



**City of Rochester, NH  
Preamble for November 10, 2020  
Regular City Council Meeting**

Good Evening, as Chairperson of the City Council, I am declaring that an emergency exists and I am invoking the provisions of RSA 91-A:2, III (b). Federal, state, and local officials have determined that gatherings of 10 or more people pose a substantial risk to our community in its continuing efforts to combat the spread of COVID-19. In concurring with their determination, I also find that this meeting is imperative to the continued operation of City government and services, which are vital to public safety and confidence during this emergency. As such, this meeting will be conducted without a quorum of this body physically present in the same location.

a.) **Public Input:** Due to the ongoing situation with COVID-19, the City of Rochester will be taking extra steps to allow for public input, while still ensuring participant safety and social distancing. In lieu of attending the meeting, those wishing to share comments, when permitted, with the City Council (Public Hearing and/or Workshop settings) are encouraged to do so by the following methods:

- **Mail:** City Clerk/Public Input, 31 Wakefield Street, Rochester, NH 03867 (*must be received at least three full days prior to the anticipated meeting date*)
- **email** [PublicInput@rochesternh.net](mailto:PublicInput@rochesternh.net) (*must be received no later than 4:00 pm of meeting date*)
- **Voicemail** 603-330-7107 (*must be received no later than 12:00 pm on said meeting date in order to be transcribed*)

Please include with your correspondence the intended meeting date for which you are submitting. *All correspondence will be included with the corresponding meeting packet (Addendum).*

In addition to the above listed public access information, the City Council will be allowing the public to enter Council Chambers and speak in person during the Public Input portion of this meeting. In an effort to adhere to CDC guidelines: enter only at the front Wakefield Street entrance and exit on the side closest to the police department and adhere to 6-foot social distancing while inside. Hand sanitizer and facemasks will be available at the Wakefield Street entrance. Participants will be admitted into Council Chambers one at a time to speak, and will exit directly thereafter. Please note; the seating in Council Chambers will not be available for the public during meetings.

At this time, I also welcome members of the public accessing this meeting by phone. The public can call-in to the below number using the conference code. This meeting will be set to allow the public to "listen-in" only, and there will be no public comment taken via conference line during the meeting.

Phone number: 857-444-0744      Conference code: 843095

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City Clerk's Office

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b.) **Roll Call:** Please note that all votes that are taken during this meeting shall be done by Roll Call vote.

Let's start the meeting by taking a Roll Call attendance. When each member states their name (and/or ward), also please state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law. (Additionally, Council members are required to state their name and ward each time they wish to speak.)

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**Regular City Council Meeting  
November 10, 2020  
Council Chambers  
31 Wakefield Street  
and remotely via Microsoft Teams  
*Immediately following the Finance Committee meeting***

**Agenda**

- 1. Call To Order**
- 2. Roll Call**
- 3. Opening Prayer**
- 4. Pledge of Allegiance**
- 5. Acceptance of Minutes**
  - 5.1 Regular City Council Meeting: October 6, 2020  
*consideration for approval P. 11***
  - 5.2 Special City Council Meeting: October 20, 2020  
*consideration for approval P. 25***
- 6. Communications from the City Manager**
  - 6.1 City Manager's Report P. 29**
- 7. Communications from the Mayor**
  - 7.1 Tri-Cities Mayors' Challenge Pledge P. 49**
  - 7.2 *Proclamation: The Ridge Art Walk forthcoming***
  - 7.3 *Proclamation: Rochester City Clerks and Election***

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**Officials Week, November 16 – 22 P. 53**

**8. Presentation of Petitions and Council Correspondence**

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

**10. Reports of Committees**

**10.1 Codes & Ordinances Committee P. 55**

**10.1.1 Committee Recommendation:** to accept the amendments to Chapter 16 (Alarm Systems) of the City Ordinances as presented by City staff *consideration for approval* P. 59

**10.1.2 Committee Recommendation:** To accept the amendments to Chapter 75 (Fire and Fire Safety) as presented by City Staff *consideration for approval* P. 62

**10.2 Fidelity Committee P. 73**

**10.3 Finance Committee P. 77**

**10.4 Planning Board P. 83**

**10.5 Public Safety P. 89**

**10.5.1 Committee Recommendation:** to make the North Main Street municipal parking lot one-way access with traffic entering in the northern driveway closest to the bridge and exiting from the driveway closest to the new Citizens Bank *consideration for approval* P. 94

**10.6 Public Works P. 97**

**10.6.1 Committee Recommendation:** To approve the streets, as submitted by DPW, for paving *consideration for approval* P. 98

**10.6.2 Resolution Authorizing Supplemental Appropriation to the Department of Public Works (DPW) CIP Fund in the Amount of \$200,000.00 for the Milton Road/Amarosa Drive/Salmon Falls Road Intersection Improvement Project *first reading and consideration for adoption* P. 111**

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**11. Old Business**

**11.1 Resolution Authorizing Supplemental Appropriation to the Department of Public Works (DPW) CIP Fund in the Amount of \$1,000,000.00 for the FY 2021 Paving Rehabilitation Program *second reading and consideration for adoption* P. 113**

**11.2 Resolution Authorizing Supplemental Appropriation to the Department of Public Works (DPW) CIP Fund in the Amount of \$250,000.00 for the FY 2021 Sidewalk Replacement Program *second reading and consideration for adoption* P. 119**

**12. Consent Calendar****13. New Business**

**13.1 Amendment to Chapter 200 of the General Ordinances of the City of Rochester Regarding Sewers *first reading and consideration for adoption* P. 125**

**13.2 Resolution Confirming Results of the October, 2020 Virtual Public Auction *first reading and consideration for adoption* P. 157**

**13.3 Resolution Accepting NH Department of Environmental Services (NHDES) Grant, in Connection with 2021 Household Hazardous Waste Day and Authorizing City Manager to Enter Into a Contract with NHDES not to exceed \$13,350.00 *first reading and consideration for adoption* P. 159**

**13.4 Resolution Authorizing a Supplemental Appropriation in the Amount of \$290,000.00 for the Purchase of 11 Barker Court *first reading and referral to public hearing* P. 163**

**13.5 Resolution Accepting \$726,914.00 GOFERR Coronavirus Relief Funds from the State of New Hampshire *first reading and consideration for adoption* P. 173**

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- 13.6 Resolution Authorizing Acceptance and Appropriation of NH State Council On The Arts Grant *first reading and consideration for adoption* P. 177**
- 13.7 Motion Authorizing the City Manager to initiate investigations into feasibility of solar farm options with City of Rochester solar consultant *first reading and consideration for adoption* P. 181**
- 13.8 Resolution Authorizing the Acceptance of a \$16,154.00 U.S. Department of Justice (USDOJ) Ballistic Vest Grant by the Rochester Police Department (RPD) and Supplemental Appropriation in Connection Therewith *first reading and consideration for adoption* P. 183**
- 14. Other**
- 15. Non-Public**
  - 15.1 Non-Public Session – Land, RSA 91-A:3, II (d)**
- 16. Adjournment**

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**Regular City Council Meeting  
October 6, 2020  
Council Chambers  
31 Wakefield Street  
and remotely via Microsoft Teams  
6:15 PM**

**COUNCILORS PRESENT**

Councilor Abbott  
Councilor Belken  
Councilor Bogan  
Councilor Gray  
Councilor Hailey  
Councilor Hamann  
Councilor Hutchinson  
Councilor Lachapelle  
Councilor Lachance  
Councilor Rice  
Councilor Walker  
Deputy Mayor Lauterborn  
Mayor McCarley

**OTHERS PRESENT**

Blaine Cox, City Manager  
Katie Ambrose, Deputy City Manager  
Terence O'Rourke, City Attorney  
Peter Nourse, Director of City Services

**Minutes**

**1. Call To Order**

Mayor McCarley called the City Council Regular meeting to order at 6:15. She had read the following preamble prior to the Public Hearing immediately preceding the regular meeting:

Good Evening, as Chairperson of the City Council, I am declaring that an emergency exists and I am invoking the provisions of RSA 91-A:2, III (b). Federal, state, and local officials have determined that gatherings of 10 or more people pose a substantial risk to our community in its continuing efforts to combat the spread of COVID-19. In concurring with their determination, I also find that this meeting is imperative to the continued operation of City government and services, which are vital to public safety and confidence during this emergency. As such, this meeting will be conducted without a quorum of this body physically present in the same location.

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safety and social distancing. In lieu of attending the meeting, those wishing to share comments, when permitted, with the City Council (Public Hearing and/or Workshop settings) are encouraged to do so by the following methods:

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b.) **Roll Call:** Please note that all votes that are taken during this meeting shall be done by Roll Call vote.

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## 2. Roll Call

Deputy City Clerk Cassie Givara took the roll call preceding the Public Hearing prior to the Regular Meeting. The following Councilors were present in Council Chambers: Councilors Belken, Gray, Hainey, Hamann, Rice, Walker, Lauterborn and Mayor McCarley. The following Councilors were connecting remotely and stated that they were alone in the location from which they were connecting: Councilors Abbott, Bogan, Hutchinson, Lachance, and Lachapelle.

## 3. Opening Prayer

Mayor McCarley asked for all those present to observe a moment of silence.

## 4. Pledge of Allegiance

Mayor McCarley led the Council in the Pledge of Allegiance.

## 6. Acceptance of Minutes

### 6.1 Regular City Council Meeting: September 1, 2020 *consideration for approval*

Councilor Walker **MOVED** to **ACCEPT** the minutes of the September 1, 2020 Regular City Council meeting. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Belken, Gray, Hamann, Rice, Lauterborn, Hainey, Lachapelle, Hutchinson, Walker, Lachance, Abbott, Bogan, and Mayor McCarley voting in favor.

## 7. Communications from the City Manager

### 7.1 City Manager's Report

No Discussion.

## 8. Communications from the Mayor

### 8.1 **Proclamation: Elks Lodge Day, October 24<sup>th</sup> 2020**

Mayor McCarley read the proclamation for Elks Lodge Day on October 24, 2020 and announced that the Elks were about to celebrate their 100<sup>th</sup> year.

### 8.2 **Announcement: November Regular City Council meeting date - Tuesday, November 10, 2020**

Mayor McCarley announced that due to the next Regular City Council meeting falling on the same day as the General Election, per the City Charter the meeting will be rescheduled to the following week (Tuesday, November 10, 2020) immediately following the Finance Meeting.

Councilor Gray stated that the Charitable Trust division of the State Attorney General's office had posted an item regarding Frisbee Hospital and how the assets are going to be distributed. This information is available for public comment at this time. Mayor McCarley stated that a link had been posted in Foster's for the public to access this information.

## **9. Presentation of Petitions and Council Correspondence**

No Discussion.

## **10. Nominations, Appointments, Resignations, and Elections**

No Discussion.

## **11. Reports of Committees**

### **11.1 Codes & Ordinances Committee**

Councilor Lachapelle reported that there are no action items resultant from the September Codes meeting; however the committee did meet on October 1<sup>st</sup> and will be bringing several items to full council at the November 10, 2020 meeting. Councilor Lachapelle stated that the next Codes & Ordinances meeting would take place at 6:00 PM on Thursday, November 5, 2020.

Councilor Rice reported that the Codes & Ordinances Committee is currently reviewing the City ordinances one department at a time. He suggested councilors review the ordinances and recommend amendments or revisions.

### **11.2 Fidelity Committee**

Councilor Hutchinson stated that the Fidelity Committee would be meeting next on Thursday, October 8 at 6:00 PM.

### **11.3 Finance Committee**

#### **11.3.1 Committee Recommendation: To approve the creation of the "Assistant Director of Economic Development" position**

Councilor Hamann **MOVED** to approve the creation of the Assistant Director of Economic Development position. Councilor Walker seconded the motion. Councilor Lauterborn said that she does not support this position due to its timing after the approval of the current budget; she stated that she would be more likely to support the position if it was included in the next fiscal year budget. Councilor Walker agreed with Councilor Lauterborn. Mayor McCarley stated that when the budget was being discussed and adopted, there were still many unknowns in regards to revenue and incoming funds due to COVID; because of the position had not been included in the budget although it was a request by the department at that time. The **MOTION CARRIED** by a 9-4 roll call vote with Councilors Rice, Belken, Bogan, Lachapelle, Hamann, Hainey, Abbott, Lachance, and Mayor McCarley voting in favor and Councilors Walker, Lauterborn, Gray, and Hutchinson voting opposed.

**11.3.2 Committee Recommendation: To approve the creations of the "Deputy Chief Information Officer" and "Solutions Architect" positions**

Councilor Lachapelle **MOVED** to **APPROVE** the creation of the Deputy Chief Information Officer and Solutions Architect positions. Councilor Belken seconded the motion. Councilor Lauterborn clarified that these positions had been included in the current fiscal year adopted budget. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Lachapelle, Rice, Gray, Hainey, Abbott, Bogan, Hutchinson, Lachance, Hamann, Lauterborn, Walker, Belken, and Mayor McCarley voting in favor.

**11.3.3 Resolution for Supplemental Appropriation of \$225,000 for 145 Airport Drive Land Purchase from Granite State Business Park TIF 162-K Retained Earnings *first reading and consideration for adoption***

Councilor Walker **MOVED** to read the resolution for a first time by title only. Councilor Rice seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Hainey, Lauterborn, Abbott, Hutchinson, Rice, Lachapelle, Walker, Gray, Bogan, Hamann, Belken, Lachance, and Mayor McCarley all voting in favor. Mayor McCarley read the resolution for a first time by title only as follows:

**Resolution for Supplemental Appropriation of \$225,000 for 145 Airport Drive Land Purchase from Granite State Business Park TIF 162-K Retained Earnings**

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

WHEREAS, by virtue of a resolution adopted by the Mayor and City Council of the City of Rochester, the Mayor and City Council appropriated the sum of Three Million Dollars (\$3,000,000) to the FY2020 REDC CIP Fund for the REDC-LDI construction project with funds to be borrowed from NH Business Finance Authority.

As part of this project the City purchased 145 Airport Drive for Two Hundred and Twenty Five Thousand Dollar (\$225,000) and included that expenditure as part of the total project costs to be borrowed by NH Business Finance Authority. The City and borrower, LDI, have agreed to different terms related to the land transfer, and LDI purchased the 145 Airport Rd parcel with their own cash.

WHEREAS, the Mayor and City Council of the City of Rochester have determined that the best interests of the City are served by expending the land purchase of Two Hundred Twenty Five Thousand Dollars (\$225,000) from the Granite State Business Park TIF 162-K, Fund 7028, retained earnings.

NOW THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby approve a supplemental appropriation of Two Hundred and Twenty Five Thousand (\$225,000) for the 145 Airport Drive land purchase from the Granite State Business Park TIF 162k, Fund 7028, retained earnings.

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 designate such multi-year, non-lapsing accounts, and or account numbers as are necessary to implement the transactions contemplated by this Resolution.

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by an 11 – 2 roll call vote with Councilors Hamann, Walker, Belken, Lachance, Gray, Rice, Bogan, Hailey, Lachapelle, Lauterborn, and Mayor McCarley voting in favor and Councilors Hutchinson and Abbott voting opposed.

#### **11.4 Planning Board**

Councilor Walker reported that the Planning Board had met the night before. The board approved the conditional use of a dance studio in the Boucher's building in east Rochester as well as a Pella Windows in the Granite State Business Park. He stated that the murals ordinance was held in committee and is being discussed further and being reviewed by legal. There was a brief discussion about the process of the mural ordinance, how it is considered and where it would go after being reviewed at the Planning Board.

## **11.5 Public Safety**

### **11.5.1 Committee Recommendation: to recommend the 3 steps for the Old Dover Road/Tebbetts Road intersection as laid out by NH DOT in the road safety audit *consideration for acceptance***

Councilor Hamann referred Council to item #1 which has a truck prohibition. He stated that after discussed at the Public Works Committee the following night, they mentioned that truck prohibition in this area would not be a good idea. It would mean that trucks would end up being diverted to other roads and taking longer trips. Also, the study showed that no trucks had been involved in any of the accidents at this intersection. Councilor Hamann **MOVED** to **ACCEPT** the three steps minus the truck prohibition. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Belken, Gray, Hamann, Rice, Lauterborn, Hailey, Lachapelle, Hutchinson, Walker, Lachance, Abbott, Bogan, and Mayor McCarley all voting in favor.

Councilor Hamann said the next Public Safety meeting will take place on October 21, 2020.

## **11.6 Public Works**

### **11.6.1 Resolution Authorizing Acceptance of Newly Realigned Rochester Neck Road *first reading and consideration for adoption***

Councilor Walker **MOVED** to read the resolution for a first time by title only. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a 12-0 roll call vote with Councilors Rice, Walker, Belken, Bogan, Lauterborn, Hamann, Hailey, Abbott, Gray, Hutchinson, Lachance, and Mayor McCarley all voting in favor. Councilor Lachapelle recused himself from the vote due to his involvement with Waste Management. Councilor Walker read the resolution for a first time by title only as follows:

**Resolution Authorizing Acceptance of Newly Realigned Rochester  
Neck Road**

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

That the City of Rochester hereby approves the Road Acceptance Petition submitted by Waste Management of New Hampshire and accepts the newly realigned Rochester Neck Road as a City road.

Further, the Mayor and City Council authorize the City Manager or his designee to execute all documents necessary to both accept the newly realigned Rochester Neck Road and to deed to Waste Management of New Hampshire certain City-owned property which previously made up portions of Rochester Neck Road as proposed in the aforementioned Road Acceptance Petition.

**These amendments shall take effect upon passage.**

Councilor Walker moved to **ADOPT** the resolution. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a 12 – 0 roll call vote with Councilors Rice, Gray, Hailey, Abbott, Bogan, Hutchinson, Lachance, Hamann, Lauterborn, Walker, Belken, and Mayor McCarley all voting in favor. Councilor Lachapelle recused himself from the vote.

**12. Old Business**

No Discussion.

**13. Consent Calendar**

No Discussion.

**14. New Business**

**14.1 Resolution Approving Contract and Cost Items Associated With Proposed City Of Rochester School Department Multi-Year Collective Bargaining Agreement With Local 863 Of The American Federation Of State, County And Municipal Employees(AFSCME) *first reading and consideration for adoption***

Councilor Walker **MOVED** to read the resolution for the first time by title only. Councilor Hailey seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Hailey, Lauterborn, Abbott,

Hutchinson, Rice, Lachapelle, Walker, Gray, Bogan, Hamann, Belken, Lachance, and Mayor McCarley all voting in favor. Mayor McCarley read the resolution for a first time by title only as follows:

**RESOLUTION APPROVING CONTRACT AND COST  
ITEMS ASSOCIATED WITH PROPOSED CITY OF  
ROCHESTER SCHOOL DEPARTMENT MULTI-YEAR COLLECTIVE  
BARGAINING AGREEMENT WITH LOCAL 863 OF THE AMERICAN  
FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES  
(AFSCME)**

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

That pursuant to, and in accordance with, the provisions of Chapter 273-A of the New Hampshire Revised Statutes Annotated, the multi-year year collective bargaining agreement between the City of Rochester and the American Federation of State, County and Municipal employee collective bargaining group, covering the period July 1, 2020 to June 30, 2023, 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: AFSCME Tentative Agreement**", which includes a summary financial analysis of the annual costs of the contract to the City provided by the Superintendent of Schools, is hereby approved, including, specifically, the cost items associated therewith.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Hamann, Walker, Hutchinson, Belken, Lachance, Abbott, Gray, Rice, Bogan, Hainey, Lachapelle, Lauterborn, and Mayor McCarley all voting in favor

**14.2 Resolution Approving Contract and Cost Items Associated With Proposed City Of Rochester School Department Multi-Year Collective Bargaining Agreement With Rochester Federation Of Teachers-Paraprofessional Unit *first reading and consideration for adoption***

Councilor Walker **MOVED** to read the resolution for a first time by title only. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a 12 – 0 roll call vote with Councilors Belken, Gray, Hamann, Rice, Lauterborn, Hainey, Lachapelle, Hutchinson, Walker, Lachance, Abbott, and Mayor McCarley voting in favor. Councilor Bogan recused herself from the vote due

to her work as a paraprofessional. Mayor McCarley read the resolution for a first time by title only 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-  
PARAPROFESSIONAL UNIT**

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

That pursuant to, and in accordance with, the provisions of Chapter 273-A of the New Hampshire Revised Statutes Annotated, the multi-year year collective bargaining agreement between the City of Rochester and the Rochester Federation of Teachers- Paraprofessional Unit collective bargaining group, covering the period July 1, 2020 to June 30, 2023, 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: Paraeducator Tentative Agreement, which includes a summary financial analysis of the annual costs of the contract to the City provided by the Superintendent of Schools, is hereby approved, including, specifically, the cost items associated therewith.

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Hamann seconded the motion. The **MOTION CARRIED** by 12 – 0 roll call vote with Councilors Rice, Walker, Belken, Lachapelle, Hamann, Lauterborn, Hainey, Abbott, Gray, Hutchinson, Lachance, and Mayor McCarley voting in favor. Councilor Bogan recused herself from the vote.

**14.3 Resolution Establishing Polling Places and Times for the  
November 3, 2020 State General Election *first reading and  
consideration for adoption***

Councilor Lachapelle **MOVED** to read the resolution for a first time in its entirety. Councilor Belken seconded the motion. Mayor McCarley read the resolution for the first time in its entirety as follows:

**Resolution Establishing Polling Places and Times for the  
November 3, 2020 State General Election**

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



That the following polling places are hereby established for the City of Rochester for the upcoming November 3, 2020 State General Election.

**WARD 1: East Rochester Elementary School**  
773 Portland Street, East Rochester

**WARD 2: Chamberlain Street School**  
65 Chamberlain Street, Rochester

**WARD 3: Gonic Elementary School**  
10 Railroad Avenue, Rochester

**WARD 4: McClelland Elementary School**  
59 Brock Street, Rochester

**WARD 5: Rochester Community Center**  
150 Wakefield Street/Community Way,  
Rochester  
**NEW:** *Main Entrance at front of building*

**WARD 6: Elks Lodge #1393**  
295 Columbus Avenue, Rochester

**Further, that in accordance with RSA 659:4, and Section 47 of the City Charter – All polling places shall be open from 8:00 A.M. to 7:00 P.M., on said Election Day.**

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Rice, Councilor Lachapelle, Rice, Gray, Hainey, Abbott, Bogan, Hutchinson, Lachance, Hamann, Lauterborn, Walker, Belken, and Mayor McCarley all voting in favor.

Councilor Gray requested that the City Clerk give an update on the work being done at the satellite election office. City Clerk Kelly Walters reported that the satellite office has been well received and is working out very well. Mayor McCarley thanked the clerk's office for the work they have put into this satellite location and praised Ms. Walters for the benefit this office provides for Rochester's citizens. Councilor Gray referenced the WMUR story done on satellite location offices which he felt was good publicity for the City Clerk's office and stated that the clerks should be commended for their efforts.

**14.4 Motion to approve the move of the Granite State Lab COAST bus stop to the new proposed location *consideration for approval***

Councilor Lauterborn **MOVED** to **APPROVE** the move of the COAST bus stop by the Granite State Lab location. Councilor Walker seconded the motion. Councilor Lauterborn explained that this is a small move; the stop is being moved from one telephone pole to the next. There were some safety issues which arose having the stop located in the current location which come into play when the bus needs to turn. Councilor Rice asked if the Washington Street stops were doing well. Councilor Lauterborn stated that the other three stops on the street are going well; this was the only locations which posed a problem. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Hailey, Lauterborn, Abbott, Hutchinson, Rice, Lachapelle, Walker, Gray, Bogan, Hamann, Belken, Lachance, and Mayor McCarley all voting in favor.

**14.5 Resolution Authorizing Acceptance of check from HealthTrust to the Rochester Police Department in the amount of \$500 *first reading and consideration for adoption***

Councilor Walker **MOVED** to read the resolution for a first time by title only. Councilor Rice seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Hamann, Walker, Hutchinson, Belken, Lachance, Abbott, Gray, Rice, Bogan, Hailey, Lachapelle, Lauterborn, and Mayor McCarley all voting in favor. Mayor McCarley read the resolution for a first time by title only as follows:

**Resolution Authorizing the Acceptance of a \$500.00 Health Trust Wellness Reward by the Rochester Police Department (RPD) and Supplemental Appropriation in Connection Therewith**

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

That a Five Hundred Dollar (\$500.00) Health Trust Wellness Reward is hereby accepted by the City on behalf of the RPD.

Further, the City Council authorizes a supplemental appropriation to the RPD operating budget in the amount of Five Hundred Dollars (\$500.00) with the entirety of the supplemental appropriation being derived from said Reward.

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 Walker **MOVED** to **ADOPT** the resolution. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Belken, Gray, Hamann, Rice, Lauterborn, Hainey, Lachapelle, Hutchinson, Walker, Lachance, Abbott, Bogan, and Mayor McCarley voting in favor.

## **15. Other**

## **16. Non-Public/Non-Meeting**

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

Councilor Lauterborn **MOVED** to enter into a non-public session under land, RSA 91-A:3, II (d) at 7:35 PM. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Rice, Walker, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Hainey, Abbott, Gray, Hutchinson, Lachance, and Mayor McCarley all voting in favor.

Councilor Lauterborn **MOVED** at 8:01 PM to exit the non-public session and seal the minutes as disclosure would render the proposed action ineffective. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Lachapelle, Rice, Gray, Hainey, Abbott, Bogan, Hutchinson, Lachance, Hamann, Lauterborn, Walker, Belken and Mayor McCarley all voting in favor.

## **17. Adjournment**

Mayor McCarley **ADJOURNED** the Regular City Council Meeting at 8:03 PM.

Respectfully Submitted,  
Cassie Givara  
Deputy City Clerk

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City Clerk's Office

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**City Council Special Meeting  
October 20, 2020  
Council Chambers  
31 Wakefield Street and  
Conducted Remotely via Microsoft Teams  
6:30 PM**

**COUNCILORS PRESENT**

Councilor Abbott  
Councilor Belken  
Councilor Bogan  
Councilor Gray  
Councilor Hainey  
Councilor Hamann  
Councilor Hutchinson  
Councilor Lachapelle  
Councilor Rice  
Councilor Walker  
Deputy Mayor Lauterborn

**OTHERS PRESENT**

Blaine Cox, City Manager  
Katie Ambrose, Deputy City Manager  
Terence O'Rourke, City Attorney

**COUNCILORS ABSENT/EXCUSED**

Mayor McCarley  
Councilor Lachance

**Minutes**

**1. Call to Order**

Deputy Mayor Lauterborn called the Special City Council meeting to order at 6:30 PM and read the following preamble:

Good Evening, as Chairperson of the City Council, I am declaring that an emergency exists and I am invoking the provisions of RSA 91-A:2, III (b). Federal, state, and local officials have determined that gatherings of 10 or more people pose a substantial risk to our community in its continuing efforts to combat the spread of COVID-19. In concurring with their determination, I also find that this meeting is imperative to the continued operation of City government and services, which are vital to public safety and confidence during this

emergency. As such, this meeting will be conducted without a quorum of this body physically present in the same location.

a.) **Public Input:** Due to the ongoing situation with COVID-19, the City of Rochester will be taking extra steps to allow for public input, while still ensuring participant safety and social distancing. In lieu of attending the meeting, those wishing to share comments, when permitted, with the City Council (Public Hearing and/or Workshop settings) are encouraged to do so by the following methods:

- **Mail:** City Clerk/Public Input, 31 Wakefield Street, Rochester, NH 03867 (*must be received at least three full days prior to the anticipated meeting date*)
- **email** [PublicInput@rochesternh.net](mailto:PublicInput@rochesternh.net) (*must be received no later than 4:00 pm of meeting date*)
- **Voicemail** 603-330-7107 (*must be received no later than 12:00 pm on said meeting date in order to be transcribed*)

Please include with your correspondence the intended meeting date for which you are submitting. *All correspondence will be included with the corresponding meeting packet (Addendum).*

In addition to the above listed public access information, the City Council will be allowing the public to enter Council Chambers and speak in person during the Public Input portion of this meeting. In an effort to adhere to CDC guidelines: enter only at the front Wakefield Street entrance and exit on the side closest to the police department and adhere to 6-foot social distancing while inside. Hand sanitizer and facemasks will be available at the Wakefield Street entrance. Participants will be admitted into Council Chambers one at a time to speak, and will exit directly thereafter. Please note; the seating in Council Chambers will not be available for the public during meetings.

At this time, I also welcome members of the public accessing this meeting by phone. The public can call-in to the below number using the conference code. This meeting will be set to allow the public to "listen-in" only, and there will be no public comment taken via conference line during the meeting.

Phone number: 857-444-0744

Conference code: 843095

b.) **Roll Call:** Please note that all votes that are taken during this meeting shall be done by Roll Call vote.

Let's start the meeting by taking a Roll Call attendance. When each member states their name (and/or ward), also please state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law. (Additionally, Council members are required to state their name and ward each time they wish to speak.)

## 2. Roll Call

Deputy City Clerk Cassie Givara took the roll call. The following Councilors were present in Council Chambers: Councilors Belken, Gray, Hainey, Hamann, Rice, Walker, and Deputy Mayor Lauterborn. The following Councilors were connecting remotely: Councilors Abbott, Bogan, and Lachapelle all indicated that they were alone from the location from which they were connecting. Councilor Hutchinson indicated he was present with his spouse. Councilor Lachance was absent and Mayor McCarley was excused.

## 3. Resolution Authorizing Supplemental Appropriation to the Department of Public Works (DPW) CIP Fund in the Amount of \$250,000.00 for the Amarosa Drive Water and Sewer Line Extension Project *first reading and consideration for adoption*

Councilor Rice **MOVED** to read the resolution for a first time by title only. Councilor Walker seconded the motion. The **MOTION CARRIED** by an 11 – 0 roll call vote with Councilors Rice, Walker, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Hainey, Abbott, Gray, and Hutchinson all voting in favor. Deputy Mayor Lauterborn read the resolution for a first time by title only as follows:

### **Resolution Authorizing Supplemental Appropriation to the Department of Public Works (DPW) CIP Fund in the Amount of \$250,000.00 for the Amarosa Drive Water and Sewer Line Extension Project**

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

That the amount of Two Hundred Fifty Thousand Dollars (\$250,000.00) is hereby appropriated as a supplemental appropriation to the DPW CIP Fund for the purpose of paying costs associated with the Amarosa Drive Water and Sewer Line Extension Project. The funding for this supplemental appropriation shall be derived as follows: One Hundred Twenty Five Thousand Dollars (\$125,000.00)

from the Water Fund Retained Earnings and One Hundred Twenty Five Thousand Dollars (\$125,000.00) from the Sewer Fund Retained Earnings.

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

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Rice seconded the motion. The **MOTION CARRIED** by an 11 – 0 roll call vote with Councilors Hainey, Lauterborn, Abbott, Hutchinson, Rice, Lachapelle, Walker, Gray, Bogan, Hamann, and Belken all voting in favor.

#### **4. Adjournment**

Deputy Mayor Lauterborn **ADJOURNED** the Special City Council Meeting at 6:36 PM.

Respectfully Submitted,

Cassie Givara  
Deputy City Clerk





## City of Rochester, New Hampshire

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

### CITY MANAGER'S REPORT October 2020

Contracts and documents executed since last month:

- **City Manager**
  - Software Agreement – Qless queue management **P. 31**
- **Department of Public Works**
  - Certificate of Completion – Four Rod Rd culvert – Ted Berry Co, LLC **P. 32**
  - Letter of Commitment – 2022 Household Hazardous Waste Day **P. 33**
  - Notice of Bid Award – Crack sealing – Indus, Inc. **P. 34**
  - Notice to Proceed – Portland St Culvert – Integrity Earthworks, LLC **P. 35**
  - Agreement for engineering Srvcs – Tara Estates Sewer Pump Station – Weston & Sampson Engineers, Inc. **P. 36**
  - Engineering Amendment – Colonial Pines Phase II – Underwood Engineers **P. 37**
  - Engineering Amendment – New DPW Facility – Weston & Sampson **P. 38**
  - Scope of Services – Water Distribution Hydraulic Model – Wright Pierce **P. 39**
  - Access Agreement – Verizon Wireless **P. 40**
- **Economic Development**
  - Appraisal Report Agreement – GSBP water-sewer line ext - Fremeau Appraisal, Inc. **P. 41**
  - CDBG Environmental Reviews – CAP Weatherization, Heating system replacement **P. 42**
  - CDBG Environmental Reviews – CAP Weatherization, Cochecho River Estates **P. 43**
  - CDBG Environmental Reviews – CAP Weatherization Oil Heating System replacement **P. 44**
  - CDBG Environmental Reviews – CAP Full Weatherization steam heating system replacement **P. 45**
- **IT**
  - Service Agreement – App Development – RePoint Technologies **P. 46**
- **Police Department**
  - Scope of Services Agreement – Heartline Fitness Company **P. 47**

Other documents included for information:

The following standard reports have been enclosed:

- Monthly Overnight Travel Summary - none
- Permission & Permits Issued -none
- Personnel Action Report Summary **P. 48**

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City Clerk's Office

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# City of Rochester, New Hampshire

Finance Office

31 Wakefield Street • Rochester, NH 03867-1917  
(603) 335-7609 Fax (603) 332-7589

MEMO

TO: Blaine Cox

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

DATE: October 2, 2020

RE: QLess Software Agreement

Attached please find an agreement with QLess for a queue management system to be deployed at the Revenue Building. QLess is an approved sole source vendor and I recommend entering into this agreement. This program purchase would be funded out of the COVID-19 Related Contingency account 15011060-776001-2603.

Feel free to let me know if you have any questions.

*Kathryn L  
Ambrose*

Digitally signed by Kathryn L. Ambrose  
DN: C=US, OU=Deputy City  
Manager/Finance Director, O=City of  
Rochester, CN=Kathryn L. Ambrose,  
E=kathryn.ambrose@rochesternh.net  
Reason: I am approving this document with  
my legally binding signature  
Date: 2020-10-02 15:07:42  
Foxit PhantomPDF Version: 9.7.0

Katie Ambrose

Deputy City Manager/Director of Finance & Administration

Enclosures: QLess Agreement



## City of Rochester, New Hampshire

PUBLIC WORKS DEPARTMENT

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### INTEROFFICE MEMORANDUM

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

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

**DATE:** October 28, 2020

**SUBJECT:** **Certificate of Substantial Completion  
Four Rod Road Culvert Rehabilitation Project (#21-12)**

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

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Attached please find one (1) original of the Certificate of Substantial Completion for the Four Rod Road Culvert Rehabilitation project, which has been submitted for the City's signature. The City's contractor, Ted Berry Company, LLC, has substantially completed the project as of October 22, 2020. The City's consulting engineer, Hoyle, Tanner & Associates, Inc. (HTA), has compiled a short punch list of paperwork items to be submitted before final completion and has submitted the attached Certificate of Substantial Completion for signature by the City of Rochester. I have performed a final site walk of the project area with HTA and recommend that the City accepts and signs this Certificate of Substantial Completion.

Katie - If you have any questions, please let me know. If not, please sign below and pass the documents on to the City Manager for signature. The signed original Certificate of Substantial Completion document should be returned to me at DPW for distribution. Thank you.

Signature \_\_\_\_\_

Katie Ambrose  
Deputy City Manager/Director of Finance & Administration

Attachments: Certificate of Substantial Completion for Contract No. 21-12



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11/05/2020



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**INTEROFFICE MEMORANDUM**

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**TO:** BLAINE COX, CITY MANAGER

**FROM:** LAURA J MILLER , ADMIN ASSISTANT II 

**DATE:** October 8, 2020

**SUBJECT:** 2022 HHW Letter of Commitment

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

---

Attached please find (1) one copy of the cover letter and letter of commitment for the 2022 HHW Day event. The State of NH requires that the grant paperwork be submitted and approved a full year in advance of the event.

Please sign and return the letter of commitment to the Public Works Department.



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**INTEROFFICE MEMORANDUM**

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

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

**DATE:** October 14, 2020

**SUBJECT:** Crack Sealing Bid #21-17  
Indus, Inc \$177,837.70  
Notice of Award & Agreement

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

---

Attached please find one copy of Notice of Award and Agreement for Indus, Inc. This award for pavement crack sealing is based on pricing obtained in City of Rochester Bid #21-17.

The funding is available Paving Preservation Account as follows:

15013010-771000-20531 = \$177, 837.70

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

*Kathryn L. Ambrose*

Digitally signed by Kathryn L. Ambrose  
DN: C=US, OU=Deputy City Manager/Finance Director, O=City of Rochester, CN=Kathryn L. Ambrose, E=kathryn.ambrose@rochester.nh.net  
Reason: I am approving this document with my legally binding signature  
Date: 2020.10.14 16:11:02  
Foxit PhantomPDF Version: 9.7.0

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



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**INTEROFFICE MEMORANDUM**

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

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

**DATE:** October 5, 2020

**SUBJECT:** Portland Street Culvert Replacement Project  
 Construction Contractor Notice to Proceed (NTP) – Integrity Earthworks, LLC  
 Contract Amount \$188,950.36

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

---

Attached is one (1) copy of the Notice to Proceed for the Portland Street Culver replacement Project. This agreement is per Bid # 21-11 and previously executed Notice of Award (NOA) dated 9/25/2020 and the Agreement executed by City Manager today 10-5-2020.

Funds are available in the following Public Works General Fund CIP Account lines and purchase order is in process based on NOA and Agreement.:

15013010-771000-20533 = \$160,572.70

15013010-771000-21520 = \$28,377.66

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

*Kathryn L. Ambrose*  
Digitally signed by Kathryn L. Ambrose  
 DN: cn=US, ou=Deputy City Manager/Finance Director, o=City of  
 Rochester, cn=Kathryn L. Ambrose,  
 e=kathryn.ambrose@rochesternh.net  
 Reason: I am approving this document with my legally binding signature  
 Date: 2020.10.05 17:58:04  
 Foxit PhantomPDF Version: 9.7.0

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



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## INTEROFFICE MEMORANDUM

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

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

**DATE:** November 3, 2020

**SUBJECT:** **Tara Estates Sewer Pump Station Rehabilitation  
Final Design Agreement**

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

---

Attached is one (1) original Agreement for Engineering Services for the final design of the Tara Estates Sewer Pump Station Rehabilitation project. This contract is between the City and Weston & Sampson Engineers, Inc. for engineering design services in the amount of \$138,650.00, all of which is eligible for CWSRF funding. Funds are available for this contract in the following account line:

- Sewer Fund CIP account line: 55026020-772000-21536

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

Signature \_\_\_\_\_

Katie Ambrose  
Deputy City Manager/ Director of Finance & Administration

Attachment: Tara Estates PS Final Design Services Agreement with W&S





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**INTEROFFICE MEMORANDUM**

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

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

**DATE:** November 4, 2020

**SUBJECT:** Colonial Pines Phase 2  
Underwood Engineers Construction Engineering Amend #6  
Reduction Amount \$8,300.00

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

---

Attached please find one copy of Underwood Engineers Colonial Pines Engineering Amendment #6. This amendment reduces the total contract value from \$558,200 to \$549,900, which is a reduction of \$8,200. The amendment also shifts amounts per task within the contract value.

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

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



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**INTEROFFICE MEMORANDUM**

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

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

**DATE:** October 7, 2020

**SUBJECT:** New DPW Facility – Engineering Amendment #1  
Materials Testing and Inspection Services  
Amendment Amount \$50,000.00

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

---

Attached is one (1) copy of Weston and Sampson’s Construction Administration Amend #1. This amendment is for additional construction administration outside of the original scope of service. The work is associated with construction materials testing and inspection services and is for a not to exceed amount of \$50,000.

Funds are available in the following Public Works CIP Account lines:  
15013010-772000-18526 = \$25,000.00  
55016010-772000-18526 = \$12,500.00  
55026020-772000-18526 = \$12,500.00

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

*Kathryn L Ambrose*

Digitally signed by Kathryn L. Ambrose  
DN: C=US, OU=Deputy City Manager/Finance Director, O=City of  
Rochester, CN=Kathryn L. Ambrose, E=kathryn.ambrose@rochesernh.net  
Reason: I am approving this document with my legally binding signature  
Date: 2020-10-08 09:40:49  
Foxit PhantomPDF Version: 9.7.0

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



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**INTEROFFICE MEMORANDUM**

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

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

**DATE:** October 29, 2020

**SUBJECT:** Water Distribution Hydraulic Model Improvements  
Wright Pierce Engineers – Proposal  
Amount \$46,000

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

---

Attached please find one copy of Wright Pierce Engineers Scope of Service proposal. This work is for necessary engineering services related to improving the functionality of the water distribution system hydraulic model. The accuracy of the hydraulic model is necessary to assess current capacity and needs as well as future capacity and needs for future development in all areas of the system.

The funding is available in the Water Fund accounts as follows:

55016010-771000-21525 = \$45,529.79  
51601057-533002 = \$570.21

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

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



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## INTEROFFICE MEMORANDUM

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**TO:** BLAINE COX, CITY MANAGER

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

**DATE:** October 15, 2020

**SUBJECT:** Site Access Agreement – Cellco Partnership d/b/a Verizon Wireless  
23 Walbridge Court – WTP Tank Property

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

---

Attached please find one copy the “Right of Entry Agreement” for Verizon Wireless. This agreement allows access for soils and materials testing in regards to the engineering and design of the communications equipment that is in discussion phase with the City of Rochester. This work is finance at the cost of Cellco, d/b/a Verizon Wireless.

I have attached the email approval of the City Attorney, Terence O’Rourke.

If you have any question, please call, if not please sign electronically and return document to me at the DPW for Distribution



# *City of Rochester, New Hampshire*

Finance Office

31 Wakefield Street • Rochester, NH 03867-1917

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

MEMO

TO: Blaine Cox

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

DATE: October 30, 2020

RE: Fremeau Appraisal, Inc. Proposal

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Attached please find an agreement with Fremeau Appraisal, Inc for an appraisal report as part of the Granite State Business Park Innovation Drive water-sewer line extension project. This appraisal is required as part of FAA approval for the line to extend across Pease Development Authority property, which was unknown at the time that \$132,000 in project funds were approved from the GSBP TIF fund. I recommend entering into this agreement and funding out of the Economic Development Consulting Other account 11012351-534006.

Feel free to let me know if you have any questions.

---

Katie Ambrose

Deputy City Manager/Director of Finance & Administration

Enclosures: Fremeau Appraisal, Inc. Agreement

Date: November 4, 2020

To: Blaine Cox  
City Manager

From: Julian Long  
Community Development Coordinator/Grants Manager

Re: FY 2021 CDBG Environmental Reviews – CAP Weatherization

Please see attached the completed FY 2021 Community Development Block Grant (CDBG) environmental review for a heating system replacement for a manufactured home located in Cocheco River Estates, under the Community Action Partnership of Strafford County's weatherization program (CAP weatherization program). The City Council approved funding to the CAP weatherization program at the May 5, 2020 City Council meeting.

The environmental review requires the signature of the City Manager as the authorized official for the City of Rochester. Thank you very much, and please contact Julian with any questions or concerns.

Date: October 19, 2020

To: Blaine Cox  
City Manager

From: Julian Long  
Community Development Coordinator/Grants Manager

Re: FY 2021 CDBG Environmental Reviews – CAP Weatherization

Please see attached the completed FY 2021 Community Development Block Grant (CDBG) environmental review for a steam heating system replacement in a stick-built home located just outside downtown, under the Community Action Partnership of Strafford County's weatherization program (CAP weatherization program). The City Council approved funding to the CAP weatherization program at the May 5, 2020 City Council meeting.

The environmental review requires the signature of the City Manager as the authorized official for the City of Rochester. Thank you very much, and please contact Julian with any questions or concerns.

Date: October 22, 2020

To: Blaine Cox  
City Manager

From: Julian Long  
Community Development Coordinator/Grants Manager

Re: FY 2021 CDBG Environmental Reviews – CAP Weatherization

Please see attached the completed FY 2021 Community Development Block Grant (CDBG) environmental review for a oil heating system replacement for a stick-built home located just outside the downtown region, under the Community Action Partnership of Strafford County's weatherization program (CAP weatherization program). The City Council approved funding to the CAP weatherization program at the May 5, 2020 City Council meeting.

The environmental review requires the signature of the City Manager as the authorized official for the City of Rochester. Thank you very much, and please contact Julian with any questions or concerns.



Date: October 29, 2020

To: Blaine Cox  
City Manager

From: Julian Long  
Community Development Coordinator/Grants Manager

Re: FY 2021 CDBG Environmental Reviews – CAP Weatherization

Please see attached the completed FY 2021 Community Development Block Grant (CDBG) environmental review for a heating system replacement for a manufactured home located in the northwest region of the city, under the Community Action Partnership of Strafford County's weatherization program (CAP weatherization program). The City Council approved funding to the CAP weatherization program at the May 5, 2020 City Council meeting.

The environmental review requires the signature of the City Manager as the authorized official for the City of Rochester. Thank you very much, and please contact Julian with any questions or concerns.



**City of Rochester, New Hampshire**  
INFORMATION TECHNOLOGY SERVICES  
31 Wakefield St • Rochester, NH 03867  
[www.rochesternh.net](http://www.rochesternh.net)

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**INTEROFFICE MEMORANDUM**

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

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

**DATE:** October 9, 2020

**SUBJECT:** RePoint Technologies – O365 Apps Development - \$10,775

**CC:**

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Attached please find one copy of the MSA and SOW for RePoint Technologies. The work described in this scope of services is to develop our Office 365 tenant.

There is sufficient funding in the IT CIP Annual Software Replacement account 15011020-773800-20504 and IT CIP Annual Software Upgrades account 15011020-773800-21503.

If you have any questions, please let me know. If not, please sign and pass on to the City Manager for signature. This document should be returned to Sonja Gonzalez for distribution.

Signature *Kathryn L. Ambrose*  
Digitally signed by Kathryn L. Ambrose  
DN: c=US, ou=Deputy City Manager/Finance Director,  
o=City of Rochester, cn=Kathryn L. Ambrose,  
e=kathryn.ambrose@rochesternh.net  
Reason: I am approving this document with my legally binding  
signature  
Date: 2020-10-09 14:09:26  
Font: Helvetica, Version: 9.7.0

Katie Ambrose, Finance Director

11/05/2020

# Rochester Police Department

## *Interoffice Memo*

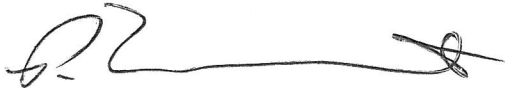
To: Blaine Cox, City Manager  
Mark Sullivan, Deputy Finance Director

From: Paul Toussaint, Deputy Chief of Police

Date: October 29, 2020

Subject: Request to authorize Fitness Equipment Maintenance Agreement.

We are requesting permission to sign the attached Fitness Equipment Maintenance Agreement for the fitness equipment located in the department gym, which was donated to us through Planet Fitness quite a few years ago. The agreement covers bi-annual maintenance on all the equipment, which is listed in the scope of the agreement. The amount per visit is \$275.00 for a total of \$550.00 per year. We had Pro Tech covering this maintenance prior to the Heartline Fitness Company taking over.



**Signature**  
**Paul Toussaint**  
**Chief of Police**



28 October 2020

By accepting the Mayors Challenge to End Veteran Homelessness, you are joining hundreds of locally elected officials from across the country in a permanent commitment to ensure homelessness is rare, brief, and non-recurring, beginning with veterans.

When you accept the Mayors Challenge, the National League of Cities (NLC) and federal partners will confirm your participation and connect you with local stakeholders already at work to end veteran homelessness. As appropriate, NLC can support you and your community in examining what other cities have done after a local official has accepted the challenge

To date, 66 communities across 33 states have reached the goal of the Mayors Challenge. These communities have achieved this milestone using the resources available. For the first time since the emergence of modern homelessness, the necessary resources are available to communities to end homelessness among our veterans.

The challenge is to have the available resources effectively coordinated and efficiently administered using known best practices. To help communities improve their coordination and learn from one another, federal partners have supported local stakeholders through a series of technical assistance efforts. The lessons learned as part of these efforts are important resources for participants of the Mayors Challenge to bring to their community.

To formally accept the national Mayors Challenge and have your name added to the list, send an email to [mayorschallenge@nlc.org](mailto:mayorschallenge@nlc.org) and to [mayorschallenge@usich.gov](mailto:mayorschallenge@usich.gov). By signing below, you accept the challenge to End Veteran Homelessness here in New Hampshire:

On behalf of the Cities of Rochester, Dover and Somersworth, New Hampshire, I accept the Mayors Challenge to End Veteran Homelessness.

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Mayor Caroline McCarley, Rochester, NH

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Mayor Bob Carrier, Dover, NH

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Mayor Dana Hilliard, Somersworth, NH

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City Clerk's Office

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# RIDGE ART PROCLAMATION

*FORTHCOMING*

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City Clerk's Office

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City Clerk's Office

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*City of Rochester, New Hampshire*

OFFICE OF THE MAYOR

31 Wakefield Street • Rochester, NH 03867

(603) 332-1167

[www.RochesterNH.net](http://www.RochesterNH.net)

11/05/2020



**ROCHESTER CITY CLERKS AND ELECTION OFFICIALS WEEK  
PROCLAMATION**

- WHEREAS,** The Office of the Rochester City Clerk is charged with keeping all the vital records, ordinances, and public records for the citizens of Rochester, New Hampshire; and
- WHEREAS,** The Office of the Rochester City Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and
- WHEREAS,** The Office of the Rochester City Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and
- WHEREAS,** The Office of the Rochester City Clerk took the initiative to coordinate a remote satellite office to plan, execute and record the 2020 State General Election to better serve the citizens of Rochester during the COVID-19 World Health Pandemic; and
- WHEREAS,** The Office of the Rochester City Clerk, along with the City's Election Officials, processed Two Thousand and Eighty-Two new voters' applications for the City of Rochester while processing over five thousand absentee ballot requests with a Ninety Six percent return rate; and
- WHEREAS,** The Office of the Rochester City Clerk along with the City's Election Officials provided the utmost professionalism and integrity during the State General Election on November 3<sup>rd</sup>, 2020 which allowed Seventeen Thousand One Hundred and Sixty-Three voters to cast their ballots with a seventy percent city wide voter turnout.

**NOW, THEREFORE, I, Caroline McCarley, Mayor of the City of Rochester, New Hampshire do recognize the week of November 16 through November 22, 2020 as Rochester City Clerks and Election Officials week and further extend appreciation to our city clerks and election officials for the vital services they perform and their exemplary dedication to our community and our citizens.**

**IN WITNESS WHEREOF** I have hereunto set my hand and have caused the great seal of the City of Rochester to be affixed this 10<sup>th</sup> day of November, in the year of our Lord, Two Thousand Twenty.

Caroline McCarley, Mayor

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City Clerk's Office

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**Codes and Ordinances Committee**

Councilor Peter Lachapelle, Chair  
Councilor Elaine Lauterborn, Vice Chair  
Councilor Tom Abbott  
Councilor Chris Rice  
Councilor Laura Hainey



**Others Present**

Terence O'Rourke, City Attorney  
Tim Wilder, Fire Marshal  
Adam Hughes, Deputy Fire Chief

**CODES AND ORDINANCES COMMITTEE**

Of the Rochester City Council

**Thursday, October 1, 2020**

**31 Wakefield Street, Rochester, NH**

Meeting conducted remotely

**6:00 PM**

**Minutes**

**1. Call to Order**

Councilor Lachapelle called the Codes & Ordinances meeting to order at 6:00 PM and read the following preamble:

Good Evening, as Chairperson of the Codes & Ordinances Committee I am declaring that an emergency exists and I am invoking the provisions of RSA 91-A:2, III (b). Federal, state, and local officials have determined that gatherings of 10 or more people pose a substantial risk to our community in its continuing efforts to combat the spread of COVID-19. In concurring with their determination, I also find that this meeting is imperative to the continued operation of City government and services, which are vital to public safety and confidence during this emergency. As such, this meeting will be conducted without a quorum of this body physically present in the same location.

a.) **Providing public access to the meeting by telephone:** At this time, I also welcome members of the public accessing this meeting remotely. Even though this meeting is being conducted in a unique manner under unusual circumstances, the usual rules of conduct and decorum apply. Any person found to be disrupting this meeting will be asked to cease the disruption. Should the disruptive behavior continue thereafter, that person will be removed from this meeting. The public can call-in to the below number using the conference code. Some meetings will allow live public input, however you must have pre-registered online, otherwise, the meeting will be set to allow the public to "listen-in" only, and there will be no public comment taken during the meeting. [Public Input Registration](#) (Please note: In order to notify the meeting host that you would like to speak, press 5\* to be recognized and unmuted)

Phone number: 857-444-0744      Conference code: 843095

b.) **Public Access Troubleshooting:** If any member of the public has difficulty accessing the meeting by phone, please email [PublicInput@RochesterNH.net](mailto:PublicInput@RochesterNH.net) or call 603-332-1167.

c.) **Public Input:** Due to the ongoing situation with COVID-19, the City of Rochester will be taking extra steps to allow for public input, while still ensuring participant safety and social distancing. In lieu of attending the meeting, those wishing to share comments, when permitted, with the City Council (Public Hearing and/or Workshop settings) are encouraged to do so by the following methods:

- **Mail:** City Clerk/Public Input, 31 Wakefield Street, Rochester, NH 03867 (*must be received at least three full days prior to the anticipated meeting date*)
- **email** [PublicInput@rochesternh.net](mailto:PublicInput@rochesternh.net) (*must be received no later than 4:00 pm of meeting date*)
- **Voicemail** 603-330-7107 (*must be received no later than 12:00 pm on said meeting date in order to be transcribed*)

Please include with your correspondence the intended meeting date for which you are submitting. *All correspondence will be included with the corresponding meeting packet (Addendum).*

d.) **Roll Call:** Please note that all votes that are taken during this meeting shall be done by Roll Call vote. Let's start the meeting by taking a Roll Call attendance. When each member states their name (and/or ward), also please state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law. (Additionally, Council members are required to state their name and ward each time they wish to speak.)

Deputy City Clerk Cassie Givara took the roll call. The following councilors were present and indicated that they were alone in the location from which they were connecting remotely: Councilors Abbott, Hainey, Lachapelle and Lauterborn. Councilor Rice was excused.

## 2. Public Input

No discussion.

## 3. Acceptance of the Minutes

### 3.1 September 3, 2020 *motion to approve*

Councilor Hainey **MOVED** to accept the minutes of the September 3, 2020 Codes meeting. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a 4-0 roll call vote with Councilors Lauterborn, Hainey, Lachapelle, and Abbott all voting in favor.

## 4. Code of Ordinances Review

### 4.1 Fire Department

#### 4.1.1 Chapter 16 – Alarms Systems

Tim Wilder, Assistant Chief/Fire Marshal, explained that the suggested amendment to chapter 16 was to remove references to the fire department entirely. He stated that references to alarms in this chapter are related to the police department and their processes and fees. Assistant Chief Wilder explained that fire alarms are already covered in chapter 75 and these references in chapter 16 were outdated and caused unnecessary confusion for alarm users. Councilor Lachapelle inquired if the suggested changes would require a public hearing. Attorney O'Rourke stated that the only ordinance amendments requiring public hearings would be to chapter 275 regarding zoning.

Councilor Lauterborn **MOVED** to recommend to full Council that they accept the amendments to chapter 16 of the City Ordinances as presented by staff. Councilor Hainey seconded the motion. The **MOTION CARRIED** by a 4-0 roll call vote with Councilors Abbott, Hainey, Lachapelle, and Councilor Lauterborn voting in favor.

#### 4.1.2 Chapter 75 – Fire & Fire Safety

Attorney O'Rourke referred the committee to section 75-3 of the ordinances. He stated that the way the ordinance reads currently, it states that the Fire Chief is supposed to call the City Manager any time a fire apparatus is out of the City for an extended period of time. The suggested amendment changes the wording to reflect that the Fire Chief will notify the City Manager *as necessary as determined by the Chief or his designee*. Councilor Hainey asked who the "designee" refers to in the ordinance. Assistant Chief Wilder explained that if the Chief is not available, the next person down in the rank structure would be in charge of the scene and would be considered the designee.

Attorney O'Rourke referred the committee to section 75-5 referencing the "enforcement officer," where wording was added to state that the enforcement officer is the Fire Chief *"or designee or the authority having jurisdiction."* He stated that generally speaking, the Chief is not the staff member doing building inspections and enforcing the rules or permitting. The wording is just to clarify as well as to match the ordinances to what is currently stated in the adopted fire code.

Attorney O'Rourke directed the committee to section 75-5 "Outdoor Fires." He explained that much of this section was removed because it is already covered by State law which is directly referenced in the ordinance. There was also a small change made to modernize the reference to "written" permits to reflect that they are now typically done electronically.

Councilor Hainey asked for clarification to the wording in the state RSA which notes that a permit must be received from the "forest fire warden." Deputy Chief Hughes clarified that Fire Chief Klose is the forest fire warden and the other Chief Officers and Captains are deputy wardens who could be considered designees. There was clarification made to the wording regarding the enforcement of illegally obtained or utilized permits. Assistant Chief Wilder clarified that the Rochester Fire Department is an issuing agent, but the permits are designed and enforced by the State.

Assistant Chief Wilder referenced section 75-6 "Smoke Detector Wiring" which is being suggested to be removed in its entirety. He stated that this information is already covered by the written fire code which the City has adopted; the wording in the ordinance is redundant to what currently appears in the fire code.

The committee was referred to section 75-9 “Public Safety amplification system required in large facilities.” Assistant Chief Wilder explained that this entire passage was redundant due to the same information being contained in the State fire code which was adopted by the City and referenced in the ordinance.

Attorney O’Rourke explained the suggested changes to section 75-10 “Administration & Enforcement” which serve to modernize the references to reflect the current processes. Attorney O’Rourke explained that subsection 14 of 75-10 had confusing and incomplete language which had been updated to be more clear. Deputy Chief Hughes stated that there are certain properties in the City which have frequent false alarms. The way the ordinance was written gave the property owners less accountability. Deputy Chief Hughes said that the suggested change with removing the word “consecutive” gives the Fire Department more opportunity to address issues and get them resolved more quickly.

Councilor Lachapelle inquired about the fines associated with false alarms; how long had they been in effect without increases and whether they comparable with other communities’ fees. Assistant Chief Wilder stated that the fees are comparable with other communities; although Rochester does not typically enforce fees for false alarms and improper activations.

Attorney O’Rourke referred the committee to section 75-12 “Fire Department Access.” This section was updated to reflect the wording of the already adopted fire code. Councilor Hainey asked if the State Fire Codes were accessible. Assistant Chief Wilder stated that there are copies of the State Fire Code available at both the Fire Department and the City Clerk’s office. There was a brief discussion regarding section 75-13 being updated to add the wording “or designee” to reflect current practice.

Councilor Lauterborn **MOVED** to send to full Council the changes to Chapter 75 as presented by City Staff. Councilor Abbott seconded the motion. The **MOTION CARRIED** by a 4-0 roll call vote with Councilors Hainey, Lauterborn, Abbott, and Lachapelle voting in favor.

## 5. Other

Councilor Lachapelle announced that the next Codes meeting would be Thursday, November 5<sup>th</sup> at 6:00 PM. At that meeting, the ordinances being reviewed will be for the Police Department: Chapter 28 - Animals, Chapter 149 - nuisances, Chapter 167 - Peace & Good Order, and Chapter 254 - Vehicles and Traffic.

## 6. Adjournment

Councilor Lachapelle **ADJOURNED** the Codes & Ordinances Meeting at 6:36 PM.

Respectfully Submitted,

Cassie Givara  
Deputy City Clerk

# Chapter 16

## Alarm Systems

**[HISTORY: Adopted by the City of Rochester 6-6-1995 as Ch. 33 of the 1995 Code; amended 6-6-2006. Subsequent amendments noted where applicable.]**

### GENERAL REFERENCES

Fires and fire safety — See Ch. 75.

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#### § 16-1 Purpose.

The purpose of this chapter is to provide minimum standards for operation and regulations applicable to ~~emergency fire alarm systems~~, burglar alarm systems, alarm businesses and alarm users.

#### § 16-2 Alarm user permit required.

Within 60 days after the effective date of this chapter, every alarm user shall obtain an alarm user permit for each alarm system he/she operates within the City of Rochester. This permit shall be obtained through the Communications Center which is located in the Police Department.

#### § 16-3 Alarm user permit application.

- A. The alarm user applying for the permit required in § 16-2 of this chapter shall state on the permit application prescribed by the Chief of the Police Department ~~or Fire Department~~ his/her name, the address of the residence or business or businesses where the alarm system has been installed, his/her telephone number, and at least two persons who can be reached any time day or night and who are authorized to respond to an alarm signal and who can open the premises in which the system is installed.
- B. Any false statement or misrepresentation of a material fact made by an applicant for the purpose of obtaining a user's permit or renewal, or while making a change thereto, shall be sufficient cause for refusal to grant or revocation of a permit.

#### § 16-4 Alarm user permit fee.

- A. Fee. There will be a permit fee of twenty-five dollars (\$25.) for the installation of a new alarm system. For each year after the initial installation, the renewal fee shall be ten dollars (\$10.). All permits shall be renewed each year by April 1. Any renewal fee not paid within 30 days of April 1 shall be subject to a late fee of ten dollars (\$10.) in addition to the renewal fee.
- B. Fee exceptions. If a residential alarm user is over 65 years of age and is the primary resident of the dwelling and if no business is conducted in the residence, a user's permit may be obtained without the payment of a fee. Federal, state, county or local government agencies that operate an alarm system shall be exempt from payment of a fee.

#### § 16-5 Misuse of alarm user information.

The information contained in the alarm user permit application required by § 16-3 and other information received by the Chief of the Police Department ~~or Fire Department~~, through correspondence or communications with the alarm user, shall be securely maintained and restricted to inspection by the Chief of the Police Department ~~or Fire Department~~ or certain police ~~or fire officers~~, or City employees specifically

assigned the responsibility for handling and processing alarm user permits in the course of their duties. If one of those persons is found to have purposely or knowingly revealed the information contained in an alarm user permit application or in correspondence or communications with an alarm user to any person for any purpose not related to this chapter or official law enforcement matters, or without the express written consent of the alarm user supplying such information, he/she shall be guilty of a violation.

**§ 16-6 Operating system without permit; penalty.**

Any alarm system user who operates or permits to be operated any alarm system without first obtaining a permit as required by this chapter, or who operates or permits to be operated an alarm system when such permit has expired, shall be guilty of a violation and, upon conviction, shall be fined not less than one hundred dollars (\$100.).

**§ 16-7 Operating system after revocation or suspension of permit; penalty.**

Any alarm system user who, after having a permit revoked or suspended and after exhausting his/her right to a hearing, fails to disconnect his/her alarm system, or reconnects his/her system prior to the restoration of his/her permit, shall be guilty of a violation and, upon conviction, shall be fined not less than one hundred dollars (\$100.).

**§ 16-8 False alarms.**

- A. For the purpose of this chapter, a false alarm shall be defined as an alarm signal eliciting a response by police or fire personnel when a situation requiring a response by police or fire personnel does not exist, but does not include an alarm signal caused by violent conditions of nature.
- B. Any case where a false alarm is received in excess of six alarms in any calendar year from an alarm system for which an alarm user permit has been obtained, a service charge of one hundred dollars (\$100.) shall be levied.
- C. If the false alarm is due to an alarm system malfunction that is in the process of being repaired or where immediate steps are taken to identify or correct the problem and notification has been made to the dispatch center as applicable, the Chief of the Police Department ~~or Fire Department~~ may waive the civil assessment. Refusal to pay the civil assessment within 30 days of the assessment shall be punishable as a violation and may be cause for revocation of the alarm user's permit. **[Amended 3-5-2019]**

**§ 16-9 Revocation procedure.**

- A. If the Police Department, in the case of a burglar alarm, ~~or the Fire Department, in the case of a fire alarm,~~ has recorded false alarms in excess of limits stated in § 16-8, the Chief of the Police Department ~~or Fire Department~~ shall notify the permit holder in writing and request the permit holder to submit a report within 15 days describing efforts to discover and eliminate the cause(s) of the false alarms. If the alarm user reasonably requests an extension of time to file said report based upon some extraordinary circumstances, the Chief of the Police Department ~~or Fire Department~~ may extend the 15 days for a reasonable time. If the permit holder fails to submit his/her report within the specified period, the Chief of the Police Department ~~or Fire Department~~ shall notify the alarm user that his/her permit to operate an alarm system has been revoked, and under such circumstances the user shall not be entitled to a hearing as hereinafter provided.
- B. If the alarm user submits a report as required by Subsection A of this section but the Chief of the Police Department ~~or Fire Department~~ finds the report unsatisfactory, then the Chief of the Police Department ~~or Fire Department~~ may issue a written notice of his/her intent to revoke the alarm user's permit.



- C. If after submission of a report required by Subsection A of this section which is satisfactory to the Chief of the Police Department ~~or Fire Department~~ the alarm system of the permit holder incurs two or more false alarms during the same calendar year, the Chief of the Police Department ~~or Fire Department~~ may issue a written notice of his/her intent to revoke the alarm user's permit.
- D. Upon receipt of a notice of intent to revoke an alarm user's permit, the permit holder may, within 10 days of such receipt, submit a written request for a hearing before the Licensing Board setting forth the reasons that his/her permit should not be revoked. Written notice of the time, date and place of the hearing shall be served to the permit holder at least five days prior to the date set for the hearing.
- E. At the hearing before the Licensing Board, the holder of the permit or his/her authorized representative shall have the right to be made aware of the circumstances leading to revocation of the alarm permit and to present evidence on his/her own behalf. After the hearing, the Licensing Board may either issue an order of revocation, withdraw the notice of revocation or allow a reasonable time, not to exceed 15 days, in which the alarm user must take action to eliminate the cause(s) of the false alarms.

**§ 16-10 Application for revoked user permit.**

- A. An alarm user whose permit has been revoked may apply for a revoked user permit as provided in § 16-9 of this chapter. The Chief of the Police Department ~~or Fire Department~~ shall not be required to issue a revoked user permit unless he/she is satisfied that the user's system has been properly serviced and its deficiencies corrected. The Chief of the Police Department ~~or Fire Department~~ may also impose reasonable restrictions and/or conditions that shall appear on the permit and shall provide for automatic revocation on the occurrence of four false alarms in the remaining permit year.
- B. In situations where a user permit is revoked under the conditions in Subsection A of this section, there shall be no appeal to the Licensing Board and said revocation shall remain in effect for the remainder of the calendar year.
- C. The fee for reissuance of a user permit shall be seventy-five dollars (\$75.).

**§ 16-11 Violations and penalties.**

Unless otherwise provided, any person, firm or corporation within the boundaries of the City of Rochester who or which violates any provision of this chapter shall be guilty of a violation and, upon conviction, shall be punished by a fine of not more than five hundred dollars (\$500.). Each day during which a violation continues shall be considered a separate offense.

**§ 16-12 When effective.**

The provisions of this chapter shall take effect upon its passage.

Deletions are show as ~~strike throughs~~ and Additions are in **red**

## Chapter 75

# Fires and Fire Safety

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

#### GENERAL REFERENCES

~~Alarm systems — See Ch. 16.~~

Building construction and property maintenance — See Ch. 40.

Nuisances — See Ch. 149.

### Article I

#### Fire Department

**[Adopted 6-6-1995 as Ch. 22 of the 1995 Code; amended 6-6-2006; 8-7-2018]**

**§ 75-1 Appointment and requirements of Fire Chief.**  
**[Amended 3-5-2019]**

Upon appointment, the Fire Chief shall within six months establish residence within the City's boundaries. The Fire Chief shall work under the direct supervision of the City Manager in accordance with the provisions of Section 18 of the Rochester City Charter. The Fire Chief shall manage the Fire Department and consult with and advise the City Manager on all matters pertaining to the equipment and control of the Fire Department. Subject to the approval of the City Manager, the Fire Chief shall make rules and regulations for the internal operation of the Fire Department as he/she deems necessary and shall keep the same posted in the fire station and other buildings of the Department.

**§ 75-2 Transfer of authority in Chief's absence.**

The Assistant Chief shall be senior in rank to the Deputy Chief and Fire Marshal and in the absence of the Chief shall perform all the duties and have the powers of the Chief. In the absence of the Fire Chief and Assistant Fire Chief, the Fire Chief shall designate an Acting Chief who shall perform all the duties and accept all the responsibilities of the Fire Chief per RSA 154:5 and 154:7 until such time as the Fire Chief or Assistant Fire Chief returns and assumes his/her duties.

**§ 75-3 Taking equipment and apparatus outside of City.**

The Fire Chief or his/her designee shall be notified by dispatch whenever an apparatus responds to an incident outside of the City. The Chief shall notify the City Manager ~~whenever practical and convenient~~ when an apparatus is to be outside the City for extended periods or other circumstances **as necessary as** determined by the Chief **or designee.**

### Article II

#### Fire Prevention

**[Adopted 6-6-1995 as Ch. 23 of the 1995 Code]**

**§ 75-4 Fire Safety Rules and Regulations.**

The rules and regulations of the State Fire Marshal as they are now constituted and as they are from time to time amended are hereby adopted as and for the Fire Safety Rules and Regulations of the City of Rochester. The full text of such rules and regulations may be obtained by any person at the office of the Chief of the Fire Department of the City of Rochester.

**§ 75-5 Enforcement officer.**

The words "officer" and/or "local authorities" wherever used in the rules and regulations of the State Fire Marshal adopted in the foregoing section shall be deemed to refer to the Chief of the Rochester Fire Department **or designee or the Authority Having Jurisdiction.**

~~§ 75-6 Smoke detector wiring.~~

~~{Amended 2-8-2000}~~

~~When installing one hundred twenty volt hard-wired smoke detectors in any type occupancy, the smoke detector shall be wired to a lighting circuit.~~

**§ 75-7 Outdoor fires.**

No person shall kindle, light, or otherwise start an outdoor fire in the City of Rochester for any purpose whatsoever without first having obtained a written permit **in accordance with RSA 227-L:17.** ~~without cost, from the Chief of the Rochester Fire Department. All such permits shall be in writing and in such form as the Chief of the Rochester Fire Department shall prescribe and shall set forth any conditions or restrictions which, in the opinion of the Fire Chief, shall be reasonably necessary and prudent to ensure the safe performance of permitted activities.~~

**Commented [1]:** Editor's Note: See also § 149-1, Burning of refuse and garbage.

**§ 75-8 Provisions for rapid entry.**

A. For purposes of rapid entry in cases of emergencies or required access to buildings after hours, any new construction on the following type occupancies occurring after the date of the adoption of this article will require a Knox-Box® to be installed on such premises:

- (1) Assembly.
- (2) Educational.
- (3) Mercantile.
- (4) Business.
- (5) Industrial.
- (6) Apartment complex.

B. The Fire Chief shall have authority to require any other type of building, not listed above, to install a Knox-Box® to meet rapid entry requirements, if in his/her discretion public safety considerations require such installation.

~~§ 75-9 Public safety amplification system required in large facilities.~~

~~{Amended 1-2-2007}~~

~~The purpose of this system is to provide minimum standards to ensure a reasonable degree of reliability for emergency services communications from within certain buildings and structures within the City to and from~~

~~emergency communications centers. It is the responsibility of the emergency service provider to get the signal to and from the building site.~~

~~A. Applicability. The provisions of this section shall apply to:~~

- ~~(1) New buildings greater than 50,000 square feet;~~
- ~~(2) Existing buildings over 50,000 square feet when modifications, alterations or repairs exceed 50% of the value of the existing building(s) and are made within any twelve month period or the usable floor area is expanded or enlarged by more than 50%; and~~
- ~~(3) All sublevels, regardless of the occupancy, over 10,000 square feet.~~

~~B. Radio coverage.~~

- ~~(1) Except as otherwise provided in this section, no person shall erect, construct or modify any building or structure or any part thereof, or cause the same to be done, which fails to support adequate radio coverage for firefighters and police officers.~~
- ~~(2) The City's Fire Department, with consideration of the appropriate emergency services department, shall determine the frequency range or ranges that must be supported. [Amended 3-5-2019]~~
- ~~(3) For the purposes of this section, adequate radio coverage shall constitute a successful communications test between the equipment in the building and the communications center for all appropriate emergency service providers for the building.~~

~~C. Inbound into the building.~~

- ~~(1) A minimum average in building field strength of 2.25 microvolts (-100 dbm) for analog and five microvolts (-93 dbm) for digital systems throughout 85% of the area of each floor of the building when transmitted from the City's police dispatch center and the appropriate emergency service dispatch centers which are providing fire and emergency medical protection services to the building.~~
- ~~(2) If the field strength outside the building where the receive antenna system for the in building system is located is less than -100 dbm for analog or -93 dbm for digital systems, then the minimum required in building field strength shall equal the field strength being delivered to the receive antenna of the building.~~
- ~~(3) As used in this section, 85% coverage or reliability means the radio will transmit 85% of the time at the field strength and levels as defined in this section.~~

~~D. Outbound from the building.~~

- ~~(1) A minimum average signal strength of 112 microvolts (-6 dbm) for analog and five microvolts (+1 dbm) for digital systems as received by the City's police dispatch center and the appropriate emergency service dispatch centers which are providing fire and emergency medical protection services to the building.~~

~~(2) FCC authorization. If amplification is used in the system, all FCC authorizations must be obtained prior to use of the system. A copy of these authorizations shall be provided to the City's Fire Department.~~

~~E. Enhanced amplification systems:~~

~~(1) Where buildings and structures are required to provide amenities to achieve adequate signal strength, they shall be equipped with any of the following to achieve the required adequate radio coverage: radiating cable system(s), internal multiple antenna system(s) with an acceptable frequency range and an amplification system(s) as needed, voting receiver system(s) as needed, or any other City approved system(s).~~

~~(2) If any part of the installed system or systems contains an electrically powered component, the system shall be capable of operation on an independent battery or generator system for a period of at least eight hours without external power input or maintenance. The battery system shall automatically charge in the presence of external power.~~

~~(3) Amplification equipment must have adequate environmental controls to meet the heating, ventilation, cooling and humidity requirements of the equipment that will be utilized to meet the requirements of this section. The area where the amplification equipment is located must be free of hazardous materials such as fuels, asbestos, etc. All communications equipment, including amplification systems, cable and antenna systems, shall be grounded with a single point ground system of five ohms or less. The ground system must include an internal tie point within three feet of the amplification equipment. System transient suppression for the telephone circuits, AC power, radio frequency (RF) cabling and grounding protection are required as needed. **[Amended 3-5-2019]**~~

~~(4) The following information shall be provided to the Fire Department by the builder:~~

~~(a) A blueprint showing the location of the amplification equipment and associated antenna systems which includes a view showing building access to the equipment; and~~

~~(b) Schematic drawings of the electrical, backup power, antenna system and any other associated equipment relative to the amplification equipment, including panel locations and labeling.~~

~~F. Testing procedures; method to conducts tests. Tests shall be made using frequencies close to the frequencies used by the police and appropriate emergency services. If testing is done on the actual frequencies, then this testing must be coordinated within the City's Fire Department. All testing must be done on frequencies authorized by the FCC. A valid FCC license will be required if testing is done on frequencies different from the police, fire or emergency medical frequencies.~~

~~G. Measurements shall be made using the following guidelines:~~

~~(1) With a service monitor using a unity gain antenna on a small ground plane;~~

~~(2) Measurements shall be made with the antenna held in a vertical position at three to four feet above the floor;~~

~~(3) A calibrated service monitor (with a factory calibration dated within 24 months) may be used to do the~~

~~test.~~

- (4) ~~The telecommunications unit representative for the City may also make simultaneous measurements to verify that the equipment is making accurate measurements. A variance of three db between the instruments will be allowed; and~~
- (5) ~~If measurements in one location are varying, then average measurements must be used.~~
- (a) ~~All testing shall be done in the presence of a Fire Department representative at no expense to the City or appropriate emergency services department.~~
- (b) ~~Signal strength, both inbound and outbound as defined above, shall be measured on each and every floor above and below ground, including stairwells, basements, penthouse facilities and parking areas of the structure. The structure shall be divided into fifty foot grids and the measurements shall be taken at the center of each grid.~~
- H. ~~Annual tests. Annual tests will be conducted by the City's telecommunications unit or appropriate emergency services department. If communications appear to have degraded or if the tests fail to demonstrate adequate system performance, the owner of the building or structure is required to remedy the problem and restore the system in a manner consistent with the original approval criteria. The re-testing will be done at no expense to the City or the appropriate emergency services department as required in the original testing procedures.~~
- I. ~~Field testing. Police and fire personnel, after providing reasonable notice to the owner or his/her representative, shall have the right to enter onto the property to conduct field testing to be certain the required level of radio coverage is present. Certificates of occupancy may be denied for new and existing buildings for failure to comply with these requirements.~~

**§ 75-10 Administration and enforcement.**  
**[Amended 3-7-2006; 3-3-2015; 3-5-2019]**

The authority having jurisdiction for the administration and enforcement of this article shall be the Fire Chief of the City of Rochester **or designee.**

- A. The fee schedule under this article shall be as follows:
- (1) Tank removal: twenty-five dollars (\$25.).
  - (2) Blasting: twenty-five dollars (\$25.).
  - ~~(3) Incident report: five dollars (\$5.).~~
  - (4) Fire ~~Marshal's investigation~~ **Department Incident** report: twenty-five dollars (\$25.).
  - (5) Photographs (fire scene): fifteen dollars (\$15.).
  - ~~(6) CD photos (fire scene): fifteen dollars (\$15.).~~
  - (7) Fire alarm system plan review: one dollar (\$1.) per device or fifty dollars (\$50.) minimum.

- (8) Sprinkler system plan review: one dollar (\$1.) per device or fifty dollars (\$50.) minimum.
  - (9) Commercial hood fire suppression: one dollar (\$1.) per device or fifty dollars (\$50.) minimum.
  - (10) Clean agent: one dollar (\$1.) per device or fifty dollars (\$50.) minimum.
  - (11) Initial inspection: free of charge.
  - (12) Reinspections (sprinkler systems, fire alarm systems, commercial hood fire suppression, clean agent): fifty dollars (\$50.) per person with one hundred dollars (\$100.) minimum.
  - (13) Listed agent: twenty-five dollars (\$25.) per year, per restriction.
  - (14) False alarm, fire alarm activation: one hundred seventy-five dollars (\$175.) after two ~~consecutive false~~ **alarms (as defined by RSA 644:3) or two improper activations not related to actual emergencies;** per calendar year.
- B. The fine for working without a permit or license is one hundred seventy-five dollars (\$175.).

§ 75-11 (Reserved)

§ 75-12 **Fire Department access.**

[Amended 6-6-2006]

Before construction on commercial buildings, a residential street or a private street with two or more duplexes or single-family dwellings may begin, Fire Department access roads shall be designed **as per the rules and regulations of the State Fire Marshal and adopted codes** and maintained to support the imposed loads of fire apparatus and shall be provided with a surface suitable for all-weather driving capabilities.

§ 75-13 **Inspections; control of fire hazards.**

[Amended 6-6-2006]

The Chief or his/her designee shall examine or cause to be examined, at regular intervals, all places where combustible material may be collected or deposited and cause the same to be removed by the tenants, occupants or owners of such place, at their expense, whenever, in the opinion of the Fire Chief **or designee**, such removal is necessary for the security of the City against fires. A record of all such inspections shall be kept by the Chief or his/her designee.

§ 75-14 **Violations and penalties.**

[Amended 6-6-2006; 5-2-2017]

Any person, persons, firm, corporation or partnership who or which shall violate any provision of this article shall be guilty of a violation punishable by a fine of not less than one hundred dollars (\$100.) or not more than five hundred dollars (\$500.). Each day that the violation continues to exist shall constitute a separate offense. The owner of record of any property upon which a violation of this article occurs shall be held strictly liable for any violation occurring on his/her or its property and shall be guilty of a violation in the same manner as stated above.

§ 75-15 **Sprinkler requirements for certain dwellings.**

[Amended 3-6-2007]

In addition to sprinkler requirements for structures under the provisions of the applicable NFPA (National Fire Protection Association) code and/or any other applicable law or regulation, all newly constructed

**Commented [2]:** Editor's Note: Former § 75-11, Means of escape, as amended, was repealed 8-6-2019.

duplexes, triplexes and single-family dwelling unit combination structures that are attached to each other shall be sprinklered in accordance with National Fire Protection Association (NFPA) code standards as contained in the New Hampshire State Fire Code.

**§ 75-16 Fireworks.**

**[Added 3-4-2008; amended 11-9-2010; 4-2-2013]**

- A. In accordance with the provisions of RSA 160-C, it shall be illegal for any person, firm, partnership or corporation to offer for sale, expose for sale, sell at retail, purchase, possess, use, explode or display any permissible fireworks within the City of Rochester, except as specifically provided for in this section.
- B. As used in this section, the following terms shall have the meanings indicated:

**DISPLAY**

The use, explosion, activation, ignition, discharge, firing or any other activity which is intended to cause or which causes a firework to do what it was manufactured to do.

**FIRE CHIEF**

The Fire Chief of the City of Rochester or his/her designee.

**PERMISSIBLE FIREWORKS**

Those consumer firework devices defined as "permissible fireworks" in RSA 160-C, as the same currently exists or as, from time to time, hereinafter amended.

**POLICE CHIEF**

The Police Chief of the City of Rochester or his/her designee.

- C. Permit required. No person shall use, discharge or explode any permissible fireworks without a permit issued by the City of Rochester. **[Added 2-14-2017]**
  - (1) Any person wishing to obtain a permissible fireworks display permit shall apply to the Licensing Board at least 15 days prior to the display. The time frame may be waived at the discretion of the Police and Fire Chiefs. **[Amended 5-2-2017]**
  - (2) The applicant shall provide the following information:
    - (a) Date of application.
    - (b) Name, address, and telephone number of applicant.
    - (c) Address of location where the display will be held.
    - (d) Diagram of the display location, showing the location of all nearby property lines, nearby buildings, public ways, nearby trees, electrical and telephone lines or other overhead obstructions, and the location of any nearby storage of flammable or combustible liquids or gases.
    - (e) Name of the owner of the property where the display will be held.



- (f) Intended date and time of display, including a possible rain date.
  - (g) Written authorization of the property owner, if different from the applicant.
  - (h) Signature of the applicant.
- (3) Permit fee. The fee for a permissible fireworks display shall be five dollars (\$5.) per event. The fee shall be paid at the time of application and is nonrefundable.
- (4) Site inspections.
- (a) Prior to issuing a permit, the Police Chief or the Fire Chief may conduct an inspection of the display site to determine whether a permissible fireworks display can be held in a safe manner.
  - (b) If, in the opinion of the Licensing Board, the proposed site is not suitable for the safe display of permissible fireworks, the application for a permit shall be denied. **[Amended 5-2-2017]**
- D. Subject to and in accordance with the provisions of Chapter 160-C of the New Hampshire Revised Statutes Annotated it shall be lawful to possess and/or display permissible fireworks upon compliance with the following requirements:
- (1) A person who is 21 years of age or older may display permissible fireworks on private property with the written consent of the owner or in the owner's presence, subject to the provisions of this section and RSA 160-C and any other applicable ordinance, regulation or statute.
  - (2) No display of permissible fireworks shall be permitted within the City except between the hours of 6:00 p.m. and 11:00 p.m. on the following holiday: Fourth of July (including the evening of July 3 beginning at 6:00 p.m., including from such time until 12:00 midnight on any rain date established for the annual City-wide fireworks display), after obtaining a permit. **[Amended 6-6-2013; 2-14-2017; 9-3-2019]**
  - (3) The display of permissible fireworks shall be of such a character, and so located and conducted, that it shall not be hazardous to property or endanger any person. In accordance with the provisions of RSA 160-C, permissible fireworks shall not be permitted on public property and must be at least 50 feet from nearby buildings, nearby trees, electrical and telephone lines or other overhead obstructions, and the location of any nearby storage of flammable or combustible liquids or gases.
  - (4) No permissible fireworks may be used, discharged, exploded, or displayed during periods of very high or extreme fire danger as determined by the Fire Chief or the New Hampshire Division of Forests and Lands.
  - (5) Permissible fireworks may be used, discharged, exploded, or displayed in a manner such that any and all discharge debris shall remain within the property lines of the lot on which the display originates.
  - (6) Anyone using permissible fireworks shall be responsible for removing any debris accumulated due to the discharge of fireworks that fall onto the public way, public property, and any private property within 24 hours. Anyone failing to remove such debris shall be financially responsible for its cleanup. **[Amended 3-5-2019]**

- (7) Display of permissible fireworks shall be permitted on public property the evening of July 3 beginning at 6:00 p.m., including from such time until 12:00 midnight on any rain date established for the annual City-wide fireworks display, provided that such display shall be authorized in a duly issued block party application/permit from the City's Licensing Board covering the public property on which the display is to occur. **[Added 6-4-2013; amended 9-3-2019]**
- E. A violation of this section shall be subject to the penalties provided for in § 75-14 of this article.
- F. This section shall be construed consistently with New Hampshire Code of Administrative Rules Chapter Saf-C 2600, as made applicable by state statute and as adopted by reference in § 75-4 of this article, and is not meant to repeal any section thereof. Nothing in this section shall be interpreted so as to conflict with the provisions of Chapter 160-B or 160-C of the New Hampshire Revised Statutes Annotated, as currently written, or as from time to time hereafter amended. If any subsection, sentence, clause, phrase or portion of this section is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, independent provision and such holding shall not affect the validity of the remaining portions thereof.
- G. The Police Chief or Fire Chief may suspend the use of permissible fireworks for any of the following reasons:
- (1) Unfavorable weather conditions, including but not limited to lightning storms or high wind conditions exceeding 20 miles per hour or higher.
  - (2) If any person under the age of 21 possesses, uses, discharges or explodes or used, discharged or exploded any permissible firework device.
  - (3) If any person who is using, discharging, exploding, or displaying the permissible fireworks appears to be under the influence of alcohol or drugs.
  - (4) If, in the opinion of the Police Chief or Fire Chief, the use, discharge, exploding, or display of permissible fireworks would create a threat to public safety.
- H. The Police Chief and/or Fire Chief is authorized to seize, take, remove or cause to be removed, at the expense of the owner, all firework devices that are being discharged in violation of this section.
- I. The City Manager, Mayor, and/or the City Council may declare a special event of cultural or civic significance and authorize the display of fireworks on the same terms as Subsection **D(2)** on particular days to celebrate those special events. **[Added 2-14-2017]**

**§ 75-17 Listed Agent Program.**  
**[Added 3-3-2015]**

In accordance with NFPA 1:2009 1.13, or the applicable adopted section of the current code, the Rochester Fire Department enacts the Listed Agent Program. The Fire Chief or his/her designee shall promulgate administrative rules for the management of the Listed Agent Program.

**§ 75-18 Regulation of fire alarms.**  
**[Added 3-3-2015]**

The Fire Chief or his/her designee shall promulgate administrative rules for the management of the installation and maintenance of fire alarms.

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left blank...*

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City Clerk's Office

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**Fidelity Committee**  
**of the**  
**Tri-City Joint Mayors' Task Force on Homelessness**  
**Meeting Conducted Remotely**  
**October 8, 2020**  
**6:00 PM**

**MAYORS**

Mayor Caroline McCarley  
 Mayor Robert Carrier  
 Mayor Dana Hilliard

**Rochester Members**

Jeremy Hutchinson  
(chairman)

Barbara Holstein

**Dover Members**

Charles Reynolds

Betsey Andrews Parker

**Somersworth Members**

Todd Marsh

Dina Gagnon

**Others Present:** Paige Farmer, Home For All. Tory Jennison, IDN. Martha Stone, Crossroads House. Julian Long, Rochester Economic Development.

**MINUTES**

**1. Call to Order**

Vice Chairman Marsh called the remote meeting to order at 6:03 PM and read the following preamble:

Good Evening, as Chairperson of the Fidelity Committee, I am declaring that an emergency exists and I am invoking the provisions of RSA 91-A:2, III (b). Federal, state, and local officials have determined that gatherings of 10 or more people pose a substantial risk to our community in its continuing efforts to combat the spread of COVID-19. In concurring with their determination, I also find that this meeting is imperative to the continued operation of City government and services, which are vital to public safety and confidence during this emergency. As such, this meeting will be conducted without a quorum of this body physically present in the same location.

At this time, I also welcome members of the public accessing this meeting remotely. Even though this meeting is being conducted in a unique manner under unusual circumstances, the usual rules of conduct and decorum apply. Any person found to be disrupting this meeting will be asked to cease the disruption. Should the disruptive behavior continue thereafter, that person will be removed from this meeting. The public can call-in to the below number using the conference code.

1-857-444-0744 conference code: 689461

(Please note: In order to notify the meeting host that you would like to speak, press 5\* to be recognized and unmuted)

Please note that all votes that are taken during this meeting shall be done by Roll Call vote.

Let's start the meeting by taking a Roll Call attendance. When each member states their name also please state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law.

Cassie Givara, Deputy City Clerk of Rochester, called the roll. The following members were present: Barbara Holstein, Todd Marsh, and Betsey Andrews Parker. Chairman Hutchinson, Charlie Reynolds and Dina Gagnon were excused. Mayor Caroline McCarley and Mayor Bob Carrier were also present

## **2. Public Input**

Paige Farmer, Home For All, reported that the 'Affordable Housing Incentive Program', which is a landlord incentive program to initiate affordable housing and acceptance of housing choice vouchers, will be launching within the next week.

## **3. Communications from the Mayors**

Mayor Carrier spoke to the Committee in regards to what is going on in City of Dover with the potential uptick in COVID-19 cases and the work being done in the City.

### **3.1 Update on Seasonal Shelter**

Betsey Andrews Parker updated the Committee on the most recent shelter updates. She stated that with the help of the mayors and County Commissioners, there was an exhaustive search done for a location to house a temporary winter shelter for decompression of COVID which was occurring. There were over ten locations considered, not including exploring the faith-based options which had been utilized in the past or the option of expanding existing locations. Eventually Frank Cassidy came forward to offer the Rochester Care Pharmacy property. Unfortunately, it was realized that to make the commercial space into a shelter space would have required zoning variances as well as a great deal of work to be brought up to health and life safety code. Ms. Andrews Parker stated that it would have been a significant cost to add a fire suppression system and to add the required egresses out of the building. There were concerns about roof integrity as well. When all was said and done if the property was renovated, it would not be available until February, months after it would be beneficial.

Ms. Andrews Parker reported that they were now partnering with the Garrison Hotel in Dover to have a wing of rooms to house up to 30 people. They have met the thresholds to qualify for CDFA funds, which would supply \$500,000 for this program starting in January. They are looking for additional community support to come in to help with funding and support for November and December. She stated that they are partnering with Crossroads House to try to get funding through NH Housing Finance Authority, but time is short and they are hoping the tri-cities can come forward to offer funding to avoid CAP needing to reallocate money which could be utilized for supportive housing. Ms. Andrews Parker said they will be providing transportation between the Garrison Hotel and CAP, SOS, or other places in order to offer wrap-around services.

Ms. Andrews Parker stated they are looking to hire a Shelter Manager currently which is position which will be funded for the next 20 months and will include continuing services and for finding housing upon leaving the Garrison.

Vice Chair Marsh asked when the space at the Garrison Hotel would become available. Ms. Andrews Parker said as long as they have staff to run the program, it will be available November 15. There will be an office available at the hotel and there will be a paid staff member of site.

Vice Chair Marsh asked about the need for supplemental low-barrier shelter and whether the communities should continue to prepare to offer short-term cold weather emergency centers. Ms. Andrews Parker agreed that the cities should be prepared to open these warming centers if the low temperature trigger the need. She said that if an emergency overnight shelter opened, CAP would be able to assist with food and services. There was a discussion on how volunteers would play into the program.

Mayor Carrier asked about the possibility of some of the local churches opening their properties to help the homeless. Ms. Andrews Parker said that churches which are not currently holding in-person services are not allowing their properties to be used for the homeless. Tory Jennison said that some properties are reluctant to participate because the permitting process would involve letting the fire department come in for an inspection. There is also a great deal of volunteer management and training involved which is challenging.

Mayor McCarley stated that the City of Rochester is prepared to offer 38 Hanson Street again this year as a temporary warming center as needed. Mayor McCarley inquired about the volunteers for such a shelter and where they would be sourced. Ms. Andrews Parker said that the feedback received from many previous volunteers is that the overnight centers are too risky during COVID. Ms. Andrews Parker emphasized the need for paid staff because of this reason and where additional funding for this purpose may come from.

Martha Stone, Crossroads House, said that they have not been able to engage volunteers in the same manner than they have historically due to COVID because people are more hesitant to put themselves at risk. She concurred that there needs to be a viable plan for paid staff members to run shelters and warming centers.

Mayor McCarley asked if CARES Act funds could be applicable for staffing of warming centers and shelters because there is currently \$100,000 of these funds which are not earmarked for a specific program. Julian Long, Rochester Grants Coordinator, stated that the grant money could be used for staffing. He stated that these CARES act funds do not have the usual restriction of only 15% for public services costs.

**4. Communications from the Chairs**

Vice Chair Marsh said he was hopeful about the direction of the Committee is heading and the actionable proposals which are being made to the respective councils.

**5. Ending Veterans Homelessness initiative**

It was decided to table this item until the next meeting in order for Chairman Hutchinson to be present to lead the discussion and update on the status of the proposal.

**6. Continued Review of Master Plan**

**6.1 Recovery Friendly Workplace recommendation for Tri-City Councils**

Mayor Carrier and Mayor McCarley committed to following up with their respective City Managers and reporting back to the Committee on the status of this proposal in Dover and Rochester.

**7. Other**

Vice Chair Marsh suggested the committee review the Master Plan and identify potential action items and proposals which could be presented to the tri city councils.

**8. Closing Public Input**

No discussion.

**9. Adjournment**

Vice Chair Marsh **ADJOURNED** the Fidelity Committee Meeting at 6:57 PM.

Respectfully Submitted,

Cassie Givara  
Deputy City Clerk  
Rochester



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Finance Committee  
Meeting Minutes

Meeting Information

Date: October 13, 2020

Time: 6:30 P.M.

Location: Council Chambers, 31 Wakefield Street & Remotely via Microsoft Teams

**Committee members present:** Mayor McCarley, Deputy Mayor Lauterborn, Councilor Bogan, Councilor Gray, Councilor Hamann, Councilor Lachance, and Councilor Walker.

**Others present:** Deputy City Manager Katie Ambrose. City Clerk Kelly Walters. Superintendent of Schools Kyle M. Repucci. School Board Chair Paul Lynch. Rochester School Department Director of Facilities David Totty.

Agenda & Minutes

**1. Call to Order**

Mayor McCarley called the Finance Committee meeting to order at 6:30 PM and read the following preamble:

Good Evening, as Chairperson of the Finance Committee, I am declaring that an emergency exists and I am invoking the provisions of RSA 91-A:2, III (b). I also find that this meeting is imperative to the continued operation of City government and services, which are vital to public safety and confidence during this emergency. As such, this meeting will be conducted without a quorum of this body physically present in the same location.

At this time, I also welcome members of the public accessing this meeting remotely. The public can call-in to phone number: 857-444-0744 using conference code: 843095. This meeting will be set to allow the public to "listen-in" only, and there will be no public comment taken via conference line during the meeting.

Please note that all votes that are taken during this meeting shall be done by Roll Call vote.

Let's start the meeting by taking a Roll Call attendance. When each member states their name and ward, also please state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law.

Deputy City Manager Katie Ambrose took the roll call. The following Committee Members were physically present: Mayor McCarley, Deputy Mayor Lauterborn, Councilor Gray, Councilor Lachance, and Councilor Walker. The following Committee Members participated remotely and

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alone at the location from which they were connecting remotely: Councilor Bogan, Councilor Hamann (joined the meeting at 6:34 PM).

## **2. Public Input**

Deputy City Manager Ambrose read public input submitted by resident Ray Barnett, which addressed the committee regarding the School Department's purchasing practices and procedures. *\*Added as an addendum to the agenda packet*

## **3. Unfinished Business-None**

No discussion.

## **4. New Business-**

### **4.1 School Department COVID-19 Expenses & Discussion**

Superintendent Repucci noted that all School purchasing policies and normal business practices were followed in procuring COVID-19 supplies. He identified School Board policy DJF which states special arrangements may be made for ordering emergency supplies, and policy DJC which states: the Superintendent may waive bid requirements during an emergency, an emergency would include an event that could delay school, close school, or create a safety hazard or potential safety hazard, the School Board Chair shall be notified immediately and the School Finance Committee shall be notified of emergency purchases at the next regularly scheduled meeting. Superintendent Repucci added that their business practice of going to the board & committees was not followed because he invoked these two policies, and welcomed any questions on the expense report.

Councilor Walker asked how many purchases on the expense report were made before the School Department requested a supplemental appropriation. Superintendent Repucci responded that the cloth masks and dividers were purchased due to supply chain issues and that the School Board Chair & Vice Chair were in communications with staff throughout the process. Councilor Walker inquired if three quotes were obtained or if they were purchased through one vendor. Superintendent Repucci responded that they went through one vendor due to the lead time in ordering which the policies allow.

Councilor Walker noted that the pricing in what was presented to City Council (when requesting the supplemental appropriation) appeared to be overpriced and referenced hand sanitizer as an example. Director Totty explained that hand sanitizer was purchased through pre-approved cleaning supply vendors and is of higher quality at 75% alcohol. He added that the total purchase includes dispensers and close to 400 pump stations for rooms. Before the School had purchased any hand sanitizer directly they did reach out to existing vendor Citron to expand their contract to supply hand sanitizer but their prices were too high, other vendors had access to hand sanitizer but there was no guarantee that they could deliver. Now that the School Department has these supplies which will last a while, there is time to put some future purchases out to bid. Back when these were purchased it was very difficult to obtain these supplies so they had to

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change vendors based on availability. Director Totty added that some of the hand sanitizer that was on the market was produced using methyl alcohol which is toxic, and the hand sanitizer that was purchased is 75% ethyl alcohol so it is a quality and trusted product.

Councilor Walker noted in the expense report that hand sanitizer is listed as 36 cases with 4 gallons per case and asked how much it cost per case. He has heard the figure \$119/gallon when the cost appears to actually be \$119/case which contains 4 gallons, and would like to clarify for the public that the School did not pay \$119/gallon. Superintendent Repucci stated that the cost was \$29.75 per gallon.

School Board Chair Lynch thanked Councilor Walker for pointing out that clarification and noted that the timeline between when the Department of Education released information and when students would be returning to school was very short, so the schools needed to move quickly to get what was needed in order for students to be safe. Everything was done legally and there was a real sense of urgency to obtain what was necessary to get students back in the buildings safely.

Councilor Walker asked School Board Chair Lynch if it was normal or standard procedure for him to have not obtained a vote from the full board. Chair Lynch answered that it was brought to the board's attention at the next full board meeting, and that the superintendent has the authority under policy to proceed in this type of circumstance and had been in communications that the orders needed to be made.

Councilor Walker inquired how much has been spent to date on COVID-19 supplies. Superintendent Repucci noted the total in the expense report as \$336,898.12 and added that the cost for consumables (masks, gloves, gowns etc.) is approximately \$2,800 a week.

Councilor Gray stated that the School and School Board have control of their budget and can purchase what they need now. In his opinion It is too early for a supplemental appropriation and Council can indicate support at an upcoming meeting, but the supplemental appropriation should be passed later. The School is responsible for purchasing what they need and City Council is responsible to ensure that it is funded.

Councilor Lauterborn noted that there may be additional CARES Act funding for education later in the year which could impact the amount requested for a supplemental appropriation.

Councilor Gray agreed and stated that it is too early to determine what is needed for a supplemental appropriation. He added that the School is conservative with their spending at that they typically return unexpended appropriations to the General Fund at year end. Superintendent Repucci stated that the School Department returned approximately \$1.8 million for FY20.

School Board Chair Lynch inquired if the Finance Committee would like to receive this expense report on a monthly basis.

Mayor McCarley asked that the committee be updated if something arises outside of the normal course of business, and added that in her individual opinion the relationship with the

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School Board is very positive and that while City Council only has bottom line authority, the School Board and School Department put a lot of time into the budget that they provide to City Council and in estimating their expenditures. She was comfortable moving forward with the supplemental appropriation when it was requested and is concerned about setting a precedent otherwise. Mayor McCarley added that the School has notified the City that once they have finished the required additional assessments for special education students that they will probably need to request a supplemental appropriation for the cost of those assessments, which may or may not coincide with any additional federal aid. This request will be coming sometime in December.

Councilor Walker stated that the issue with the first supplemental appropriation request was the supporting information and detail, and now that we have answered those questions and concerns we can move on.

Mayor McCarley agreed and clarified that she finds the encouragement given to the School at the time of the request to spend what they have first and to come back later a troubling approach for their budget.

School Board Chair Lynch stated that they will continue to run the COVID-19 supply expense report moving forward and if committee members have any questions they can reach out. He agrees that there is a good working relationship with the City Council and agrees with Councilor Walker's approach to ask clarifying questions on the numbers to address misperceptions. They were not doing anything misleading, but it is important to break the numbers down so everyone can see what the School Department and School Board sees.

Mayor McCarley asked the committee to address item **6.0 Other** at this time since there is a School-related item. Finance Committee members received a resolution that the School Board had passed regarding Governor Sununu directing CARES Act funding towards private schools and vouchers for private schools. *\*Added as an addendum to the agenda packet*

School Board Chair Lynch commented that resolution was crafted by School Board Vice Chair Matt Pappas, and is meant to ask that the funding be shared by schools subject to the same requirements. He stated that private schools and charter schools are funded differently and do not have to meet the same requirements as public schools. The letter is asking that the Governor take this into consideration and the School Board wanted to make the Finance Committee aware that they had voted on this and plan to submit.

Councilor Gray stated that part of CARES Act funding is to support businesses and some of these private schools are businesses. The letter makes a distinction on the amount of funds directed to public vs. private schools, but it is important to consider what revenues a school is not going to get that they would have otherwise received and what expenses are they going to have that would not normally be covered by their budget. The state has provided millions of dollars of additional aid to public schools over the past few years, some of which was used for construction projects for Rochester Schools and to offset debt for the CTE Center. It is difficult to try and compare the amount of aid between schools and there are lots of options and choices for education.

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Councilor Lachance requested an example of a standard that a public school has to adhere to that a private school is not required to meet. School Board Chair Lynch referenced differences in reporting requirements and will follow up with further details.

#### **42 City Clerk – Election Update & Discussion**

City Clerk Kelly Walters gave an update on the new satellite location at the Community Center for absentee ballots. There is adequate distancing and it has been very successful. They have mailed 3,080 ballots so far and they are keeping up with mailing the ballots each day. Additional signage is going up to help locate the back parking lot. The state is reimbursing approximately \$12,000 for the absentee ballots that were processed in the Primary Election through state election aid, and COVID-19 contingency funding is being utilized as needed for additional election purchases such as tents and printers. Plans will be finalized with moderators later this week including processing plans to accommodate absentee ballot requests received close to the election.

Councilor Walker asked if there is a deadline when absentee ballots are no longer mailed out.

City Clerk Walters answered that the deadline to return the ballot is 5pm on the day of the election and it is up to the voter to return it. If they request a ballot the day before the election we will mail them a ballot, but the deadline to return the ballot is by 5pm on election day.

Councilor Gray stated that ballots do not get mailed out on election day but can get mailed out the day prior, and if they are received via mail on election day then it could be returned that day in person by 5pm.

Mayor McCarley inquired about potential post office delays and if ballots were being sent to Manchester to be processed and then returned to Rochester for delivery.

City Clerk Walters replied that if the ballots are staying in Rochester that they are supposed to be separated and processed in Rochester. The Clerk's Office hand delivers the ballots to the local post office to be mailed and they have found them to be very helpful and timely. Staff at the local post office were running ballots over on the day of the last election to ensure that they were received on time.

Councilor Gray added that political mail receives a special tag to ensure that it receives priority in processing.

City Clerk Walters stated that they have received 1,300 absentee ballots already, so voters are doing a great job of returning them quickly.

Mayor McCarley inquired if there is adequate staffing for workers at the polls.

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City Clerk Walters answered that the moderators have been facilitating poll worker coverage and she has heard positive feedback that there are a lot of poll workers this year. She encourages anyone interested in volunteering to call.

Councilor Gray stated that you only have to be 17 years old to volunteer at the polls.

## **5. Reports from Finance & Administration**

### **5.1 Monthly Financial Report Summaries September 30, 2020**

#### **5.1 (a) September 30, 2020 Revenues**

#### **5.1 (b) September 30, 2020 Expenses**

Deputy City Manager Ambrose stated that the Waste Management Host Community Fees trended slightly lower than prior quarters but that was expected since they represented the April to June 2020 period, and the fees collected overall trended to budget. Now that the Rochester Neck Road has been accepted the increase to \$3.50 a ton will take effect on November 1<sup>st</sup> and those revenues will be reflected not in the next payment but the following payment.

## **6. Other**

Addressed under item # 4.1.

## **7. Adjournment**

Mayor McCarley **ADJOURNED** the Finance Committee meeting at 7:11 PM.

Respectfully Submitted,

Katie Ambrose, Deputy City Manager

**City of Rochester Planning Board**  
Monday October 5, 2020  
City Council Chambers  
31 Wakefield Street, Rochester, NH 03867  
*(These minutes were approved on November 2, 2020)*

Members Present

Nel Sylvain, *Chair – arrived at 7:31pm*  
Mark Collopy, *Vice Chair*  
Peter Bruckner  
A. Terese Dwyer  
Tim Fontneau  
Daniel Rines  
Robert May  
Mark Sullivan  
Dave Walker

Members Absent

Alternate Members Present

Paul Giuliano  
Donald Hamann  
Lance Whitehill

Staff: Shanna B. Saunders, *Director of Planning & Development*  
Seth Creighton, *Chief Planner*  
Crystal Galloway, *Planning 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.)

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Mr. Collopy called the meeting to order at 7:00 p.m. and made the following statement:

Good Evening, as Chairperson of the Planning Board I am declaring that an emergency exists and I am invoking the provisions of RSA 91-A:2, III (b). Federal, state, and local officials have determined that gatherings of 10 or more people pose a substantial risk to our community in its continuing efforts to combat the spread of COVID-19. In concurring with their determination, I also find that this meeting is imperative to the continued operation of City government and services, which are vital to public safety and confidence during this emergency. As such, this meeting will be conducted without a quorum of this body physically present in the same location.

**a.) Providing public access to the meeting by telephone:** At this time, I also welcome members of the public accessing this meeting remotely. Even though this meeting is being conducted in a unique manner under unusual circumstances, the usual rules of conduct and decorum apply. Any person found to be disrupting this meeting will be asked to cease the disruption. Should the disruptive behavior continue thereafter, that person will be removed from this meeting. The public can call-in to the below number using the conference code. This is currently set to allow the public to "listen-in" only, there will be no public comment taken during the meeting.

**Phone number: 857-444-0744**  
**Conference Code: 843095**

**b.) Public Access Troubleshooting:** If any member of the public has difficulty accessing the meeting by phone, please email [crystal.galloway@rochesternh.net](mailto:crystal.galloway@rochesternh.net) or call 603-335-1338.

Please note that all votes that are taken during this meeting shall be done by Roll Call vote.

Let's start the meeting by taking a Roll Call attendance. When each member states their name and ward, also please state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law. Additionally, Planning Board members are required to state their name each time they wish to speak.

The Planning Secretary conducted the roll call. All Planning Board members were present with the exception of Mr. Rines, Ms. Dwyer, and Mr. Sullivan who were excused. In addition, all Planning Board members indicated that they were alone in the location from which they were connecting remotely.

### III. Seating of Alternates

Mr. Giuliano voted in place of Mr. Sylvain until his arrival.

### IV. Communications from the Chair

Mr. Sylvain explained how the in-person meetings will be held and how, in order to keep social distancing he will split up Board members into an in-person group and an at-home group that will then swap each month.

### V. Approval of Minutes

*A motion was made by Mr. Walker and seconded by Mr. May to approve the September 21, 2020 meeting minutes. The motion carried unanimously by a roll call vote.*

### VI. Consent Agenda

#### A. Prep Partners Group, LLC, 0 Innovation Drive

#### B. EIP Communications I, LLC, 133 Blackwater Road

*A motion was made by Mr. Walker and seconded by Mr. Sullivan to approve the consent agenda. The motion carried unanimously by a roll call vote.*



## VII. New Applications

### A. Dance Dynamics

Mr. Collopy recused himself from this application.

*A motion was made by Mr. Walker and seconded by Mr. Sullivan to nominate Mr. May to fill in as acting Chair for this application. The motion carried unanimously by a roll call vote.*

Applicant Jaime Hebert explained the former use of the space she is renting for her dance studio. She said she has requested a waiver for parking and explained there is onsite parking as well as offsite parking around the corner.

Mr. May asked if there was any input for the public hearing. There was none; Mr. Sylvain brought the discussion back to the Board.

Ms. Saunders explained the use is classified as indoor recreation which requires a conditional use permit. She said staff recommends the Board accept the application as complete and approval. Ms. Saunders explained the three general conditions of approval.

Mr. Walker asked how many students the applicant proposes to have. Ms. Hebert explained there will be six in each class right now due to the COVID-19 restrictions but normally there are ten.

Mr. Giuliano asked what the hours of operation will be. Ms. Hebert said the hours are 4:00pm to 9:00pm but could have classes during the day if she opens up home school classes or mommy-me classes.

Mr. Fontneau said he believes this a great use for the space and is glad to see something additional happening in the building.

*A motion was made by Mr. Walker and seconded by Ms. Dwyer to accept the application as complete and close the public hearing. The motion carried unanimously by a roll call vote.*

*A motion was made by Mr. Walker and seconded by Ms. Dwyer to approve the parking waiver and conditional use permit with the conditions specified. The motion carried unanimously by a roll call vote.*

### B. Hope on Haven Hill, Inc., 326 Rochester Hill Road

Scott Lawler of Norway Plains Associates presented the site plan to construct a 24' x 36' building that will be utilized as a multi-purpose space for staff and patrons of Hope on Haven Hill.

Mr. Lawler explained there will not be an increase in the number of employees or the occupancy of residents. He went on to say they will be reconstructing and re-paving the driveway and parking lot.

Mr. Collopy asked if there was any input for the public hearing. There was none; Mr. Sylvain brought the discussion back to the Board.

Ms. Saunders said staff recommends the Board accept the application as complete.

Mr. Fontneau said this is an important project for the City as the applicant has done great things. He asked if the proposed barn will be designed to replicate an older barn so that it fits with the property. Applicant Kerry Norton said the building was designed to replicate the barn that was taken down last fall.

*A motion was made by Mr. Walker and seconded by Ms. Dwyer to close the public hearing and accept the application as complete. The motion carried unanimously by a roll call vote.*

*A motion was made by Mr. Walker and seconded by Ms. Dwyer to approve the site plan application with the conditions cited. The motion carried unanimously by a roll call vote.*

### **C. Pella Windows and Doors of New England, 109 Airport Drive**

Scott Lawler of Norway Plains Associates presented the site plan and conditional use permit to construct a 24,000 square foot building for a distribution warehouse and executive offices. He said they are seeking a parking waiver to allow 43 spaces when 51 are required due to the number of employees and nature of the business.

Mr. Lawler explained the traffic that will be entering the site. He said they expect two to three tractor trailer trucks entering and exiting the site over the course of a week.

Mr. Collopy asked if there was any input for the public hearing. There was none; Mr. Sylvain brought the discussion back to the Board.

*A motion was made by Mr. Walker and seconded by Ms. Dwyer to close the public hearing and accept the application as complete. The motion carried unanimously by a roll call vote.*

Ms. Saunders explained a conditional use permit is required and the applicant will be going before the Conservation Commission on October 28<sup>th</sup>. She said she recommends the Board approve the application contingent upon approval by the Conservation Commission.

Ms. Saunders said staff recommends granting the waiver for parking requirements. Ms. Saunders went over the recommended precedent and general conditions of the notice of decision.

Mr. Bruckner asked what the roof materials are. Mr. Lawler explained the roof will be light gray and will be a single pitch from front to rear.

Mr. Sullivan asked if impact fees are to be calculated at the time of approval so it's not a surprise to the applicant. Ms. Saunders said it will be added to the notice of decision.

Mr. Giuliano asked if the Planning Department will be working with the applicant regarding pedestrian traffic. Mr. Lawler explained they are not anticipating an issue with pedestrian traffic and tractor trailer traffic.

Mr. Collopy asked what type of lighting they will have for security. Mr. Lawler said they will have pole lights for the parking lot and wall mounted lights on the building.

There was a brief discussion regarding the need for crosswalks from the proposed parking lot to the building. The Board asked for a condition of approval to address this.

*A motion was made by Mr. Walker and seconded by Mr. Bruckner to approve the waiver request and the conditional use permit contingent upon approval by the Conservation Commission. The motion carried unanimously by a roll call vote.*

*A motion was made by Mr. Walker and seconded by Mr. Bruckner to approve the site plan application with the conditions as stated. The motion carried unanimously.*

### **VIII. Suggested zoning amendment - Murals**

Ms. Saunders explained the changes made from the comments at the last meeting. She said murals would be allowed in downtown commercial district, the highway commercial district, neighborhood mixed use district, office commercial district, and the granite ridge development district. Ms. Saunders said this includes the areas of Gonic and East Rochester as well.

She went on to explain how applicants submit applications and said anything within the historic district would be required to go before the Historic District Commission.

Mr. Sullivan asked about the section of the proposed ordinance that speaks to murals that contain vulgar, obscene etc images and how murals can be regulated but signs are not able to be regulated. There was a discussion regarding the First Amendment. It was the consensus of the Board to have the City's legal counsel at the workshop meeting to speak to this question.

Mr. Bruckner said he thinks the Arts and Culture Commission should be written into the Ordinance not just the Historic District Commission. He said the Board should keep in mind we want to enhance public space.

*A motion was made by Mr. Walker and seconded by Ms. Dwyer to table the discussion to the October 21, 2020 workshop meeting. The motion carried unanimously by a roll call vote.*

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## **IX. Other Business**

There was no other business to discuss.

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## **X. Adjournment**

*A motion was made by Mr. Walker and seconded by Mr. Collopy to adjourn at 8:09 p.m. The motion carried unanimously by a roll call vote.*

Respectfully submitted,

Crystal Galloway,  
*Planning Administrative Assistant II*

And

Shanna B. Saunders,  
*Director of Planning & Development*

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City Clerk's Office

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**Public Safety Committee  
Meeting Minutes  
October 21, 2020  
6:00 PM  
Council Chambers  
Meeting Conducted Remotely**

**Members Present**

Councilor Don Hamann, Chair  
Councilor Palana Belken  
Councilor Jeremy Hutchinson  
Councilor Chris Rice

**Members Absent**

Councilor Peter Lachapelle

**Others Present**

Michael Bezanson, PE, City Engineer  
Dan Camara, GIS Asset Mgmt. Tech.  
Gary Boudreau, Deputy Police Chief  
Tim Wilder, Fire Marshall  
Jennifer Marsh, Economic Development

Councilor Hamann brought the Public Safety Committee meeting to order at 6:00PM and he read the following statement:

**Good Evening, as Chairperson of the Public Safety Committee, I am declaring that an emergency exists and I am invoking the provisions of RSA 91-A:2, III (b). Federal, State, and local officials have determined that gatherings of 10 or more people pose a substantial risk to our community in its continuing efforts to combat the spread of COVID-19. In concurring with their determination, I also find that this meeting is imperative to the continued operation of City government and services, which are vital to public safety and confidence during this emergency. As such, this meeting will be conducted without a quorum of this body physically present in the same location.**

**a.) Public Input: Due to the ongoing situation with COVID-19, the City of Rochester will be taking extra steps to allow for public input, while still ensuring participant safety and social distancing. In lieu of attending the meeting, those wishing to share comments, when permitted, with the Public Safety Committee (Public Hearing and/or Workshop settings) are encouraged to do so by the following methods:**

- **Mail: Public Safety Committee, Rochester DPW 45 Old Dover Road Rochester, NH 03867 (*must be received at least three full days prior to the anticipated meeting date*)**
- **Email: [laura.miller@rochesternh.net](mailto:laura.miller@rochesternh.net) (*must be received no later than 4:00 pm of meeting date*)**
- **Voicemail: 603-335-7569 (*must be received no later than 12:00 pm on said meeting date in order to be transcribed*)**

**Please include with your correspondence the intended meeting date for which you are submitting. *All correspondence will be included with the corresponding***

**meeting packet (Addendum).**

In addition to the above listed public access information, the City Council will be allowing the public to enter Council Chambers and speak in person during the Public Input portion of this meeting. In an effort to adhere to CDC guidelines; enter only at the front Wakefield Street entrance and exit on the side closest to the police department and adhere to 6-foot social distancing while inside. Hand sanitizer and facemasks will be available at the Wakefield Street entrance. Participants will be admitted into Council Chambers one at a time to speak, and will exit directly thereafter. Please note; the seating in Council Chambers will not be available for the public during meetings.

At this time, I also welcome members of the public accessing this meeting by phone. The public can call-in to the below number using the conference code. This meeting will be set to allow the public to “listen-in” only and there will be no public comment taken via conference line during the meeting.

Phone number: 857-444-0744      Conference code: 843095

b.) **Roll Call:** Please note that all votes that are taken during this meeting shall be done by Roll Call vote.

Let’s start the meeting by taking a Roll Call attendance. When each member states their name (and/or ward), also please state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law. (Additionally, Council members are required to state their name and ward each time they wish to speak.)

Let’s start the meeting by taking a Roll Call attendance. When each member states their name and ward, also please state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law. Additionally, Committee members are required to state their name and ward each time they wish to speak.

Councilor Jeremy Hutchinson	Ward 1 Present
Councilor Chris Rice	Ward 5 Present (Council Chambers)
Councilor Palana Belken	Ward 2 Present
Councilor Don Hamann	Ward 5 Present (Council Chambers)

### 1. Public Input

There were no members of the public present for public input.

### 2. Hillcrest and Sunset Drive-Speeding Issues

Councilor Hamann summarized the issue. Deputy Chief Boudreau said this was a follow-up from last month’s meeting. Unfortunately, the data from the speed trailer was not available for discussion at the meeting; the server that they use is cloud-based and the data inaccessible due to a server issue. He stated that he had tried all afternoon to access the data and that as soon as he can get the data he will sent it to the Committee members. ***This item was kept in committee until next month.***

### 3. **Gonic Road/Oak Street and Colby Street Intersection-Turning Movement**

Councilor Hamann summarized the issue. Mr. Bezanson stated this was a follow up from last month. Mike Dugas of NHDOT spoke at last month's meeting and spoke a bit about this issue. Mr. Bezanson said that the NHDOT was scheduled to receive data regarding the traffic signal timing; he said he hadn't heard yet from NHDOT whether they had collected the data, completed their analysis, or made any changes to the traffic signal timing. He stated that he suspected he would have more information to report back to the Committee next month. ***This item was kept in committee until next month.***

### 4. **Speeding Concerns-Cemetery Road**

Councilor Hamann summarized the issue. This was a follow-up from last month. Deputy Chief Boudreau again stated that he could not pull data from the speed trailer due to server issues. ***This item was kept in committee until next month.***

### 5. **Old Milton Road (backside of Dunkin Donuts)-Safety Concerns**

Councilor Hamann summarized the issue. Mr. Bezanson said DPW has been working on a plan that the City could implement with striping and marking in the public right-of-way. Once the plan is presented to the management of Dunkin Donuts, DPW will attempt to get the markings down on the pavement before winter; otherwise the striping and marking will need to wait until spring. ***This item was kept in committee until next month.***

### 6. **Pleasant Street-Requesting a Barrier by the Railroad Tracks**

Councilor Hamann summarized the issue. He stated that he had talked to Councilor Lachapelle regarding this request. There are two concrete barriers that already exist at the end of Pleasant Street. Councilor Rice said the City does not own the railroad tracks and something would have to be coordinated with the railroad company. Mr. Bezanson reiterated that it is not the City's right-of-way. Councilor Hamann said there is not much that can be done with this. Mr. Bezanson said the barriers were designed to prevent vehicles from ending up on the tracks not to prohibit any pedestrian movement. Councilor Rice said that the Police Department is already working hard, but maybe random patrols throughout the day could be done. Deputy Chief Boudreau did say it was private property and that the railroad company does call them often when they see activity in the area. This is an area of concern for the Police Department; there is a lot of foot traffic and they do monitor the tracks. Councilor Hamann said it seems like the police are already doing what they can in the area. Deputy Chief did say he would follow up with the officers that monitor this area and will have them pay close attention to Pleasant Street area in particular.

### 7. **Chamberlain/Franklin Street Intersection-Requesting "Do Not Block Intersection" Sign**

Councilor Hamann summarized the issue. Brian Brown is a crossing guard at the Chamberlain/Franklin Street Intersection for the school. He is concerned about

the intersection for when parents and school buses are waiting for the school to open, blocking through traffic in the intersection (vehicles that are not waiting for school, including emergency vehicles). He is requesting a sign or painted box in the roadway "Do Not Block Intersection". Councilor Hamann said this seems like a similar problem to the problem by the McClellan School. Deputy Chief Boudreau said he agrees with Councilor Hamann; there is more excessive traffic due to the pandemic. More parents are bringing their kids to school. He said it should be common knowledge not to block an intersection; some think they can make it and then end up blocking the intersection. Councilor Rice suggested painting "Do Not Block Intersection" on the pavement like in front of the driveway to the new Citizens Bank on North Main Street. Mr. Bezanson said the situation on North Main Street is a completely appropriate use of a "Do Not Block" box as it is an approach to a signal and traffic stopping for red lights will have a potential to block a driveway. The Chamberlain and Franklin Street Intersection is a four-way stop. Typically, treatment in an intersection is to put a white box and to have a sign stating "Do Not Block Intersection"; however, this is usually implemented when stop signs appear on the side streets and a traffic signal could back up traffic through the intersection. Because the Chamberlain/Franklin intersection is a four-way stop, Mr. Bezanson stated that he wouldn't recommend doing anything in this area. Councilor Rice said there is an issue with traffic blocking intersection. He says it's a problem that needs to be addressed. Councilor Hamann said it is taking place about 20 minutes in the morning and 20 minutes in the afternoon during school day; he said with a four-way stop it is just common sense not to go through if you can't get all the way across. Councilor Belken said she agrees with Chair Hamann about the four-way stop; don't go through it if you can't fit without blocking the intersection. Councilor Hutchinson said there is a four-way stop; it should be pretty obvious what to do and if we go ahead and put a sign or painted box here, we are setting a precedent for other areas like this. No action taken.

#### **8. Church Street/Route 125 Intersection-Safety Concerns**

Councilor Hamann summarized the issue. A resident of Church Street sent an email to the City Manager's office saying they have lived at 67 Church Street for 25 years and have had experienced many dangerous accidents at the intersection. Many are landing onto their property causing great concern when they are out mowing their lawn. There are 2 stop signs that are ignored by the majority of vehicles passing through. At least 10 times a day they are hearing horns blowing then they wait for the crash. They are requesting jersey barriers or a guardrail to protect them on their property. Councilor Rice asked Deputy Chief Boudreau if the Police Department had any data related to whether motorists are stopping at the stop signs in this area. Deputy Chief Boudreau said they don't have any data regarding whether motorists are stopping at the stop signs; most of the accidents are at the Route 125 intersection not back at the stop sign on Church Street. He can get data and bring it back to the Committee next month. He stated there have been some serious accidents at the Route 125/Church intersection over the years. He said the speed limit is 50 mph so they are traveling in the 55 mph range. Councilor Rice asked Mr. Bezanson what kind of work would have to be done to



put a blinking light in the area to warn drivers coming off from Church Street. Mr. Bezanson said they have a meeting scheduled with NHDOT in early November to go over some concerns with intersections within the City. They have an opportunity to bring this up; and, if it is not already on the list, can be added to the conversation on this day. He will plan to report back next month regarding NHDOT's reaction to what it would take or potentially other recommended safety mitigation ideas for the area. Councilor Hutchinson asked Mr. Bezanson if he could share with the Committee what the intersections with safety concerns are. Mr. Bezanson said they are using the Transportation Master Plan as a guide and he can forward a list to the Committee and will report back next month after they meet with NHDOT. ***This item was kept in committee until next month.***

#### **9. Discussion Regarding "15 Minute Parking" signs Downtown**

Councilor Hamann summarized the issue. Councilor Rice said he brought this up to the Economic Development team since the outdoor dining will end soon because of the cold weather. He is looking to get signs placed for 15 minute parking, 1 out on North Main Street and 2 or 4 in the Union Street municipal parking lot, so they can capitalize on the "to go" aspect of dining out since there won't be any outdoor dining in the coming months. Councilor Belken likes the idea, thinks that 20 to 30 minutes might be better than 15 minutes, for those visiting other businesses not necessarily "to go" dining, but still planning on using a parking space for a short duration. Councilor Rice said they were thinking a 15 minute parking spot on North Main Street and 30 minute spaces in the municipal parking lot. Councilor Hutchinson likes the idea and wants to know what the enforcement policy would look like. Deputy Chief Boudreau said anything you put a time limit on needs to be monitored; currently the parking enforcement officer works part-time either 28 or 30 hours per week Monday through Friday. In the scope of all calls this would be a lower priority call; it wouldn't be a top priority call. Enforcement on off hours would be low priority. Councilor Hutchinson asked Deputy Chief Boudreau what the violation was for violating a parking time limit. Deputy Chief Boudreau said he believes the ticket is fifteen dollars. Councilor Rice asked Councilor Chief Boudreau if the enforcement officer works 8 AM to 5 PM Monday through Friday. Deputy Chief Boudreau said the officer's hours are generally 8:30 AM to 4 PM. Councilor Rice said he was in favor of extending one spot for a "to go" spot to help the small businesses, especially out back in the municipal parking lot. He doesn't think much emphasis would need to be placed on enforcement if 4 spots were designated out back in the municipal parking lot for 30 minute parking, but understands and respects Councilor Hutchinson's opinion on enforcement. Councilor Hamann said his biggest enforcement concern would have to be at dinner time in the evening. Councilor Hutchinson said he likes the idea, but it is only as effective as far as it can be enforced. Councilor Rice will follow up with Ms. Marsh. ***This item was kept in committee until next month.***

#### **10. E911 Update**

Councilor Hamann summarized the issue. Assistant Chief Wilder said they had a couple of things take place. Effective last Friday, two addresses on Tebbetts Road

were changed; #41 and #35 were changed to #1 and #15 Blaine Court with the consent of the owners. The Rochester Neck Road changes will take effect on November 2nd.

### **11. Emergency Management**

Assistant Chief Wilder said there was nothing to report this month regarding emergency management.

### **12. COVID-19 Statistics Update**

Assistant Chief Wilder said currently in the City of Rochester there are 6 confirmed COVID-19 cases, statewide there are 9,828 since the beginning of the pandemic and the number of current cases is 824, with 16 of them being hospitalized. Rapid testing has been opened up for first responders; they can get test results in 10 to 15 minutes. Councilor Rice asked Assistant Chief Wilder if they had any City staff out on COVID-19 leave or showing any symptoms. Assistant Chief Wilder said he could only speak for the Fire Department and that they have 0 confirmed cases and no one out on COVID-19 leave. Deputy Chief Boudreau said that PD did not have anyone out on COVID-19 leave at this time; they did have a situation with an employee who contracted COVID-19 off duty and did have some employees quarantined for safety precautions, but are all back to work now and the employee that had COVID-19 is doing fine.

### **13. Other**

#### **Crosswalk Signage on Portland Street near the School**

Mr. Bezanson said that DPW received a request from the School Department to place signage on Portland Street in the area of the School Street crosswalk. He stated that this was one of the areas that was updated last year with all the school zones signs. DPW has placed one of the portable pedestrian signs at this crosswalk and hopefully this will alleviate some of the concerns in the area.

#### **North Main Street Municipal Lot - One-Way Traffic**

Mr. Bezanson said that they are preparing to advertise for bids the rapid rectangular flashing beacon (RRFB) and lighting project for North Main Street. In conjunction with this project and the Citizens Bank redevelopment of the lot adjacent to the municipal lot, DPW is proposing one-way traffic flow through the municipal lot across the street from the Lilac City Grille. The driveway closest to the bridge would be the entrance and the exit would be from the driveway closest to the new Citizens Bank. DPW would install appropriate signage and paint directional arrows in the lot. The City's design consultants for the RRFB project agree that this would be a safety improvement for the area. Councilor Hamann said he thinks that this a good idea and that this is how he uses the parking lot now. Councilor Rice said that this is also how he uses the lot and would be in favor of it. Deputy Chief Boudreau asked whether DPW looked at the entrance and exit in the opposite direction, stating that vehicles making a left turn into the lot could block pedestrian traffic in the crosswalk. Mr. Bezanson said that is one drawback. Exiting the lot further from the bridge would be a benefit; exiting and not making a

right hand turn into the crosswalk is another. The RRFB project will add lighting and a flashing beacon to increase safety at the crosswalk.

***Councilor Rice made a motion to follow the recommendation of DPW to make the North Main Street municipal parking lot one-way access with traffic entering in the northern driveway closest to the bridge and exiting from the driveway closest to the new Citizens Bank. Councilor Belken seconded the motion. A Roll Call vote was taken on the motion.***

***Councilor Hutchinson Ward 1 Yes***  
***Councilor Rice Ward 5 Yes***  
***Councilor Belken Ward 2 Yes***  
***Councilor Hamann Ward 5 Yes***

### **Parking Tickets-Downtown**

Councilor Rice asked Deputy Chief Boudreau what page of the Police Department's monthly report contained the amount of parking tickets were issued in the downtown or how many times the parking enforcement officer was out on the street. Deputy Chief Boudreau said it is not something that PD typically tracks in the comstat report, but that he could work on getting some data on that though.

### **"15 Minute Parking Sign"**

Jennifer Marsh joined the meeting, apologized for being late to the meeting, but stated that she was available to answer any questions regarding the 15 minute parking sign proposal. Councilor Rice said to Ms. Marsh that the primary question was how any signage downtown would be enforced. He said he would go over the information with her off line and asked if she had anything to add. Ms. Marsh said that Councilor Rice and the City Manager reached out and asked her to get information from the businesses downtown about this. Some of the businesses wanted the signage; some didn't want it located near their business. Some also raised the question of enforcement. Ms. Marsh mentioned that some responsibility for the enforcement of these signs could be on the businesses themselves. Deputy Chief Boudreau said that they do receive calls from businesses regarding the two hour parking limits that are currently in place. Further parking restrictions could be difficult to enforce even if called by the businesses because other calls, such as domestic or accidents, would take higher priority and it could be more than 15 or 30 minutes before an officer could respond.

Councilor Hamann adjourned the meeting at 6:51PM.

These minutes were respectfully submitted by Laura J. Miller, Admin Assistant II

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City Clerk's Office

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**Public Works and Buildings Committee**  
**City Hall Council Chambers**  
**Meeting Minutes**  
**October 15, 2020**

**MEMBERS PRESENT**

Councilor David Walker, Chairman  
 Councilor Jim Gray- Vice Chairman  
 Councilor Don Hamann  
 Councilor Chris Rice  
 Councilor Doug Lachance

**OTHERS PRESENT**

Blaine M. Cox, City Manager  
 Peter C. Nourse PE, Director of City Service  
 Daniel Camara, GIS / Asset Management

**MINUTES**

Councilor Walker read the following statement:

Good Evening, as Chairperson of the Public Works Committee, I am declaring that an emergency exists and I am invoking the provisions of RSA 91-A:2, III (b). Federal, state, and local officials have determined that gatherings of 10 or more people pose a substantial risk to our community in its continuing efforts to combat the spread of COVID-19. In concurring with their determination, I also find that this meeting is imperative to the continued operation of City government and services, which are vital to public safety and confidence during this emergency. As such, this meeting will be conducted without a quorum of this body physically present in the same location.

a.) **Public Input:** Due to the ongoing situation with COVID-19, the City of Rochester will be taking extra steps to allow for public input, while still ensuring participant safety and social distancing. In lieu of attending the meeting, those wishing to share comments, when permitted, with the Public Works Committee (Public Hearing and/or Workshop settings) are encouraged to do so by the following methods:

- **Mail:** Public Works Committee, Rochester DPW 45 Old Dover Road Rochester, NH 03867 (*must be received at least three full days prior to the anticipated meeting date*)
- **Email:** [lisa.clark@rochesternh.net](mailto:lisa.clark@rochesternh.net) (*must be received no later than 4:00 pm of meeting date*)
- **Voicemail:** 603-335-7572 (*must be received no later than 12:00 pm on said meeting date in order to be transcribed*)

Please include with your correspondence the intended meeting date for which you are submitting. *All correspondence will be included with the corresponding meeting packet*

*(Addendum).*

In addition to the above listed public access information, **the City Council will be allowing the public to enter Council Chambers and speak in person during the Public Input portion of this meeting.** In an effort to adhere to CDC guidelines: enter only at the front Wakefield Street entrance and exit on the side closest to the police department and adhere to 6-foot social distancing while inside. Hand sanitizer and facemasks will be available at the Wakefield Street entrance. Participants will be admitted into Council Chambers one at a time to speak, and will exit directly thereafter. Please note; the seating in Council Chambers will not be available for the public during meetings.

At this time, I also welcome members of the public accessing this meeting by phone. The public can call-in to the below number using the conference code. This meeting will be set to allow the public to “listen-in” only, and there will be no public comment taken via conference line during the meeting.

Phone number: 857-444-0744      Conference code: 843095

b.) **Roll Call:** Please note that all votes that are taken during this meeting shall be done by Roll Call vote.

Let’s start the meeting by taking a Roll Call attendance. When each member states their name (and/or ward), also please state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law. (Additionally, Council members are required to state their name and ward each time they wish to speak.)

The roll call:

<i>Councilor Lachance</i>	<i>Ward 1</i>	<i>Present</i>
<i>Councilor Rice</i>	<i>Ward 5</i>	<i>Present</i>
<i>Councilor Hamann</i>	<i>Ward 5</i>	<i>Present</i>
<i>Councilor Gray</i>	<i>Ward 6</i>	<i>Present</i>
<i>Councilor Walker</i>	<i>Ward 3</i>	<i>Present</i>

#### 1. **Public Input**

Councilor Walker asked if there were any members at City Hall waiting to speak. There were none.

#### 2. **FY21Recommended Pavement Program:**

Mr. Nourse explained that the \$1 Million of funding for the FY2021 Paving Rehabilitation funds is in the process of being appropriated. He stated that this program was originally cut from the FY2021 Budget due to concerns for City Revenue shortfalls related to the Covid 19 Pandemic. Mr. Nourse stated that the appropriation should be completed at the November 10, 2020 City Council Meeting and that he is seeking approval of the streets to be paved. He displayed the list on the monitor (ATTACHED) and asked that the Committee review and approve the streets as presented. Mr. Nourse explained that the last street on the list is Betts Road and will be completed if there is sufficient funding left from the FY2020 paving plan that has not been billed out in full.

***Councilor Hamann made a motion to recommend that the full City Council approve the submitted streets for paving. The Streets included are sections or the entirety of the following streets; Chamberlain, Dartmouth, Edgewood, Nature, Sunset, Hobart, Crow Hill, Anctil, Norman, Ramsey, Donald, Four Rod, Phillips, Walbridge, Yale, Bickford and Betts Road to be added if funding is sufficient. Councilor Rice seconded the motion.***

Councilor Gray asked the director if the Covid-19 Pandemic has resulted in any increase or decrease in paving costs. Mr. Nourse state that he would look into that and get back to the Committee. Councilor Gray discussed the School Department parking lots and the Creteau Tech Center funds available. Mr. Nourse stated that the School Department will can use the DPW Paving Contract and their own funding to complete their project. Councilor Gray advised the Committee that the School Department will likely need a supplemental appropriation if they are to pave both of the lots in the area.

**A Roll Call Vote as follows:**

<b><i>Councilor Lachance</i></b>	<b><i>Ward 1</i></b>	<b><i>Yes</i></b>
<b><i>Councilor Rice</i></b>	<b><i>Ward 5</i></b>	<b><i>Yes</i></b>
<b><i>Councilor Hamann</i></b>	<b><i>Ward 5</i></b>	<b><i>Yes</i></b>
<b><i>Councilor Gray</i></b>	<b><i>Ward 6</i></b>	<b><i>Yes</i></b>
<b><i>Councilor Walker</i></b>	<b><i>Ward 3</i></b>	<b><i>Yes</i></b>

**3. Energy Savings – Capital Improvement Projects**

Mr. Nourse disused the DPW Departments efforts to obtain rebates and incentives from Eversource as part of the NH Saves Energy Efficiency Programs. He explained that he wanted to keep the City Council informed of the Department’s commitment to receiving these funds. He stated that as part of new building projects or new equipment purchases the City meets with Eversource and their consultant to review the efficiencies that will be achieved as part of the project and they determine rebates and incentives based on those efficiencies. Mr. Nourse displayed a listing (ATTACHED) of projects that showed that the City has received approximately \$411,000 for several projects. He described the 2017 City Wide LED Lighting Project that had a CIP cost of approximately \$350,000. He stated that the project cost were to replace Cobra Head light fixtures on all City Streets with LED fixtures. He explained that with the \$50,000 rebate from Eversource and the estimated \$80,000 in annual lighting cost savings, this project had a 4 year pay back. Mr. Nourse explained that staff had also worked on updating current City Buildings with LED lighting and other efficiencies to obtain rebates and incentives. He stated that these projects are also shown in the spreadsheet.

**4. DPW Facility Update.**

Mr. Nourse stated that the new DPW facility is at about 20% completed with buildings and materials stored on site. He Displayed picture of the work in progress. (ATTACHED PHOTOS). Mr. Nourse stated that this Committee had requested an onsite meeting to be conducted in October. He asked if the members were available on October 21, 2020.

Councilor Walker suggested that 4PM would work. All Committee members stated their intent to attend at 4PM on October 21, 2020.

##### **5. Amarosa Drive / Milton Road/ Salmon Falls Intersection & Utility Improvements**

Mr. Nourse stated that the news had reported about the new manufacturing facility to be located on Amarosa Drive. Mr. Nourse explained that the City has previously considered the re-alignment of this intersection and that there had been studies and a conceptual design for the intersection. He stated that a re-alignment to a "T" intersection was recommended at the time. Mr. Nourse stated that although it was the City's desire to upgrade this intersection, now, due to the new facility, it is a high priority. He explained that the preliminary estimates for the re-alignment were approximately \$1 million. Mr. Nourse explained his concerns that the previous concept may not be sufficient to accommodate the level of traffic estimated for the new facility. Mr. Nourse stated there is no current funding for this project and in order to complete the needed traffic study and to design based on the proposed impacts, it will require a supplemental appropriation for the project. He stated that the developer is making a contribution to the improvements and he will defer to the Finance Department for a recommendation of the funding source, bonding or fund balance. Councilor Gray suggested an appropriation to get the engineering started.

***Councilor Gray made a motion to recommend that the full Council approve a supplemental appropriation of \$200,000 from a source recommended by the Finance Department. The motion was seconded by Councilor Rice.***

Councilor Lachance asked the Director to explain the needs of the new facility. Mr. Nourse stated that there are a lot of unknowns at this time and that he will be setting up a meeting soon with our engineers and theirs to determine the impacts and scope of improvements necessary. He stated he knows that this area will require a sewer extension and water improvements and he explained that he had just received the information regarding the number employees coming and going through the intersection per day. He said that recent information estimated 300 employees per each of three shifts, which could amount to as many as 1000 vehicles per day. Mr. Nourse stated that our consultant has been assisting us without billing at this time, but we will need funds to get the traffic study completed, the project scope laid out and to start design. Councilor Lachance suggested holding off on the supplemental appropriation until the impacts are more fully understood. Councilor Gray stated that regardless of what type of business goes into that facility the intersection has had issues since back in the Cabletron days and will need to be addressed. Councilor Rice asked if the State of NH would need to be involved. Mr. Nourse stated that NH DOT would need to be involved once the concept and design process begins. There was discussion as to whether the City Council should send this to the Finance Committee or the have the full City Council decide at the November meeting.



**Roll Call Vote on the above motion:**

<i>Councilor Lachance</i>	<i>Ward 1</i>	<i>NO</i>
<i>Councilor Rice</i>	<i>Ward 5</i>	<i>Yes</i>
<i>Councilor Hamann</i>	<i>Ward 5</i>	<i>Yes</i>
<i>Councilor Gray</i>	<i>Ward 6</i>	<i>Yes</i>
<i>Councilor Walker</i>	<i>Ward 3</i>	<i>Yes</i>

**6. Inflow & Infiltration**

Mr. Nourse explained the difference between Inflow and Infiltration (I/I). These terms describe the methods of penetration of stormwater (SW) and groundwater (GW) into the City's sewer system. That water is then sent to our Wastewater Treatment Facility (WWTF) for treatment via the system. He explained that the "clean" SW & GW is then treated at our WWTF as if it was sewerage and adds significant treatment cost to the sewer rate payer. Mr. Nourse stated that we estimate that cost to be as much as \$450,000 annually. He explained that aged and cracked sewer pipes allow "infiltration" into our system, and when stormwater from sump pumps, foundation drains, roof leaders or other stormwater is directly piped to our system it is considered "inflow". Mr. Nourse stated that this Inflow from homes or businesses is prohibited by City Ordinance and he stated that the elimination of the I/I may be mandated by the Environmental Protection Agency (EPA) as part of future permits. Mr. Nourse stated that we believe that up to 55% of the flow going to the WWTF is clean GW & SW. Mr. Nourse described the methods used to determine this percentage and he stated that he had consulted with Exeter NH and found that their system estimate was similar. Mr. Nourse described the steps that Exeter had used to identify that 70% of the I/I issues in Exeter were on the private property (Inflow) and 30% on the municipal side (Infiltration). Mr. Nourse explained Exeter's initiatives at isolating areas of Inflow and the efforts used and incentives given while working with private property owners to remove the illicit connections to the sewer system. Mr. Nourse stated that he will be discussing this more and that there was no action needed at this time, but he would like to keep the City Council informed that DPW will continue to prioritize the project to reduce the infiltration of SW & GW into our sewer systems. He cited CIP Infiltration Projects that are in the process such as the 2021 Woodman / Myrtle St. Reconstruction, the 2024 Winter St. Area Project, the 2025 Rochester Hill Road Project and the 2026 Linden St/King Street Area I/I projects. Mr. Nourse stated that the Inflow problem will be the most difficult to work through and education of the public will be important. He stated the flyer going out with the Utility Bills and a previous letter sent to the new sewer users in the Colonial Pines Project are a start to this process. He stated that funds have been appropriated for a city-wide Sewer Master Plan. The consultant selected for this project will guide us through the process of isolating and removing the illicit connections. Other Communities that have been working on this stated that this is a long-term and continually challenging process and that public awareness, education and support from the Governing Body is key to the success of the program.

## 7. Other

**78 Wakefield Street** – Councilor Lachance asked the Director if he was aware of the sewer issue at 78 Wakefield Street. Mr. Nourse state he was not. Councilor Lachance understood.

**Downtown Comcast Project** – Councilor Lachance asked if the Director if he could confirm that the asphalt patches would be temporary and that the concrete sidewalks would be corrected. Mr. Nourse stated that the asphalt patches were temporary and the concrete sidewalks would be repaired and new concrete panels will be put in place.

**Linscott Court** – Councilor Lachance discussed abandoning this small and in his opinion rarely used street. He stated that he would like to give the roadway to the Grace Church as they own property on one side and lease property from Profile Bank on the other side. Councilor Rice asked what the benefit would be to the Church. Councilor Lachance stated that the Church could then expand their campus. Councilor Hamann asked if there were any driveways off from the street. Councilor Lachance said there were not. He stated that the Church driveway was located on Wakefield Street with an outlet onto Linscott. Councilor Gray suggested if we were to entertain this idea, he would want to see the property combined into the existing lots. Councilor Lachance stated that it would require an easement for water and sewer as well. The Committee discussed that this road is used as a cut through and that there are alternate and safer routes for vehicle traffic to use. Councilor Lachance suggested adding this item to the next agenda for discussion. Councilor Walker stated that could be done. Councilor Gray stated he would like a formal request from the Church requesting the abandonment. He stated his assumption that ½ of the property would go to the church and ½ to the other abutting property, Profile Bank, and both properties would need lot line adjustment. Councilor Lachance stated that he would like to give it all to the Church. Councilor Lachance stated he would make a formal written request, and get it to the Committee, to abandon the street and donate it to the Church. Councilor Gray suggested that the letter should come from the Church.

Amarosa Drive – Councilor Gray asked about the cost of extending the sewer line and the what the water system needs might need. Mr. Nourse stated that the City Council will be discussing that at the October 20, 2020 City Council meeting

## 8. Non Public - RSA 91-A:3, II (c )

*At 7:53PM Councilor Lachance made a motion to go into Non Public Session and cited RSA 91-A:3 II (c). The motion was seconded by Councilor Rice.*

*A Roll Call Vote:*

<i>Councilor Lachance</i>	<i>Ward 1</i>	<i>Yes</i>
<i>Councilor Rice</i>	<i>Ward 5</i>	<i>Yes</i>
<i>Councilor Hamann</i>	<i>Ward 5</i>	<i>Yes</i>
<i>Councilor Gray</i>	<i>Ward 6</i>	<i>Yes</i>
<i>Councilor Walker</i>	<i>Ward 3</i>	<i>Yes</i>

*At 8:25 Councilor Lachance made a motion to return to Public session and to Seal the minute indefinitely due to affecting reputation or rendering a position ineffective. The motion was seconded by Councilor Rice.*

*A Roll Call Vote:*

<i>Councilor Lachance</i>	<i>Ward 1</i>	<i>Yes</i>
<i>Councilor Rice</i>	<i>Ward 5</i>	<i>Yes</i>
<i>Councilor Hamann</i>	<i>Ward 5</i>	<i>Yes</i>
<i>Councilor Gray</i>	<i>Ward 6</i>	<i>Yes</i>
<i>Councilor Walker</i>	<i>Ward 3</i>	<i>Yes</i>

*Councilor Lachance made a motion to adjourn at 8:25 pm. Councilor Rice seconded the motion.*

*A Roll Call Vote was taken:*

<i>Councilor Lachance</i>	<i>Ward 1</i>	<i>Yes</i>
<i>Councilor Rice</i>	<i>Ward 5</i>	<i>Yes</i>
<i>Councilor Hamann</i>	<i>Ward 5</i>	<i>Yes</i>
<i>Councilor Gray</i>	<i>Ward 6</i>	<i>Yes</i>
<i>Councilor Walker</i>	<i>Ward 5</i>	<i>Yes</i>

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

FY21 CIP Roadwork Assignments Recommended by Pavement Condition Index Program					
Roadway	Starting Cross Road	Ending Cross Road	Treatment	Estimated Cost	Runing Cost
Chamberlain	Portland	Franklin	FWM+2" overlay	\$91,764	\$91,764
Dartmouth	Sunset	Hillcrest	R/P	\$49,909	\$141,673
Edgewood	Sunset	Hillcrest	R/P	\$47,212	\$188,885
Nature	Sunset	Hillcrest	R/P	\$40,890	\$229,775
Sunset	Dartmouth	Nature	R/P	\$37,758	\$267,533
Hobart	NW End	Portland	R/P	\$20,184	\$287,717
Crow Hill	Spring	Green	FWM 2" OL	\$19,475	\$307,192
Anctil	Gonic	North End	Shim + 1" OL	\$11,493	\$318,685
Norman	NW End	Ramsey	R/P	\$36,888	\$355,573
Ramsey	Chesley Hill	Norman	R/P	\$20,329	\$375,902
Ramsey	Norman	North End	R/P	\$17,226	\$393,128
Donald	Chesley Hill	NE End	R/P	\$31,232	\$424,360
Four Rod Rd.	Sampson	Ten Rod	R/P	\$354,375	\$778,735
Phillips	South End	Flat Rock Bridge	R/P	\$24,621	\$803,356
Walbridge	SW End	Crimson	R/P	\$21,357	\$824,713
Walbridge	Crimson	Salmon Falls	R/P	\$15,309	\$840,022
Yale	Washington	Maple	R/P	\$37,497	\$877,519
Bickford	Dustin Homestead	Walnut	R/P	\$19,488	<b>\$897,007</b>
Betts	Cross	Milton Rd.	R/P	\$441,001	<b>\$1,338,008</b>

FY21 Appropriation: \$1M

Year	Division	Cost	Comments	Processing Date	Comment
2017	Eversource Incentive rebate	\$3,360.00	Public Buidings	12/19/2017	
2017	Eversource Incentive rebate	\$50,000.00	City Lights	9/19/2017	Lighting cost down Est 80K Annually, Project cost were \$350K total. Payback complete
2018	Eversource Incentive rebate	\$3,380.00	Public Buildings-downtown lights	5/8/2018	
2018	Eversource Incentive Rebate	\$5,170.00	WWTP-Mech Bldg	5/11/2018	
2018	Eversource Incentive rebate	\$710.00	WWTP -Admin Bldg	5/11/2018	
2018	Eversource Incentive rebate	\$425.00	WWTP: Grit Bldg	5/11/2018	
2019	Eversource Incentive rebate	\$700.00	WWTP - other	5/31/2019	
2019	Eversource Incentive rebate	\$74,435.00	Community Center	10/1/2019	
2020	Eversource Incentive rebate	\$56,000.00	WWTP - Automation System	9/30/2020	
2020	Eversource Incentive rebate	\$35,700.00	WWTP - Iris Valve install	9/30/2020	
2020	Eversource Incentive rebate	\$100,000.00	WWTP - Biosolids&Carbon Storage	Pending	
2020	Eversource Incentive rebate	\$82,000.00	DPW Facility	Pending	
		\$411,880.00			



















**Resolution Authorizing Supplemental Appropriation to the  
Department of Public Works (DPW) CIP Fund in the Amount of \$200,000.00 for the  
Milton Road/Amarosa Drive/Salmon Falls Road Intersection Improvement Project**

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

That the amount of Two Hundred Thousand Dollars (\$200,000.00) is hereby appropriated as a supplemental appropriation to the DPW CIP Fund for the purpose of paying costs associated with the Milton Road/Amarosa Drive/Salmon Falls Road Intersection Improvement Project. The funding for this supplemental appropriation shall be derived in its entirety from the General Fund Unassigned Fund Balance.

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

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City Clerk's Office

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**Resolution Authorizing Supplemental Appropriation to the  
Department of Public Works (DPW) CIP Fund in the Amount of \$1,000,000.00 for the FY  
2021 Paving Rehabilitation Program**

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

That the amount of One Million Dollars (\$1,000,000.00) is hereby appropriated as a supplemental appropriation to the DPW CIP Fund for the purpose of paying costs associated with the FY 2021 Paving Rehabilitation Program. The funding for this supplemental appropriation shall be derived in its entirety from the General Fund Unassigned Fund Balance.

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

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City Clerk's Office

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### 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**

[Empty box for Summary Statement]

**RECOMMENDED ACTION**

[Empty box for Recommended Action]



AGENDA BILL - FUNDING RESOLUTION

EXHIBIT

Project Name: [ ]

Date: [ ]

Fiscal Year: [ ]

Fund (select):

GF [ ] Water [ ] Sewer [ ] Arena [ ]

CIP [ ] Water CIP [ ] Sewer CIP [ ] Arena CIP [ ]

Special Revenue [ ]

Fund Type: Lapsing [ ]

Non-Lapsing [ ]

Deauthorization

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

Appropriation

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

Revenue

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

DUNS # [ ]

CFDA # [ ]

Grant # [ ]

Grant Period: From [ ]  
To [ ]

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

Reimbursement Request will be reduced [ ]

Funds will be returned [ ]

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City Clerk's Office

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**Resolution Authorizing Supplemental Appropriation to the  
Department of Public Works (DPW) CIP Fund in the Amount of \$250,000.00 for the FY  
2021 Sidewalk Replacement Program**

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

That the amount of Two Hundred Fifty Thousand Dollars (\$250,000.00) is hereby appropriated as a supplemental appropriation to the DPW CIP Fund for the purpose of paying costs associated with the FY 2021 Sidewalk Replacement Program. The funding for this supplemental appropriation shall be derived in its entirety from the General Fund Unassigned Fund Balance.

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

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City Clerk's Office

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

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

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

#### COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

#### DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

#### FINANCE & BUDGET INFORMATION

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

#### LEGAL AUTHORITY

--

**SUMMARY STATEMENT**

[Empty box for Summary Statement]

**RECOMMENDED ACTION**

[Empty box for Recommended Action]

AGENDA BILL - FUNDING RESOLUTION

EXHIBIT

Project Name: [ ]

Date: [ ]

Fiscal Year: [ ]

Fund (select):

GF [ ] Water [ ] Sewer [ ] Arena [ ]

CIP [ ] Water CIP [ ] Sewer CIP [ ] Arena CIP [ ]

Special Revenue [ ]

Fund Type: Lapsing [ ]

Non-Lapsing [ ]

Deauthorization

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

Appropriation

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

Revenue

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

DUNS # [ ]

CFDA # [ ]

Grant # [ ]

Grant Period: From [ ]  
To [ ]

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

Reimbursement Request will be reduced [ ]

Funds will be returned [ ]

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City Clerk's Office

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**Amendment to Chapter 200 of the General Ordinances of the City of Rochester Regarding Sewers**

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 as follows (deletions ~~struck out~~ additions in **RED**):

## Chapter 200 Sewers

**[HISTORY: Adopted by the City of Rochester 6-6-1995 as Ch. 16 of the 1995 Code. Amendments noted where applicable.]**

### GENERAL REFERENCES

Building construction and property maintenance — See Ch. 40.

Health and sanitation — See Ch. 94.

Stormwater management — See Ch. 218.

Water — See Ch. 260.

### Article I Sewer Use

#### § 200-1 Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

#### **ACT OR “THE ACT”**

**The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. Section 1251, et seq.**

#### **BEST MANAGEMENT PRACTICES (BMPs)**

**Schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed under Section 200-3 (A) and Section 200-16 (C)(1) & (3) [40 C.F.R. 403.5 (a)(1) and (b)]. BMPs include treatment requirements, operating procedures to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.**

#### **BIOCHEMICAL OXYGEN DEMAND (BOD)**

The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20° C., expressed in milligrams per liter.

#### **BUILDING DRAIN**

That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

**BYPASS**

The intentional diversion of waste streams from any portion of an industrial user's pretreatment facility.

**CATEGORICAL PRETREATMENT STANDARD OR CATEGORICAL STANDARD**

**Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1317) that apply to a specific category of the Users and that appear in 40 C.F.R Chapter I, Subchapter N, Parts 405-471.**

**CATEGORICAL INDUSTRIAL USER (CIU)**

**An Industrial User subject to a Categorical Pretreatment Standard or Categorical Standard.**

**COMBINED SEWER**

A sewer intended to receive both wastewater and stormwater or surface water.

**COMMISSIONER**

The Commissioner of Public Works or his/her designee. See § 7-18A of the City Code.

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

**DOMESTIC WASTEWATER or SANITARY SEWAGE**

Normal water-carried household and toilet waste or waste from sanitary conveniences, excluding groundwater, surface water, or stormwater.

**EASEMENT**

An acquired legal right for specific use of land owned by others.

**FLOATABLE OIL**

Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

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

**GARBAGE**

The animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

**GREASE**

Includes the fats, oils, waxes and other related constituents found in wastewater.

**GRIT**

Sand, gravel, cinders, or other heavy solid materials that have subsiding velocities or specific gravities substantially greater than those of the organic putrescible solids in wastewater. Grit also includes eggshells, bone chips, seeds, coffee grounds, and large organic particles, such as food or wastes.

**INDUSTRIAL USER**

A source of the introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c) or (d) of the Federal Clean Water Act, 33 U.S.C. § 1251 et seq.

**INDUSTRIAL WASTES**

The wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

**INTERFERENCE**

A discharge which, alone or in conjunction with a discharge or discharges by other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal and therefore causes a violation of the City's National Pollutant Discharge Elimination System (NPDES) permit or prevents sewage sludge use or disposal in compliance with applicable federal, state or local statutes, or with regulations or permits issued thereunder.

**MAXIMUM DAILY DISCHARGE LIMITATION**

The highest allowable discharge of a pollutant measured during a calendar day or any twenty-four-hour period that reasonably represents a calendar day.

**MAY**

Is permissive (see "shall").

**MONTHLY AVERAGE DISCHARGE LIMITATION**

The highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

**NATIONAL CATEGORICAL PRETREATMENT STANDARD**

Any regulation effective as of the date of discharge containing pollutant discharge limits promulgated by the Environmental Protection Agency (EPA) in accordance with Section 307(b) and (c) of the Federal Clean Water Act, 33 U.S.C. § 1251 et seq., which apply to a specific category of industrial users and which appear in 40 CFR, Chapter 1, Subchapter N, Parts 405 through 471.

**NATIONAL PRETREATMENT STANDARD**

Any regulation effective as of the date of discharge containing pollutant discharge limits promulgated by the EPA under Section 307(b) and (c) of the Federal Clean Water Act, 33 U.S.C. § 1317, applicable to industrial users.

**NATURAL OUTLET**

Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

**NEW SOURCE**

Any facility from which there is or may be a discharge of pollutants, construction of which began after the publication of proposed pretreatment standards under Section 307(c) of the Federal Clean Water Act, 33 U.S.C. § 1251 et seq., which will apply to such source if such standards are thereafter promulgated, provided that:

- A. The facility is constructed at a site at which no other source is located;
- B. The facility totally replaces the process or production equipment that causes the discharge of pollutants

at an existing source; or

- C. The production or wastewater generating processes of the facility are substantially independent of an existing source at the same site.

**PASS-THROUGH**

A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, cause a violation of the City's NPDES permit.

**PERSON**

Any individual, firm, company, association, society, corporation, or group, including all federal, state, and/or local government entities and any other legal entity.

**pH**

The logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen-ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of  $10^{-7}$ .

**POTW or PUBLICLY OWNED TREATMENT WORKS**

A wastewater treatment works which is owned by a state or municipality. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial waste of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW wastewater treatment works. The term also means the municipality which has jurisdiction over discharges to and the discharges from such a treatment works.

**PRETREATMENT REQUIREMENT**

Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, imposed on an industrial user.

**PRIVATE SEWER**

That portion of the sewer defined as the "building drain."

**PROCESS WASTEWATER**

Wastewater that excludes sanitary, non-contact cooling and boiler blowdown wastewaters.

**PROPERLY SHREDDED GARBAGE**

The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.

**PUBLIC SEWER**

A common sewer controlled by a governmental agency or public utility.

**SANITARY SEWER**

A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial

plants, and institutions together with minor quantities of groundwater, stormwater, and surface water that are not admitted intentionally.

**SCREENING LEVEL**

That concentration of a pollutant which under baseline conditions would cause a threat to personnel exposed to the pollutant or would cause a threat to structures of wastewater facilities. To be administered as limits applicable to a particular discharge, the screening levels must be adjusted to account for conditions at the point of discharge which differ from baseline conditions.

**SEWAGE**

The spent water of a community. The preferred term is "wastewater."

**SEWER**

A pipe or conduit that carries wastewater or drainage water.

**SEWER SERVICE**

The extension from the building drain to the public sewer; also called "house connection," "building sewer," or "sewer lateral."

**SHALL**

Is mandatory (see "may").

**SIGNIFICANT INDUSTRIAL USER (SIU)**

Any industrial user subject to a National Categorical Pretreatment Standard and any other industrial user that discharges 25,000 gallons per day or more of process wastewater to the POTW, contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW, or is designated by the Environmental Protection Agency, the State of New Hampshire or the City on the basis that the industrial user has a reasonable potential to adversely affect the POTW's operation or to violate a pretreatment standard or requirement.

**SIGNIFICANT NONCOMPLIANCE**

Any industrial user who violates one or more of the criteria outlined at 40 CFR 403.8(f)(2)(viii)(A) to (H).

**SLUG**

Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average twenty-four-hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

**STORM DRAIN (sometimes termed "storm sewer")**

A drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

**SUSPENDED SOLIDS (SS)**

Total suspended matter that either floats on the surface of or is in suspension in water, wastewater, or other liquids and that is removable by laboratory filtering as prescribed in Standard Methods for the

Examination of Water and Wastewater and referred to as "nonfilterable residue."

#### **UNPOLLUTED WATER**

Water of quality equal to or better than the effluent criteria in effect or water that would not cause a violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

#### **WASTEWATER**

The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.

#### **WASTEWATER FACILITIES**

The structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

#### **WASTEWATER RATES AND CHARGES**

A separate listing of all deposits, water rates, charges, and fees and can be obtained from the Department of Public Works or the Business Office.

#### **WASTEWATER TREATMENT WORKS**

An arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant."

#### **WATERCOURSE**

A natural or artificial channel for the passage of water either continuously or intermittently.

#### **§ 200-2 Plan of sewer systems.**

It shall be the duty of the Commissioner to keep a chart or plan upon which shall be represented the streets and places in and through which the sewer pipes are laid, and upon which chart shall be designated, by appropriate figures and characters, the exact size and length of the pipes, the precise location in such streets, and places of each pipe and each connection therewith, each branch Y, T, manhole and flush tank.

#### **§ 200-3 Use of public sewers required.**

- A. It shall be unlawful for any person to place, deposit or permit to be deposited any human or animal excrement, garbage, or objectionable waste in any unsanitary manner on public or private property within the City of Rochester, or in any area under the jurisdiction of said City.
- B. It shall be unlawful to discharge to any natural outlet within the City of Rochester, or in any area under the jurisdiction of said City, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with federal, state and local requirements.
- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater within the sewer service area. When a private wastewater disposal system is found to be in failure, it is the duty of the owner and/or his/her agent to contact the City to determine if the property falls within the sewer service area. **[Amended 3-5-2019]**

- D. The owner(s) of all houses, buildings, or property used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the City, is hereby required at the owner's expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within 90 days after date of official notice to do so, provided that said public sewer is within 100 feet of the building. **[Amended 6-6-2017]**
- E. Structures within 100 feet of the public sewer and currently served by private wastewater disposal facilities shall connect to the public sewer within 90 days after an official notice to do so. The City may grant a waiver to this requirement for properties with existing adequate sewage disposal systems which can be proven by the property owner to comply with applicable state and local regulations, to have been designed by a designer licensed in New Hampshire and to have been approved for construction by the New Hampshire Department of Environmental Services after January 1, 1985. The cost of connection to the public sewer shall be borne by the property owner; however, if a sewer stub exists the cost of the portion of the connection within the public right-of-way shall be borne by the Rochester Sewer Enterprise Fund. For the purpose of this subsection, "structures" shall mean houses, buildings, or property used for human occupancy, employment, recreation, or other purposes. **[Amended 2-14-2017; 6-6-2017]**
- F. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.

**§ 200-4 Private wastewater disposal.**

- A. Where a public sanitary sewer is not available under the provisions of § **200-3D**, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of state law.
- B. The type, capacities, location, layout and installation (including inspection) of a private wastewater disposal system shall comply with all requirements of the New Hampshire Department of Environmental Services (DES). No permit shall be issued for any new private wastewater disposal system employing subsurface soil absorption facilities where the lot area is less than is required by subdivision lot size requirements of DES. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- C. At such time as public sewer becomes available to a property served by a private wastewater disposal system, as provided in § **200-3D**, after connection to the public sewer any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material. **[Amended 6-6-2017]**
- D. The owners shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the City. All sludge removal from private disposal systems shall be performed by licensed operators and disposed of at state-licensed facilities. At no time should any quantity of industrial waste be discharged to a private wastewater disposal facility.
- E. No building permits or any final Planning Board approvals shall be issued without prior state approvals

and permits being issued.

- F. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer pursuant to RSA 147:8.

**§ 200-5 Application for service.**

- A. All applications for sewer service must be made at the Department of Public Works office on a work order form, stating fully and truly the character of the wastewater to be discharged into the sewer system. The customer or his/her duly authorized agent must sign such application. All applications shall be accompanied by payment of the permit and inspection fee set forth in § 200-33, Wastewater Rate and Fee Schedule.
- B. If any installation or repair work is to be performed by the Department of Public Works or its agent, an estimate of the cost of the work will be prepared by the Department of Public Works.
- C. A deposit equal to the estimated cost or a payment agreement shall be made with the Business Office before work is begun on a new service, or a repair to existing service, to be applied against the cost of the work necessary to successfully serve the property. Actual costs will be determined upon completion of the work and the customer charged or refunded as the case may be.
- D. All financial obligations involved in such transactions shall be adjusted immediately upon the completion of the work in the interests of all parties involved.
- E. The Commissioner may waive the deposit for emergency repair purposes.
- F. Applicants may enter into agreements, at the discretion of the City of Rochester, to pay all costs in equal installments over a period of time. Late payments shall accrue interest at the same rate charged by the City for overdue property tax bills. Such agreements shall be recorded with the Strafford County Register of Deeds at the expense of the applicant. In the event property is conveyed, all monies owed to the City of Rochester shall be remitted in full. **[Amended 3-5-2019]**

**§ 200-6 Service installation and repair.**

- A. The Department of Public Works or its agent or the developer's or property owner's contractor shall install all new sewer services.
- B. The property owner is responsible for the costs incurred for the repair and maintenance of all existing sewer services from the property line to the building or structure.
- C. If a developer or property owner installs new services, the Department of Public Works must approve all materials and inspect the installation. All charges incurred during this work are the responsibility of the developer or property owner. If a developer's or property owner's contractor's installation is found to be incorrect, it shall be the developer's or property owner's responsibility to have it corrected.
- D. Annually, before any contractor or company shall install or repair any portion of a wastewater system within the City of Rochester, such contractor or company shall obtain an installation and repair license from the Department of Public Works authorizing such entity to perform installations or repairs to such system. Licenses shall be valid from January 1 through December 31 for any given year. The Department of Public Works shall issue such license only to contractors or companies which



demonstrate the ability to perform wastewater system installation and repairs in a workmanlike manner, consistent with standards maintained by the Department of Public Works. All applicants shall be required to submit evidence of general liability insurance. The City Manager shall establish an annual fee for such license. This fee shall be listed in § **200-33**, Wastewater Rate and Fee Schedule. [**Amended 3-5-2019**]

- E. Any contractor or company installing or repairing any portion of the wastewater system must receive written authorization from the Department of Public Works and may be required to provide a performance bond or escrow account in the name of the City for the total (100%) of the estimated cost of work.
- F. The Department of Public Works shall have an easement 10 feet on each side of the sewer service for its entire length for installation or repairs to the service.
- G. The customer shall be charged for all materials and labor associated with initial installation or subsequent repairs due to the negligence of the customer. The Department of Public Works shall do its best to return the easement to its prior condition; however, it will be the customer's responsibility to repair and replace any damaged property within the aforementioned easement.
- H. Ordinarily, no new service pipes or extensions of mains will be installed between December 1 and March 31. An additional charge shall be applied to the customer for road maintenance during these winter conditions if service or extension is allowed, consisting of the minimum charge listed in § **200-33**, Wastewater Rate and Fee Schedule, or the actual cost associated with such road maintenance, if greater.

§ 200-7 **Sewer services and connections.**

- A. No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a license pursuant to § **200-6D** and written authorization pursuant to § **200-6E**.
- B. There shall be two classes of sewer permits: for residential service and for service to establishments producing commercial and/or industrial wastes. In either case, the owner(s) or his/her agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Commissioner. A permit and inspection fee as listed in § **200-33**, Wastewater Rate and Fee Schedule, for a sewer permit shall be paid to the City at the time the application is filed. This fee shall be paid regardless of whether the installation is to be accomplished by the Department of Public Works or the developer or property owner. [**Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)**]
- C. In addition to the permit requirements of Subsection **B** above, any new construction or use other than a single-family home which exceeds 500 gallons per day of discharge, as estimated by New Hampshire Administrative Rules Section Env-Wq 1008.03, Table 1008-1, shall be required to also obtain a wastewater discharge permit and pay the reserve capacity assessment. Application for such permit shall be made to the Department of Public Works together with the wastewater discharge permit fee as listed in § **200-33**, Wastewater Rate and Fee Schedule. All such requests for a wastewater discharge permit are subject to the approval of the Commissioner based on the existing sewer line's ability to handle the

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

- D. All costs and expenses incidental to the installation and connection of a new sewer service shall be borne by the owner(s). The owner(s) shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the sewer service. If installation and connection are accomplished at a location where the City has previously installed a sewer stub, the Sewer Enterprise Fund will bear the cost of installation of the sewer stub. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- E. A separate and independent sewer service shall be provided for every building, except that where one building stands at the rear of another or can be connected to the rear building through an adjoining alley, courtyard, or driveway, the front building sewer may be extended to the rear building and the whole considered as one building sewer. This exception shall be allowed only when no other reasonable alternative exists to provide a separate and independent sewer service for each building. The City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.
- F. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Commissioner, to meet all requirements of this article.
- G. The size, slope, alignment, materials of construction of a sewer service, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the City.
- H. Whenever possible, the sewer service shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the sewer service.
- I. No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a sewer service or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- J. The connection of the sewer service into the public sewer shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the City or the procedures set forth in appropriate specifications of the American Society for Testing and Materials (ASTM) and the Water Environment Federation Manual of Practice No. 9. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Commissioner before installation. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- K. All public sewers shall be laid by the Commissioner or his/her employees or by a licensed contractor, but the Commissioner shall have authority to prescribe rules as to such other material to be used as is not herein specified, and all work shall be done as directed by him/her and subject to his/her inspection, and the pipe trench shall be kept open until the work has been so inspected. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

- L. The applicant for the sewer permit shall notify the Commissioner when the sewer service is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Commissioner or his/her representative. A minimum of 24 hours' notice is required. If the sewer service is buried prior to inspection, the applicant may be required to uncover the sewer service and connection.
- M. No private sewer shall pass under another house or within four feet of the wall thereof except by written permission of the Commissioner.
- N. In addition to the afore-described permit, the Commissioner may also require, prior to commencing construction work for any private sewer, a like certificate evidencing the deposit of any amount equal to the estimated cost of such construction and/or a satisfactory guarantee that the actual cost of such construction will be paid in full upon completion of the work.
- O. The Commissioner shall keep a written report of his/her inspection of all such private sewer lines.
- P. All excavations for sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City at the expense of the owner.
- Q. Any person proposing a new discharge into the system, or a discharge of listed or characteristic waste, or an increase in the volume or in the strength or character of pollutants that are discharged into the system, shall notify the Commissioner at least 60 days prior to the proposed change or connection. Proposed new discharges from residential or commercial sources involving loading exceeding 50 population equivalents (5,000 gallons per day), any new industrial discharge, or any alteration in either flow or waste characteristics in industrial discharge must be approved by the New Hampshire DES.
- R. The Department of Public Works will approve plans for new systems, extensions, or replacement sewers. No plans will be approved which allow rainwater from roofs, streets, and other areas and groundwater from foundation drains to enter into the sanitary sewer system. Separate storm drain systems must be provided.
- S. Whenever any sewer service shall become clogged, broken, or obstructed, out of order, or detrimental to the use of any public sewer, or unfit for sewerage purposes in that part situated outside of any street or private way in which public sewers are laid, the owner, agent, occupant or person having charge of any building or premises in which such sewer service is located shall, when directed by the Commissioner, remove, reconstruct, alter, cleanse, or repair said sewer, as the condition thereof may require. In case of neglect or refusal to comply with such notice within five days after the same is given, the Commissioner may cause such sewer to be removed, reconstructed, repaired, altered, or cleansed, as he/she may deem expedient, at the expense of such owner, agent, occupant or other person so notified, who shall also be liable for a penalty in accordance with § 200-20, Violations and penalties. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- T. Reserve capacity assessments.
- (1) Proposed multifamily dwellings, new subdivisions, and commercial, industrial or business structures within sewer service area or expansion of such structures.

- (a) Property owner or applicant shall file a sewer connection application with the Department of Public Works. All applicants discharging over 500 gallons per day, as determined by New Hampshire Administrative Rules Section Env-Wq 1008.03, Table 1008-1, are required to file for a wastewater discharge permit. All property owners are subject to a reserve capacity assessment fee as listed in § **200-33**, Wastewater Rate and Fee Schedule, for all existing and projected future usage. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- (b) If it is determined that insufficient capacity exists for the projected flows, the applicant shall be responsible for all costs for upgrading and improving the sewers necessary to serve the project.
- (2) Proposed multifamily dwellings, new subdivisions, and commercial, industrial or business structures outside sewer service area or expansion of such structures.
  - (a) Applicants must investigate all possible means to obtain City sewer. If it is determined that a feasible means of providing City sewer service is possible, the property owner or applicant shall file a sewer connection application with the Department of Public Works. All applicants discharging over 500 gallons per day shall file for a wastewater discharge permit. All property owners are subject to a reserve capacity assessment fee as listed in § **200-33**, Wastewater Rate and Fee Schedule, for all existing and projected future usage.
  - (b) If it is determined that insufficient capacity exists for the projected flows, the applicant shall be responsible for all costs for upgrading and improving the sewers necessary to serve the project.
- (3) The City Manager may waive the reserve capacity assessment if deemed in the best interests of the City.

**§ 200-8 Sewer only meters.**

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

- A. Sewer only properties may be metered via the private water supply line. A common meter will be provided for rented units or lots. All meters will be maintained by the Department of Public Works, but the customer will be charged for any damage to meters caused by abnormal conditions, i.e., freezing, fire, tampering, etc. The Department of Public Works will set only one meter for any one service and the owner of the premises shall be liable for the entire amount of wastewater generated on the premises irrespective of leases of individual customers.
- B. Meters are installed for measurement of all water used by the consumer. Customers shall provide a clean, dry, warm, safe, and accessible place (always free from debris) for installation of a meter. The location shall be easily accessible by a person in the upright position for reading, maintaining, and changing.
- C. All customers billed for wastewater must keep their own fixtures, and service pipes within their property lines, in good repair and fully protected from injury by frost, and all such pipes and connections shall conform to the Rochester Plumbing Code.

**§ 200-9 Sewer deduct meter.**

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

Upon application and approval by the Department of Public Works, a customer may install a meter to measure water that will not be disposed of in the City's sewer system. The purpose of the meter would be to

meter uses including, but not limited to, in-ground sprinkler systems, outside spigots, and commercial air-conditioning systems. The cost of the meter, inspection, and installation by the City is entirely the responsibility of the customer. The meter will fully meet the requirements of § 200-8 of this article.

**§ 200-10 Meter repairs.**

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

- A. All meters shall be kept in repair by the Department of Public Works except when damaged by the customer or by his/her negligence, including freezing. In case of any such damage, the cost of repairs shall be charged to the owner of the premises.
- B. If the reader is out of repair or fails to register, the customer will be charged at the average daily consumption as shown by the reader when in order or the flat rate structure, whichever is less. Subsequently, if the actual amount of water metered is determined to be different than the amount previously estimated, the charge will be on the subsequent billing by the difference between the two.
- C. If a customer, after being so notified, does not allow the Department of Public Works access in order to test and/or correct a faulty meter or reader, the customer's subsequent bill will be 1.5 times the average daily consumption as historically shown on the meter.
- D. No person, except the duly authorized agent of the Department of Public Works, shall be allowed to reset, take off, or repair a meter.

**§ 200-11 Meter testing.**

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

- A. Only the Department of Public Works shall replace or remove and test all meters. No meter shall be placed in service or permitted to remain in service if the error of registration exceeds 2% or as established by the latest American Water Works Association (AWWA) meter standards, whichever is less.
- B. The Department of Public Works may test a meter for accuracy in registration upon complaint of the sewer consumer. There shall be a minimum service charge for any complaint-driven service call. The minimum service charge shall be as listed in § 200-33, Wastewater Rate and Fee Schedule. Any meter found to be accurate in accordance with this article will not be replaced by the Department of Public Works due to a complaint.
- C. Should the meter in question be found to be within the accuracy limits established by the latest AWWA meter standards, all applicable fees associated with testing shall be paid by the customer. If the meter in question is found to be inaccurate, all fees will be waived.
- D. The percent of error of registration shall be taken as the average of the error at the intermediate and maximum rates of test flow. Any determination of charges shall be based on this average error.

**§ 200-12 Sealing of meter.**

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

Upon completion of adjustment and test of any meter under the provisions of these rules, the Department of Public Works shall affix thereto a suitable seal in such a manner that the adjustment of registration of the meter cannot be tampered with without breaking the seal. Disruption of the seal will be cause for

discontinuance of service.

**§ 200-13 Tampering with meter.**

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

- A. No customer or his/her agent shall perform a tampering event with regard to a meter without having first received written consent and authorization of the Commissioner of Public Works or his/her designee to take such action. In the event that the Commissioner of Public Works and/or his/her designee shall determine that a customer and/or his/her agent has performed a tampering event with respect to a meter, such customer shall be subject to the following charges:
- (1) A charge in an amount based upon the actual metered usage to such meter prior to the tampering event, if determinable.
  - (2) A charge in an amount based upon twice the estimated usage for the premises serviced by the meter in question during the preceding billing period(s) or the corresponding billing period(s) during the year immediately preceding such tampering event, whichever is greater.
  - (3) A charge for all costs associated with the repair and/or replacement of such meter.
  - (4) A reconnection fee as listed in § **200-33**, Wastewater Rate and Fee Schedule.
- B. Anything in Subsection **A** above to the contrary notwithstanding, should a customer or his/her agent, as a result of an emergency or other circumstances beyond his/her control, perform a tampering event with respect to a meter, without having received the prior written consent and authorization of the Commissioner of Public Works or his/her designee, such customer may, upon appeal to the Utility Advisory Board in accordance with the provisions of § **200-30** and within its discretion, be relieved of any and all of the charges listed in Subsection **A(1)** through **(4)** above, provided that such customer shall have notified the Department of Public Works, in writing, of the tampering event in question within three business days of the occurrence of such event.

**§ 200-14 Outside reader.**

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

All customers shall be required to have an outside reader with radio read capability for their meter. The outside reader shall be installed at a place on the premises acceptable to the City and according to the specifications available at the Department of Public Works. The customer shall be responsible for repairs or replacement of damaged outside readers and associated wiring when damage is due to abuse, neglect, and/or negligence of the customer. The City shall render a bill for labor, equipment, and materials for all such repairs or replacement. The outside reader and appurtenances shall be the property of the City. The customer shall be responsible for providing safe access to City personnel for reading. The customer shall remove potential hazards and nuisances such as snow, ice, vegetation, and dogs from the outside reader's access. Exceptions may be granted by the Commissioner of Public Works, in which case reasonable access shall be granted to Department of Public Works personnel for the purposes of reading and maintenance. If satisfactory access is not provided, the City reserves the right to produce an estimated bill.

**§ 200-15 Inspections.**

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

The Department of Public Works employees or its agents shall be allowed access to the customer's premises

between the hours of 8:00 a.m. and 6:00 p.m. for examination of pipes, fixtures, connections, the quality of water used, and manner of use.

§ 200-16 **Illicit connection to public sewers.**

- A. No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer.
- B. Stormwater and unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or a natural outlet approved by the Commissioner. Industrial cooling water or process waters require an NPDES permit prior to discharge to a storm sewer or natural outlet. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- C. No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
- (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140° F. or 60° C. using the test methods specified in 40 CFR 261.21.
  - (2) Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment processes, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.
  - (3) Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.
  - (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater facilities, such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
  - (5) Any pollutant(s) released in a discharge at a flow rate or pollutant concentration which will cause pass-through or interference.
  - (6) Wastewater containing petroleum oil, non-biodegradable cutting oils, or products of mineral oil in concentrations of more than 25 milligrams per liter or in such other amounts that will cause interference or pass-through.
  - (7) Wastewater sufficiently hot to inhibit biological activity in the POTW resulting in interference or to cause the influent at the wastewater treatment facilities to exceed 104° F. (40° C.), unless the EPA Regional Administrator, at the request of the Commissioner, approves alternate temperature limits.
  - (8) Any waters or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter, or containing substances which may solidify or become viscous at temperatures between 0° C. (32° F.) and 16° C. (60° F.).

- (9) If the person is a significant industrial user, wastewater containing any pollutant specified in Schedule A, annexed hereto and incorporated herein by reference, in excess of the limitations for each of said pollutants as specified in Schedule A (Local Discharge Limitations). These limitations may be applied on a mass basis to allow for a reduction in water use.
- (10) Any trucked or hauled wastes, except at discharge points designated by the POTW.
- (11) Any medical wastes except as specifically authorized in a discharge permit.
- D. The following described substances, materials, waters, or wastes shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, or public property, or constitute a nuisance. The Commissioner may set limitations lower than the limitations established in the regulations below if in his/her opinion such more severe limitations are necessary to meet the above objectives. In forming his/her opinion as to the acceptability, the Commissioner will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewer which shall not be violated without approval of the Commissioner are as follows:
- (1) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
  - (2) Any waters or wastes containing heavy metals, solvents, and similar objectionable or toxic substances to such degree that any such material discharged to the public sewer exceeds the limits established by the Commissioner, the New Hampshire DES or EPA for such materials.
  - (3) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Commissioner.
  - (4) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Commissioner in compliance with applicable state or federal regulations.
  - (5) Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.
  - (6) Any waters or wastes which, by interaction with other waters or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
- E. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Subsection **D**, and which in the judgment of the Commissioner may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public

**Commented [1]:** Editor's Note: Schedule A is included as an attachment to this chapter.



nuisance, the Commissioner may:

- (1) Reject the wastes;
  - (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
  - (3) Require control over the quantities and rates for discharge; and/or
  - (4) Require payment to cover added cost of handling and treating the wastes.
- F. If the City permits the pretreatment or equalization of waste flows, the design and installation of the pretreatment facilities shall be subject to the review and approval of the City and New Hampshire DES and subject to the requirements of all applicable codes, ordinances and laws. Such facilities shall not be connected until said approval is obtained in writing.
- G. Plans and specifications for a proposed treatment facility shall be the result of the design of a professional engineer. Such approval shall not relieve the owner of the responsibility of discharging treated waste meeting the requirements of this article.
- H. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Commissioner, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Commissioner and shall be located as to be readily and easily accessible for cleaning and inspection. In maintaining these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Commissioner. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by currently licensed waste disposal firms.
- I. All industrial waste shall be pretreated in accordance with federal and state regulations and this article to the extent required by applicable National Categorical Pretreatment Standards, National Pretreatment Standards or pretreatment standards established by the New Hampshire DES or by the Commissioner, whichever is more stringent. The National Categorical Pretreatment Standards, found in 40 CFR Chapter 1, Subchapter N, Parts 405 to 471, are hereby incorporated into this article by reference. Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his/her expense.
- J. When required by the Commissioner, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes.
- (1) Such structure, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Commissioner. The structure shall be installed by the owner at his/her expense and shall be maintained by him/her so as to be safe and accessible at all times.
  - (2) All industrial users discharging into a public sewer shall perform such monitoring as the Commissioner

or duly authorized employees of the City may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Commissioner.

- (3) Such records shall be made available upon request by the Commissioner. Such records shall be made available upon request of the Commissioner to other agencies having jurisdiction over discharges to the receiving waters.
- K. The Commissioner may require an industrial user of sewer services to provide information needed to determine compliance with this article. These requirements may include:
- (1) Wastewater discharge peak rate and volume over a specified time period.
  - (2) Chemical analyses of wastewaters.
  - (3) Information on raw materials, processes, and products affecting wastewater volume and quantity.
  - (4) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
  - (5) A plot plan of sewers on the user's property showing sewer and pretreatment facility location.
  - (6) Details of wastewater pretreatment facilities.
  - (7) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.
- L. The Commissioner may require any significant industrial user to develop a plan to control slug discharges. If the Commissioner determines that such a plan is needed the plan shall include at a minimum:
- (1) A description of discharge practices, including non-routine batch discharges;
  - (2) A description of stored chemicals;
  - (3) Procedures for notifying the POTW of slug discharges; and
  - (4) If necessary, procedures to prevent adverse impact from accidental spills.
- M. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the EPA-approved methods published in the Code of Federal Regulations, Title 40, Part 136 (40 CFR 136), or alternate test procedures approved by EPA. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Commissioner.
- N. No statement contained in this chapter shall be construed as preventing any special agreement or arrangements between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, provided that such agreements do not contravene any requirements of existing federal or state laws and/or regulations promulgated thereunder,

are compatible with any user charge system in effect, and do not waive applicable pretreatment standards and requirements, including local limits and National Categorical Pretreatment Standards.

- O. Septic tank waste (septage) will be accepted into the sewer system at a designated receiving structure within the treatment plant area, provided that such wastes do not contain toxic pollutants or materials, and provided that such discharge does not violate any other special requirements established by the City. Permits to use such facilities shall be under the jurisdiction of the Commissioner or his/her duly authorized representatives. The discharge of industrial wastes as "industrial septage" requires prior approval of the New Hampshire DES. Fees for dumping septage will be established as part of the user charge system. The sewage treatment plant operator acting in behalf of the City and its Commissioner shall have authority to limit the disposal of such wastes, if such disposal would interfere with the treatment plant operation. Procedures for the disposal of such wastes shall be in conformance with the operating policy of the City's sewage treatment plant supervisor unless specifically permitted otherwise.
- P. It shall be illegal to meet requirements of this article by diluting wastes in lieu of proper pretreatment.
- Q. A dental practice or any other similar practice or business that handles or manages dental amalgams shall install and maintain an amalgam separator and institute a management program in accordance with federal and state regulations. **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

§ 200-17 **Industrial pretreatment rules.**

- A. Applicability. All industrial users shall comply with applicable requirements of federal and state industrial pretreatment regulations (as amended), in addition to the requirements of these industrial pretreatment rules.
- B. Industrial discharge agreement (IDA).
  - (1) IDA required. Effective 180 calendar days after this provision is adopted by the City, the discharge of any industrial process waste to the City's wastewater works or to a public or private sewer connected to the City's wastewater works is prohibited without a valid industrial discharge agreement (IDA).
  - (2) IDA application. Within 60 days after the effective date of these industrial pretreatment rules, industrial users subject to these rules shall submit an application for an IDA containing information required under applicable federal and state industrial pretreatment reporting regulations. Such information, as a minimum, shall include:
    - (a) The name and address of the facility, including the name of the operators and owners.
    - (b) A list of all environmental permits held by or for the facility.
    - (c) A brief description of the nature, average rate of production, and Standard Industrial Classification of the operations carried out at such facility.
    - (d) An identification of the categorical pretreatment standards applicable to each regulated process.
    - (e) An analysis identifying the nature and concentration of pollutants in the discharge.

- (f) Information showing the measured average daily and maximum daily flow, in gallons per day, to the public sewer from regulated process streams and from other streams.
  - (g) A schedule of actions to be taken to comply with discharge limitations.
  - (h) Additional information as determined by the City may also be required.
- (3) Provisions. The IDA issued by the City to each industrial user will outline the general and specific conditions under which the industrial process waste is accepted for treatment at the City's wastewater treatment plant. Specifically included in the agreement are the following:
- (a) Pretreatment and self-monitoring facilities required.
  - (b) Type and number of samples and sampling frequency required.
  - (c) Effluent limitation on the industrial process waste.
  - (d) Reporting requirements.
- [1] Periodic reports. Industrial users shall submit periodic reports as required indicating the nature and concentration of pollutants in the discharge from the regulated processes governed by pretreatment standards and the average and maximum daily flow for these process units. The reports shall be certified by a qualified professional and shall state whether the applicable categorical pretreatment standards and effluent limitations are being met on a consistent basis and, if not, what additional operation and maintenance practices and/or pretreatment is necessary. Additional requirements for such reports may be imposed by the City.
- [2] Notification of violation/resampling. If sampling performed by an industrial user indicates a violation of any National Pretreatment Standard, National Categorical Pretreatment Standard, or any pretreatment standard established by the Commissioner, the industrial user shall notify the City within 24 hours of becoming aware of the violation and shall repeat the sampling and analysis and submit the results of the report analysis to the City within 30 days of becoming aware of the violation.
- [3] Notification of discharge of hazardous wastes. Industrial users shall notify the City, the EPA Regional Waste Management Division Director and the state hazardous waste authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed, would be a hazardous waste under 40 CFR Part 261.
- [4] Signature for reports. Reports submitted under this section shall be signed by an authorized representative. An authorized representative may be:
- [a] A principal executive officer of at least the level of vice president, if the industrial user is a corporation;
  - [b] A general partner or the proprietor, if the industrial user is a partnership or sole proprietorship; or
  - [c] A duly authorized representative of either of the individuals designated above, if such representative is responsible for the overall operation of the subject facility.

- (e) Monitoring records.
  - [1] Industrial users subject to the reporting requirements under this section shall maintain records of information resulting from monitoring activities required to prepare such reports. Such records include for each sample:
    - [a] The date, exact place, method and time of sampling and the name of the person or persons taking the sample.
    - [b] The dates analyses were performed.
    - [c] The laboratory performing the analyses.
    - [d] The analytical techniques and methods used.
    - [e] The results of such analyses.
  - [2] Such records shall be maintained for a minimum of five years and shall be made available for inspection and copying by the City. This period shall be extended during the course of any unresolved litigation, or upon request by the EPA or the Commissioner.
- (f) Additional conditions.
  - [1] The agreement will be in effect for five years. At the expiration of the five-year period, the industrial user must apply for and be issued a new IDA.
  - [2] The agreement may not be transferred without the written consent of the Commissioner and may be revoked by the City for noncompliance or modified so as to conform to discharge limitation requirements that are enacted by federal or state rules and/or regulations.
  - [3] An industrial user proposing a new discharge or a change in volume or character of its existing discharge must submit a completed IDA application to the City at least 60 days prior to the commencement of such discharge. The submitted application must include plans and engineering drawings, stamped by a registered professional engineer, of the proposed pretreatment facilities. Upon approval of the application by the City, a discharge permit request is submitted by the community to the New Hampshire DES on behalf of the industry. Upon approval of the discharge permit request by the DES, the City will issue to the industrial user a new or amended IDA in accordance with the procedure outlined in this section.
- (g) Annual fee. Each industrial user shall be assessed a fee to cover the administration costs of the Industrial Pretreatment Program (IPP), plus the costs of sample collection and laboratory analysis. The fee will be billed on a quarterly basis and assessed as follows:
  - [1] All costs associated with self-monitoring shall be borne directly by each industrial user.
  - [2] All costs associated with municipal monitoring of each industrial user (sample collection and laboratory analysis) shall be billed directly to that industrial user.

- [3] All administrative costs associated with operation of the IPP (labor costs for City staff, equipment purchase and maintenance, consulting fees, etc.) shall be paid by the industrial users on a pro rata basis.
- (h) Penalties and cost of enforcement. Any industrial user which violates any provision of this article or any National Pretreatment Standard, National Categorical Pretreatment Standard, or any pretreatment standard established by the Commissioner shall be subject to applicable civil and/or criminal penalties as set forth in said IDA and shall pay all costs incurred by the City in enforcing or assuring compliance with such provision or standard and in responding to or investigating such violation **in accordance with 40 C.F.R 403.8 (f)(1)(iii)(B)(5)**.
- C. Local discharge limitation. Significant industrial users shall be prohibited from discharging wastewater containing any pollutant specified in Schedule A , annexed hereto and incorporated herein by reference, in excess of the limitations for each of said pollutants as specified in Schedule A (Local Discharge Limitations). **Compliance with these limitations shall be assessed on the basis of samples of the industrial user's process wastewater discharge, not to include sanitary or any other dilution wastewater flows. If a National Categorical Pretreatment Standard, a National Pretreatment Standard, or the New Hampshire Department of Environmental Services establishes limitations for industrial users in a particular industrial subcategory which are more stringent than the limitations specified in Schedule A, those more stringent limitations shall immediately apply to those industrial users subject to such limitations. [Amended 10-4-2005; 5-6-2008; at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- D. National Categorical Pretreatment Standards.
- (1) Notification. The City shall provide timely notification to appropriate industries of applicable categorical pretreatment standards.
- (2) Compliance date for categorical standards. Compliance with categorical pretreatment standards shall be achieved within three years of the date such standards are effective, unless a shorter compliance time is specified in the standards. The National Categorical Pretreatment Standards, found in 40 CFR Chapter 1, Subchapter N, Parts 405 to 471, are hereby incorporated into this article by reference.
- (3) Amendment to IDA required. An industrial user subject to categorical pretreatment standards shall not discharge wastewater directly or indirectly to City wastewater works after the compliance date of such standards unless an amendment to its IDA has been issued by the City.
- (4) Application for IDA amendment. Within 120 days after the effective date of a categorical pretreatment standard, an industrial user subject to such standards shall submit an application for IDA amendment. The application shall contain the information noted under Subsection **B(2)** of this section.
- (5) Baseline monitoring report. Within 180 days after the effective date of a categorical pretreatment standard, existing industrial users shall submit to the City a report setting forth the information required in 40 CFR 403.12(b). At least 90 days prior to the commencement of discharge, new sources or sources that become industrial users subsequent to the promulgation of an applicable categorical standard shall submit to the City a report setting forth the information required in 40 CFR 403.12(b).
- (6) Categorical compliance report. Within 90 days following the date for final compliance with an

**Commented [2]:** Editor's Note: Schedule A is included as an attachment to this chapter.

applicable categorical pretreatment standard or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any industrial user subject to National Categorical Pretreatment Standards shall submit a report on compliance with categorical pretreatment standards deadlines in accordance with 40 CFR 403.12(d). If a compliance schedule is established, the City may require compliance schedule progress reports in accordance with 40 CFR 403.12(c).

- (7) Compliance determination. Compliance with National Categorical Pretreatment Standards shall be assessed in accordance with the requirements set forth at 40 CFR 403.12(b)(5). **[Amended 5-6-2008]**
  - (8) Periodic compliance reports. Any industrial user subject to National Categorical Pretreatment Standards shall submit to the City, during the months of June and December, unless required more frequently by the pretreatment standard or by the City, periodic compliance reports in accordance with 40 CFR 403.12(e).
  - (9) The City may authorize an Industrial User (IU) or Significant Industrial User (SIU) subject to a categorical Pretreatment Standard to forgo sampling of a pollutant by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. **[See 40 C.F.R. 403.8 (f)(1)(iii)(B)(4) and 40 C.F.R. 403.12 (e)(2)].**
- E. Slug discharge notification and control plan.
- (1) Industrial users shall immediately notify the City of any discharges that could cause problems to the POTW, including any slug, as defined under § 200-1, of process waste discharged by such user to the City system. **[Amended 5-6-2008]**
  - (2) The Commissioner may require any user to develop and implement an accidental discharge/slug control plan. The Commissioner shall evaluate whether each significant industrial user needs such a plan during the initial permit application or during permit renewal. Any user required to develop and implement an accidental discharge/slug control plan shall submit a plan which addresses, at a minimum, the following:
    - (a) Description of discharge practices, including non-routine batch discharges;
    - (b) Description of stored chemicals;
    - (c) Procedures for immediately notifying the POTW of any accidental or slug discharge; and
    - (d) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include but are not limited to inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.
- F. Imminent endangerment. The City may, after informal notice to the industry discharging wastewater to the public sewer, immediately halt or prevent any such discharge reasonably appearing to present an imminent endangerment to the health and welfare of person, or any discharge presenting, or which may

present, an endangerment to the environment, or which threatens to interfere with operation of the public sewer or wastewater treatment facilities. Actions which may be taken by the City include ex parte temporary judicial injunctive relief, entry on private property to halt such discharge, blockage of a public sewer to halt such discharge, or demand of specific action by the industry.

- G. **Monitoring and surveillance.** The City shall as necessary sample and analyze the wastewater discharges of contributing industrial users and conduct surveillance and inspection activities to identify, independently of information supplied by such industries, occasional and continuing noncompliance with industrial pretreatment standards. All industries discharging to the City system shall allow unrestricted access to City, DES, and EPA personnel for the purposes of investigating and sampling discharges from the industries. Each industry will be billed directly for costs incurred for analysis of its wastewater. **[Amended 5-6-2008]**
- H. **Investigations.** The City shall investigate instances of noncompliance with industrial pretreatment standards and requirements.
- I. **Public information.** Information and data submitted to the City under this section relating to wastewater discharge characteristics shall be available to the public without restriction. Other such information shall be available to the public at least to the extent provided by 40 CFR 2.302. The City shall comply with the maintenance and records requirements of ~~40 CFR 2~~ **40 C.F.R 2.302 and 40 C.F.R 403.14.** **[Amended 5-6-2008; 3-5-2019]**
- J. **Public participation.** The City shall comply with the public participation requirements of 40 CFR Part 25 in the enforcement of industrial pretreatment standards and requirements, which shall include annual public notification, in the largest daily newspaper published in the City, of all industrial users which were in significant noncompliance with applicable pretreatment requirements.

**K. Bypass**

(1) For the purpose of this Section:

(a) **Bypass means the intentional diversion of wastestreams from any portion of a User's treatment facility.**

(b) **Server property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean an economic loss caused by delays in production.**

(2) **A User may allow any bypass to occur which does not cause Pretreatment Standards, Local Limits or Requirements to be violated, but only if it is also essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs C. and D. of this Section.**

(3) **Bypass Notifications**

(a) **If the User knows in advance of the need for a bypass, it shall submit prior notice to the Commissioner, at least 5 days before the date of bypass, if possible.**



(b) A User shall submit oral notice to the Commissioner of any unanticipated bypass that exceeds applicable Pretreatment Standards, Local Limits or Requirements within twenty four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause, the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue, and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Commissioner may waive the written report on a case-by-case basis if the oral report has been received within twenty four (24) hours.

(4) Bypass

(a) Bypass is prohibited and the Commissioner may take enforcement action against a User for a bypass, unless:

(i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(ii) There was no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(iii) The User submitted notices as required under paragraph C. of this Section.

(b) The Commissioner may approve an anticipated bypass, after considering its adverse effects, if the Commissioner determines that it will meet the three conditions listed in paragraph D (1) of this Section.

**§ 200-18 Arrest provision.**

No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

**§ 200-19 Powers and authority of inspectors.**

- A. The Commissioner and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this article.
- B. The Commissioner and other duly authorized employees are authorized to obtain information concerning industrial processes which have a bearing on the kind and source of discharge to the public sewer. The industrial user may request that the Commissioner withhold from public disclosure any information deemed confidential in accordance with 40 CFR 403.14. The industrial user must establish that the revelation to the public of the information in question might result in an advantage to competitors.
- C. While performing the necessary work on private properties referred to in Subsection A, the

Commissioner or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the City employees, and the City shall indemnify the company against loss or damage to its property by the City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § **200-16J. [Amended 6-26-2007]**

- D. The Commissioner and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

§ 200-20 **Violations and penalties.**

- A. Any person found to be violating any provisions of this article except § **200-18**, Arrest provision, including any National Pretreatment Standard, National Categorical Pretreatment Standard, or other pretreatment requirement shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. Violation of more than one standard or requirement shall be deemed a separate violation for each standard or requirement. The offender shall, within the period of time stated in such notice, permanently cease all violations. The City may, after informal notice to the person discharging wastewater to the public sewer, immediately halt or prevent any such discharge reasonably appearing to present an imminent endangerment to the health and welfare of person, or any discharge presenting, or that may present, an endangerment to the environment, or which threatens to interfere with the operation of the public sewer or wastewater treatment facilities. Actions which may be taken by the City include ex parte temporary judicial injunctive relief, entry on private property to halt such discharge, blockage of a public sewer to halt such discharge, or demand of specific action by the person. In addition, the City may terminate the sewer service and/or revoke the industrial discharge agreement of any person who violates any provision of this article, **in accordance with 40 C.F.R 403.8 (f)(1)(iii)(B)(5).**

(1) A User who willfully or negligently violates any provisions of this Ordinance, an individual wastewater discharge permit, or issued hereunder, any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable up to the maximum fine and/or imprisonment allowable under Local, State, and/or Federal law, per violation, per day.

(2) A User who willfully or negligently introduces any substance into the POTW which cause personal injury or property damage shall, upon conviction, be guilty of a misdemeanor, punishable up to the maximum fine and/or imprisonment allowable under Local, State, and/or Federal law, per violation, per day. This penalty shall be in addition to any other cause of action for personal injury or property damage available under Local, State, and/or Federal law, per violation, per day.

(3) A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other documentation filed, or required to be maintained, pursuant to this Ordinance, individual wastewater discharge permit, or order issued herein, or who falsifies, tampers with, or knowingly renders inaccurate monitoring device or method required under this

Ordinance shall, upon conviction, be guilty of a misdemeanor, punishable up to the maximum fine and/or imprisonment allowable under Local, State, and/or Federal law, per violation, per day.

- B. Any person who violates any provision of this article, including any National Pretreatment Standard, National Categorical Pretreatment Standard, or other pretreatment requirement, may be fined in an amount not to exceed one thousand dollars (\$1,000.) for each violation, even if he/she corrects such violation within the time period set forth in the notice issued pursuant to Subsection A. Each day in which any such violation shall continue shall be deemed a separate offense. Reference: RSA 31:39, I(f); RSA 47:17; RSA 149-I:6.
- C. In addition to the foregoing, any person who violates any provisions of this article which results in an increase in costs to the wastewater facility or wastewater treatment works, or which interferes with or harms treatment plant personnel, equipment, processes, or operation, shall be liable to the City in an amount equal to the additional costs incurred by the City as a result of such violation, including but not limited to court costs, attorneys' fees and fees related to sampling and analysis to assure compliance with applicable limitations. Such liability exists even if the person corrects such violation within the time set forth in the notice issued pursuant to Subsection A.

§ 200-21 **Repealer; severability.**

- A. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- B. The invalidity of any section, clause, sentence, or provision of this article shall not affect the validity of any other part of this article which can be given effect without such invalid part or parts.

§ 200-22 **When effective.**

This article shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

## Article II Rates and Charges

§ 200-23 **Establishment of wastewater rates and fees.**

- A. Process. Wastewater rates and fees shall be reviewed and updated periodically by the City Council. Such wastewater rates shall be computed based on the total amount budgeted for the Department of Public Works, Division of Sewage and Waste Treatment Works, operations and maintenance, plus any debt service and capital outlays determined by the City Council, and projections of estimated sewer consumption, number of accounts, and/or other such factors. Wastewater rates shall be recommended to the City Council by the Utility Advisory Board and/or the City Manager and shall be established to provide sufficient revenue to at least pay the expenses of operating and maintaining the wastewater treatment works, collection system, and appurtenant facilities. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- B. Exemptions. The City Council may authorize elderly exemptions for users qualifying for property tax exemptions in the City, but such exemptions shall not result in charges lower than those necessary to recover operation and maintenance costs. Only the portion of the wastewater rates that recovers the debt service or capital outlays may be exempted.
- C. Implementation of new wastewater rates and fees. Before new rates and/or fees are effective, there shall

be two readings before the City Council. In addition, a public hearing shall be held between the first and the second readings. The public hearing shall be held at least 10 calendar days before the rates and fees are effective.

**§ 200-24 Rates, charges and fees.**  
**[Amended 5-6-2008]**

A separate listing of all deposits, wastewater rates, charges, and violation fees can be obtained from the Department of Public Works or the Business Office. Wastewater user charges shall be assessed as follows:

- A. Metered water customers. All customers that are supplied by the City of Rochester water system shall be charged based upon water usage. The rate shall be listed in § **200-33**, Wastewater Rate and Fee Schedule.
- B. Unmetered residential customers. All unmetered residential wastewater customers shall pay a flat rate quarterly wastewater user charge. The rate shall be as listed in § **200-33**, Wastewater Rate and Fee Schedule. Each unit of a multi-unit dwelling or mobile home park shall be considered a residential customer. The property owner shall be billed for each dwelling unit even if the property has only one service (i.e., the owner of a ten-unit apartment building shall be billed the residential flat rate times 10).  
**[Amended 6-6-2017]**
- C. Unmetered industrial customers. Any industrial wastewater customers not connected to the City of Rochester water system shall install an appropriate meter to measure discharges into the City sewer system. The rate charged shall be as listed in § **200-33**, Wastewater Rate and Fee Schedule.
- D. Minimum fee. Notwithstanding the provisions of Subsection A, any metered industrial/commercial or residential wastewater user shall pay a minimum quarterly wastewater user's charge as listed in § **200-33**, Wastewater Rate and Fee Schedule.
- E. TKN surcharge. Total Kjeldahl Nitrogen (TKN) is a pollutant found in most wastewater and is subject to a surcharge where discharges exceed a ceiling limit, as listed in § **200-33**. Where an individual user discharges greater than the ceiling limit, then the user shall be assessed a fee for every pound in excess of the ceiling limit. The total pounds of TKN discharged will be determined quarterly and be based on continuous flow records maintained by the user and the quarterly water quality testing conducted by the City. Supplemental water quality data, in addition to that collected for industrial pretreatment monitoring, can be provided by the user at no cost to the City and may be used in calculating the surcharge fee, as approved by the Commissioner. The surcharge fee is in addition to the wastewater rate and fee for commercial and industrial customers.

**§ 200-25 Billing and payment.**

- A. Wastewater bills shall be rendered to all customers at least quarterly and may be rendered more frequently at the discretion of the Business Office with the approval of the City Manager.
- B. Wastewater bills are due and payable upon presentation and shall become delinquent after 30 days after the date of issuance. Interest shall accrue on bills not paid when due at the same rate charged by the City for overdue property tax bills.
- C. Checks shall be made payable to the City of Rochester and submitted to the Tax Collector. When bills

are overdue, the customer will be sent a notice. Bills not paid when due become a lien on the property by New Hampshire statutes. **[Amended 9-4-2007]**

- D. The failure of a customer to receive wastewater bills does not relieve the customer of responsibility for making prompt payment. **[Amended 5-6-2008]**
- E. The Department of Public Works in collecting and treating wastewater, doing work, or furnishing materials shall deal with only the customer and the premises, and such customer shall keep the Business Office advised of the address to which bills, notices, and communications may be forwarded. Although the payment for service may be assumed by an agent or tenant, the owner of the premises will be held personally responsible for the same. A change in ownership will not relieve the premises from payment of back bills.

**§ 200-26 Appeals.**

Users aggrieved of bills rendered under this article have the following rights of appeal:

- A. Notification. The aggrieved user shall notify the Business Office in writing that said bill is contested before the next billing for this wastewater service. The notification shall explain why the bill is contested and provide the information necessary to determine the validity of the claim. The Finance Director may require the use of forms to expedite the appeals process. **[Amended 3-5-2019]**
- B. Resolution. Upon receipt of a notification under Subsection **A**, the Finance Director shall submit the claim to the Utility Advisory Board with a recommendation on the validity of the claim. The Utility Advisory Board shall act on all appeals received at a regularly scheduled meeting. The determination of the Utility Advisory Board shall be final, except that the City Manager shall have the authority to veto or modify any action of the Utility Advisory Board. Aggrieved parties shall be allowed only one appeal per claim. **[Amended 3-5-2019]**
- C. Disposition of appeals. For appeals found to be valid, the date of the billing shall be revised to the date of the Utility Advisory Board's decision. Revised charges shall become due and payable as specified in **§ 200-25**. For appeals not found to be valid, the date of the billing shall be as originally issued, and charges and interest shall be as computed as specified in **§ 200-25**.

**§ 200-27 Agreements.**

An agreement between the City Finance Director and the customer may be signed, on a form provided in the Business Office, if the customer is unable to satisfy his/her wastewater bill in full at the due date. An agreement procedure shall be established by the Finance Director and approved by the City Manager.

**§ 200-28 Miscellaneous bills.**

**[Amended 9-4-2007]**

Charges for labor and material, including installation costs, shall be billed upon completion of the work which the bill covers. If such bills are not paid within 30 days or a payment agreement has not been made with the Business Office, a lien may be placed on the property. All late payments shall include interest charges. Collection procedures will be taken and any costs will be charged to the customer.

**§ 200-29 Sale or transfer of property.**

On sale or transfer of property, the customer must give notification of such sale or transfer to the Business Office in order that a final meter reading can be taken and proper charges made to the proper owner. A minimum of 24 hours' notice is required.

**§ 200-30 Utility Advisory Board.**  
**[Amended 3-5-2019]**

- A. The Utility Advisory Board shall periodically make recommendations to the City Council on the level of wastewater rates to be established under this article, but such recommendations are not binding on the City Council. The Utility Advisory Board shall rule on appeals of user and other charges and fees and perform other such duties that may be assigned by City Council.
- B. The membership and terms of the Utility Advisory Board shall be as provided in § **260-28** of the City Code.

**§ 200-31 Construction/extension of public sewers for new development.**

- A. Applications for the construction/extension of public sewers shall be in the form of a petition addressed to the Commissioner of Public Works in compliance with the rules established by the Department of Public Works.
- B. The Commissioner may require that an applicant file with the City Clerk such rights-of-way, releases, performance surety, or any other instruments reasonably consistent for any such construction, and the City of Rochester shall be grantee, guaranteed insured, or payee of any such instrument.
- C. The applicant shall pay full costs for any such construction and installation of public sewers, as well as all costs associated with extensions of existing public sewers in existing public rights-of-way. Full title to the same shall, upon acceptance, be the property of the City of Rochester. All construction of public sewers shall be under the direct supervision of the Department of Public Works.

**§ 200-32 Extension of existing public sewers in accepted roadways.**

- A. Upon petition by citizens of the City or when deemed necessary or desirable for the protection and well-being of the City, the extension of existing public sewers in accepted roadways may be approved by a vote of the City Council.
- B. Where the construction and installation of public sewers is to be made in and upon existing streets and roads, and the public good requires it and/or undue hardships would result if cash payment were made, then and in such case the City may finance the construction through issuance of bonds or other financing method and pay the full costs. The proportionate share of each abutter along the line of construction and installation based on the actual cost of construction per running foot or other equitable distribution of cost when petition, application, or late petition is made and granted shall become a lien on such abutting property as real estate taxes until payment of said proportionate share of full costs, including financing, is made.
- C. Payment may be as follows:
  - (1) The affected party may pay its proportionate share in cash for the full amount, at the time the obligation is incurred.
  - (2) The affected party may enter into an agreement with the City that said proportionate share of all costs may be paid in equal installments over a period of time equal to the term of the bond or a lesser period. Such agreement is to be recorded with the Strafford County Register of Deeds at the expense of the affected party. In the event property is conveyed, the new owner(s) will be responsible for all unpaid

bills and liens.

- (3) All funds relating to public sewer extensions under these provisions may be placed in a special fund for payment of bonds, interest, and charges pertaining thereto.
- D. Any affected party dissatisfied with the determination of his/her proportionate share of costs may appeal said assessment as outlined in § **200-26**.

§ 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]

A. Quarterly wastewater rates.

- (1) Residential customers without exemption: six dollars and seventy-five cents (\$6.75) per 100 cubic feet of water use.
- (2) Residential customers with exemption: four dollars and forty-nine cents (\$4.49) per 100 cubic feet of water use.
- (3) Commercial and industrial customers: six dollars and seventy-five cents (\$6.75) per 100 cubic feet of water use.
- (4) High-volume customers (i.e., customers using more than 5,000 units\*\* monthly): six dollars and eight cents (\$6.08) 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 fifteen dollars and ninety-one cents (\$215.91).
- (b) Per quarter per unit with exemption: one hundred seven dollars and ninety-four cents (\$107.94).
- (6) Sewer metered customers: six dollars and seventy-five cents (\$6.75) per 100 cubic feet.
- (7) Minimum fee:
- (a) Per quarter per unit without exemption: thirty-two dollars and twenty-eight cents (\$32.28).
- (b) Per quarter per unit with exemption: twenty-five dollars and seventy cents (\$25.70).
- B. Septage discharge: fifty-two dollars (\$52.) per 500 gallons or portion thereof.
- C. RV septage discharge: fifteen dollars (\$15.) flat fee.
- D. Graywater disposal: twenty-eight dollars (\$28.) 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 dollars (\$2.) per gallon.

G. Installation fees.

- (1) Installation by City: three hundred dollars (\$300.) minimum or estimated cost of installation in advance.
- (2) Charge for road maintenance for service installed between December 1 and March 31: two hundred dollars (\$200.) minimum or estimated cost of road maintenance in advance.
- (3) Installation and repair license: one hundred dollars (\$100.) per year.
- (4) Meter repair or testing: minimum charge of thirty dollars (\$30.) for the first half hour per visit plus cost of transportation of meter to testing facility and cost of testing.
- (5) Meter damage: fifty dollars (\$50.).

H. Temporary service. See installation fees; wastewater charges will be billed at above rates.

I. Backflow prevention devices. All costs associated with installation, repair or inspection to be paid by owner. Inspection costs shall be not less than minimum service charge.

J. Violations: All costs associated with investigation, enforcement and correction of violations to be paid by owner.

K. Bad check: twenty-five dollars (\$25.) plus all associated fees.

**Attachments:**

[Attachment 1 - Schedule A, Local Discharge Limitations](#)

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



**Resolution Confirming Results of the October, 2020 Virtual Public Auction**

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

That the following result of the October, 2020 Virtual Public Auction is confirmed as follows:

<b><u>Property</u></b>	<b><u>Purchaser</u></b>	<b><u>Amount</u></b>
24 Cherokee Drive	David Roy Family Trust	\$17,100.00

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City Clerk's Office

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**Resolution Accepting**  
**NH Department of Environmental Services (NHDES) Grant,**  
**in Connection with 2021 Household Hazardous Waste Day**  
**and Authoring City Manager to Enter Into a**  
**Contract with NHDES not to exceed \$13,350.00**

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

That a NHDES Grant, in the amount not to exceed Thirteen Thousand Three Hundred Fifty Dollars (\$13,350.00) to the City of Rochester, for the purpose of hosting hazard mitigation, is hereby accepted by the City of Rochester. The associated revenue and expenses accounts have previously been approved by the Council in the Department of Public Works 2021 operating budget of the City of Rochester.

Additionally, the City Manager of the City of Rochester, be, and hereby is authorized to enter into a contract with the NHDES with respect to such grant and the conduct of the aforementioned 2021 Household Hazardous Waste Day.

Furthermore, to the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution.

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City Clerk's Office

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## City of Rochester Formal Council Meeting

### AGENDA BILL

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

AGENDA SUBJECT
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COUNCIL ACTION ITEM <input type="checkbox"/>
INFORMATION ONLY <input type="checkbox"/>

FUNDING REQUIRED? YES <input type="checkbox"/> NO <input type="checkbox"/>
* IF YES ATTACH A FUNDING RESOLUTION FORM

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

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

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

#### COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

#### DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

#### FINANCE & BUDGET INFORMATION

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

#### LEGAL AUTHORITY

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**SUMMARY STATEMENT**

[Empty box for Summary Statement]

**RECOMMENDED ACTION**

[Empty box for Recommended Action]

**Resolution Authorizing a Supplemental Appropriation  
in the Amount of \$290,000.00 for the Purchase of 11 Barker Court**

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

That the amount of Two Hundred Ninety Thousand Dollars (\$290,000.00) is hereby appropriated as a supplemental appropriation for the purpose of paying costs associated with the purchase of 11 Barker Court. The funding for this supplemental appropriation shall be derived in its entirety from the General Fund Unassigned Fund Balance.

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

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City Clerk's Office

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### City of Rochester Formal Council Meeting

### AGENDA BILL

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

AGENDA SUBJECT

COUNCIL ACTION ITEM   
INFORMATION ONLY

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

RESOLUTION REQUIRED? YES  NO

FUNDING RESOLUTION FORM? YES  NO

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

#### COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

#### DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

#### FINANCE & BUDGET INFORMATION

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

#### LEGAL AUTHORITY

**SUMMARY STATEMENT**

[Empty box for Summary Statement]

**RECOMMENDED ACTION**

[Empty box for Recommended Action]

PURCHASE AND SALES AGREEMENT
New Hampshire Association of REALTORS® Standard Form



(EFFECTIVE DATE)
EFFECTIVE DATE is defined in Section 21 of this Agreement.

1. THIS AGREEMENT made this 7th day of October, 2020 between David Hurlburt, Elizabeth Hurlburt

(SELLER) of 9 Homestead Ln
City/Town Dover, State NH Zip 03820-4689
and City of Rochester

(BUYER) of 31 Wakefield St
City/Town Rochester, State NH Zip 03867-1916

2. WITNESSETH: That SELLER agrees to sell and convey, and BUYER agrees to buy certain real estate situated in City/Town of Rochester located at 11 Barker Ct

County Strafford Book 3600 Page 349 Date 12/07/2007 (PROPERTY).

3. The SELLING PRICE is Two Hundred Ninety Thousand Dollars \$290,000.00
A DEPOSIT in the form of Personal Check, is to be held in an escrow account by None (ESCROW AGENT). BUYER [ ] has delivered, or [X] will deliver to the ESCROW AGENT's FIRM within 5 days of the EFFECTIVE DATE, a deposit of earnest money in the amount of \$N/A. BUYER agrees that an additional deposit of earnest money in the amount of \$N/A will be delivered on or before N/A. If BUYER fails to deliver the initial or additional deposit in compliance with the above terms, SELLER may terminate this Agreement. The remainder of the purchase price shall be paid by wire, certified, cashier's or trust account check, in the amount of \$290,000.00.

4. DEED: Marketable title shall be conveyed by a General Warranty deed, and shall be free and clear of all encumbrances except usual public utilities serving the PROPERTY.

5. TRANSFER OF TITLE: On or before November 6, 2020 at TBD or some other place of mutual consent as agreed to in writing.

6. POSSESSION: Full possession and occupancy of the premises with all keys shall be given upon the transfer of title free of all tenants and occupant's personal property and encumbrances except as herein stated. Said premises to be then in the same condition in which they now are, reasonable wear and tear excepted. SELLER agrees that the premises will be delivered to BUYER free of all debris and in "broom clean" condition. Exceptions: None

Buyer reserves the right to conduct a walk through inspection upon reasonable notice to SELLER's real estate FIRM within 24-72 hours prior to time of closing to ensure compliance with the terms of this Agreement.

7. REPRESENTATION: The undersigned SELLER(S) and BUYER(S) acknowledge the roles of the agents as follows:
Andy Yau of RE/MAX Shoreline
is a [X] seller agent [ ] buyer agent [ ] facilitator [ ] disclosed dual agent\*
City of Rochester of City of Rochester

\*If agent(s) are acting as disclosed dual agents, SELLER and BUYER acknowledge prior receipt and signing of a Dual Agency Informed Consent Agreement.

[X] NOTICE OF DESIGNATED AGENCY: If checked, notice is hereby given that BUYER is represented by a designated buyer's agent and SELLER is represented by a designated seller's agent in the same firm.

8. INSURANCE: The buildings on said premises shall, until full performance of this Agreement, be kept insured against fire, and other extended casualty risk by SELLER. In case of loss, all sums recoverable from said insurance shall be paid or assigned, on transfer of title, to BUYER, unless the premises shall previously have been restored to their former condition by SELLER; or, at the option of BUYER, this Agreement may be rescinded and the DEPOSIT refunded if any such loss exceeds \$3,000.00.

SELLER(S) INITIALS [Signature] BUYER(S) INITIALS [Signature]



PURCHASE AND SALES AGREEMENT
New Hampshire Association of REALTORS® Standard Form



9. TITLE: If upon examination of title it is found that the title is not marketable, SELLER shall have a reasonable time, not to exceed thirty (30) days from the date of notification of defect (unless otherwise agreed to in writing), to remedy such defect.

10. PRORATIONS: Taxes, condo fees, special assessments, rents, water and sewage bills shall be prorated as of time and date of closing. Buyer shall pay for all fuel remaining in tank(s) calculated as of the closing date or such earlier date as required to comply with lender requirements, if any. The amount owed shall be determined using the most recently available cash price of the company that last delivered the fuel.
None

11. PROPERTY INCLUDED: All Fixtures N/A

12. In compliance with the requirements of RSA 477:4-a, the following information is provided to BUYER relative to Radon Gas and Lead Paint:

RADON: Radon, the product of decay of radioactive materials in rock may be found in some areas of New Hampshire. Radon gas may pass into a structure through the ground or through water from a deep well. Testing of the air by a professional certified in radon testing and testing of the water by an accredited laboratory can establish radon's presence and equipment is available to remove it from the air or water.

Arsenic: Arsenic is a common groundwater contaminant in New Hampshire that occurs at unhealthy levels in well water in many areas of the state. Tests are available to determine whether arsenic is present at unsafe levels, and equipment is available to remove it from water. The buyer is encouraged to consult the New Hampshire department of environmental services private well testing recommendations (www.des.nh.gov) to ensure a safe water supply if the subject property is served by a private well.

LEAD: Before 1978, paint containing lead may have been used in structures. Exposure to lead from the presence of flaking, chalking, chipping lead paint or lead paint dust from friction surfaces, or from the disturbance of intact surfaces containing lead paint through unsafe renovation, repair or painting practices, or from soils in close proximity to the building, can present a serious health hazard, especially to young children and pregnant women. Lead may also be present in drinking water as a result of lead in service lines, plumbing and fixtures. Tests are available to determine whether lead is present in paint or drinking water.

Disclosure Required [ ] YES [X] NO

13. BUYER ACKNOWLEDGES PRIOR RECEIPT OF SELLER'S PROPERTY DISCLOSURE FORM AND SIGNIFIES BY INITIALING HERE: BMC

14. INSPECTIONS: The BUYER is encouraged to seek information from licensed home inspectors and other professionals normally engaged in the business regarding any specific issue of concern. SELLER'S real estate FIRM makes no warranties or representations regarding the condition, permitted use or value of the SELLER'S real or personal property. This Agreement is contingent upon the following inspections, with results being satisfactory to the BUYER:

Table with 4 columns: TYPE OF INSPECTION, YES, NO, RESULTS TO SELLER. Rows include General Building, Sewage Disposal, Water Quality, Radon Air Quality, Radon Water Quality, Lead Paint, Pests, Hazardous Waste, and other unspecified inspections.

The use of days is intended to mean calendar days from the effective date of this Agreement. TIME IS OF THE ESSENCE in the observance of all deadlines set forth within this Paragraph 14. All inspections will be done by licensed home inspectors or other professionals normally engaged in the business, to be chosen and paid for by BUYER. If BUYER does not notify SELLER in writing that the results of an inspection are unsatisfactory within the time period set forth above, the contingency is waived by BUYER. If the results of any inspection specified herein reveal significant issues or defects, which were not previously disclosed to BUYER then:

(a) BUYER shall have the option at BUYER'S sole discretion to terminate this Agreement and all deposits shall be returned to BUYER in accordance with NH RSA 331-A:13; or

(b) If BUYER elects to notify SELLER in writing of the unsatisfactory condition(s) then:
1) SELLER and BUYER can reach agreement in writing on the method of repair or remedy of the unsatisfactory condition(s); or

SELLER(S) INITIALS [Signature] BUYER(S) INITIALS BMC



PURCHASE AND SALES AGREEMENT
New Hampshire Association of REALTORS® Standard Form



- 2) If SELLER elects not to repair or remedy the unsatisfactory conditions(s) the BUYER may release the home inspection contingency and accept the property as is; or
3) If SELLER and BUYER cannot reach agreement in writing with respect to the method of repair and remedy of the unsatisfactory condition(s), then this Agreement is terminated and all deposits shall be returned to BUYER in accordance with NH RSA 331-A:13.

Notification in writing of SELLER'S intent to repair or remedy or not to repair or remedy pursuant to Section (b) above, shall be delivered to BUYER or their licensee within five (5) days of receipt by SELLER of notification of unsatisfactory condition(s). BUYER shall respond in writing to SELLER'S notification within five (5) days. If BUYER does not respond within five (5) days, SELLER may elect to terminate this Agreement and all deposits shall be returned to BUYER in accordance with NH RSA 331-A:13.

In the absence of inspection mentioned above, BUYER is relying upon BUYER'S own opinion as to the condition of the PROPERTY.

BUYER HEREBY ELECTS TO WAIVE THE RIGHT TO ALL INSPECTIONS AND SIGNIFIES BY INITIALING

HERE: BMC

15. DUE DILIGENCE: This Agreement is contingent upon BUYER'S satisfactory review of the following:

- a. Restrictive Covenants of Record [X] YES [ ] NO
b. Easements of Record/Deed [X] YES [ ] NO
c. Park Rules and Regulations [ ] YES [X] NO
d. Condominium documentation per N.H. RSA 356-B:58 [ ] YES [X] NO
e. Co-op/PUD/Association Documents [ ] YES [X] NO
f. Availability of Property/Casualty Insurance [ ] YES [X] NO
g. Availability and cost of Flood Insurance [ ] YES [X] NO

If such review is unsatisfactory, BUYER must notify SELLER in writing within 10 days from the effective date of the Agreement failing which such contingency shall lapse.

16. LIQUIDATED DAMAGES: If BUYER shall default in the performance of their obligation under this Agreement, the amount of the deposit may, at the option of SELLER, become the property of SELLER as reasonable liquidated damages. In the event of any dispute relative to the deposit monies held in escrow, the ESCROW AGENT may, in its sole discretion, pay said deposit monies into the Clerk of Court of proper jurisdiction in an Action of Interpleader, providing each party with notice thereof at the address recited herein, and thereupon the ESCROW AGENT shall be discharged from its obligations as recited therein and each party to this Agreement shall thereafter hold the ESCROW AGENT harmless in such capacity. Both parties hereto agree that the ESCROW AGENT may deduct the cost of bringing such Interpleader action from the deposit monies held in escrow prior to the forwarding of same to the Clerk of such court.

17. PRIOR STATEMENTS: Any verbal representation, statements and agreements are not valid unless contained herein. This Agreement completely expresses the obligations of the parties.

18. FINANCING: This Agreement ( [ ] is ) ( [X] is not ) contingent upon BUYER obtaining financing under the following terms:

AMOUNT CASH TERM/YEARS N/A RATE N/A MORTGAGE TYPE CASH

For the purposes of this Agreement, financing is to be demonstrated by a conditional loan commitment letter, which states that BUYER is creditworthy, has been approved and that the lender shall make the loan in a timely manner at the Closing on specified customary conditions for a loan of the type specified above. BUYER is responsible to resolve all conditions included in the loan commitment by the Closing date.

SELLER(S) INITIALS

[Handwritten initials]

BUYER(S) INITIALS

BMC



**PURCHASE AND SALES AGREEMENT**  
**New Hampshire Association of REALTORS® Standard Form**



The existence of conditions in the loan commitment will not extend either the Financing Deadline described below or the closing date.

BUYER hereby authorizes, directs and instructs its lender to communicate the status of BUYER'S financing and the satisfaction of lender's specified conditions to SELLER and SELLER'S/BUYER'S real estate FIRM.

TIME IS OF THE ESSENCE in the observance of all deadlines set forth within this financing contingency.

BUYER agrees to act diligently and in good faith in obtaining such financing and shall, within N/A calendar days from the effective date, submit a complete and accurate application for mortgage financing to at least one financial institution currently providing such loans, requesting financing in the amount and on the terms provided in this Agreement.

If BUYER provides written evidence of inability to obtain financing to SELLER by N/A ("Financing Deadline"), then:

- (a) This Agreement shall be null and void; and
- (b) All deposits will be returned to BUYER in accordance with the procedures required by the New Hampshire Real Estate Practice Act (N.H. RSA 331-A:13) ("the Deposit Procedures"); and
- (c) The premises may be returned to the market.

BUYER may choose to waive this financing contingency by notifying SELLER in writing by the Financing Deadline and this Agreement shall no longer be subject to financing.

If, however:

- (a) BUYER does not make application within the number of days specified above; or
- (b) BUYER fails to provide written financing commitment or written evidence of inability to obtain financing to SELLER by the Financing Deadline,

Then SELLER shall have the option of either:

- (a) Declaring BUYER in default of this Agreement; or
- (b) Treating the financing contingency as having been waived by BUYER.

If SELLER declares BUYER in default, in addition to the other remedies afforded under this Agreement:

- (a) SELLER will be entitled to all deposits in accordance with the Deposit Procedures; and
- (b) This Agreement will be terminated; and
- (c) The premises may be returned to the market for sale.

If SELLER opts to treat the financing contingency as waived or relies on a conditional loan commitment and BUYER subsequently does not close in a timely manner, SELLER can then declare BUYER in default. SELLER then, in addition to the other remedies afforded under this Agreement:

- (a) Will be entitled to all deposits in accordance with the Deposit Procedures; and
- (b) This Agreement will be terminated; and
- (c) The premises may be returned to the market for sale.

BUYER shall be solely responsible to provide SELLER in a timely manner with written evidence of financing or lack of financing as described above.

**WIRE FRAUD ALERT.** Sophisticated criminals are targeting the email accounts of real estate agents, title companies, settlement attorneys and others to generate fake wire transfer instructions designed to divert closing funds to the criminals. The emails are professionally created and look real. Buyer and Seller should not send personal information such as social security numbers, bank account numbers or credit card numbers except through secure email or personal delivery of the information. **Buyer and Seller are advised not to wire any funds without personally speaking with the intended recipient of the wire to confirm the routing number and the account number.** Seller \_\_\_\_\_ Buyer \_\_\_\_\_

SELLER(S) INITIALS *DS* / *EH* BUYER(S) INITIALS *BMC* / \_\_\_\_\_



PURCHASE AND SALES AGREEMENT
New Hampshire Association of REALTORS® Standard Form



19. ADDITIONAL PROVISIONS:

Blank lines for additional provisions.

20. ADDENDA ATTACHED: [ ] Yes [X] No

21. EFFECTIVE DATE/NOTICE: Any notice, communication or document delivery requirements in this agreement may be satisfied by providing the required notice, communication or documentation to the party or their licensee.

Each party is to receive a fully executed copy of this Agreement. This Agreement shall be binding upon the heirs, executors, administrators and assigns of both parties.

PRIOR TO EXECUTION, IF NOT FULLY UNDERSTOOD, PARTIES ARE ADVISED TO CONTACT AN ATTORNEY.

Buyer information: Blain Cox, 10/7/20 1 4:48 PM, City of Rochester, 31 Wakefield St, Rochester NH 03867-1916

SELLER accepts the offer and agrees to deliver the above-described PROPERTY at the price and upon the terms and conditions set forth.

Seller information: David Hurlburt, 10/12/20, 9 Homestead Ln, Dover NH 03820-4689; Elizabeth Hurlburt, 10/12/20, 9 Homestead Ln, Dover NH 03820

# Unofficial Property Record Card - Rochester, NH

## General Property Data

Parcel ID 0121-0398-0000  
 Prior Parcel ID  
 Property Owner HURLBURT DAVID B & ELIZABETH  
 Mailing Address 9 HOMESTEAD LN  
 City DOVER  
 Mailing State NH  
 Zip 03820  
 Parcel/Zoning DTC  
 Account Number 301  
 Property Location 11 BARKER CT  
 Property Use FOUR FAMILY  
 Most Recent Sale Date 12/7/2007  
 Legal Reference 3600-349  
 Grantor NEGM M A LLC  
 Sale Price 224,000  
 Land Area 0.050 acres

## Current Property Assessment

Card 1 Value Building Value 180,800 Xtra Features Value 0 Land Value 47,000 Total Value 227,800

## Building Description

Building Style MULTIFAMILY # of Living Units 4 Year Built 1920 Building Grade AVERAGE Building Condition Avg-Good Finished Area (SF) 2398 Number Rooms 10 # of 3/4 Baths 3	Foundation Type BRICK/STONE Frame Type WOOD Roof Structure GABLE Roof Cover ASPH SHINGLE Siding VINYL Interior Walls AVERAGE # of Bedrooms 5 # of 1/2 Baths 0	Flooring Type AVERAGE Basement Floor CONCRETE Heating Type FORCED H/W Heating Fuel GAS Air Conditioning 0% # of Bsmt Garages 0 # of Full Baths 1 # of Other Fixtures 0
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## Legal Description

## Narrative Description of Property

This property contains 0.050 acres of land mainly classified as FOUR FAMILY with a(n) MULTIFAMILY style building, built about 1920 , having VINYL exterior and ASPH SHINGLE roof cover, with 0 commercial unit(s) and 4 residential unit(s), 10 room(s), 5 bedroom(s), 1 bath(s), 0 half bath(s).

## Property Images



Disclaimer: This information is believed to be correct but is subject to change and is not warranted.



**Resolution Accepting \$726,914.00 GOFERR Coronavirus Relief Funds from the State of  
New Hampshire**

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

That the amount of Seven Hundred Twenty Six Thousand Nine Hundred Fourteen Dollars (\$726,914.00) in State of New Hampshire Governor's Office for Emergency Relief and Recovery Coronavirus Relief Funds is hereby accepted.

Further, that the amount of Fifty Four Thousand Five Hundred Dollars (\$54,500.00) is hereby accepted to the Economic Development Fund to reimburse for costs associated with the City's Small Business Grants Program and that the amount of Six Hundred Seventy Two Thousand Four Hundred Fourteen Dollars (\$672,414.00) is accepted to the General Fund as unanticipated revenue.

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

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## 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

LEGAL AUTHORITY
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**SUMMARY STATEMENT**

[Empty box for Summary Statement]

**RECOMMENDED ACTION**

[Empty box for Recommended Action]

**RESOLUTION AUTHORIZING ACCEPTANCE AND APPROPRIATION OF NH  
STATE COUNCIL ON THE ARTS GRANT**

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

WHEREAS, that a New Hampshire State Council on the Arts grant in the amount of Seven Thousand Five Hundred Dollars (\$7,500.00) has been awarded tentatively to the City of Rochester's Planning Department and is hereby accepted by the City of Rochester;

WHEREAS, the aforesaid grant requires a cash match by the City of Rochester in the amount of Five Thousand Dollars (\$5,000.00), to be taken from the arts fund under City of Rochester's Economic Development Office;

FURTHER, that the sum of Seven Thousand Five Hundred Dollars (\$7,500.00) be, and hereby is, appropriated to a non-lapsing Special Revenue Fund to be created for the purpose of carrying out the purposes of the New Hampshire State Council on the Arts grant;

FURTHER, that the transfer of Five Thousand Dollars (\$5,000.00), from the FY 2021 Economic Development Office's arts fund to the non-lapsing Special Revenue fund stipulated above is hereby authorized;

FURTHER, that the City Manager is authorized to enter into a grant agreement and any other contracts with the New Hampshire State Council on the Arts that are necessary to receive and administer the grant funds detailed above; and

FURTHER, 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

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## City of Rochester Formal Council Meeting

### AGENDA BILL

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AGENDA SUBJECT
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COUNCIL ACTION ITEM <input type="checkbox"/>
INFORMATION ONLY <input type="checkbox"/>

FUNDING REQUIRED? YES <input type="checkbox"/> NO <input type="checkbox"/>
* IF YES ATTACH A FUNDING RESOLUTION FORM

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

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

LEGAL AUTHORITY
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**SUMMARY STATEMENT**

[Empty box for Summary Statement]

**RECOMMENDED ACTION**

[Empty box for Recommended Action]





## City of Rochester Formal Council Meeting

### AGENDA BILL

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

AGENDA SUBJECT
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COUNCIL ACTION ITEM <input type="checkbox"/>	FUNDING REQUIRED? YES <input type="checkbox"/> NO <input type="checkbox"/>
INFORMATION ONLY <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**

[Empty box for Summary Statement]

**RECOMMENDED ACTION**

[Empty box for Recommended Action]

**Resolution Authorizing the Acceptance of a \$16,154.00 U.S. Department of Justice (USDOJ) Ballistic Vest Grant by the Rochester Police Department (RPD) and Supplemental Appropriation in Connection Therewith**

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

That a Sixteen Thousand One Hundred Fifty Four Dollar (\$16,154.00) USDOJ Ballistic Vest Grant is hereby accepted by the City on behalf of the RPD.

Further, the City Council authorizes a supplemental appropriation to the RPD operating budget in the amount of Sixteen Thousand One Hundred Fifty Four Dollar (\$16,154.00) with the entirety of the supplemental appropriation being derived from said Grant.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such 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

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### 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.**

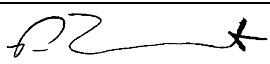
AGENDA SUBJECT
----------------

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

[Empty box for Summary Statement]

**RECOMMENDED ACTION**

[Empty box for Recommended Action]

**AGENDA BILL - FUNDING RESOLUTION**

**EXHIBIT**

Project Name:

Date:

Fiscal Year:

Fund (select):

GF       Water       Sewer       Arena

CIP       Water CIP       Sewer CIP       Arena CIP

Special Revenue

Fund Type:      Lapsing

Non-Lapsing

**Deauthorization**

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

**Appropriation**

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

**Revenue**

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

DUNS #

CFDA #

Grant #

Grant Period: From   
To

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

Reimbursement Request will be reduced

Funds will be returned

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City Clerk's Office

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