consideration for adoption* P. 187
- 12. Consent Calendar
- 13. New Business
 - 13.1. Resolution Authorizing Disposal of Property Room Bicycles Pursuant to RSA 471-C:13 *first reading and consideration for adoption* P. 193
 - 13.2. Resolution Authorizing Release of all Tax Liens Filed Prior to January 1, 1997 *first reading and consideration for adoption* P. 197
 - 13.3. Resolution Authorizing the Application for and Acceptance of a Congressionally Directed Spending Fund (CDS) Grant for the Septage Receiving Facility Upgrade Project in an Amount of up to \$825,000 and Change of Funding source in Connection Therewith *first reading and consideration for adoption* P. 201
 - 13.4. Resolution Authorizing the Acceptance of a State of New Hampshire American Rescue Plan Act (ARPA) Grant for the Nutrient Load Reduction Plan Project of \$100,000.00 and Supplemental Appropriation in Connection Therewith *first reading and consideration for adoption* P. 205
 - 13.5. Resolution Authorizing the Application for and Acceptance of a State of New Hampshire Department of Environmental Services (NHDES) Clean Water State Revolving Fund (CWSRF) Loan for the Sewer System Master Plan Project in an Amount of up to \$100,000.00 and Supplemental Appropriation in Connection Therewith *first reading and consideration for adoption* P. 211
 - 13.6. Resolution Authorizing the Application for and Acceptance of a State of New Hampshire Department of Environmental Services (NHDES) Clean Water State Revolving Fund (CWSRF) Loan for the Water Pollution and Flooding Reduction Study Project in an Amount of up to \$100,000.00 and Supplemental Appropriation in Connection Therewith *first reading and consideration for adoption* P. 217
 - 13.7. Resolution for Supplemental Appropriation of \$536,949.00 to the General Fund CIP Fund for Pavement Rehabilitation *first reading and consideration for adoption* P. 223
 - 13.8. Resolution Authorizing Acceptance of a State of New Hampshire Housing Opportunity (HOP) Grant in the amount of \$45,000.00 and

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City Clerk's Office

Supplemental Appropriation in Connection Therewith *first reading and consideration for adoption* P. 229

13.9. Resolution Authorizing Acceptance of a New Hampshire Preservation Alliance Grant in an amount of \$4,500.00 and Supplemental Appropriation in Connection Therewith *first reading and consideration for adoption* P. 233

13.10. Resolution Approving Cost Items Associated with Proposed City of Rochester Multi-Year Collective Bargaining Agreement with Rochester Middle Management Group *first reading and consideration for adoption* P. 237

14. Non-Meeting/Non-Public Session

15. Adjournment

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City Clerk's Office

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

COUNCILORS PRESENT

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

OTHERS PRESENT

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

Minutes

1. Call to Order

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

2. Opening Prayer

Mayor Callaghan called for a moment of silence.

3. Pledge of Allegiance

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

4. Roll Call

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

5. Acceptance of Minutes

5.1 Regular City Council Meeting: February 7, 2023

consideration for approval

Councilor Lachapelle **MOVED** to **ACCEPT** the February 7, 2023, Regular City Council meeting minutes. Councilor Malone seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Beaudoin questioned why the workshop minutes were not included in the packet. City Clerk Walters confirmed that the Council Workshop minutes are not included in the City Council packet materials.

6. Communications from the City Manager

6.1 City Manager's Report

Deputy City Manager Ambrose said the Community Development division has released a Community Development survey to gather public input on potential funding activities for Rochester's Community Development Block Grant Program. The survey is available at several City Departments as well as accessible online at rochesternh.gov/news. She said additionally, there will be a City Council Public Hearing to be held prior to the March 21, 2023, City Council Workshop, to seek public input.

The City Manager's Report is as follows:

Contracts and documents executed since last month:

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

The following standard report has been enclosed:

- **Personnel Action Report Summary**

7. Communications from the Mayor

Mayor Callaghan announced that the Tri-Chambers Legislative Reception is meeting on March 13, 2023, from 5:00 PM to 7:00 PM, at the Frisbie Memorial Hospital Community Education & Conference Center. He said attendance to this event is at no cost; however, advanced registration is required.

7.1. Announcement: Tri-Centennial Celebration

Mayor Callaghan said the year 2028 shall mark the 300th anniversary of the City of Rochester's settlement date: 1728. He announced that there will be an appointed Mayoral Ad-Hoc Committee in order to formalize this great event.

8. Presentation of Petitions and Council Correspondence

No discussion.

9. Nominations, Appointments, Resignations, and Elections

No discussion.

10. Reports of Committees

10.1 Community Development

Councilor Hainey reported that the Community Development Committee has been meeting with different organizations relative to the CDBG Block Grant funding requests.

Councilor Hainey said the Committee recommended that the "My Friends Place" funding request be funded through Municipal Funding rather than through the CDBG Block Grant. She said this change would show a long-term support/commitment for the organization, which saves the City money each year. She listed other organizations, which are funded through Municipal Funding: COAST Bus, Cornerstone VNA, the East Rochester Public Library, Easter Seals of Rochester, the Historical Society, SOS Recovery, Strafford CAP, and the Rochester Museum of Fine Arts. She briefed the City Council about the adjustments being proposed.

Mayor Callaghan asked about the Heart & Soul organization. Councilor Hainey deferred to Councilor Malone. Councilor Malone said the

Heart & Soul Program was reviewed by the Committee. She said it is a non-profit organization that is driven to engage the entire population into a broader discussion about the Community's outreach programs. She confirmed that there has not been any commitment on the City's part; however, the Community Development Committee is hoping to meet with a representative of the Heart & Soul organization at the next meeting in April. Councilor Hainey added that this organization focuses on training in order to enhance the effectiveness of the leaders responsible for listening and working with residents to provide the best match of services needed for the community.

10.2 Finance Committee

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*

Mayor Callaghan read the resolution by title only and referred the matter to a Public Hearing:

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.

10.3 Planning Board

No discussion.

10.4 Public Safety

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

Councilor Lachapelle **MOVED** to **APPROVE** the Committee's recommendation to extend the driveway culvert and shoulder at 119 Oak Street, at the technical discretion of DPW. Councilor Larochelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.4.2 Committee Recommendation: To install two noise abatement signs (ride quietly) on Salmon Falls Road, one on each end consideration for approval

Councilor Lachapelle **MOVED** to **APPROVE** the Committee's recommendation to install two noise abatement signs (ride quietly) on Salmon Falls Road, one on each end. Councilor Desrochers seconded the motion.

Councilor Lachapelle said the vote taken at the Committee meeting resulted in a tie vote of two to two. Councilor Lachapelle said Councilor Gilman brought this request forward; however, he (Councilor Lachapelle) is opposed to the request because it would cause too many signs on the road (sign pollution) and he gave reasons why he felt the signs would be ineffective.

Mayor Callaghan asked where the signs would be erected. Councilor Lachapelle replied that the signs would be erected on Salmon Falls Road, in the general area of the flashing light of the intersection of Portland Street/Salmon Falls Road, heading towards Maine.

Councilor Lachapelle said recently, two speed limit signs (flashing) were installed by the City in order to notify drivers of the 25 mph speed limit; however, these flashing signs flashing were placed near a resident's driveway and the homeowner is now complaining about the flashing lights, which glare on their home all night long. He said that complaint would be addressed by the Committee soon.

Councilor Gilman said he has had numerous complaints about the noise in this particular area of the city, especially with motorcycles and the large trucks (jake brakes). He said the signs might not be 100% effective; however, it may reduce some of the noise in that area.

Councilor Hamann questioned why one street in the city would be treated differently than the rest. He said there is no State Law which prevents motorcyclist from riding with no muffler. Councilor Hamann said it seems like this is a practical request for a hospital zone but not in this area. He stated there are other noisy streets in the City as well.

Councilor Beaudoin wished to confirm that the City has only posted the regular speed limit signs along with the flashing speed limit signs on Salmon Falls Road. Councilor Lachapelle said that is correct.

Councilor Malone stated that the residents of Salmon Falls Road requested this change. She said the Salmon Falls Road community is also split on their opinion as to how to correct the problem. Councilor Malone suggested holding a public hearing as the next step in moving forward, which would give the residents another opportunity to state their issues/solutions.

Councilor Fontneau stated that he lives off Salmon Falls Road and does have concerns about the sign that is being proposed. He said the sign shall read "ride quietly". He said, in his opinion, the word "ride" would only apply to motorcycles but not apply to a truck of any kind. He shared that it seems there is a lot of noise on Highland Street as well. He said pick-up trucks in general are very loud these days.

Councilor Fontneau said most of the noise complaints in past discussions were geared toward the location further down the road between Route 202 and Portland Street. At that time, the complaints were mostly related to motorcycles. He said it is almost like alerting residents that it is okay to be loud on one section of the road but not on the other.

The City Council briefly discussed the noise ordinance and the possibility of erecting signs at the major entrances to Rochester relative to riding quietly.

Councilor Larochelle said it seems that the signs may have the opposite effect on riders (making them even louder). He suggested having the signs erected at the entrance roads of the City, which state that the noise ordinance would be strictly enforced.

Councilor Desrochers said she has received complaints of noise on Washington Street/Route 202. She said the sign itself is not written clearly and may cause confusion.

Councilor Gilman attested that the newly erected flashing speed limit signs have seemed to work. He hoped that a sign about noise may be useful as well. Councilor Lachapelle retorted that the Public Safety Committee is in receipt of another petition relative to removing the flashing speed limit signs.

Councilor Beaudoin questioned how long the flashing speed limit sign had been placed. Councilor Lachapelle replied that it has been less than six months. Councilor Beaudoin said if too many signs are posted it will make all of them ineffective, he suggested waiting a longer period of time to allow the first signs (speed limit) to have a positive impact.

Councilor Hamann spoke about the effectiveness of the flashing signs (speed limit).

Mayor Callaghan called for a vote on the motion. Councilor Lachapelle requested a roll call vote. Councilor Desrochers seconded the request. The **MOTION FAILED** by a 3 to 10 roll call vote. Councilors Malone, Hainey, and Gilman voted in favor of the motion. Councilors de Geofroy, Beaudoin, Hamann, Desrochers, Lachapelle, Berlin, Laroche, Gray, Fontneau, and Mayor Callaghan voted against the motion.

Councilor Lachapelle asked the City Clerk to notify the Public Works Department about a correction to the Public Safety Minutes. He said the word "black out" should be corrected to "back out".

Councilor Gray questioned if a sense of council should be taken in order to post noise abatement signs at the entrance roads of the City. Councilor Lachapelle believed it could be discussed at the Codes and Ordinances Committee. Mayor Callaghan concurred.

10.5 Public Works

Councilor Hamann said the Committee discussed Phase IV of Colonial Pines and the Gonic dams.

Mayor Callaghan asked if the Colonial Pines Project Phase IV would be split up into two phases. Peter Nourse, Director of Public Works, confirmed that Phase IV would be broken down into two sections: Phase

IV and V. He said Phase V would be geared toward the newest homes in the development, which have the newest septic systems and do not have any known septic distress at this time. He added that a new map is ready to be distributed, which clearly shows the divide of two phases. He said there will be a CIP request (FY 24) for construction funds to complete the first part, which is now known as Phase IV. The second part of Phase IV, which is now known as Phase V, could be postponed for a number of years.

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*

Mayor Callaghan read the resolution by title only as follows:

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.

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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.

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

Councilor Beaudoin spoke against the motion. He felt that it would be a “game changer” for the district. He believed that theoretically, a developer could make a case for construction of apartments without the commercial aspect, which would impact 650 acres of land. He said these developers could potentially construct thousands of apartments and receive a tax break because of being located in the TIF District. He felt that the City Council would lose control over the development and it would become the purview of the Planning Board to approve any future adjustments to said developments.

Councilor Hamann said it has already been determined that the any residential units to be constructed within the TIF District must have a commercial aspect. He said there are restrictions and standards that must be followed.

Councilor Fontneau spoke against the motion. He gave details of how the language is misleading and it could have the effect that Councilor Beaudoin is referring to. He said it seems, according to the ordinance language that a landowner within that district could potentially construct residential apartments without any commercial component:

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.”

Councilor Fontneau shared a similar experience he had while serving on the Planning Board in Rochester back in the early 2000's. He said, at that time, the Planning Board approved four Planned Unit Development(s), intended to be residential/commercial split, which all turned out to be solely residential units with no commercial use. He said at that time, each developer came back to the Planning Board demonstrating that it was not economically feasible to move forward with the commercial aspect of the project, and exceptions were granted. He said this resulted in all the developers being permitted to develop entirely residential apartment buildings in zones in which residential apartment buildings (solely) were prohibited. He reiterated that the proposed ordinance could allow the same situation to occur.

Mayor Callaghan said that residential apartment buildings are already permitted in the Granite Ridge District with the 55/45 split, with a little wiggle room on the percentages. He added that this developer in particular has a good track record of success in attracting the clientele desired for that type of district and has followed through on the commercial aspect of all previous projects.

Michael Scala, Director of Economic Development, addressed the City Council. He said this amendment being voted upon this evening is referencing what is already in the current ordinance. He said any residential construction in the Granite Ridge district is by conditional use. He said this is the section of the ordinance that fills the gap between what the conditional use refers to. He added that all developments must have a commercial/residential split. He said the Planning Board can review any request that deviates from those specific percentages; however, the Planning Board is not obligated to approve any such request. He said it is meant to give a little flexibility in the percentages of commercial vs residential. He gave some scenarios of how the layouts may work; he said some commercial units would be on the bottom level, with residential units layered on top of the building or perhaps the apartments would be located behind the commercial building.

Mayor Callaghan questioned if it would be possible to service (water/sewer) to over 600 new apartment units in that area. Mr. Scala said there is a utility study being conducted to gather more information about the number of units that could be served. Mr. Scala confirmed that there are approximately 240 units being proposed to date.

Councilor Malone said, the way the amendment is worded, it seems that the applicant only has to demonstrate that a need for residential housing exists in order to approach the Planning Board with an alternate plan. She said that would be easy criteria to meet since the State is in a housing shortage. She questioned if the wording should be adjusted to include that the developer must prove that the need for residential housing exists, **and** consideration must be taken upon the impact the adjustment would have on the rest of the community.

City Attorney O'Rourke confirmed that any residential use in the Granite Ridge District is by conditional use only, which requires a Planning Board vote. He said the base criteria for any conditional use still applies, e.g. compatibility, traffic, resources, and public facilities. He said the vote taken this evening is going beyond the base criteria which must be met, and adding the additional criteria being proposed in **§275-21.4 Conditions for particular uses. R. Granite Ridge District Residential Housing-§275.8** as listed above.

Councilor Beaudoin asked if there was a height requirement in the Granite Ridge District. Mr. Scala did not recall the exact height restriction; however, Councilor Hamann recalled that a 100 foot height restriction is set for conditional use.

Councilor Fontneau reiterated his concerns about the wording of the proposed amendment. He felt strongly that the verbiage does not allow the Planning Board to deny such a request for residential only, if the developer can demonstrate the need. He suggested re-wording the proposed amendment with caps on the percentages. Attorney O'Rourke reiterated that the base criteria of §275-21.3 still need to be met first.

Councilor Beaudoin gave reasons why developers would be quick to act on these applications because the base criteria could be met by a developer in the near future. Councilor Berlin agreed and suggested that the verbiage should be amended to include a cap/max adjustment. He added that it should not matter who the potential developer is going to be.

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

Councilor Fontneau questioned if the Planning Board voted on this proposed amendment or if a two-thirds vote is required. Attorney O'Rourke confirmed that the Planning Board already approved this amendment and that a majority vote is all that is needed.

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

Councilor Lachapelle **MOVED** to **ADOPT** the Code of Ethics Policy, 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. Councilor Desrochers seconded the motion. *Addendum A – Adopted Policy with one minor correction mentioned below.*

Councilor Beaudoin stated that he has devoted hours of work to adjusting the proposed policy; he said although the document being voted upon this evening is a huge improvement, he did not feel it was ready to be adopted. He gave reasons why he still opposes the final version and felt it is not a legal document. He added that it extends too much authority to the mayor. Councilor Beaudoin spoke in favor of forming an ethics committee and re-writing this document based on utilizing a formal Ethics Committee.

Councilor de Geofroy suggested a typo be corrected: Paragraph nine has a redundant word "take" to be removed.

Councilor de Geofroy supported the document and disagreed with arguments against approving the document this evening. He said if the City Council decides to form an ethics committee in the future then this document could be adjusted at that time. Councilor Lachapelle agreed with voting on the policy now and forming an ethics committee in the future.

Councilor Lachapelle requested a roll call vote. Councilor Desrochers seconded the request.

Councilor Fontneau agreed with formalizing an ethics committee; however, he said he would support the policy as written this evening. He said there may need to be future amendments made to the policy;

however, the City Council shall have an opportunity to review the policy each new term.

The **MOTION CARRIED** by a roll call vote of 11 to 2. Councilors Malone, Gilman, de Geofroy, Desrochers, Lachapelle, Berlin, Hamann, Hainey, Larochelle, Fontneau, and Mayor Callaghan voted in favor of the motion. Councilors Gray and Beaudoin voted against the motion.

12. Consent Calendar

No discussion.

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*

Mayor Callaghan read the resolution by title only as follows:

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.

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

13.2 RSA 79-E Extension for property located at 22 South Main Street *Motion to Approve*

Mayor Callaghan read Agenda item 13.2 and invited Norm Vetter, Developer, to address the City Council.

Mr. Vetter gave an overview of the challenges he has faced with meeting the initial deadline for the 79-E Property. He thanked the City Council for any consideration of an extension they would grant him this evening.

Mayor Callaghan asked Mr. Vetter where the project would be in six more months. Mr. Vetter replied that the entire project should be completed within the next eight months.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Desrochers seconded the motion. Councilor Beaudoin **MOVED** to **AMEND** the motion to grant a conditional six month extension. Councilor Malone seconded the motion. Councilor Beaudoin shared his experience with visiting the project site, which is close to a complete demolition at this point. He said this project should move forward very quickly now. He said the conditional extension can be granted if enough work has been completed in that timeframe.

Councilor Berlin questioned why this project has taken so long. He said this project started the same time as another downtown project started and the other project is already completed. He supported the amendment to the motion.

Councilor Fontneau listed many reasons why developers are having a hard time to meet their deadlines.

Councilor Beaudoin gave reasons why the Scenic/Salinger building was completed in a timely manner compared to Mr. Vetter's project.

Councilor de Geofroy stated that he would support the amendment if it was necessary to approve an extension; however, he questioned who would determine what "substantial" progress would mean after six months. Attorney O'Rourke said there is a description of the standard completion in the covenant/agreement, which is ultimately decided by the Assessing Department. Councilor de Geofroy said that it seems that it would be best to be detailed about what exactly needs to be accomplished prior to the deadline.

Councilor Gray asked for Mr. Vetter to respond to the amendment of the six months timeframe. Mr. Vetter confirmed that he would have a substantial amount of work completed within six months and that he appreciates whatever extension is adopted this evening. He said it is not

the financial piece that has caused difficulties with meeting the deadline; it has been difficult getting folks to show up for the contracted work.

Councilor Larochelle asked Councilor Beaudoin why he made a motion to shorten the extension from one year down to six months. Councilor Beaudoin said that progress has been made on Vetter's project, however, he has not seen the same progress being made on the North Main Street project. He said the amendment is being made because both projects should be treated the same.

Councilor Beaudoin **WITHDREW** his motion to amend the motion, in order to clarify the amendment. Councilor Malone **WITHDREW** her second to the motion.

Councilor Beaudoin **MOVED** to **AMEND** the **MOTION** to grant the 79-E extension for a period of six months on the condition that the developer has fifty percent of the project completed within that time. *(The Developer is to report back in 5 months. If the Developer has reached 50%, the Council will consider another six month extension).* Councilor Malone seconded the motion. The **MOTION CARRIED** to amend the motion by a unanimous roll call vote of 13 to 0: Councilors Gray, Malone, de Geofroy, Desrochers, Fontneau, Gilman, Beaudoin, Hamann, Hailey, Larochelle, Berlin, Lachapelle, and Mayor Callaghan voted in favor of the motion. Mayor Callaghan called for a vote on the main motion as amended. The **MOTION CARRIED** by a unanimous voice vote.

13.3 RSA 79-E Extension for property located at 73 – 77 North Main Street *Motion to Approve*

Councilor Lachapelle **MOVED** to **APPROVE** the Extension for property located at 72-77 North Main Street, under RSA 79-E. Councilor Desrochers seconded the motion. Councilor Beaudoin **MOVED** to **AMEND** the **MOTION** to grant the 79-E extension for a period of six months on the condition that the developer has fifty percent of the project completed within that time. *(The Developer is to report back in 5 months. If the Developer has reached 50%, the Council will consider another six month extension).* Councilor Malone seconded the motion.

Justin Gargiulo, Great North Property Management, addressed the City Council. He said he has been faced with some of the same challenges Mr. Vetter pointed out earlier this evening. He said additionally, he was subject to replacing a waterline, which was not

anticipated. He said his plans were delayed in late August last year, when he attempted to file his basic demolition plans but was told that a major building permit would be required, which further delayed the project.

Mayor Callaghan asked when the waterline had been installed. Mr. Gargiulo said the new waterline was installed mid-July/early August. He gave details about installing the new waterline, which was replaced because the old waterline was not sufficient for the new sprinkler systems to be installed. Mayor Callaghan asked about the work completed prior to installing the waterline. Mr. Gargiulo confirmed that the waterline installation needed to be completed prior to any other work being started. He said at this point, it is a matter of the City signing-off on the major building permit. He confirmed that the project is ready to begin. Mayor Callaghan asked Mr. Gargiulo what the project could be anticipated to look like after six months. Mr. Gargiulo hoped to have the entire project completed by the end of the calendar year.

Mr. Gargiulo informed the City Council that a brewery may be potentially interested in filling the commercial space. A brief discussion ensued.

Councilor Berlin wished to clarify that upon Mr. Gargiulo purchasing the property, work could not begin because of the property's historical designation. Mr. Gargiulo confirmed that is true. He gave details about what is involved in seeking federal historical tax credits, from the Department of Interior, which caused delays due to hiring a third party contractor to review the project. Councilor Berlin asked when that process was completed. Mr. Gargiulo said it started sometime in 2019 possibly and the final sign-off had been delayed until approximately 2021, but he did not have the exact date of completion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Callaghan called for a vote on the motion as amended. The **MOTION CARRIED** by a unanimous voice vote.

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*

Mayor Callaghan read the resolution by title only as follows:

**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 -See Addendum B*)

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Desrochers seconded the motion. Councilor Beaudoin gave details of the paid time-off that employees would receive, which he argues is more than what the private sector receives. He calculated the total cost of increases to salaries, which he felt was too high. The **MOTION CARRIED** by a majority voice vote.

**13.5 Resolution Approving Cost Items Associated with
Proposed City of Rochester Multi-Year Collective
Bargaining Agreement with Rochester
Communications NEPBA Local 123 *first reading and
consideration for adoption***

Mayor Callaghan read the resolution by title only as follows:

**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 – See Addendum C*)

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

13.6 Amendment to Chapter 260 of the General Ordinances of the City of Rochester regarding Water *first reading and consideration for adoption*

Mayor Callaghan read the Amendment by title only. (*See addendum D, which includes one additional amendment as outlined below, as well as a City Councilor's non-substantial edits received prior to this meeting.*)

Councilor Beaudoin **MOVED** to **ADOPT** the Amendment. Councilor Malone seconded the motion. Councilor Beaudoin said he previously asked the Director of City Services many questions regarding this amendment to the ordinances; however, Director Nourse answered all his questions. He supported the motion to adopt this amendment. The **MOTION CARRIED** by a unanimous voice vote.

14. Non-Meeting/Non-Public Session

No discussion.

15. Adjournment

Mayor Callaghan **ADJOURNED** the Regular City Council Meeting at 7:11 PM.

Respectfully Submitted,

Kelly Walters, CMC
City Clerk



City of Rochester, NH

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

Adopted March 7, 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 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**
Councilmembers who do not sign an acknowledgement that they have read and understand the Code of 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 appointed positions.¹
- b) ***Ethics Training for Local Officials***
Councilmembers, , 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 issue a formal, sincere apology.
3. 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.

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

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.

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 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

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%
	Current FY23	FY24	FY25	FY26	FY27
Wages					
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
% Change		8.32%	5.76%	5.48%	4.23%
Benefits					
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
% Change		7.57%	5.75%	5.67%	5.30%
Totals					
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
% Change		8.15%	5.76%	5.52%	4.48%

40 Total Employees - 80% FT

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 RX 10/20/45 DED \$1000/\$3000	ABSOS 20/40 RX 10/20/45 DED \$1000/\$3000	ABSOS 20/40 RX 10/20/45 DED \$1000/\$3000	ABSOS 20/40 RX 10/20/45 DED \$1000/\$3000
Health Plan				
Projected Health Increase		7.60%	6.00%	6.00%
	Current FY23	FY24	FY25	FY26
Wages				
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
% Change		8.37%	5.19%	5.27%
Benefits				
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
% Change		7.59%	5.64%	5.66%
Totals				
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
% Change		8.17%	5.31%	5.37%

11 Total Employees - 100% FT

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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 ~~their~~^{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

~~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.

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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. ~~Has been Manufactured~~manufactured to allow for accurate testing and inspection so as to allow verification of performance; and,
- B. ~~Has been Tested~~tested and certified by the University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research; and,
- C. ~~-Has a test procedure approved by the New England Water Works Association; and,;~~
- 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 backsiphonage¹. Most commonly categorized as [including](#) 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/their](#) 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

¹ [As defined by Env-Dw 103.06 and consistent with Env-Dw 505.03.](#)

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The CONDEX

A condex is a condominium, where two (2) different individuals own each side and have shared rights to common areas.

Commissioner of Public Works or his/her designee. See § 7-18A of the City Code. [Amended 3-5-2019]

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CONSECUTIVE WATER SYSTEM

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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 Premises structure. 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 Owner ~~owner~~ 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

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

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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

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.

METER PIT

See the definition of Vault below.

MULTI-FAMILY DWELLING

A building or portion thereof containing three or more residential units with separate cooking and toilet

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facilities for each dwelling on one individual lot. -See City of Rochester Zoning Code §275-2.2.

NATIONAL FIRE PROTECTION ASSOCIATION AGENCY (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.

NEW ENGLAND WATER WORKS ASSOCIATION (NEWWA)

The New England Water Works Association (NEWWA) is a nonprofit member organization incorporated in Massachusetts serving drinking water professionals throughout New England dedicated to serving those professionals working in the water in drinking water profession. Founded in 1882, NEWWA is an affiliated organization of the New England Water Works Association, Inc. and New England Section of the American Water Works Association (AWWA).

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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 authorizes a use or action impacting the water distribution system; including, but not limited to, the use of backflow prevention devices, cross-connections, service connections and/or water use exemptions~~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.

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.

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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: (a) 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 (b) from the connection to the public water main on private ways or through private property, ~~which is the responsibility of the~~ Customer 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 that and qualifies as part of the public water system. The water main must supply water to one or more Customers for water consumption and/or public fire protection. A public water main includes a water main ~~which are~~ installed in a public way, publicly-owned easements (whether recorded or by prescription), or installed in private ways open to public travel, or mains that 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); and
- 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 ~~Generally~~ employed immediately downstream of the water meter to act as a containment device. This is a non-testable device which meets or exceeds the ANSI/ASSE Standard 1024 for dual check valve-type backflow preventers.

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 aAnyany 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.

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~~ potable 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 from the City, a franchise or consecutive system distribution water main~~ to the building or structure located on the customer's ~~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~~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~~~~their~~ 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 SUPPLY SHORTAGE

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.

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.

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- 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. ~~For all~~All Customers that are ~~For all commercial and industrial customers~~ not presently metered, the installation of a water meter ~~will~~shall 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, ~~T, the Owner, 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-Customer~~ or ~~his/her/their~~ duly authorized representative ~~shall~~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 ~~by 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 before Business Office before the work is begun. This regulation also applies to repairs ~~of on~~ service piping, the 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/Owner, setting. ~~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 be paid by the Applicant or a payment agreement made with the Department before the water is turned on. This regulation also applies to repairs on service piping, the- 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 must be paid or a payment agreement made with~~

~~Business Office before the water is turned on. This regulation also applies to repairs on service piping, the 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 260A260 A, Article III.

- E. The ~~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 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~~

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~~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 by an Owner's agent or contractor approved by the Department, 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~~ are 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. Per law such high-hazard devices cannot be installed below ground level. Meter reading equipment shall be immediately appurtenant adjacent 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, and 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-sub-meters if desired by a customer-Customer are at the customer's-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:

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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-adjacent~~ 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~~Customer. Vaults or meter pits shall be maintained by the customer in adequate operating condition to protect contents and their operation— and 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-adjacent~~ 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~~Customer. Vaults or meter pits and enclosures shall be maintained by the ~~customer~~Customer in adequate operating condition to protect contents and their operation— and 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-sub~~-meters shall be borne by the ~~customer~~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 a singular private water service may supply both domestic and fire water, 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 Owner or Customer.
- J. If an Owner's, its agent's, developer's, or contractor's installation performed by an Owner/Customer, their agent, developer, or contractor is found to be incorrect it shall be their the Owner's/Customer's 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 possessing 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~~ 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, one half (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~~^{will} 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.

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

~~BB.~~ Notice of shutoff for repairs to mains or service pipes will be given in accordance with Env Dw 503.9, except in emergencies.

~~CB.~~ 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.

~~CDC.~~ 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.

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§ 260-8 Meters.

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- A. ~~All services are to be metered except in unusual cases where the Department/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 metered/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 of Commissioner 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 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/shall will be provided for all new multi-unit dwelling structures or developments by the developer at the cost of the Owner. rented units or developments/lots.~~
- B. ~~All meters are owned and maintained by the Department of Public Works, but the customer Customer will be charged for any damage to meters (including necessary fittings and appurtenances thereto) caused by abnormal conditions, i.e.e.g., 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. The And the o. 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 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 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 to~~ is 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 meter shall ~~The cost of this meter inspection of the installation by the City is entirely the responsibility of the customer.~~ The meter 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~~ their 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 for the difference between the average daily use and actual use will be included as a charge on the subsequent billing. ~~by the difference between the two.~~
- C. If a customer, after being so notified, does not allow ~~timely~~ 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 result in be subject the violator to fines and/or termination of water service. in the event that the violator was the Owner or Customer.
[Amended 5-5-1998]

§ 260-11 Meter testing.

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- 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 two percent ~~(-2%)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 Customer ~~water 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.

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- A. No Customer ~~customer or Person or his or her agent~~ shall move, alter, or otherwise tamper ~~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 ~~Works Commissioner and/or his/her designee to take such action~~. In the event that the Department of Public Works ~~Works Commissioner and/or his/her designee shall determine~~ determine that a Customer ~~customer or Person tampered or his or her agent has performed a tampering~~ 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 preceding same ~~billing period for the prior year, (s) or the corresponding billing period(s) during the year immediately preceding~~

~~such tampering event, whichever is greater.~~

- (3) A charge for all costs associated with the repair and/or replacement of such meter.
- (4) A reconnection fee as listed in § 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~~~~their~~ 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, ~~Such~~~~Works Commissioner~~. ~~Such~~~~customer~~~~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~~~~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~~~~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~~~~Reader~~.
[Amended 3-6-2007]

All ~~Customer~~~~customers~~ 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. ~~Reasonable Exceptions may be granted by the Commissioner the Department of Public Works, in which case reasonable~~ access shall be granted to Department of Public Works personnel for the purposes of reading and maintenance. If satisfactory access is not provided the City reserves the right to produce an estimated bill.

§ 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)

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§ 260-17 Establishment of ~~water~~ Water rates ~~Rates, 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, 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.

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- 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 Customer or their duly authorized representative. ~~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 ~~customer~~ is unable to satisfy his/her/their 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 ~~Unpaid bills of over~~ than 30 days after the due date 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

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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~~~~DepartmentBusiness 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~~~~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.

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§ 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 ~~contact~~~~call~~ the ~~DepartmentBusiness Office~~ for instructions prior to filling the pool. There will be no abatement if the ~~DepartmentBusiness 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 and all applicable fines. The Department will estimate such quantities for charges.

§ 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 DepartmentBusiness 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.**

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- A. Should any Customer violate any regulations established by the DepartmentDepartmentDivision of Water Supply Works, or fail to pay rates or other charges when due, his/her~~their~~ 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 receiv~~ing customertaking~~ water to promptly pay any and all charges~~claims due to~~ of the Department shall be considered sufficient cause for terminationcutting off of water service ~~the water supply of~~ such Customer and such service~~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, are set forth in Section 260-2 above, 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

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

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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 uses 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/their 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.**

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- 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.**

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- 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.**

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- 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 § 22333-9. [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~~their~~ 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.

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- 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-one 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~~

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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).

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).

(10910) Swimming pools: fees based on volume used times unit rate.

(114011) Meter repair or testing: thirty dollars (\$30.00) per visit plus cost of transportation of meter to testing facility and cost of testing.

(12412) Meter damage: fifty dollars (\$50.00).

(134213) Backflow prevention devices: all costs associated with installation, repair, or inspection paid by owner. Inspection costs shall be not less than minimum service charge.

(141314) Violations: all costs to correct violation paid by owner.

(154415) Minimum service charge: thirty dollars (\$30.00) per visit.

(164516) Meter tampering charge: a reconnection fee of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).

(174617) 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 habitat 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 485:1 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.~~

~~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.~~

§ 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.

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- 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~~their 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~~preventer 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.

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- 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/their premises.
- B. The owner shall ensure the protection of the public water supply within his/her/their 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/their expense install, maintain, and test, or have tested, any and all backflow preventers on his/her/their premises.
- D. On new commercial and industrial installations, the owner or his/her/their 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~~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 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 ~~3090~~ 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 ~~Premises~~premises.
- O. The ~~owner~~Owner shall correct at ~~his/her/their~~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~~ their 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~~ their 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).~~

- (1) ~~The owner has the option to abandon~~ ~~The owner has the option to abandon or discontinue~~ the auxiliary water supply in a manner acceptable to the ~~Water~~ ~~water~~ ~~Division of the Department, to the Division~~ ~~Department and NH Department of Environmental Services~~ in lieu of installation of a backflow prevention device.

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- 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.

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§ 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 New Hampshire 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.

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- (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. 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.

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- 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.

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§ 260-47 **Conflicting provisions; severability.**

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- 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.**

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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)

§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~~-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 will be 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~~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>

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§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 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 thirty (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 (30) days.

§ 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.

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City Clerk's Office



City of Rochester, New Hampshire

OFFICE OF THE CITY MANAGER

31 Wakefield Street • Rochester, NH 03867

(603) 332-1167

www.RochesterNH.net

CITY MANAGER'S REPORT

March 2023

Contracts and documents executed since last month:

- **Department of Public Works**
 - Task Order, Cocheco Well Pilot Study – Underwood Engineers **P. 93**
 - Task Order, Rt 11 Sewer Capacity Evaluation – Weston & Sampson. **P. 94**
 - Cocheco Well Improvement: CDS Program grant application **P. 95**
 - Change Order, Rt. 202A Water Main Extension – D&C Construction **P. 96**
 - Change Order, WWTF Carbon Storage – Apex Construction **P. 97**
 - Signatory Authority for Wastewater Discharge Monitoring Reports **P. 98**
 - Scope of Services, Old Landfill Groundwater Permit – Ransom Consulting **P. 99**
 - Task Order Amendment, Cocheco Well Treatment Improvements **P. 100**
 - ARPA Grant Consultant Selection Form, Cocheco Well **P. 101**
 - Scope of Services, New DPW Concrete rehab – S.U.R. **P. 102**
 - Scope of Services, Highland Water Main extension/connection – S.U.R. **P. 103**
 - Estimate, Video Inspection of 20" water main – S.U.R. **P. 104**
 - Task Order, SSMP – Weston & Sampson **P. 105**
- **Economic Development**
 - FY22-FY23 CAP Weatherization – Brook Street **P. 106**
 - FY22-FY23 CAP Weatherization – S. Cranberry **P. 107**
 - FY22-FY23 CAP Weatherization – Tradewind Pl. **P. 108**
 - FY22-FY23 CAP Weatherization – Damours **P. 109**
 - FY22-FY23 CAP Weatherization – Royal Crest **P. 110**
- **IT**
 - Consolidated Contract - CCI **P. 111**
 - Server upgrade, Honeywell **P. 112**

The following standard report has been enclosed:

- Personnel Action Report Summary **P. 113**

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City Clerk's Office



City of Rochester, New Hampshire

PUBLIC WORKS DEPARTMENT

209 Chestnut Hill Road • Rochester, NH 03867

(603) 332-4096

www.rochesternh.gov

INTEROFFICE MEMORANDUM

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

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

DATE: March 2, 2023

SUBJECT: **Cocheco Well Treatment Improvements
Engineering Pilot Study Task Order**

CC: Peter Nourse, PE, Director of City Services

Attached is a Task Order Agreement for Engineering Services related to a pilot study for the Cocheco Well Iron (Fe)/Manganese (Mn) Treatment Improvements project. This contract is between the City and Underwood Engineers, Inc. for engineering and pilot testing services in the amount of \$52,000.00. Underwood Engineers 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 lines:

Water CIP	55016010-772000-20539	\$925.00
Water CIP	55016010-772000-22582	\$51,075.00

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: Cocheco Well Treatment Improvements, UE Task Order No. 6



City of Rochester, New Hampshire

PUBLIC WORKS DEPARTMENT

209 Chestnut Hill Road • Rochester, NH 03867

(603) 332-4096

www.rochesternh.gov

INTEROFFICE MEMORANDUM

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

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

DATE: March 1, 2023

SUBJECT: **SSMP - Route 11 Sewer Capacity Evaluation**
Engineering Services Task Order \$54,000

CC: Peter Nourse, PE, Director of City Services

As part of the ongoing Sewer System Master Plan (SSMP) work, the sewer collection system will be analyzed for existing capacity and evaluated for recommended improvements. Attached is a Task Order Agreement for Engineering Services for sewer system evaluation of the Route 11 Farmington Road area. This contract is between the City and Weston & Sampson Engineers, Inc. for engineering services in the amount of \$54,000.00. Weston & Sampson 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:

Sewer CIP 55026020-776001-23548

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

Signature _____

Katie Ambrose
Deputy City Manager/ Director of Finance & Administration

Attachment: Route 11 Sewer Capacity Evaluation, W&S Task Order No. 2023-01



City of Rochester, New Hampshire

PUBLIC WORKS DEPARTMENT

45 Old Dover Road • Rochester, NH 03867
(603) 332-4096 Fax (603) 335-4352
www.rochesternh.net

INTEROFFICE MEMORANDUM

TO: Blaine Cox, City Manager
Katie Ambrose, Deputy City Manager
FROM: Peter C. Nourse, Director of City Services
DATE: March 8, 2023
SUBJECT: Cocheco Well Treatment Improvements: Congressional Delegated Spending (CDS) Program Grant Application
CC:

The Cocheco Well produces treated drinking water which is increasingly harvesting manganese and iron. Although these are secondary contaminants, NHDES has recently attempted to regulate manganese as a primary drinking water contaminant. Increasing levels of these constituents have been causing notable issues in our distribution system with customers and I believe with time, manganese will be regulated as a primary contaminant. For further details please view the Public Works Committee meeting of February 16th, 2023.

The City has obtained ARPA grant funding and NHDES Drinking Water Ground Water Trust Fund (DWGTF) grant and loan funding. These currently total to \$5.6M. However, the current estimate of treatment is over \$12M. To shore up this gap, we look to return to the DWGTF to request further funding. We also would like to leverage the CDS program. Attached is an application request for \$2.5M from the CDS program through Senator Shaheen's Office.

Your Signature is requested.

Enclosed:

1. Shaheen CDS Grant Application w/Affirmations & Acknowledgements
2. Letter of Support, Rochester Chamber of Commerce
3. Letter of Support, Strafford Regional Planning Commission



City of Rochester, New Hampshire
PUBLIC WORKS DEPARTMENT
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03/30/2023



INTEROFFICE MEMORANDUM

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

FROM: Timothy Goldthwaite, PE, Assistant City Engineer

DATE: March 1, 2023

SUBJECT: Route 202A Water Main Extension and Storage Tank
D&C Construction Change Order No. 8 =\$115,937.93

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

Attached please find (1) a final electronic copy of Change Order #8 for the Route 202A Water Main Extension and Storage Tank Construction Contract. Change Order #8 addresses the change from trench patch restoration of Fiddlehead Lane to reclaim of the existing roadway with full width paving. Cost and credit calculations are provided as part of this change order request. If you have any questions concerning the above change orders feel free to give me a call.

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

15013010-771000-22584 = \$115,937.93

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

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



City of Rochester, New Hampshire
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INTEROFFICE MEMORANDUM

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

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

DATE: March 13, 2023

SUBJECT: Wastewater Treatment Facility – Carbon Storage Facility
Apex Construction - Change Order #3
Amount \$50,764.68

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

Attached please find one copy Apex Construction Contract Change Order #3 for the remaining punch list items associated with the construction of the Carbon Storage Facility. Apex Construction was awarded this project per negotiated contract after the Methuen Construction contract termination.

The Funding for this scope of service is available in the Sewer CIP Account as follows:

55026020-772000-23557 = \$50,764.68

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

Katie Ambrose Deputy City Manager / Director of Finance and Administration



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



INTEROFFICE MEMORANDUM

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

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

DATE: March 13, 2023

SUBJECT: Signatory Authority -Wastewater Discharge Monitoring Reports
City Manager / Wastewater Superintendent-David Green

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

Attached please find one copy of the form designating the Wastewater Superintendent, David Green, signatory authority for monthly electronic submission of the Wastewater Treatment Plant Total Nitrogen (TN) Discharge Monitoring Reports associated with the TN General Permit #NHG58A001. Mr. Green has previously been given this authority for the individual Wastewater Permit #NH0100668, however this authority designation is required for each permit.

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

Katie Ambrose Deputy City Manager / Director of Finance and Administration



City of Rochester, New Hampshire
PUBLIC WORKS DEPARTMENT
209 Chestnut Hill Road • Rochester, NH 03867
(603)332-4096
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03/30/2023



INTEROFFICE MEMORANDUM

TO: BLAINE M. COX, CITY MANAGER
KATIE AMBROSE, DEPUTY CITY MANAGER / DIRECTOR OF FINANCE & ADMIN.
FROM: Laura J McDormand, ADMIN SUPERVISOR LM
DATE: March 14, 2023
SUBJECT: Rochester Old Landfill Groundwater Permit #198705045
Annual Permit Management Contract
Ransom Consulting, Inc. Amount \$16,000
CC: Peter C. Nourse, PE, Director of City Services

Attached please (1) one copy of the annual scope of service for professional services for Ransom Consulting Inc. Ransom has been the professional consultant of record since the issuance of this Groundwater Monitoring Permit #198705045 for the Old Dover Road Landfill site in 2006. Ransom has all required history and documentation for the permit requirements and does all required sampling, testing, monitoring and reporting to the State of NH DES.

This contract has been reviewed by the City Engineer the following DPW accounts will be used.

13010057-533002 = \$15,000.00
13010057-533000 = \$1,000.00

If you have any question, please call me, if not please pass on to the City Manager for signature. This document should be returned to the DPW distribution.

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



City of Rochester, New Hampshire

PUBLIC WORKS DEPARTMENT

209 Chestnut Hill Road • Rochester, NH 03867

(603) 332-4096

www.rochesternh.gov

INTEROFFICE MEMORANDUM

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

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

DATE: March 14, 2023

SUBJECT: **Cocheco Well Treatment Improvements
Engineering Design Task Order Amendment**

CC: Peter Nourse, PE, Director of City Services

Attached is a Task Order Amendment for additional Engineering Design Services for the Cocheco Well Iron (Fe)/Manganese (Mn) Treatment Improvements project. This contract is between the City and Underwood Engineers, Inc. for engineering design services in the amount of \$2,500.00. Underwood Engineers 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 55016010-772000-22582

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: Cocheco Well Treatment Improvements, UE Task Order 3 – Amend. 1



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

03/30/2023



INTEROFFICE MEMORANDUM

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

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

DATE: March 16, 2023

SUBJECT: ARPA Grant Consultant Selection Form
Cocheco Well Improvement Project
CM Signature Request

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

Attached please find (1) one copy of the Consultant Selection Form for City Manager signature. This form is used to document the consultant selection process per the Uniform Guidance 2 CFR200.317 through 2 CFR200.37 and to provide justification to NHDES of the process used when the City of Rochester selected the consultant for this project. The required documentation is attached to the form.

Please review and forward for City Manager signature on page one where highlighted.

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

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



City of Rochester, New Hampshire
PUBLIC WORKS DEPARTMENT
45 Old Dover Road • Rochester, NH 03867
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www.RochesterNH.net

03/30/2023



INTEROFFICE MEMORANDUM

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

FROM: LISA J. CLARK, ADMINISTRATIVE SUPERVISOR

DATE: March 20, 2023

SUBJECT: SUR Construction –
New DPW / Concrete Rehab
Proposal \$59,290.55.

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

Attached please find (1) one copy of the SUR Construction Company estimate/ scope of service for signature. SUR has submitted a scope / estimate to remove and replace the concrete at the 209 Chestnut Hill Road DPW Facility. This work was discussed at the November 2022 Public Work Committee meeting and approved by the Rochester City Council at the December 6, 2022, Regular City Council Meeting. It is important to note that the contractor reduced final invoice for the facility by 2/3 of the cost of this repair. The City is paying the remaining 1/3 of the cost as discussed. Pricing for the project is per Equipment Rental & Construction Contracted Services Bid 21-23. Although new bid pricing (Bid# 23-26) is higher, SUR is holding to quoted amount as this was quoted 11/29/2022 for spring repair.

Funding for the project is available in the following New DPW Facility Account Lines
15013010-772000-20584 = \$29,645.27
55016010-772000-20584 = \$14,822.64
55026020-772000-20584 = \$14,822.64

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

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



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

03/30/2023



INTEROFFICE MEMORANDUM

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

FROM: LISA J. CLARK, ADMINISTRATIVE SUPERVISOR

DATE: March 20, 2023

SUBJECT: SUR Construction –
Water Main Extension / Connection Highland Ave
Proposal \$80,374.15.

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

Attached please find (1) one copy of the SUR Construction Company estimate/ scope of service for signature. SUR has submitted a scope / estimate to install a 10 inch main on Highland Ave that will provide a continuous main to an area that previously had not been connected.

The pricing for equipment and labor is per City of Rochester Bid # 23-26 for Equipment Rental and “On-call Construction Services and Related equipment Rentals”. As stipulated in this bid this work falls under the section titled Non Emergency Work

“Definition of Non-Emergency Work - Non-emergency work is considered the execution of work that the City does not have the resources to complete, which can be executed cost-effectively through this contract. Such work includes construction and demolition of infrastructure, building demolition, routine or non-routine repair, monitoring, replacement, maintenance or augmentation of City infrastructure to include drinking water, wastewater, stormwater and roadway systems.

An example of such non-emergency work would be the replacement of a section of water or sewer main with street restoration within the repaired section. Such work would normally occur during regular business hours and would be scheduled in advance with the contractor.”

Funding for the project is available in the following Water System Distribution Upgrades CIP Accounts

Account # 55016010-771000-22546 = \$1,121.44

Account # 55016010-771000-23541 = \$79,252.71

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

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



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

03/30/2023



INTEROFFICE MEMORANDUM

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

FROM: LISA J. CLARK, ADMINISTRATIVE SUPERVISOR

DATE: March 20, 2023

SUBJECT: SUR Construction –
Video Inspection. - Water 20" Transmission Main Rehab Project
Additional Valve Insertion \$18,800.00.

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

Attached please find (1) one copy of the SUR Construction Company estimate/ scope of service for signature. 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. At this time staff and contractor feel pigging the line and video inspections are necessary to determine and confirm the condition of the 20" transmission main. The pricing for equipment and labor is per City of Rochester bid for "On-call Construction Services and Related equipment Rentals" per bid#23-26. The funds are available in the following City ARPA account that was approved for the Water Transmission Pipe Rehabilitation Project:

Account # 61396010-771000-22570 = \$18,800.00

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

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



City of Rochester, New Hampshire

PUBLIC WORKS DEPARTMENT

209 Chestnut Hill Road • Rochester, NH 03867

(603) 332-4096

www.rochesternh.gov

INTEROFFICE MEMORANDUM

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

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

DATE: March 27, 2023

SUBJECT: **Sewer System Master Plan
Year 1, Phase 2 Engineering Amendment**

CC: Peter Nourse, PE, Director of City Services

Attached is Amendment No. 1 to Task Order No. 2022-03 for Engineering Services for the second phase of the Year 1 efforts of a Sewer System Master Plan for the City's wastewater collection system. This contract amendment is between the City and Weston & Sampson Engineers, Inc. for engineering services. Weston & Sampson has been selected through the qualifications based solicitation for on-call engineering services RFQ 21-19. The contract amendment is in the amount of \$55,417.00. This is not NHDES CWSRF funded work and is not reimbursable by NHDES through awarded ARPA grant funds. Funds are available for this contract amendment in the following account line:

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

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

Signature_____

Katie Ambrose

Deputy City Manager/ Director of Finance & Administration

Attachment: Amend. #1 to Task Order No. 2022-03 – Phase 2 SSMP with W&S



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

INTEROFFICE MEMORANDUM

TO: Blaine Cox, City Manager

FROM: Kiersten Wright, Community Development Coordinator/Grants Manager

DATE: February 24, 2023

SUBJECT: FY 22- 23 CAP Weatherization Assistance Program- Brook

CC: Cassie Givara, Deputy City Clerk

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

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

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



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

INTEROFFICE MEMORANDUM

TO: Blaine Cox, City Manager

FROM: Kiersten Wright, Community Development Coordinator/Grants Manager

DATE: February 28, 2023

SUBJECT: FY 22- 23 CAP Weatherization Assistance Program- S. Cranberry

CC: Cassie Givara, Deputy City Clerk

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

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

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



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

INTEROFFICE MEMORANDUM

TO: Blaine Cox, City Manager

FROM: Kiersten Wright, Community Development Coordinator/Grants Manager

DATE: February 28, 2023

SUBJECT: FY 22- 23 CAP Weatherization Assistance Program- Tradewind

CC: Cassie Givara, Deputy City Clerk

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

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

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



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

INTEROFFICE MEMORANDUM

TO: Blaine Cox, City Manager

FROM: Kiersten Wright, Community Development Coordinator/Grants Manager

DATE: March 27, 2023

SUBJECT: FY 22- 23 CAP Weatherization Assistance Program- Damours

CC: Cassie Givara, Deputy City Clerk

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

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

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



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

INTEROFFICE MEMORANDUM

TO: Blaine Cox, City Manager

FROM: Kiersten Wright, Community Development Coordinator/Grants Manager

DATE: March 28, 2023

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

CC: Cassie Givara, Deputy City Clerk

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

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

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



City of Rochester, New Hampshire

INFORMATION TECHNOLOGY SERVICES

31 Wakefield St • Rochester, NH 03867

www.rochesternh.net

INTEROFFICE MEMORANDUM

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

FROM: Sonja Gonzalez, Chief Information Officer

DATE: February 28, 2023

SUBJECT: Consolidated contract - \$3,144

CC:

Requesting signature to complete the request to CCI for additional services.

The projected annual cost including taxes is \$3,144. Sufficient funding if available in IT Services Communications 11020050-553000.

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

Signature _____

Katie Ambrose, Finance Director



City of Rochester, New Hampshire

INFORMATION TECHNOLOGY SERVICES

31 Wakefield St • Rochester, NH 03867

www.rochesternh.net

INTEROFFICE MEMORANDUM

TO: Blaine City Manager
Katie Ambrose, Finance Director

FROM: Sonja Gonzalez, Chief Information Officer

DATE: March 20, 2023

SUBJECT: Honeywell – server upgrade - \$15,250

CC:

Requesting signatures in attached document for Honeywell server upgrades. Note that the City Attorney has reviewed and marked up the file. Honeywell has approved these changes. Please initial changes as well as signing on pages 2 and 4. Note that Purchase Order number is not available at this time.

Sufficient funding is available in IT CIP account 15011020-773800-23504 IT Annual Software replacement.

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

Signature_____

Katie Ambrose, Finance Director

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City Clerk's Office



City of Rochester, New Hampshire

OFFICE OF THE MAYOR

31 Wakefield Street • Rochester, NH 03867

(603) 332-1167

www.RochesterNH.net

03/30/2023



PROCLAMATION

WHERE AS, In 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHERE AS, this holiday, called ARBOR DAY, was first observed with the planting of more than a million trees in Nebraska; and

WHERE AS, ARBOR DAY is now observed throughout the nation and the world; and

WHERE AS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHERE AS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHERE AS, trees in our City increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHERE AS, trees, wherever they are planted, are a source of joy and spiritual renewal; and

WHERE AS, Rochester has been recognized for twenty-two years as a Tree City USA member, by the National Arbor Day Foundation, and desires to continue its tree-planting ways.

NOW THEREFORE, I, Paul Callaghan by the authority vested in me as Mayor of the City of Rochester, in the State of New Hampshire do hereby proclaim that April 28, 2023 is ARBOR DAY in the City of Rochester and I do support our community's efforts to protect our trees and woodlands, and to support our City's efforts to maintain our environment by planting trees to gladden the hearts and promote the well-being of present and future generations.

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

Paul Callaghan
Mayor

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left blank...*

City Clerk's Office



03/30/2023

City of Rochester Formal Council Meeting

AGENDA BILL

AGENDA SUBJECT Class VI Building Permit Approvals by City Council

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	April 4, 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	3

COMMITTEE SIGN-OFF

COMMITTEE	NA
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	NA
CITY MANAGER	

FINANCE & BUDGET INFORMATION

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

LEGAL AUTHORITY

City Code 275-3.5. Amendments

SUMMARY STATEMENT

At the February 6, 2023 City Council meeting, City Councilor Gray indicated that he would submit a proposed zoning amendment expanding the ability of the City Council to grant building permits on Class VI roads beyond the three uses currently listed – single family use, farming and forestry. The attached Zoning Amendment Petition is submitted on behalf of Councilor Gray.

City Code 275-26.6 Class VI Roads, A,(2) -

Current language reads: *Uses. Single-family use, farming, and forestry are the only permitted uses on lots accessed from Class VI roads.*

Proposed language: *Uses. Single-family use, farming, and forestry are the only permitted uses on lots accessed from Class VI roads. **The City Council may approve uses not listed above for a lot accessed from a Class VI road on a case-by-case basis.***

RECOMMENDED ACTION

None.



Planning and Development
Conservation Commission
Historic District Commission
Arts and Culture Commission

Planning & Development Department
City Hall - Second Floor
31 Wakefield Street
ROCHESTER, NEW HAMPSHIRE 03867-1917
(603) 335-1338 - Fax (603) 335-7585
Web Site: <http://www.rochesternh.net>

PROCEDURES FOR AMENDING THE ZONING ORDINANCE (CHAPTER 42)

1. **Procedure.** The procedure for amending this chapter is specified in RSA 675:2 and 675:7. Amendments to this Zoning Ordinance may be initiated by any citizen, the Planning Board, the City Council, the Mayor, the City Manager, or any department or other City board or commission in accordance with this chapter. The chronological steps for enacting zoning amendments are as follows:

- A. **Petition Form.** A blank petition form is obtained from the Planning Department.
- B. **Submission.** The petition is completed and returned to the City Clerk's office along with a fee of \$100.00 and any other pertinent materials. In the case of text amendments (See subsection 2, below) the petition shall include specific proposed language.

The fee is not charged, and the formal petition form need not be used, for amendments initiated by any board, commission, department, or other City official acting in an official capacity.

- C. The City Clerk's office forwards a copy of the petition to the Planning Department.
- D. **Deadline.** See RSA 675:2 and 675:7.
- E. **Council Consideration.** The petition is placed on the City Council agenda for consideration. At its discretion, the Council may deny the petition at this stage. If acceptable, it is sent to the City Attorney to place it into legal form. .

At the discretion of the City Manager, this step may be skipped and the petition may be sent directly to the City Attorney to place into legal form.

- F. **Legal Form.** The City Attorney places the petition into legal form.
- G. **First Reading.** City Council holds first reading on the petition. At its discretion the Council may deny the petition at this stage. When a petition is denied at any stage, the Council may elect to initiate an alternative amendment or to request that the Planning Board formulate an alternative amendment.
- H. **Planning Board Recommendation.** The Planning Board makes a formal recommendation on the petition. The board must make its recommendation within 45 days of first reading. At its discretion, the City Council may extend this timeframe up to an additional 30 days.

If the Planning Board recommends against a zoning amendment, a 2/3 vote of the City Council shall be required to adopt the amendment. If the Planning Board does not submit a recommendation within 45 days

of first reading (or as may be extended by the City Council) or if it does not make a recommendation, then it shall be deemed a favorable recommendation for the purpose of this paragraph herein. Where the Planning Board initiates an amendment, the proposal shall not be sent to the board for a recommendation.

- I. **Public Hearing.** A public hearing is held, either by the full City Council or by a subcommittee of the City Council. The public notice must be placed in a newspaper of general circulation at least 10 days prior to the public hearing and it must be posted in at least 2 public locations. The full text of the proposed amendment need not be included in the notice if an adequate statement describing the proposal is included.
- J. **Second Reading.** Second reading is held and the amendment is either adopted or denied. Any proposed amendment shall require a majority affirmative vote of Council members present in order to pass except where the Planning Board has recommended denial (as discussed above). The City Council shall take final action on any petition within 120 days of first reading (except in the case of protest petitions; See Subsection 3, below).

The Council may make minor changes to the proposed amendment at second reading/adoption, provided the amendment remains substantially the same as that which was advertised for the public hearing.

- K. **Filing.** A copy of any approved zoning amendments is placed on file with the City Clerk for public inspection. A copy is also sent to the New Hampshire Office of Energy and Planning.
2. **Types of Amendments.** There are two types of zoning amendments as follows. The procedure for amendments is the same except where noted.
 - A. Map amendment (also called a “rezoning”), where the zoning district for a lot, parcel, multiple lots, or a part of a lot is changed.
 - B. Text amendment where written language in this chapter is changed.

3. **Protest Petition.**

- A. In accordance with RSA 675:5, adoption of an amendment that is the subject of a protest petition shall require a favorable vote of 2/3 of all the members of the City Council present and voting. In order to qualify as a protest petition, a protest against a proposed map amendment must be signed by either:
 - i. The owners of 20% of the gross land area included in the proposed change; or
 - ii. The owners of 20% of the land area situated within 100 feet immediately adjacent to the land contained in the proposed change or land across a road from the land contained in the proposed change.
- B. The address of the subject property must be included on the petition and the property owners signing the petition must identify themselves on the petition by name and address so that the City Clerk may identify them as interested and affected parties.
- C. The protest petition must be submitted to the City Clerk at least 7 days prior to the date at which second reading is scheduled. Copies of the protest petition will be distributed to City Council members.
- D. Any individual protest petition may apply to only one proposed zoning amendment. Separate protest petitions must be submitted for multiple amendments.
- E. In the case of a protest petition, the City Council shall act within 120 days of the date of first reading.

Petition for Zoning Ordinance Amendment

Date: March 20, 2023

The fillings of this petition and payment of the required fees, hereby propose a change in ~~Chapter 42, City Code~~
Section 275-26.6 Class VI Roads, of the General Ordinances of the City of Rochester.

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

(Note: Please give a completed description of the change requested; if a zoning change is proposed supply full legal description of the affected parcel or areas).

275-26.6 Class VI Roads, A,(2) -

Current language reads: Uses. Single-family use, farming, and forestry are the only permitted uses on lots accessed from Clas VI roads.

Proposed language: Uses. Single-family use, farming, and forestry are the only permitted uses on lots accessed from Class VI roads. The City

Council may approve uses not listed above for a lot accessed from a Class VI road on a case-by-case basis.

Each petitioner must supply, printed name, signature, street address, and Map and Lot Number.

	<i>Printed Name</i>	<i>Signature</i>	<i>Street Address</i>	<i>Map & Lot Number</i>
1	NA*	NA*	NA*	NA*
2				
3				
4				
5				
6				
7				
8				
9				
10				

* Submitted by City Manager Cox per Code Section 275-3.5. A.

*Intentionally
left blank...*

City Clerk's Office

Feb. 2023
03/30/2023

(warming)
Proposal For Shelter To Be Open
Oct. - March - April
Each night.

(Due to the Severity of the
homeless population of Strafford
County, Approximately 10,000 people)

★ We are proposing the warming
shelter to be open every night
Oct. - March - April in order to
also, assist w/ transitioning also,
to give hope to the Transitional
Community.

Thank You,
Very Much



Concerned persons.

RECEIVED

MAR 28 2023

CITY CLERK'S OFFICE
ROCHESTER, NH


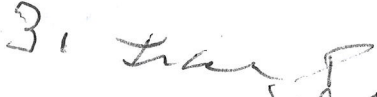
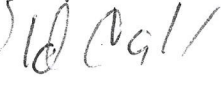





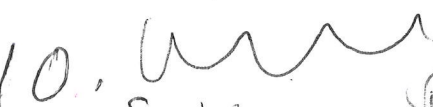


Signatures

11. *[Signature]*
 12. *[Signature]*
 13. Jim Hartford
 14. Ken Bousse
~~15. *[Signature]*~~
 16. David L. Grooms
 17. *[Signature]*
 18. *[Signature]*
 19. *[Signature]*
 20. *[Signature]*
 21. John M. Myers
 22. Wesley M. Brown
 23. Megan Brown
 24. Mackayla Brown
 25. *[Signature]*
 26. *[Signature]*
 27. *[Signature]*
 28. *[Signature]*

29. Amanda Williams

30. Edmund Seal
 31. Chris Costa
 32. Dotter Eldridge
 33. Josh K
 34. Jake D
 35. David Carey
 36. Tammy Babin
 37. Amanda D Halfhill
 38. Kimberly Ling
 39. *[Signature]*
 40. Travis Jordan
 41. *[Signature]*
 42. Steven Price
 43. Mary Jane White
 44. *[Signature]*
 45.

Signatures for The Warming ^{03/30/2023}
Shelter to be open each and
every night during
Oct. - March - April.

1.  Don B
2. Justin Waterhouse
3.  Tim
4. Donna  Donna
5.  Wayne
6. Amanda  Amanda
7.  [unclear]
8. Shaun  Shaun
9. John  John
10.  [unclear]
11. Subhan  Subhan
12. Cody R. Tobin
13. Wily Plummer
14.  [unclear]
15. Zachary Newell

concerned persons

Thank You,
Very much

Signatures for Proposal at
Warming Shelter to be open
each + every night Oct. - March-April

Thank You,

All year
long

~~G. [scribbled out]~~
~~G. [scribbled out]~~

1. Anthony

2. Erica B

3. Aaron

4. Arnold Gray

5. Bonnie W

6. John W

7. Byron Kimball

8. Denise Gordon

9. Scott Gordon

10. Melissa Kimball

11. Ann Kimball

12. Dawn Perry

13. Dan B

14. Sonya Jule

15. Lucy Di Liorami

16. Brittany Eldridge

17. Alex P

18. Stephen Can

19. Robert [scribbled out]

20.

21.

22.

23.

24.

25.

Concerned persons

Thank You,
very much



City of Rochester, New Hampshire

CITY COUNCIL –
APPOINTMENTS REVIEW COMMITTEE
31 Wakefield Street • Rochester, NH
03867 (603) 332-1167
www.RochesterNH.gov

Appointments Review Committee

March 21, 2023
City Hall Chambers – Conference Room
5:30 PM

Committee Members Present:

James Gray, Chair
Laura Hainey, Vice-Chair
Ashley Desrochers
Amy Malone (arrived at 5:39)

Committee Members Excused:

Dana Berlin

Minutes

Chair Gray called the meeting to order at 5:30 PM on March 21, 2023.

New appointment(s):

Stephen Foster

Zoning Board of Adjustments, Seat C, New Regular Member –Term to expire 1/2/2025

Mr. Foster introduced himself to the Committee and explained that he had been in the Rochester area for almost 60 years and had been a property owner in Rochester since 1985. He gave his background and experience in property management and spoke about knowledge of the intricacies of zoning regulations. Mr. Foster indicated that he stays apprised of the recent applications before the ZBA and spoke about his approach to these requests and how he intends to do his homework and come prepared for his potential work with the ZBA. He spoke about the importance of protecting the core of the City and the historic district and limiting commercial encroachment, emphasizing the role of the Planning Board and ZBA.

Chair Gray explained that past practice has been for new applicants to a board to fill an alternate position during their first term while they become accustomed to the procedures. With an alternate member of the ZBA already requesting to be elevated to the open regular position, he asked if Mr. Foster would be open to an alternate position. Mr. Foster agreed that he would be open to an alternate position.

Councilor Malone **MOVED** to recommend Mr. Foster as an alternate member of the ZBA, Seat G, with a term to expire 1/2/2025. Councilor Desrochers seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Dylan Dowe**Conservation Commission, Seat H, New Alternate Member – *Term to expire 01/02/2026***

Mr. Dowe detailed his 10+ years' experience working in public land, primarily through government entities. He expressed his interest in participating in a more grassroots/local role for conservation; in particular recreational uses for recently conserved land within the City. Mr. Dowe is a teacher at Bud Carlson. He has been regularly reviewing the City's meeting agendas, and was encouraged by Recreation staff to put in a statement of interest to get involved.

Chair Gray explained that there are trainings offered in the spring that are relevant to land use boards. He encouraged Mr. Dowe, if he is offered a seat on the Conservation Commission, to attend these trainings if he is able. He stated that he would send further information on these upcoming educational opportunities.

Councilor Desrochers **MOVED** to recommend Mr. Dowe as an alternate member, seat H, of the Conservation Commission with a term to expire 1/2/2026. Councilor Malone seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Re-Appointments/Discussions:**James Connor: Zoning Board of Adjustments, Seat C – Request to be elevated from an alternate to a regular member *Term to expire 1/2/2025***

Councilor Malone **MOVED** to recommend the elevation of James Connor from an alternate member of the Zoning Board of Adjustments to a Regular Member Seat C, with a term to expire 1/2/2025. Councilor Hainey seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

James Connor: Historic District Commission, Seat D – Request to be elevated from an alternate to a regular member *Term to expire 1/2/2025*

Councilor Hainey **MOVED** to recommend the elevation of James Connor from an alternate member of the Historic District Commission to Regular Member Seat D, with a term to expire 1/2/2025. Councilor Malone seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Chair Gray **ADJOURNED** the Appointments Review Committee meeting at 5:56 PM.

Respectfully submitted,

Cassie Givara
Deputy City Clerk



03/30/2023

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

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MAR 06 2023

CITY CLERK'S OFFICE
ROCHESTER, NH

**STATEMENT OF INTEREST
BOARD AND COMMISSION MEMBERSHIP**

POSITION DESIRED: ZONING BOARD OF ADJUSTMENT

NEW X RE-APPOINTMENT _____ REGULAR X ALTERNATE _____

NAME: STEPHEN FOSTER

STREET ADDRESS: 22 LORING DRIVE

ZIP 03839

TELEPHONE:(H) _____ (W) _____ E-MAIL fozzystephen@netscape.net
603-969-1096

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

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

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

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

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



03/30/2023

City of Rochester, New Hampshire
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31 Wakefield Street • Rochester, NH 03867
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JAN 17 2023

CITY CLERK'S OFFICE
ROCHESTER, NH

STATEMENT OF INTEREST
BOARD AND COMMISSION MEMBERSHIP

POSITION DESIRED: Zoning Board of AdjustmentNEW _____ RE-APPOINTMENT _____ REGULAR X ALTERNATE _____NAME: James ConnorSTREET ADDRESS: 11 Gagne Street Rochester, NHZIP 03867 603-833-7186
TELEPHONE: (H) _____ (W) _____ E-MAIL Jungle 6972@hotmail.comREGISTERED VOTER: (CIRCLE ONE) (YES) NO _____ WARD 4

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

I've been a alternate member for almost a
year now. I'm looking to ~~become~~ become a
regular member.

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

In May of 2022 I took 2 Training Sessions
on two Saturdays of that month.

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

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

James Connor



03/30/2023

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

RECEIVED

JAN 17 2023

CITY CLERK'S OFFICE
ROCHESTER, NH

STATEMENT OF INTEREST
BOARD AND COMMISSION MEMBERSHIP

POSITION DESIRED: HDC

NEW _____ RE-APPOINTMENT _____ REGULAR X ALTERNATE _____

NAME: James Connor

STREET ADDRESS: 11 Gagne Street Rochester, NH

ZIP 03667 603-833-7186

TELEPHONE:(H) _____ (W) _____ E-MAIL Jungle6972@hotmail.com

REGISTERED VOTER: (CIRCLE ONE) YES _____ NO _____ WARD 4

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

I've been a member for about a year. Looking
To become a regular member.

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

None has been offered.

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

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

Codes and Ordinances Committee

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



CODES AND ORDINANCES COMMITTEE
Of the Rochester City Council
Thursday, March 2, 2023
Council Chambers
6:00 PM

Minutes

1. Call to Order

Chair Lachapelle called the meeting to order at 6:00 PM. Deputy City Clerk Cassie Givara took a silent attendance. All Councilors were present.

2. Public Input

There was no public input.

3. Acceptance of the Minutes: January 5, 2023

Councilor Desrochers **MOVED** to **ACCEPT** the minutes of the January 5, 2023 Codes and Ordinances Committee meeting. Councilor Beaudoin seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

4. Rules of Order Section 1.6 – Guidelines for Public Input (addendum A)

Attorney O'Rourke directed the Committee to the Rules of Order, which have been revised based on the discussion at the last Codes and Ordinances Committee meeting.

Councilor Beaudoin pointed out the repetition of the word "the" in the first paragraph for correction. Councilor Fontneau made a similar minor correction as follows: "However, accusations of wrongdoing or illegal acts without evidence are defamatory and will ~~be~~ not ~~be~~ allowed"

Councilor Beaudoin asked if the footnotes citing case law would be included in the Rules of

Order or if they were just their for Committee reference during discussions. Attorney O'Rourke said that these footnotes would be included in the final Rules of Order. Councilor Beaudoin questioned the relevance of the court cases cited in footnotes one and two. Attorney O'Rourke explained that the references are to the definitions of "defamatory statements" and "Face to face words plainly likely to cause a breach of the peace..." appearing in these particular court cases; the facts of the cases themselves are immaterial.

Councilor Beaudoin asked where these suggested changes to the Rules of Order had originated. Attorney O'Rourke said that this item had been requested by Mayor Callaghan.

Councilor Desrochers **MOVED** to recommend the changes to section 1.6 of the Rules of Order to full Council. Councilor Fontneau seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

5. Amendment to Section 4.21 of the Rules of Order "Inaugural Meeting, Order Exercises" *(addendum B)*

Chair Lachapelle explained that this item is tied into the Code of Ethics, which will be going to Council for a vote the following week. This change would add a review of the Code of Ethics into the inaugural meeting agenda (following the recess to time certain). Council could then decide whether to review as a whole or refer the item to Codes and Ordinances Committee.

Councilor Fontneau asked for clarification on the timeline and whether this review would be done during the Inauguration. Attorney O'Rourke stated that this review would take place at the reconvened Council meeting following the Inauguration. Councilor Fontneau asked if the Codes Committee should be voting on this amendment at this time because Council has not yet approved the adoption of the Code of Ethics. Attorney O'Rourke said that he had added agenda item #13 "Recess to a time certain" to the Inaugural agenda, because that is what occurs in current practice. He clarified that this recommendation would not go to full Council for a vote until the April meeting; if Council does not approve the Code of Ethics, the recommendation from the Codes Committee to add a review of the Code of Ethics will not go to full Council for a vote. Attorney O'Rourke recommended leaving the addition of "recess to a time certain" as a committee recommendation regardless of whether or not the Code of Ethics passes.

Councilor Desrochers **MOVED** to recommend the changes to Section 4.21 of the Rules of Order to full Council. Councilor Fontneau seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

6. Other

Councilor Desrochers announced that the Board of Health would be meeting on March 7 in the City Hall Annex at 5:00 PM and there would be discussion on the agenda regarding lead paint.

7. Adjournment

Chair Lachapelle **ADJOURNED** the Codes and Ordinances Committee meeting at 6:13 PM.

Respectfully Submitted,

Cassie Givara,
Deputy City Clerk

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

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

The receipt of constructive input must be balanced with the City Council's need to conduct its business in an orderly and fair manner. The meeting Chair must have discretion to curtail and even cut off public input which he/ she reasonably perceives to be irrelevant to the City Council's particular purposes or public input that constitutes defamation¹, fighting words², or a criminal threat³. Determining relevancy, although sometimes challenging, is fairly clear. Determining what constitutes appropriate criticism of elected and appointed officials versus unprotected speech is more challenging.

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

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

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

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

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

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

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

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

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

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

SECTION 4.21 INAUGURAL MEETING. ORDER EXERCISES

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

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



Rochester City Council

Community Development Committee

MEETING MINUTES

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

Meeting Date:	Monday, March 20, 2023	
Members Present:	Laura Hainey Harlan “Skip” Gilman Amy Malone John LaRochelle	Members Absent: Tim Fontneau

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

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

PUBLIC INPUT	There was no public input.
Approval of Minutes- February 27, 2023	<p>Ms. Wright noted she saw a typo in last month’s minutes and had the date from the prior meeting. Councilor Larochelle pointed out a few grammar mistakes that needed to be corrected. Ms. Wright stated she would update the minutes and update them on the city site one approved by the Committee.</p> <p>Councilor Malone moved to accept minutes as amended, councilor Hainey seconded. Approved unanimously.</p>
FY 24 CDBG Application- Funding Recommendations	<p>Discussion started with Guyer Travel to see how much they were asking for. Councilor Malone stated they are not sure if the activities that Guyer Travel offers are CDBG eligible, Ms. Wright confirmed that a majority of the activities stated in their presentation and that they were asking funding for would not be an eligible use. Guyer Travel provides assistance for many city events and helps the schools build on their curriculum, but they do not provide a service that supports a HUD National Objective required for CDBG use. After much discussion, the committee decided not to fund Guyer Travel this year but would like to see them apply next year with a better breakdown of potential CDBG eligible activities. Ms. Wright stated she would reach out to them before next year’s applications open to assist in researching what they offer and what activities would be CDBG eligible.</p>

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

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

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

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

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

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

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

After discussion and approvals for applicable projects, there will be a remaining amount under the Public Facilities/Infrastructure and Housing Rehab subcategory in the amount of \$42,504.40 for FY24. The councilors inquired to Ms. Wright if they could open applications again to allow for more projects to apply under the Public Facilities/Infrastructure and Housing Rehab subcategory. Ms. Wright informed the committee it was their decision, however since the Annual Action plan is due by mid May they would possibly require an amendment to make an update on the projects.

Motion was made by Councilor Malone to approve a 60 day extension for Public Facilities/Infrastructure and Housing Rehab

	<p>projects starting April 5th. Councilor Gilman seconded this motion. Motion was approved unanimously. Ms. Wright informed the committee she would work on a press release with Matthew Wyatt to get on Rochester Post and investigate reaching out to other groups that maybe interested in applying.</p>
<p>FY 24 Draft CDBG Annual Action Plan- First Review</p>	<p>Ms. Wright informed the Committee that the first public hearing will happen, Tuesday, March 21, 2023 for FY24 Annual Action Plan. This is the first public hearing for the Annual Action Plan to allow the public notice. During this time there will be a public comment period to allow for any questions or concerns to be brought up.</p> <p>Ms. Wright also stated she is working on having the 2nd public hearing for April 18th, with 15-day comment period. HUD only requires a 30-day comment period, but Ms. Wright believes that having additional time will allow for more people to speak up about the Annual Action Plan and allow for more information to the Committee to make informed decisions based on the public input.</p> <p>Ms. Wright informed the committee of her intention to request a 30 day for the Annual Action Plan. The Action Plan for FY24 is due to HUD (U.S. Department of Housing and Urban Development) by May 15, 2023, however with a 30 day extension this will allow for Ms. Wright to gather more information to draft the action plan and allow for additional questions and comments to be made by the public. Committee agreed with Ms. Wright's decision and requested to be notified if they are able to assist her in anyway.</p>
<p>Community Development Program Report</p>	<p>Ms. Wright informed the committee that she will be sending out reminders to all current subrecipients later this week that quarter 3 is ending and reporting will be due by each subrecipient by April 14, 2023.</p> <p>Ms. Wright also informed the committee she met with Steve from the Rec Department to discuss their CDBG Projects. He stated they are looking to start the Teen Area/ Cameras this month but that the Pickleball Court has had some pushback since they were originally approved. He is hoping to get that started ASAP but is still waiting for an update on the location. Once the new location has been chosen Ms. Wright will conduct a new Environmental Review to ensure it follows the proper requirements.</p>
<p>Other Business</p>	<p>Ms. Wright was approached by Ms. Saunders about the meeting next in April where she is to bring a member of the Orton Foundation to discuss the Heart and Soul Program. Ms. Saunders stated that she also has her Committee meeting the same night at 6:30 and would need to be out of the building before 6:15 in order to make it in time. She is requesting to meet earlier in the evening, at 5:30pm, rather than the normal 6:00pm meeting for the Community Development Committee.</p> <p>Councilors agreed that 5:30pm is acceptable start time. Ms. Wright noted that she would update Ms. Saunders and note the time change on next month's agenda.</p>

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Motion was made by Councilor Hainey to adjourn the meeting. Councilor Malone 2nd.
Adjourned at 7:51pm.

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

Topics: Decisions on CDBG Funding applicants

DRAFT

City of Rochester Planning Board
Monday, March 6, 2023
City Hall Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on March 20, 2023)

Members Present

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

Members Absent

Robert May, *Vice Chair, excused*
Michael McQuade, *excused*

Alternate Members Present

Rick Healey
Alexander de Geofroy

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

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

I. Call to Order

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

II. Roll Call

Senior Planner, Ryan O'Connor conducted roll call.

III. Seating of Alternates

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

IV. Communications from the Chair

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

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

A. Public comment

There were no comments from the public to discuss.

B. Discussion of general planning issues

There were no general planning issues to discuss.

VI. Continued Applications

A. Green & Company, Old Gonic Road Townhomes, 19 Old Gonic Road (by Jones & Beach) Site Plan to construct 170 townhomes Case# 131 – 10 – R2 – 21 **Public Hearing ACCEPTANCE/FINAL DECISION*. The applicant has requested to be continued to March 6, 2023.**

Joe Coronati with Jones and Beach Engineers Inc. presented overview of the project including site layout, utilities, traffic, offsite improvements, amenities, architecture and drainage. Mr. Coronati stated that roads will be privately owned and maintained. Mr. Coronati stated that this development plan shows no impact on wetlands or buffers.

Mr. Collopy opened the Public Hearing.

Caroline Lewis, 14 Cedarbrook Vlg, current member of Cedarbrook Village Board, stated concerns with lack of shielding for traffic that will be exiting onto Old Gonic Road and listed concerns with the increase in traffic complications. Ms. Lewis asked about what possible lights and equipment will be present in recreation area. Ms. Lewis asked about widening Old Gonic Road with included plan of widening of Emerson Avenue for traffic increase. Ms. Lewis asked if development's drainage plans will affect water and sewer within current residences. Ms. Lewis listed concerns of damages to road caused by construction vehicles exiting on Old Gonic Road. Ms. Lewis stated concerns with increased foot traffic on sidewalks and trails. Ms. Lewis approached podium additionally to ask if townhouses will be listed as Section 8 or Low-income housing and how many bedrooms will be in apartments.

Colleen Jones, 11 State Street, asked how tall retaining wall would be between units 6 and 7. Ms. Jones stated concerns with shadow casted by building. Ms. Jones stated that in previous meeting, it was requested to move building further away from the rear property line along State Street and was unsure if this change was shown in the current plans. Ms. Jones stated that in previous Planning Board Meeting that fencing was requested in replacement of vegetative barrier and asked if this was included in plans. Ms. Jones stated concerns with increases traffic and asked how speeding would be controlled. Ms. Jones stated concerns with noise of construction and construction vehicles entering and exiting development.

Laura Gatchel, 1 Cedarbrook Vlg, stated that she agreed with and shared the questions asked by Caroline Lewis. Ms. Gatchel stated concerns with noise and with construction and construction performed outside of working hours. Ms. Gatchel stated that she is concerned with sewer drainage with additional development. Ms. Gatchel listed concerns for shielding of light and noise from new development.

Elaine Labrie, 17 State Street, stated that she has lived in her home for 40 years. Ms. Labrie stated that she agreed with, and shared concerns listed by Ms. Jones. Ms. Labrie stated that current residents of Cedarbrook Village park their vehicles on Old Gonic Road in the Winter when roads are being plowed and stated concerns with safety regarding traffic on Old Gonic Road.

Mr. O'Connor read email comments from Sandra Fournier, 5 Cedarbrook Vlg. Ms. Fournier stated that she was concerned about headlights coming into home windows. Ms. Fournier also stated concerns for shielding Cedarbrook Village homes from light on new development's buildings. Ms. Fournier stated that there is a property easement between Cedarbrook Village and the abutters and asked if the planted pine trees within the development will remain or be removed. Ms. Fournier asked why there was only plans on a sidewalk installation on Emerson Avenue and if a sidewalk should be put on Old Gonic Road as well.

Mr. Coronati responded to abutter comments. Mr. Coronati stated that Old Gonic Road is planned as an exit only and there will be an entrance/exit at Emerson Avenue. Mr. Coronati stated that the recreation will not be lit. Mr. Coronati stated that large child population is not expected and that the demographic of children should mimic Cedarbrook Village. Mr. Coronati stated that the plan is to replace the sewer line at Emerson Avenue and line will be upgraded to 8-inch pipe. Water line will be replaced on Old Gonic Rd only from the site to State Street. Mr. Coronati stated Emerson Avenue and the portion of Old Gonic will be repaved after construction. Mr. Coronati stated that the retaining wall is planned to be 6 feet high. Mr. Coronati stated that they were willing to upgrade the vegetation buffer plans along Old Gonic Road and State Street to have bigger trees. Mr. Coronati stated that there is currently a large tree line along Old Gonic Road. Mr. Coronati stated that the contractors would comply with City's working hours for construction times. Mr. Coronati stated that he felt the natural vegetation buffer was better for the environment than removing trees for fencing.

Ms. Saunders presented staff review. Ms. Saunders stated that review has been extensive due to project being one of the largest developments in the city for many years. Ms. Saunders stated that there are three waiver requests, and all have been reviewed and are recommended to be granted. Ms. Saunders stated that the waiver request in Subdivision Regulations for turning radius was reviewed by the Fire Department and approved. Ms. Saunders stated that the other two waiver request are regarding Stormwater Regulations and were reviewed by the City's third-party Stormwater Engineer and applicant was able to prove that impacts will not take place downstream from development.

A motion was made by Mr. Walker to accept this application as complete, and Mr. Healey seconded.

Mr. Fitts asked if there was a waiver present for setback. Ms. Saunders stated that the applicant meets and exceeds the setback requirements.

Mr. Bruckner stated that he did not feel that the plans were complete and that he felt there was a lack of information regarding the back of the buildings. He wanted the applicant to work on the architecture. Ms. Saunders stated that the current vote states that there is enough information to continue discussion, if not complete then applicant must resubmit within 30 days so that discussion can be reopened.

Mr. Bruckner stated that he preferred to continue discussion, but that he felt there needs to be more information.

The motion carried by a voice vote. Mr. Bruckner opposed.

Ms. Saunders stated that there are no current plan modifications or plan notes. Ms. Saunders stated that based on the discussion, the applicant is willing to include additional vegetation which will be listed in Plan Modifications. Ms. Saunders stated that there are multiple easements that require approval for work on Emerson Avenue and Old Gonic Road. Drafts of easements must be submitted for review. Ms. Saunders stated that property is in Current Use and several documents must be signed and escrow accounts be collected before plans can be certified including Construction Inspection Services Agreement with deposit, the Drainage Maintenance Agreement, Construction Cost estimate, and Performance Guarantee. Ms. Saunders explained Off Site Exactions are going to be further listed in Developer's Agreement. Ms. Saunders stated that the Planning Department is

requiring Off Site Improvements. Final drawings are being requested and must be certified after Precedent Conditions have been met.

Mr. Collopy asked about the height of buildings and what are the City working hours. Ms. Saunders responded that the definition of the height is the average across grade due to grade changes. Ms. Saunders stated that applicant meets height requirement. Mr. O' Connor stated that the hours for construction are Monday thru Friday 0700-1800, Saturday 0800-1800, and no work on Saturday. Mr. Hayden asked if the hours were meant for Site Construction or Building Construction. Ms. Sanders stated that the noise restriction applies to all construction. Mr. Coronati stated that the buildings are 34 feet to the mid-point.

Mr. Walker stated concerns with 2nd story patios looking into bedrooms on State Street and asked how this would be addressed. Mr. Coronati responded that units were moved so that they did not face parallel to the lot line. Mr. Coronati stated that there would be a wooded buffer and over 50 feet distance from homes on State Street.

Mr. Walker asked if changes would also be made to Old Gonic Road. Mr. Coronati responded that the only changes are that the sewer line will be extended from the from the development's Old Gonic Road exit up to State Street and the road in that space will be re paved upon completion.

Mr. Walker asked if there would be a sidewalk made on Old Gonic Road and Mr. Coronati stated that there are currently no plans for a side on Old Gonic Road. Mr. Walker stated that he felt it would be important to have a sidewalk on Old Gonic Road due to increase in foot traffic to convenient store on Old Gonic Road.

Mr. Walker stated that he felt there needed to be a buffer present to block light for residents on Cedarbrook Village from headlights that are exiting the development. Mr. Coronati stated that he would be willing to include a wooded buffer for the homes directly affected.

Mr. Bruckner stated that the trees along State Street property line are tall but that the depth of trees need to be preserved. Mr. Bruckner also stated that he was concerned that the buildings were still too close to the homes on Stated Street. Mr. Bruckner stated that the units show no backyards and that there is only common area. Mr. Bruckner recommended that there be community areas or centers included in plans for the renters to have places to gather and children to play.

Mr. Hayden asked about plans for trash pick-up. Mr. Coronati stated that residents would keep trash cans in garages and the developer would arrange private pick up.

Mr. Hayden asked if the Postmaster has weighed in on the location of the mailbox kiosks. Ms. Saunders stated that the postmaster has not weighed in and that Planning staff have been in touch about the E911 numbering and the Department of Public Works did not have any comments.

Mr. Hayden stated that he agreed with Mr. Walker in the fact that there should be a sidewalk along Old Gonic Road.

Mr. Hayden asked about the plans for sewer lines and if the applicant knew how many people were currently tied to the current sewer line. Mr. Coronati stated that he was unsure of the exact number but that the engineers and the City's firm analyzed the plans for the sewer line through to Columbus Avenue and that the sewer line plan was adequately sized to the pump station on Columbus Avenue and that it was found that the pump station had required upgrades.

Mr. Hayden stated that he recommended the waiver request for stormwater, but that he is also concerned about the risk of pollutants. Mr. Coronati stated that the engineer has looked into the risk of pollutants and that the plans were changed from wet ponds to gravel wetlands due to treatment quality changes that AOT and the City of Rochester requires.

Mr. Hayden stated that there are trails leading to ballfields nearby development and go through berms in the wetlands. Mr. Hayden asked if those trails are to be moved to the taller slope. Mr. Coronati responded that the goal was to have the trail on top of the berm. Mr. Coronati that the developers have no plans to change the structure or grade of the land leading to the ballfield.

Mr. Collopy asked if the color schemes of buildings would be earthy tones and Mr. Coronati responded saying yes.

Mr. Collopy stated that he felt that sidewalks are a good thing but that because of the narrow roads that the lots around the sidewalks would lose property for a sidewalk to be placed. Mr. Collopy stated that markings on the road need to be updated to include pedestrian space. Mr. Collopy stated that when visiting the area that people are found to be walking in the middle of the road and that sidewalks will not deter people from walking in the middle of the road. Mr. Collopy stated that he did not believe that there were any sidewalks in the area and that an addition of a sidewalk would not be conducive to the neighborhood dynamic.

Mr. Hayden asked if the planned Old Gonic Road exit should be widened to include turning both ways. Ms. Saunders stated that improvements are being made to Emerson Avenue entrance/exit to establish Emerson Avenue as the primary way into and out of the development. Ms. Saunders stated that plans were modeled because of Old Gonic's position in relation to Columbus Street intersection and that traffic would be encouraged to use the Emerson Avenue entrance/exit.

Mr. Hayden stated that he was concerned with the increase in traffic throughout the smaller roads. Ms. Saunders stated that 75% of the traffic is expected to use the Emerson Avenue entrance/exit.

Mr. Walker stated that he supported the idea of sidewalks on Emerson Avenue and suggested that tenants be educated of traffic patterns. Ms. Saunders stated that traffic plans were third party reviewed for recommendations.

Mr. Collopy asked if there would be planned access to the dam for maintenance and recreation. Mr. Collopy asked who maintains the dam located near the property. Mr. Coronati stated that he was unsure of the ownership of the dam and that if maintenance is required then access to the dam for officials can be included, but that he would not recommend public access due to parking issues on Old Gonic Road. Mr. Collopy stated that he supported the idea of there be an access for officials.

Mr. Sullivan asked if for clarification of widening of Emerson Avenue and sidewalk installation within and outside of the development. Mr. Coronati stated that sidewalks are planned inside the development from Old Gonic Road exit through to Emerson Avenue entrance/exit, but not in the inner loop of the development.

Mr. Sullivan asked about the input from the Department of Public Works regarding sidewalks on Old Gonic Road. Mr. O'Connor stated that the concern was that Old Gonic Road is not wide enough for there to be sidewalks installed.

Mr. Sullivan asked if there have been discussions on widening of Old Gonic Road. Mr. O'Connor responded that the plan is not to encourage vehicle and foot traffic to utilize Old Gonic Road due to lack of ROW space.

Mr. Sullivan asked about the square footage of vegetation and stated that he felt the proposed estimated 80 feet of space between townhouse buildings and homes on State Street would be enough and asked for further explanation on the plans for vegetation in that area. Mr. Coronati stated that existing trees are mature and taller and should provide good enough buffer.

Mr. Walker stated he was concerned for the vegetation buffer in the Wintertime when trees lose their leaves.

Mr. Hamann stated his home has a 70-foot vegetation buffer and he has complete privacy in the summertime and that in the winter it is still not easy to see the homes on the next street.

Mr. Fitts stated that he noticed that there was a lot of asphalt in this plan and that he is concerned about where the snow will be piled in the Winter when there are buildups. Mr. Coronati stated that there are snow storage areas are designated on the property, but that if a larger snowfall is expected that it will be removed off-site by larger equipment.

Mr. Fitts asked about additional parking for guests. Mr. Coronati stated that the guest parking issue has been noted and that renters may be required to speak with neighbors if additional space for gatherings is required. Mr. Coronati stated that each townhome has 4 parking spaces currently.

Mr. de Geofroy stated concerns on where the trash bins will be located on trash day with regards to traffic and recommended dumpsters. Mr. Coronati stated that renters would place cans at end of driveway and remove after they are empty as stated in lease requirements.

Mr. Bruckner asked for further clarification on paving of roads and sidewalks and how spaces will be differentiated. Mr. Coronati responded stating that lanes will be painted showing road edges and parking spaces and dotted lines showing different sides of road for traffic.

Mr. Bruckner stated the importance of the architectural plans for the rear of the buildings.

Mr. Hayden asked if wetland placards will be placed in the vegetation buffer and Ms. Saunders responded saying yes. Mr. Hayden asked if this could be added to plans and Ms. Saunders read from one of the recommended conditions that placards are required to be placed every 50 feet of the buffer upon completion of construction.

Mr. Hayden asked if the tree line be staked out for visual of spaces between units in developments and units on State Street. Ms. Saunders stated that in the conditions list the requirement that the no cut area be shown with snow fence.

Mr. Sullivan asked if there has been consideration for a unit being given up for a community center. Mr. Coronati stated that the plan is not to give up a unit and that the units are as large as typical homes and the area will not require a community center.

Mr. Collopy asked what the sign plan is for the exits and one-way locations to deter renters from driving the wrong way. Mr. Coronati stated that Do Not Enter signs will be placed on Old Gonic Road and the road will be kept narrow to deter drivers. Mr. Collopy stated that Old Gonic Road is a public street and that police can monitor the flow of traffic.

Mr. Hayden asked if fire truck turning templates have been run. Mr. Coronati answered yes.

Mr. Walker asked if the association was an HOA. Mr. Coronati answered that these are rentals with one owner, not an HOA and there would be a separate property management company.

Ms. Saunders gave an overview of the conditions discussed by the board. Ms. Saunders listed conditions discussed including potential for markings on Old Gonic Road, height rendering in relation to State Street, creation of backyard spaces and common spaces availability, pollutant monitoring, relocation of trails, dam maintenance access, rendering including rear of structure, add snow fence along tree line to restrict tree cutting, buffering for Cedarbrook Village residents.

Mr. Walker stated that he still had concerns that a sidewalk should be built on Old Gonic Road because of increased foot traffic.

Mr. Hamann stated that stated that filtration for pollutant monitoring should have already been reviewed by public works.

Mr. Walker stated that he recommends the buffer for lights towards Cedarbrook Village can be made a Condition of Approval, but that the sidewalk idea on Old Gonic Road should be presented to the board in the next meeting. And the item should be continued.

Mr. Sullivan stated that the applicant has agreed to make many changes based on recommendations from the Board and does not feel that the applicant needs to return with revised plans for sidewalks on Old Gonic Road. That can be a condition of approval. Mr. Sullivan also stated that he is not concerned with the visual plans of the rear of the building.

Mr. Hayden stated that he agreed with Mr. Sullivan to approve tonight and that the idea of pedestrian access on Old Gonic Road can be determined as a Condition of Approval.

Mr. Sullivan stated that he supports the idea of pedestrian access being added as a condition. Ms. Saunders stated that pedestrian access on Old Gonic Road would be listed as a precedent condition and would be reviewed again by the board.

Mr. Saunders stated that the ownership of the dam be verified and that it be shown on plans. Mr. Collopy stated that the Department of Public Works should be able to verify that information.

Mr. Collopy stated he wants to add a condition that at the parking area between building 7 and 10 are parking spaces and that he recommends a vegetated buffer for lights towards units on State Street.

Ms. Saunders stated that there are currently 3 waivers requested by the applicant.

A motion was made by Mr. Walker and seconded by Mr. Hamann to approve all 3 waivers as listed. The motion carried unanimously.

A motion was made by Mr. Walker and seconded by Mr. Hamann to approve project with discussed Precedent Conditions and General Conditions, as well as those in the memo.

Mr. Hayden asked for fire truck turning plans to be included in conditions.

Mr. Walker and Mr. Hamann agreed to amendment of motion to include Fire Truck Turning Plans. The motion carried unanimously.

VII. New Applications

A. [42 Front Street, LLC, 42 Front Street](#) (by Norway Plains Assoc./Ashley Rowe) 2-Lot subdivision. Case# 102 – 41 – R2 – 23 **Public Hearing ACCEPTANCE/FINAL DECISION***

Ashley Rowe from Norway Plains Associates presented a project overview. Mr. Rowe stated they are proposing a subdivision of the property. Mr. Rowe stated that Norway Plains has submitted a waiver request for driveway location on new lot. Mr. Rowe requested that the Conditional of Approval to remove or move the shed on the property be weighed and changed.

Mr. Collopy opened the public hearing.

Bruce Belles, 34 Front Street, stated that he has lived in his home since 1989. Mr. Belles stated that area surrounding property has been called the Salmon Falls Reservoir and still shows on older maps. Mr. Belles presented the FEMA map showing the flood zones covering the yard of 42 Front Street. Mr. Belles presented pictures of 42 Front Street with flooding on December 25, 2022. Mr.

Belles stated that he has witnessed that water going into basement access at 42 Front Street. Mr. Belles stated that there is a street drain present at 42 Front Street and at edge of Mr. Belles' driveway at 34 Front Street. Mr. Belles stated that stormwater drains lead directly to river. Mr. Belles stated that his is concerned for flooding and draining issues through the neighborhood. Mr. Belles stated concerns regarding removal of natural features that help with drainage and flooding.

Ms. Saunders asked for clarification on the waiver request for driveway location. Mr. Rowe stated that he had included the waiver request in plans that were delivered after Technical Revision Group meeting. Ms. Saunders stated that the waiver request wording was not reviewed by the TRG and might need to be changed, and that Public Works may need to review plan. Mr. Rowe stated that the Department of Public Works has reviewed and were in favor of a waiver request.

Ms. Saunders stated that the staff is aware of a drainage issue on property. Ms. Saunders stated that two plan notes were added including that grading and drainage plans be submitted at the time of the building permit and applicant provide a proposed finished floor elevation for building safely above the 100-year flood elevation. Ms. Saunders stated that the applicant had an individual visit the property and at that time there were no wetlands on the property and that there has not been a third-party review of wetlands.

A motion was made by Mr. Walker and seconded by Mr. Hamann that the application be accepted as complete.

Mr. Walker stated that he was concerned that there are 2 pipes going into the river. Mr. Walker asked if there were any current plans for the lot being separated. Ms. Saunders stated that there is a futuristic plan of a duplex being built on lot.

Mr. Walker stated that he was concerned with the drainage of water being moved to abutters.

Ms. Saunders stated that the current motion is to accept the application as complete, or if the board felt that the applicant needed to resubmit information, they could deny the application complete vote and require the applicant submit new information.

Mr. Collopy asked for confirmation on if a waiver request was submitted and if so that information must be included in submitted packet and that he feels that the applicant should thoroughly consider the issues with the flooding and drainage.

Mr. Fitts asked for clarification on if the subdivision. Ms. Saunders stated that if a lot is subdivided with building intentions, that it be confirmed if it is buildable.

Mr. Healey stated that in GIS there is shrubbery present and that there is a wetland present and felt that the lot is not buildable and thus views the application as incomplete.

The motion that the application be accepted as complete was withdrawn by Mr. Walker and withdrawn by the seconded-er Mr. Hamann.

Ms. Saunders asked the Board if they elect to deny the acceptance, they need to give specific directions on what to resubmit, which should include a complete waiver request with information, a grading and floodplain/flooding plan for the new structure to show buildability and that a third-party review be conducted regarding the wetlands.

A motion was made by Mr. Fitts and seconded by Mr. Healey to not accept the application as complete until further information, as described is included. Motion passed unanimously.

Mr. Walker asked that the Department of Public Works be notified of drainage pipes into river.

B. Great Wood Development, LLC, 139&133 Flagg Road (by Norway Plains Assoc./Joel Runnals) Lot line revision. Case# 259 – 29&30 – A – 23 **Public Hearing**
ACCEPTANCE/FINAL DECISION*

Joel Runnals from Norway Plains Associates presented overview of project. Mr. Runnals stated this is plan is for a Lot Line revision to make lot bigger.

Mr. Collopy opened Public Hearing. No comment from Public.

Mr. O'Connor explained that lot line revision was meant to straighten lot line against 133 Flagg Road. Mr. O'Connor stated that there are no current plan modifications, and that staff recommends approval of Lot line revision.

A motion was made by Mr. Walker and seconded by Mr. Bruckner to accept the application as complete. Motion carried unanimously.

A motion was made by Mr. Walker and seconded by Mr. Hamann to approve the application as conditions are stated for lot line revision. Motion carried unanimously.

C. Great Woods Development, LLC, 139 Flagg Road (by Norway Plains Assoc./Joel Runnals) 3-Lot subdivision. Case# 259 – 29 – A – 23 **Public Hearing**
ACCEPTANCE/FINAL DECISION*

Joel Runnals from Norway Plains Associates presented overview of project. Mr. Runnals stated that lot is planned to be subdivided into 3 lots. Mr. Runnals stated that all three lots' driveways will be in easement area. Mr. Runnals stated that street name permit is going to be submitted. Mr. Runnals stated that wetlands were reviewed in 2022. Mr. Runnals stated that wetlands have been marked with placards.

Mr. Collopy opened Public Hearing. No comment from Public.

Mr. O'Connor stated that there are no current plan modifications, and that staff considers the conditional use criteria met and recommends the approval of subdivision and application to be considered complete.

Mr. Hayden asked if there was an existing graveled area into wetland. Mr. Runnals stated that the gravel was because the area is not vegetated. Mr. Harden asked if area would be re-vegetated. Mr. Runnals answered that land would re-vegetate naturally.

Mr. Hayden is existing well would be capped and discontinued. Mr. Runnals stated that well would be addressed in building permit.

A motion was made by Mr. Walker and seconded by Mr. Healey to accept the application as complete. Motion carried unanimously.

A motion was made by Mr. Walker and seconded by Mr. Hamann to approve the conditional use for porkchop subdivision. Motion carried unanimously.

A motion was made by Mr. Walker to approved subdivision with conditions specified. Motion carried unanimously.

VIII. Final Plan Approval

- A. [CEM3 Holdings II, LLC, 146 Old Dover Road](#) 2-Lot subdivision. Review Completion of Precedent Conditions, Final Decision. [Conditionally Approved January 9, 2023](#). Case# 140 – 72 – R1 – 22 **Public Hearing FINAL DECISION***

Ryan O'Connor presented overview of the final plans of project. Mr. O'Connor stated that plan was conditionally approved January 9, 2023 and that minor modifications have been made, all precedent conditions have been met and that staff recommends the approval of 2-lot subdivision.

Mr. Collopy opened Public Hearing. No public comment.

A motion was made by Mr. Walker and seconded by Mr. Hamann to approve 2-lot subdivision. Motion carried unanimously.

Mr. Walker asked why there was an additional public hearing for this project. Ms. Saunders stated that state statute lists that an additional public hearing is required is the board required precedent conditions to be met.

Mr. Walker recommended a consent calendar for approvals.

Mr. Fitts asked if the final approval public hearings were an additional chance for concerns to be listed. Ms. Saunders stated that concerns are not typically stated at final approval because of the previous chances for public hearing.

IX. Other Business

A. Planning Update

Ms. Saunders stated that Parking Review Group Poster Session is scheduled for Wednesday, March 22, 2023, 1800-2000 at RPAC. Ms. Saunders stated that this is an opportunity for the public to state current issues. Ms. Saunders stated that Mr. Collopy is going to stand in for Mr. Fitts.

Ms. Saunders stated that QR codes have been sent to all members and code brings persons directly to survey. Ms. Saunders stated that posters have been posted at the library and at the community center.

Ms. Saunders asked that board members bring green CIP books to the next workshop meeting.

B. Other

There was no other business to discuss.

X. Adjournment

A motion was made by Mr. Walker and seconded by Mr. Healey to adjourn the meeting at 9:13pm. The motion carried unanimously.

Jaclyn Millard,
Administrative Assistant II

and

Shanna B. Saunders,
Director of Planning & Development

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

THE CITY OF ROCHESTER ORDAINS:

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

275-2.2 Definitions

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

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

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

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

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

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

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

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

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

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

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

275 Attachment 4

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

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

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

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

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

B. Height

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

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

C. Setbacks

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

D. Visibility

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

E. Plan Approval

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

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

F. Expansion of Existing Solar Collection Systems

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

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

A. Screening

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

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

B. Glare

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

C. Noise

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

D. Electric and Communication Lines

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

E. Ground Cover

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

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

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

F. Stormwater

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

G. Abandonment and Decommissioning

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

H. Submittal Requirements for Primary Use Solar Collection System

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

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

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

I. Screening

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

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

J. Glare

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

K. Noise

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

L. Electric and Communication Lines

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

M. Ground Cover

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

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

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

N. Stormwater

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

O. Abandonment and Decommissioning

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

P. Submittal Requirements for Primary Use Solar Collection System

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

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

Zoning Overlay District Section Amendments

275-11.4.B Aviation Overlay District Use Restrictions

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

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

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

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

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

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

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

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

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

The effective date of these amendments shall be upon passage.



03/30/2023

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

-Proposed Solar Ordinance-

For Info Only:

Authority: The City of Rochester hereby adopts this article pursuant to the authority granted under RSA 674:16, in particular RSA 674:16, II, relative to innovative land use controls.

All proposals under this Ordinance may be subject to special investigation and the review of documents under RSA 674:44-V.

Purpose: The purpose of this article is to provide energy choice to property owners while protecting the public health, safety, welfare, and character of Rochester communities.

Amendment Starts here. All are additions:

275-2.2 Definitions: (additions)

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

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

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

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

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

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

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

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

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

Solar Collection System: Includes all equipment required to harvest solar energy to generate and transmit generated energy to the point of interconnection electricity. The Solar Collection System includes storage devices, power conditioning equipment, transfer equipment, and parts related to the functioning of those items. Solar Collection Systems include only equipment up to (the point of interconnection to the utility grid or site service point.

275 Attachment 4

Table 18-D “Industrial-Storage-Transport-Utility Uses” (additions)

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

275-23.2 .22 (others shift) Solar Collection Systems (Standards for Specific Accessory Uses)

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

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

B. Height

- 1) Building or roof mounted solar equipment shall not exceed the maximum allowed height in any zoning district by more than ten (10) inches for pitched roofs and five (5) feet for systems mounted on flat roofs.
- 2) Ground or pole mounted Solar Collection System shall not exceed height restrictions for the zoning district which they are placed when oriented at maximum tilt.
- 3) Solar Collection Systems placed over parking areas or drive aisles require a minimum panel height of fourteen feet measured at maximum tilt and must be designed to allow for snow removal and treatment.

C. Setbacks

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

D. Visibility

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

E. Plan Approval

- 1) Applications that meet the design requirements of this ordinance for a Solar Collection System as an accessory use shall be granted administrative approval through submittal of applicable building permits and shall not require Planning Board review. Compliance with Building or Electric Code is required regardless of system size or capacity.
- 2) All Solar Collection System proposals must include a plot plan with horizontal scale and profile drawing with a vertical scale showing:
 - a. The location of all System components on the building/structure or on the property for a ground-mount system;
 - b. Property lines, public rights-of-ways, and setbacks;
 - c. Lot size;
 - d. Point of interconnection;
 - e. Height of existing and proposed structures;
 - f. Equipment specifications and ratings.
- 3) All proposals under this Ordinance may be subject to special investigation and the review of documents under RSA 674:44-V.
- 4) Accessory ground-mount Solar Collection Systems shall be exempt from stormwater management requirements provided the ground below the System is not compacted and vegetated.
- 5) Solar Collection Systems requiring a Conditional Use Permit shall meet Base Criteria conditions set by 275-21.3 of the Zoning Ordinance.
- 6) Solar Collection Systems requiring a Special Exception from the Zoning Board of Adjustment shall meet provisions identified under the Primary Use section of this chapter.

F. Expansion of Existing Solar Collection Systems

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

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

A. Screening

- 1) Ground mounted Solar Collection Systems shall have perimeter fencing and/or vegetative screening as approved by the Planning Board. The use of vegetative screening is encouraged.
- 2) Perimeter fencing for the site shall not include barbed wire or woven wire designs without visual screening and shall preferably use wildlife-friendly fencing standards that include clearance at the bottom.

B. Glare

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

C. Noise

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

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

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

- 1) Preservation of trees and existing vegetation that will not impede or shade the functioning of the Solar Collection System is encouraged.

- 2) Applicants that propose a ground mounted Solar Collection Systems exceeding 30% lot coverage or 1 acre, whichever is greater shall submit a vegetative management plan prepared by a landscape architect or similarly qualified professional. The plan shall identify:
 - a. The qualified professional(s) consulted or responsible for the plan.
 - b. The mix of proposed perennial vegetation intended to prevent erosion, and manage run off. Vegetative cover should include a mix of native perennial grasses and wildflowers.
 - c. The management methods and schedules for how the vegetation will be managed (mowing, replacement, etc.).
- 3) The Solar Collection System shall be approved by the Planning Board prior to any site work or lot clearing.

F. Stormwater

- 1) Ground mounted Solar Collection Systems are subject to City standards for stormwater management, erosion and sediment control provisions, as well as any applicable State and Federal requirements.
- 2) If the Solar Collection System is less than 30% lot coverage or less than one acre shall be exempt from stormwater management requirements provided the ground below the System is not compacted and vegetated.
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- 1) Solar Collection Systems shall be deemed to be abandoned by a municipal official as evidenced by the lack of system maintenance or operation discontinuance without prior written consent of the municipality (such as for reasons beyond the control of the owner/operator).
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 - i. A plot plan with a horizontal scale and a profile drawing with a vertical scale showing the lot to include:
 - ii. Existing structures, property lines, setbacks, lot size, ROWs;
 - iii. Land clearing or grading required for the installation and operation of the system;
 - iv. The location of all equipment to be installed on site including utility connection point(s) and equipment.
 - v. Equipment, except for utility connections, shall comply with required setbacks.
- 3) Equipment Specifications
 - i. All proposed equipment or specifications must be included with the application. Such information can be supplied via manufacturer's specifications.
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 - i. Access to the site for emergency response shall be provided and detailed on the plan.
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- 6) Solar Collection Systems requiring a Special Exception from the Zoning Board of Adjustment meet applicable criteria set 275-22.3 of our Zoning Ordinance and meet provisions identified under the Primary Use section of this chapter as well as applicable Site Plan Regulations.
- 7) All applicable State and Federal permitting associated with the Solar Energy System must be obtained prior to Building Permit issuance. Copies of the permits or confirmation of the approvals must be submitted to the Planning Department.
- 8) All proposals under this Ordinance may be subject to special investigation and the review of documents under RSA 674:44-V.

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

I. Screening

- 3) Ground mounted Solar Collection Systems shall have perimeter fencing and/or vegetative screening as approved by the Planning Board. The use of vegetative screening is encouraged.
- 4) Perimeter fencing for the site shall not include barbed wire or woven wire designs without visual screening and shall preferably use wildlife-friendly fencing standards that include clearance at the bottom.

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- 1) Significant glare shall be considered a nuisance as per Rochester Zoning Ordinance 275-28.2. D Performance Standards.
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L. Electric and Communication Lines

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

M. Ground Cover

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

- 4) Preservation of trees and existing vegetation that will not impede or shade the functioning of the Solar Collection System is encouraged.
- 5) Applicants that propose a ground mounted Solar Collection Systems exceeding 30% lot coverage or 1 acre, whichever is greater shall submit a vegetative management plan

prepared by a landscape architect or similarly qualified professional The plan shall identify:

- a. The qualified professional(s) consulted or responsible for the plan.
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- 6) The Solar Collection System shall be approved by the Planning Board prior to any site work or lot clearing.

N. Stormwater

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

O. Abandonment and Decommissioning

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

P. Submittal Requirements for Primary Use Solar Collection System

- 1) Primary Use Solar Collection Systems shall submit a Site Plan Application.

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

Zoning Overlay District Section Amendments (Additions in bold, deletions in strike-out)

275-11.4.B Aviation Overlay District Use Restrictions

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

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

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

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

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

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

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

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

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

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City Clerk's Office

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

Members Present

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

Members Absent

Councilor Amy Malone

Others Present

Michael Bezanson, PE, City Engineer
Gina Golden-Silvestro, GIS/AM Technician
Deputy Chief Jason Thomas, PD
Dave Smith, 588 Salmon Falls Road
Martin Hamel, 584 Salmon Falls Road

Minutes

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

1. Approve Minutes from Public Safety Meeting

Councilor Gilman MOVED to approve the minutes from February 15, 2023. Councilor Berlin seconded the motion. MOTION CARRIED by a unanimous voice vote.

2. Public Input

No public input, the members of the public present at the meeting were there to speak on specific agenda items.

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

Councilor Lachapelle summarized the issue. David Smith of 588 Salmon Falls Road was present to talk about the speed limit and the electronic sign on Salmon Falls Road. He stated that there are now 33 names on the petition form: people who live in the neighborhood and on Stonewall Drive. Mr. Smith said that the speed limit by Tara Estates on Salmon Falls Road are two different speed limits depending what direction you are traveling. Mr. Smith said there is no other street that has a 25 mph speed limit 2000 feet from a stop sign. Councilor Gilman said it should be left 25 mph for the time being because there have been complaints with residents in this area regarding speed. Councilor Lachapelle said that the person who asked for the illuminating signs said that they are not working. Councilor Berlin said what he remembers is that he thought the sign was supposed to be a removable sign and it is more of a stationary sign that can't be moved. He said he doesn't think it makes sense to just take it down to put it in storage; the Committee should find a different area in Rochester that this sign is better suited for. Mr. Bezanson said he was asked to look to see if there were other areas that the sign could be placed on Salmon Falls Road and said it would be

difficult to find an area where it wouldn't affect someone on Salmon Falls Road. Mr. Bezanson said DPW looked into options for the sign to reduce impacts to neighbors, but shields are not available for this type of sign. DPW may be able to look further into reprogramming the sign to be off during certain times, but that seems to diminish the potential effectiveness of the sign. He said they looked at the cost to move the sign which would be approximately \$1,500 to \$2,500 plus the DPW crew and equipment time to excavate and relocate the sign base. Mr. Bezanson said he really doesn't have a recommendation at this point. Councilor Lachapelle said he would be in favor to have the speed limit back up to 35 mph. ***Councilor Berlin MOVED to recommend to full Council to change the speed limit on Salmon Falls Road coming from Maine to 35 mph to be uniform with the speed limit in the other direction. Councilor de Geofroy seconded the motion. MOTION CARRIED by unanimous voice vote.***

Councilor de Geofroy asked if DPW thought there was a better place for the electronic sign other than Salmon Falls Road. Deputy Chief Thomas said he will ask at the Police Department if they know there are some areas that could benefit from this sign, he said there is some areas on Whitehall Road that the sign might be able to be placed. Deputy Chief Thomas and DPW will work to find an area for the electronic sign and will get back to the Committee.

4. Flashing Lights and Raised Table Policy Discussion

Councilor Lachapelle summarize the issue. Councilor Berlin drafted a Raised Speed Table Policy and the Committee discussed it. The raised speed table guidelines Mr. Berlin drafted are as follows:

Raised Speed Table Guidelines

1. Speed limit on street must be 25 MPH or below, *or*, location be within a school zone
2. Street must not be a dead-end (*excluding school zones*)
3. Street or street segments must be no shorter than 500 feet in length (segment defined as an area of the same street between consecutive intersections. (*excluding school zones*))
4. Speed Table must be no closer than 200 feet from a stop sign or intersection
5. Speed Table must be no closer than 75 feet from a residential or commercial driveway (*excluding school zones*)
6. AADT must be above 2000 (if data available) (*excluding school zones*)
<https://nhdot.public.ms2soft.com/tcds/tsearch.asp?loc=Nhdot&mod=TCDS>
7. Speed Table must include a crosswalk (at an existing crosswalk or the ability to add a crosswalk with no alterations to the surrounding sidewalk infrastructure)
8. Speed Tables are not permitted in the following zoning districts (*excluding school zones*):
 - a. Agricultural
 - b. Highway Commercial
 - c. General Industrial
 - d. Airport Special

- e. Recycling Industrial
- f. Office Commercial

- 9. Public hearing must be scheduled if 1-8 are met, prior to a formal council vote
- 10. IF APPROVED: Speed Table design and implementation must comply with all State and Federal regulations (DPW issue)

Councilor Lachapelle thanked Councilor Berlin for drafting the guidelines and said he wants to bring this to the Public Works & Buildings Committee and to the Codes and Ordinances Committee; and, also wants the Legal Department to review before it is considered for an ordinance. Councilor de Geofroy also thanked Councilor Berlin and asked if he could distribute an editable MS Word version of the document. **(This was kept in committee for further review)**

5. Hemlock/Lowell Streets-Missing Stop Signs (kept in committee)

Councilor Lachapelle stated he does not recall a “stop” sign in this location. Mr. Bezanson stated that DPW has no record of a “stop” sign at this location. ***Councilor de Geofroy MOVED to recommend to full Council to install a “stop” sign at the intersection of Hemlock/Lowell Streets. Councilor Berlin seconded the motion. MOTION CARRIED by unanimous voice vote.***

6. Other

Quarry Drive-Speed Limit Sign

Mr. Bezanson said there was an email request that came in from a resident that said the area is like a raceway; the email also stated that the Police do a good job patrolling the area. The resident is requesting an additional 30 mph speed limit sign on Lowell headed toward Tebbetts going up the hill near the Catholic Church. Mr. Bezanson said he would like data from the speed trailer before a decision is made. Deputy Chief Thomas will put this item on the list for the speed trailer.

Ledgeview Drive Gunfire

Councilor Lachapelle said he sent the City Manager an email that he had received regarding the gunfire on Ledgeview Drive. Councilor Lachapelle said the gunfire was actually coming from a safe place at the Mitchell Hill Dairy Farm on Oak Street firing into a hill, so there were no safety violations. Deputy Chief Thomas said that the only violation that they are still investigating would be that they may be trespassing.

Winter Street

Councilor Lachapelle had a conversation with Councilor Hamman regarding vehicles that are not stopping in either direction near the entrance to the one-way connection between Rockingham Electrical Supply and Walgreens; and, a “stop” sign has been requested. Councilor Lachapelle said it is private property. Councilor Berlin said he travels this area every day and said no one should be driving fast in this area he drives about 5 mph. Councilor Lachapelle asked if they should approach Rockingham Electric to place a “stop” sign. Councilor Lachapelle asked Deputy Chief if there were any issues in the area; Deputy Chief Thomas said he did not know there was an issue in this area. No action taken.

Downtown Parking

Councilor Lachapelle said he got a call from a gentleman about downtown parking; the delivery trucks are parking in the way and mail trucks parking on the crosswalks. Deputy Chief Thomas said they should not stop on a crosswalk. Councilor Lachapelle said they really can't do anything because the downtown businesses have to receive their goods. Councilor de Geofroy said that the Planning Board is hosting a parking review poster session next Wednesday, March 22, 2023 and recommends that the concerned resident attend to voice their opinion. Mr. Bezanson said that the rehabilitation project for the Union Street Municipal Parking Lot will include an area for delivery vehicles to park and unload.

Councilor Lachapelle ADJOURNED the meeting at 6:51 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 Telle	282 Salmon Falls
Brian Telle	54 Jay Way
Wendy Telle	203 E. EXETER AVE
Robert Arthur	24 BETTS RD ROCHESTER NH
Mike Arthur	29 SALMON FALLS RD
Harry Turner	103 E. EXETER DR
Monique Wood	5 Watercress Dr, Rochester, NH 03868
Harry Stephen Wood	5 Watercress Dr, Rochester, NH 03868
Sandra Mc Turner	ANITA TURNER 103 E. EXETER DR
Sandra Thomas	533 Salmon Falls Rd Rochester N.H 03868
Gary Cooper	" " " " " "

Martin Hamel 584 Salmon Falls Rd Rochester N.H.
 Claire Hamel 584 Salmon Falls Rd Rochester N.H.
 (Jinck) Holmes 4 Cross Rd. Rochester N.H.
 Robert Herson 591 Salmon Falls Rd Rochester N.H.
 Jennifer Buch 344 Rollins Rd Rollinsford N.H.
 Danielle Cormier 580 Salmon Falls Rd Rochester N.H.
 Cindy T. 580 Salmon Falls Rd Rochester N.H.
 Bruce Manderick 577 - - - -
 George Brown 563 Salmon Falls Rd
 Alma J. Sanblason 563 Salmon Falls Rd
 Jack 557 Salmon Falls Rd
 557 Salmon Falls Rd
 557 Salmon Falls Rd
 William Brown 18 Seasons Lane Rochester
 Francisco Lugo 594 Salmon Falls Rd
 Susan Bickford 10 Old Oak Rd
 10 Old Oak Road
 Dyan Kundra Dyan Kundra 570 Salmon Falls Rd
 Staci Kundra Staci Kundra 570 Salmon Falls Rd
 Candy Roy 588 Salmon Falls Rd

Raised Speed Table Policy

Preamble

This policy is designed to establish procedures and guidelines for the implementation of raised speed tables within the city of Rochester. Requests for raised speed tables must meet all criteria detailed within this policy *and* approved by the city council before implementation. Please note: while a request might meet the criteria within this policy – it is to be used only as an initial guideline. As such, each individual request will be evaluated on a case-by-case basis.

Raised Speed Table Guidelines

1. Speed limit on street must be 25 MPH or below, *or*, location be within a school zone
2. Street must not be a dead-end (*Excluding school zones*)
3. Street or street segments must be no shorter than 500 feet in length (segment defined as an area of the same street between consecutive intersections. (*Excluding school zones*))
4. Speed table must be no closer than 200 feet from a stop sign or intersection
5. Speed table must be no closer than 75 feet from a residential or commercial driveway (*Excluding school zones*)
6. AADT must be above 2000 (If data available) (*Excluding school zones*)
<https://nhdot.public.ms2soft.com/tcds/tsearch.asp?loc=Nhdot&mod=TCDS>
7. Speed Table must include a crosswalk (at an existing crosswalk or the ability to add a crosswalk with no alterations to the surrounding sidewalk infrastructure)
8. Speed Tables are not permitted in the following zoning districts (*Excluding school zones*):
 - a. Agricultural
 - b. Highway commercial
 - c. General industrial
 - d. Airport Special
 - e. Recycling industrial
 - f. Office commercial
9. Public hearing must be scheduled if 1-8 are met, prior to a formal council vote
10. IF APPROVED: speed table design and implementation must comply with all state and federal regulations (DPW issue)

I would like to see this more than a policy or guideline. I believe this is best suited as an ordinance which includes the above guidelines – so that it **MUST** be followed.

I believe the ordinance should be structured the following:

1. Application received by public safety or brought up by committee
 2. Automatic trigger to a public hearing if all guidelines are met (next available)
 3. Automatic refer back to public safety after public hearing
 4. Motion at committee to send or not
 5. Formal vote by council
- *Ordinance must include something similar to preamble to specify decision is not solely based on criteria.

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City Clerk's Office

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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City Clerk's Office



03/30/2023

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 UpgradesCOUNCIL 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 14th 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	15011090	772000	235xx			450,000.00
2				-	-	-
3				-	-	-
4				-	-	-

Revenue

	Org #	Object #	Project #	Fed Amount \$	State Amount \$	Local Amount \$
1	150003	472000	235xx			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

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

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

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

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

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

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

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

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

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City Clerk's Office



03/30/2023

City of Rochester Formal Council Meeting

AGENDA BILL

AGENDA SUBJECT

Disposal of Police Department Property Room held bicycles

COUNCIL ACTION ITEM ☒
INFORMATION ONLY ☐

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

RESOLUTION REQUIRED? YES ☒ NO ☐

FUNDING RESOLUTION FORM? YES ☐ NO ☒

AGENDA DATE	April 4, 2023		
DEPT. HEAD SIGNATURE			
DATE SUBMITTED	March 16, 2023		
ATTACHMENTS	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

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

LEGAL AUTHORITY
Page 195 of 257

RSA 471-C:13

SUMMARY STATEMENT

The property room for the police department contains several bicycles that the department seeks to dispose of. RSA 471-C:13, I requires that the city put the bicycles out for auction with the proceeds to go either to a local bicycle safety program or, in the absence thereof, for any other purpose. Further, most of the bicycles have no value and RSA 471-C:13, II allows those bicycles to be disposed of at the discretion of the Chief of Police.

RECOMMENDED ACTION

Approve the Resolution.

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

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

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

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

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

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

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

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City Clerk's Office



03/30/2023

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

COUNCIL ACTION ITEM ☒
INFORMATION ONLY ☐

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

RESOLUTION REQUIRED? YES ☒ NO ☐

FUNDING RESOLUTION FORM? YES ☐ NO ☒

AGENDA DATE	April 4, 2023		
DEPT. HEAD SIGNATURE			
DATE SUBMITTED	3/14/2023		
ATTACHMENTS YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED		

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	Signature on file
CITY MANAGER	

FINANCE & BUDGET INFORMATION

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

LEGAL AUTHORITY

City Charter

SUMMARY STATEMENT

The City of Rochester is not owed any delinquent property taxes prior to January 1, 1997, but may not have filed releases for all property tax liens filed prior to this date even though those taxes have been redeemed.

As a result, anyone reviewing tax liens and redemptions needs to search through multiple pages of entries in the Registry of Deed's system, and liens filed in years prior to 1985 are also not available to view online. This can be particularly challenging if more than one name is an owner or when the redemptions are not in alphabetical order. Oftentimes when a redemption is not located, someone contacts the City in an attempt to locate a redemption or requests a redemption be recorded.

This resolution addresses this issue by authorizing the filing of a blanket release with the Registry of Deeds stating all taxes have been redeemed prior to January 1, 1997. Other communities such as Barrington, Durham and Strafford have filed similar notices.

RECOMMENDED ACTION

Authorize the blanket release of these liens.

Resolution Authorizing the Application for and Acceptance of a Congressional Delegated Spending Funds (CDS) Grant for the Septage Receiving Facility Upgrade Project in an Amount of up to \$825,000.00 and Change of Funding Source in Connection Therewith

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

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

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

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

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

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

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City Clerk's Office



03/30/2023

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

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

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

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

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

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

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City Clerk's Office



03/30/2023

City of Rochester Formal Council Meeting

AGENDA BILL

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

AGENDA SUBJECT

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

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

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

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

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

LEGAL AUTHORITY

--

SUMMARY STATEMENT

RECOMMENDED ACTION

AGENDA BILL - FUNDING RESOLUTION

EXHIBIT

Project Name: Date: Fiscal Year:

Fund (select):

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

Deauthorization

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

Appropriation

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

Revenue

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

UEI# CFDA # Grant # Grant Period: From
To

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

Reimbursement Request will be reduced Funds will be returned

*Intentionally
left blank...*

City Clerk's Office

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

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

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

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

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

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

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City Clerk's Office



03/30/2023

City of Rochester Formal Council Meeting

AGENDA BILL

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

AGENDA SUBJECT

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

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

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

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

LEGAL AUTHORITY

--

SUMMARY STATEMENT

RECOMMENDED ACTION

AGENDA BILL - FUNDING RESOLUTION

EXHIBIT

Project Name: Date: Fiscal Year:

Fund (select):

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

Deauthorization

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

Appropriation

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

Revenue

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

UEI# CFDA # Grant # Grant Period: From
To

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

Reimbursement Request will be reduced Funds will be returned

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left blank...*

City Clerk's Office

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

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

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

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

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

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

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City Clerk's Office



03/30/2023

City of Rochester Formal Council Meeting

AGENDA BILL

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

AGENDA SUBJECT

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

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

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

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

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

LEGAL AUTHORITY

--

SUMMARY STATEMENT

RECOMMENDED ACTION

AGENDA BILL - FUNDING RESOLUTION

EXHIBIT

Project Name: Date: Fiscal Year:

Fund (select):

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

Deauthorization

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

Appropriation

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

Revenue

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

UEI# CFDA # Grant # Grant Period: From
To

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

Reimbursement Request will be reduced Funds will be returned

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left blank...*

City Clerk's Office

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

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

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

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

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City Clerk's Office



03/30/2023

City of Rochester Formal Council Meeting

AGENDA BILL

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

AGENDA SUBJECT

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

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

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

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

LEGAL AUTHORITY

--

SUMMARY STATEMENT

RECOMMENDED ACTION

AGENDA BILL - FUNDING RESOLUTION

EXHIBIT

Project Name: Date: Fiscal Year:

Fund (select):

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

Deauthorization

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

Appropriation

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

Revenue

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

DUNS # CFDA # Grant # Grant Period: From
To

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

Reimbursement Request will be reduced Funds will be returned

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left blank...*

City Clerk's Office

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

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

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

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

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

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City Clerk's Office



03/30/2023

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

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

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

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

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

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

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City Clerk's Office



03/30/2023

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

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

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

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

Rochester Middle Management Group

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

22 Total Employees - 100% FT



03/30/2023

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 Middle Management Group Collective Bargaining Agreement

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

AGENDA DATE	April 4, 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 Middle Management (RMID) group and the City expires on June 30, 2023. The negotiating teams for both sides reached a Tentative Agreement (TA) and the RMID personnel ratified the agreement. It now comes to the City Council for consideration for final approval.

RECOMMENDED ACTION

Adoption of this CBA.

CITY OF ROCHESTER
&
ROCHESTER MIDDLE MANAGEMENT GROUP

1/17/2023

TENTATIVE AGREEMENT

ARTICLE 1: RECOGNITION

The City of Rochester (City) recognizes the Rochester Middle Management Group (Union) as the exclusive representative for all employees in the following positions:

Deputy Tax Collector, Deputy City Clerk, Secretary III, Communications Center Manager, **Recreation Services Supervisor**, Recreation Supervisor, ~~Arena Supervisor~~, Assistant Director of Code Enforcement Services **Building & Licensing Services**, **Assistant Director of Economic Development**, Chief Planner **Senior Planner**, **GIS Asset Management Coordinator**, Municipal Services Supervisor, Deputy Fire Chief, Assistant Director of Recreation, Chief Water Treatment Operator, **Wastewater Superintendent**, **Water Superintendent** ~~Chief Wastewater Treatment Plant Operator~~, Office Manager, Administrative Services & Utility Billing Supervisor, Deputy Assessor, **City Engineer** and Assistant City Engineer.

ARTICLE 6: HOLIDAYS

1. Employees shall have the following paid holidays:

New Year's Day	Columbus Day
Martin Luther King Day	Veteran's Day
President's Day	Thanksgiving Day
Memorial Day	day after Thanksgiving
Independence Day	Christmas Day
Labor Day	

2. When a holiday falls on a Sunday, the following Monday shall be declared a holiday for City employees. When a holiday falls on a Saturday, the preceding Friday shall be declared a holiday. ~~If at all possible, the holidays will coincide with the Rochester School calendar, at the City Manager's discretion.~~ The provisions of this section shall apply to full-time regular employees and, on a pro-rata basis, to part-time regular employees.

If a salaried employee is required work for four (4) or more hours on any holiday, they may request a floating holiday from the City Manager. The grant or denial by the City Manager shall not be subject

to the grievance process. No more than two (2) floating holidays may be granted in any contract year under this provision.

ARTICLE 7: VACATIONS

~~Employees may opt to buy or sell vacation days in accordance with the Flexible Benefit Plan. (Already Addressed in Article 27)~~

~~Parental Leave: Employees eligible for vacation time may receive one extra week (5 days) of paid vacation time during any year in which they or their current spouse have a birth or an adoption of a child. Such employee shall have one year from the date of birth or adoption in which to use the extra week of vacation or it is forfeited. (Moved To ARTICLE 9)~~

ARTICLE 7A: PAID TIME OFF (PTO) ADD THIS ARTICLE

PTO combines vacation, sick, family sick and personal time off into a single bank of non-cumulative days for employees to use to take paid time off from work.

Employees hired after July 1, 2023 - Upon commencing employment and each employment year thereafter, exempt employees will be credited with thirty two (32) non-cumulative leave days. In the event the employee's legitimate job responsibilities or an approved leave of absence (FMLA or worker's comp) prevent PTO usage as outline above, an exception shall be granted by the City Manager, with an approved plan for PTO usage bringing the employee's accumulation within the specified limits. Specifically, employee shall be allowed to carry over up to five (5) PTO days and can have no more than thirty seven (37) days at any one time without the prior approval of the City Manager. All days in excess of this limit shall be forfeited.¹

There will be a one-time option (July 2023) for current employees to convert to the PTO policy. Current employees that choose to convert to PTO will start with an account balance consisting of the vacation, sick (eligible payout on first pay in August 2023), and personal leave time balance at the time of conversion. Employees will not lose days if they come into the plan with a balance greater than the PTO cap. Employees who have days over the maximum will have one year to use time in excess of the maximum allowed accrual.

Time that is not covered by the PTO policy, and for which separate guidelines and policies exist, include paid holidays, bereavement time off, required jury duty, and military service leave.

¹ Payout of any PTO shall be limited to a maximum of thirty(30) days.

ARTICLE 8: PERSONAL DAYS LEAVE

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

ARTICLE 9: SICK LEAVE

1. **Sick Leave:** The provisions of this section shall apply to full-time regular employees and, on a pro-rata basis, to part-time regular employees. Sick leave shall be computed and accrued on a monthly basis, including the probationary period of an employee. Sick leave with pay shall be granted to all employees at the rate of one (1) day per calendar month worked, credited at the end of the month. Employees hired prior to November 1, 1998, who elected to continue their current plan, shall be allowed accruals up to one hundred and twenty (120) days. Group members hired November 1, 1998 or later shall be allowed sick leave accrual up to twenty (20) days.
2. **Earned Personal Leave:** Employees completing six (6) consecutive months of employment without taking sick leave will be granted one (1) non-accumulative personal day. Employees may, sell their non-accumulative personal day(s) during the annual open enrollment period. This provision relates only to the non-accumulative personal day awarded for non-use of sick leave for twelve (12) consecutive months.
3. **Family Sick:** ~~Up to three~~ **Three (3)** additional days each year (non-accumulative from year to year) **will be given to employees on the first day of the month following his/her anniversary date of hire. This family sick time** may be taken by an employee when the ill health of a member of the employee's immediate family requires the employee's care. For purposes of this section, an employee's immediate family shall be deemed to be the spouse, child, stepchild, mother, father, or other dependents living in the same household. An exception may be made by the Department head where extenuating circumstances exist.
4. **Parental Leave:** Employees eligible for vacation time may receive one extra week (5 days) of paid vacation time during any year in which they or their current spouse have a birth or an adoption of a child. Such employee shall have one year from the date of birth or adoption in which to use the extra week of vacation or it is forfeited. (Moved From Article 7)

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

5. ~~Employees who terminate their employment by voluntary resignation, and who have served at least ten (10) years with the City of Rochester, shall be entitled to a lump sum payment for one half of the accumulated sick leave due them, at the employee's rate of pay at the time of termination, not to exceed fifty (50%) percent of one hundred and twenty (120) days accumulated sick leave. In the event of termination by reason of death, said payment in the amount of 50% of accrued sick leave shall be made to his/her beneficiary.~~ **MOVED TO NEW ARTICLE: SEPARATION PAYMENTS AND BENEFITS**

ARTICLE 11: BEREAVEMENT LEAVE

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

1. ~~Special leave of five (5) working days, without any loss of wages in the event of the death of a spouse or child.~~
2. ~~Special leave of three (3) working days, in the event of death of employee's:~~
 - ~~Father _____ Mother~~
 - ~~Sister _____ Brother~~
 - ~~Father in law _____ Mother in law~~
 - ~~Grandchild _____ or person domiciled in employee's household.~~
3. ~~Special leave of one (1) working day with pay shall be granted to attend funeral of employee's:~~
 - ~~Grandmother _____ Sister in law~~
 - ~~Grandfather _____ Brother in law~~
 - ~~Aunt _____ Uncle~~
 - ~~Niece _____ Nephew~~
4. ~~Upon written approval of Department Head, two (2) additional days with pay may be granted for the above when there are extenuating circumstances.~~

Bereavement Leave shall be granted as follows:

- (a) **Bereavement leave of five (5) working days, without any loss of pay in the event of death of:**
- **Spouse/Partner**
 - **Child/Step Child**

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

ARTICLE 13: MILITARY LEAVE

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

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

ARTICLE 15: HOURS OF WORK

1. Non Salaried employees: The employees shall work days and hours determined by the Department head or the City Manager in the case of any non-salaried Department Head schedule. Overtime shall be paid for any work performed beyond the 40 hours in a week, and for staffing boards and committees after 6PM or working on Saturday or Sunday.

Salaried employees: An employee who, under this agreement, regularly receives each pay period a predetermined or fixed amount of money constituting compensation, based on a predetermined amount of wages to be paid as determined by a weekly rate and which amount is not subject to reduction because of variations in the quality or quantity of the work performed and regardless of the hours or days. Salaried employees do not have a fixed schedule.

2. The City recognizes the Group is composed of salaried and hourly, professional members whose hours and methods of work are defined by the requirements of their respective positions.
3. Non-Salaried employees may request to be compensated with compensatory time at the rate of one and one half (1 ½) hours for each hour of overtime worked. All overtime must receive the prior approval of the Department Head. If compensatory time is to be used to compensate overtime hours, the employee and the Department Head prior to the hours being worked must agree to it. Compensatory time may be accrued to a total of forty (40) hours. ~~All compensatory time must be used by June 15 of each year or it will be paid out as overtime on the next pay day.~~ An hourly employee called back to work after normal working hours, shall be paid one and one half (1 ½) time the employee's regular hourly rate of pay for a minimum of two (2) hours for each such call back. **Any compensatory time unused at the end of the last full pay period in June will be paid at the current hourly rate in the last full payroll period in June.**

ARTICLE 22: UNIFORMS

The City shall initially provide all articles of uniforms and protective clothing which are required by the City. Uniform articles damaged in the line of duty shall be repaired or replaced by the City.

~~At the time of termination of employment, employees are required to return all articles of uniforms provided by the City.~~ **MOVED TO NEW ARTICLE: SEPARATION PAYMENTS AND BENEFITS**

ARTICLE 27: FLEXIBLE BENEFITS PROGRAM

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

~~HEALTH PLAN OPTIONS~~

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

Employees shall be eligible to participate in either of the following Anthem plans:

Plan A — SOS; ABSOS20/40/1KDED(07) — RX10/20/45

Plan B — HMO; AB20IPDED(07) — RX10/20/45

~~7-1-18 to 6-30-19 The City will contribute 80% of Plan B to either plan A or B.~~

~~7-1-19 to 6-30-20 The City will contribute 100% of Plan A to either plan A or B.~~

~~7-1-20 to 6-30-21 The City will contribute 93% of Plan A to either plan A or B.~~

~~7-1-21 to 6-30-22 The City will contribute 87% of Plan A to either plan A or B.~~

~~7-1-22 to 6-30-23 The City will contribute 80% of Plan A to either plan A or B.~~

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

A. HEALTH INSURANCE

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

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

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

Plan C — Lumenos2500 (07L) — RX Anthem

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

(b) During the City's open enrollment period, employees may opt to buy or sell back to the City up to seven (7) days of accrued vacation hours and/ or sell back to the City two (2) days of accrued earned personal hours or nine (9) PTO days to reduce their share of medical, dental, and/or supplemental life insurance. However, after the exchange, the employee still must have at least five (5) days of vacation leave. (Moved From Article 32)

A.2 The City and the Union agree that the City reserves the right to select and substitute alternative health plans to replace the existing health plans identified above. Such alternative plans must provide employees with services that are equal or comparable to the above mentioned plans. The Union will also agree that the City may add any other plans as long as the plans are optional. **No change**

A.3 The Parties reserve the limited right to re-open the entire agreement in the event that unanticipated changes in health insurance regulations and/or costs substantially increase, alter or impair the financial

obligations of the parties or subject its health insurance plans to fines, taxes and/or penalties. Nothing herein shall obligate either party to reach agreement on any change after the reopening of the agreement and if no agreement is reached then the current agreement shall remain in full force and effect.

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

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

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

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

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

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

B. DENTAL INSURANCE (Moved From Article 29)

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

C. REIMBURSEMENT ACCOUNTS (Moved From Article 28)

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

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

These deductions shall be prorated for employees who are employed for less than a full calendar year.

D. DISABILITY INCOME PROTECTION (Moved From Article 30)

Full Coverage Plan

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

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

Limited Plan

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

Limited Plan Plus

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

E. LIFE INSURANCE (Moved From Article 31)

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

~~ARTICLE 28: REIMBURSEMENT ACCOUNTS~~

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

- ~~Healthcare reimbursement account (**Maximum equal to IRS annual contribution limit** maximum annual contribution \$2,500)~~
- ~~Dependent care reimbursement account (maximum annual contribution – the lesser of the follows:

 - \$5,000 if you are married and file joint tax returns, or if you are single,
 - \$2,500 if you are married and file separately, or
 - The lower of you and your spouse's income~~

~~These deductions shall be prorated for employees who are employed for less than a full calendar year.~~

~~ARTICLE 29: DENTAL INSURANCE~~

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

~~ARTICLE 30: DISABILITY INCOME PROTECTION~~

Full Coverage Plan

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

- ~~d) — Sick Leave Account~~
- ~~e) — Short Term Disability (STD) Plan~~
- ~~f) — Long Term Disability (LTD) Plan~~

Limited Plan

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

Limited Plan Plus

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

~~ARTICLE 31: LIFE INSURANCE~~

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

~~ARTICLE 32: BUY/SELL ACCRUED LEAVE~~

~~During the City's open enrollment period, and as part of the Flexible Benefits Program, employees may opt to buy or sell back to the City a combination of up to eight (8) days of leave as follows: up to seven (7) days of accrued vacation or sell back to the City up to two (2) days of accrued earned personal leave in exchange for Benefit Bucks (used for the employee's share of medical, dental and/or supplemental life insurance). However, after the exchange, the employee still must have at least five (5) days of vacation leave. Moved to Article 27.~~

ARTICLE 33: COMPENSATION AND WAGES

~~Effective July 1, 2018 employees in the bargaining unit will be eligible for an annual merit pay wage increase of between zero percent (0.0%) and three percent (3.0%) based upon the results of the annual performance evaluation process. See attached Exhibit A-1.~~

~~Effective July 1, 2019 employees in the bargaining unit will be eligible for an annual merit pay wage increase of between zero percent (0.0%) and four percent (4.0%) based upon the results of the annual performance evaluation process. See attached Exhibit A-2.~~

~~Any merit salary increase so awarded shall be based on a rating of employees by their supervisor using a systematic and formal evaluation process to be completed as set forth below. The department head will consider the written evaluation, the personnel file, recommendations of the supervisor and such other information to determine the base wage adjustment. Merit pay increases will not be diminished because of financial considerations of the Department or the City.~~

~~Extraordinary Annual Bonus:~~

~~The City Manager may award up to a 2.0% annual bonus for extraordinary service to the City of Rochester or its taxpayers by a bargaining unit employee. This bonus shall be in addition to any merit pay and shall be paid in the first pay period of December. This bonus shall not be added to the employee's base wages. The grant or failure to grant this extraordinary annual bonus by the City Manager shall not be subject to the grievance process.~~

~~Evaluation Process:~~

~~By April 1 of each year of this contract, the immediate supervisor shall complete a draft evaluation of each position/employee within the bargaining unit. The evaluation shall utilize the evaluation instrument attached as Exhibit A. The immediate supervisor shall meet with each unit employee prior to April 15th to discuss the draft evaluation.~~

~~The immediate supervisor shall thereafter fill out a merit pay worksheet for each employee and assign the merit pay increase in accordance therewith. By May 1st, the employee's immediate supervisor shall advise the employee of the assigned merit increase and any recommendation from the immediate supervisor for an additional annual bonus for extraordinary service (see section 3 below). The City Manager shall approve all evaluations and wage adjustment no later than May 15th of the then current year. Wage increases shall be effective from July 1 to June 30th.~~

~~Appeal Process~~

~~Any unit employee that is dissatisfied with their assigned wage increase may ask for a meeting with the City Manager within 10 days of receipt of notification of their wage~~

~~increase. Employees that receive less than a 1.0% wage increase may appeal the recommended wage increase to the Personnel Advisory Board (PAB) for an opinion within thirty (30) days after July 1 of each respective year. The parties will submit their prospective positions in writing to the PAB with the City bearing the burden of production and proof. The parties will submit their respective positions within 15 days of a request for an appeal or upon an agreed on date. If the PAB finds the rating OF the City unreasonable in any manner the City Manager shall adjust the merit pay accordingly. The employee may appeal to the NHPELRB is he/she is dissatisfied with the ruling to the PAB.~~

Pay Ranges:

~~The pay ranges contained in the salary schedule will adjust by the percentage change in the CPI index for Boston Brockton Nashua (from November to November of the year preceding the effective date of the pay range adjustment). To the extent an employee's proposed merit increase causes the employee to exceed his/her pay range, the employee shall be entitled to an amount not to exceed two percent (2.0%) above the ten top of the pay range. Any amount due that exceeds the top of the pay range, shall be paid in a lump sum amount in the first pay period in December and shall not become part of base wages.~~

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

Employees on the top step in the prior fiscal year shall receive, in addition to any merit track COLA adjustment, a two percent 2.0%

one-time payment (not added to the base) in lieu of a step increase (must score a 70 or better on evaluation).

- 4. Any employee that is denied Merit Track advancement, may request a re- evaluation anytime between 90 and 120 days after the anniversary date. If the City Manager, after consulting with the department head, agrees that a significant improvement has been made since the original evaluation was completed, the City Manager will have the final discretion to make a final decision on whether a Merit Track advancement shall be awarded. Any such adjustment will be effective on the date of the City Manager's decision and shall not be retroactive.**

WAGE/SALARY SCHEDULE Effective 7-1-2023

Provide new salary tables

		FY19 HRLY	FY19 HRLY	FY19 EXEMPT	FY19 EXEMPT
GRADE	POSITION	MINIMUM	MAXIMUM	MINIMUM	MAXIMUM
5	Deputy Tax Collector	17.53	23.54		
5	Deputy City Clerk	17.53	23.54		
7	Secretary III	20.30	27.20		
9	Communications Center Mgr			48,943.84	65,594.18
9	Recreation Supervisor			48,943.84	65,594.18
9	Arena Supervisor			48,943.84	65,594.18
9	Office Manager			48,943.84	65,594.18
10	Admin Supervisor (DPW)			59,547.34	79,638.08
10	Asst Director of BZLS			59,547.34	79,638.08
10	Chief Planner			59,547.34	79,638.08
10	Deputy Assessor			59,547.34	79,638.08
10	Municipal Services Supervisor			59,547.34	79,638.08
11	Assistant City Engineer			62,436.83	83,686.39
11	Deputy Fire Chief			62,436.83	83,686.39
11	Asst Director of Recreation			62,436.83	83,686.39
11	Chief Water Operator			62,436.83	83,686.39
11	Chief Wastewater Operator			62,436.83	83,686.39
12	NO POSITIONS			65,572.82	87,836.04
13	NO POSITIONS			68,789.76	92,250.74

WAGE/SALARY SCHEDULE Effective 7-1-2019

Grade	Position
7	Secretary III
9	Deputy Tax Collector
9	Deputy City Clerk
9	Recreation Supervisor
9	Office Manager
10	Arena Supervisor
10	Recreation Services Supervisor
10	Assistant Director of Economic Development
10	Communications Center Manager
10	Admin Supervisor (DPW) Administrative Services & Utility Billing Supervisor
10	Deputy Assessor
11	Assistant Director of BZLS Building & Licensing Services
11	Chief Planner Senior Planner
11	Municipal Services Supervisor
11	Assistant Director of Recreation
11	Chief Water Treatment Operator
11	Chief Wastewater Treatment Operator
12	Assistant City Engineer
13	Deputy Fire Chief

Effective July 1, 2019, current employee that occupy positions that were reclassified to a higher pay grade shall receive a onetime \$1,000. Compression adjustment to their base salary. This adjustment is intended to prevent compression between current employees and new hires in those positions where the base of the salary range was increased due to the reclassification.

ARTICLE 34: LONGEVITY

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

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

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

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

ARTICLE NEW: SEPARATION PAYMENTS AND BENEFITS

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

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

- 1. Vacation:** Upon resignation or retirement, 100% of accumulated vacation after completion of the 6 months probationary period. If an employee resigns from the City during his probationary period, vacation pay-out will be pro-rated based upon his service time. The maximum payout shall not exceed one and one-half (1.5) times the annual accrual amount.
- 2. PTO:** Non-probationary employees are paid for the PTO at employment end. If an employee leaves the city during his/her probationary period, PTO pay-out will be pro-rated based upon his/her service time. Maximum PTO paid shall be 30 days.
- 3. Sick:** 75% of one hundred and twenty (120) days accumulated sick leave shall be paid if the eligible employee has been granted a retirement allowance from the NHRS and is actually drawing such an allowance within 90 days of separation.
- 4. Sick:** 50% of accumulated sick time shall be paid if the eligible employee submits his/her resignation and has completed ten (10) years of continuous service with the City of Rochester at the time of separation. Employees who terminate their employment by voluntary resignation, and who have served at least ten (10) continuous years

with the City of Rochester, shall be entitled to a lump sum payment for one-half of the accumulated sick leave due them, at the employee's rate of pay at the time of termination, not to exceed fifty (50%) percent of one hundred and twenty (120) days accumulated sick leave.

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

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

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

Clothing: All items covered in this agreement shall be returned to the Department upon separation from employment.

FY24 4% COLA	Beginning Hry Rate=	23.51	2,080.00										
2.75% between steps	Percent between steps=	2.75%											
	GRADE	1	2	3	4	5	6	7	8	9	10	11	12
	7	23.51	24.16	24.83	25.51	26.21	26.93	27.67	28.43	29.21	30.02	30.84	31.69
	8	24.70	25.38	26.08	26.79	27.53	28.29	29.07	29.87	30.69	31.53	32.40	33.29
	9	27.26	28.01	28.78	29.57	30.39	31.22	32.08	32.96	33.87	34.80	35.76	36.74
	10	33.17	34.08	35.02	35.98	36.97	37.98	39.03	40.10	41.21	42.34	43.50	44.70
	11	34.78	35.73	36.71	37.72	38.76	39.83	40.92	42.05	43.20	44.39	45.61	46.87
	12	36.52	37.53	38.56	39.62	40.71	41.83	42.98	44.16	45.37	46.62	47.90	49.22
	13	38.31	39.37	40.45	41.56	42.71	43.88	45.09	46.33	47.60	48.91	50.26	51.64
	7	48,909.95	50,254.98	51,636.99	53,057.00	54,516.07	56,015.26	57,555.68	59,138.47	60,764.77	62,435.80	64,152.79	65,916.99
	8	51,376.00	52,788.84	54,240.53	55,732.15	57,264.78	58,839.56	60,457.65	62,120.24	63,828.54	65,583.83	67,387.38	69,240.54
	9	56,702.07	58,261.38	59,863.56	61,509.81	63,201.33	64,939.37	66,725.20	68,560.14	70,445.55	72,382.80	74,373.33	76,418.59
	10	68,986.35	70,883.48	72,832.77	74,835.67	76,893.65	79,008.23	81,180.96	83,413.43	85,707.30	88,064.25	90,486.02	92,974.38
	11	72,333.87	74,323.05	76,366.94	78,467.03	80,624.87	82,842.06	85,120.21	87,461.02	89,866.20	92,337.52	94,876.80	97,485.91
	12	75,966.96	78,056.05	80,202.59	82,408.16	84,674.38	87,002.93	89,395.51	91,853.89	94,379.87	96,975.32	99,642.14	102,382.30
	13	79,693.82	81,885.40	84,137.25	86,451.02	88,828.42	91,271.20	93,781.16	96,360.14	99,010.05	101,732.82	104,530.48	107,405.07
FY25 3% COLA	Beginning Hry Rate=	24.22	2,080.00										
2.75% between steps	Percent between steps=	2.75%											
	GRADE	1	2	3	4	5	6	7	8	9	10	11	12
	7	24.22	24.89	25.57	26.27	27.00	27.74	28.50	29.28	30.09	30.92	31.77	32.64
	8	25.44	26.14	26.86	27.60	28.36	29.14	29.94	30.76	31.61	32.48	33.37	34.29
	9	28.08	28.85	29.64	30.46	31.30	32.16	33.04	33.95	34.88	35.84	36.83	37.84
	10	34.16	35.10	36.07	37.06	38.08	39.12	40.20	41.31	42.44	43.61	44.81	46.04
	11	35.82	36.80	37.82	38.86	39.92	41.02	42.15	43.31	44.50	45.72	46.98	48.27
	12	37.62	38.65	39.72	40.81	41.93	43.08	44.27	45.49	46.74	48.02	49.34	50.70
	13	39.46	40.55	41.66	42.81	43.99	45.20	46.44	47.72	49.03	50.38	51.76	53.19
	7	50,377.25	51,762.62	53,186.10	54,648.71	56,151.55	57,695.72	59,282.35	60,912.62	62,587.72	64,308.88	66,077.37	67,894.50
	8	52,917.28	54,372.51	55,867.75	57,404.11	58,982.73	60,604.75	62,271.38	63,983.84	65,743.40	67,551.34	69,409.00	71,317.75
	9	58,403.13	60,009.22	61,659.47	63,355.11	65,097.37	66,887.55	68,726.96	70,616.95	72,558.91	74,554.28	76,604.53	78,711.15
	10	71,055.94	73,009.98	75,017.75	77,080.74	79,200.46	81,378.48	83,616.38	85,915.83	88,278.52	90,706.18	93,200.60	95,763.62
	11	74,503.89	76,552.75	78,657.95	80,821.04	83,043.62	85,327.32	87,673.82	90,084.85	92,562.18	95,107.64	97,723.10	100,410.49
	12	78,245.96	80,397.73	82,608.67	84,880.40	87,214.62	89,613.02	92,077.38	94,609.50	97,211.26	99,884.57	102,631.40	105,453.76
	13	82,084.63	84,341.96	86,661.36	89,044.55	91,493.28	94,009.34	96,594.60	99,250.95	101,980.35	104,784.81	107,666.39	110,627.22
FY26 3% COLA	Beginning Hry Rate=	24.95	2,080.00										
2.75% between steps	Percent between steps=	2.75%											
	GRADE	1	2	3	4	5	6	7	8	9	10	11	12
	7	24.95	25.63	26.34	27.06	27.81	28.57	29.36	30.16	30.99	31.85	32.72	33.62
	8	26.20	26.92	27.67	28.43	29.21	30.01	30.84	31.68	32.56	33.45	34.37	35.32
	9	28.92	29.72	30.53	31.37	32.24	33.12	34.03	34.97	35.93	36.92	37.93	38.98
	10	35.19	36.15	37.15	38.17	39.22	40.30	41.41	42.54	43.71	44.92	46.15	47.42
	11	36.89	37.91	38.95	40.02	41.12	42.25	43.42	44.61	45.84	47.10	48.39	49.72
	12	38.75	39.81	40.91	42.03	43.19	44.38	45.60	46.85	48.14	49.46	50.82	52.22
	13	40.65	41.77	42.91	44.09	45.31	46.55	47.83	49.15	50.50	51.89	53.32	54.78
	7	51,888.57	53,315.50	54,781.68	56,288.18	57,836.10	59,426.59	61,060.83	62,740.00	64,465.35	66,238.14	68,059.69	69,931.34
	8	54,504.80	56,003.68	57,543.78	59,126.24	60,752.21	62,422.89	64,139.52	65,903.36	67,715.70	69,577.88	71,491.28	73,457.29
	9	60,155.22	61,809.49	63,509.25	65,255.76	67,050.29	68,894.18	70,788.77	72,735.46	74,735.68	76,790.91	78,902.66	81,072.49
	10	73,187.62	75,200.28	77,268.29	79,393.17	81,576.48	83,819.83	86,124.88	88,493.31	90,926.88	93,427.36	95,996.62	98,636.52
	11	76,739.00	78,849.33	81,017.68	83,245.67	85,534.93	87,887.14	90,304.03	92,787.39	95,339.05	97,960.87	100,654.79	103,422.80
	12	80,593.34	82,809.66	85,086.93	87,426.82	89,831.05	92,301.41	94,839.70	97,447.79	100,127.60	102,881.11	105,710.34	108,617.38
	13	84,547.17	86,872.22	89,261.20	91,715.89	94,238.07	96,829.62	99,492.43	102,228.48	105,039.76	107,928.35	110,896.38	113,946.03