

**City Council Workshop
December 19, 2023
Council Chambers
6:08 PM**

COUNCILORS PRESENT

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

OTHERS PRESENT

Katie Ambrose, City Manager
Mark Sullivan, Deputy Finance Director
Cliff Newton, resident
Lou Archambault, resident
Joette Mackenzie, resident
human, resident
Susan Rice, resident
Peter Nourse, Director of City Services
Renee Bourdeau, Geosyntec
Melissa Paly, Conservation Law
Foundation

COUNCILORS EXCUSED

Councilor Malone*

Minutes

1. Call To Order

Mayor Callaghan called the City Council Workshop to order at 6:08 PM.

Deputy City Clerk Cassie Givara had taken the roll call attendance prior to the City Council Public Hearing preceding the Workshop All Councilors were present. **Councilor Malone had submitted a resignation prior to the meeting, which will be on the January 9, 2024 agenda for acceptance.*

2. Public Input

Cliff Newton, resident, addressed the Council regarding right-to-know (RSA 91-A) requests and the process of fulfilling these requests. Mr. Newton requested a meeting with City staff to discuss this process.

Lou Archambault, resident, suggested legislation regarding the conversion of gas from Waste Management for use in the proposed Strafford County nursing facility.

Joette Mackenzie, resident, thanked Councilor Gray for his service on the City Council. Ms. Mackenzie also addressed Council regarding the decorum at prior meetings and the process followed by Council.

human, resident, spoke about the seating of Councilor Richardson at the previous Council meeting and the use of Robert's Rules. human also spoke about the proposed stormwater utility on the agenda for discussion, as well as the City's fulfillment of right-to-know requests.

Susan Rice, resident, spoke about the eligibility of a former City Councilor and right-to-know requests regarding the City's legal department actions.

Councilor Gray stated that he is a University System of NH Trustee and suggested that the public contact him at his legislative email if there are questions regarding the gas produced by Waste Management and how it is used.

3. Communications from the City Manager

City Manager Ambrose announced that there had been two public input submission received online: Matthew Simon with the subject line "Meaderboro / Estes / Walnut Intersection" and Paul (no last name listed) with the subject line "Construction."

City Manager Ambrose announced the following:

- absentee ballots for the January 23, 2024 primary election are available in the City Clerk's Office, and sample ballots as well as absentee ballot request forms can be found on the City Clerk's Election page of the City website.
- Tax bills will be mailed December 22. Balances can be viewed and paid online as soon as the bills are mailed, and payments can be made either online or in person at 150 Wakefield Street.
- City emergency personnel have been monitoring local rivers and bodies of water, many of which have overflowed and come over their banks following the recent storm. Concerns should be reported to Rochester PD dispatch or, if emergent, to 911.

Citizens are reminded not to cross floodwaters or water which has covered a roadway; whether in a car or on foot.

4. Communications from the Mayor

Mayor Callaghan presented certificates to the following outgoing Councilors, who will not be renewing their term in office:

- Skip Gilman, Ward 1 Seat A
- Steve Beaudoin, Ward 2 Seat A
- Ashley Desrochers, Ward 4 Seat A
- John Larochelle, Ward 3 Seat B
- Laura Hainey, Ward 4, Seat B
- James Gray, Ward 6 Seat B
- Peter Lachapelle, Ward 3 Seat A

Former Councilors Berlin and Malone were not present at the meeting, but the Mayor stated that they would receive their certificates at a later date.

Deputy Mayor Lachapelle and Councilor Gray were also presented with commemorative Granite State engraved sculptures for their years of service to the City of Rochester.

5. Presentation: Stormwater Management Agreement/Proposed Stormwater Utility

Peter Nourse, Director of City Services, gave an overview of the history of this discussion. He explained that in November of 2020, the EPA issued the Great Bay total nitrogen permit for multiple communities, including Rochester. Rochester was unable to comply with the permit at that time, and an AOC (administrative order on consent) was issued to the City. This AOC gave an interim limit which is not as stringent as the permanent limit listed in the permit. The AOC extends through October of 2025, during which time the City needs to optimize nitrogen removal to meet the permitted level. Director Nourse summarized other upgrades and projects which are being completed as part of the sewer system master plan, some of which contribute to reducing the City's nitrogen output. Director Nourse spoke about how stormwater is thought to be the largest contributor of nitrogen into Great Bay and he detailed the research which has been conducted via work groups and the MAAM (Municipal Alliance for Adaptive Management) to explore ways to manage this nitrogen source.

Director Nourse stated that the Tri Cities reached an agreement with

the Conservation Law Foundation to implement non-binding, good-faith efforts to reduce stormwater pollutants through capital projects and non-structural management practices. The communities were also tasked with considering the implementation of a stormwater utility. There was a water pollution and flooding workgroup formed to fulfill this task.

Renee Bourdeau, Geosyntec, gave a presentation explaining stormwater fees and detailing methodologies for implementing such a stormwater utility. Ms. Bourdeau summarized the suggestions developed by the work group as well as next steps which the City could look into implementing.

Councilor Gray questioned the cost estimates presented during the presentation and subsequently, the calculations and methodologies based upon these estimates. Councilor Gray acknowledged that there was benefit to having a workgroup, but suggested that there may have been alternate and/or more diverse opinions if the committee had different members.

Councilor Desrochers inquired how the credit program, which had been mentioned in the presentation, would work. Ms. Bourdeau explained that a credit program could allow property owners to manage the runoff from driveways, rooftops, etc. by diverting the runoff back onto the property and the resident could receive credit for adding a rain garden, vegetation, or other such items.

Councilor de Geofroy agreed with Councilor Gray that there needed to be much more work to determine what the true costs are and to develop a more equitable system for determining fees. He inquired how these proposed fees would impact residents with impervious surfaces that do not discharge to the roads or storm drains and is rather absorbed into their own property. Ms. Bourdeau explained that potentially a property owner would be able to demonstrate that stormwaters are retained on their property and qualify for a credit. Councilor de Geofroy asked what would occur in situations where stormwater is diverted from other properties onto another's land. Ms. Bourdeau explained that in many of these circumstances, the runoff is likely generated from City owned structures; It would not necessarily result in a fee reduction but the City could address these situations if they were causing harm to a property.

Councilor Larochelle asked what would be done in situations where an entire property is pervious surface and he questioned the issuance of fees for those not contributing to runoff. Ms. Bourdeau explained the need for fees for all properties to be assessed equitably and spoke about property owners qualifying for credits in these situations.

Ms. Bourdeau clarified that the City has decided not to move forward with a stormwater utility at this time and the presentation is just to convey the thought process behind establishing a stormwater utility.

There was a brief discussion regarding the sources of nitrogen found in stormwater.

Councilor Hainey asked how a stormwater fee would affect those building smaller houses if the fees are all being calculated based on the same square footage. Ms. Bourdeau said the calculation Councilor Hainey referenced was just one of several methods the work group had looked into; however, if the City did decide to move forward with a stormwater utility in the future, they could opt to establish a tiered system to make it more equitable for smaller parcels.

Councilor Hainey felt that a stormwater utility was punitive for residents who do not have stormwater runoff or sources of nitrogen on their properties. Ms. Bourdeau acknowledged that there are additional considerations that the City would need to research if they did decide to move forward with a stormwater utility in the future to supplement or offset the monies from the General Fund.

Councilor Hainey inquired if there would need to be additional City staff hired in order to review properties and determine credits if a stormwater utility was established. Ms. Bourdeau stated that communities that offer such a credit program have low participation, with most property owners opting to just pay the nominal annual fee instead of going through the process of implementing changes to their property to qualify for said credits. Commercial properties have a higher participation rate with credits, however the City would need to look into staffing considerations if they do decide to assess this fee in the future.

Director Nourse acknowledged that implementation of a stormwater fee is a complex matter. He explained that the Conservation Law Foundation had petitioned the EPA to implement "Residual Designation Authority" (RDA) to regulate stormwater discharges from certain commercial and industrial properties on the grounds that they are contributing to violations of state water quality standards. If the EPA does implement the RDA, it would mean these properties would be issued individual permits directly from the EPA. Director Nourse gave further details on the reasoning behind CLF's request and explained that the petition for the RDA had not been anticipated by the City. He explained the presence of the proposed RDA is a factor which the work group has

taken into consideration and how this will affect a potential stormwater utility in the future. Director Nourse said the City would need to wait to see how the petition plays out to determine how to move forward.

Melissa Paly, Conservation Law Foundation Great Bay/Piscataqua Water Keeper, addressed Council regarding causes of pollution in the Great Bay Estuary and how this can be managed and the challenges in managing these discharges. Ms. Paly explained the reasoning for CLF petitioning for the RDA as mentioned previously.

Councilor Hamann referenced the efforts being made by the CLF in the State of NH and asked what was being done in the State of Maine for those communities bordering Great Bay. Ms. Paly stated that Maine runs its own delegated Clean Water Act program and said the CLF is working with Maine to issue permits to Maine Great Bay Watershed communities equivalent in stringency to those permits issued in NH. She clarified that of the 48 communities in the Great Bay Watershed, 38 are located in NH along with the largest communities involved and acknowledged that there is more effort in NH due to this fact.

6. Department Reports

Mayor Callaghan relinquished his seat as Chair and asked Deputy Mayor Lachapelle to sit in for the remainder of the meeting.

There was no discussion on department reports.

7. Non-public/non-meeting

8. Adjournment

Deputy Mayor Lachapelle **MOVED** to **ADJOURN** the City Council Workshop meeting at 7:37 PM. Councilor Hainey seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Cassie Givara
Deputy City Clerk

