



**Reconvened Regular City Council Meeting
January 9, 2024
Council Chambers
31 Wakefield Street
*Immediately following the Finance Committee meeting***

Agenda

- 1. Call to Order**
- 2. Opening Prayer**
- 3. Pledge of Allegiance**
- 4. Roll Call**
- 5. Acceptance of Minutes**
 - 5.1 Regular City Council Meeting: December 5, 2023
*consideration for approval P. 7***
 - 5.2 City Council Special Meeting: December 19, 2023
*consideration for approval P. 25***
- 6. Communications from the City Manager**
 - 6.1 City Manager's Report P. 31**
- 7. Communications from the Mayor**
 - 7.1. Mayoral Appointments of Subcommittees P. 55**
- 8. Presentation of Petitions and Council Correspondence**
- 9. Nominations, Appointments, Resignations, and Elections**
 - 9.1. **Resignation:** Matthew Richardson, Planning Board Regular Member *consideration for approval***
 - 9.2. **Resignation:** David Walker, Planning Board Regular**

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City Clerk's Office

Member ***consideration for approval***

- 9.3. **Resignation: Dennis Raymond, Moderator for Ward 5**
consideration for approval
- 9.4. **Mayoral and City Manager Nominations and Appointments P. 57**
- 9.4.1. **Mayoral Nomination/Confirm by City Council: Arts and Culture - Government Representative – Patricia Turner** *Term to Expire on 1/2/2026*
- 9.4.2. **Mayoral Nomination/Confirm by City Council: Historic District Commission - City Council Representative, David Herman** *Term to Expire on 1/2/2026*
- 9.4.3. **Mayoral Nomination/Confirm by City Council: Planning Board Regular Member – Donald Hamann** *Term to Expire on 01/02/2026*
- 9.4.4. **Mayoral Nomination/Confirm by City Council: Planning Board Alternate Member – Matthew Richardson** *Term to Expire on 01/02/2026*
- 9.4.5. **Mayoral Nomination/Confirm by City Council: Recreation and Arena Commission, Regular Member - Bryan Karolian** *Term to Expire on 01/02/2026*
- 9.4.6. **Mayoral Appointment: CIP Committee, Regular Member – Donald Hamann** *Term to Expire on 01/02/2026*
- 9.4.7. **Mayoral Appointment: CIP Committee, Regular Member – Daniel Fitzpatrick** *Term to Expire on 01/02/2026*
- 9.4.8. **Mayoral Appointment: CIP Committee, Regular Member – David Walker** *Term to Expire on 01/02/2026*
- 9.4.9. **City Manager Nomination/Confirm by City Council: CIP Committee, Regular Member –**

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City Clerk's Office

Keith Fitts *Term to Expire on 01/02/2026* P. 59

9.4.10. City Manager Nomination/Confirm by City Council: CIP Committee, Regular Member – Sheila Colson *Term to Expire on 01/02/2026* P. 61

9.5. Appointment: Rachel Laughner – Municipal Registration Agent for the City of Rochester *(requires majority Council signatures)* P. 63

9.6. Declaration of Vacancy – City Council Ward 2, Seat B P. 67

10. Reports of Committees *no December meetings held

11. Committee of the Whole: Review of Code of Ethics and Conduct
Refer to Codes & Ordinances P. 69

12. Unfinished Business

13. Consent Calendar

14. New Business

14.1. Resolution for Supplemental Appropriation of \$440,751 to Department of Public Works (DPW) Sewer CIP Fund
first reading and consideration for adoption P. 79

14.2. Unsealing of Non-Public Minutes *Motion to unseal the following:*

14.2.1. September 5, 2023, RSA 91-A:3, II(d) Land

14.2.2. October 17, 2023, RSA 91-A:3, II(d) Land

15. Non-Meeting/Non-Public Session

15.1. Consultation with Legal Counsel

16. Adjournment

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City Clerk's Office

**Regular City Council Meeting
December 5, 2023
Council Chambers
6:12 PM**

COUNCILORS PRESENT

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

OTHERS PRESENT

Katie Ambrose Cox, City Manager
Mark Sullivan, Finance Director
Terence O'Rourke, City Attorney
Peter Nourse, Director of City Services

COUNCILORS ABSENT

*Councilor Berlin

Minutes

1. Call to Order

Mayor Callaghan called the meeting to order at 6:12 PM. *The Mayor, City Manager, City Clerk, and several City Councilors attended the Rochester Christmas Tree Lighting Ceremony at 5:30. The Mayor and Councilor de Geofroy's family assisted with the initial tree lighting.*

2. Opening Prayer

Mayor Callaghan called for a moment of silence.

3. Pledge of Allegiance

Mayor Callaghan led the Pledge of Allegiance.

4. Roll Call

Kelly Walters, City Clerk, called the roll. All City Councilors were present, except for *Councilor Berlin, who recently submitted a letter of resignation. (*See Agenda Item 9.1*)

5. Acceptance of Minutes

5.1 Regular City Council Meeting: November 8, 2023 *consideration for approval*

Councilor Lachapelle **MOVED** to **ACCEPT** the November 8, 2023, Regular City Council meeting minutes. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

6. Communications from the City Manager

Katie Ambrose, City Manager, announced that the Inauguration for the Mayor, City Council, School Board, Police Commission, and Election Officials, shall take place on January 2, 2024, at 6:00 PM in the Rochester Opera House.

6.1 City Manager's Report

The City Manager's report is as follows:

Contracts and documents executed since last month:

- **Department of Public Works**
 - Change Order, Strafford Square Roundabout – S.U.R.
 - ARPA Grant Agreement - Water Treatment Facility
 - Change Order, City Hall/Opera House Egress – Careno
- **Economic Development**
 - FY23-24 CAP Weatherization – Elizabeth St
 - FY23-24 CAP Weatherization – S. Elderberry
 - FY23-24 CAP Weatherization – Whispering Winds
 - FY23-24 CAP Weatherization – Nola Ave
 - FY23-24 CAP Weatherization – Joshua St
 - FY23-24 CAP Weatherization – Reagan Dr
 - FY23-24 CAP Weatherization – Cattail

The following Standard Report has been enclosed:

- Personnel Action Report Summary

7. Communications from the Mayor

Mayor Callaghan congratulated Judge Melissa Countway, who is currently a Rochester Circuit Court Judge, on her nomination to be appointed as a Supreme Court Judge.

Mayor Callaghan thanked the Greater Rochester Chamber of Commerce, City of Rochester, and volunteers who worked on the Christmas Holiday Parade.

Mayor Callaghan thanked the Menzel family for the large Christmas Tree, which they planted back in 1984. The tree is over 30 feet tall.

Councilor Fontneau addressed the City Council about the need for a new Strafford County nursing home facility. He announced that there is a public hearing on the matter on December 7, 2023. He encouraged City Councilors and residents to contact the State Legislators about this important project. He spoke briefly about the poor condition of the current facility and how the County Administrator proposes to pay for the new facility.

8. Presentation of Petitions and Council Correspondence

No discussion.

9. Nominations, Appointments, Resignations, and Elections

9.1. Resignation: Dana Berlin, City Council Ward 6, Seat A *consideration for approval*

Councilor Lachapelle **MOVED** to **ACCEPT** the resignation of Dana Berlin, City Council -Ward 6 -Seat A, with regret. Councilor Desrochers seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

9.2. Resignation: Michael Scala, Ward 6 Selectman *consideration for approval*

Councilor Lachapelle **MOVED** to **ACCEPT** the resignation of Michael Scala, Selectman, Ward 6, with regret. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Gray **MOVED** to **AMEND** the Agenda to address the following Agenda Item:

13.3 Item Councilor Gray Agenda Item: City Council Ward 6, Seat A vacancy *discussion*

Councilor Gray said this agenda item impacts the representation of

the citizens living in Ward 6. Councilor Hainey second the motion. Mayor Callaghan called for a vote on the motion. The **MOTION FAILED** by a roll call vote of 5 to 7. Councilors Beaudoin, Hainey, Gray, Gilman, and Fontneau voted in favor of the motion. Councilors de Geofroy, Hamann, Desrochers, Lachapelle, Malone, Larochelle, and Mayor Callaghan voted against the motion.

Councilor Gray requested/**motioned** to discuss another matter that he felt is related to resignations and elections. He said the City Councilors received an email from the City Attorney, regarding communications he received questioning the qualification/eligibility of a current City Councilor. Councilor Gray felt the discussion fits under the current agenda item (nominations, appointments, resignations, and elections). Councilor Beaudoin offered a second to the motion. Mayor Callaghan called for a roll call vote. Councilor Larochelle asked for clarification on the motion. Councilor Gray **clarified the motion** is to gather more information regarding the details behind an email communication sent to the City Council this afternoon from the City Attorney regarding the eligibility of one of the current City Council members. He gave reasons why he felt this was an appropriate matter to discuss under this portion of the agenda. Councilor Desrochers requested a point of order due to the topic being discussed not appearing as an agenda item.

Councilor Lachapelle stated that he had not checked his email this afternoon; however, he felt it seemed more appropriate to discuss this matter in a non-public session. He believed this topic would fall under "other," which is not on the agenda.

Councilor Gray disagreed and requested more information about the incident, which the City Attorney had already deemed unfounded (*no violation of the City Charter*). Councilor Gray admitted that he does not always agree with the City Attorney's opinions and said there is no protection under RSA 91-A for this discussion to take place under an executive session.

Councilor de Geofroy gave reasons why this motion could only be made to "amend" the agenda. Councilor Desrochers agreed.

Mayor Callaghan explained the situation to the City Attorney, who was not in the Chambers during the start of the discussion. Attorney O'Rourke explained that the correspondence falls under Attorney/Client privileged information and that it will not be discussed in a public session. Councilor Gray reiterated to the City Attorney reasons he felt this was an appropriate discussion to take place under the current agenda item.

Councilor Hainey called for a point of order. She said it seems a motion has been made by Councilor Gray and seconded by Councilor Beaudoin and a vote must be taken at this point. She said the motion was to discuss the email and to place it on the agenda. Councilor de Geofroy stated that the motion did not include adding this email correspondence to the agenda, but rather to argue that the discussion “fits” under this portion of the current agenda.

Councilor Gray withdrew his previous motion. Councilor Beaudoin withdrew his second to the motion. Councilor Gray **MOVED** to **AMEND** the agenda to include a discussion of the email correspondence related to the qualifications of a current member to be eligible to continue to serve on the City Council. Councilor Beaudoin seconded the motion. The City Council briefly debated the matter.

Mayor Callaghan called for a vote on the motion to amend the agenda. The **MOTION FAILED** by a roll call vote of 4 to 8. Councilors Hainey, Gray, Gilman, and Beaudoin voted in favor of the motion. Councilors Malone, Fontneau, Laroche, de Geofroy, Desrochers, Hamann, Lachapelle, and Mayor Callaghan voted against the motion.

10. Reports of Committees

10.1. Finance Committee

10.1.1 Resolution Authorizing Supplemental Appropriation of \$45,000 to the Recreation Special Events Fund – Lilac Family Fun Festival *first reading and refer to public hearing 12/19*

Mayor Callaghan read the resolution by title only as follows and referred the matter to a Public Hearing to be held on December 19, 2023:

Resolution Authorizing Supplemental Appropriation of \$45,000 to the Recreation Special Events Fund-Lilac Family Fun Festival

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

That the sum of Forty-Five Thousand Dollars (\$45,000.00) is hereby appropriated to the Recreation Special Events Fund for the purpose of

paying costs associated with the annual Lilac Family Fun Festival. Advanced appropriation is needed in order to prepay costs associated with the event. The entirety of the supplemental appropriation shall be derived from the General Fund Unassigned Fund Balance.

The City of Rochester Recreation Department shall manage the use of funds under the City's established purchasing policies. Funds shall be expended solely on the annual Lilac Family Fun Festival event. Eligible uses of funds shall be for fireworks, various entertainment activities, and other miscellaneous expense pertinent to assuring a safe and successful community event.

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

10.1.2 Resolution Authorizing the Repurposing of One Million Five Hundred Thousand Dollars (\$1,500,000.00) of ARPA Funds *first reading and consideration for adoption*

Mayor Callaghan read the resolution by title only as follows:

Resolution Authorizing the Repurposing of One Million Five Hundred Thousand Dollars (\$1,500,000.00) of ARPA Funds

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

The City hereby repurposes One Million Five Hundred Thousand Dollars (\$1,500,000.00) of ARPA funds appropriated for the Water Transmission Main Relining Project to the Salmon Falls Booster Pump Station Rehabilitation Project.

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

lapsing, multi-year fund accounts(s) as necessary to which said sums shall be recorded.

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

Mayor Callaghan requested that Peter Nourse, Director of City Services, give a brief statement regarding how that money would be repurposed.

Mr. Nourse explained that DPW received \$2,000,000 of American Rescue Plan Act (ARPA) Funds back in 2021 to be used for a specific water related project. He gave details of the initial pre-work completed on the project; however, it was discovered that the water pipeline is in good condition and does not need to be re-lined. He said the project is near completion and there will be approximately \$1,500,000 of remaining ARPA Funds. He explained that the request is to repurpose those funds to support a different water project, the Salmon Falls Booster Pump Station Rehabilitation Project and gave details of the need to rehabilitate that pump station. He said utilizing the ARPA Funds would contribute to the completion of that project.

Mayor Callaghan called for a vote on the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.2 Planning Board

No discussion.

10.3 Public Works

10.3.1 Committee Recommendation: To approve the FY24 proposed paving list consideration for approval

Councilor Hamann **MOVED** to **APPROVE** the Committee's recommendation to approve the FY 24 proposed paving list. Councilor Desrochers seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

11. Old Business

11.1. Amendment to Chapter 7-83 of the General Ordinances of the City of Rochester Regarding the

Code of Ethics and Conduct for Elected and Appointed Officials – Board of Ethics *second reading and consideration for adoption*

Mayor Callaghan read the resolution by title only for a second time. The Amendment as further amended (highlighted in yellow) is as follows:

Amendment to Chapter 7 of the General Ordinances of the City of Rochester Regarding the Code of Ethics and Conduct for Elected and Appointed Officials

THE CITY OF ROCHESTER ORDAINS:

That Chapter 7 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):

ARTICLE XI

Code of Ethics and Conduct for Elected and Appointed Officials

§ 7-83 Board of Ethics.

- A. A Board of Ethics ("BOE") is hereby created. This BOE shall consist of three (3) persons: one member shall be appointed by the Mayor from the City Council, one member shall be appointed by the Chair of the School Board from the School Board, and one member shall be appointed by the Chair of the Police Commission from the Police Commission.
- B. Each BOE Member selected is required to serve unless the BOE Member is the subject of the Complaint, has a conflict of interest, or is excused due to unavailability or exceptional causes (such as a health issue).
- C. The BOE Members shall elect a chairperson and the BOE may adopt such rules for the conduct of its business as it sees fit. The BOE shall have the power to draw upon City departments for reports and information and stenographic and clerical help.

§ 7-84 Ethics Investigation Officer.

- A. The position of Ethics Investigation Officer ("EIO") is hereby

created. The City Manager shall have the power to identify and retain an EIO, with approval from the BOE, to assist with the investigation and prosecution of any Complaint which has been referred for investigation. The EIO, with approval of the BOE, shall have sufficient experience and training to conduct the investigation.

§ 7-85 **Complaints, Investigations, and Hearing.**

- A. **Complaint Requirements.** Any City official may submit a written complaint alleging one or more violations of the Code of Ethics and Conduct for Elected and Appointed Officials ("Ethics Code"). Such complaint must be based on personal knowledge, and set forth facts with enough specificity and detail for a determination of sufficiency for investigation. The Written Complaint must be signed under oath. The Complaint shall be delivered to the City Attorney with a copy to the Mayor and City Clerk. The City Attorney shall promptly provide a copy of the Complaint to the Charged Party.
- B. **Review for Sufficiency.**
 1. A Review for Sufficiency of the Complaint will be completed within thirty (30) days of receipt. This review will be based on the allegations contained in the Complaint and the immediately available public meetings or records referenced in the Complaint.
 2. ~~The City Attorney, Mayor, and City Manager in the case of a City Board, the City Attorney, Mayor, and Superintendent in the case of the School Board, or the City Attorney, Mayor, and Police Chief in the case of the Police Commission shall conduct the Review of Sufficiency, except in cases in which the Mayor is the subject of the Complaint.~~ **The City Attorney, Mayor, and Superintendent in the case of a City Board, the City Attorney, Mayor, and Police Chief in the case of the School Board, or the City Attorney, Mayor, and City Manager in the case of the Police Commission shall conduct the Review of Sufficiency.** Complaints against the Mayor, School Board Chair, or Police Commission Chair shall be reviewed by the City Attorney and the Deputy Mayor, School Board Vice Chair, or Police Commission Vice Chair, respectively.
 3. If the Complaint is deemed insufficient, the Complainant will be notified in writing of that decision with a copy provided to the Charged Party. A Complaint will be deemed sufficient if it is determined that the Complaint establishes on its own that it is

more probable than not that a violation of the Ethics Code may have occurred.

4. If the Complaint is deemed sufficient for further investigation, it shall be referred to the EIO for further action and all parties will be notified of this step through communication in writing.

- C. Investigation Phase. The EIO shall be provided the full cooperation of the City government to conduct such investigation as may be necessary to determine whether any violation may have occurred and next steps. The Charged Party shall have an opportunity to provide a response to the Complaint.

The EIO's investigation shall be completed within forty-five (45) days of the date of referral unless the Charged party and the Chair of the BOE mutually agree to a longer period.

The EIO shall provide a written report with the conclusions reached in the completed investigation to the BOE. The EIO shall provide a non-binding recommendation as to the disposition of the Complaint to the BOE. Thereafter, all action with regard to the Complaint shall be taken by the BOE.

- D. Board of Ethics Hearing.

1. The BOE shall take no further evidence on any Complaint, but shall make its determination based upon the report received by the EIO. However, the BOE shall hold at least one (1) public hearing at which the EIO, the Complainant, and the Charged Party shall be afforded an opportunity to present oral and written argument to the BOE. The BOE may hear from such other and further parties as it determines appropriate.

2. Any party may be represented by legal counsel at his or her own expense at any stage of proceedings related to the Ethics Code.

3. The BOE shall issue a written decision within thirty (30) days of the final public hearing with findings and a disposition, dismissal, or referral for further action if a violation found. If a violation has been found, the BOE shall recommend a sanction or penalty and refer the matter to the City Council, School Board, or Police Commission for disposition, sanction, or other action as set forth in the Ethics Code.

§ 7-86 Conflict Between Ethics Code and this Article. To the extent a conflict arises between the Ethics Code and this Article, this Article shall prevail.

Amendments are effective on January 1, 2024.

Councilor Lachapelle **MOVED** to **ADOPT** the amendment. Councilor Desrochers seconded the motion. The City Council debated whether to vote on this amendment due to this being the last Regular City Council meeting of the current City Council (term ends January 1, 2024). It was stated that the substance of the amendment would greatly impact the newly elected City Councilors.

Councilor Gray **MOVED** to **TABLE** the motion to a time certain (*January Regular City Council meeting*). The City Council debated the validity of the motion based on the understanding that this is the last Regular meeting of the current City Council's term of Office. The **MOTION FAILED** by a roll call vote of 5 to 7.

Councilor Lachapelle **MOVED** to **AMEND** the motion as follows:

- ~~The City Attorney, Mayor, and City Manager in the case of a City Board, the City Attorney, Mayor, and Superintendent in the case of the School Board, or the City Attorney, Mayor, and Police Chief in the case of the Police Commission shall conduct the Review of Sufficiency, except in cases in which the Mayor is the subject of the Complaint.~~ **The City Attorney, Mayor, and Superintendent in the case of a City Board, the City Attorney, Mayor, and Police Chief in the case of the School Board, or the City Attorney, Mayor, and City Manager in the case of the Police Commission shall conduct the Review of Sufficiency.** Complaints against the Mayor, School Board Chair, or Police Commission Chair shall be reviewed by the City Attorney and the Deputy Mayor, School Board Vice Chair, or Police Commission Vice Chair, respectively.

Councilor Desrochers seconded the motion. There was confusion on how the motion would appear in writing because of the verbal communication, which did not clarify the second sentence of the paragraph. The City Attorney clarified the motion. Councilor Lachapelle **restated the motion** as follows: Under § 7-85 B 2 to replace the first sentence (*as shown correctly above*) and to leave the second sentence of the paragraph as it original appears, *which is also shown correctly above*. Councilor Gray requested to see the amendment in writing. See

Addendum A (*The City Clerk restated the amendment aloud. The City Clerk added the words "first sentence" to further clarify the motion.*) The **MOTION** to **AMEND** the Amendment **CARRIED** by a roll call vote of 7 to 5. Councilors de Geofroy, Larochele, Lachapelle, Hamann, Desrochers, Malone, and Mayor Callaghan voted in favor of the motion. Councilors Gilman, Gray, Hailey, Fontneau, and Beaudoin voted against the motion.

The City Council continued to debate the motion. Mayor Callaghan called for a vote on the motion. The **MOTION CARRIED** by a roll call vote of 7 to 5. Councilors Hamann, Desrochers, Malone, Larochele, de Geofroy, Lachapelle, and Mayor Callaghan voted in favor of the motion. Councilors Gilman, Fontneau, Gray, Hailey, and Beaudoin voted against the motion.

11.2. Amendments to Chapter 223 of the General Ordinances of the City of Rochester regarding Streets and Sidewalks *second reading and consideration for adoption*

Mayor Callaghan read the Amendment by title only for a second time (*See Addendum B*)

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

12. Consent Calendar

No discussion.

13. New Business

13.1. Resolution Deauthorizing \$1,305.59 of the Rochester Police Department Highway Safety Mobilization Grant *first reading and consideration for adoption*

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

Resolution Deauthorizing \$1,305.59 of the Rochester Police Department Highway Safety Mobilization Grant

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

That One Thousand Three Hundred Five and 59/100 Dollars (\$1,305.59) of funds previously appropriated to the Rochester Police Department as part of the Highway Safety Mobilization Grant are hereby deauthorized.

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.

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

13.2. Amendment to Chapter 7 of the General Ordinances of the City of Rochester Regarding the Capital Improvements Program Committee *first reading and consideration for adoption*

Mayor Callaghan read the Amendment by title only as follows:

Amendment to Chapter 7 of the General Ordinances of the City of Rochester Regarding the Capital Improvements Program Committee

THE CITY OF ROCHESTER ORDAINS:

That Chapter 7 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**):

§ 7-38. Capital Improvements Program Committee.

A. Purpose. This section is established by the Rochester City Council pursuant to RSA 674:5. The purpose of the Capital Improvements Program Committee (or "the Committee") is to aid the City Council and City Manager in their consideration of the annual budget.

B. Functions of the Committee. The Capital Improvements Program Committee is charged to review submittals to the City's Capital Improvements Program in relation to the City's Master Plan and growth goals. The Committee's review is subject to the following procedure:

- (1) At such time the City Manager requests, each officer or Director of a Department shall submit an itemized request for capital projects for the departments or activities under its control.
- (2) Each capital request shall be for an item \$10,000 or greater in value and with at least a 10 year lifespan.
- (3) Each capital request shall be submitted using the Capital Projects Request form and explain how the project meets the evaluation criteria established by the Committee.
- (4) The Capital Improvements Program Committee shall score the proposals based upon the evaluation criteria. All scoring is submitted to the Planning Department to tabulate the ranking.
- (5) At the Committee's meeting to review and discuss the ranking the Committee as a whole may make changes to the ranking for reason stated in the final report to the Planning Board. The Committee may not rescore, only amend the ranking.
- (6) The Committee's Final Ranking Report shall be submitted to the Planning Board. The Planning Board may review scoring and change rankings based on knowledge of development patterns and the Master Plan. The Planning Board may not rescore, only amend the ranking.
- (7) A Final Ranked Project report of projects is submitted to the City Manager for recommendation to inform the proposed budget to the City Council.

C. Structure of the Committee.

- (1) Composition. The Capital Improvements Program Committee shall consist of eight members, all of whom shall be regular voting members. The composition of the Committee shall be as follows:
 - (a) Three members from the Planning Board
 - (b) Three members from City Council
 - (c) Two members at large – appointed by the City Manager with the approval of the City Council
- (2) Appointments. The members of the Committee shall be appointed pursuant to Section 74 of the City Charter for terms of two years.

D. Administration.

- (1) Meetings and activities. The Committee shall meet as needed and shall prepare a report and recommendation to the City Manager in accordance with the specified budget preparation process and schedule.

- (2) Bylaws. The Committee may adopt bylaws to govern its operation.
- (3) City and state law. The Committee shall be regulated by all applicable City and state laws.
- (4) Staffing and resources. The City of Rochester will provide staffing and other support to the Capital Improvements Program Committee, as appropriate, subject to availability of staff resources.

Amendments are effective upon passage.

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

Shanna Saunders, Director of Planning and Development, gave an overview of the proposed Amendment to the City of Rochester General Ordinances related to creation of the Capital Improvements Program Committee and its bylaws.

Councilor Beaudoin wished to clarify that all proposed CIP requests would remain on the list for the City Council to review regardless of how the projects are prioritized by the CIP Committee. Ms. Saunders replied that is correct.

Councilor Beaudoin asked if the Department Heads would still take questions from the full City Council during the budget cycle regarding various CIP Items. Ms. Saunders said the bulk of questions should be vetted through this new CIP Committee process, which will be broadcast; however, the Department Heads would still take questions during the City Council review of CIP items.

Katie Ambrose, City Manager, said the Finance Committee started discussing the CIP process last year for reasons resulting from the previous budget cycle. She said the Planning Board has been discussing this idea and how to formulate this change in process moving forward. The goal is to incorporate the City's Master Plan into the CIP Program. She said the Committee would give the report to the City Manager. The City Manager would then have more information regarding which CIP projects to present to the City Council in her proposed budget. She said the presentation of CIP projects would largely occur during the CIP Committee meetings.

Councilor de Geofroy asked if the reports including the individual reports/ranking scores would be available to the City Council with budget materials. Ms. Saunders recalled that the individual scores would be confidential; however, the final report of scores would be available. She

explained the complexity of ranking some of the CIP projects based on the City's Master Plan criteria; however, the Committee does have the ability to re-prioritize overall City Projects regardless of scores.

Councilor Gray gave reasons why he believed that the individual ranking sheets should be discoverable under RSA 91-A. Ms. Saunders agreed to look into the legal aspects of RSA 91-A as it relates to disclosure of the individual ranking sheets.

Councilor Gray said it will be challenging to have members serve on the Committee with the required time commitment. Ms. Saunders replied that three Planning Board members have already stated their interest in serving on the CIP Committee. She said the proposed weekly meeting schedule starts on January 11, 2024, and ends on February 29, 2024. Once the ranking/prioritizing of CIP Projects is completed, the Committee would disband until the next budget cycle.

Councilor Beaudoin asked for clarification on the process. City Manager Ambrose explained that the confusion is between the separation from the CIP Program and the CIP Budget, to which there is some overlap. The Committee is tasked with ranking the criteria for the individual projects and the prioritizing of such projects to be funded; however, the Committee is not crafting the CIP Budget. She said the Committee is generating recommendations on the CIP Program for the City Manager to review.

Councilor Gray stated that he interprets the State Law differently. He explained that the State Law gives the Planning Board certain rights to be able to comment on the CIP Process/projects. He gave a brief history of the changes in Rochester and of how much input the Planning Board should contribute to the City Council. He said State Law mandates that the City Council make all final decisions on the CIP Budget.

Mayor Callaghan called for a vote on the motion. The **MOTION CARRIED** by a majority voice vote.

13.3. Councilor Gray Agenda Item: City Council Ward 6, Seat A vacancy *discussion*

Councilor Gray stated that two current City Councilors were seated early during the current City Council term, which term ends on January 2, 2024. He gave a brief history of other related vacancies and how they were filled. He reiterated that the topic should have been discussed earlier in the meeting when he previously proposed a motion.

Councilor Desrochers questioned how many meetings this Councilor-Elect would be serving and questioned if they would be ready to serve. Mayor Callaghan replied that the City Councilor-Elect would be serving at the next City Council Workshop on December 19.

Councilor Lachapelle outlined the process for declaring a City Council Seat vacant and the process of the election thereof. He said this is a unique situation because the resignation for the vacant seat was received after the Municipal Election. He said there is not enough time to declare a seat vacant and elect a replacement. City Attorney O'Rourke agreed.

City Clerk Walters gave an opinion as follows: The City Charter is set up to fill a vacancy during the term of office until the Municipal Election and the second part of the process happens after the Municipal Election, when the City Councilor-Elect fills the seat for the remainder of the unexpired term.

Councilor Beaudoin gave reasons he felt the City Councilor-Elect should be sworn into office immediately. Councilor Fontneau agreed and said if there is no violation of the City Charter in doing so, he would make a motion to seat the Councilor-Elect at this time.

Councilor Desrochers stated that there is a clear gap in the City Charter and that the next City Council should be tasked with proposing a correction moving forward. She said there is not enough time to proceed through the appointment process currently in place.

Councilor de Geofroy said the situation seems trivial with only one meeting left; however, if the City Charter does not prevent the City Council action of appointing the City Councilor-Elect, he felt it would be okay to proceed.

Mayor Callaghan agreed and suggested that Councilor-Elect Matthew Richardson should be sworn into office without a vote of the City Council because the Municipal Election declared him the winner. City Attorney O'Rourke gave reasons why he disagreed. The City Council continued to debate the matter.

Councilor Fontneau **MOVED** to **REAFFIRM** the appointment of City Councilor-Elect Matthew Richardson to fill the unexpired term of the Ward 6 Seat A seat, which expires January 2, 2024. The **MOTION CARRIED** by a roll call vote of 11 to 1. Councilors Desrochers, Gray, Hamann, de Geofroy, Beaudoin, Hailey, Gilman, Malone, Fontneau, Larochelle, and

Mayor Callaghan voted in favor of the motion. Councilor Lachapelle voted against the motion. It was determined that Matthew Richardson would be sworn into office at the City Clerk's Office.

14. Non-Meeting/Non-Public Session

15. Adjournment

Mayor Callaghan **ADJOURNED** the Regular City Council Meeting at 7:23 PM.

Respectfully Submitted,

Kelly Walters, CMC
City Clerk

**City Council Special Meeting
December 19, 2023
Council Chambers
6:07 PM**

COUNCILORS PRESENT

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

OTHERS PRESENT

Katie Ambrose, City Manager
Mark Sullivan, Deputy Finance Director
Peter Nourse, Director of City Services

COUNCILORS EXCUSED

Councilor Malone*

Minutes

1. Call To Order

Mayor Callaghan called the City Council Special Meeting to order at 6:07 PM.

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

2. Resolution Establishing Polling Places and Times for the January 23, 2024 Presidential Primary Election *first reading and consideration for adoption*

Councilor Lachapelle **MOVED** to read the resolution in its entirety. Councilor de Geofroy seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Callaghan read the resolution in its entirety as follows:

**Resolution Establishing Polling Places and Times for the
January 23, 2024, Presidential Primary 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 January 23, 2024, Presidential Primary 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, Gonic

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

- WARD 5: James W. Foley Memorial Community Center a/k/a
Rochester Community Center – ENTRANCE B**
150 Wakefield Street/Community Way, Rochester

- 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. *The Processing of Absentee Ballots shall begin at 10:00 AM on Election Day.*

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

unanimous voice vote.

3. Resolution Authorizing the Acceptance of a State of New Hampshire American Rescue Plan Act (ARPA) Grant for the Cybersecurity Implementation Grant Program project in the amount of \$50,000 and Supplemental Appropriation to the Fiscal Year 2024 Water Capital Improvements Fund *first reading and consideration for adoption*

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

Resolution Authorizing the Acceptance of a State of New Hampshire American Rescue Plan Act (ARPA) Grant for the Cybersecurity Implementation Grant Program project in the amount of \$50,000 and Supplemental Appropriation to the Fiscal Year 2024 Water Capital Improvements Fund

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

That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, accept the grant amount of Fifty Thousand Dollars (\$50,000) from the State of New Hampshire ARPA grant program, and that the Mayor and City Council of the City of Rochester hereby authorized a supplemental appropriation to the Fiscal Year 2024 Water Capital Improvements Plan Fund in the amount of Fifty Thousand Dollars (\$50,000) for the Cybersecurity Implementation Grant Program project.

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

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

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

4. Resolution Authorizing Supplemental Appropriation of \$45,000 to the Recreation Special Events Fund – Lilac Family Fun Festival *second reading and consideration for adoption*

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

Resolution Authorizing Supplemental Appropriation of \$45,000 to the Recreation Special Events Fund-Lilac Family Fun Festival

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

That the sum of Forty-Five Thousand Dollars (\$45,000.00) is hereby appropriated to the Recreation Special Events Fund for the purpose of paying costs associated with the annual Lilac Family Fun Festival. Advanced appropriation is needed in order to prepay costs associated with the event. The entirety of the supplemental appropriation shall be derived from the General Fund Unassigned Fund Balance.

The City of Rochester Recreation Department shall manage the use of funds under the City's established purchasing policies. Funds shall be expended solely on the annual Lilac Family Fun Festival event. Eligible uses of funds shall be for fireworks, various entertainment activities, and other miscellaneous expense pertinent to assuring a safe and successful community event.

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

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

5. Adjournment

Mayor Callaghan **ADJOURNED** the City Council Special Meeting at
6:09

Respectfully Submitted,

Cassie Givara,
Deputy City Clerk

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City Clerk's Office



City of Rochester, New Hampshire

OFFICE OF THE CITY MANAGER
 31 Wakefield Street • Rochester, NH 03867
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www.RochesterNH.gov

CITY MANAGER'S REPORT December 2023

Contracts and documents executed since last month:

- **Department of Public Works**
 - Admin Agreement, Phase IV Colonial Pines Sewer Ext - Underwood **P. 33**
 - Project Status Update, CWSRF Loans, Sewer System Master Plan. **P. 34**
 - Construction Admin Contract, Biosolids Dewatering Facility – Brown & Caldwell **P. 35**
 - Software Agreement, Water Meter Reading Equipment – Sensus Base **P. 36**
 - Change Order Request & Cert of Substantial Completion – Route 11 Pump Station **P. 37**
 - Task Order for tech services – Brown & Caldwell **P. 38**
 - Change Order, Woodman Area Reconstruction – S.U.R. **P. 39**
 - Consultant Agreement, Water Pollution & Flood Reduction Study - Geosyntec **P. 40**
 - Engineering Construction Phase Services Amendment, Tara Estates Sewer Station **P. 41**
 - Homeowner Lien Agreements – Rt 202A Water Extension Project **P. 42**
 - Construction Admin Extension, Strafford Square Roundabout – Stantec Engineers **P. 43**
- **Economic Development**
 - FY23 - 24 CAP Weatherization – Day Lilly **P. 44**
 - FY23 - 24 CAP Weatherization - Riley **P. 45**
 - FY23 - 24 CAP Weatherization - Cleo Circle **P. 46**
 - FY23 - 24 CAP Weatherization - Periwinkle **P. 47**
 - Scope of Services, 150 Pickering Rd Survey – Doucet Survey Srvc **P. 48**
 - FY23 - 24 CAP Weatherization – Hansonville Rd **P. 49**
 - FY23 - 24 CAP Weatherization – Country Ridge **P. 50**
 - FY23 - 24 CAP Weatherization – Gooseberry **P. 51**
 - FY23 - 24 CAP Weatherization – Tonka **P. 52**
 - Revised Scope of Services, 150 Pickering – Doucet **P. 53**

The following standard report has been enclosed:

- Personnel Action Report Summary **P. 54**

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City Clerk's Office



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INTEROFFICE MEMORANDUM

TO: KATIE AMBROSE, CITY MANAGER

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

DATE: December 4, 2023

SUBJECT: Underwood Engineers (UE)
Construction Administration Agreement
Colonial Pines Sewer Ext Phase 4
Amount \$499,700.00

CC: Peter C. Nourse, PE, Director of City Services
Gretchen A. Young, PE, DPW Deputy Director – Technical Services

Attached please find (1) one copy of the UE Construction Administration Agreement for Phase 4 of the Colonial Pines Sewer Extension Project for execution. The total contract value is \$499,700.00. This project will install sewer mains and address drainage concerns per the Colonial Pines Phase 4 plan on Hemlock Drive, Balsam Street and Meadow Lane.

Underwood Engineers were selected for engineering projects associated with the City of Rochester Capital Improvements Plan (CIP) per RFQ 21-19.

Funds are available in the following Colonial Pines Sewer Fund (70%) & General Fund (30%) project accounts:

55026020-771000-20549 = \$290,164.35
55026020-771000-21533 = \$59,625.65
15013010-771000-20572 = \$41,937.28
15013010-771000-21518 = \$10,305.00
15013010-771000-24528 = \$97,667.72

If you have any questions, please let us know, if none please execute Construction Administration Agreement and forward back to me at the DPW for distribution.



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01/04/2024



INTEROFFICE MEMORANDUM

TO: KATIE AMBROSE, CITY MANAGER

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

DATE: December 6, 2023

SUBJECT: Sewer System Master Plan – I/I Construction
Project Status Update – Clean Water State Revolving Funds Loans (CWSRF)

CC: Gretchen A. Young, PE, DPW Deputy Director – Technical Services, PE, Assistant
Richard Carr, PE, Assistant City Engineer
Dana Webber, PE, Assistant City Engineer

Attached please find the project status update required for approved CWSRF Project that have been awarded CWSRF funding per the 2023 CWSRF 2023 Project Priorities List. The funds for this project will be presented as part of the FY2025 Sewer Fund Capital Improvements Projects. This form is required to update CWSRF Program.

If you have any questions, please let us know, if none please return executed contract amendment to me at the DPW for distribution.



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INTEROFFICE MEMORANDUM

TO: KATIE AMBROSE, CITY MANAGER

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

DATE: December 6, 2023

SUBJECT: Brown and Caldwell Engineers
Task Order 37 A
Biosolids Dewatering Facility Construction Administration
Amount \$351,292.00

CC: Gretchen A. Young, PE, DPW Deputy Director – Technical Services
David Green, Wastewater Superintendent

Attached please find the Brown & Caldwell Task Order 37A Construction Administration Contract 37A This engineering contract is for the construction administration required to complete the Wastewater Treatment Plant (WWTP) Biosolids Dewater Facility.

The funds are available in the Following Sewer Fund Project Account:

55026020-772000-23557 Remaining balance = \$797,012.51 This Request \$351,292.00

If you have any questions, please let us know, if none please return executed contract amendment to me at the DPW for distribution.



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01/04/2024



INTEROFFICE MEMORANDUM

TO: KATIE AMBROSE, CITY MANAGER

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

DATE: December 11, 2023

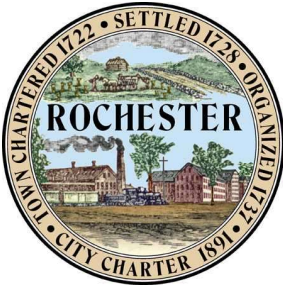
SUBJECT: Sensus Base Software Terms Contract
Water Meter Reading Equipment
Amount: \$0.00

CC: Gretchen A. Young, PE, DPW Deputy Director – Technical Services
Dana Webber, PE, Assistant City Engineer
Andrew Watkins, CIO

Attached please find the Sensus Base Software Agreement. This contract details the City and Vendor responsibilities for the for the Sensus hosted software solutions and technical support for the metering equipment to be installed the Salmon Falls Water Tank. Purchase Order #1302 is in place for the purchase of equipment and the first year's annual Software & Equipment Support that is referenced in this document.

This contract has been reviewed by both the IT Department CIO and the City Attorney and is ready for City Manager Signature.

You will receive an email from the EJP Team /Xylem prompting you to execute the document in their cloud document system.



City of Rochester, New Hampshire

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INTEROFFICE MEMORANDUM

TO: Katie Ambrose, City Manager

FROM: Richard Carr, PE, Assistant City Engineer

DATE: December 11, 2023

SUBJECT: **Route 11 Pump Station Upgrade
 Change Order Request and Certificate of Substantial Completion**

CC: Peter Nourse, PE, Director of City Services
 Gretchen Young, PE, Deputy Director of Technical Services
 Lisa Clark, Deputy Director of Operations
 Dave Green, Superintendent Wastewater System

For your review and execution, please find enclosed a Change Order Request to reconcile unused contract items and the Certificate of Substantial Completion.

The recommended Change Order will reduce the contract value by \$9,500.00 yielding a total contract value of \$1,143,874.71.

Please note, digital signature and submission is acceptable for DES review and approval. Once executed, please return a digital copy of both documents for Department coordination. Should you have any questions do not hesitate to contact me.

Additionally, the Department is coordinating with the Engineer of Record and DES for remaining closeout items. Supplemental documents will be provided for your signature as they are made available.

Enclosures: See above.



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INTEROFFICE MEMORANDUM

TO: KATIE AMBROSE, CITY MANAGER

FROM: LAURA MCDORMAND, ADMIN. SERVICES & UTILITY BILLING SUPERVISOR

DATE: DECEMBER 11, 2023

SUBJECT: Brown & Caldwell Engineers
Task Order 35
Local Limits Development and Industrial User Survey
Amount \$ 87,000

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

Attached please find (1) one copy of the Brown and Caldwell Task Order #35 for City Manager Signature. This Task Order is for Technical Services related to the City's Industrial Pretreatment Program. This includes Local Limits Evaluation and the Development and Industrial User Survey Per RFQ 21-19. in the amount of \$87,000.00

Brown and Caldwell was selected for Wastewater Technical and Engineering services per RFQ 21-19, good through June 30, 2025.

The funds are available in the following Account.:

55026020-771000-21535-Industrial Pretreat Local Limits

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



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INTEROFFICE MEMORANDUM

TO: KATIE AMBROSE, CITY MANAGER

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

DATE: December 6, 2023

SUBJECT: Woodman Area Reconstruction Project
SUR Construction Contract Change #3
Bid 22-34 Original Contract Value \$8,260,554.00
Contract Change orders to date \$0.00

CC: Gretchen A. Young, PE, DPW Deputy Director-Technical Services
Jarrod Norris, Assistant City Engineer

Attached please find SUR Construction Contract Change Order #3 for the Woodman Street Area Reconstruction project. This is a zero-dollar change that is required to account for additional line items within the contract and reporting those costs.

SUR Construction Company was awarded this project based on low bid for City of Rochester Bid 22-34.

If you have any questions, please let us know, if none please return executed Change Order #3 to me at the DPW for distribution.



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INTEROFFICE MEMORANDUM

TO: KATIE AMBROSE, CITY MANAGER

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

DATE: December 20, 2023

SUBJECT: Geosyntec Consultants, Agreement
Water Pollution & Flood Reduction Study/
Amount \$100,000- CWSRF 100% Forgiveness

CC: Peter C. Nourse, PE DPW Director
Gretchen A. Young, PE, DPW Deputy Director – Technical Services
Jarrod Norris, PE, Assistant City Engineer

Attached please find the agreement for Geosyntec Consultants for City Manager signature. This agreement is regarding the Water Pollution & Flood Reduction Study project. The agreement is in the amount of \$100,000. The funding is through a Clean Water State Revolving Fund Loan Program and the terms are 100% Forgiveness of loan.

Geosyntec Consultants were selected per RFQ 21-19.

The funds are available in this budget project account:

15013010-771000-23588 = \$100,000

Please sign and return this document for distribution.



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INTEROFFICE MEMORANDUM

TO: Katie Ambrose, City Manager

FROM: Lisa J. Clark, Deputy Director, Operations & Administration

DATE: December 28, 2023

SUBJECT: Tara Estates Sewer Pump Station Upgrades Project (Bid 23-01)
Engineering Construction Phase Services Amendment No. 2
Amount \$6,500.00

CC: Peter Nourse, PE, Director of City Services
Lisa Clark, DPW Deputy Director, Operations & Administration

Attached please find (1) electronic copy of Engineering Construction Phase Services Amendment No. 2 for the Tara Estates Sewer Pump Station Upgrades project. This contract amendment is between the City and Weston & Sampson Engineers, Inc. (W&S) for additional construction administration and resident engineer services beyond the anticipated contract completion date. W&S has been selected through the qualifications-based solicitation for on-call engineering services RFQ 21-19.

The total amount of this contract amendment with W&S is \$6,500.00. Funds are available for this amendment in the following CIP account line:

SEWER FUND 55026020-772000-24560

City Manager signature approval is required on Page 3 of the attached Amendment No. 2. Once signed please return to DPW and we will forward to NHDES to complete execution. This project is partially funded by CWSRF.



City of Rochester, New Hampshire

PUBLIC WORKS DEPARTMENT

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INTEROFFICE MEMORANDUM

TO: Katie Ambrose, City Manager

CC: Lisa Clark, DPW Deputy Director Operations & Administration

FROM: Ronda Boisvert, Administrative Assistant II

DATE: December 29, 2023

SUBJECT: Rt 202A Water Extension Project Homeowner Option Lien Agreements

Attached please find 1 copy of each Homeowner Lien document. We are entering into an agreement for 0% financing for water services for the following properties.

3 Fiddlehead Lane

4 Fiddlehead Lane

15 Fiddlehead Lane

21 Fiddlehead Lane

36 Fiddlehead Lane

1 Meaderboro Road

237 Walnut Street



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01/04/2024



INTEROFFICE MEMORANDUM

TO: KATIE AMBROSE, CITY MANAGER

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

DATE: January 3, 2024

SUBJECT: Strafford Square Roundabout
Construction Administration Extension
Stantec Engineers-Contract Amend #1

CC: Peter C. Nourse, PE, Director of City Services
Timothy Goldthwaite, Assistant City Engineer

Attached is one copy of the Stantec Engineers Amendment #1 to extend the Strafford Square Roundabout Construction Administration contract through June 23, 2024. This extension is based on an extension to the Contractor's (SUR) end date to allow for final paving to be completed in the spring.

Please execute documents and return. If you have any questions, please let know.



01/04/2024

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

INTEROFFICE MEMORANDUM

TO: Kathryn Ambrose, City Manager

FROM: Kiersten Wright, Community Development Coordinator/Grants Manager

DATE: December 6, 2023

SUBJECT: FY 23- 24 CAP Weatherization Assistance Program- Day Lilly

CC: Cassie Givara, Deputy City Clerk

Please see attached the environmental review statement for the Community Action Partnership of Strafford County's planned repair and maintenance activities for FY 2023-2024. As per 24 CFR 58, the City of Rochester is the responsible entity for conducting environmental reviews for the Community Action Partnership Strafford County's Weatherization Project. The environmental review statement requires the signature of the City Manager as the City of Rochester authority.

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

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



01/04/2024

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

INTEROFFICE MEMORANDUM

TO: Kathryn Ambrose, City Manager

FROM: Kiersten Wright, Community Development Coordinator/Grants Manager

DATE: January 2, 2024

SUBJECT: FY 23- 24 CAP Weatherization Assistance Program- Riley

CC: Cassie Givara, Deputy City Clerk

Please see attached the environmental review statement for the Community Action Partnership of Strafford County's planned repair and maintenance activities for FY 2023-2024. As per 24 CFR 58, the City of Rochester is the responsible entity for conducting environmental reviews for Community Action Partnership of Strafford County. The environmental review statement requires the signature of the City Manager as the City of Rochester authority.

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

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



01/04/2024

City of Rochester, New Hampshire
Economic Development Department
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(603) 335-7522, www.RochesterEDC.com

INTEROFFICE MEMORANDUM

TO: Kathryn Ambrose, City Manager

FROM: Kiersten Wright, Community Development Coordinator/Grants Manager

DATE: November 30, 2023

SUBJECT: FY 23- 24 CAP Weatherization Assistance Program- Cleo

CC: Cassie Givara, Deputy City Clerk

Please see attached the environmental review statement for the Community Action Partnership of Strafford County's planned repair and maintenance activities for FY 2023-2024. As per 24 CFR 58, the City of Rochester is the responsible entity for conducting environmental reviews for the Community Action Partnership Strafford County's Weatherization Project. The environmental review statement requires the signature of the City Manager as the City of Rochester authority.

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

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



01/04/2024

City of Rochester, New Hampshire
Economic Development Department
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(603) 335-7522, www.RochesterEDC.com

INTEROFFICE MEMORANDUM

TO: Kathryn Ambrose, City Manager

FROM: Kiersten Wright, Community Development Coordinator/Grants Manager

DATE: December 5, 2023

SUBJECT: FY 23- 24 CAP Weatherization Assistance Program- Periwinkle

CC: Cassie Givara, Deputy City Clerk

Please see attached the environmental review statement for the Community Action Partnership of Strafford County's planned repair and maintenance activities for FY 2023-2024. As per 24 CFR 58, the City of Rochester is the responsible entity for conducting environmental reviews for the Community Action Partnership Strafford County's Weatherization Project. The environmental review statement requires the signature of the City Manager as the City of Rochester authority.

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

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



MEMO

TO: Katie Ambrose, City Manger

CC: Mark Sullivan, Director of Finance

FROM: Michael Scala, Director of Economic Development

DATE: December 11, 2023

RE: Doucet Survey LLC. Professional Services Scope (\$10,000.00)

Katie:

Please find attached the Doucet Survey Service Scope regarding the survey of the city-owned lot at 150 Pickering Road.

A waiver request to contract with Doucet outside the 3-quote procurement process has been approved by Director Sullivan. He based his approval on Doucet's previous work at the site while contracted with Catholic Charities. Doucet was well on their way to completing the survey when Catholic Charities decided to abandon the project on that site.

The total project cost is \$10,000.00 and will be funded from the ED O&M Consulting Other (11012351-534006) line.

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

Thank you,

A handwritten signature in black ink, appearing to be "M. Scala".

Michael Scala
Director of Economic Development



01/04/2024

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

INTEROFFICE MEMORANDUM

TO: Kathryn Ambrose, City Manager

FROM: Kiersten Wright, Community Development Coordinator/Grants Manager

DATE: December 11, 2023

SUBJECT: FY 23- 24 CAP Weatherization Assistance Program- Hansonville Rd

CC: Cassie Givara, Deputy City Clerk

Please see attached the environmental review statement for the Community Action Partnership of Strafford County's planned repair and maintenance activities for FY 2023-2024. As per 24 CFR 58, the City of Rochester is the responsible entity for conducting environmental reviews for Community Action Partnership of Strafford County. The environmental review statement requires the signature of the City Manager as the City of Rochester authority.

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

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



01/04/2024

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

INTEROFFICE MEMORANDUM

TO: Kathryn Ambrose, City Manager

FROM: Kiersten Wright, Community Development Coordinator/Grants Manager

DATE: December 13, 2023, 2023

SUBJECT: FY 23- 24 CAP Weatherization Assistance Program- Country Ridge

CC: Cassie Givara, Deputy City Clerk

Please see attached the environmental review statement for the Community Action Partnership of Strafford County's planned repair and maintenance activities for FY 2023-2024. As per 24 CFR 58, the City of Rochester is the responsible entity for conducting environmental reviews for the Strafford Community Action Partnership Weatherization Program. The environmental review statement requires the signature of the City Manager as the City of Rochester authority.

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

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



01/04/2024

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

INTEROFFICE MEMORANDUM

TO: Kathryn Ambrose, City Manager

FROM: Kiersten Wright, Community Development Coordinator/Grants Manager

DATE: December 14, 2023

SUBJECT: FY 23- 24 CAP Weatherization Assistance Program- Gooseberry

CC: Cassie Givara, Deputy City Clerk

Please see attached the environmental review statement for the Community Action Partnership of Strafford County's planned repair and maintenance activities for FY 2023-2024. As per 24 CFR 58, the City of Rochester is the responsible entity for conducting environmental reviews for Community Action Partnership of Strafford County. The environmental review statement requires the signature of the City Manager as the City of Rochester authority.

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

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



01/04/2024

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

INTEROFFICE MEMORANDUM

TO: Kathryn Ambrose, City Manager

FROM: Kiersten Wright, Community Development Coordinator/Grants Manager

DATE: December 15, 2023

SUBJECT: FY 23- 24 CAP Weatherization Assistance Program- Tonka

CC: Cassie Givara, Deputy City Clerk

Please see attached the environmental review statement for the Community Action Partnership of Strafford County's planned repair and maintenance activities for FY 2023-2024. As per 24 CFR 58, the City of Rochester is the responsible entity for conducting environmental reviews for Community Action Partnership of Strafford County. The environmental review statement requires the signature of the City Manager as the City of Rochester authority.

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

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



MEMO

TO: Katie Ambrose, City Manger

CC: Mark Sullivan, Director of Finance, Terence O'Rourke, City Attorney

FROM: Michael Scala, Director of Economic Development

DATE: December 28, 2023

RE: REVISED - Doucet Survey LLC. Professional Services Scope (\$8,000.00)

Katie:

Please find attached the Doucet Survey Service Scope regarding the survey of the city-owned lot at 150 Pickering Road.

A waiver request to contract with Doucet outside the 3-quote procurement process has been approved by Director Sullivan. He based his approval on Doucet's previous work at the site while contracted with Catholic Charities. Doucet was well on their way to completing the survey when Catholic Charities decided to abandon the project on that site.

After a scope discussion with City Attorney O'Rourke, the City's survey requirements are less than Doucet previously estimated. Therefore, the revised project cost was reduced from \$10,000 to \$8,000.00. The funding source will remain the same and will utilize the ED O&M Consulting Other (11012351-534006) line.

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

Thank you,

Michael Scala
Director of Economic Development

DEPARTMENT	NAME	POSITION	# of Employees		PT	SEASONAL/TEMP	NEW HIRE	REHIRE	RETIREMENT	SEPARATED	STEP (CBA)	COLA (CBA)	MERIT PAY ADJ	NU PAY ADJ	PAY ADJ	PROMOTION	OTHER	MISC. INFO
			FT															
BLS	ROBERT VENO	HEALTH INSPECTOR	1	X							X							
BLS	RYAN HANSLIK	BUILDING INSPECTOR	1	X			X											
CITY CLERK	SUSAN MORRIS	ADMINISTRATIVE TECHNICIAN II	1	X							X							
CITY CLERK	JADA BURROWS	ADMINISTRATIVE TECHNICIAN II	1	X							X							
DPW	RONDA BOISVERT	ADMINISTRATIVE ASSISTANT II	1	X							X							
DPW	KEVIN CUMMINGS	GROUNDWORK LABORER	1		X	X				X								
DPW	PETER NOURSE	DIRECTOR OF CITY SERVICES	1	X									X					
DPW	FREEMAN SPRAGUE	MEDIUM EQUIPMENT OPERATOR	1	X							X							
DPW	CLIFFORD RICHEY	HEAVY EQUIPMENT OPERATOR	1	X							X							
DPW	KENNETH HENDERSON	MUNICIPAL SERVICES SUPERVISOR	1	X							X							
DPW	JOSEPH SANBORN	LEAD HIGHWAY	1	X							X							
FIRE	JOHN CASTLES	FIRE INSPECTOR	1	X			X											
FIRE	JASON LAFERTE	FIREFIGHTER	1	X						X								
FIRE	ANDREW MARTINO	FIREFIGHTER	1	X			X											
FIRE	AUSTIN LEWIS	FIREFIGHTER	1	X			X											
LEGAL	ROBIN HILMAN HEALEY	LEGAL ASSISTANT	1	X									X					
LIBRARY	MELISSA SAUER	ASSISTANT LIBRARIAN	1		X						X							
LIBRARY	EMILY BENSON	ASSISTANT LIBRARIAN	1		X						X							
LIBRARY	CHRISTINA PAQUETTE	LEAD LIBRARIAN	1	X							X							
LIBRARY	MARGARET TROUT	LEAD LIBRARIAN	1	X							X							
POLICE	MATTHEW BARIL	PATROL OFFICER	1	X							X							
POLICE	WILLIAM ROBINSON	PATROL SERGEANT	1	X							X							
POLICE	DAVID LOMBARDI	PATROL OFFICER	1	X						X								
RECREATION	MICHAEL BACZEWSKI	SENIOR REFEREE	1		X	X	X											
RECREATION	ALAHNA TURMELLE	PROGRAM LEAD	1		X	X	X											
RECREATION	LILLIANNA BROOKS	SUPPORT STAFF I	1		X	X	X											
RECREATION	STEVEN BRENNAN	ARENA ATTENDANT	1		X	X				X								
WELFARE	DEBRA RODNEY	ADMINISTRATIVE ASSISTANT II	1	X							X							

Subcommittee Assignments

FINANCE: Chair-Callaghan, Vice Chair-Hamann, Dan Fitzpatrick, Kevin Sullivan, Patricia Turner, David Walker, Ward 2B.

PUBLIC WORKS AND BUILDINGS: Chair-Hamann, Vice Chair de Geofroy, Walker, Fitzpatrick, Sullivan.

PUBLIC SAFETY: Chair-Fontneau, Vice Chair- Karolian, Sullivan, Creteau, Herman

CODES AND ORDINANCES: Chair- de Geofroy, Vice Chair- Fontneau, Walker, Turner, Karolian

COMMUNITY DEVELOPMENT: Chair-Creteau, Vice Chair Richardson, Turner, Herman, Ward 2B

APPOINTMENTS REVIEW COMMITTEE: Chair-Walker, Vice Chair-Karolian, Creteau, Richardson, Ward 2B

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City Clerk's Office

Special Committee Appointments

PLANNING BOARD: Regular Member- Hamann, Alternate Member- Richardson

JOINT BUILDINGS COMMITTEE: Hamann, Fontneau, de Geofroy, Sullivan, Callaghan

OPIOID ABATEMENT COMMITTEE: Chair- Fontneau, Vice Chair Creteau, Herman

CIP COMMITTEE: Hamann, Fitzpatrick, Walker

HDC: Herman

RECREATION/ARENA: Karolian

ARTS & CULTURE: Turner

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City Clerk's Office



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]



City of Rochester Formal Council Meeting

AGENDA BILL

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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]



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 New Municipal Agent Appointment
--

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

AGENDA DATE	1/9/24		
DEPT. HEAD SIGNATURE	Rachel Laughner		
DATE SUBMITTED	1/4/24		
ATTACHMENTS YES <input checked="" 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

City Council

SUMMARY STATEMENT

Approval of New Vehicle Registration Municipal Agent due to retirement of Doreen Jones. Municipal Agent Authority passed to new Tax Collector Rachel Laughner.

RECOMMENDED ACTION

Council Approval Recommended



CITY OF ROCHESTER, NH
Tax Collector's Office
150 Wakefield Street, Suite 271
Rochester, New Hampshire 03867
Phone (603) 332-1136
Rochesternh.gov

December 21, 2023

John C. Marasco
Director of Motor Vehicles
23 Hazen Drive
Concord NH 03305

Director Marasco,

Effective January 5th, 2024, Rachel Laughner was hired as Tax Collector for the City of Rochester. With this, the City Council approves the appointment of Rachel Laughner as the new Municipal Registration Agent for the City of Rochester.

Signatures of the Majority of Rochester City Council:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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City Clerk's Office

From: Amy Malone <[REDACTED]>
Sent: Tuesday, December 19, 2023 10:49:39 AM
To: Paul Callaghan <paul.callaghan@rochesternh.gov>; Terence O'Rourke <terence.orourke@rochesternh.gov>; Katie Ambrose <Katie.Ambrose@rochesternh.gov>
Subject: Resignation

Caution: External email.

Amy Malone
Redacted Rochester, NH
malone03867@icloud.com
12/18/2023

Mayor Callaghan
Katie Ambrose
Terrance O'Rourke
Rochester City Hall

I first want to thank you all for your support and assistance in protecting my safety and privacy through the hardest few weeks of my life's. Sadly however I am writing to inform you of my resignation from my position as City Councilor for ward 2, effective immediately.

It is with great regret that I have to make this decision due to unplanned and personal circumstances that have recently transpired.

As you may know, my family and I have been residents of ward 2 in Rochester for the past 25 years, and it has been an honor to serve the community during that time. Unfortunately, due to financial constraints and changes in the housing market, we have been forced to sell our home. Despite our efforts to find a feasible solution to remain in our children's community, it has become clear that it is not currently possible.

Regrettably, this means that I do not have a clear path for the foreseeable future to represent the people of ward 2 effectively. However, please know that my dedication to the City of Rochester remains unwavering. I am committed to continuing to contribute to the betterment of our community in other capacities.

I would like to express my deepest gratitude to you and the entire team for your support, guidance, and collaboration throughout my tenure. The experience I have gained from working alongside such a dedicated group of individuals has been invaluable, and I am grateful for the opportunity

Respectfully
Amy Malone

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City Clerk's Office



City of Rochester, NH

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

Adopted March 7, 2023

A. ETHICS

The citizens and businesses of the City of Rochester are entitled to have fair, ethical and accountable local government. To this end, the public should have full confidence that their elected and appointed officials:

- Comply with both the letter and spirit of the laws and policies affecting the operations of government.
- Are independent, impartial, and fair in their judgment and actions.
- Use their public office for the public good, not for personal gain; and
- Conduct public deliberations and processes openly, unless required by law to be confidential, in an atmosphere of respect and civility.

Therefore, members of the City Council, all Boards, and Committees and Commissions shall conduct themselves in accordance with the following ethical standards:

1. **Act in the Public Interest.** Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of Rochester and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before them.
2. **Comply with both the spirit and the letter of the Law and City Policy.** Members shall comply with the laws of the nation, the State of New Hampshire, and the City of Rochester in the performance of their public duties.
3. **Conduct of Members.** The professional and personal conduct of members while exercising their office must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, Boards, Committees and Commissions, the staff or public.
4. **Respect for Process.** Members shall perform their duties in accordance with the processes and rules of order established by the City Council.
5. **Conduct at Public Meetings.** Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand.
6. **Decisions Based on Merit.** Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations. When making adjudicative decisions (those decisions where the member is called upon to determine and apply facts particular to an individual case), members shall maintain an open mind until the conclusion of the hearing on the matter and shall base their decisions on the facts presented at the hearing and on the personal knowledge of a Member on the issue presented to the rest of the City Council at said hearing.
7. **Communication.** Council Members shall avoid posting to social media in regards to any adjudicative matters pending before the body. Outside of adjudicative matters pending before the body, members of the Council/Commission/Board/Committee are advised not to participate in discrimination or harassment, even if the identified behaviors are not targeting a protected class, consisting of unwelcome conduct, sexual or otherwise, whether verbal, physical, or visual. Harassing conduct includes, but is not limited to: slurs or negative stereotyping; bullying, threatening, intimidating or other hostile acts; degrading jokes and displays or circulation of graphic material that degrades or shows hostility; and physical touching. Members are also advised to never demean or personally attack an employee regarding the employee's job performance in public.

8. **Conflict of Interest.** See Rochester City Charter, Section 72
9. **Gifts and Favors.** Members shall not engage in quid pro quo by taking any special advantage of services or opportunities for personal gain, by virtue of their public office that is not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.
10. **Confidential Information.** Members must maintain the confidentiality of all written materials and verbal information provided to members which is confidential or privileged. Members shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial, or other private interests.
11. **Use of Public Resources.** Members shall not use public resources which are not available to the public in general (e.g., City staff time, equipment, supplies or facilities) for private gain or for personal purposes not otherwise authorized by law.
12. **Representation of Private Interests.** In keeping with their role as stewards of the public interest, members of Council shall not appear on behalf of the private interests of third parties before the Council or any Board, Committee, Commission or proceeding of the City, nor shall members of Boards, Committees and Commissions appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.
13. **Advocacy.** Members shall represent the official policies or positions of the City Council, Board, Committee or Commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Rochester, nor will they allow the inference that they do. Councilmembers and Board, Committee and Commission members have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention or display endorsements during Council meetings, or Board, Committee and Commission meetings, or other official City meetings.
14. **Policy Role of Members.** Members shall respect and adhere to the council-manager structure of the Rochester City government. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by City staff, Boards, Committees and Commissions, and the public. Except as provided by the City Charter and Code, members shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions.
15. **Independence of Boards, Committees and Commissions.** Because of the value of the independent advice of Boards, Committees and Commissions to the public decision-making process, members of Council shall refrain from using their position to unduly influence the deliberations or outcomes of Board, Committee and Commission proceedings.
16. **Positive Workplace Environment.** Members shall support the maintenance of a positive and constructive workplace environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to staff.

B. CONDUCT GUIDELINES

The Conduct Guidelines are designed to describe the manner in which elected and appointed officials should

treat one another, City staff, constituents, and others they come into contact with while representing the City of Rochester.

1. Elected and Appointed Officials' Conduct with Each Other in Public Meetings

Elected and appointed officials are individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even though individuals may not agree on every issue.

- a) *Honor the role of the chair in maintaining order*
It is the responsibility of the Mayor, as chair to keep the comments of members on track during public meetings. Members should honor efforts by the chair to focus discussion on current agenda items. If there is disagreement about the agenda or the chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.
- b) *Practice civility and decorum in discussions and debate*
Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of debate by a free democracy in action. Free debate does not require nor justify, however, public officials to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments.
- c) *Avoid personal comments that could offend other members*
If a member is personally offended by the remarks of another member, the offended member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other member to justify or apologize for the language used. The chair will maintain control of this discussion.
- d) *Demonstrate effective problem-solving approaches*
Members have a public stage and have the responsibility to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

2. Elected and Appointed Officials' Conduct with the Public in Public Meetings

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

- a) *Be welcoming to speakers and treat them with care and gentleness.*
While questions of clarification may be asked, the official's primary role during public testimony is to listen.
- b) *Be fair and equitable in allocating public hearing time to individual speakers.*
The chair will determine and announce limits on speakers at the start of the public hearing process.
- c) *Practice active listening*
It is disconcerting to speakers to have members not look at them when they are speaking. It is fine to look down at documents or to make notes but reading for a long period of time or gazing around the room gives the appearance of disinterest. While you cannot be required to listen to public speakers in a certain way, it is advised that all members remain conscious of their actions during such time as member of the public might be speaking. To the best of your ability, remain focused on the speaker and avoid noise and

distractions.

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

Members shall make attempts to listen actively and respectfully to City staff, members of the public and other Members whenever possible.

d) Maintain an open mind

Members of the public deserve an opportunity to influence the thinking of elected and appointed officials.

e) Ask for clarification, but avoid debate and argument with the public

Only the chair – not individual members – can interrupt a speaker during a presentation. However, a member can ask the chair for a point of order if the speaker is off the topic or exhibiting behavior or language the member finds disturbing.

3. Elected and Appointed Officials' Conduct with City Staff

Governance of a City relies on the cooperative efforts of elected officials, who set policy, appointed officials who advise the elected, and City staff who implement and administer the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by everyone for the good of the community. The council is committed to providing an environment that is free from discrimination and harassment, even if the identified behavior is not targeting a protected class.

Harassment consists of unwelcome conduct, sexual or otherwise, whether verbal, physical, or visual. Harassing conduct includes, but is not limited to slurs or negative stereotyping; bullying, threatening, intimidating or other hostile acts; degrading jokes and display or circulation of graphic material that degrades or shows hostility; and physical touching

a) Treat all staff as professionals

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

b) Do not disrupt City staff from their jobs

Elected and appointed officials should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met. Do not attend City staff meetings unless requested by staff – even if the elected or appointed official does not say anything, his or her presence implies support, shows partiality, may intimidate staff, and hampers staff's ability to do their job objectively.

c) Never publicly criticize an individual employee

Elected and appointed officials should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the City Manager through private correspondence or conversation. Appointed officials should make their comments regarding staff to the City Manager or the Mayor.

d) Do not get involved in administrative functions

Elected and appointed officials acting in their individual capacity must not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.

- e) *Do not solicit political support from staff*
Elected and appointed officials should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.
- f) *No Attorney-Client Relationship*
Members shall not seek to establish an attorney-client relationship with the City Attorney, including his or her staff and attorneys contracted to work on behalf of the City. The City Attorney represents the City and not individual members. Members who consult with the City Attorney cannot enjoy or establish an attorney-client relationship with the attorney.

4. **Council Conduct with Boards, Committees and Commissions**

The City has established several Boards, Committees and Commissions as a means of gathering more community input. Citizens who serve on Boards, Committees and Commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

- a) *If attending a Board, Committee or Commission meeting, be careful to only express personal opinions*
Councilmembers may attend any Board, Committee or Commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation – especially if it is on behalf of an individual, business or developer – could be viewed as unfairly affecting the process. Any public comments by a Councilmember at a Board, Committee or Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City Council.
- b) *Limit contact with Board, Committee and Commission members to questions of clarification*
It is inappropriate for a Councilmember to contact a Board, Committee or Commission member to lobby on behalf of an individual, business, or developer, and vice versa. It is acceptable for Councilmembers to contact Board, Committee or Commission members in order to clarify a position taken by the Board, Committee or Commission.
- c) *Respect that Boards, Committees and Commissions serve the community, not individual Councilmembers*
The City Council appoints individuals to serve on Boards, Committees and Commissions, and it is the responsibility of Boards, Committees and Commissions to follow policy established by the Council. But Board, Committee and Commission members do not report to individual Councilmembers, nor should Councilmembers feel they have the power or right to threaten Board, Committee and Commission members with removal if they disagree about an issue.
Appointment and re-appointment to a Board, Committee or Commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Board, Committee or Commission appointment should not be used as a political "reward."
- d) *Be respectful of diverse opinions*
A primary role of Boards, Committees and Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Councilmembers may have a closer working relationship with some individuals serving on Boards, Committees and Commissions, but must be fair and respectful of all citizens serving on Boards, Committees and Commissions.
- e) *Keep political support away from public forums*

Board, Committee and Commission members may offer political support to a Councilmember, but not in a public forum while conducting official duties. Conversely, Councilmembers may support Board, Committee and Commission members who are running for office, but not in an official forum in their capacity as a Councilmember.

C. SANCTIONS

a) *Acknowledgement of Code of Ethics and Conduct*

Councilmembers who do not sign an acknowledgement that they have read and understand the Code of Ethics and Conduct shall not be assigned intergovernmental assignments or Council subcommittees by the Mayor. Members of committees appointed by the Mayor and/or the City Council who do not sign an acknowledgement that they have read and understand the Code of Ethics and Conduct are not eligible to hold appointed positions.¹

b) *Ethics Training for Local Officials*

Councilmembers, , Board, Committee and Commission Members who are out of compliance with State or City mandated requirements for ethics training as determined by City Council shall not represent the City on intergovernmental assignments or Council subcommittees, and may be subject to sanctions.

c) *Behavior and Conduct*

The City of Rochester's Code of Ethics and Conduct expresses standards of ethical conduct expected for members of the City of Rochester Council, Boards, Committees and Commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. The chairs of Boards, Committees and Commissions and the Mayor and Council have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Ethics and Conduct are brought to their attention.

d) *Councilmembers*

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

Further, any Councilmember found in violation of this Code or any other misconduct in office may also be subject to the following sanctions imposed by the Council:

1. Required to attend and successfully complete training related to the nature of the violation.
2. Required to issue a formal, sincere apology.
3. Removed from office in accordance with Section 70 of the City Charter.

Failure to comply with any sanctions imposed by the Council will be considered a violation of this Code and an act of misconduct in office.

Individual Councilmembers should point out to the offending Councilmember perceived infractions of the Code of Ethics and Conduct. If the offenses continue, then the matter should be referred to the Mayor in private. If the Mayor is the individual whose actions are being questioned, then the matter should be referred to the Deputy Mayor. It is the responsibility of the Mayor (Deputy Mayor) to initiate action if a Councilmember's behavior may warrant sanction. If no action is taken by the Mayor (or Deputy Mayor), then the alleged violation(s) can be brought up with the full Council.

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

e) *Board, Committee and Commission Members:*

Counseling, verbal reprimands and written warnings may be administered by the Mayor to Board, Committee and Commission members failing to comply with City policy. These lower levels of sanctions shall be kept private to the degree allowed by law. Copies of all written reprimands administered by the Mayor shall be distributed in memo format to the chair of the respective Board, Committee or Commission, the City Clerk, the City Attorney, the City Manager, and the City Council.

The City Council may impose sanctions on Board, Committee and Commission members whose conduct does not comply with the City’s policies, up to and including removal from office. Any form of discipline, short of removal imposed by Council shall be determined by a majority vote of elected members of the Council at a noticed public meeting and such action shall be preceded by a Report to Council with supporting documentation.

When deemed warranted, the Mayor or majority of Council may call for an investigation of Board, Committee or Commission member conduct. Also, should the City Manager or City Attorney believe an investigation is warranted, they shall confer with the Mayor or Council. The Mayor or Council shall ask the City Manager or the City Attorney to investigate the allegation and report the findings.

These sanctions are in addition to any other remedy that might otherwise be available to remedy conduct that violates this code or state or federal law. In order to protect and preserve good government, any individual including the City Manager and the City Attorney after complying with the State of New Hampshire Bar Rules of Professional Conduct, who knows or reasonably believes a member acts or intends or refuses to act in a manner that is or may be a violation of law reasonably imputable to the organization, or in a manner which is likely to result in substantial injury to the organization, may report the violation to the appropriate governmental authorities.

D. IMPLEMENTATION

The Code of Ethics and Conduct is intended to be self-enforcing and is an expression of the standards of conduct for members expected by the City. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions.

For this reason, this document shall be included in the regular orientations for candidates for City Council, applicants to Board, Committee and Commissions, and newly elected and appointed officials. Members entering office shall sign the below acknowledging they have read and understand the Code of Ethics and Conduct. In addition, the Code of Ethics and Conduct shall be periodically reviewed by the City Council, Boards, Committees and Commissions, and updated it, as necessary.

I affirm that I have read and understand the City of Rochester Code of Ethics and Conduct for Elected and Appointed Officials

Signature

Date

**Resolution for Supplemental Appropriation of \$440,751 to Department of Public Works
(DPW) Sewer CIP Fund**

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

That the Mayor and City Council of the City of Rochester hereby appropriate an amount not to exceed Four Hundred Forty-Four Thousand Seven Hundred Fifty-One Dollars (\$440,751.00) to the Sewer CIP Fund for the purpose of paying costs associated with the NPDES permit through the Municipal Alliance for Adaptive Management (MAAM) and Intermunicipal Agreement with the Cities of Dover, Portsmouth, Newington, Exeter, Epping, Milton, Rollinsford and Rochester, NH, and further;

The City of Rochester, Department of Public Works in accordance with the provisions of the Intermunicipal Agreement shall act as the fiscal agent for the Municipal Alliance for Adaptive Management. The source of funds related to carrying out the activities approved by the MAAM shall be derived from City of Portsmouth, NH, One Hundred Fifty-Three Thousand One Hundred Thirteen and 98/100 Dollars (\$153,113.98), City of Dover, NH Ninety-Eight Thousand One Hundred Seventy-Six and 76/100 Dollars (\$98,176.76), Town of Exeter, NH, Sixty-Two Thousand Six Hundred Sixty-Six and 02/100 Dollars (\$62,666.02), Town of Epping, NH Ten Thousand Four Hundred and Fourty-Four and 34/100 Dollars (\$10,444.34), Town of Newington, NH, Six Thousand Fifty-Seven and 72/100 Dollars (\$6,057.72), Town of Rollinsford, NH, Three Thousand One Hundred Thirty-Three and 30/100 Dollars (\$3,133.30), Town of Milton, NH, Two Thousand Eighty-Eight and 87/100 Dollars (\$2,088.87) and City of Rochester's Sewer Fund Retained Earnings One Hundred Five Thousand Seventy Dollars and 01/100 Dollars (\$105,070.01).

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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left blank...*

City Clerk's Office



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

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

Costs:	
Website	
Brown and Caldwell	\$ 87,180.00
PTAP	\$ 50,000.00
PREP Core monitoring/oversight	\$267,400
PREP Cont. of previous special study	\$79,920
PREP New Proposal	\$30,000
PREP 5% Contingency	\$18,866
Remaining available from 2023	(\$92,615)
	\$440,751

Facility Name	Total Permitted Flow	Share	2022	2023	2024 (proposed)
			\$ 422,805.00	\$ 519,684.00	\$ 440,751.00
Rochester	5.03	23.84%	\$120,835.75	\$126,893.71	\$105,070.01
Portsmouth	6.13	29.05%	\$147,261.06	\$154,643.83	\$128,047.57
Dover	4.7	22.27%	\$112,908.15	\$118,568.68	\$98,176.76
Exeter	3	14.22%	-	\$75,682.14	\$62,666.02
Pease ITP	1.2	5.69%	\$28,827.61	\$30,272.85	\$25,066.41
Epping	0.5	2.37%	-	-	\$10,444.34
Newington	0.29	1.37%	\$6,966.67	\$7,315.94	\$6,057.72
Rollinsford	0.15	0.71%	\$3,603.45	\$3,784.11	\$3,133.30
Milton	0.1	0.47%	\$2,402.30	\$2,522.74	\$2,088.87