



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

Agenda

- 1. Call to Order**
- 2. Opening Prayer**
- 3. Pledge of Allegiance**
- 4. Roll Call**
- 5. Acceptance of Minutes**
 - 5.1 Regular City Council Meeting: August 2, 2022 *consideration for approval* P.7**
 - 5.2 Special Meeting: August 16, 2022 *consideration for approval* P. 47**
- 6. Communications from the City Manager**
 - 6.1 City Manager's Report P. 51**
- 7. Communications from the Mayor**
- 8. Presentation of Petitions and Council Correspondence**
- 9. Nominations, Appointments, Resignations, and Elections**
 - 9.1. *Resignation:* Amy Marie Regan – Arts & Culture Commission, Seat E
*consideration for approval***
 - 9.2. *Resignation:* Jamie Kinsley – Arts & Culture Commission, Seat H
*consideration for approval***
- 10. Reports of Committees**
 - 10.1 Appointments Review Committee P. 65**
 - 10.1.1 *New Appointment:* Nicole Lee – Arts & Culture Commission, Seat E *Term to expire 7/1/2023 consideration for***

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approval P. 67

10.1.2 **New Appointment:** Marie Lejeune – Arts & Culture Commission, Seat A *Term to expire 7/1/2025 consideration for approval* P. 68

10.1.3 **Re-Appointment:** Brett Johnson – Utility Advisory Board, Seat D *Term to expire 1/2/2025 consideration for approval* P. 69

10.2 Codes & Ordinances Committee P. 71

10.2.1 **Committee Recommendation:** to approve the amendment to Chapter 167-24 of the General Ordinances of the City of Rochester regarding Trapping and Bear Baiting *consideration for approval* P. 72

10.3 Community Development Committee P. 81

10.3.1 Resolution Amending the Adopted FY 2023 Rochester CDBG “Action Plan for the City of Rochester, N.H.” for Dover Adult Learning and Haven *first reading and consideration for adoption* P. 83

10.4 Finance Committee P. 111

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

10.5 Planning Board P. 149

10.6 Public Safety P. 157

10.6.1 **Committee Recommendation:** to install temporary “no parking” signs on Pickering Road for one month near the crosswalk to the fire hydrant *consideration for approval* P. 158

10.6.2 **Committee Recommendation:** To install “no thru trucks” signs on Colby Street *consideration for approval* P. 158

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- 10.6.3 **Committee Recommendation:** To install a "dead end" sign on Creteau Street *consideration for approval* P. 159

11. Old Business

- 11.1 Amendment to the General Ordinances of the City of Rochester Creating Chapter 260A Regarding Water Development Connection Fee *second reading and consideration for adoption* P. 161

- 11.1.1 Amendment to Chapter 260-33 'Water Rate and Fee Schedule' *second reading and consideration for adoption* P. 167

- 11.2 Amendment to Chapter 200 of the General Ordinances of the City of Rochester Regarding Sewer Development Connection Fee *second reading and consideration for adoption* P. 169

- 11.2.1 Amendment to Chapter 200-33 "Wastewater Rate and Fee Schedule" *second reading and consideration for adoption* P. 175

12. Consent Calendar

13. New Business

- 13.1 Resolution authorizing supplemental appropriation of \$903,579.04 from the sewer fund retained earnings for costs associated with Methuen Construction settlement agreement *first reading and consideration for adoption* P. 177

- 13.2 Resolution Pursuant to RSA 47:1-c, IV Rescinding the City of Rochester Economic Development Special Reserve Fund *first reading and refer to Public Hearing September 20, 2022* P. 181

13.3 Councilor Gray Agenda Item –

- Request to Discuss Book Policies at Rochester Public Library

- 13.4 Resolution Authorizing the Acceptance of a Juvenile Alcohol Grant from the State of New Hampshire in the amount of \$250.00 *first reading and consideration for adoption* P. 183

14. Non-Meeting/Non-Public Session

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

15. Adjournment

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**Regular City Council Meeting
August 2, 2022
Council Chambers
7:00 PM**

COUNCILORS PRESENT

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

OTHERS PRESENT

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

COUNCILORS EXCUSED

Councilor Desrochers

MINUTES

1. Call to Order

Mayor Callaghan called the City Council Regular meeting to order at 7:00 PM.

2. Opening Prayer

Mayor Callaghan asked all present to observe a moment of silence.

3. Pledge of Allegiance

Councilor Beaudoin was asked to lead the Pledge of Allegiance.

4. Roll Call

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

5. Acceptance of Minutes

5.1 Special Meeting: June 21, 2022

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

5.2 Regular City Council Meeting: July 5, 2022

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

5.3 City Council Special Meeting: July 19, 2022

Councilor Lachapelle **MOVED** to **ACCEPT** the minutes of the July 19, 2022, Special City Council meeting. Councilor Hamann seconded the motion. Councilor Hailey wished to have the spelling of her name corrected on page 5 of the minutes. The **MOTION CARRIED** by a unanimous voice vote.

6. Communications from the City Manager

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

6.1 City Manager's Report

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

Contracts and documents executed since last month:

- **Department of Public Works**
 - Scope of Services, Water Pollution/Flood Reduction Study – Geosyntec
 - Project Agreement Betts/Cross Intersection – Northeast Earth Mechanics LLC
 - Scope of Services, Columbus Ave Intersection – Sebago Technics
 - Engineering Agreement, Sewer System Master Plan Phase 3 – Weston & Sampson
 - Change Order, new DPW – Hutter Construction
 - Scope of Service, NPDES MS4 permitting assistance –

Geosyntec

- Estimate, Salmon Falls Rd stormwater/ drainage – S.U.R.
- UGS annual joint funding agreement
- Task Order, Berry River Stream gaging system – Wright Pierce
- Certificate of final completion, River St Pump Station – Apex Construction
- Wetland Monitoring Agreement – GZA Environmental Services
- Scope of Services/Contract, bio solids facility – Apex Construction
- Task Order, Granite Ridge Phase II – Hoyle Tanner
- Letter of Intent & Exclusivity agreement, Community center Solar – Revision Energy, Inc.

- **Finance**

- Contribution Assurance Program, Worker's Compensation – Primex
- Statement of Work, GIS property cards – Vision Government Solutions

- **IT**

- Printer/Copier Contract – Canon Solutions America

- **Recreation and Arena**

- Performance contract – Whiskey Bent & the Hell Hounds

Standard Reports

- **Personnel Action Report Summary**

7. Communications from the Mayor

Mayor Callaghan said he read a proclamation in honor of National Night Out at the event earlier this evening.

Mayor Callaghan informed the City Council that after discussions with the Deputy Mayor and the leadership team regarding the recent public hearings, it has been decided to make a change to the process as follows:

Public Hearing Process:

- Step 1: Department Head shall give a detail explanation of the resolution/topic
- Step 2: Open for Public Input

Step 3: Department Head shall follow up to answer questions

Councilor Hainey asked if City Councilors should email Mayor Callaghan directly if they have suggestions to this process. Mayor Callaghan replied yes.

8. Presentation of Petitions and Council Correspondence

No discussion.

9. Nominations, Appointments, Resignations, and Elections

9.1. Appointment: Fire Chief Dennis Dube - Emergency Management Director

Mayor Callaghan **NOMINATED** Fire Chief Dennis Dube as the Emergency Management Director. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** to cease nomination and cast one ballot for Mr. Dube. The **MOTION CARRIED** by a unanimous voice vote.

10. Reports of Committees

10.1 Codes & Ordinances Committee

Councilor Lachapelle said all the action items from the last meeting are actually on this Agenda under Old Business.

10.2 Community Development Committee

Councilor Hainey said the Committee met on July 18, 2022, and the minutes can be found in the City Council packet. Councilor Hainey reported that the Committee discussed topics such as the homeless center, request for solar lighting, and Community Partners.

Councilor Hainey said the City has hired a new staff person (Kiersten Wright) as the new Community Development Coordinator. Councilor Hainey said Ms. Wright would be attending the next Community Development meeting in August.

10.3 Finance Committee

10.3.1 Committee Recommendation: To Approve the Non-Union Merit Track Compensation Plan.

Councilor Lachapelle **MOVED** to **APPROVE** the Non-Union Merit Track Compensation Plan. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote. Councilors de Geofroy, Beaudoin, Hamann, Lachapelle, Malone, Berlin, Hainey, Larochele, Gray, Gilman, Fontneau, and Mayor Callaghan voted in favor of the motion.

10.4 Planning Board

Councilor Hamann said the Planning Board has started discussions relative to the proposed Solar Panel Ordinance. He said the Planning Board has approved one of the Solar Panel projects (local day care) and a second request is being considered.

Councilor Lachapelle said the Planning Board meeting minutes has Councilor Walker listed correctly as present; however, he is also listed as absent. He requested to have the meeting minutes corrected.

10.5 Public Works

10.5.1 Committee Recommendation: To approve the Evans Road Paving Project to be added to the FY24 Capital Improvement Budget for consideration with other capital projects *consideration for approval*

Councilor Hamann said a discussion took place about Evans Road. He said residents of that area have petitioned the City to resolve the issues with this old dirt road, which is located off from Meaderboro Road.

Councilor Hamann said the Committee recommendation is to add this project (paving of Evans Road) to the list of CIP projects for FY 24.

Mayor Callaghan asked about the other options. Councilor Hamann listed the other options. The first option is to leave Evans Road as a dirt road but to add crushed gravel and to correct some of the drainage issues (Estimated cost is a little over \$300,000). The second option is to completely pave Evans Road (\$470,00). Lastly, another

option involved leaving the road as dirt as well; however, it was determined that by leaving the road as dirt, it could be more costly over time dealing with dust. Councilor Hamann confirmed that a majority of the residence attending the meeting supported the option of completely paving the road.

City Manager Cox wished to clarify that the Committee Recommendation is not to approve one of the options/projects but only to place the "project" on the list for consideration, along with, all other CIP Projects being considered for FY 24.

Councilor Gray, Vice Chair, of the Public Works Committee, said he has a different approach. He would like to see the Public Works staff look at the different areas of Evans Road that are most troublesome during the "mud" season. He gave reasons why each mud season is harsh on certain portions of the road. He recommended that City staff take corrective action on those parts of the road to accomplish a greater savings as compared to paving the entire road.

Councilor Lachapelle **MOVED** to **APPROVE** the Committees Recommendation by adding the Evans Road Project to the list of FY 24 CIP Budget Projects to be considered with other Capital Projects throughout the City. Councilor Malone seconded the motion. Councilor Beaudoin said some of the lesser expensive options (not paving) actually has the potential to add a future problem with dust issues, which could potentially cause re-occurring costs. He commended Mr. Nourse for presenting thorough estimates of each option, which also included the pros/cons of each option. The **MOTION CARRIED** by a majority voice vote.

10.5.2 Committee Recommendation: Discussion of Katie Lane bid waiver versus contracted services bid use *refer to Finance Committee*

Councilor Hamman summarized the issues with drainage on Katie Lane. Councilor Lachapelle **MOVED** to refer the matter to the Finance Committee. Councilor Malone seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

11. Old Business

11.1 Amendment to the General Ordinances of the City of Rochester Creating Chapter 260A Regarding Water

Development Connection Fee *second reading and consideration for adoption*

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

**Amendment to the General Ordinances of the City of Rochester
Creating Chapter 260A Regarding
Water Development Connection Fees**

THE CITY OF ROCHESTER ORDAINS:

That the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended to include the following in its entirety:

**Chapter 260A
Water Development Connection Fee**

§260A-1 Authority.

The City of Rochester is authorized pursuant to RSA 38:28 and RSA 38:37 to assess a Water Development Connection Fee on new connections and development to help meet the additional water system demands created by the new development including capital construction and improvement of the City's water system. Said fees are assessed on a capacity-buy in approach as set forth in §260-54 below.

§260A-2 Definitions.

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

§260A-3 Purpose.

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

§260A-4 Water Development Connection Fee

The water development connection fee or assessment imposed pursuant to these provision upon new connections and development, including

subdivisions, building construction and other land use changes, are based on a capacity-buy in approach, where new users are required to invest in the equity of the City's Public Water System at a rate that reflects prior investment of existing users per unit of total capacity to raise funds to meet the demands and impacts created by the new connections and development to the City's water treatment and distribution facilities, inclusive of the system defined herein as the Public Water System.

§260A-5 Calculation of Fees

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

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

§260A-6 Assessment and Collection of Fees

The water development connection fee will be assessed by the Department at the time of application for new connections pursuant to Article I, §260-4. 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 of the water development connection fee assessments imposed by this ordinance from the Department. The amount of any such waiver shall not exceed the value of the land, facilities construction, or other contributions to be made by that person toward public capital facilities in lieu of a water development connection fee. The applicant must exclude from a waiver

any value of on-site and off-site improvements that are required by the Department or City as a result of a plan or development approval, which the applicant would complete regardless of the water development connection fee under this ordinance. The value of contributions or improvements proposed by the applicant shall be credited only towards facilities of 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.

B. 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, decide whether a waiver is granted or denied. All costs incurred by the Department for review of any such study shall be paid by the applicant.

§260A-8 Administration of Water Development Connection Fees

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

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

C. The Department shall make a report to the City Council at the end of the fiscal year providing an account of all public water system facilities funded through impact fees 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 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.

§ 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.

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

Councilor Lachapelle said this proposed Amendment was recommended by the Codes and Ordinances Committee by a vote of 5 in favor and 1 against.

Councilor Beaudoin said he has received push-back from constituents over the adoption of this amendment. He recommended that the entire Water Ordinance (Chapter 260) be re-written to incorporate the Water Development Connection Fees. He said the way in which it is currently written, is going to cause confusion.

Councilor Beaudoin stated that under the "authority" section there is a reference RSA 38:37, which is not correct. *City Attorney O'Rourke later determined that RSA 38:37 is in fact incorrect and that the correct RSA is 38:27.*

Councilor Beaudoin referenced the section of the ordinances which establishes the Sewer Reserve Capacity Assessment Fee (new connections/new development). Councilor Beaudoin recalled that during the Codes and Ordinances Committee meeting, it was "implied" that the reserve capacity fees would not be applied to a development such as Colonial Pines (City initiated water/sewer expansion project). He questioned if these fees would be applied to a development such as Winkley Hill Farm or any other future "City initiated" water and sewer expansion projects. He read a portion of the ordinance as follows: "upon new connections and development, including sub-divisions etc." He said there is no exclusions written out in this ordinance about the City

initiated water and sewer expansion projects. He spoke about the cost burden to be placed on these residents.

Councilor Beaudoin took issues with the wording about the waivers in section 260-A-7, which indicates the waivers are granted by the Department and not by the Utility Advisory Board (UAB). He said this means the waivers are to be vetted through a private process instead of through the UAB, which would be a public process. He said the public should be aware of the justification if waivers are to be granted.

Councilor Beaudoin spoke about section 260-A-8, which indicates that the department can expend funds from this account for a number of reasons. He said the City Charter and the RSA's require that this governing body (City Council) must approve all expenditures. He added that a report would be given to the City Council at the end each year; however, this process does not include any over-sight prior to funds being expended.

Councilor Beaudoin estimated that it would cost approximately \$4,300 to the average homeowner (3 family home), if they are connecting to the water and sewer systems. He added that the minimum connection fee is \$3,600, which would apply to every apartment unit. He said there was an article in the paper indicating that the City of Rochester has approximately 545 new apartments coming to Rochester, which would equate to approximately 1.9 million dollars in fees.

Councilor Beaudoin recommended re-referring this entire amendment to the Finance Committee or the Codes and Ordinance Committee. He suggested a complete re-write and that an Ad-Hoc Committee be set up to review both the sewer and water ordinance in more detail.

Peter Nourse, Director of City Services, spoke about the existing sewer reserve capacity assessment fees, which has been in place for many years. He said it has not been the practice of the City to apply those fees to any of the City's initiated utilities expansion projects and it has not been applied to single family homes unless they are part of a sub-division. He said when a new development comes into the City and a plan is laid out for new single-family homes, which will be connected to the water and sewer system, they are essentially placing a demand on a limited resource, which must be paid for by the rate payers; however, the proposed ordinance would set up a nominal fee that a new developer would pay in order to buy-into the system. Mr. Nourse said

this is a system with some of the best drinking water in the State and treats wastewater to a standard that is applauded by State regulators.

Mr. Nourse said the Finance Department has proposed a fair calculated fee, which is basically the ratio of their daily demand is for water or sewer over capacity of the system.

Mayor Callaghan asked if this answered Councilor Beaudoin's concern about the collection of 1.9 million in fees. Councilor Beaudoin reiterated how he calculated the cost and asked if there are circumstances, within the ordinance where an exclusion/waiver could be granted. Mr. Sullivan clarified that the article in the newspaper is referencing all projects approved by the Planning Board, which have not yet been developed. He gave details about how apartments would have a different flow calculation than a single-family home, which is estimated at \$3,375 to be assessed on that brand new developed home and must be paid prior to being granted a Certificate of Occupancy. He said that fee is calculated into the sale price of the home.

Mr. Sullivan addressed Councilor Beaudoin's concern about the large sum of money being spent with no oversight. Mr. Sullivan said any expenditure out of any city fund must be approved by the City Council. He said for an example, if there is a proposed sewer project for \$500,000, the Department must bring forth a proposal to the City Council for a Supplemental Appropriation and the only difference will be that the Department will identify the "system development fees" account as the funding source.

Councilor Fontneau supported the ordinance in theory; however, he does have concerns. He wished to clarify that the article in the paper was misleading, when it says over 545 apartments will be developed in the City soon. He said that number includes all projects approved but not yet developed and that number includes projects on the books for over 30/40 years ago. He added some of the "approved" single family homes on the "books" have not yet cleared a "lot".

Councilor Fontneau gave reasons why the sale of land will be 15% or more based on whatever the market will bear. He said the connection fees would be calculated into the sale of the home. He gave reasons why this change would protect the current rate payers.

Councilor Fontneau stated his concerns about Mr. Nourse's comment "by practice". He wished to clarify what is meant by "these fees have not been charged by practice". He said this is an ordinance and it becomes law.

Councilor Fontneau said he read through the waiver process a couple of times; however, he still does not find it clear how these waivers actually work.

Katie Ambrose, Deputy City Manager, and Mr. Sullivan gave a detailed PowerPoint presentation, which included charts as follows: Water-New Service Connection History from FY 11 through FY 22 and the Sewer-New Service Connection & Deduct Meter History Chart from FY 11 through FY 22.

Mr. Sullivan said the verbiage for the waiver's was presented to the Finance Department from a law firm. He gave reasons why the language is a bit wordy. He added that the UAB is still set up to handle any appeals that may come forward if a waiver is denied.

Councilor Hainey expressed reservations and the fact that the Planning Board discontinued charging impact fees. Mr. Sullivan confirmed that the system set up fees are not the same as the Impact Fees.

Councilor Hainey wished to confirm that these fees only apply to new connections for new development. She questioned why the terms "past practice" or "loose" are being used relative to charging fees established in the ordinance. She said that her understanding is that these fees would not be charged for a stand-alone new home. She said the language drafted for waivers should be clear for future years/staff to follow. Mr. Sullivan gave reasons why the waiver language is complex; however, it is currently drafted and included with this proposed ordinance amendment. He gave examples of different types of waivers.

Councilor Hainey asked for a list of apparatuses, which could be considered for an "equipment" based type of waiver. Mr. Sullivan agreed City staff could provide a list of more detailed examples.

Mr. Nourse said there are two parts to the waiver section. He summarized the first section (260A-7-A) as follows: "the developer cannot negate the cost of the development through a greater than, or equal "fee" waiver, nor can they use fee waivers to negate the cost of contributions. He said additionally, the developer cannot negate the fees for on-site and off-site improvements. He read other portions of the waiver structure, which offers some flexibility.

Mr. Nourse said the second part of the waiver section (260A-7-B), essentially explains that the city uses a list from the Administrative Code (from DES) to calculate what type of "facility" would be using "how much" of the daily demand for services for development. He said the list is old and sometimes an engineer analyst is needed to calculate the demand on services (water/wastewater), which also offers some flexibility in calculating such services.

Councilor Berlin agreed with Councilor Fontneau statement "in favor of this amendment in theory". He said, however, there is ambiguous language that needs to be cleaned-up before he could vote in favor of implementing this Amendment to the Ordinances. Secondly, he pointed out that there is an error with the following index number: 260-5-4. He assumed the correct index number would be 260A-4.

Councilor Beaudoin spoke about the last Codes and Ordinances set of minutes. He asked specifically about the charts used to determine the water/sewer system development fees. Mr. Sullivan said the sample chart uses a 3-bedroom structure using 150 gallons a day. He said the system fees are determined by the number of bedrooms in the home.

Councilor Beaudoin said there is no type of reporting mechanism relative to how many waivers, *to whom and for what reasons*, were granted/denied by the Department of Public Works. Mr. Sullivan said there is no requirement built into this Amendment for the Director of City Services to itemize or report waivers to the City Council; however, it might be incorporated as part of the Monthly DPW Reporting submitted by the Department.

Mr. Beaudoin expressed concern that the ordinance, as currently written, would only allow the public to be aware of any appeals to waivers through the Utility Advisory Board; however, the granting of any waivers would not be in a public forum.

Councilor Beaudoin spoke about the chart of new water/sewer system connections and questioned if the Chinburg project would be listed as one connection or 52 separate connections. Mr. Sullivan explained that the data is collected directly from the Utility Billing Office, and they would need to drill down into the data to determine if the Chinburg properties would be considered one connection or 52 separate connections. He said the estimate would still be based upon the per-bedroom calculation.

Councilor Beaudoin shared information based on his calculation of a new 200-seat restaurant development, which would equate to

approximately \$71,400 in fees. Mr. Sullivan corrected the estimate to be approximately \$50,000 to \$60,000 that the developer would pay, as their contribution to the impact they would be making to the water/sewer system.

Councilor Hainey reiterated that the “intent” is to charge water/sewer system connection fees for new development, subdivisions, and single-family homes. Mr. Sullivan clarified that this ordinance is designed to charge water/sewer system connection fees for any new development, whether it is commercial/residential, condominiums, and any other brand-new development.

Mr. Sullivan said the part of the proposed ordinance, which needs to be cleared-up, is the fact that City initiated water/sewer expansion project, such as Colonial Pines/Winkley Hill Farm, should have some language included that says that those types of scenarios would be excluded from paying the reserve capacity assessment fee. Councilor Hainey agreed that the language needs to be updated accordingly.

Councilor Fontneau agreed that language must be established relative to City initiated projects; however, he gave another similar scenario, that might not be a “City initiated” project but creates a similar situation. He said if a new development is constructed next door to an existing homeowner and that results in the water/sewer lines becoming 100 feet from the existing homeowner’s home, which would result in the existing homeowner being required to connect to the system. He said the language must clarify both types of scenarios not being charged the reserve capacity assessment fees.

Councilor Fontneau felt more comfortable with the language about the waivers after it was reviewed by the City staff. Councilors briefly discussed sending the Amendment back to Committee. Councilors Lachapelle **WITHDREW** his motion to **ADOPT**. Councilor Hamann **WITHDREW** his second to the motion.

Councilor Fontneau **MOVED** to place this item on the agenda for a discussion at the August Workshop. Councilor Berlin seconded the motion. The **MOTION CARRIED** by a majority voice vote.

Mayor Callaghan said if there were no objections, he would revise the agenda to take a vote on 13.2 as follows:

Approving Contract and Cost Items Associated with Proposed City of Rochester School Department Multi-Year Collective Bargaining Agreement with Rochester Federation of

Teacher's Food Service Chapter, Local 3607 Bargaining Unit *first reading and consideration for adoption*

Mayor Callaghan read the resolution as follows:

**Resolution Approving Contract
And Cost Items Associated with Proposed
City of Rochester
School Department
Multi-Year Collective Bargaining
Agreement with
Rochester Federation of Teachers
Food Service Chapter Local 3607**

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

That pursuant to, and in accordance with, the provision of Chapter 273-A of the New Hampshire Revised Statutes Annotated, the multi-year year collective bargaining agreement between the City of Rochester and the Rochester Federation of Teachers Food Service employee collective bargaining group, covering the period July 1, 2022 to June 30, 2025, as set forth in the proposed contract, a copy of which proposed contract has been made available to the Mayor and City Council, and with its financial impacts as more particularly detailed on the attached "**EXHIBIT A: RFT Food Service Tentative Agreement**" dated June 20, 2022, which includes a summary financial analysis of the annual cost of the contract to the City provided by the Superintendent of Schools, is hereby approved, including, specifically, the cost items associated therewith. *See Addendum A*

Councilor Lachapelle **MOVED** to **ADOPT** the Resolution. Councilor Fontneau seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote. Councilors Laroche, Gilman, Berlin, Beaudoin, de Geofroy, Fontneau, Hamann, Lachapelle, Malone, Gray, Hainey, and Mayor Callaghan.

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

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

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

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

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

B. Fees.

- (1) Installation: a minimum of three hundred dollars (\$300.) or estimated cost of installation, in advance one hundred dollars (\$100.).
- (2) Installation and repair license: one hundred dollars (\$100.) per year.
- (3) Bad check: twenty-five dollars (\$25.) plus all associated fees.
- (4) Service reactivated following payment when shut off due to nonpayment: sixty dollars (\$60.).
- (5) Service shutoff or turn on by request: thirty dollars (\$30.).
- (6) Temporary service: see installation fees; water charges will be

billed accordingly.

- (7) Private fire protection service: see installation fees.
- (8) Private fire hydrant service connection: one hundred fifty dollars (\$150.) per hydrant per fiscal year. For purposes of this subsection, a private fire hydrant shall mean any fire hydrant located outside the public right-of-way and/or located on property other than that owned by the City of Rochester, but which is connected to the public water system. Any private hydrant located behind a water meter on that property shall be exempt from this charge.
- (9) Swimming pools: fees based on volume used times unit rate.
- (10) Meter repair or testing: thirty dollars (\$30.) per visit plus cost of transportation of meter to testing facility and cost of testing.
- (11) Meter damage: fifty dollars (\$50.).
- (12) Backflow prevention devices: all costs associated with installation, repair, or inspection paid by owner. Inspection costs shall be not less than minimum service charge.
- (13) Violations: all costs to correct violation paid by owner.
- (14) Minimum service charge: thirty dollars (\$30.) per visit.
- (15) Meter tampering charge: a reconnection fee of not less than one hundred dollars (\$100.) nor more than five hundred dollars (\$500)
- (16) Minimum charge for road maintenance between December 1 and March 31: two hundred dollars (\$200.)
- (17) [System Development Fees: Three Dollars and Seventeen Cents \(\\$3.17\)](#)

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

Councilor Beaudoin said this Amendment only contains one change, which is an increase to the water system development fees. Deputy City Manager Ambrose agreed that since the adoption of 260A Regarding Water Development Connection Fee has been postponed, then this amendment should also be postponed.

Councilor Lachapelle **WITHDREW** his motion to **ADOPT**, and Councilor Fontneau **WITHDREW** his second to the motion.

Councilor Lachapelle directed the City Clerk to correct a minor spelling error in the ordinance. He said the word ninety is misspelled in section 260-33-A-1-4-b.

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

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

Chapter to Chapter 200 of the General Ordinances of the City of Rochester Regarding Sewer Development Connection Fee

THE CITY OF ROCHESTER ORDAINS:

That Chapter 200 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended to add the following in its entirety:

**Chapter 200-7-T
Sewer Development Connection Fee**

§200-7-T-1 Authority.

The City of Rochester is authorized pursuant to RSA 31:139 and RSA 149-I:7 to assess a Sewer Development Connection Fee on new connections and development to help meet the additional Sewer system demands created by the new development including capital construction and improvement of the City's Sewer system. Said fees are assessed on a capacity-buy in approach as set forth in §200-7-T-4 below.

§200-7-T-2 Definitions.

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

§200-7-T-3 Purpose.

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

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

The Sewer development connection fee or assessment imposed pursuant to these provision upon new connections and development, including subdivisions, building construction and other land use changes, are based on a capacity-buy in approach, where new users are required to invest in the equity of the City's Public Sewer System at a rate that reflects prior investment of existing users per unit of total capacity to raise funds to meet the demands and impacts created by the new connections and development to the City's Sewer treatment and distribution facilities, inclusive of the system defined herein as the Public Sewer System.

§200-7-T-5 Calculation of Fees

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

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

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

The Sewer development connection fee will be assessed by the Department at the time of application for new connections pursuant to Article I, §200-7-T-4. The fees shall be collected at the time of application for connection in accordance with §200-7-T-4 above; however, the Department and applicant may establish an alternate, mutually acceptable schedule of payment of Sewer development connection fees. If an alternate schedule for payment of fees is established, the Department may require the applicant to post surety, in the form of a cash bond, letter of credit or performance bond to guaranty future payment of the assessed impact fees. The Department

and City reserve the right to annual review and amend the Sewer development connection fees as necessary.

§200-7-T-7 Waivers

A. An applicant may request a full or partial waiver of the Sewer development connection fee assessments imposed by this ordinance from the Department. The amount of any such waiver shall not exceed the value of the land, facilities construction, or other contributions to be made by that person toward public capital facilities in lieu of a Sewer development connection fee. The applicant must exclude from a waiver any value of on-site and off-site improvements that are required by the Department or City as a result of a plan or development approval, which the applicant would complete regardless of the Sewer development connection fee under this ordinance. The value of contributions or improvements proposed by the applicant shall be credited only towards facilities of 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.

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

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

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

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

C. The Department shall make a report to the City Council at the end of the fiscal year providing an account of all public Sewer system facilities funded through impact fees during the prior year.

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

§ 200-7-T-9 Appeals.

Any party aggrieved by any decision, regulation or provision under this Article, as amended, from time to time, shall have the right to appeal said decision 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.

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

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

§ 200-7-T-11 When effective

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

Councilor Fontneau **MOVED** to refer the matter to the August Workshop for discussion. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a majority voice vote.

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

Mayor Callaghan read the Amendment for a second time by title only as follows:

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

A. Quarterly wastewater rates.

- (1) Residential customers without exemption: seven dollars and forty-three cents (\$7.43) per 100 cubic feet of water use.
- (2) Residential customers with exemption: four dollars and ninety-four cents (\$4.94) per 100 cubic feet of water use.
- (3) Commercial and industrial customers: seven dollars and forty-three cents (\$7.43) per 100 cubic feet of water use.
- (4) High-volume customers (i.e., customers using more than 5,000 units** monthly): six dollars and sixty-eight cents (\$6.68) per 100 cubic feet of water use. **Note: For purposes of this section the word "unit" shall mean 100 cubic feet or 748 gallons of water use.
- (5) Unmetered residential customers:
 - (a) Per quarter per unit without exemption: two hundred twenty-nine dollars and forty- seven cents (\$229.47).
 - (b) Per quarter per unit with exemption: one hundred fourteen dollars and seventy-two cents (\$114.72).
- (6) Sewer metered customers: seven dollars and forty-three cents (\$7.43) per 100 cubic feet.
- (7) Minimum fee:
 - (a) Per quarter per unit without exemption: thirty-four dollars and thirty-one cents (\$34.31).
 - (b) Per quarter per unit with exemption: twenty-seven dollars and thirty-one cents (\$27.31).
- (B) Septage discharge: fifty-five dollars (\$55.) per 500 gallons or portion thereof.
- (C) RV septage discharge: sixteen dollars (\$16.) flat fee.
- (D) Graywater disposal: thirty dollars (\$30.) per 2,000 gallons or portion thereof.
- (E) TKN surcharge:
 - (1) Ceiling limit: 60 pounds per day TKN.
 - (2) Surcharge fee: one dollar and eighteen cents (\$1.18) per pound of TKN.
- (F) Fees.
 - (1) Permit and inspection fee: fifty dollars (\$50.).
 - (2) Wastewater discharge permit fee: fifty dollars (\$50.)

- (3) Reserve capacity assessment: ~~two~~ four dollars and thirty three cents (\$~~2.~~\$4.33) per gallon.
- (4) Installation fees. Installation by City: three hundred dollars (\$300.) minimum or estimated costs.

Councilor Lachapelle **MOVED** to refer the Amendment to the August Workshop for discussion. the Amendment. Councilor Fontneau seconded the motion. The **MOTION** to **CARRIED** by a unanimous voice vote.

11.5 Amendment to Ordinance Amendments Relative to Water User Rate/Sewer User Rate *second reading and consideration for adoption*

Mayor Callaghan read the Amendment(s) to both the Water User Rate and the Sewer User Rate for a second time by title only as follows:

**ORDINANCE AMENDMENT
RELATIVE TO WATER USER RATE**

THE CITY OF ROCHESTER ORDAINS:

- I. That Chapter 260, Section 33 of the General Ordinances of the City of Rochester, entitled "Water Rate and Fee Schedule", be amended by deleting the portion of said ordinance entitled "Quarterly Water Rates" and by replacing such portion of the ordinance with the following:

260-33 Water Rate and Fee Schedule

<u>Quarterly Water Rates</u>	
Residential Customers without exemption:	\$6.41 per 100 cu. ft. of water use
Residential Customers with exemption:	\$2.77
Commercial and industrial customers:	\$6.41
Unmetered Residential Customers: Per quarter per unit without exemption:	\$171.56
Per quarter per unit with exemption:	\$85.76

Minimum Fee:
Per quarter per unit without exemption: \$24.35
Per quarter per unit with exemption: \$19.54

That this ordinance amendment shall take effect on August 1, 2022

**AMENDMENT RELATIVE
TO SEWER USER RATE**

THE CITY OF ROCHESTER ORDAINS:

I. That Chapter 200, Section 33 of the General Ordinances of the City of Rochester, entitled "Wastewater Rate and Fee Schedule", be amended by deleting the portion of said ordinance entitled "Quarterly Wastewater Rates" and by replacing such portion of the ordinance with the following:

200.33 Wastewater Rate and Fee Schedule

Quarterly Wastewater Rates

Residential Customers without exemption: \$8.17 per 100 cu. ft. of water use
Residential Customers with exemption: \$5.43 per 100 cu. ft. of water use
Commercial and industrial customers: \$8.17 per 100 cu. ft. of water use
High Volume Customer \$7.36 per 100 cu. ft. of water use
(I.e. customers using more than 5,000
units **monthly)

Unmetered Residential Customers:

Per quarter per unit without exemption: \$252.42
Per quarter per unit with exemption: \$126.19

Sewer-Metered Customers: \$8.17 per 100 cu. Ft.

Minimum Fee:

Per quarter per unit without exemption: \$37.74
Per quarter per unit with exemption: \$30.04

That this ordinance amendment shall take effect on August 1, 2022

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

Councilor Beaudoin provided a small packet of information about the increase to the Water and Sewer Rates, which gave details about the funds deficit. Councilor Beaudoin spoke against the 10% overall increase to the user rates. He supported an increase to the rates; however, he is seeking a reduced increase over a longer period of time. He apologized for not bringing this option up at the last Codes and Ordinances Committee meeting.

Councilor Beaudoin gave reasons why the new apartments coming onto the system would provide immediate surplus revenue. He proposed that this proposed 10% increase be pushed out for another two years and to drop the rate of increase from 10% down to 5%. He said the data could be reviewed again in 4 years.

Mr. Sullivan clarified that there is a "cash" deficit to the user rates funds, which represents the cash flow to the operating budget. He said the only option is to seek cash from the General Fund. He said the Water/Sewer Funds are supposed to be enterprise funds, which means they are to be self-supported. He spoke about the problems with the annual operating expenditures and the debt service cycles for these Funds.

Mr. Sullivan said the increase to rates has been postponed for two years now. He said by pushing this out for another two years, would only deepen the negative position these funds face. He said the City Council must be aware that by not correcting the deficit now pushes the cash flow issues on to the general fund, which does not bode well through the City's Annual Audit process. He said at some point, the auditors could assess that the City must restrict some of the City's unassigned Fund Balance to support the deficit in the Water/Sewer Funds.

Councilor Hamann disagreed with Councilor Beaudoin about delaying or decreasing the proposed increase to user rate fees. He said the City Council is only pushing the debt down to future years and it would have an impact on our kid's generation. He said it is time to follow through with this proposed increase to assist with getting operations moving in the right direction. He said it is a difficult decision, but this is the hard part of a Councilor's job. He said this 10% increase is the result of not implementing smaller increases on a regular basis. He gave other reasons why he supports this increase.

Councilor Larochelle said it is important to consider the fixed and variable cost, but at some point, you may reach the compacity of the plan. He gave examples of how the fixed cost may change overtime due

to expansion issues, including hiring new staff to keep up with State regulations. He supported the motion.

Councilor Fontneau expressed being torn about increasing the user rates or not. He understood that the rates had not been increased on a regular basis, as they should have been. He said now it seems a 10% increase is not going to achieve correcting the deficit, but it will start to resolve the issue. He mentioned other cost which are expected to increase for homeowners such as fuel and electricity. He supported an alternate option (if possible) to reduce the percentage of the increase this year and add incremental increases on an annual basis, but he was not sure that is a realistic approach or not. Mr. Sullivan replied that the City Council must be aware that the General Fund is currently applying more cash to these enterprise funds than the funds are generating. He said the funds are not generating enough revenue to off-set their own operating expenses. He spoke about the amount of time and work provided by the UAB members to come up with any recommendations. Mr. Sullivan said the only other option is to allow the enterprise funds to go into the negative balances. He said this would result in the auditors placing restrictions on the General Fund Unassigned Cash Fund. He added this could also impact the City's bond rating. He cautioned the City Council not to push the burden of the Water/Sewer fees onto the rest of the property taxpayers, by using the City's General Fund.

Councilor Gilman spoke about the burden of a 10% increase and the impact it would have on folks living paycheck to paycheck.

Councilor Berlin said if this is delayed again, it could result in a 20% increase in future years, where would folks get the money to pay that much of an increase. He said it is either that the City deals with this increase now or faces a greater increase later.

Councilor Hamann recalled that the engineer study reflected that more staff will be mandated, which will cost even more money. He said if the City does not meet the Federal requirements, then, there will be fines to be paid.

Councilor Beaudoin asked how long the Water/Sewer Funds has been operating in a deficit. Mr. Sullivan gave details about the most recent deficit being caused by the delays in adjusting the rates. He mentioned that the Sewer Rates were not increased over a five-year period. He gave a brief history of the increases.

Councilor Berlin reiterated the question about how long the enterprise funds has been operating in the "red". Mr. Sullivan said at

least the last couple of years and forecasting to the forward years, where it looks like the funds would continue to operate in the red.

Mayor Callaghan called for a vote on the motion to increase both the Water and Sewer Rates. The **MOTION CARRIED** by a 9 to 3 roll call vote. Councilors Hainey, Malone, Fontneau, Larochelle, de Geofroy, Berlin, Hamann, Lachapelle, and Mayor Callaghan voted in favor of the motion. Councilors Gray, Gilman, and Beaudoin voted against the motion.

11.6 Amendment to Chapter 275 of the General Ordinances of the City of Rochester regarding Electric Vehicle Charging Stations *second reading and consideration for adoption*

Mayor Callaghan read the Amendment for a second time by title only as follows:

Amendment to Chapter 275 of the General Ordinances of the City of Rochester Electric Vehicle Charging Stations

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:

Definition: (a) An electric vehicle charging station shall mean a public or private parking space located together with a battery charging station, aka Electric vehicle supply equipment (EVSE) which permits the transfer of electric energy (by conductive or inductive means) to a battery or other storage device in an electric vehicle.

An electric vehicle charging station installed as an accessory to a new or existing single-family home or a unit within a duplex property and used for personal use and not as a means of income, is a permitted use in all zones and requires no site plan approval. *Only Level 1 and Level 2 electric vehicle supply equipment shall be permitted on residential properties.*

An electric vehicle charging station installed as accessory to a new or existing multi family home or a commercial property is permitted per the use tables located at the end of the Zoning Chapter. Site Plan review is required. *All Level 1 and Level 2 and Level 3 electric vehicle supply equipment may be permitted on multifamily residential and commercial properties.*

Electric vehicle supply equipment, as defined in the National Electric Code, shall obtain any required building permits, electrical permits or other applicable permits prior to their location, construction, installation, or operation.

Changes to the Use table:

An electric vehicle charging station is proposed permitted in all residential zones as an accessory use only for personal use.

An electric vehicle charging station is proposed permitted in the DC, OC, GR, HC, GI, RI, HS, AS Zoning Districts. It is permitted by Conditional Use Permit in the Neighborhood Mixed Use Zoning District.

These Amendments shall take effect upon passage.

Councilor Lachapelle **MOVED** to **ADOPT** the Amendment as Councilor Malone seconded the motion.

Councilor Lachapelle **MOVED** to **AMEND** the Amendment as shown below, which includes the chapter numbers and titles. Councilor Hamann seconded the motion. 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. The Amended version is shown below:

Amendment to Chapter 275 of the General Ordinances of the City of Rochester Electric Vehicle Charging Stations

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:

Addition to § 275-2.2 Definitions: An electric vehicle charging station shall mean a public or private parking space located together with a battery charging station, aka Electric vehicle supply equipment (EVSE) which permits the transfer of electric energy (by conductive or inductive means) to a battery or other storage device in an electric vehicle.

Addition to § 275-20.2 Conditions for Particular Uses: D. Electric vehicle charging station. An electric vehicle charging station installed as

an accessory to a new or existing single family home or a unit within a duplex property and used for personal use and not as a means of income, is a permitted use in all zones and requires no site plan approval. Only Level 1 and Level 2 electric vehicle supply equipment shall be permitted on residential properties.

An electric vehicle charging station installed as accessory to a new or existing multi family home or a commercial property is permitted per the use tables located at the end of the Zoning Chapter. Site Plan review is required. All Level 1 and Level 2 and Level 3 electric vehicle supply equipment may be permitted on multifamily residential and commercial properties.

Electric vehicle supply equipment, as defined in the National Electric Code, shall obtain any required building permits, electrical permits or other applicable permits prior to their location, construction, installation, or operation.

Changes to the Table of Uses Table 18-D Industrial-Storage-Transport-Utility Uses:

An electric vehicle charging station is proposed permitted in all residential zones as an accessory use only for personal use.

An electric vehicle charging station is proposed permitted in the DC, OC, GR, HC, GI, RI, HS, AS Zoning Districts. It is permitted by Conditional Use Permit in the Neighborhood Mixed Use Zoning District.

These Amendments shall take effect upon passage.

11.7 Authorizing Supplemental Appropriation to the FY 2023 Capital Improvement Plan (CIP) Project Fund in Connection with the Strafford Square Project in the Amount of \$3,000,000.00 and Borrowing Authority pursuant to RSA 33:9 *second reading and consideration for adoption*

Mayor Callaghan read the Amendment for a second time by title only as follows:

**Resolution Authorizing Supplemental Appropriation to the FY
2023 Capital Improvement Plan (CIP) Project Fund in
Connection with the Strafford Square Project in the Amount of
\$3,000,000.00 and Borrowing Authority pursuant to RSA 33:9**

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

That the amount of Three Million Dollars (\$3,000,000.00) is hereby appropriated as a supplemental appropriation to the FY2023 CIP fund for the purpose of paying costs associated with the Strafford Square Project. Two Million One Hundred Thirty Two Thousand Five Hundred Seventeen and 90/100 Dollars (\$2,132,517.90) of the supplemental shall be derived from borrowing and Eight Hundred Sixty Seven Thousand Four Hundred Eighty Two and 10/100 Dollars (\$867,482.10) of the supplemental shall be derived from a Federal NHDOT Grant.

In accordance with the provisions of RSA 33:9 and in conjunction with this supplemental appropriation, the City Treasurer, with the approval of the City Manager, be, and hereby are authorized to borrow the sum of Two Million One Hundred Thirty Two Thousand Five Hundred Seventeen and 90/100 Dollars (\$2,132,517.90) through the issuance of bonds and/or notes, and/or through other legal form(s), such borrowing to be on such terms and conditions as the said Treasurer and City Manager may deem to be in the best interest of the City of Rochester. Such borrowing is authorized subject to compliance with the provisions of RSA 33:9 and Section 45 of the Rochester City Charter to the extent required, necessary and/or appropriate.

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

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

Mr. Nourse gave a summary of the discussion which took place at the Public Works Committee on July 21, 2022.

Councilor Hamann asked how long the bids would be valid. Mr. Nourse said this bid is valid for 75 days, which is longer than some bids in the past. He confirmed that this bid is good through August 23, 2022.

Councilor Gray said this topic did come up prior to the budget adoption. He questioned if this is something that was inadvertently missed and if not, why was it not discussed. City Manager Cox said these types of supplemental appropriation do not have tax cap implications because of the funding source (bonding/grant funds) and it was not heavily discussed through the budget cycle for that reason. Mr. Nourse said he did not know the amount and it is tough to predict until the bid opens up. He explained that he does update CIP projects on an annual basis; however, the increases in materials have made that process much more difficult recently.

Councilor Beaudoin said Section 40 of the City Charter requires itemized estimates of expenditures for the upcoming fiscal year from each of the Department Head. He said this Supplemental Appropriation was a known cost to the Department and it should have been included with the FY 23 Budget.

Councilor Fontneau said the public has not had a favorable perception of this request so soon after the budget adoption. He asked if the City Council could be certain that this would be the final request for funding for the Strafford Square Project. Mr. Nourse gave reasons why it will be his goal to make this the final request.

Councilor Fontneau requested that this process be reviewed. He said the figure should have been included with the budget, which recently was adopted and because it is such a large increase over the original estimate.

Mayor Callaghan reiterated Councilor Fontneau's question and asked if this final supplemental appropriation would complete the funding for the Strafford Square Project. Mr. Nourse said this is Phase II of two Phases.

Mayor Callaghan asked if the project should be completed by next summer. Mr. Nourse replied yes.

Mr. Nourse clarified that the biggest misconception with this supplemental appropriation is that it would be coming out of the City's General Fund, which is not the case. He said he could build a contingency to each of the CIP projects; however, there is never any guarantees that

it will be a sufficient amount of funding because of the rising cost of materials.

Mr. Nourse said that \$867,482 would be derived from the Department of Transportation Grant Fund and the remainder would be bonded (\$2,132,517.90)

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

12. Consent Calendar

No Discussion.

13. New Business

13.1 Wrestling Event *consideration to approve wrestling venue permit [Governor's Inn, August 28, 2022]*

Councilor Lachapelle **MOVED** to **APPROVE** the Wrestling Venue Permit [Governor's Inn, August 28, 2022] Councilor Fontneau seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

13.2 Resolution Approving Contract and Cost Items Associated with Proposed City of Rochester School Department Multi-Year Collective Bargaining Agreement with Rochester Federation of Teacher's Food Service Chapter, Local 3607 Bargaining Unit *first reading and consideration for adoption*

The agenda was adjusted by the mayor and this resolution was adopted just prior to 11.2.

13.3 Amendment to ownership of Champlin Forest Conservation Land *motion to approve change in ownership interest*

Councilor Lachapelle **MOVED** to **APPROVE** the change in ownership of Champlin Forest Conservation Land. Councilor Fontneau seconded the

motion. The **MOTION CARRIED** by a unanimous voice vote.

13.4 Resolution for Supplemental Appropriation of \$1,000,000 to Department of Public Works (DPW) Sewer CIP Fund *first reading and consideration for adoption*

Mayor Callaghan read the resolution as follows:

Resolution for Supplemental Appropriation of \$1,000,000 to Department of Public Works (DPW) Sewer CIP Fund

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

That the Mayor and City Council of the City of Rochester hereby accept and appropriate an amount not to exceed One Million Dollars (\$1,000,000.00) to the Sewer CIP Fund for the purpose of paying costs associated with the Great Bay Estuary Restoration Project through the Municipal Alliance for Adaptive Management (MAAM) and Intermunicipal Agreement with the Cities of Dover, Portsmouth, Newington, Exeter, Milton, Rollinsford and Rochester, NH, and further;

The City of Rochester, Department of Public Works in accordance with the provisions of the Intermunicipal Agreement shall act as the fiscal agent for the Municipal Alliance for Adaptive Management. The source of the funds for the supplemental appropriation shall be derived in its entirety from federal assistance as a Congressionally Identified Award.

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

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

13.5 Resolution for Supplemental Appropriation of \$1,075.39 to Department of Public Works (DPW) Sewer CIP Fund *first reading and consideration for adoption*

Mayor Callaghan read the resolution as follows:

**Resolution for Supplemental Appropriation of \$1,075.39 to
Department of Public Works (DPW) Sewer CIP Fund**

**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 appropriates One Thousand Seventy-Five Dollars and Thirty-Nine Cents (\$1,075.39) to the Sewer CIP Fund for the purpose of paying costs associated with the NPDES permit through the Municipal Alliance for Adaptive Management (MAAM) and Intermunicipal Agreement with the Cities of Dover, Portsmouth, Newington, Exeter, Milton, Rollinsford and Rochester, NH, and further;

The City of Rochester, Department of Public Works in accordance with the provisions of the Intermunicipal Agreement shall act as the fiscal agent for the Municipal Alliance for Adaptive Management. The source of funds for the supplemental appropriation shall be derived in its entirety from the Town of Newington, NH.

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

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

**13.6 Non-Public Meeting Minutes regarding the
Purchase of 181 Highland Street *motion to unseal***

13.6.1 February 1, 2022

13.6.2 April 5, 2022

13.6.3 June 7, 2022

Councilor Lachapelle **MOVED** to **UNSEAL** all three sets of minutes as stated above. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

13.7 Resolution Authorizing the Acceptance of a Donation from Arthur Taylor, Jr. in the amount of \$10,000.00 *first reading and consideration for adoption*

Mayor Callaghan read the resolution as follows:

Resolution Authorizing the Acceptance of a Donation from Arthur Taylor, Jr. in the amount of \$10,000.00

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

The City hereby accepts a donation of Ten Thousand Dollars (\$10,000.00) to be used by the Rochester Fire Department toward the costs of a kitchen in the proposed fire station to be located at 181 Highland Street.

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

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

Councilor Hainey asked if this would be a restricted donation. Ms. Ambrose said there is "donor intent" involved, which triggers a discussion about a "trust" being set up. She said if this resolution is adopted, she would bring it to the Trustees of the Trust Fund's next meeting. The **MOTION CARRIED** by a unanimous voice vote.

13.8 Resolution Authorizing City Manager to Execute an Agreement with the New Hampshire Department of Transportation (NHDOT) for the Tebbetts Road/Old Dover Road Intersection Project *first reading and consideration for adoption*

Mayor Callaghan read the resolution as follow:

Resolution Authorizing City Manager to Execute an Agreement with the New Hampshire Department of Transportation (NHDOT) for the Tebbetts Road/Old Dover Road Intersection Project

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

That the Mayor and City Council of the City of Rochester hereby authorize the City Manager to execute an agreement with NHDOT for a Highway Safety and Improvement Program Grant for the Tebbetts Road/Old Dover Road Intersection Project and for the City Manager to execute any and all required documents. The Mayor and City Council previously accepted said Grant as part of their approval of the FY 22 and FY23 budgets.

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

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

**13.9 Recommendation to award bid # 23-02
"Professional Municipal Auditing Services" to
Melanson *consideration for approval***

Councilor Lachapelle **MOVED** to **APPROVE** and Award the Bid #23-02 "Professional Municipal Auditing Services" to Melanson. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

14. Non-Meeting/Non-Public Session

Mayor Callaghan asked the City Clerk to call the roll to enter a Non-Meeting at 9:44 PM. Councilor Gray questioned why the City Council would enter the Non-Meeting in Public Session, if the City Council would not be returning to the meeting. Mayor Callaghan agreed that is past practice of the City Council; however, the Attorney General suggests that a roll call be

taken in the public session. The **MOTION CARRIED** by a 12 to 0 roll call vote. Councilors, Gilman, de Geofroy, Gray, Hainey, Larochelle, Berlin, Lachapelle, Fontneau, Hamann, Beaudoin, Malone, and Mayor Callaghan voted in favor of the motion.

15. Adjournment

Mayor Callaghan **ADJOURNED** the Regular City Council meeting at 9:45 PM.

Respectfully submitted,

Kelly Walters, CMC
City Clerk

EXHIBIT A: RFT Food Service Tentative Agreement

June 20, 22

RFT Food Service Chapter

School Health Cost Sharing Health Plan	80/20	80/20	80/20	80/20
	SOS \$20/40 RX 10/20/45 DED \$1000/3000	SOS \$20/40 RX 10/20/45 DED \$1000/3000	SOS \$20/40 RX 10/20/45 DED \$1000/3000	SOS \$20/40 RX 10/20/45 DED \$1000/3000
Projected Health Increase		GMR 5.2%	5%	5%
	Current FY22	FY23	FY24	FY25
Wages				
Base Wage	573,070	655,719	690,788	713,242
Longevity	12,870	12,870	12,870	12,870
Off Step Stipend	6,000	6,000	6,000	6,000
Total Wages	591,940	674,589	709,658	732,112
Dollar Change		82,649	35,069	22,455
% Change		13.96%	5.20%	3.16%
Benefits				
FICA	36,700	41,825	43,999	45,391
Medicare	8,583	9,782	10,290	10,616
Health Insurance	96,750	99,959	104,957	110,205
Dental	881	881	881	881
Total Rollups	106,214	110,622	116,128	121,701
Dollar Change		4,407	5,506	5,573
% Change		4.15%	4.98%	4.80%
Totals				
Total Wages Benefits and Rollu	698,154	785,211	825,786	853,814
Dollar Change		87,056	40,575	28,028
% Change		12.47%	5.17%	3.39%

~~ READ TO A CHILD 20 MINUTES A DAY ~~

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City Clerk's Office

**City Council Special Meeting
August 16, 2022
Council Chambers
6:00 PM**

COUNCILORS PRESENT

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

OTHERS PRESENT

Blaine Cox, City Manager
Katie Ambrose, Deputy City Manager

COUNCILORS EXCUSED

Councilor Fontneau

Minutes

1. Call to Order

Mayor Callaghan called the Special Meeting to order at 6:00 PM. Deputy City Clerk Cassie Givara took a silent roll call attendance. All Councilors were present except for Councilor Fontneau, who was excused.

Mayor Callaghan asked all present to stand and had Councilor Beaudoin lead the Pledge of Allegiance.

2. Resolution to Authorize the City Manager to Enter into an Agreement with the City of Dover and the City of Somersworth to Operate an Emergency Cold Weather Warming Center at 30 Willand Drive in Somersworth from November 2022 through March 2023, to include an Agreement with a Third-Party Organization to Provide Services at the Warming Center first reading and consideration for adoption

Mayor Callaghan read the above resolution. Councilor Lachapelle **MOVED** to **ADOPT**. Councilor Hamann seconded the motion. Mayor Callaghan read a statement in support of the resolution and encouraged Council to vote in favor, as the Councils of both Somersworth and Dover had already done. Mayor Callaghan explained that that when the shelter at 30 Willand Drive in Somersworth was purchased by the City of Dover using federal funding, the intention was always

that it would be a stopgap measure for extreme weather sheltering as opposed to a permanent shelter. The property is zoned commercial/industrial, would not pass code for residential use, and could expose the City of Dover to liability if run seasonally. Mayor Callaghan explained that this proposal has been a collaborative effort between the Tri-City's Mayors, City Managers, and County commissioners. He invited Mayor Dana Hilliard of Somersworth, Mayor Bob Carrier of Dover, and County Commissioner George Maglaras to address the Council.

George Maglaras, Chairman of the Strafford County Board of Commissioners, briefly explained the proposal coming before Council and asked Mayor Hilliard to speak about the Willand facility and the potential future plans.

Mayor Hilliard of Somersworth explained that, prior to the establishment of the Willand Warming Center; the Cities relied primarily on faith-based organizations to assist in sheltering and care during extreme cold weather. However, during COVID, due to safety and health restrictions along with lack of volunteers, these organizations were not able to assist to the extent they had in the past. Mayor Hilliard spoke of the Tri-City Task Force on Homelessness, through which the Master Plan for Homelessness was created and adopted by all three City Councils. A primary goal of the Master Plan was the creation of a seasonal warming center. The City of Dover was able to leverage available federal funding during COVID to purchase the Willand property in Somersworth, which was operated as a collaborative effort between the Tri-Cities. Mayor Hilliard spoke of the success experienced during the first year of operations as a seasonal shelter, and the drawbacks of the second winter of operations when the scope was changed to a full-time shelter, which was outside the original spirit of the agreement. This put significant stressors on the City of Somersworth and their first responders. Mayor Hilliard emphasized the need for more long-term solutions.

Mayor Hilliard outlined the three-part plan being proposed: The first part would be constructing a state of the art nursing home facility in Stafford County. The second portion would be repurposing the original assisted-living facility into a transitional homeless shelter offering shelter and wrap-around services. The final portion of the plan, as approved in the Master Plan for Homelessness, is actively reviewing the Cities' zoning and planning ordinances and encouraging the development of workforce and affordable housing. Mayor Hilliard emphasized that each part of the plan is integral and the proposal will not be successful without all three.

Mayor Carrier spoke about the importance of the Tri-Cities working together with the County to bring the plan to fruition to avoid having to start back at square one, with reliance on faith-based and social service organizations. Following the difficulty that had been experienced by the city of Somersworth after the expansion and extending of services at the Willand facility, the Mayors approached Somersworth to request a return Willand to the extreme weather shelter format for one year while a new homeless shelter is being constructed. Mayor Hilliard reported that the Somersworth City Council committed to operating the use of this extreme weather facility for several years, if needed, acknowledging that a more permanent solution would not be a fast process and that single winter season would likely not be adequate.

Mayor Carrier spoke about the Tri-Cities of the past where boarding houses and rooms for weekly rental were commonplace. He acknowledged the changing laws and regulations, which make operations like this less plausible, but emphasized the need for similar low-income options for those who cannot afford the average rental prices in today's economy.

Commissioner Maglaras addressed Council regarding the aging population of Strafford County and the future needs for this population. He outlined the proposal to come before the Strafford County Delegation in the near future and gave details of the project.

Councilor Hainey referenced a portion of the Willand agreement that states that the facility will be open at the direction of the Tri-City Emergency Management Directors when extreme winter weather is predicted. She asked if "extreme weather" has been defined and if there are specific triggers that would predicate the opening of the shelter. City Manager Cox stated that this criteria is currently being worked on and will be put into the agreement. Councilor Malone spoke about the problems encountered during the first season running the Willand warming center with the facility with lack of committed volunteers and the center not always being open during storms or low temperatures when it would have been expected. She spoke about the potential that defining these triggers within the agreement may help bypass some of these issues and emphasized the importance of such warming centers in reducing mortality of the homeless population.

Councilor Desrochers referenced Commissioner Maglaras' statements about the respect and dignity that needed to be offered to the aging population after a lifetime of contributing to the community. She reminded those listening that the same respect and humanity needed to be afforded to the homeless and those with substance misuse issues, whose lives are equally worthwhile.

The **MOTION CARRIED** by a unanimous roll call vote with Councilors Hainey, Gray, Malone, Gilman, Larochelle, de Geofroy, Desrochers, Berlin, Beaudoin, Hamann, Lachapelle, and Mayor Callaghan all voting in favor.

3. Adjournment

Mayor Callaghan **ADJOURNED** the City Council Special Meeting at 6:35 PM.

Respectfully Submitted,

Cassie Givara
Deputy City Clerk

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left blank...*

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

August 2022

Contracts and documents executed since last month:

- **Department of Public Works**
 - Drainage Easement Agreement, 117 and 121 Old Dover Road **P. 52**
 - Notice to Proceed – Apex Construction **P. 53**
 - Task Order, Granite Ridge Phase II – Hoyle Tanner **P. 54**
 - Scope of Services, Katie Lane drainage – S.U.R. **P. 55**
 - Change Order, Rt. 11 Sewer Pump Station – Northeast Earth Mechanics **P. 56**
 - Change Order, Woodman Area Infrastructure – S.U.R. **P. 57**
- **Economic Development**
 - FY23 Municipal Contracts – East Rochester Library & COAST **P. 58**
 - FY22/FY23 CAP Weatherization **P. 59**
 - Dumpster License – MSR Holdings **P. 60**
- **Finance**
 - FY22 Audit Engagement Letter - Melanson **P. 61**
 - ARPA Grant Agreement – Gonic Dam **P. 62**
- **Planning**
 - Preservation Company Contract **P. 63**

The following standard report has been enclosed:

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



City of Rochester, New Hampshire

PUBLIC WORKS DEPARTMENT

209 Chestnut Hill Road • Rochester, NH 03867

(603) 332-4096

www.rochesternh.net

INTEROFFICE MEMORANDUM

TO: Blaine Cox, City Manager

FROM: Timothy Goldthwaite, PE, Assistant City Engineer

DATE: August 22, 2022

SUBJECT: 117 and 121 Old Dover Road – Drainage Easement Agreement

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

Attached please find (1) one copy of the signed drainage easement agreement and easement work plan Figure 1 depicting replacement for an existing culvert on Old Dover Rd that is part of the scope of work for the Colonial Pines Phase 3 sewer-drainage infrastructure project. This culvert replacement work necessitated the drainage easement document being the outlet headwall structure is situated on the properties of 117 and 121 Old Dover Road. Terence has reviewed this document.

If you have any questions, please give me a call.

Attachment: Drainage Easement Agreement and Figure 1 Easement Work Plan



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

09/01/2022



INTEROFFICE MEMORANDUM

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

FROM: LISA J. CLARK, ADMINISTRATION AND UTILITY BILLING SUPERVISOR

DATE: August 5, 2022

SUBJECT: Apex Construction
Notice to Proceed

CC: Peter Nourse
Michael Bezanson

Attached please find (1) one copy of the Apex Construction Notice to Proceed for City Manager Signature. The contract documents for this project were executed by City Manager signature on 7/27/2022.

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

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



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



INTEROFFICE MEMORANDUM

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

FROM: LISA J. CLARK, ADMINISTRATIVE SUPERVISOR

DATE: July 27, 2022

SUBJECT: Hoyle Tanner and Associates
Granite Ridge Phase II – Task Order 9-A
\$4,975.00

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

Attached please find (1) one copy of the Hoyle Tanner Associates Task Order #9 A. The original Task Order (TO) #9 for this project was executed in March of 2019 in the amount of \$10,000 (FY19 PO#6465). The work was completed for Phase II as it was planned then. The original TO included obtaining documents from NHDOT, NHDES and the City of Rochester, to evaluate the developer's schedule, attend meetings and once the concept was agreed upon, to develop a scope of services to complete the project. The concept of the project has changed significantly and this TO will authorize HTA to attend scoping meetings with The City of Rochester and the Developer to discuss the new project concept and the approach to developing a scope of service to complete the project.

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

There is sufficient funding in the project account for Granite Ridge Phase II CIP Account as follow:

61083010-771000-16577 = \$4,975.00

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
45 Old Dover Road • Rochester, NH 03867
(603) 332-4096
www.RochesterNH.net

09/01/2022



INTEROFFICE MEMORANDUM

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

FROM: LISA J. CLARK, ADMINISTRATIVE SUPERVISOR

DATE: July 18, 2022

SUBJECT: SUR Construction – Storm water Drainage Repair Project
Katie Lane / Portland Street - Amount \$278,399.48

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

Attached please find (1) one copy of the SUR Construction Company estimate/ scope of service for signature. This project is for drainage repair & replacement per discussions and approval of Public Works Committee. SUR was selected for this project using the *City of Rochester Bid # 21-23 for Equipment Rental and Construction Contracting Services. The pricing is good through 12/31/2022.*

This scope includes “Non Emergency Work” as defined in Bid Document #21-23 Section 2 Paragraph 4. “Definition of Non-Emergency Work - Non-emergency work is considered small scale, routine maintenance or repair to water distribution, wastewater or storm water collection system, streets, or sidewalks that the city does not have the equipment to complete. It is expected that the duration of such work will be short term (generally less than 4 weeks).”

The scope of service pricing for labor, equipment and materials has been confirmed to be per bid price. The funds are available in the following Account:

15013010-771000-22530 = \$1,872.42
15013010-771000-23524 = \$276,527.06

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

09/01/2022



INTEROFFICE MEMORANDUM

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

FROM: Dana Webber, PE, Assistant City Engineer

DATE: August 11, 2022

SUBJECT: Route 11 Sewer Pump Station Upgrade
Northeast Earth Mechanics, Inc. Change Order No. 1

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

Attached please find (1) electronic copy of Change Order No. 1 for the Route 11 Sewer Pump Station Upgrade. As described in the change order document, a time extension is warranted due to equipment delivery delays and redesign of the site layout. Brown and Caldwell has reviewed and approved contract time extension.

The change order will not result in a change to the original contract value.

See the attached change order with new contract duration and completion dates. City Manager signature for approval is required on page 2.

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

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



City of Rochester, New Hampshire
PUBLIC WORKS DEPARTMENT
209 Chestnut Hill Road • Rochester, NH 03867
(603) 332-4096
www.RochesterNH.gov

09/01/2022



INTEROFFICE MEMORANDUM

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

FROM: Dana Webber, PE, Assistant City Engineer

DATE: August 19, 2022

SUBJECT: Woodman Area Infrastructure Improvements
SUR Construction Change Order No. 1

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

Attached please find (1) a final electronic copy of Change Order #1 for the Woodman Area Infrastructure Improvements Construction Contract. As described in the change order document, this change order will not change the value of the Contract or the contract duration. There are credits and a reduction in our contingency line item to accommodate the change in work. Wright-Pierce has reviewed and approved the changes in CO#1.

See the attached change order for your review and City Manager approval at the bottom of page 1.

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

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



09/01/2022

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

INTEROFFICE MEMORANDUM

TO: Blaine Cox, City Manager

FROM: Kiersten Wright, Community Development Coordinator

DATE: August 5th, 2022

SUBJECT: FY 2023 Municipal Contracts- East Rochester Library and COAST

CC: Jenn Marsh, Assistant Director of Economic Development

Terrance O'Rourke, City Attorney

Please see attached the signed copy of the FY 2023 municipal funding contract between the City of Rochester and the East Rochester Library and the city and COAST. City Council approved funding for this activity as part of the FY 2023 budget adoption at the July 5th, 2022 City Council meeting.

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

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

Signature_____Date_____

Michael Scala, Director Economic Development

Signature_____Date_____



09/01/2022

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

INTEROFFICE MEMORANDUM

TO: Blaine Cox, City Manager

FROM: Kiersten Wright, Community Development Coordinator/Grants Manager

DATE: August 24th, 2022

SUBJECT: FY 22- 23 CAP Weatherization Assistance Program

CC: Jennifer Marsh, Assistant Director of Economic Development Department

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

MEMO

TO: Blaine Cox, City Manger

CC: Terence O'Rourke, City Attorney, Katie Ambrose, Deputy City Manager / Director of Finance

FROM: Michael Scala, Director of Economic Development

DATE: August 10, 2022

RE: MSR Holdings LLC. Dumpster License Agreement

Blaine:

Please find attached the agreed upon Dumpster License Agreement between the City and MSR Holdings LLC.

This License would allow MSR to utilize space in the City's Congress Street Parking Lot ROW as a location for a dumpster that would service their property at 2-6 North Main Street.

MSR has agreed to a \$30/month payment for 5 years with an automatic 5-year renewal at the end of the first 5-year term.

If you are satisfied with the document, please review, sign, and scan back to me.

Thank you,

A handwritten signature in black ink, appearing to read "Michael Scala", is written over a light blue horizontal line.

Michael Scala
Director of Economic Development



City of Rochester, New Hampshire

Finance Office

31 Wakefield Street • Rochester, NH 03867-1917

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

Date: August 5, 2022

To: Blaine Cox, City Manager

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

RE: Melanson Audit Engagement Letter – FY22 Audit

Please find the attached audit engagement letter for fiscal year 2022 between the City of Rochester and Melanson. City Council voted to award bid 23-02 Municipal Auditing Services to Melanson at their August 2nd meeting. Funding for these services is budgeted and available in the General Overhead budget.

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

Katie Ambrose
Deputy City Manager/ Director of Finance & Administration

Enclosures: Engagement Letter



City of Rochester, New Hampshire

Finance Office

31 Wakefield Street • Rochester, NH 03867-1917

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

Date: August 24, 2022

To: Blaine Cox, City Manager

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

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

Attached please find (1) one copy of the ARPA grant agreement for the Gonic Dams Removal Project/Cocheco River Restoration Project for your signature. City Council authorized the acceptance of the grant and designated authority to the City Manager to execute the grant documents at the April 5, 2022 Regular City Council Meeting.

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

Katie Ambrose
Deputy City Manager/ Director of Finance & Administration

Enclosures: Gonic Dams_ARPA CFRING_G-1 with Exhibits



PLANNING & DEVELOPMENT DEPARTMENT
City Hall - Second Floor
33 Wakefield Street,
Rochester, New Hampshire 03867-1917
(603) 335-1338 - Fax (603) 330-0023
Web Site: www.rochesternh.net

Planning Board
Zoning Board
Conservation Commission
Historic District Commission
Arts and Culture Commission

To: Blaine Cox, City Manager

From: Crystal Galloway, Planner I

Re: Preservation Company Contract

Date: August 23, 2022

On September 7, 2021 the City Council accepted a grant in the amount of \$40,000 from the New Hampshire Division of Historical Resources for the Historic District Commission to document specific historic structures within the Historic District.

Attached is the contract for Preservation Company to complete the work that needs your signature. If you have any questions or need any additional information, please do not hesitate to ask.

DEPT	NAME	POSITION	# of Employees	FT	PT	SEASONAL/TEMP	NEW HIRE	REHIRE	RETIREMENT	SEPARATED	STEP (CBA)	COLA (CBA)	MERIT PAY ADJ	NU PAY ADJ	PAY ADJ	PROMOTION	OTHER	MISC. INFO
ASSESSING	THERESA HERVEY	ASSESSOR II	1	X							X							ANNIVERSARY DATE 06/30/1992
CITY CLERK	DIANE MOSES	PT SEASONAL ELECTIONS	1			X		X										SEASONAL CLERK TO ELECTIONS
COMMUNICATIONS		PER DIEM DISPATCHERS	5			X									X			
COMMUNICATIONS	MADELINE BRINKMAN	COMMUNICATIONS SPECIALIST	1	X							X							ANNIVERSARY DATE 06/30/2014
COMMUNICATIONS	TEAGAN RYDER	COMMUNICATIONS SPECIALIST	1	X			X											
COMMUNICATIONS	TEAGAN RYDER	COMMUNICATIONS SPECIALIST	1	X						X								
COMMUNICATIONS	MARIAH GRIFFIN	COMMUNICATIONS SPECIALIST	1	X							X							ANNIVERSARY DATE 07/12/2021
COMMUNICATIONS	ERIC PIKE	PER DIEM DISPATCHER	1			X	X											
COMMUNICATIONS		COMMUNICATIONS SPECIALIST	5												X			STEP INCREASE EFFECTIVE 07/01/2022 PER MOA
DPW	TERESA LIBERGE	CUSTODIAN	1	X			X											
DPW	LAWRENCE BOWER	WWTP OPERATOR	1	X			X											
DPW	TERESA LIBERGE	CUSTODIAN	1	X						X								
DPW	STEVEN WHEELER	CUSTODIAN PT	1		X					X								
DPW	CORY ALLARD	WW MAINTENANCE MECHANIC	1	X			X											
DPW	DANNY MALDONADO	PT CUSTODIAN	1		X		X											
DPW	JOHN CAMPBELL	MEDIUM EQUIPMENT OPERATOR	1	X			X											
DW	MICHELE GRANT	UTILITY BILLING ADMINISTRATOR	1	X							X							ANNIVERSARY DATE 07/05/2017
FINANCE	KATIE AMBROSE	DEPUTY CITY MGR/FINANCE DIRECTOR	1	X									X					
FINANCE	ANN MARIE ARSENAULT	ACCOUNTANT II	1	X												X		ACCOUNTANT I TO ACCOUNTANT II
FIRE	JOSEPH RILEY	FIREFIGHTER	1	X							X							ANNIVERSARY DATE 07/31/2016
FIRE	LILAH CHERIM	FIREFIGHTER	1	X						X								
FIRE	ERIC LENZI	FIRE CAPTAIN	1	X							X							PROMOTION DATE 07/31/2016
FIRE	MATTHEW FURTNEY	FIREFIGHTER	1	X							X							ANNIVERSARY DATE 07/28/2014
FIRE	MATTHEW WOODBURY	FIREFIGHTER	1	X							X							ANNIVERSARY DATE 08/06/2017
POLICE	THOMAS POWERS	PATROL OFFICER	1	X						X								
POLICE	ANDREW JACKSON	PATROL OFFICER	1	X						X								
POLICE	TIMOTHY RUMMO	PATROL OFFICER	1	X							X							ANNIVERSARY DATE 08/09/2020
POLICE	CARL ROOT	PATROL OFFICER	1	X							X							ANNIVERSARY DATE 08/05/2019
POLICE	KEVEN MILLER	PATROL OFFICER	1	X							X							ANNIVERSARY DATE 08/04/2019
POLICE	SHANE DOWNS	PATROL OFFICER	1	X													X	SIGN ON BONUS FOR FT CERTIFIED OFFICER
RECREATION	RILEY BISHOP	CAMP COUNSELOR	1			X				X								
TAX	DARCY LANDRY	UTILITY BILLING ADMINISTRATOR	1	X			X											



City of Rochester, New Hampshire

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

Appointments Review Committee

August 18, 2022

City Hall Chambers – Conference Room
6:00 PM

Committee Members Present:

James Gray, Chair
Laura Hainey, Vice-Chair
Dana Berlin
Ashley Desrochers
Amy Malone

Committee Members Excused:

Minutes

Chair Gray called the meeting to order at 6:00 PM on August 18, 2022.

New appointment(s):

Nicole Lee – Arts & Culture Commission, Seat E (New Appointment, Regular member) *Term to Expire 7/1/2023*

Ms. Lee stated that she is currently working as the Marketing Program Coordinator for the Rochester Recreation Department and is directly involved with producing the “Concert on the Common” summer series. Ms. Lee stated that she felt her connections with the Recreation Department could enhance the Arts & Culture Commission, and vice versa. Ms. Lee spoke about her art background in varying media, such as sculpting, sketching, and music. She expressed her interest in helping introduce the independent music scene to Rochester.

Councilor Malone stated that Ms. Lee had assisted with National Night out as well as the Lilac Family Fun Festival and she felt that she would be an enthusiastic asset to the Arts & Culture commission.

Councilor Desrochers **MOVED** to recommend Nicole Lee as a Regular Member (Seat E) on the Arts & Culture Commission with a term to expire 7/1/2023. Councilor Malone seconded the motion. The **MOTION CARRIED** by a unanimous 5-0 voice vote.

Marie Lejeune – Arts & Culture Commission, Seat A (New Appointment, Regular member) *Term to Expire 7/1/2025*

Ms. Lejeune explained that she is the current Director of the Rochester Public Library. She has held this position since March of 2021, although she has been with the library for around 30 years. She earned her Master's in Art History. She expressed her interest in collaboration between the Arts & Culture Commission and the library in expanding both permanent and rotating art displays to all floors. Ms. Lejeune spoke about the library's role in promoting arts to readers and patrons who may not have art background or experience.

Councilor Berlin **MOVED** to recommend Marie Lejeune as a Regular Member (Seat A) on the Arts & Culture Commission with a term to expire 7/1/2025. Councilor Malone seconded the motion. The **MOTION CARRIED** by a unanimous 5-0 voice vote.

Re appointment(s):

Brett Johnson – Utility Advisory Board, Seat D (Re Appointment, Regular member) *Term to Expire 1/2/2025*

The Committee favorably discussed Mr. Johnson's reappointment and the active role he has taken on both the UAB and the Trustees of the Trust Fund.

Councilor Desrochers **MOVED** to recommend Brett Johnson for reappointment as a Regular Member (Seat D) on the Utility Advisory Board with a term to expire 1/2/2025. Councilor Malone seconded the motion. The **MOTION CARRIED** by a unanimous 5-0 voice vote.

Chair Gray **ADJOURNED** the Appointments Review Committee meeting at 6:22 PM

Respectfully submitted,

Cassie Givara
Deputy City Clerk



09/01/2022

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

**STATEMENT OF INTEREST
BOARD AND COMMISSION MEMBERSHIP**

POSITION DESIRED: Arts and Culture Commission Member

NEW ☒ RE-APPOINTMENT _____ REGULAR _____ ALTERNATE _____

NAME: Nicole Lee

STREET ADDRESS: 7 Donald St

ZIP 03839

TELEPHONE: (H) 603-706-0476 (W) 603-332-4124 E-MAIL nicole.lee@rochesternh.gov

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

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

I am interested in joining the Arts and Culture Commission because I
value arts and culture and believe my unique background would
benefit the Commission. I have an educational background in
anthropology, work experience in film and television production, and
I have worked on collaborative multi-media music projects.

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

N/A

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: Nicole Lee



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

**STATEMENT OF INTEREST
 BOARD AND COMMISSION MEMBERSHIP**

POSITION DESIRED: Rochester Arts and Culture Commission

NEW ☒ RE-APPOINTMENT ☐ REGULAR ☐ ALTERNATE ☐

NAME: Marie Lejeune

STREET ADDRESS: 16 Stair Falls Drive

ZIP 03868

TELEPHONE: (H) 603-767-5888 (W) 603-5069 E-MAIL marie.lejeune@rochesternh.gov

REGISTERED VOTER: (CIRCLE ONE) YES ☒ NO ☐ **WARD** 1

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

I have always loved looking at and have an M.A. in Art History. I
also enjoy creating art, but unfortunately my skills do not match my
enthusiasm. I keep trying anyway! As Library Director, I have
worked with Matt Wyatt on several projects to bring more art to the
Library.

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

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

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



09/01/2022

RECEIVED

JUN 17 2022

CITY CLERK'S OFFICE
ROCHESTER, NH

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

STATEMENT OF INTEREST
BOARD AND COMMISSION MEMBERSHIP

POSITION DESIRED: Utilities Advisory Board

NEW _____ RE-APPOINTMENT ☒ REGULAR _____ ALTERNATE _____

NAME: Brett Johnson

STREET ADDRESS: 97 Millers Farm Drive

ZIP 03868 603 - 944-7479 brett59je@yahoo.com

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

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

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

I've been serving on UAB for a few
years now. I'm also a trustee of
the Trust Funds. I've been involved
in the waterworks industry for 20 years.

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

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

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

*Intentionally
left blank...*

City Clerk's Office

Codes and Ordinances Committee

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



Others Present

Mayor Paul Callaghan
Terence O'Rourke, City Attorney

**CODES AND ORDINANCES COMMITTEE
Of the Rochester City Council
Thursday, August 4, 2022
Council Chambers
6:00 PM**

Minutes

1. Call to Order

Chair Lachapelle called the Codes and Ordinances meeting to order at 6:00 PM.

2. Public Input

Susan Rice, resident, referenced a motion that was missing from the July 7, 2022 Codes minutes and asked that the minutes be corrected. Ms. Rice also spoke about RSA 91-A and what constitutes a meeting therein.

Christopher Rice, resident, emphasized the importance of thorough work at the committee level before sending item to be approved by Council. Mr. Rice also made suggestions regarding the proposed ethics policy.

3. Acceptance of the Minutes

3.1 July 7, 2022 *motion to approve*

Councilor Desrochers **MOVED** to **ACCEPT** the minutes of the July 7, 2022 meeting. Councilor Fontneau seconded the motion. Chair Lachapelle asked the Deputy Clerk to make the correction to the minutes as detailed by Ms. Rice during public input. The motion will be to accept the minutes as amended. The **MOTION CARRIED** to accept the minutes as amended.

4. Amendment to Chapter 167 of the General Ordinances of the City of Rochester Regarding Trapping and Bear Baiting on City Property

§ 167-24 Trapping and Bear Baiting Prohibited.

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

City Attorney Terence O'Rourke explained that in 2016, the City Council had voted to ban trapping on City property; however, this was never put into the City Ordinances. He stated that this action should be codified into the ordinances at this time, and there is additional related verbiage regarding hunting and baiting which should be discussed and potentially placed in the ordinances as well. He reported that the City Manager had recently rejected an application for bear baiting on City property and felt that this process should be codified for any future requests.

Chair Lachapelle clarified the difference between trapping and/or relocation of nuisance animals, which would be done by Fish & Game versus trapping for sport.

Councilor Beaudoin inquired about the wording in the proposed ordinance, which indicates trapping is authorized: "for the health, safety, and welfare of the community or the animal..." He asked if this would be at the discretion of the City Manager. Attorney O'Rourke confirmed that this would be the case. If there were an animal in distress on City property, the proper authorities would be contacted to remove or relocate the animal. This verbiage needs to be in the ordinance to allow this activity without being in violation of the previous Council action prohibiting trapping on City property.

Councilor Fontneau questioned the current wording of the proposed ordinance and asked if the "trapping" referenced referred to bears or all animals. Attorney O'Rourke answered that trapping does refer to all animals. Councilor Fontneau felt that some clarifying terminology was needed. Councilor Beaudoin recalled that the State uses the language "fur-bearing animals" in the RSA regarding hunting and trapping. He suggested this could be used in the Rochester ordinance.

Councilor Desrochers clarified that the proposed ordinance only refers to activity on City property. Chair Lachapelle confirmed and said that hunting and trapping is allowed on private property as long as written authorization is received by the property owner.

Councilor Beaudoin **MOVED** to amend the proposed ordinance as follows:

§ 167-24 Trapping and Bear Baiting Prohibited.

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

Councilor Fontneau seconded the motion. Councilor Fontneau asked if the use of the term "trapping" would include trapping for humane purposes using a Havahart trap. It was confirmed that on City-owned property, the State would be able to trap for humane purposes. It does not

affect the use of Havaharts on private property.

Councilor Beaudoin asked for confirmation that this proposed ordinance would not restrict hunting on publicly-owned property. Attorney O'Rourke stated that this ordinance does not prohibit hunting on publicly owned property. The **MOTION CARRIED** by a unanimous voice vote.

5. Code of Ethics and Conduct

Chair Lachapelle explained that the current draft Code of Ethics distributed to the Committee was drafted by Kim Conley, Director of HR. He said he had received suggested edits from Councilor Berlin, but would start discussions with Councilor Beaudoin's suggested edits.

Councilor Beaudoin agreed with statements made by Mr. Rice during public input; that this is a far-reaching document and should not be rushed for a final vote. He emphasized the need to review the document thoroughly and retain it in committee as needed for further workup until they feel it is ready for final approval.

Councilor Beaudoin referred the Committee to page 1 of the Code; Section A. Ethics, bullet point 6 "Decisions Based on Merit":

6. ***Decisions Based on Merit.*** *Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations. When making adjudicative decisions (those decisions where the member is called upon to determine and apply facts peculiar to an individual case), members shall maintain an open mind until the conclusion of the hearing on the matter and shall base their decisions on the facts presented at the hearing and the law.*

Councilor Beaudoin questioned the last sentence "...and shall base their decisions on the facts presented at the hearing and the law." He stated that in his experience at State hearings, representatives would seek outside sources of information in order to become well-informed on the subject matter and to be able to ask questions pertinent to the topic. He felt that the current verbiage would allow the Council to make decisions based only on what is presented to them at a hearing, which may or may not be factual. He suggested the following edit:

"...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 the law and~~ should seek outside information on the subject matter from all possible sources"

Councilor Desrochers acknowledged that in these circumstances, it would be unlikely that there would be subject matter experts on the Council and it would be beneficial to look at outside sources. Councilor Beaudoin stated that it was incumbent upon Councilors to seek as much information as possible and to consider the accuracy or validity of information presented to them in order to make a determination. Attorney O'Rourke stated that on land-use boards, it is accepted that members can use their personal knowledge to help make a decision, and that would be relevant in this circumstance as well.

Chair Lachapelle clarified that the intent is not to complete the discussion on the Code of Ethics and sent it to Council for a decision in September. Rather, the Committee will discuss and make edits before sending it to HR and legal for review, at which point it will be returned to Codes and Ordinances for further review before being sent to Council.

Councilor Beaudoin referred the Committee to section 7. “Communication” on page 2 of the Code of Ethics and made the following edit:

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

Councilor Beaudoin explained that he felt this sentence also restricted Councilors’ ability to look at outside information. Councilor Desrochers asked for clarification on whether this passage was referring only to adjudicative matters, such as a trial. If so, removing the first two sentences would change the intention of the remainder of the paragraph. Councilor Beaudoin felt that it was dependent on how strictly the term “adjudicative” is being used; could it also be considered adjudicative if it is a discussion on a bill or motion pending. Attorney O’Rourke stated that the City Council rarely meets for adjudicative matters; it applies more often to Planning Board and ZBA. He explained that it refers to circumstances where the board is sitting as a judge. In these situations, there is a record being created of the matter in which outside information would not be contained in said record, and should not be considered. Councilor Beaudoin acknowledged that in an adjudicative matter, the body would not be able to consider any information that is not introduced during the hearing. Attorney O’Rourke confirmed that this is true. Councilor Beaudoin rescinded his prior strikeout and indicated the passage should be left as-is.

Councilor Fontneau suggested that if the Council is unlikely to preside in adjudicative matters, the section in question could be omitted. Attorney O’Rourke stated that the Code of Ethics is intended to be used for all City boards and commissions; so although not every section is relevant to Council, it might be relevant for other boards, such as Planning, ZBA, and School Board, all of whom hear adjudicative matters. Councilor Beaudoin emphasized that the Committee needed to keep this in mind when making edits; that this Code needs to work for all City boards and committees.

Councilor Fontneau suggested that the entire Council, along with the Chairs of Council subcommittees, should receive a copy of the draft Code of Ethics for proposed edits. This would streamline the editing process and avoid the back and forth between Council and Codes and Ordinances while further edits are made. Councilor Lachapelle acknowledged that this would be best practice; however, he had opened the floor for proposed edits while the Code of Ethics was being reworked, and very few people weighed in on the matter. There was further discussion on how the editing and review process would work to allow all interested parties to

have input. Councilor Beaudoin stated that, following the meeting, he would send his edits to the Committee and the Chairs of Boards and Commission for their review. Councilor Desrochers cautioned against email discussions on the Code with what could potentially be a quorum of the City Council. Councilor Beaudoin stated that there would not be discussion but rather dissemination of information for personal review, which would not be a violation of RSA 91-A.

Councilor Beaudoin directed the Committee to page 2 of the Code, section A. Communication, subsection (a) as follows:

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

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

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

Councilor Beaudoin stated that he felt the first sentence in the paragraph should be removed as it is an infringement on a Councilor's First Amendment rights. Chair Lachapelle responded that he felt this sentence is referring to a social media presence that identifies a person in their official capacity as Councilor or Board member, in order to avoid the appearance of acting or speaking on behalf of the City. Councilor Desrochers pointed out that this section also falls under the portion relevant to adjudicative matters and stated that she felt it would be applicable if it referred specifically to social media conduct during adjudicative matters. Councilor Beaudoin stated that when considered in its entirety, the first paragraph is applicable and he suggested leaving it as-is.

Attorney O'Rourke stated that the Code of Ethics is an aspirational document; although it outlines how members "should" behave on social media, if they do behave outside the guidelines outlined in the code, even on an official account, there would be no punishment carried out. Unless a Councilor was otherwise breaking a law, they would still be protected due to their overriding First Amendment rights. Councilor Beaudoin referenced a portion at the end of the Code outlining potential sanctions. He felt if the social media portion were to remain within the

Code, it should be qualified in some way to avoid ethics violation charges for conduct on social media. Attorney O'Rourke agreed that the section needed to be tweaked and reworked. Councilor Desrochers suggested that underneath the header "Communication," there could be two separate sections; one for adjudicative matters pending before the body and the other for general matters, since they are different situations which need to be handled differently. Attorney O'Rourke agreed that this was a good solution.

Mayor Callaghan clarified that conduct and speech on social media, although protected by the First Amendment, is not necessarily free from consequence and could potentially be used in litigation. Attorney O'Rourke agreed that posts made by Councilors or Board members could be used against the City in a trial.

Councilor Beaudoin referred the Committee to section "8. Conflict of Interest" to the last portion and suggested the following edits:

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

Councilor Beaudoin felt that there would be Councilors who may take issue with the portion he struck out, especially if the disclosure of income has to be specific. He spoke about the disclosure that is required of State Representatives, which is in place to avoid conflicts of interest for hearings on particular topics. He felt that if Rochester's financial disclosure were as general as the disclosure at the State level, it could be retained in the code. However, if it required specific amounts for income and assets to be disclosed, he felt it was not needed. Councilor Fontneau explained that the financial disclosure at the State level asked for representatives to disclose income in excess of \$10,000 derived from specific areas or industries. This is done at the start of each term so representatives could avoid recusing themselves from multiple votes if there could be a perceived conflict. There was further discussion on conflicts and recusal if there stands to be direct, personal financial gain. Councilor Beaudoin suggested verbiage be added to clarify that this is only applicable if there is a direct, personal financial gain. Chair Lachapelle read a sentence from the first paragraph of section 8, which states: "Members shall not use their official positions to influence government decisions in which they have (a) a material financial interest, (b) an organizational responsibility or personal relationship which may give the appearance of a conflict of interest, or (c) a strong personal bias."

Attorney O'Rourke stated that the City of Portsmouth has an article within their Code of Ethics to handle Conflict of Interest/Mandatory Financial Disclosure. They utilize the State form mentioned by Councilors Beaudoin and Fontneau and they note that the form is passed in compliance with the City charter amendment titled "Conflict of Interest", which the City of Rochester also has within their ordinances. Attorney O'Rourke felt that this could be tweaked for Rochester and would resolve the concerns being raised. There was further discussion on what constitutes a conflict. Mayor Callaghan advised that a Councilor or Board member could consult during the meeting with the City Attorney to determine if they would need to recuse

themselves from a vote. Attorney O'Rourke read verbiage from Portsmouth's financial disclosure. He referenced Councilor Beaudoin's concern that a Councilor would need to give specific income information. The proposed verbiage only requires a Councilor to disclose where the money is derived from if it is in excess of \$10,000, but does not ask for an exact dollar amount. The Committee decided to wait on verbiage from the City Attorney before making further changes to this section.

Councilor Beaudoin referred the Committee to section "15. Independence of Boards, Committees and Commission" to which he suggested be struck out in its entirety:

~~"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."~~

He stated that he felt that this section would discourage Councilors from involving themselves in the discussion at Board and Committee meetings; however, upon further review, he found that this was covered in other sections of the Code and he recommended leaving the section as is.

Councilor Desrochers asked if there could be references cited within the Code if an item is covered under the City Charter, an ordinance, or other governing document. These references could be cited within the Code for cross reference rather than repeating the verbiage. Attorney O'Rourke responded that as the document approaches its more completed stages, these references are something that can be added.

Councilor Beaudoin referred the Committee to the section 3. Elected and Appointed Officials' Conduct with City Staff', subsection (b) to which he suggested be edited as follows:

(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.~~

Councilor Beaudoin felt that this section discouraged Councilors or board members from learning and gathering information. He expressed that if there was a staff meeting covering a topic on which a Councilor was interested, they should be able to reach out to the City Manager to obtain permission to sit in impartially, whereas this portion of the Code prohibits that entirely. Chair Lachapelle stated that the Council is the Board of Directors that sets the policy, and the City Manager then enforces that policy. He did not feel that Councilors or Board Members needed to be involved in staff meetings or departmental functions unless there was an issue needing to be addressed. There was a discussion on the difference between Committee meetings and internal staff meetings and who should be attending. Councilor Beaudoin suggested removing his strike out and leaving the paragraph as is.

Councilor Beaudoin directed the Committee to section “C. Sanctions”, subsection (c) and suggested the following edit:

Councilmembers

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

Councilor Beaudoin stated that the wording was too broad and they may want to consider listing specific sanctions that could potentially be imposed. Attorney O’Rourke stated that the wording was left open-ended in this manner so the Council as a whole could discuss and determine what type of sanctions to impose; such as trainings, fines, removal from boards, etc. Chair Lachapelle advised that if Committee members had suggestions on specific types of sanctions that could be put into the Code, they submit those to him for review and distribution to Council. Councilor Fontneau spoke about a recent Council trial and said many members felt that they would have liked additional options that could have been implemented, such as fines, censures, or reimbursement, as opposed to removal. Councilor Beaudoin retained the strike out in the paragraph and noted that it still needed to be reworked.

Councilor Beaudoin suggested the following edits to the second paragraph of page 9, under the section “Board, Committee and Commission Members”:

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 imposed by Council shall be determined by a ~~majority~~ **Three-quarters (3/4)** vote of ~~at least a quorum of~~ the Council at a noticed public meeting and such action shall be preceded by a Report to Council with supporting documentation.

Councilor Beaudoin stated that he felt a simple majority vote was too stringent when the decisions being made could potentially affect a Councilor/Board Member’s livelihood, reputation or future. He felt that the vote of the Council should be $\frac{3}{4}$ or $\frac{2}{3}$ at least. Attorney O’Rourke suggested the following change: “Any form of discipline, ~~short of removal~~, imposed by Council shall be determined...” because the process of removal is already detailed in the City Charter and requires 9 votes regardless of the number of board members present. Councilor Beaudoin felt that there needed to be further discussion on this section. He suggested the paragraph could specify that the majority of elected officials on a board vote on sanctions as opposed to just a quorum of those present.

Attorney O’Rourke directed the Committee to the following edit on page 7 off the Code under C. Sanctions:

(b) Ethics Training for Local Officials

Council members, ~~City Treasurer, City Clerk~~, Board, Committee and Commission Members who are out of compliance with State or City mandated requirements for ethics training

shall not represent the City on intergovernmental assignments or Council subcommittees and may be subject to sanctions.

Attorney O'Rourke explained that in the City of Rochester, these positions are City employees and not elected officials, so the paragraph does not apply to them. Councilor Fontneau asked if there are any State or City mandated requirements for ethics training, as referenced in the paragraph. Attorney O'Rourke clarified that the School Board does have these mandates, but the Council and subcommittees currently do not have any such requirements. If the Council adopts this Code, they could add in these requirements if they determine necessary. Councilor Desrochers suggested this type of ethics training be enacted as part of the Council orientation. She also spoke briefly about the formation of an Ethics Commission.

Councilor Beaudoin referred the Committee to the section of the preamble titled "The Code of Ethics Intentions" and the first paragraph which reads:

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

Councilor Beaudoin felt that this sentence was overreaching and should be removed. Councilor Desrochers stated that this could be an opportunity to lay out what is intended; such as conduct during meetings, during communications, etc. Chair Lachapelle referenced communications at prior ethics discussions with other Councilors who also felt that this was an overreach and that it would require Councilors to "report" any perceived violations they witness outside of meetings. Chair Lachapelle asserted that Councilors and Board members should be cognizant that they may be recognized in their private lives and they should conduct themselves accordingly.

Councilor Beaudoin spoke about the portion on "Accountability" contained on the second page of the preamble that reads:

Accountability- Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office. **OPENNESS:** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Councilor Beaudoin felt the verbiage in the last sentence was an infringement on First Amendment rights and implies that if a Councilor is not asked directly, then information should not be offered. He suggested that the sentence be struck. Councilor Fontneau clarified that the way it is worded could be confusing, but the intention is to indicate that a Councilor should *only* restrict information if the wider public interest demands. Councilor Beaudoin suggested that the sentence remain as is.

Chair Lachapelle said that Councilor Berlin had submitted input and made suggested edits to the Code; in particular the portion regarding social media that the Committee discussed earlier. He read a portion of the email in regards to "active listening." Councilor Berlin stated

that everyone listens differently, with some not sitting still looking directly at a speaker. He felt it was an overreach to impose on Councilors the manner in which they need to listen. Councilor Berlin suggested edits to this section to remove these restrictions. Chair Lachapelle acknowledged that not everyone listens in the same manner; however he did feel that there needed to be effort made to signal that attention is being given to a speaker. Councilor Desrochers suggested that the section be rephrased for clarity and to detail what activities Councilors should avoid during public input. Chair Lachapelle stated that it would be impossible to define every situation and factor within the Code of Ethics. He said it should be understood that if a speaker takes the time to come to a meeting and share a concern, board members should be respectful and make an effort to show that they are listening.

Councilor Fontneau agreed that the section should be rephrased, in particular the portion that speaks about facial expressions; A Councilor may inadvertently smile or make a facial expression, roll their eyes, etc. These are unintentional actions, while not always appropriate, should not be considered “ethics violations.” Councilor Desrochers stated she would work on revising the wording of the section and would send it to the Clerk for distribution to full Council when ready. Attorney O’Rourke reminded the Committee that this Code is for multiple Boards and Committees, not only Council. He explained that he has seen filings where there is mention of board member conduct during a hearing or meeting, and stated that people are paying attention to the way members are behaving during meetings. However, he agreed that the portion needed to be reworked. Attorney O’Rourke also clarified that when “discipline” is discussed for these types of infractions, the lowest level could be a member simply being spoken to by the Chair to acknowledge or correct an action.

Chair Lachapelle asked that Councilor Beaudoin send his edits to the City Clerk’s office for distribution to Council and HR. The Code of Ethics will be kept in Committee for further work. Attorney O’Rourke passed along that Kimberly Conley, Director of HR, is available for the next Codes meetings in September for this discussion.

6. Other

Councilor Desrochers stated that she is still gathering information, reaching out to the State, and working on wording in regards to the items she had briefly mentioned at the prior meeting about EPA certification/lead abatement relating to building permits. She said she would be coming forward with the information to be placed on the September agenda.

7. Adjournment

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

Respectfully Submitted,

Cassie Givara
Deputy City Clerk



Rochester City Council

Community Development Committee

MEETING MINUTES

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

Meeting Date:	Monday, August 15, 2022	
Members Present:	Laura Hainey Harlan "Skip" Gilman John Larochelle Amy Malone	Members Absent: Tim Fontneau
Guests/Staff:	Jennifer Marsh, Ass. Dir. Of Economic Development; Kiersten Wright, Community Development Coordinator	

Councilor Hainey called the meeting to order at 6:06 p.m. Motion was made by Councilor Malone to approve the July 18, 2022 meeting minutes and was seconded by Councilor Larochelle. The motion passed unanimously.

PUBLIC INPUT	There was no public input.
CDBG COORDINATOR INTRODUCTION	Kiersten Wright introduced herself to the Committee.
CDBG APPLICANT QUESTIONS	<p>Ms. Wright had a few questions from FY 2023 applicants.</p> <p>Dover Adult Learning Center (DALC) requested for their funds to be used for utilities and rent. The application stated that approved funds would cover most of their share of the expenses at First Church for rent. Since the application DALC has decided to relocate to the Rochester Community Center where they will not be charged rent. DALC requested the funds be used for current rent of the First Church rent and the remainder to be used for utilities, copier and interest expenses. Kiersten stated that utilities is an allowed use of funds. The amount granted for FY23 was \$5000, they had requested \$10,000.</p> <p>Councilor Malone made a motion to recommend to City Council to allow DALC to amend their application as long as they stay in Rochester. The amendment would be to allow the funds to be used for rent, utilities, copier and internet expenses. Councilor Gilman seconded the motion. The motion passed unanimously.</p>

	<p>There was a second request made by Haven. The application requested the funds be used to pay the Shelter Program Manager. The request was for \$5000 and the action plan approved \$2500. Haven requested via email to be able to amend the application to allow for the \$2500 to go towards rent and utilities because it would lessen the amount of paperwork significantly for them.</p> <p>Councilor Malone made a motion to recommend to City Council to allow Haven to amend their application to cover rent and utilities. Councilor Gilman seconded the motion. The motion passed unanimously.</p> <p>Ms. Wright will notify Haven and DALC that they need to send amended applications and that this will be brought up at the September 6th City Council meeting.</p> <p>The third question Ms. Wright had was in regards to the \$200 awarded in FY23 for Fair Housing. Ms. Marsh noted that there was no contract created by Mr. Long before he left for Fair Housing but there was for every other PSA and City funded projects. Councilor Hainey and Malone explained that this was something new that Mr. Long had suggested, as it is a newer requirement of CDBG. The \$200 is to be used for training course on Low to Moderate income housing needs. Ms. Wright will look into this further and update the committee.</p>
COMMUNITY DEVELOPMENT PROGRAM REPORT	<p>Ms. Wright provided the committee with her program report. She will include this in the Committee agenda packet from now on so the members can review that and other necessary materials before the meeting.</p> <p>Ms. Wright said she will find out what the FY24 application deadline is and start working on the details to get those prepared to send out.</p>
OTHER BUSINESS	

The meeting was adjourned at 7:02 p.m. Motion made by Councilor Larochelle and seconded by Councilor Malone. The motion passed unanimously.

Next Meeting – Monday, September 19, 2022, at 6:00 p.m., Cocheco Conference Room, City Hall Annex, 33 Wakefield St.

Topics Follow up on Fair Housing funding , FY 23 amended application follow up, Naming Policy, FY 24 application deadline

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

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

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

This Resolution is effective upon adoption.

*Intentionally
left blank...*

City Clerk's Office



09/01/2022

City of Rochester Formal Council Meeting

AGENDA BILL

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

AGENDA SUBJECT

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

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

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

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

LEGAL AUTHORITY

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SUMMARY STATEMENT

RECOMMENDED ACTION



City of Rochester, New Hampshire
Office of Economic & Community Development
31 Wakefield Street • Rochester, NH 03867
(603) 335-7522
www.RochesterNH.net



OVERVIEW

Remarque: Vous pouvez obtenir ce document en français gratuitement. S'il vous plaît contacter la Division du développement communautaire de la Ville de Rochester pour l'assistance.

Aviso: Puede obtener este documento en español de forma gratuita. Comuníquese con la División de Desarrollo Comunitario de la Ciudad de Rochester para obtener ayuda.

The City of Rochester is an entitlement community that receives Community Development Block Grant (CDBG) funding from the U.S. Department of Housing and Urban Development (HUD). CDBG funds may be used to carry out a wide range of community development activities directed toward revitalizing neighborhoods, economic development, and providing improved community facilities and services for lower-income residents.

Eligible Activities:

1. The proposed activity or project meets one of the following HUD National Objectives:
 - a) benefit low and moderate income persons;
 - b) activities that aid in the prevention of slums or blight; or
 - c) other community development needs to address a federally declared emergency.
2. The proposed activity or project qualifies as an "eligible activity" pursuant to HUD regulations.
3. The project or activity directly addresses one or more of the Goals and Objectives that will be adopted as part of the FY21-FY25 Consolidated Plan. See "Goal and Objectives" below.
4. Through the application, the applicant and the proposed project or activity, demonstrates capacity to comply with all HUD and CDBG related requirements
5. Public facilities projects, as demonstrated through the application process, have a high likelihood of beginning within the year and being completed within two years.
6. Seventy percent (70%) of the clientele for the proposed project or activity will qualify as "presumed benefit" or very low, low or moderate income.
7. A minimum of 51% of the clientele for the proposed project or activity will qualify as "presumed benefit" or very low, low or moderate income.

Presumed Benefit Clientele: Abused/neglected children, homeless persons, persons with /HIVAIDS, elderly persons, severely disabled adults, migrant farm workers, battered spouses/domestic violence victims, illiterate adults

Eligible Expenses: The cost of labor, supplies, and/or materials required for the provision of services to agency clientele.

Tracking of Expenses: Grant recipients must be able to specifically identify and document how the CDBG funds were expended on an eligible activity.

APPLICATION REVIEW PROCESS

This is a competitive grant program with no guarantee of funding. Once applications are submitted to the Office of Economic & Community Development, they will be reviewed to ensure that each applicant meets the minimum requirements of the CDBG program. A report of all applicants will be developed that summarizes certain key elements throughout the application to provide a more detailed comparison view. Full applications will be provided to the Rochester Community Development Committee for their review throughout January, February, and March 2021. Each member of the Committee will determine his or her level of support for each applicant based on the information provided and will make recommendations to the full City Council in February or March 2021. City Council will vote on the final grant allocations in May 2021. During this process, applicant agencies will be notified as to any opportunities to present their application in person to the Community Development Committee and/or full City Council (optional but strongly recommended).

CONSTRUCTION / FACILITIES PROJECT REQUIREMENTS

The City of Rochester's CDBG grant program is federally funded through the U.S. Department of Housing and Urban Development (HUD). As such, a number of federal laws and regulations apply to CDBG funds and CDBG grant applicants and recipients. For construction and facilities projects—projects that involve some element of physical work, as opposed to funding for salaries, equipment, etc.—the Davis-Bacon Act, environmental review regulations, and Section 3 regulations apply.

Davis-Bacon Act Requirements:

The Davis-Bacon Act requires the payment of a federal minimum wage rate to laborers. The wage rate is subdivided into specific job classifications. Current wage rate determinations can be obtained from <http://www.wdol.gov/dba.aspx>. Language pertaining to Davis-Bacon requirements must be included in all subcontracts related to the project. Also, the wage rate determination and U.S. Department of Labor "Know Your Rights" poster must be posted at the project site, and weekly payroll sheets must be submitted to the City for review and approval. The Community Development Coordinator will visit the project site to conduct site interviews with the laborers during the actual performance of the project.

Please make sure that the three bids/quotes you receive for your project include Davis-Bacon wage rates, which may be higher than the contractors' usual wages.

Environmental Review Requirements:

The National Environmental Policy Act applies to all HUD-funded projects. An environmental review, which is conducted by the Community Development Coordinator, must be completed before any work on the project can begin. This includes what HUD describes as "choice-limiting activities," per 24 CFR 58.22, which include:

- Property acquisition (buying and leasing)
- Entering into contracts for project-related work
- Demolition
- Rehabilitation
- Construction
- Site improvements

Please note that a project becomes a "HUD project" upon submission of this grant application.

APPLICATION SUBMISSION INSTRUCTIONS

Intent to submit:

Please provide email notification of your intent to submit an application by **October 18, 2021** to julian.long@rochesternh.net.

Application Deadline:

Applications will be accepted by email only. Applications are due by **4:00 p.m. on November 19, 2021.** Please submit your complete and signed application to Julian Long, Community Development Coordinator, at julian.long@rochesternh.net.

APPLICATION

APPLICANT INFORMATION	
Organization Dover Adult Learning Center of Strafford County	Tax ID 02-0339922
Name of Program or Project Rochester Adult Learning Center	
Name of Executive Director Deanna Strand	
Mailing Address 61 Locust St Dover, NH 03820	
Physical Address 63 South Main St Rochester, NH 03867	
Contact Person Deanna Strand or Tracey Donaldson	Phone 603-742-1030 or 603-335-6200
E-Mail d.strand@doveradulthoodlearning.org t.donaldson@doveradulthoodlearning.org	Website www.doveradulthoodlearning.org
Please Identify the Type of Organization Applying for Funds (Note: More than one may apply) <input checked="" type="checkbox"/> 501(c)(3) <input type="checkbox"/> For-profit authorized under 570.201(o) <input type="checkbox"/> Unit of Government <input type="checkbox"/> Faith-based Organization <input type="checkbox"/> Institution of Higher Education <input type="checkbox"/> Other (Explain):	
Tax ID # 02-0339922	
*DUNS # 964154558	*SAM Expiration Date

ACTIVITY or PROJECT INFORMATION

ACTIVITY OR PROJECT INFORMATION
Amount of Rochester CDBG funds requested for activity/project: \$ 10,000
Provide a brief summary of the <u>activity</u> or <u>project</u> for which the funds are requested. Keep responses to one or two sentences (i.e. After School Care for K-4th grade students. Repair of homeless shelter roof.) Maintain the physical location of the adult learning center in Rochester, to include copier lease and service contract, telephone, rent and moving expenses..

PROJECT LOCATION
Location(s) where services will be provided or physical improvements will be made. 63 South Main St., Rochester NH and 150 Wakefield St. Rochester NH

BENEFICIARIES
Beneficiaries: For FY 2023 (7/1/2022 – 6/30/2023) please provide the <i>estimated</i> number of unduplicated Rochester beneficiaries that will benefit from this CDBG funded activity or project, not necessarily your entire client population (Note: these numbers will be monitored during the funding year): 100+

For FY 2021 (7/1/2021 – 6/30/2022) please provide the number of unduplicated Rochester beneficiaries that have benefited from this activity or program to date (not necessarily your entire client population): 41 Rochester students have been served to date.

Were Rochester CDBG funds used to fund this activity or project in FY 2022 (7/1/2021 – 6/30/2022): yes

If so, how much? \$750.89 YTD, \$5,000 awarded

Beneficiary type: (e.g. Homeless Individuals, Low-Income Households, etc.) Rochester residents who lack basic skills and credentials to participate in the workplace, further their education, and navigate effectively in community life.

NARRATIVE – PUBLIC SERVICE ACTIVITY ONLY

Please provide a detailed description for the proposed activity (*not the organization*). This section should describe the use of funds, why the funds are needed and how the funds will ultimately benefit Rochester low-moderate income individuals.

Dover Adult Learning Center of Strafford County has operated adult foundational skills, high school equivalency preparation, and HiSET testing programs in Rochester for many years. Prior to establishing our permanent location in First Church Congregational, the program moved from place to place. We have offered ESL classes and onsite childcare when there was a demand, and added onsite HiSET testing, first on paper and then on computer, when it was needed. We have a close collaboration with Bud Carlson Academy to see at-risk youth through to high school completion. Between 125 and 175 Rochester residents benefit from these programs and services each year, and dozens of youth and adults earn their high school credential each year.

Dover Adult Learning Center of Strafford County is a full-service adult learning center, offering counseling and coaching, intake and assessment, remote and in-person instruction, and diagnostic and HiSET testing to undereducated adults. Ours is the only HiSET testing site in Strafford County. Passing all 5 HiSET sub tests results in a high school equivalency certificate from the State of New Hampshire. High school completion is the baseline credential for access to employment, training, and further education, allowing low-income residents to advance into better jobs and family-sustaining wages. Residents of New Hampshire over the age of 18, and youth aged 16 & 17 with permission from their school, may take the HiSET test after attaining a passing score on an official practice test. Test fees are kept low so low-income candidates can afford them, and through private donations, DALC is able to provide scholarships for up to 30% of the cost.

Housed in First Church Congregational, our adult education programs are a vital and necessary service to the Rochester Community. Our consistent physical location, along with co-location with the church's other community services provides a reliable hub for people in need of our services. Over the years, we have invested in improvements to the building, adding computer equipment, enhancing building security, and upgrading high-speed internet and phone/voicemail systems in the space we share with the church.

A reduction in grant funding this year caused us to face the real possibility of giving up our space at First Church. We believe the consistent location for over 15 years has contributed to our success as a resource in the community. Whether a student needs to finish their high school equivalency or are ready to prepare for college or a career change, they know where to find us. This space allows us to hold classes and testing in one central location. **We have in fact made the decision to move to the Rochester Community Center.**

All program costs, personnel (teachers, counselor, counselor aide & administrative oversight and support), instructional material, computer equipment, and furniture are funded through grants from the Bureau of Adult Education, private donations and fundraising by DALC, and the City of Dover. Currently, we do not have a funding source for the rent, telephone, and internet expenses. The cost of operating this adult learning center is about \$150,000/year. Our request this year is \$10,000. This amount would cover most of our share of the expenses at First Church. **The Rochester School District is providing space rent free, but we will be responsible for rent at First Church through the summer, moving expenses, telephone and copier lease and service contract in the new location. Please indicate who prepared the overall cost estimate for the activity.** Deanna Strand

NARRATIVE – PUBLIC FACILITY PROJECT ONLY

Please provide the following information for the proposed project (*not the organization*):

Describe the nature of the project:

Describe how the project will ultimately benefit Rochester low/moderate income individuals or Rochester presumed benefit populations :

Describe how the project addresses natural hazards such as the prevention of flooding, mitigation of winter storms, potential soil erosion, etc. (if applicable)

Proposed project starting date:

Proposed project completion date:

Provide a total project cost broken down by major phases of the project (purchase property, clearing & grading, foundation, building construction, etc.):

Note: Written estimates, based upon the information provided above, are required and must be submitted with this application. Estimates must be prepared by qualified individuals/companies. Please include three estimates.

PERFORMANCE OUTCOME MEASURES

Provide the outcomes proposed & the method of measurement. You may list multiple outcomes.

Outcome	Measurement
Example 1: Decrease in number of “latch-key kids” Example 2: Decreased dependence on emergency care facilities for non-emergency care of low/mod adults	Example 1: # of children who participate in afterschool program Example 2: Increase in number of low/mod income residents that seek care from health program.
Increase in high school attainment	20 Rochester residents will earn a high school equivalency certificate.
Increase educational functioning levels	50 Rochester residents will advance at least one EFL
Decrease the dropout rate	8 in school youth will finish high school with DALC

DESCRIPTION OF ORGANIZATION

Please provide a description for the organization or agency that is undertaking the activity or project. Dover Adult Learning Center of Strafford County (DALCSC) is one of the largest adult learning centers in New Hampshire and the only High School Equivalency testing center in Strafford County. It is a comprehensive, full service, regional adult education program with extensive literacy classes, community enrichment, high school equivalency testing, adult high school diploma, corporate and computer training, and adult post-secondary transitions services. DALC is a pioneer and leader in the state for teacher training, piloting new initiatives and implementing innovative programming. Its mission is to help all who seek to learn, youth and adults, to enhance their skills and improve their lives through basic education, job training, high school completion, college and career transitions and enrichment classes. In DALC programs, adults and youth build self-confidence, find opportunity, and move toward economic self-sufficiency.

Our philosophy is to:

1. Treat participants with respect; we value their opinions and take their personal goals, experiences, and needs into account.
2. Individualize instruction, building on participants' strengths and prior learning, as well as helping them advance their educational skills.

3. Remove barriers to participation by providing an accepting atmosphere and offering a variety of learning options, flexible schedules, free or affordable classes, and support services such as childcare.

4. Seek the development of each participant to their fullest potential, designing educational experiences to maximize each person's independence and to empower them to carry out their personal, family, and community responsibilities and to become as economically independent as possible.

5. Emphasize opportunities for the least educated adults, removing barriers to participation to the greatest extent possible.

DALCSC provides classes in Dover, Rochester, and the Strafford County Department of Corrections. Students in every Strafford County community have access to trained volunteer tutors. We see approximately 3,000 enrollments across all programs annually. In a non-pandemic year, 600-1,000 individuals receive literacy instruction, complete high school or are English Language Learners. As a high school equivalency testing center and adult high school diploma program, we graduated 93 people last year despite the pandemic restricting us to remote instruction and services.

AUDIT AND EVALUATION

Does your organization have an annual CPA audit or other financial statement? yes

If yes, please submit most recent audit or financial statements as an attachment to this application.

Is your organization evaluated by outside agencies or programs? yes

If yes, please note the agency/program and how often the evaluation occurs. The Bureau of Adult Education conducts a quarterly review and an annual evaluation.

BOARD OF DIRECTORS

Name	Residence (city/town)
Anand, Jenna M.	Rochester, NH
Baxter, Laura	York, ME
Bob Renshaw	Madbury, NH
Caswell, Martha S.	Durham, NH
Brave, Mark	Dover, NH
Cotta, Barbara	Dover, NH
Faskianos, Maria	Dover, NH
Munson, Dennis	Dover, NH
Nary, Don	Durham, NH
Mahoney, Shawn M.,	Somersworth, NH
Huntress, Kate	Dover, NH
Janetos, Rollins L.	Rollinsford, NH
Silberblatt, Patricia	Dover, NH
Kim McLaughlin	Somersworth, NH
Zurawel, Rosemary	Dover, NH

BUDGET

Use box 1 or 2 below to provide a budget. Include all proposed expenses. Note: Documentation must be kept that clearly tracks the use of the CDBG funds for the requested activities.

1. <u>Public Services</u> (Non-Construction Projects)			
	A	B	A + B
	Rochester CDBG Funds Requested	Other Funding	Total Proposed Budget
Office Supplies	0	500	500
Utilities (telephone, copier lease and service)	3100	3500	13500
Repairs/Maintenance			
Travel			
Salaries (List relevant positions)			
Teachers	0	25000	25000
Counseling and Coordination	0	75000	75000
Program Support	0	15000	15000
HiSET Testing	0	5000	5000
Administration	0	6000	6000
Other: moving expenses	500		
Rent at First Church	1400		
Instructional materials	0	2000	2000
Computer equipment	0	5000	5000
TOTAL PROPOSED BUDGET:	5000	137000	142000

2. <u>Public Facilities</u> : (Project)			
	A	B	A + B
	Rochester CDBG Funds Requested	Other Funding	Total Proposed Budget
Hard Costs <u>Note</u> : Federal wage rates may apply for some projects. Applicants are encouraged to obtain estimates that reflect wage rates estimates.			
Construction			
Other (list)			
<i>Total Hard Costs</i>			
Soft Costs			
Acquisition			
Appraisals			
Design/Engineering			
Other(list):			
<i>Total Soft Costs</i>			
<i>TOTAL PROPOSED BUDGET:</i>			

FUNDING SOURCES

Other Funding Sources - please indicate the source and amount of other funding committed, pending or proposed for this project, if any. *Do not include Rochester CDBG amount requested.*

Funding Source (Name(s) of funding source(s))	Committed, Pending or Proposed Amount (\$):		Total Amount (\$)	Explanation
Federal:	Committed:			
	Pending:			
	Proposed:			
State:	Committed:		117000	Grants from the Bureau of Adult Education
	Pending:			
	Proposed:	117000		
Local:	Committed:		6000	Proportional share (5%) of Director's salary paid by City of Dover
	Pending:			
	Proposed:	6000		
Private:	Committed:		14000	Funds raised by fees, tuition, donations and fundraising by DALC.
	Pending:			
	Proposed:	14000		
Portsmouth CDBG:	Committed:			
	Pending:			
	Proposed:			
Dover CDBG:	Committed:			
	Pending:			
	Proposed:			
Other:	Committed:			
	Pending:			
	Proposed:			
Total:	Committed:		137000	
	Pending:			
	Proposed:	137000		

Organizational Commitment: For public facility projects (building addition, new roof, replacement windows, etc.) – indicate the amount of funds that the organization will be contributing to the project.

Funding Source (Name of Parent Organization)	Committed, Pending or Proposed Amount (\$)		Explanation
	Committed:		
	Pending:		
	Proposed:		
Total:			

AGENCY BUDGET

Please provide a breakdown of your organization's overall annual budget. Please indicate the dates of your budget period, i.e. July 1 to June 30 or January 1 to December 31.

Budget Period: from July 1 to June 30	Current Year	Next Year (projected)
REVENUES		
Federal Funds (distributed by DOE Bureau of Adult Education, included below)		
State & Federal Funds	522500	500000
Foundations/Private Contributions	20000	20000
United Way	0	0
Fundraising or other income	4000	5000
Other (describe) Contracts, Interest, Tuition, Fees, City of Dover	382500	400000
Community Dev. Block Grant (include anticipated request)	5000	10000
TOTAL REVENUE	934000	935000
EXPENSES		
Salaries	523000	530000
Fringe Benefits	228000	230000
Supplies (include printing/copying)	18000	18500
Travel	500	800
Training	1000	1300
Communications	8000	8200
Audit	6000	6200
Property Maintenance (inc. rent)	60500	63000
Service Contracts	13000	14000
Construction Supplies/Materials	0	0
Other (describe) (insurance, memberships, state fees, fundraising expenses, contract expenses, indirect costs, refunds, activities and staff recognitions, scholarships, background checks, emergency funds, bank charges, indirect expenses)	76000	78000
TOTAL EXPENSES	934000	950000
NET (Income - Expenses)	0	-15000

SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS

	Federal Grantor/Pass-Through Grantor/Program or Cluster Title	Federal CDFA Number	Pass-Through Entity's Identifying Number	Passed Through to Subrecipient	Total Federal Expenditures
U.S. Dept. of Housing and Urban Development	HUD			\$	\$
Direct Program	CDBG				
Passed Through City of Rochester	City of Rochester	14.218		\$5000	\$5000

	Dover Adult Learning Center of Strafford County				
Total U.S. Dept. of	HUD			\$5000	\$5000
U.S. Dept. of Education	WORKFORCE INNOVATION AND OPPORTUNITY ACT			\$	\$
Direct Program	ADULT EDUCATION - STATE GRANT PROGRAM				
Passed Through	NH DOE-Bureau of Adult Education	84.002A		\$174624	\$174624
	Dover Adult Learning Center of Strafford County				
Total U.S. Dept. of	DOE			\$174624	\$174624
U.S. Dept. of	[Agency Name]			\$	\$
Direct Program	[Program Name]				
Passed Through	[Entity Name]			\$	\$
	[Program Name]				
Total U.S. Dept. of	[Agency Name]			\$	\$
Total Expenditure of Federal Awards				\$179624	\$179624
NH Dept. of Education	Bureau of Adult Education			\$367611	\$367611
	Adult Education & Literacy				
Total NH Dept. of Education				\$367611	\$367611
NH Dept. of	[Agency Name]			\$	\$
	[Program Name]				
Total NH Dept. of	[Agency Name]			\$	\$
NH Dept. of	[Agency Name]			\$	\$
	[Program Name]				
Total NH Dept. of	[Agency Name]			\$	\$
Local Assistance:	City of Dover			\$210803	\$210803
	Dover School Department				
Total Local Assistance:				\$210803	\$210803
Total State and Local Awards				\$578414	\$578414
TOTAL FEDERAL, STATE, & LOCAL ASSISTANCE				\$758038	\$758038

I CERTIFY THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND CORRECT AND THAT IT CONTAINS NO FALSIFICATIONS, MISREPRESENTATIONS, INTENTIONAL OMISSIONS, OR CONCEALMENT OF MATERIAL FACTS.

I FURTHER CERTIFY THAT NO CONTRACTS WILL BE AWARDED, FUNDS COMMITTED (INCLUDING PURCHASE OR LEASE AGREEMENTS), OR CONSTRUCTION BEGUN ON THE PROPOSED PROJECT PRIOR TO ISSUANCE OF A RELEASE OF FUNDS BY THE CITY OF ROCHESTER.

I FURTHER CERTIFY THAT ADMINISTRATION OF ANY GRANT MONIES RECEIVED SHALL BE ADMINISTERED IN

COMPLIANCE WITH ALL U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT REGULATIONS, THE ANTI-DISPLACEMENT POLICY OF THE CITY OF ROCHESTER, AND THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970 AND ITS AMENDMENTS.

PRINTED NAME: DEANNA STRAND
PRINTED TITLE: EXECUTIVE DIRECTOR

DATE 11/19/2021

APPLICATION

APPLICANT INFORMATION

Organization HAVEN Violence Prevention and Support Services		Tax ID 02-0337620
Name of Program or Project Domestic violence shelter and housing program		
Name of Executive Director Kathy Beebe		
Mailing Address 20 International Drive, Suite 300 Portsmouth NH 03801		
Physical Address same		
Contact Person Kathy Beebe		Phone 603-436-4107 x105
E-Mail kbeebe@havennh.org		Website www.havennh.org
Please Identify the Type of Organization Applying for Funds (Note: More than one may apply) XX 501(c)(3) <input type="checkbox"/> For-profit authorized under 570.201(o) <input type="checkbox"/> Unit of Government <input type="checkbox"/> Faith-based Organization <input type="checkbox"/> Institution of Higher Education <input type="checkbox"/> Other (Explain):		
Tax ID # 02-0337620		
*DUNS # 070801589		*SAM Expiration Date September 2022

ACTIVITY or PROJECT INFORMATION

ACTIVITY OR PROJECT INFORMATION

Amount of Rochester CDBG funds requested for activity/project: \$ 5000
Provide a brief summary of the <u>activity</u> or <u>project</u> for which the funds are requested. Keep responses to one or two sentences (i.e. After School Care for K-4th grade students. Repair of homeless shelter roof.) HAVEN is the only agency that provides emergency shelter to domestic violence victims in Strafford County who are in imminent danger and fleeing abuse. Funds requested will pay a portion of rent for our new confidential emergency shelter located in Strafford County

PROJECT LOCATION

Location(s) where services will be provided or physical improvements will be made. HAVEN will provide services to victims in our traditional confidential shelter and alternate shelter in both Rockingham and Strafford Counties.

BENEFICIARIES

Beneficiaries:

For **FY 2023 (7/1/2022 – 6/30/2023)** please provide the *estimated* number of unduplicated Rochester beneficiaries that will benefit from this CDBG funded activity or project, not necessarily your entire client population (Note: these numbers will be monitored during the funding year): 25 Rochester beneficiaries and estimated 350 shelter bed nights.

For **FY 2021 (7/1/2021 – 6/30/2022)** please provide the number of unduplicated Rochester beneficiaries that have benefited from this activity or program to date (not necessarily your entire client population): Last year we projected 500 individuals with 500 bed nights based on serving 500 individuals with 911 bed nights the year before. We ended up serving 397 individuals with 112 bed nights. It is hard to estimate shelter bed nights because it depends on how long someone stays in shelter before being ready to leave. These figures were also based on total Rochester clients and not just those assisted in our shelter and housing programs, so we have reduced the estimated number in the previous question for this application.

Were Rochester CDBG funds used to fund this activity or project in FY 2022 (7/1/2021 – 6/30/2022): Yes

If so, how much? \$2500

Beneficiary type: (e.g. Homeless Individuals, Low-Income Households, etc.) Those receiving shelter are low income, homeless victims of domestic violence fleeing imminent danger. Housing clients are low-income who are seeking safe, permanent housing. Some of these clients are in our shelter, some are in unsafe homes but all are low income.

NARRATIVE – PUBLIC SERVICE ACTIVITY ONLY

Please provide a detailed description for the proposed activity (not the organization). This section should describe the use of funds, why the funds are needed and how the funds will ultimately benefit Rochester low-moderate income individuals. The goal at HAVEN is to help transition every domestic violence victim/survivor into safe, affordable, permanent housing. For individuals staying in the shelter and those fleeing abuse that do not end up staying in shelter, HAVEN utilizes community resources and creates a comprehensive support system with peer counseling, support groups, financial empowerment and advocacy tailored to each survivor's individual and long-term needs. HAVEN also maintains relationships with area housing organizations, community action programs and other homeless shelter agencies to assist survivors in locating permanent housing. HAVEN does not place any restrictions on how long a survivor can stay in shelter but work with each survivor on understanding the need to be actively searching for permanent housing and focus on their individual needs to insure progress toward their goals of safety and self-sufficiency. HAVEN utilizes the empowerment model and works with each survivor to determine their individual or family long-term needs. By utilizing this framework, where survivors are considered experts in their own lives, HAVEN strives to reduce the length of stay in our shelter as well as move more survivors into permanent housing.

The funds requested will allow HAVEN to partially fund the rent of our new emergency shelter where Rochester domestic violence victims will receive the following services:

- Assistance with establishment of financial goals and financial planning toward the goal of obtaining self-sufficiency through financial literacy and other supports;
- Assistance with collateral needs related to locating safe and permanent housing, including job readiness, life skills development and securing child care;
- Flexible funding assistance for families enrolled in Housing First program

Rochester residents make up a large group of the clients HAVEN serves. HAVEN responds immediately to requests for hotline, safety planning and crisis services 24 hours a day, 365 days a year and there is no waiting list and no charge for services. During COVID, our shelter was always full and we had to implement an alternative shelter model utilizing area hotels. This year, we are leasing a new building to serve as a larger shelter instead of utilizing the hotels. Because domestic and sexual violence are serious public health issues, the services HAVEN provides are critical to Rochester low/very low/moderate income individuals as they seek safety and self-sufficiency in the aftermath of domestic abuse.

Please indicate who prepared the overall cost estimate for the activity. Kathy Beebe, Executive Director

NARRATIVE – PUBLIC FACILITY PROJECT ONLY

Please provide the following information for the proposed project (not the organization):

Describe the nature of the project:

Describe how the project will ultimately benefit Rochester low/moderate income individuals or Rochester presumed benefit populations :

Describe how the project addresses natural hazards such as the prevention of flooding, mitigation of winter storms, potential soil erosion, etc. (if applicable)

Proposed project starting date:

Proposed project completion date:

Provide a total project cost broken down by major phases of the project (purchase property, clearing & grading, foundation, building construction, etc.):

Note: Written estimates, based upon the information provided above, are required and must be submitted with this application. Estimates must be prepared by qualified individuals/companies. Please include three estimates.

PERFORMANCE OUTCOME MEASURES

Provide the outcomes proposed & the method of measurement. You may list multiple outcomes.

Outcome	Measurement
Example 1: Decrease in number of "latch-key kids" Example 2: Decreased dependence on emergency care facilities for non-emergency care of low/mod adults	Example 1: # of children who participate in afterschool program Example 2: Increase in number of low/mod income residents that seek care from health program.
<ul style="list-style-type: none"> Increase access to safety planning and services for domestic violence victims in imminent danger and trying to overcome barriers to fleeing abuse. 	<ul style="list-style-type: none"> Number of Rochester domestic violence victims that seek assistance from HAVEN 24-hour services or stay in our emergency shelter.
<ul style="list-style-type: none"> Increase number of Rochester domestic violence victims who are safe and free from abuse 	<ul style="list-style-type: none"> Number of individuals who are safe and on the road to self-sufficiency in the aftermath of domestic violence.
<ul style="list-style-type: none"> Increase number of Rochester domestic violence victims to obtain housing. 	<ul style="list-style-type: none"> Number of Individuals either leaving the shelter or go directly from their homes into safe and permanent housing.

DESCRIPTION OF ORGANIZATION

Please provide a description for the organization or agency that is undertaking the activity or project.

HAVEN, the largest violence prevention and support services agency in NH, is dedicated to addressing public health through violence prevention and improving the well-being of children and families. Preventing abuse and providing support for those impacted by domestic and sexual violence can lead to healthier and more secure children and adults. Our mission is to prevent sexual assault, domestic violence and stalking and to support and empower women, men, youth and families to heal from abuse and rebuild their lives.

HAVEN accomplishes this mission is through Prevention Education, Client Services, and Outreach and Training. Education has a longstanding reputation working with local schools and thousands of kids each year to provide evidence-based programming to increase resiliency. HAVEN's 24/7 client services program includes emergency shelter, three housing programs that provide assistance securing safe, permanent housing; information and referral services; a confidential crisis and support hotline; accompaniment and support at police stations, hospital emergency rooms, courts and local Child Advocacy Centers; and support groups. The goal of the client services program is to insure that individuals and their non-offending family members have access to the support they need and deserve in the aftermath of domestic or sexual victimization. Training and Outreach bring awareness and education to community members on services that are available, free of charge. Through this work, HAVEN changes the culture of organizations and create systems for those impacted by harassment and violence.

AUDIT AND EVALUATION

Does your organization have an annual CPA audit or other financial statement? Yes

If yes, please submit most recent audit or financial statements as an attachment to this application.

Is your organization evaluated by outside agencies or programs? Yes

If yes, please note the agency/program and how often the evaluation occurs. NH Coalition Against Domestic and Sexual Violence (NHCADSV) monitors HAVEN, as well as other federal agencies, such as the Department of Justice, as their audit schedules require, typically biennially

BOARD OF DIRECTORS

Name	Residence (city/town)
David Terlemezian, Chair	Dover
Kim Gibson, Vice Chair	Barrington
Mary Clark, Secretary	Kittery, ME
Bill McQuillen, Treasurer	Portsmouth
Taraneh Azar	Rye
Jayne Begala	Portsmouth
Cait Emerson	Dover
Kristina Goumas	Portsmouth
Deb Iwanicki	Wolfboro
Marc Ouellette	Dover
Vanessa McElroy	Portsmouth
Sarah Maynard	Exeter
Steve Pappajohn	Madbury

BUDGET

Use box 1 or 2 below to provide a budget. Include all proposed expenses. Note: Documentation must be kept that clearly tracks the use of the CDBG funds for the requested activities.

1. Public Services (Non-Construction Projects) Shelter Housing and Client Services Budget (see also attachment A)			
	A	B	A + B
	Rochester CDBG Funds Requested	Other Funding	Total Proposed Budget
Office Supplies		18391	18391
Utilities		52757	52757
Repairs/Maintenance		37481	37481
Travel		16000	16000
Salaries (List relevant positions)			
Shelter Manager		45,000	45000
Client service, shelter and housing staff		676827	676827
Staff Fringe Benefits		186241	186241
AmeriCorps Cash Match		18000	18000
Other: Rent		78886	78886
Emergency Client needs/Rent		180704	180704
Alternative shelter rent	2000	122801	122801
Org. Expenses: HR, Insurance, etc		19028	19028
TOTAL PROPOSED BUDGET:		\$1,452,116	\$1,452,116

2. Public Facilities: (Project)			
	A	B	A + B
	Rochester CDBG Funds Requested	Other Funding	Total Proposed Budget
Hard Costs <u>Note:</u> Federal wage rates may apply for some projects. Applicants are encouraged to obtain estimates that reflect wage rates estimates.			
Construction			
Other (list)			
Total Hard Costs			
Soft Costs			
Acquisition			
Appraisals			
Design/Engineering			
Other(list):			
Total Soft Costs			
TOTAL PROPOSED BUDGET:			

FUNDING SOURCES Other Funding Sources - please indicate the source and amount of other funding committed, pending or proposed for this project, if any. *Do not include Rochester CDBG amount requested.*

Funding Source (Name(s) of funding source(s))	Committed, Pending or Proposed Amount (\$): FY22		Total Amount (\$)	Explanation
Federal:	Committed:	1,086,505	1,086,505	See Attachment B for breakdown of funding sources.
	Pending:			
	Proposed:			
State:	Committed:	150,856	150,856	See Attachment B for breakdown of funding sources.
	Pending:			
	Proposed:			
Local:	Committed:		48,000	Local towns and cities.
	Pending:	48,000		
	Proposed:			
Private:	Committed:	31,000	166,755	31,000 raised from private dollars to date, 40,000 in grant proposals and the rest is pending from fundraising.
	Pending:	95,755		
	Proposed:	40,000		
Portsmouth CDBG:	Committed:		11,000	
	Pending:			
	Proposed:			
Dover CDBG:	Committed:		0	Change in staff so inadvertently missed the application deadline.
	Pending:			
	Proposed:			
Other:	Committed:			
	Pending:			
	Proposed:			
Total:	Committed:		\$1,447,116	
	Pending:			
	Proposed:			

Organizational Commitment: For public facility projects (building addition, new roof, replacement windows, etc.) – indicate the amount of funds that the organization will be contributing to the project.

Funding Source (Name of Parent Organization)	Committed, Pending or Proposed Amount (\$)		Explanation
	Committed:		
	Pending:		
	Proposed:		
Total:			

AGENCY BUDGET

Please provide a breakdown of your organization's overall annual budget. Please indicate the dates of your budget period, i.e. July 1 to June 30 or January 1 to December 31.

Budget Period: from July 1 to June 30	Current Year Also see Attachment C	Next Year (projected)
REVENUES	FY22	FY23 projected
Federal Funds	1,145,904	1,345,000
State Funds	496,128	500,000
Foundations/Private Contributions	283,000	300,000
United Way	11,000	11,000
Fundraising or other income	218,500	150,000
Other (describe) Municipalities and investment income	123,418	125,000
Community Dev. Block Grant (include anticipated request) FY22 includes Rochester CARES	24,018	23,000
TOTAL REVENUE	\$2,301,968	\$2,454,000
EXPENSES		
Salaries	1,372,405	1,500,000
Fringe Benefits	243,257	400,000
Supplies (include printing/copying)	45,000	45,000
Travel	25,000	34,000
Training	12,600	15,000
Communications	3,000	5,500
Audit	19,200	19,500
Property Maintenance (includes rent and utilities)	191,485	185,000
Service Contracts	75,000	75,000
Construction Supplies/Materials		
Other (describe) Direct Client support and hotel stays, organizational and fundraising expenses	177,816	175,000
TOTAL EXPENSES	\$2,301,968	\$2,454,000
NET (Income - Expenses)	0	

SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS

	Federal Grantor/Pass-Through Grantor/Program or Cluster Title	Federal CDFIA Number	Pass-Through Entity's Identifying Number	Passed Through to Subrecipient	Total Federal Expenditures
U.S. Dept. of	[Agency Name]			\$	\$
Direct Program	[Program Name]				
Passed Through	[Entity Name]			\$	\$
	[Program Name]				
Total U.S. Dept. of	[Agency Name]			\$	\$
U.S. Dept. of	[Agency Name]			\$	\$

Direct Program	[Program Name]				
Passed Through	[Entity Name]			\$	\$
	[Program Name]				
Total U.S. Dept. of	[Agency Name]			\$	\$
U.S. Dept. of	[Agency Name]			\$	\$
Direct Program	[Program Name]				
Passed Through	[Entity Name]			\$	\$
	[Program Name]				
Total U.S. Dept. of	[Agency Name]			\$	\$
Total Expenditure of Federal Awards				\$	\$
NH Dept. of	[Agency Name]			\$	\$
	[Program Name]				
Total NH Dept. of	[Agency Name]			\$	\$
NH Dept. of	[Agency Name]			\$	\$
	[Program Name]				
Total NH Dept. of	[Agency Name]			\$	\$
NH Dept. of	[Agency Name]			\$	\$
	[Program Name]				
Total NH Dept. of	[Agency Name]			\$	\$
Local Assistance:	[Agency Name]			\$	\$
	[Program Name]				
Total Local Assistance:	[Agency Name]			\$	\$
Total State and Local Awards				\$	\$
TOTAL FEDERAL, STATE, & LOCAL ASSISTANCE				\$	\$

I CERTIFY THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND CORRECT AND THAT IT CONTAINS NO FALSIFICATIONS, MISREPRESENTATIONS, INTENTIONAL OMISSIONS, OR CONCEALMENT OF MATERIAL FACTS.

I FURTHER CERTIFY THAT NO CONTRACTS WILL BE AWARDED, FUNDS COMMITTED (INCLUDING PURCHASE OR LEASE AGREEMENTS), OR CONSTRUCTION BEGUN ON THE PROPOSED PROJECT PRIOR TO ISSUANCE OF A RELEASE OF FUNDS BY THE CITY OF ROCHESTER.

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 PRINTED NAME: KATHY BEEBE
 PRINTED TITLE: EXECUTIVE DIRECTOR

11/18/21
 DATE

HAVEN	
Violence Prevention and Support Services	
Combined Client Services Programs	
	FY22 Budget
REVENUE:	
Individuals/Corporate	\$ 105,755
Fundraising events	\$ 10,000
Grants/Foundations	\$ 51,000
Federal/State Grants	\$ 1,237,361
Town and County Funds	\$ 48,000
TOTAL	\$ 1,452,116
EXPENSES:	
Salary/Wages	\$ 721,827
Employee Taxes and Benefits	\$ 186,241
AmeriCorps Cash Match	\$ 18,000
Organization Expenses:	
HR and Training	\$ 10,128
Insurance	\$ 5,000
Other	\$ 3,900
Occupancy Expenses:	
Rent	\$ 78,886
Utilities	\$ 17,013
Telephone	\$ 31,744
Shelter Maintenance	\$ 25,797
Program Expenses:	
Emergency Client Needs/rent	\$ 180,704
Client Hotel Stays	\$ 122,801
Postage and Supplies	\$ 11,891
Printing outreach	\$ 3,000
Equipment purch, repair & maint	\$ 11,684
Travel/Transportation	\$ 16,000
Staff/Volunteer Expenses	\$ 3,500
24 Hour Answering Service	\$ 4,000
TOTAL	\$ 1,452,116

ATTACHMENT B

**HAVEN Shelter Housing and Client Services Funding
FY22**

Federal Grants	CDFA #	
4053 CDBG Portsmouth	HUD CDBG 14.218	11,000.00
4054 CDBG Rochester	HUD CDBG 14.218	2,500.00
4055 EFSP	Emergency Food and Shelter Program 97.024	5,848.00
4056 SASP	Department of Justice 16.575	80,612.00
4058 OVW - Transitional Housing	Office of Violence Against Women 16.588	128,298.00
4059 SPIRDV	DHHS 93.592	68,156.00
4060 SPIRDV DVS	DHHS 93.592	151,008.00
4061 VOCA	Department of Justice 16.575	471,121.00
4064 VOCA HF Flexible Funds	Department of Justice 16.575	17,210.00
4069 HUD RRH	HUD 14,231	7,796.00
4071 FVPSA	DHHS 93.671	6,185.00
4073 ESG HUD	HUD 14,231	136,771.08
Total Federal Grants		\$ 1,086,505.08
<p align="center">All federal funds except OVW and CDBG are passed through to HAVEN by the NH Coalition Against Domestic and Sexual Violence</p>		
State Grants		
4076 DVPP		50,501.00
4077 SGIA		96,753.00
4078 Joshua's Law		3,602.00
Total State Grants		\$ 150,856.00
Total Federal and State Grants		\$ 1,237,361.08

HAVEN
Budget Overview
 July 2021 - June 2022

	<u>Total</u>
Income	
4000 Individuals	194,000
4010 Corporate Giving	42,000
4020 Community Organizations	13,000
4030 Foundations/Grants	100,000
4040 Events	145,000
4050 Federal and State Grants	1,666,050
4090 Municipalities	114,518
4200 Program Income / Honoraria	15,000
4500 Investment Income	8,900
4900 In-Kind Donations	3,500
Total Income	\$ 2,301,968
Expenses	
5000 Salaries and Wages	1,372,405
5010 Fringe Benefits	243,257
6090 Organization Expenses	21,975
6200 Contract Services	75,000
6500 Program Expenses	550,831
6700 Fundraising Expenses	38,500
Total Expenses	\$ 2,301,968

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City Clerk's Office

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Finance Committee

Meeting Minutes

Meeting Information

Date: August 9, 2022

Time: 6:00 P.M.

Location: 31 Wakefield Street

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

City staff present: Deputy City Manager/Finance Director Katie Ambrose, Deputy Finance Director Mark Sullivan. Chief Assessor Jonathan Rice. Director of City Services Peter Nourse.

Others present: Ray Barnett, resident.

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

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

2. Acceptance of Minutes: July 12, 2022

Councilor Lachapelle **MOVED** to **ACCEPT** the minutes of the July 12, 2022 Finance Committee meeting. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

3. Public Input

Ray Barnett, resident, addressed the Committee regarding the elderly/veteran/blind/disabled tax exemptions to be discussed later on the agenda. Mr. Barnett inquired about the written public input/publicly submitted documentation and suggested these be available for public review. Mayor Callaghan asked Mr. Barnett to distribute copies of his documentation on tax exemptions to the Committee.

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

Jonathan Rice, Chief Assessor, summarized the updated documentation he had submitted to the committee comparing Rochester's exemptions versus those of comparable neighboring communities. Mr. Rice also presented a document detailing the exemption denials from 2018

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through the present and the reasons for said denials. Mr. Rice addressed the Committee regarding the question posited at a prior meeting in regards to how many residents did not apply for the exemptions, knowing that they did not meet the thresholds. He stated that it was not possible to determine these numbers; however, he did outline the number of residents who had formerly been denied who would have qualified if the single and married income threshold were increased.

Chief Assessor Rice referenced questions that had been raised at a prior Finance meeting in regards to HB 1667, the approved State bill regarding veteran's tax credits. He clarified that the effective date of this bill was July 26, 2022, which took effect after the current year's tax cycle and will not be reflected in Rochester until April 2023.

Mr. Rice gave a brief summary of the criteria considered when determining these tax credits, but qualified that when exemptions are given, there is a cost to the tax payers. He detailed an analysis he had performed comparing Rochester to 14 other NH communities: by taking their total taxable assessed value and dividing it by their total issued exemptions and credits, to come up with a percentage of that total assessed value. He used this percentage to rank Rochester amongst the other communities and to illustrate how Rochester is amongst the more giving communities in the State.

Mr. Rice explained the options for adjusting the elderly/disabled/blind exemptions. He stated that the City could adjust the income and asset limitations, which would potentially allow more residents to qualify. Alternately, the City could adjust the amount that is being reduced for the elderly/disabled/blind assessed valuation; however, this would add to the amount that taxpayers are going to have to make up for these exemptions granted. Mr. Rice clarified that these valuations are based on 2019 revaluation. The only changes since this time are based on physical changes to a property, not increase in value. Mr. Rice further explained the effect if a revaluation were conducted in the current market.

Councilor Larochelle referenced Chief Assessor Rice's credit exemption analysis document. He asked how the exemptions and credits were combined since a credit is a dollar amount off a tax bill where an exemption reduces the taxable property by a particular amount, so it would need to be multiplied by the tax rate to make it somewhat comparable to a credit. Councilor Larochelle questioned the amount of an exemption being granted versus the value of the residence in which the recipient resides. He stated he would prefer to see the actual reduction in taxes resultant from the credit or exemption as opposed to the exemption itself. He felt this would be more comparable. Mr. Rice explained his rationale for combining the exemptions and credits within his analysis, to simplify the data in order to capture how much a community is giving as opposed to the effect on the tax rate. He stated that this data is available and can be easily calculated for this credit amount if desired, however he felt the results would be the same.

Councilor Hamann asked for the definition of assets, as used when determining eligibility. Chief Assessor Rice stated that primary residence, retirement savings, second homes, amongst multiple other items included on an official list.

Mayor Callaghan **MOVED** to recommend to full Council the increase of the single and married

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income limitation by 10% each (single up to \$38,500 and married up to \$55,000). Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a majority voice vote.

5. New Business-

4.1.1 FY23 New Positions

Finance Director Ambrose directed the Committee to the recommendations of the Personnel Advisory Board (PAB) for the job descriptions and classifications of six new positions. These are all positions that had been approved in the FY23 budget process; once the Finance Committee makes a recommendation, the positions can be approved by City Council and posted for hiring. Director Ambrose clarified that the Business Systems Analyst position had no comparable municipal equivalents in the State. Based on discussion with the department head on the position's functions and an updated analysis on the position, City Staff is now recommending that the position be a grade 11 as opposed to the original PAB recommendation of a grade 10.

Councilor Lachapelle **MOVED** to recommend to full Council the approval of all six new positions with the updated recommendation for the Business Analysts Position from Grade 10 to Grade 11. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

4.1.2 Bid Waiver-Katie Lane Drainage Project

Peter Nourse, Director of City Services, explained that this item had originally come out of the Public Works Committee and been referred back to Finance by the full Council. Katie Lane is a subdivision off Salmon Falls Road accepted in 2005 prior to completion of drainage and infrastructure work on the road. Shortly after the subdivision was developed, residents on a portion of Portland Street near East Rochester School began to experience significant increase in surface water coming into their back yards. Director Nourse explained that the issue was reported to him in 2020 and he leveraged the department's construction services contract to review the concern. This contract goes out every few years and is awarded to the lowest bidder. However, upon further review, it was determined that the Katie Lane issue could not be resolved with modest improvements. It was discovered that the pond is overwhelmed with storm water and there are also extensive wetlands in the area, which DES prohibited from being impacted. Director Nourse explained the scope of the construction services contract, which covers smaller scale projects of a 4-week or less duration, that the department is not able to handle on their own. This project, however, is more complex. It is going to be on a larger scale and will likely turn into multiple phases taking longer than 4 weeks, necessitating the bid waiver. Director Nourse explained the drawbacks that would be experienced if the department were required to go to bid for this project.

Councilor Lachapelle asked if, when the street was accepted, they retained any money from the surety bond from the developer. Director Nourse stated that he was not aware of the specific details from the timeline of the street acceptance besides the residents being eager to receive City services and the City Manager at the time wanting to push it through to provide those services despite the objections of public works. Director Nourse said it was acknowledged in the minutes of the time period that there were issues in the area which would need to be followed up and addressed, but there was never a plan moving forward.

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Councilor Lachapelle **MOVED** to authorize the bid waiver for Katie Lane. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. (**this item did not require full Council approval*)

4.1.3 City Energy Rates Update

Mark Sullivan, Deputy Finance Director summarized the City's positions in regards to energy and natural gas rates. He explained that Eversource has increased their supply rate by .23 cents per kilowatt hour. However, the City negotiated long term contracts around 2019-2020 to lock in the current 7.5 cents per kilowatt hour rate through 2023, and thereafter 6.8 cents through 2025. With the volume of approximately 6 billion kilowatt hours per year to put out into the market, The City will be able to command a better rate. He said the intention is start negotiating early and have the City's energy brokers lock in for the future (2025/2026) at the generator's overhead rate. If this is done, the suppliers will consider the City more favorably when they are trying to lock in the variable costs of the supply. Mr. Sullivan stated that for natural gas, the City's current rate at which they are locked in is 67 cents per therm, while the market rate is around 90 cents per therm or higher. Deputy Director Sullivan explained the cost savings experienced from locking in these rates.

Councilor Larochelle asked if the School Department negotiated their rates separately and if this could be combined with the City. Mr. Sullivan reported that in 2019 when the City was working on their contract, they approached the School Department and were told that the Schools already had a multiyear agreement in place. He stated that the City could reach back out to the School Department to determine the status of their current agreement. Councilor Larochelle suggested the potential of collaborating with the Cities of Dover and Somersworth as well. Deputy Director Sullivan confirmed there were other options that could be explored and it would be worthwhile to discuss this with the brokers when the meetings take place.

Councilor Hamann asked if a motion was required to authorize the Finance Department to start negotiating rates early. Deputy Director Sullivan stated that there was no vote required and these preparations are already underway.

Reports from Finance & Administration

5.2.1 Monthly Financial Report Summary-July 31, 2022

Deputy Finance Director Sullivan explained that there was not much to report for July due to it being the first month of the fiscal year and there are many revenues not yet received and posted, although motor vehicles and building permits are trending high. The City received the first payment of slightly over \$1 million in August for Waste Management host fees, but that was received after the report included in the packet.

Councilor Larochelle inquired about the last time the City negotiated their contract with Waste Management and when it would occur next. Deputy Director Sullivan stated he was not certain when

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the current contract needs to be re-negotiated, however when the cell Waste Management has constructed is ready to receive waste, it will go from the current rate of \$3.50 per ton to \$4.50 per ton along with an annual CPI escalator, and that he believed this agreement is for a 10-year term.

Councilor Lachapelle stated that the contract could be reviewed every 5 –years. If everything goes according to plans, the \$4.50 rate referenced by Deputy Director Sullivan will go into effect in September of 2023, followed by an annual increase on the tipping fee. Councilor Lachapelle stated that, to his knowledge, the agreement does not contain an end-date. Councilor Larochelle emphasized the need to stay on top of the schedule and be aware of re-negotiation timeline so it is not missed. Deputy Director Sullivan stated that the City Attorney and the City Manager are aware of the timeline and are being proactive in the process. Deputy City Manager Ambrose read a portion of the 2017 contract detailing the re-negotiation timeline, set to occur 2028.

6. Other

No discussion.

7. Adjournment

Mayor Callaghan **ADJOURNED** the Finance Committee meeting at 6:37 PM.

Respectfully Submitted,

Cassie Givara
Deputy City Clerk

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left blank...*

City Clerk's Office

**Personnel Advisory Board
July 26, 2022 – 6 PM**

Members present:

Thomas Jean
Kristy Croft

Members absent:

David Dubois

Others Present:

Andrea Metzdorf, Accountant I

Review and recommendation of:

1. 6 New Positions –
 - a. Business System Analyst- job description – Kristy Croft **moved** to recommend. Thomas Jean **seconded** to recommend approval of position at pay grade 10. The **motion carried** by a unanimous vote.
 - b. GIS Asset Management Coordinator- job description – Kristy Croft **moved** to recommend. Thomas Jean **seconded** to recommend approval of position at pay grade 13. The **motion carried** by a unanimous vote.
 - c. Water System Superintendent- job description – Thomas Jean **moved** to recommend. Kristy Croft **seconded** to recommend approval of position at pay grade 14. The **motion carried** by a unanimous vote.
 - d. Wastewater System Superintendent- job description – Thomas Jean **moved** to recommend. Kristy Croft **seconded** to recommend approval of position at pay grade 14. The **motion carried** by a unanimous vote.
 - e. Deputy Director of Public Works – Technical Services- job description – Kristy Croft **moved** to recommend. Thomas Jean **seconded** to recommend approval of position at pay grade 15. The **motion carried** by a unanimous vote.
 - f. Deputy Director of Public Works- Operations and Administration - job description – Kristy Croft **moved** to recommend. Thomas Jean **seconded** to recommend approval of position at pay grade 14. The **motion carried** by a unanimous vote.

Meeting adjourned at 6:18pm.

Non Union Classification Schedule

Grade	Position Title
1	Library Page
2	No positions in this grade
3	Foley Center Attendant
4	Custodian (part-time)
5	No positions in this grade
6	Legal Assistant
7	No positions in this grade
8	Victim/Witness Advocate
9	Community Outreach Facilitator
9	Executive Secretary
9	Payroll/Human Resource Specialist
10	Accountant I
10	Executive Assistant
11	Public Information & Community Engagement Manager
11	IT Business Systems Analyst
12	Accountant II
12	Patron Services Supervisor
12	Police Sergeant - part time (Police Commission)
13	GIS/Asset Management Coordinator
13	Solutions Architect
13	Systems Administrator
14	Deputy Director of Operations and Administration
14	Wastewater Superintendent
14	Water Works Superintendent
14	Deputy Chief Information Officer
14	Police Lieutenant (Police Commission)
15	Deputy Director of Technical Services
15	Deputy Finance Director/Deputy Treasurer
15	Human Resource Director
15	Police Captain (Police Commission)
16	Deputy City Attorney
16	Deputy Police Chief (Police Commission)
17	Chief Information Officer (CIO)
18	Chief of Police (Police Commission)
18	City Attorney
18	Deputy City Manager - Community Development (inactive)
18	Deputy City Manager - Finance & Administration
18	Director of City Services
18	Fire Chief

BUSINESS SYSTEMS ANALYST

Statement of Duties

Responsible for developing a detailed understanding of business process and functional needs, conducting industry-based research and data analysis, and determining options and alternatives for technology solutions to meet the City of Rochester's business needs. The incumbent will serve as a point of contact for staff on matters related to business workflows to be resolved using software by diagnosing, analyzing, and resolving system and data issues. He/she will need to determine the root cause for user-reported software problems and inefficient workflows, provide accurate and timely solutions or workarounds, and implement functional, technical, and training resolutions to minimize reoccurrences.

Supervision

Work is performed under the administrative and policy direction of the CIO, performing most work with a high degree of independence. The employee has personal responsibility for insuring efficient, cost effective and secure administration of the City's information technology. There is considerable latitude for independent judgement and action in making day-to-day administrative decisions within the area of assigned responsibility.

Job Environment

Work is performed under typical office conditions; may be required to attend evening meetings and work outside of normal business hours.

Work at this level requires extensive breadth and intensity of effort to be exerted, usually interconnecting highly technical factors requiring a high level of technical expertise and organizational skills and extensive knowledge of computer hardware and software platforms and solutions. System changes identified by departmental officials need to be analyzed, evaluated, and prioritized. Work also consists of varied work assignments, some of which involve non-standardized tasks, procedures, and techniques, requiring evaluation and analysis on the part of the incumbent. Problem solving may require considerable effort on occasion. The incumbent's ability to perform work effectively significantly impacts the work performance of all City employees.

Incumbent has access to confidential information, such as bid proposals, contracts, personnel files, and other sensitive data.

Errors could result in delay or loss of service, monetary loss, and legal repercussions.

Essential Functions

The essential functions or duties listed below are intended only as illustration of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

Work as a team member in the IT services group. Ensure that City technology needs are met.

City of Rochester, N.H.
Business System Analyst- Non-Union Grade 11
Adopted:

Applies expertise with business process to formulate systems/process scope and objectives relative to the municipality's business plan and user requirements, process flow definitions, business process mapping, and functional specifications.

Evaluates business initiatives and develops the most efficient, cost-effective solution alongside the business and internal/external technical staff.

Develops support documentation and training material for supported systems. Creates, maintains, and ensures that an IT orientation is given to each new staff member within their first month of employment. Spearheads efforts for ongoing training initiatives related to business software use and cyber security.

Proactively identifies, researches, and resolves system issues and suggests recommendations.

Responsible for developing framework, documenting, and mapping existing and new processes and presides over process improvement workshops and meetings. Ensures documentation is organized and accessible to stakeholders and IT.

Responsible for establishing internal controls and providing process improvement expertise and recommendations.

Develops and presents documentation related to process improvement projects, program, or requirements analyses, or organizational studies.

Undertakes the review, analysis, and evaluation of business systems and user needs.

Is an excellent communicator and listener, and applies those skills to working with business units to capture their workflow in maps. Possesses strong organizational skills with the ability to manage multiple projects with competing deadlines and priorities.

Uses sound judgment and is able to critically evaluate information gathered from multiple sources and distinguish user requests from the underlying true needs.

Works harmoniously and effectively with others through interpersonal skills.

Improves training and operational procedures within the city to increase efficiency and productivity.

Uses a computer and (a) modern office suite software for various applications such as, but not limited to, planning/scheduling, communicating (email), word processing, data manipulation (databases and spreadsheets), charts/graphics and presentations; enterprise systems/software to collect, store, manage and interpret data from business activities.

Performs a variety of bookkeeping and basic accounting tasks including the processing of department bills; verifies and corrects invoices; checks for accuracy, legality, or excessive payments; reviews and processes purchase orders; reviews accuracy of bills with regard to calculations, tax, discounts etc.; prints bill warrant; processes departmental receipts on a daily basis. Department purchasing agent for all

City of Rochester, N.H.

Business System Analyst- Non-Union Grade 11

Adopted:

supplies, clothing, travel, training etc. Processes purchase orders for department supplies and/or equipment.

Provides detailed data and research related to prior fiscal years. Prepares detailed analytical spreadsheets for reports to local, state and local agencies and commissions.

Performs other duties as assigned

Recommended Minimum Qualifications

Education and Experience

Bachelor's degree (B.S.) in Business, Information Systems, or Computer Science, or in a similar discipline, preferably in a municipal setting; or an equivalent combination of education and experience.

Valid NH Drivers License

Knowledge, Skills, and Abilities

Knowledge of the organization, operation, policies, and procedures of City departments.

Knowledge in principles of analysis and development of business requirements along with demonstrated abilities in problem identification, research for solutions, evaluation, and presentation of alternative deliverables

Ability to provide reasonable time estimates and complete assigned tasks in a timely manner with a high level of quality.

Ability must be able to communicate effectively and tactfully with management, business users, and team members in a professional manner.

Knowledge of computer applications and their uses in local government.

Skills and experience with Microsoft Office 365 cloud platform and other components of the Microsoft cloud.

Physical and Mental Requirements

The incumbent works in an office setting and is required to stand, sit, reach with hands and arms, use hands, climb, or balance, walk up to 1/3rd of the time; and talk and listen/hear more than 2/3rd of the time. Incumbent occasionally lifts up to 30 pounds, and seldom lifts up to 30 pounds. Work can be stressful at times and involve the threat of personal injury. Normal vision is required for reading. Equipment operated includes office machines, automobile, and computers.

This job description does not constitute an employment agreement between the employer and employee, and is subject to change by the employer, as the needs of the employer and requirement of the job change.

City of Rochester, N.H.
Business System Analyst- Non-Union Grade 11
Adopted:

GIS/ASSET MANAGEMENT COORDINATOR

Statement of Duties

Responsible for oversight, coordination, and administration for maintaining the City's Geographic Information System (GIS) environments to support the needs of City Departments and the community at large. As a member of the Public Works and Engineering team, this position is also responsible for the ongoing advancement and maintenance of the Asset Management Program through continuous coordination with Public Works staff.

Supervision

Works under the general direction of the City Engineer.

Oversees the GIS/Asset Management Technician position.

Performs highly responsible and technical functions requiring the exercise of considerable independent judgement to anticipate, meet, or exceed end-user expectations.

Job Environment

Works in office and field locations, which, on a recurring basis, requires the ability to walk across rough or potentially hazardous terrain with exposure to variable weather, conditions, hazards associated with construction sites, and fumes or airborne particles.

Operates computers, standard office equipment and surveying equipment; operates light truck and an automobile.

Makes periodic contact with the public involving complex information requiring accuracy, tact, discretion, and judgment; makes periodic contact with all other city departments, utilities, businesses, and local and state agencies.

Has access to department related confidential information.

Errors may result in time and monetary loss, poor public relations, reduced services to citizens, damage to buildings, equipment, and facilities, personal injury, injury to colleagues, danger to public health and safety, environmental damage, and legal repercussions.

City of Rochester, NH
GIS/Asset Management Coordinator
Non- Union Grade 13
Approved:
Page 1 of 3

Essential Functions

The essential functions or duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

Oversees coordination, administration, and maintenance of the City's enterprise and online GIS environments, including but not limited to servers, databases, software, web layers, maps, apps, and dashboards.

Oversees and provides technical guidance regarding efforts associated with the implementation, operation, and improvement of GIS-related technologies.

Seeks to provide opportunities to enhance or streamline City Department workflows using GIS.

Actively works with the Department of Public Works to further their Asset Management Program.

Supervises and reviews the work of the GIS/Asset Management Technician(s).

Coordinates and monitors contracts related to GIS and GPS hardware, software, data, and services

Aids in the dissemination of geospatial data and technology by helping to train other employees in the use of GIS software and GPS technologies.

Provides technical support to various City boards and City Council subcommittees, including the Public Works & Buildings Committee and the Public Safety Committee. Provides technical support at other Department of Public Works after hours meetings as required.

Recommended Minimum Qualifications

Education and Experience

Bachelor's degree in a relevant field of study such as Geography, Geographic Information Systems, Civil Engineering, Information Technology, ESRI, etc.; five (5) years of recent experience in GIS or equivalent combination of education and experience.

City of Rochester, NH
GIS/Asset Management Coordinator
Non- Union Grade 13
Approved:
Page 2 of 3

Special Requirements

Driver's License: Valid New Hampshire Operator License required.

Knowledge, Ability and Skill

Knowledge: Considerable knowledge of the principles and practices of developing and maintaining a GIS including proficiency using Esri software; considerable knowledge of GPS technologies and surveying methods, engineering design and map preparation; experience with SQL Server Management Studio and various programming languages such as Python, VB, SQL, Arcade, and JSON. Working knowledge of municipal operations related to water, sewer, and roadway systems.

Ability: Ability to operate computers and mapping equipment including but not limited to, GPS equipment, scanners, mobile devices, and other miscellaneous technology. Ability to prepare specifications and technical reports. Ability to collect, track and maintain data related to system condition assessments. Ability to establish and maintain effective working relationships with associates, contractors, the public, employees in other municipal departments, and City officials.

Skill: Excellent communication skills, both oral and written. Excellent computer skills, including the use of Esri software and Microsoft Office 365 software applications.

Physical Requirements

Work is primarily of an intellectual nature but occasionally requires the movement (pushing, pulling, or carrying) of objects weighing up to 30 pounds and the ability to walk across rough or potentially hazardous terrain. The employee must be able to talk, listen and hear.

This job description does not constitute an employment agreement between the employer and employee, and is subject to change by the employer, as the needs of the employer and requirements of the job change

WATER SYSTEM SUPERINTENDENT

Statement of Duties

Performs professional work of an administrative and technical nature in supervising and directing the planning and operations of the municipal public water systems; highly skilled work in charge of operating and maintaining surface water and groundwater treatment facilities, booster pump stations, storage tanks, distribution systems, source water protection, water supply dams, and watersheds.

Primary Operator for the municipal public water systems.

Works to anticipate, meet and exceed customer service expectations in a positive and professional manner.

Supervision

Works under the administrative direction of the Deputy Director of Public Works - Technical Services.

Performs highly responsible duties requiring independent judgment and initiative in planning and operating the City's public water systems, including the water treatment and storage facilities, 5 water storage tanks, distribution systems, 3 major reservoirs and 6 booster pump stations.

Has direct supervisory responsibility for all treatment plant employees and supervisory authority over all water utility personnel.

Job Environment

Administrative work is performed under typical office conditions; most work is performed under typical lab, shop and field conditions, with exposure to various weather conditions and the hazardous conditions associated with construction sites. On call for emergencies and may be contacted at any time; may be required to work beyond the normal hours of a regular 40-hour workweek. At the water treatment facilities, there are health hazards from chemicals and fumes, and electrical shock.

Operates water treatment and other related equipment, such as lab equipment, instrumentation, SCADA/Industrial Control Systems, PLC/HMI interfaces, hand and power tools, leak listening and other diagnostic devices, pumps & motors; operates light truck and automobiles; operates computers and standard office equipment.

Continuous contact with other city and state officials and with the general public; has ongoing contacts with commercial and industrial users of the City's water system to ensure compliance with

City of Rochester, N. H.
Water System Superintendent
Non- Union Grade 14
Approved:

the City's Chapter 260 Water Ordinance, and the policies, rules, and regulations of The Water Supply Works Division; resolves difficult customer service requests in person, by telephone, or in writing; investigates customer complaints.

Has access to some department-related confidential information, such as official personnel files and bid documents.

Errors in either technical application of procedures, or in the interpretation of related data, could result in lower standards of service; inadequate water distribution flow, pressure, or water quality; damage to equipment; and could adversely affect the water supply service, resulting in financial and legal repercussions for the City. Errors in judgment could lead to danger to public health and safety.

Essential Functions

The essential functions or duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

Manages operations and maintenance of the water treatment facilities, reservoirs, watersheds, pumping stations, pipelines, conveyances, waterworks dams, wells, distribution systems, and storage tanks to ensure that water quality meets and exceeds the federal and state Safe Drinking Water Act regulations; establishes treatment goals and practices; develops plans for monitoring programs and preparing reports for local and state agencies.

Responsible for all statutory operation and maintenance of the public water system to ensure adequate and reliable water for domestic use and fire protection; provides the general public with the best possible service for the least cost. Must be knowledgeable in all operational aspects of the water system.

Carries out management responsibilities in accordance with City policies, procedures, and applicable laws, including interviewing, hiring, training, appraising performance, rewarding and disciplining employees, addressing complaints, resolving problems, and planning, assigning, and directing work.

Directs the treatment facility staff; oversees the completion of any assigned projects; oversees all building, maintenance, and repair of water systems, new construction, pumping stations, water towers, and customer relations.

Oversees the needs and operations of the utility with all interested and affected parties, such as city/town agencies. Communicates with contractors and developers to ensure that end users' interests are protected. Coordinates the work of outside contractors and professional engineers.

Oversees the activities of the water treatment facility work groups and utility personnel. Directs the construction, installation, repair and maintenance of water treatment, delivery, and storage projects; ensures that water pumping stations operate in accordance with procedures established by

City of Rochester, N. H.
Water System Superintendent
Non- Union Grade 14
Approved:

municipal, state and federal regulations; checks facilities and equipment for proper operation; troubleshoots breakdowns; assigns duties to operators and other employees, as required.

Prepares and administers Water Treatment Facility annual operating budget; advises on all water department budgets; proposes annual CIP budget and develops CIP plans.

Administers requisitions and purchases parts and supplies as needed.

Conducts chemical, biological, physical and mechanical analysis and process control directives; works with government agencies in meeting water quality regulations.

Attends stakeholder meetings, public hearings, and other industry or association meetings to represent the interests of the city and utility. May serve as a member of various committees and professional organizations.

Estimates project costs, obtains information or assistance from the Deputy Director of Public Works - Technical Services, Director of City Services, and City Manager, as required; answers all public inquiries pertaining to the duties, work, laws, regulations and policies of the water treatment facility and public water systems.

Audit on progress of work; inspects; makes periodic reports to the Deputy Director of Public Works - Technical Services, Director of Public Works and City Manager regarding work to be done, status of work in progress, projects completed, and costs involved.

Establishes and directs a general preventive maintenance program on all water treatment and distribution systems and equipment; oversees contracted jobs; oversees chemical testing; provides for security, fences, locks, and controls of buildings, grounds, and equipment throughout area of responsibility. Oversees installation, configuration, and maintenance of all industrial control system components and technology.

Responsible for the preparation, maintenance, and filing of various records as required by rule, procedure or statute.

Ensures compliance with all applicable local, state, and federal regulations for drinking water supply and water treatment operations. Oversees all chemical monitoring, bacterial monitoring, and other required monitoring. Keeps complete and accurate water system records and conducts all reporting necessary in order for the water system to comply with the applicable state and federal regulations. Prepares water use reports and monitors dam safety.

Directs emergency response to water service interruptions and assists other staff in efficient and economical repairs; resolves customer complaints; intervenes with staff to resolve disputes over water quality and inadequate pressures.

City of Rochester, N. H.
Water System Superintendent
Non- Union Grade 14
Approved:

Provides technical and material assistance to water distribution operators to ensure water quality throughout the distribution system.

Implements new programs and procedures; coordinates employee training sessions; updates existing procedures as needed.

Conducts public relations and outreach/educational efforts to water customers and the general public about water use and conservation measures aimed at promoting efficient use of scarce resources. Develops the annual Consumer Confidence Report.

Oversees the cross-connection control program.

Develop and maintain policies and procedures related to plant and utility operations and laboratory analysis.

Performs other similar or related work, as required, or as situation dictates.

Recommended Minimum Qualifications

Education and Experience

Four years of post-secondary education in engineering or environmental sciences, including course work in water treatment and distribution, chemistry, physical sciences, technology, or related disciplines; 6 years' operating a grade III or IV treatment plant; and five years of increasingly responsible supervisory experience in a public utility with ten years' experience in public utility field; or an equivalent combination of education and experience.

Special Requirements

Possession of New Hampshire Water Treatment Plant Operator License, Grade III Possession of New Hampshire Water Distribution System Operator License, Grade III
Valid NEWWA Certification as a Backflow Prevention Device Inspector/Tester
Valid New Hampshire Motor Vehicle Operator License

Knowledge, Ability and Skill

Knowledge: Thorough knowledge of the policies and operating procedures of the City's water supply. Specialized knowledge of modern water distribution and water treatment systems and control techniques, including chemistry, coagulation, filtration, and disinfection dosing and optimization. Detailed knowledge of the distribution system and of materials, methods and techniques relative to underground installations, cross connection protection, and water quality management. Thorough knowledge of hydraulics and water main construction practices. Thorough knowledge of laboratory procedures, techniques, and instrumentation. Thorough knowledge of the hazards and safety precautions involved in water treatment and distribution construction and repair

City of Rochester, N. H.
Water System Superintendent
Non- Union Grade 14
Approved:

work. Thorough knowledge of AWWA Standards and Manuals of Practice. Detailed knowledge of water production systems, pumping station operations, control systems, water chemistry, operational technology, and diesel, gas, and electric motors and pumps. Thorough knowledge of local, state and federal water treatment regulations. General knowledge of other municipal services provided by the Department of Public Works. Working knowledge of Department equipment. Knowledge of the principles and practices of budgeting and personnel management, including supervision, training, and performance evaluation.

Ability: Ability to manage employees and to maintain good public relations. Ability to read and interpret blueprints, drawings, and plans. Ability to enforce regulations firmly, tactfully, and impartially. Ability to communicate effectively orally and in writing, write reports, correspondence, and procedure manuals. Ability to use department-related equipment. Ability to operate supervisory controls and data acquisition systems (SCADA). Ability to evaluate water quality models and analyze spreadsheets; compute ratios and percentages, interpret bar graphs, and complete mathematical computations and statistical analysis. Ability to define problems, collect data, establish facts, and draw valid conclusions; and read, analyze, and interpret professional periodicals and journals, technical procedures, and government regulations.

Skill: Excellent planning and organizational skills. Budgetary & Financial management skills. Excellent public relations and customer service skills to deal courteously and diplomatically with the general public. Excellent critical thinking skills in anticipating operational problems, and in taking corrective action to avoid serious malfunctioning of equipment.

Physical Requirements

Moderate to heavy physical effort required in connection with the operation and maintenance of water treatment facilities and equipment. Light to moderate physical effort generally required for supervisory and administrative duties of the water treatment facility. Frequent lifting in excess of 30 pounds required. Must be able to access all areas of the water plant and able to walk, talk, listen stand and crouch for extended periods of time. The position has normal vision requirements including the ability to adjust focus and close and distant vision.

This job description does not constitute an employment agreement between the employer and employee, and is subject to change by the employer, as the needs of the employer and requirements of the job change.

City of Rochester, N. H.
Water System Superintendent
Non- Union Grade 14
Approved:

WASTEWATER SYSTEM SUPERINTENDENT

Statement of Duties

Performs professional work of an administrative and technical nature in supervising and directing the planning and operations of the municipal public wastewater systems; highly skilled work in charge of operating and maintaining wastewater treatment facilities, pump stations, collection systems, and all facilities pertaining to wastewater systems.

Primary Operator for the municipal public wastewater systems.

Works to anticipate, meet and exceed customer service expectations in a positive and professional manner.

Supervision

Works under the administrative direction of the Deputy Director of Public Works - Technical Services.

Performs highly responsible duties requiring independent judgment and initiative in planning and operating the City's public wastewater treatment facilities, wastewater pump stations (currently 28), and the wastewater collection system.

Has direct supervisory responsibility for all treatment facility employees and supervisory authority over all wastewater utility personnel.

Job Environment

Administrative work is performed under typical office conditions; most work is performed under typical lab, shop and field conditions, with exposure to various weather conditions and the hazardous conditions associated with construction sites. On call for emergencies and may be contacted at any time; may be required to work beyond the normal hours of a regular 40-hour workweek. At the wastewater treatment facilities, pump stations and collection system there are health hazards from waterborne and airborne disease organisms, biohazards, chemicals, toxic fumes, and electrical shock.

Operates wastewater treatment and other related equipment, such as lab equipment, instrumentation, SCADA/Industrial Control Systems, PLC/HMI interfaces, hand and power tools, and other diagnostic devices, pumps & motors; operates light truck and automobiles; operates computers and standard office equipment.

Makes regular contact with other city and state officials and with the general public; has ongoing contacts with commercial and industrial users of the City's wastewater system to ensure compliance with the City's Chapter 200 Sewers Ordinance, and the policies, rules, and

City of Rochester, N. H.
Wastewater Superintendent- Non-Union Grade 14
Approved:

regulations of The Sewage and Waste Treatment Works Division; resolves difficult customer service requests in person, by telephone, or in writing; investigates customer complaints.

Has access to some Department-related confidential information, such as official personnel files and bid documents.

Errors in either technical application of procedures, or in the interpretation of related data, could result in lower standards of service, sewer collection system overflows, damage to equipment, and could adversely affect the wastewater collection system, resulting in financial and legal repercussions for the City. Errors in judgment could lead to danger to public health and safety.

Essential Functions

The essential functions or duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

Manages operations and maintenance of the wastewater treatment facilities, sewer storage facilities, pump stations, wastewater dams, and collection system to ensure that wastewater process and discharge meets federal and state regulations; including but not limited to all applicable National Pollutant Discharge Elimination System (NPDES) permits. Establishes treatment goals and practices; develops plans for monitoring programs and preparing reports for local and state agencies.

Responsible for operation and maintenance of the public sanitary sewer system to ensure health and safety; provides the general public with the best possible service for the least cost. Must be knowledgeable in operational aspects of the sanitary sewer system.

Carries out management responsibilities in accordance with City policies, procedures, and applicable laws, including interviewing, hiring, training, appraising performance, rewarding and disciplining employees, addressing complaints, resolving problems, and planning, assigning, and directing work.

Directs the treatment facility staff; oversees the completion of assigned projects; oversees building, maintenance, and repair of wastewater systems, new construction, pump stations, and customer relations.

Manages the needs and operations of the utility with interested and affected parties, such as city agencies. Communicates with contractors and developers to ensure that system user's interests are protected. Coordinates the work of outside contractors and professional engineers.

Manages the activities of the wastewater treatment facility work groups and utility personnel. Directs the construction, installation, repair and maintenance of wastewater treatment, collection, pumping and storage projects. Ensures that wastewater pump stations operate in accordance with procedures established by municipal, state and federal regulations; checks facilities and

City of Rochester, N. H.
Wastewater Superintendent- Non-Union Grade 14
Approved:

equipment for proper operation; troubleshoots breakdowns; assigns duties to operators and other employees, as required.

Prepares and administers wastewater treatment facility annual operating budget; advises on sewer department budgets; proposes annual CIP budget and develops CIP plans.

Administers requisitions and purchases parts and supplies as needed.

Constructs chemical, biological, physical, and mechanical analysis and process control directives; works with government agencies in meeting regulatory requirements.

Attends stakeholder meetings, public hearings, and other industry or association meetings to represent the interests of the city and utility. May serve as a member of various committees and professional organizations.

Estimates project costs, obtains information or assistance from the Deputy Director of Public Works - Technical Services, Director of City Services, and City Manager, as required; answers public inquiries pertaining to the duties, work, laws, regulations and policies of the wastewater treatment facility and public sanitary sewer system.

Audits on progress of work; inspects; makes periodic reports to the Deputy Director of Public Works - Technical Services, Director of Public Works and City Manager regarding work to be done, status of work in progress, projects completed, and costs involved.

Establishes and directs a general preventive maintenance program on all treatment and collection systems and equipment; oversees contracted jobs; oversees chemical testing; provides for security of buildings, grounds, and equipment throughout area of responsibility. Oversees installation, configuration, and maintenance of industrial control system components and technology.

Responsible for the preparation, maintenance, and filing of various records as required by rule, procedure or statute.

Ensures compliance with applicable local, state, and federal regulations for wastewater collections and treatment operations. Oversees chemical monitoring, bacterial monitoring, and other required testing and monitoring. Keeps complete and accurate system records and conducts reporting necessary in order for the sewer system to comply with the applicable state and federal regulations. Prepares monitoring reports and monitors dam safety.

Provides emergency response to sewer service interruptions and assists other staff in efficient and economical repairs; resolves customer complaints; intervenes with staff to resolve disputes over collection system backups and overflows.

Provides technical and material assistance to sewer collection operations and maintenance staff to ensure sewer quality throughout the collection system.

Implements new programs and procedures; coordinates employee training sessions; updates existing procedures as needed.

Conducts public relations and coordinates outreach/educational efforts to wastewater customers and the general public about wastewater collection systems, aimed at promoting efficient use and discouraging misuse of the City's sanitary sewer system.

Oversees the Industrial Pretreatment Program and the Collection System O&M Plan, including collection system inflow and infiltration tracking and strategic planning.

Writes policies and procedures related to plant and utility operations and laboratory analysis.

Performs other similar or related work, as required, or as situation dictates.

Recommended Minimum Qualifications

Education and Experience

Four years of post-secondary education in engineering, environmental sciences, or related field, including course work in wastewater treatment and collection, chemistry, physical sciences, technology, or related disciplines; 6 years' operating a wastewater treatment grade III or IV facility; and 5 years' of increasingly responsible supervisory experience in a public utility with 10 years' experience in public utility field; or an equivalent combination of education and experience.

Special Requirements

Possession of NH Wastewater Treatment Facility Operator License, Grade IV

Possession of NEWEA Collection System Operator License, Grade IV

Possession of NEWEA Wastewater Laboratory Analyst License, Grade II

Valid New Hampshire Motor Vehicle Operator License

Knowledge, Ability and Skill

Knowledge: Thorough knowledge of the policies and operating procedures of the City's sanitary sewer system. Specialized knowledge of modern sewer collections and advanced wastewater treatment systems and operational control techniques, including extended aeration, nutrient removal, filtration, UV disinfection, sludge dewatering, chemical dosing and optimization. Detailed knowledge of the collection system functions and of materials, methods and techniques relative to underground installations, repair and maintenance. Thorough knowledge of hydraulics and sewer main construction practices. Thorough knowledge of laboratory procedures, techniques, and instrumentation. Thorough knowledge of the hazards and safety precautions involved in wastewater treatment and collection system construction and repair work. Detailed knowledge of wastewater treatment systems, pump station operations, control systems, chemistry, operational technology. Thorough knowledge of local, state and

City of Rochester, N. H.

Wastewater Superintendent- Non-Union Grade 14

Approved:

federal wastewater treatment regulations. Knowledge of the principles and practices of budgeting and personnel management, including supervision, training, and performance evaluation.

Ability: Ability to manage employees and to maintain good public relations. Ability to read and interpret blueprints, drawings, and plans. Ability to enforce regulations firmly, tactfully, and impartially. Ability to communicate effectively orally and in writing, write reports, correspondence, and procedure manuals. Ability to use department-related equipment. Ability to operate supervisory controls and data acquisition systems (SCADA). Ability to evaluate wastewater capacity models and analyze spreadsheets; compute ratios and percentages, interpret bar graphs, and complete mathematical computations and statistical analysis. Ability to define problems, collect data, establish facts, and draw valid conclusions; and read, analyze, and interpret professional periodicals and journals, technical procedures, and government regulations.

Skill: Excellent planning and organizational skills. Budgetary & Financial management skills. Excellent public relations and customer service skills to deal courteously and diplomatically with the general public. Excellent critical thinking skills in anticipating operational problems, and in taking corrective action to avoid serious malfunctioning of equipment.

Physical Requirements

Moderate to heavy physical effort required in connection with the operation and maintenance of wastewater treatment facilities and equipment. Light to moderate physical effort generally required for supervisory and administrative duties of the wastewater treatment facility. Frequent lifting of up to 30 pounds required. Must be able to access all areas of the wastewater treatment facility and able to walk, talk, listen stand and crouch for extended periods of time. The position has normal vision requirements including the ability to adjust focus and close and distant vision.

This job description does not constitute an employment agreement between the employer and employee, and is subject to change by the employer, as the needs of the employer and requirements of the job change.

DEPUTY DIRECTOR OF PUBLIC WORKS - TECHNICAL SERVICES

Statement of Duties

Performs highly skilled supervisory, management, technical and professional work overseeing the design, construction, and maintenance of all city infrastructure engineering projects; oversees water and sewer utility operations; provides highly responsible and complex administrative support to the Director of City Services; and all other related work, as required. Assumes the responsibilities of the Director of City Services in his/her absence in such functions as assigned.

Supervision

Reports directly to the Director of City Services.

Responsible work of a specialized and technical nature planning, organizing and coordinating a municipal service; requires the exercise of a sophisticated degree of professional judgment in analyzing facts and circumstances of highly technical projects to determine the appropriate course of action.

Oversees and directs the work the Water System Management, Wastewater System Management, Engineering Division, GIS/Asset Management and other duties as assigned.

Direct reports include City Engineer, Water System Superintendent, Utilities Municipal Service Supervisor, and Wastewater System Superintendent.

Job Environment

Work is generally performed under typical office conditions; frequently required to work outdoors with exposure to variable weather conditions, hazards associated with construction sites, moving vehicular traffic, fumes, or airborne particles.

Operates computers and standard office equipment; operates light truck and an automobile.

Maintains regular contacts with the general public involving complex information requiring accuracy, tact and discretion; makes frequent contact with all other city departments, utilities, businesses contractors, consultants, political leaders, and local and state agencies.

Errors may result in time and monetary loss, poor public relations, reduced services to citizens, damage to buildings, equipment, and facilities, personal injury, injury to colleagues, danger to public health and safety, environmental damage, and legal repercussions.

Access to all department-related confidential information, including personnel records, bid documents, and lawsuits.

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DPW Deputy Director Technical Services
Non- Union Grade 15
Approved:

Work performed is in an office & outdoors where employee is exposed to noise, dust dirt, grease, machinery with moving parts, irritating chemicals and occasional cold or inclement weather.

Essential Functions

The essential functions or duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

Participates in the development of and oversees the execution of the missions, goals and culture set by the Director of City Services for the organization. Acts with full authority of Director of City Services on matters pertaining to the duties herein.

Maintains continuous communication with the Director of City Services and the Deputy Director of Public Works – Operations & Administration regarding events and activities that may affect the delivery of Department services to the community.

Aligns and coordinates the technical functions of multiple department divisions including drinking water, wastewater, storm water, engineering, GIS/Asset Management, transportation, and utilities to ensure a congruent work force of high effectiveness. Coordinates all efforts to ensure harmony of work and unity of effort to set and achieve departmental and City goals.

Oversees overall design and administration of all municipal engineering-related capital and operational infrastructure projects. Reviews the preparation of plans and working drawings, and directs construction, inspection, and quality assurance of engineering elements of city projects.

Serves as the regulatory representative for the City's public water systems and public sewer systems, both sanitary and storm. Oversees capital infrastructure programs of the City's water, wastewater, and stormwater facilities, ensuring safe, efficient, and effective operation in compliance with all federal and state laws and regulations. Identifies strategic capital needs and goals of treatment facilities, distribution and collection infrastructure and leads efforts to achieve goals.”.

Reviews City planning projects for congruence with City infrastructure goals. Liaises directly with Planning Department frequently. Identifies impacts to City infrastructure due to private development and formulates solutions that support development while ensuring City services are optimal. Reviews field inspections, project progress and technical reports and makes determinations for the Director on recommendations for the approval and acceptance of all privately constructed infrastructure projects for public ownership and maintenance.

Identifies a holistic strategic program to maintain and improve the City's transportation

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DPW Deputy Director Technical Services
Non- Union Grade 15
Approved:

infrastructure system and oversees the implementation of such program. Regularly liaises with NH Department of Transportation and ensures routine staff interaction with Strafford Regional Planning Commission.

Oversees the City's environmental affairs and programs. Ensures that all city owned entities comply with all applicable federal and state environmental laws and regulations. Oversees the City's storm water program (MS4) and any National Pollution Discharge Elimination System (NPDES) permit programs. Sets performance goals with milestones and ensures departmental forces and contract engineering services work towards achievement of such goals. Regularly liaises with environmental agencies and contracted environmental professionals to stay abreast of potential environmental regulations, determine potential impacts and formulate compliance strategies as required.

Oversees the preparation of documents for competitive bidding; oversees bid evaluations; reviews and endorses recommendation for contract award. Participates in selection of consultants; oversees the administration of design and construction contracts; cost control and processing of progress payments.

Stays abreast of funding from external public agencies. Seeks opportunities for external funding towards infrastructure projects. Oversees the preparation of grant and loan applications for grants and loans. Oversees and directs the mechanics of project funding elements to include City and external funding sources such as loans and grants, ensuring adequacy and coordination to meet project needs.

Ensures maintenance of municipal technical standards for public infrastructure to reflect best current technology and practices. Prioritizes the funding and planning requirements of municipal capital infrastructure projects.

Oversees the preparation and administration of divisional capital and operating budgets for assigned divisions. Assists the Director of City Services with the preparation and presentation of the Department's capital and operational and maintenance budgets to the City Manager, staff and City Council.

Oversees and directs the leveraging of contracted professional engineering/architectural services. Ensures coordination of efforts amongst such services and with those of City staff. Builds greater multi-firm and staff technical teams to establish congruent, effective solutions to infrastructure problems to include identifying goals, milestones and required resources. Reviews performance of contracted professional engineering/architectural services and participates in selection panels.

Administers technical support to all divisions of the Department of Public Works and other City departments, as needed; conducts reviews and submits reports on infrastructure proposals to other City agencies; reviews proposals for impact on the community, including construction requirements, transportation, public safety, environmental impacts, and municipal service delivery. Attends various City board meetings including City Council subcommittees. Schedules,

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DPW Deputy Director Technical Services
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Approved:

prepares for and leads public hearings conducted on construction projects, easement acquisitions and other capital projects. Represents City on various committees and at public hearings or court proceedings

Oversees the permitting and licensing program for public works related projects (public and private), including the coordination of utility company accommodations within the public right-of-way, such as natural gas, electricity, telecommunications, etc. Ensures all aspects of program to include technical platforms, inter-departmental workflow processes and customer service is executed efficiently for developers, utility companies, and City staff.

In the absence of the Director of City Services, provides reports, presentations and participates in discussions with the public, City staff, City Council in public settings as required.

Responds to inquiries and complaints with appropriate professional courtesy, information, research and/or referral.

Serves as technical resource to the Public Works & Buildings Committee, Public Safety Committee, and Utility Advisory Board.

Upgrades and maintains knowledge and expertise in the field through continuing education.

Performs similar or related work as required, directed, or as situation dictates.

Recommended Minimum Qualifications

Education and Experience

Bachelor of Science degree in Civil Engineering required from a college or university accredited by the Accreditation Board in Engineering and Technology. Ten years of full-time civil engineering design and supervision experience on a variety of engineering projects, especially those involving public works construction; or an equivalent combination of education and experience. Ten years of full-time supervision experience or any combination of education, training and experience which provides the required knowledge, skills, and abilities

Special Requirements

Licensure as a Professional Engineer in New Hampshire Valid New Hampshire Driver's license.

Preferred Licenses & Certifications:

NH DOT Local Public Agency (LPA) Certification

Registered Land Surveyor or Surveyor-In-training; Septic System Designer in New Hampshire.

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Water Treatment Plant Operator Level II
 Wastewater Treatment Plant Operator Level II.
 Water Distribution Operator Level II
 Collections Operator Level III

Knowledge, Ability and Skill

Knowledge: Extensive knowledge of the application of civil engineering skills to public works projects including transportation systems and traffic engineering; water supply, treatment, and distribution; wastewater collection and treatment; environmental engineering; soil mechanics, geotechnical and dam engineering; and stormwater collection and treatment.

Knowledge of effective management practices, as applied to management of staff, professional consultants and technical management of projects, including construction management, and programs.

Thorough knowledge of local, state, and federal laws and regulations governing the municipal infrastructure and relating to Public Works functions, including but not limited to the Manual on Uniform Traffic Control Devices (MUTCD) and the Americans with Disabilities Act (ADA).

Thorough knowledge of public bidding laws as they relate to public works and construction projects.

Knowledge of the financial mechanics and administration of multiple funding sources for municipal infrastructure such as State Revolving Loans, grants and other state and federal programs.

Considerable knowledge of structural design, specifications, applicable codes, and safety standards, and related engineering, environmental, and land surveying practices.

Knowledge of GIS and Asset Management as applied to municipal infrastructure.

Ability: Requires keen ability to identify strategic goals as related to complex infrastructure needs, and direct multiple technical resources to establish systematic programs with milestones to realize positive outcomes.

Ability to analyze and identify complex, strategic infrastructure problems, identify solutions and establish short and long-term programs to achieve positive outcomes.

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 Approved:

Ability to make timely decisions when faced with multiple potential solutions to complex engineering problems. Ability to formulate contingency plans to optimize outcomes.

Ability to identify, organize, coordinate and encourage City employees and multiple contracted professional engineering/architectural resources towards establishing goals, solutions and achieving positive outcomes.

Ability to perform engineering calculations to check the work of employees and contracted professionals. Ability to keep accurate and detailed notes and records. Ability to read and interpret plans, specifications, and codes and other engineering instruction documents.

Ability to monitor, critique, and encourage work of subordinate employees and contracted resources. Ability to channel the abilities of subordinate employees, contracted services and other City employees towards achieving set goals. Ability to provide detailed written evaluations of subordinate employees. Ability to influence high employee effectiveness through routine performance review.

Ability to prepare and manage and present budgets.

Ability to make public presentations on complex, technical matters to the public, City staff, City Council, professional services and other agencies/organizations. Ability to communicate such complex, technical matters in lay terms.

Ability to provide thoughtful intelligent responses in public forums.

Skill: Premier universal, core leadership skills as applied to a technical environment.

Excellent communication skills, both oral and written.

Must be sensitive to and have acute public relations awareness.

Innovative skills in the application of engineering principles to design, construction and maintenance to obtain economically acceptable solutions on public works projects.

Skill with computer applications, such as word processing, spreadsheets, databases, email, video conference and other communications software, Computer Aided Design software (e.g. AutoCAD) and Geographic Information System (GIS) software (e.g. ArcVIEW).

Physical Requirements

City of Rochester, N. H.
DPW Deputy Director Technical Services
Non- Union Grade 15
Approved:

Minimal physical effort generally required in performing duties under typical office conditions. Position requires the ability to operate computer keyboard and standard office equipment. The employee is frequently required to sit, talk and hear and is required to use hands to finger, handle or feel projects, tools or controls and to reach with arms and hands. Must be able to maneuver over uneven terrain under various weather conditions. Normal vision requirements. The incumbent occasionally lifts up to lbs.

This job description does not constitute an employment agreement between the employer and employee, and is subject to change by the employer, as the needs of the employer and requirements of the job change.

DRAFT

City of Rochester, N. H.
DPW Deputy Director Technical Services
Non- Union Grade 15
Approved:

Deputy Director of Public Works – Operations & Administration

Statement of Duties

Performs highly skilled supervisory, management, administrative and operational work in assisting Director for City Services in managing the finances, programs, construction, and maintenance of all city infrastructure projects and City environmental operations; all other related work, as required. Assumes the responsibilities of the Director of City Services in their absence in such functions as assigned

Supervision

Reports directly to the Director of City Services.

Performs responsible work of a specialized and technical nature planning, organizing, and coordinating a municipal service; requires the exercise of a sophisticated degree of professional judgment in analyzing facts and circumstances for financial and operational information to determine the appropriate course of action.

Oversees and directs the work of City Maintenance & Operations for highway, fleet services, buildings, grounds, DPW administration and Utility Billing and other duties as assigned. Direct Reports include Municipal Service Supervisors of Buildings & Grounds, Municipal Service Supervisor Highway & Fleet, and DPW Supervisor of Administration and Utility Billing.

Job Environment

Work is generally performed under typical office conditions; frequently required to work outdoors with exposure to variable weather conditions; occasional cold, hot or inclement weather, hazards associated with construction sites, moving vehicular traffic, fumes, noise, dust dirt, grease, machinery with moving parts, irritating chemicals and or airborne particles.

Operates computers and standard office equipment; operates light truck and an automobile.

Makes regular contacts with the general public involving complex information requiring accuracy, tact and discretion; makes frequent contact with all other city departments, utilities, businesses contractors, consultants, political leaders, and local and state agencies.

Errors may result in time and monetary loss, poor public relations, reduced services to citizens, damage to buildings, equipment, and facilities, personal injury, injury to colleagues, danger to public health and safety, environmental damage, and legal repercussions.

Access to all department-related confidential information, including personnel records, bid documents, and lawsuits.

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DPW Director –Operations & Administration
Non-Union- Grade 14
Approved:

Essential Functions

The essential functions or duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

Acts on behalf of the Director of City Services in his or her absence. Coordinates all efforts with the Deputy Director of Technical Services. Performs other related duties as assigned by the Director

Maintains continuous communication with the Director of City Services and Deputy Director of Technical Services on events and activities that affect the positive delivery of Department services to the community

Oversees the execution of the missions, goals and culture set by the Director of City Services for the organization. Acts with full authority of Director of City Services on matters pertaining to the duties herein.

Leads department management in developing long-range strategic plans; confers and informs Director of City Services on key issues; provides progress reports toward objectives; seeks to gain support and approval of Department programs and initiatives.

Plans organizes and provides operational management guidance to assigned employees and resources.

Carries out supervisory responsibility in accordance with city policies, procedures, and applicable laws, including training in job skills, appraising performance, addressing complaints, resolving problems, and planning, assigning, and directing the Departments work force.

Plans organizes and provides operational management guidance to assigned employees and resources.

Supervises and coordinates all department-wide communications and customer service programs, including developing and implementing policies and specific projects and schedules for implementation, reviewing reports and analyses from consultants, and evaluating effectiveness of community outreach and engagement. Develops, recommends, and implements broad organizational strategies to positively improve the Department's services to the Community.

Aligns and coordinates the operational and maintenance duties of the Highway and Fleet Division, Buildings and Grounds Division and the Administrative Divisions of the DPW to ensure a congruent work force of high effectiveness. Coordinates all efforts to ensure harmony of work and unity of effort to set and achieve departmental and City goals.

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Oversees and implements short and long term administrative and operation goals objectives and strategies for the department, including projects and programs to ensure Department wide operations complement each other resulting in efficient effective operations.

Manages implementation and compliance with the City of Rochester Drug and Alcohol program for the Public Works Department's employees with Commercial Driver Licenses (CDL) including the Federal Motor Carrier Programs, and the NHDOT Training requirements for new CDL Drivers.

Public Works Department Safety and Training Officer. Ensures and oversees safety training programs for employee's department wide. Management of divisional training programs ensuring program requirements and ensures accurate documentation of programs.

City of Rochester Solid Waste Coordinator for oversight of the Host agreement with Waste Management of NH.

Overseas department funding and expenses including operations, maintenance, and capital improvements. Develops, recommends, and monitors with input from Division Superintendents and Supervisors the Department-wide annual operation and maintenance budget, to include Water Fund, Sewer Fund, Community Center, General Fund-Highway / Snow, and General Fund-Buildings and Grounds. Assist in preparation and administration of divisional capital for all divisions of the Public Works Department. Assists the Director of City Services with the preparation and presentation of the Department's capital and operational and maintenance budgets to the City Manager, staff and City Council.

Works with Director of City Services, City Manager and Finance Department on key issues and progress toward objectives and to gain support and approval; makes recommendations as needed to improve process and reach goals.

Reviews and prepares City Council agenda action items and ensures execution. Prepares agenda bills for the Department.

Leads department management in developing long-range strategic plans; confers and informs Director of City Services on key issues; provides progress reports toward objectives; seeks to gain support and approval of Department programs and initiatives

Performs special assignments as requested by the Director of City Services, to include researching and preparing reports, conducting, and overseeing projects, planning, and executing public information meetings, consultant qualifications review, developing and implementing programs and presenting technical data to City Manager, elected officials, and others

Responsible for the Department's participation in loan and grant processes to ensure compliance with City policies, Federal Grants, NH DOT and NHDES SRF requirements. Direct participation in the professional service consultant selection process is required. Monitors professional services

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contracts for cost control. Oversight and execution as necessary for progress payments for Capital Infrastructure Projects and administers the design and construction Consultant Contracts.

Liaises with local, state, and federal agencies, and the Cities Finance Department to manage multiple funding sources and mechanisms such as grants and loans to support capital and operational projects and their budgets. Seeks opportunities to secure external funding sources for projects and stays abreast of funding from external public agencies. Oversees and directs the mechanics of project funding elements to include City and external funding sources such as loans and grants, ensuring adequacy and coordination to meet project needs.

Represents the Director in his/her absence to the City Manager, City Staff and City Council at venues such as staff meetings, City Council meetings; and various City Boards and committees; meets with Federal and State officials, citizens, representatives of the press, and influential persons within the community to establish goodwill and resolve/respond to issues.

Oversees all interdepartmental operations, Community and Civic Organizations. Develops, recommends, and implements broad organizational strategies to positively improve the Department's services and support to the community

Provides financial guidance and operational support to all divisions of the Department of Public Works and other city departments, as needed; conducts reviews and submits financial reports on infrastructure proposals to other city agencies; reviews proposals for impact on the community, including construction requirements, transportation, public safety, and municipal service delivery.

Attends various city board meetings including City Council subcommittees. Schedules, prepares for, and leads public hearings conducted on construction projects, easement acquisitions and other capital projects.

Represents city on various committees, at public hearings and court proceedings as necessary.

In the absence of the Director of City Services, provides reports, presentations and participates in discussions with the public, City staff, City Council in public settings as required.

Responds to inquiries and complaints with appropriate professional courtesy, information, research and/or referral.

Serves as the financial resource to the Public Works Committee and Public Safety Committee as needed.

Participates in or supervises employees involved in the research, data collection, plotting, calculations, plan preparations, public meetings, record keeping, and recording processes required to map the City's infrastructure.

Elevate and maintains knowledge and expertise in the field through continuing education.

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DPW Director –Operations & Administration
Non-Union- Grade 14
Approved:

Performs similar or related work as required, directed, or as situation dictates.

Recommended Minimum Qualifications

Education and Experience

Bachelor of Science degree in finance, business administration, accounting, construction science, or engineering. Ten years of full-time supervision experience and progressively responsible experience in municipal public works management, private construction, utility management, or any combination of education, training and experience which provides the required knowledge, skills, and abilities.

Special Requirements

Valid New Hampshire Driver's license.

Preferred Certifications:

General Accepted Accounting Principles (GAAP) Certification
NH DOT Local Public Agency (LPA) Certification
Incident Command System (ICS) Certification

Knowledge, Ability and Skill

Knowledge:

Keen knowledge in municipal public works administration and management, including budgeting, municipal budgeting procedures and multi-funded financing operations, employee relations, bargaining units, loss management, grant and loan mechanics and automated management information systems

Knowledge of the application of civil engineering skills including technical management to public works projects including transportation systems, water and wastewater utilities and treatment.

Knowledge of principles and practices of governmental & fund accounting.

Knowledge of local, state, and federal laws and regulations governing the municipal infrastructure and relating to public works functions.

Thorough knowledge of public bidding laws as they relate to public works and construction projects.

Knowledge of the financial mechanics and administration of multiple funding sources for municipal infrastructure such as State Revolving Loans, grants and other state and federal programs.

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DPW Director –Operations & Administration
Non-Union- Grade 14
Approved:

Ability:

Ability to mentally manage high volumes of information and data, focusing on root issues, prioritizing problems, and developing solution strategies.

Ability to prepare, manage and present budgets.

Ability to make public presentations on complex, technical matters to the public, City staff, City Council, professional services, and other agencies/organizations. Ability to communicate such complex, technical matters in lay terms.

Ability to grasp complex, technical issues in finance and infrastructure. Ability to Transform abstract ideas into problem statements and furnish solution strategies

Ability to make timely decisions when faced with multiple potential solutions to complex problems. Ability to formulate contingency plans to optimize outcomes.

Ability to identify, organize, coordinate, and encourage City employees and multiple contracted consultants and resources towards establishing goals, solutions and achieving positive outcomes.

Ability to monitor, critique, and encourage work of subordinate employees and contracted resources. Ability to channel the abilities of subordinate employees, contracted services, and other City employees towards achieving set goals.

Ability to provide detailed written evaluations of subordinate employees. Ability to influence high employee effectiveness through routine performance review.

Ability to provide thoughtful intelligent responses in public forums.

Skill: Premier universal, core leadership skills as applied to a professional environment.

Excellent communication skills, both oral and written.

Must be sensitive to and have acute public relations awareness.

Tact, discretion, and initiative. Critical thinking and independent judgment

Innovative skills in the application of project management for construction and maintenance to obtain economically acceptable solutions on public works projects and functions.

Skilled with computers and accounting software, including but not limited to the City's current financial management software and other departmental software systems that ensure accurate information management.

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Non-Union- Grade 14
Approved:

Physical Requirements

Physical effort generally required in performing duties under typical office conditions. Position requires the ability to operate computer keyboard and standard office equipment. The employee is frequently required to sit, talk and hear and is required to use hands to finger, handle or feel projects, tools or controls and to reach with arms and hands. Must be able to maneuver over uneven terrain under various weather conditions. Normal vision requirements. The incumbent occasionally lifts to 50 lbs.

This job description does not constitute an employment agreement between the employer and employee, and is subject to change by the employer, as the needs of the employer and requirements of the job change.

DRAFT

City of Rochester Planning Board
Monday August 8, 2022
City Hall Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on August , 2022)

Members Present

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

Members Absent

A.Terese Dwyer, *excused*
James Hayden, *excused*
Michael McQuade, *excused*

Alternate Members Present

Alexander de Geofroy
Matthew Richardson

Staff: Shanna B. Saunders, *Director of Planning & Development*
Ashley Greene, *Administrative Assistant II*

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

I. Call to Order

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

II. Roll Call

The recording secretary, Ashley Greene, conducted roll call.

III. Seating of Alternates

Mr. Collopy asked Matthew Richardson to vote for Terry Dwyer.

IV. Communications from the Chair

There were no communications from the Chair.

V. Approval of minutes for July 25, 2022

David Walker made a motion to approve the minutes from July 25, 2022. Don Hamann seconded the motion. The motion carried by a unanimous voice vote.

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

A. Public comment

There was no one from the public present for public comment.

B. Discussion of general planning issues

There were no discussion of general planning issues.

VII. Continued Applications:

- A. [Donna Johnson, Storybook Hollow ELP, 16 Whitehall Road](#) Site Plan for a day care center, a self-directed learning center for middle and high school students, and a teen parent program. Case# 126 – 15 – HS – 22 **Public Hearing ACCEPTANCE/FINAL ACTION***

Donna Johnson, owner of Storybook Hollow, presented the daycare application. Ms. Johnson explained that Storybook Hollow has been in existence for 22 years. Ms. Johnson explained that her daughter, Amber Baud, and co owner will be the director of the self-directed learning program. Ms. Johnson discussed the parking structure and the traffic flow going in one direction. Ms. Johnson explained the inside structure of the day care center, including seven rooms designated for the self-directed learning program. Ms. Johnson discussed having 16 preschool aged children. There is a fenced in play yard outback.

Ms. Saunders asked about fire protection requirements and the inspection that occurred. Ms. Johnson explained that the requirements per the fire department include adding a different ceiling to the unfinished upstairs to separate the older barn, emergency lights in the bathrooms, and a fire alarm system installed that is connected to the fire station.

Mr. Walker asked if the building was sprinkled? Ms. Johnson explained that it does not need to be sprinkled because there are plenty of egress, but once the entire place is finished it will be sprinkled.

Mr. Collopy asked about the possibility of lead paint on the property? Ms. Johnson explained that the building is sided and it is remodeled.

Mr. Collopy opened the public hearing. Seeing none, he brought it back to the board.

Ms. Saunders explained that the staff recommendations are the same as last meeting except for an additional general and subsequent condition for NFPA 101 Ed. 2018 for Day Care and Schools must be adhered to and a Fire Department inspection required prior to certificate of occupancy.

Mr. Collopy agreed with the signage indicating entrance and exit for the facility. Mr. Collopy advised the applicant to be mindful of any ambulances that need to get through to the hospital.

Mr. Walker asked if there was a dumpster on site? Ms. Johnson said there is no dumpster on site but there may be in the future depending on the trash needs for the facility. Mr. Walker explained that the dumpster will need to be screened should the applicant get one in the future.

Paul Giuliano made a motion to approve the day care center site plan with the conditions stated. Mr. Walker seconded the motion. The motion carried by a unanimous voice vote.

VIII. New Applications:

A. Student Transportation of America, 7 Wallace Street, LLC, 7 Wallace Street

Conditional Use Permit Application and Site Plan to park 20 school buses
Case# 120 – 303 – DC – 22 **Public Hearing ACCEPTANCE/FINAL HEARING***

Debra Coleman, General Manager of Student Transportation of America, and Carey Morin, Terminal Manager in Rochester, presented the application. Ms. Coleman explained that they have been providing bus transportation for 12 years and must relocate to this location. 7 Wallace Street will be a two-year lease for now and will park 20 or less buses. Ms. Coleman discussed that there will be no extra lighting, just what is already installed on the building. Ms. Coleman explained that there is a fence along the back of the property and they are currently working with the landlord to install a fence on the front of the property.

Mr. Collopy opened the public hearing. Seeing none, he brought it back to the board.

Ms. Saunders discussed the staff recommendations, include screening around the property. Under general and subsequent conditions the amount of the buses must not exceed 20, and if they need to expand they must seek a new location. Ms. Saunders explained the onsite fueling requirements that follow the NFPA.

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

Mr. Walker asked about drainage concerns on the site. Ms. Saunders explained that the applicant is not changing anything on the site so none of the new stormwater permits are needed. Mr. Walker expressed his concern with any leaks that could occur from the buses. Ms. Saunders explained that is why the applicant must follow the NFPA refueling.

Mr. May asked if there were any plans to install cameras on site. The applicant said yes.

Mr. Collopy asked for more information on how the refueling occurs. Ms. Coleman explained that it is done by Dennis Burke and they come to the parking lot with a fuel truck and it is filled with a fuel hose and they just go right down the line. Mr. Collopy asked what time this usually occurs at. Ms. Coleman said they are able to set it up in the evening and done between 9:00 p.m. and 10:00 p.m.

Mr. Collopy asked about the idling time for the buses in the winter. Ms. Coleman explained that there is a state idling limit time, so they are only running for a short period of time. Ms. Coleman explained that buses don't typically warm up until they are out on the road.

Mr. Giuliano asked how many buses they run in Rochester. Ms. Coleman said there are 19 buses.

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

Mr. Walker made a motion to approve the site plan application. Mr. Hamann seconded the motion. The motion carried by a unanimous voice vote.

**B. Quantum Real Estate Group, Beaudoin Family Trust, 4 Norway Plains Rd 3-lot
Minor Subdivision Case# 222 – 59-1 – HC – 22 Public Hearing **ACCEPTANCE/FINAL HEARING*****

Bob Stowell, of Tritech Engineering, presented the application on behalf of Beaudoin Family Trust. Mr. Stowell discussed the 3-lot minor subdivision located at the corner of Milton Road and Norway Plains Road that is a little over 1.5 acres. Mr. Stowell explained that the wetlands have been mapped on site. Mr. Stowell discussed the driveway placement for each lot; lot 1 would have its own driveway, and lots 2 and 3 would share a driveway.

Mr. Collopy opened the public hearing.

Ms. Saunders read an email from a Rochester resident.

"Good Afternoon Ashley,

I'm writing you to voice my concern if the above application is approved at tonight's Planning Board meeting. My family lives on Millers Farm Drive, which is located at the end of Norway Plains Road. My only concern is the possible increase in traffic by allowing more units on this lot. Norway Plains Road is the only route into this area of numerous residential properties. I hope the TRC and the Planning Board members examine the impact on this already heavily traveled residential road if this application is approved.

Thank you for your time and consideration.

Regards,

Brett Johnson"

Mr. Collopy closed the public hearing.

Ms. Saunders discussed the staff recommendations and that staff recommends the application can be accepted as complete.

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

Ms. Saunders discussed the conditions of approval, and the driveway layout changes that must be made. Ms. Saunders discussed staff receiving the easement documents for the shared driveway. Ms. Saunders said she would move the precedent condition pertaining to other permits to general and subsequent conditions.

Mr. Collopy expressed his concern with the water buildup near that parcel and asked the applicant to keep that in mind.

Ms. Saunders discussed the possibility of the moratorium that could be in place and the applicant needing to go before council to ask for a waiver for a pavement cut. Mr. Stowell understood and is willing to go before council to request the waiver.

Mr. May expressed his concern with traffic and the possibility of businesses going into this spot. Ms. Saunders explained that if there was a business going in to either of the lots they will need to come to the planning board with a site plan, but if it is residential they will just need a building permit.

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

IX. New Business

A. Rochester Main Street, 18 So Main Street Private Art Installation to be located on the southside of the Central Fire Station 37 Wakefield Street

Ms. Saunders discussed the proposed art installation that consist of four historic postcards that will be printed on vinyl and placed on the Central Fire Station facing City Hall and Shaw Park.

Mr. Giuliano made a motion to approve the art installation at the Central Fire Station. Mr. Walker seconded the motion. The motion carried by a unanimous voice vote.

B. City of Rochester Arts & Culture Commission, 33 Wakefield Street Private Art Installation to be located on the City Hall Annex building 33 Wakefield Street

Ms. Saunders discussed the proposed art installation that will consist of two paintings from a local artist in Concord and will be placed on the City Hall Annex building facing the City Hall Municipal Parking lot.

Mr. Walker made a motion to approve the art installation at the City Hall Annex building. Mr. Hamann seconded the motion. The motion carried by a unanimous voice vote.

X. Solar Ordinance Discussion

Ms. Saunders asked to have a better discussion on the Solar Ordinance in order to determine the majority and get a better direction for the ordinance.

Mr. Collopy discussed solar trackers that were placed on residential properties and how they did not seem as off putting. Mr. Collopy expressed that the board should only be concerned with safety, and setbacks.

Mr. Walker expressed his concern with the trackers being placed in the residential zones due to taking away from the essence of the neighborhood. Mr. Walker explained that the small ground trackers and roof top solar panels are a better fit for residential zones.

Mr. May suggested permitting the trackers in the residential zones by special exception, in order to be able to determine if they were inappropriate for the lot.

Mr. Bruckner expressed his support for Mr. May's suggestion on the special exception for a tracker.

Mr. Fitts said that he also supports Mr. May's suggestion for a special exception for the trackers. Mr. Fitts also explained that if a property owner is going to invest in a tracker they will likely place the tracker in a thoughtful spot on their property.

Mr. Bruckner expressed his concern with the height issue of the trackers.

Mr. Sullivan supported Mr. May's suggestion on requiring a special exception for the residential zone. Mr. Sullivan expressed his concern for more regulations surrounding the commercial zones due to the possibility of more trackers popping up in those zones.

Ms. Saunders explained how the solar ordinance is identifying commercial use for solar trackers.

Mr. Fitts asked for permits related to solar trackers or panels. Ms. Saunders said that she would collect that data for the next meeting.

Ms. Saunders discussed the characteristics of the solar trackers that are regulated by the ordinance and the esthetics.

Mr. Walker expressed his concern with having a minimum lot size for a tracker in the residential zones.

Mr. Richardson discussed the minimum lot size may not be needed as the tracker could not function properly because of shadows that could be cast onto it.

Ms. Saunders explained that there has been an exemption for solar infrastructures since 2006. The assessor's office explained that it does not add or decrease the value of someone's home or property. Mr. Saunders said that the Chief Assessor plans to be at the August workshop meeting.

Mr. Giuliano asked if there were any fire codes associated with the solar systems? Ms. Saunders said that she would inquire with the Fire Department.

XI. Other Business

A. Planning Update

Ms. Saunders said that the Hoffman and Slim's building has officially been demolished and the contractor explained that it would take about a week to clean up and then they would begin laying the foundation for the new building and are hoping to have some framing before winter. Ms. Saunders explained that the contractor is estimating an 18-month build.

B. Other

There was no other business.

XI. Adjournment

Mr. Walker made a motion to adjourn the meeting at 7:25 p.m. Mr. Giuliano seconded the motion. The motion carried by a unanimous voice vote.

Respectfully submitted,

Ashley Greene,
Administrative Assistant II

and

Shanna B. Saunders,
Director of Planning & Development

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left blank...*

City Clerk's Office

**Public Safety Committee
Draft Meeting Minutes
August 17, 2022
6:00 PM
Council Chambers**

Members Present

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

Others Present

Michael Bezanson, PE, City Engineer
Dan Camara, GIS Asset Mgmt. Technician
Captain Todd Pinkham, PD
Bob Mayrand, 514 Salmon Falls Road
Maggie McConaghy, 12 Landry Lane
Ronda Boisvert, DPW

Minutes

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

1. Approve Minutes from June 15, 2022 Public Safety Meeting.

Councilor Berlin MOVED to approve the minutes from June 15, 2022. Councilor Gilman seconded the motion. MOTION CARRIED by a unanimous voice vote.

2. Public Input

Mr. Mayrand was present to discuss the speeding and noise issues on Salmon Falls Road. He wanted to overview the letter he sent to the Committee. He stated that he felt it was time to set up the noise abatement signs. The motorists in vehicles and motorcycles seem to be challenging each other to see how loud they can get. He stated that he felt motorcycle ride quiet signs were needed on the northbound and southbound lanes near the newly installed 25 mph signs and that Traffic Logix speed feedback signs are needed as well. He said a lot of towns are using the flashing speed feedback signs now. He said he also felt that a no engine or jake beak sign should be located by Stonewall Drive. He stated he has been coming to the Public Safety Committee meetings since February and no one has given him a reason why these signs could not be put up. Mr. Mayrand said he would like someone doing periodic monitoring on Salmon Falls Road once or twice a week, or even once every other week. Councilor Lachapelle said in July they had done extra patrol. Captain Pinkham said since the last meeting on June 15, 2022, there were 70 traffic stops made on Salmon Falls Road. Councilor Lachapelle said the signs have only been up for 2 weeks and there is still speeding. He said too many signs is just traffic sign pollution. Councilor Berlin said a solution would be a speed table. Mr. Bezanson said DPW now has the 2 speed feedback signs that PD had acquired, one of which is planned for Salmon Falls Road, and the cost

to install the two signs would be approximately \$5,000. Councilor Lachapelle said he would rather do both at the same time to keep the cost down. This was kept in committee and Mr. Bezanson will work on funding for the installation of the speed feedback signs.

3. Pickering Road by Gonic Post Office “No Parking”

This was agenda item number 5, but was moved up on the agenda as there was a member of the public present to talk about this issue. Councilor Lachapelle summarized the issue. Maggie McConaghy, who lives in Rochester, was present to talk about the safety issues associated with parked vehicles and the curvature of Pickering Road in Gonic. When travelling westbound on Pickering and attempting to make a left turn onto Church Street southbound, it is very difficult to see oncoming traffic from Pickering especially if vehicles are parked along the roadway. She also said those same parked vehicles make it difficult to see pedestrians attempting to use the crosswalk to the Gonic Post Office when travelling through on Pickering. Councilor Berlin said he would be in favor of posting no parking in that entire area. He said other places have limited off street parking as well. Ms. McConaghy suggested that temporary no parking signs could be installed to see how well they will work. Councilor Berlin said they could put ‘no parking’ signs during certain times of the day. ***Councilor Malone MOVED to install temporary" no parking" signs on Pickering Road between the crosswalk and the fire hydrant for one month. Councilor Berlin seconded the motion. MOTION CARRIED by a unanimous voice vote.***

Councilor Lachapelle mentioned another safety issue in the same area of Gonic that had been sent to the Committee by email regarding speed problems on Colby Street. One of the suggestions made was to convert Colby Street to one way. Mr. Bezanson mentioned that he would need to discuss this idea with NHDOT; NHDOT will be involved since such a change would require reprogramming the traffic signals on NH Route 125. Councilor Lachapelle said he would also like to get feedback from the people who live on Colby Street. There is also a concern with large trucks turning onto Colby from 125. Councilor Berlin suggested installing "no thru trucks" signs on Colby Street. ***Councilor Berlin MOVED to install "no thru trucks" signs on Colby Street. Councilor de Geofroy seconded the motion. MOTION CARRIED by a unanimous voice vote.*** Councilor Lachapelle said there will need to be further discussion on making Colby Street a one way.

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

Councilor Lachapelle summarized the issue. Mr. Bezanson said that he did not have an update this month.

5. Safety Issue Crosswalk Columbus Avenue near KFC (Route 125) (request was sent by Councilor Berlin)

Councilor Lachapelle summarized the issue. Mr. Bezanson said he did not have

a cost update for installing poles and streetlights yet. **(kept in committee)**

6. Request "Speed Limit" Signs on Winter Street (request was sent by City Manager)

Councilor Lachapelle summarized the issue. Councilor Berlin said there is already a speed limit sign on Winter Street because of it being a school zone. He stated he drives this area every day. Councilor Lachapelle said it was also suggested a 4 way stop in the area. Councilor Berlin said a couple different areas on Winter Street could have a 4 way stop; he said he doesn't think he would be in favor of the 4 way stop. No action taken.

7. Creteau Street-Dead End or No Outlet sign

Councilor Lachapelle summarized the issue. He said this is near the Strafford Square Construction. Vehicles are going down High Street because of the construction. Mr. Bezanson said the construction would continue for at least another year. Mr. Bezanson said a "dead end" sign would be the correct sign for this area. He said he doesn't know if DPW has one in stock at this time. ***Councilor de Geofroy MOVED to install a "dead end" sign on Creteau Street. Councilor Malone seconded the motion. MOTION CARRIED by a unanimous voice vote.***

8. Sewell Road-Speeding Concerns & Lack of Signage

Councilor Lachapelle summarized the issue; he said it is a cut through between Cross and Milton Roads. Councilor de Geofroy said there is construction on Betts Road right now with a detour in place. Mr. Bezanson said that Betts Road is scheduled to be open to through traffic by Friday; there is still work to be done, but it will only require lane closures not the whole road. No action taken.

9. Other

Salmon Falls Road/Flat Rock Bridge Road

Councilor Gilman said he had a constituent reach out to him about not being able to see around the car dealership due to cars in the way. Councilor Lachapelle said this is still in committee.

Chestnut Hill Road Encampment

Councilor Malone wanted to know if there was an update on the encampment on Chestnut Hill Road. Councilor Lachapelle said he did not have an update.

Downtown

Councilor Malone said that she had seen 5 to 6 vehicles travelling the wrong way in downtown. She talked to one lady who went the wrong way and she said she was from out of town and she took a left out of the Congress Street Parking Lot because there were no signs saying one way. Councilor Malone said that happens a lot. People who have been here know the area is a one way but people from out of town do not. Mr. Bezanson said he will look into it.

She also said that downtown at the Union Street/North Main Street intersection, you cannot see the pedestrian signal because the metal is bent down so far. Councilor Lachapelle said you do not need a council recommendation for that. Mr. Bezanson will have DPW look into it.

William Allen School

Mr. Bezanson said that there is construction in the area and school would be starting soon. He said DPW has been working on a plan with the school and PD for bussing and drop off. Both bus and parent drop off/pick up traffic will be going down Granite Street. Busses will stay on the road and parents will be routed in toward the school.

Flat Rock Bridge Road Cumberland Farms

Councilor Lachapelle said that he received a request from Mr. Varney regarding the "no parking" areas in front of Cumberland Farms on Milton Road near Flat Rock Bridge Road, as well as in front of the Dunkin Donuts on Milton Road. Mr. Varney suggested using orange barrels similar to the South Main/Columbus intersection to keep the big trucks from parking there. Councilor Lachapelle said he also sees this at the Dunkin on Gonic Road Route 125. He saw an 18 wheeler with his hazards on in the center left turning lane while the driver ran into Dunkin. It was suggested to put orange barrels in the area. Mr. Bezanson said they could try that, but would look into other options. This was kept in committee.

Councilor Lachapelle ADJOURNED the meeting at 7:08.

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

Chapter 260A

Water Development Connection Fee

§260A-1 Authority.

The City of Rochester is authorized pursuant to RSA 38:27~~8~~ and RSA 38:28~~37~~ to assess a Water Development Connection Fee on new connections and development to help meet the additional water system demands created by the new development including capital construction and improvement of the City's water system. Said fees are assessed on a capacity-buy in approach as set forth in §260A-~~54~~ below.

§260A-2 Definitions.

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

§260A-3 Purpose.

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

§260A-4 Water Development Connection Fee

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

§260A-5 Calculation of Fees

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

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

§260A-6 Assessment and Collection of Fees

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

§260A-7 Waivers

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

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

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

§260A-8 Administration of Water Development Connection Fees

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

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

09/01/2022
account shall be done by the Finance Department upon the direction of the City Manager.

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

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

§ 260A-9 Appeals.

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

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

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

§ 260A-11 When effective

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

Chapter 260A

Water Development Connection Fee

§260A-1 Authority.

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

§260A-2 Definitions.

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

§260A-3 Purpose.

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

§260A-4 Water Development Connection Fee

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

§260A-5 Calculation of Fees

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

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

§260A-6 Assessment and Collection of Fees

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

§260A-7 Waivers

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

§260A-8 Administration of Water Development Connection Fees

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

account shall be done by the Finance Department upon the direction of the City Manager.^{09/01/2022}

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

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

§ 260A-9 Appeals.

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

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

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

§ 260A-11 When effective

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

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

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

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

B. Fees.

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

- 09/01/2022
- (12) Backflow prevention devices: all costs associated with installation, repair, or inspection paid by owner. Inspection costs shall be not less than minimum service charge.
 - (13) Violations: all costs to correct violation paid by owner.
 - (14) Minimum service charge: thirty dollars (\$30.) per visit.
 - (15) Meter tampering charge: a reconnection fee of not less than one hundred dollars (\$100.) nor more than five hundred dollars (\$500)
 - (16) Minimum charge for road maintenance between December 1 and March 31: two hundred dollars (\$200.)
 - (17) System Development Fees: Three Dollars and Seventeen Cents (\$3.17)

Chapter 200-7-T

Sewer Development Connection Fee

§200-7-T-1 Authority.

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

§200-7-T-2 Definitions.

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

§200-7-T-3 Purpose.

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

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

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

§200-7-T-5 Calculation of Fees

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

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

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

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

§200-7-T-7 Waivers

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

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

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

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

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

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

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

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

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

§ 200-7-T-9 Appeals.

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

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

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

§ 200-7-T-11 When effective

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

Chapter 200-7-T

Sewer Development Connection Fee

§200-7-T-1 **Authority.**

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

§200-7-T-2 **Definitions.**

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

§200-7-T-3 **Purpose.**

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

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

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

§200-7-T-5 **Calculation of Fees**

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

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

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

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

§200-7-T-7 Waivers

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

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

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

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

§ 200-7-T-9 Appeals.

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

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

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

§ 200-7-T-11 When effective

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

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

A. Quarterly wastewater rates.

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

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

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

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

E. TKN surcharge:

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

F. Fees.

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

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City Clerk's Office

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

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

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

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

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City Clerk's Office



09/01/2022

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

Supplemental Appropriation of \$903,579.04 from the Sewer Fund Retained Earnings to pay costs associated with Methuen Construction Settlement Agreement

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

AGENDA DATE	September 6, 2022		
DEPT. HEAD SIGNATURE	Terence O'Rourke, City Attorney		
DATE SUBMITTED	August 24, 2022		
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	Existing Accounts & Sewer Fund Retained Earnings
ACCOUNT NUMBER	
AMOUNT	\$1,762,500.00
APPROPRIATION REQUIRED	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

Section 4 of the City Charter.
SUMMARY STATEMENT

On September 10, 2019 the City (as Owner) and Methuen Construction (as General Contractor) entered into a written contract for a project known as the Biosolids Dewatering Systems (Base Bid) and Carbon Storage Building (Bid Alternate No. 1) in Rochester, NH (the “Contract” and the “Project, respectively”). During the course of the Project, certain disputes emerged between the City and Methuen. Ultimately, the City terminated Methuen for convenience effective February 10, 2021.

On June 7, 2022, Methuen Construction filed a Demand with the American Arbitration Association against the City, seeking payment for substantial sums allegedly owed by the City to Methuen Construction in connection with the Project.

During July and August of 2022, Methuen Construction and the City engaged in formal and informal mediation in an attempt to resolve the disputes prior to proceeding to the Arbitration Panel. The parties eventually executed a Settlement Agreement which would resolve all disputes between the parties. The Settlement Agreement is contingent upon the City Council approving a One Million Seven Hundred Sixty Two Thousand Five Hundred Dollars (\$1,762,500.00). The current balance being held in two City Accounts for Methuen Construction Company totals \$858,920.96 and the balance of \$903,579.04 will need to be a supplemental appropriation from the Sewer Fund Retained Earnings to pay costs associated with the Settlement Agreement.

RECOMMENDED ACTION

Vote to Authorize the Supplemental Appropriation of \$1,762,500.00. The funding sources as follows

From City Sewer Retainage Account 5002-220601 = \$835,920.96

From City Held Liq Damage Account 5002-258000 = \$23,000.00

From Sewer Fund Retained Earnings \$903,579.04

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

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

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

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

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

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City Clerk's Office

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

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

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

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

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City Clerk's Office



09/01/2022

City of Rochester Formal Council Meeting

AGENDA BILL

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

AGENDA SUBJECT

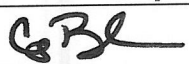
Seeking permission from Council to accept funding in the amount of \$250.00 from the Governor's Commission Alcohol Fund Grant for the SBIRT program.

COUNCIL ACTION ITEM ☒
INFORMATION ONLY ☐

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

RESOLUTION REQUIRED? YES ☒ NO ☐

FUNDING RESOLUTION FORM? YES ☒ NO ☐

AGENDA DATE	Next Sept 2022 meeting		
DEPT. HEAD SIGNATURE			
DATE SUBMITTED	8/29/22		
ATTACHMENTS	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

FINANCE OFFICE APPROVAL	
SOURCE OF FUNDS	State Governor's Commission Alcohol Fund
ACCOUNT NUMBER	Fund 6128 Project 22565
AMOUNT	\$250.00
APPROPRIATION REQUIRED	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

LEGAL AUTHORITY

Council action required.

SUMMARY STATEMENT

Seeking permission from Council to accept funding in the amount of \$250.00 for the NH Juvenile Court Diversion Network SBIRT Program. These funds are for the Juvenile Alcohol Grant the State Governor has allotted us. This funding is used for prevention programming during the Summer Teen Travel Camp; an extension of the Rochester Teen Night Program. These funds help strengthen existing Teen Programming and allow for our Juvenile Diversion program to participate in data collection that is already being done at the State level, such data to be used in national conversations on the use of SBIRT (Screening Brief Intervention and Referral to Treatment) in juvenile justice. NH is one of the first States to participate in this level of screening and intervention.

RECOMMENDED ACTION

Accept funds in the amount of \$250.00.

AGENDA BILL - FUNDING RESOLUTION

EXHIBIT

Project Name: Requesting Council accept funding in the amount of \$250.00 for the NH Juvenile Court Diversion Network SBIRT Program.

Date: 08/29/2022

Fiscal Year: FY23

Fund (select):

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

Deauthorization

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

Appropriation

	Org #	Object #	Project #	Fed Amount \$	State Amount \$	Local Amount \$
1	61282010	589007	22565	-	\$250.00	-
2				-	-	-
3				-	-	-
4				-	-	-

Revenue

	Org #	Object #	Project #	Fed Amount \$	State Amount \$	Local Amount \$
1	6128002	402148	22565	-	\$250.00	-
2				-	-	-
3				-	-	-
4				-	-	-

DUNS # 07-989-9350

CFDA # N/A

Grant # SS-2017-BDAS-03-COURT

Grant Period: From July 1, 2021
To June 30, 2022

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

Reimbursement Request will be reduced ☐Funds will be returned ☐