



**Regular City Council Meeting  
April 2, 2024  
Council Chambers  
31 Wakefield Street  
6:00 PM**

**Agenda**

- 1. Call to Order**
- 2. Opening Prayer**
- 3. Pledge of Allegiance**
- 4. Roll Call**
- 5. Acceptance of Minutes**
  - 5.1 Revised Regular City Council Meeting: February 6, 2024  
*consideration for approval* P. 9**
  - 5.2 Regular City Council Meeting: March 5, 2024  
*consideration for approval* P. 11**
- 6. Communications from the City Manager**
  - 6.1 City Manager's Report P. 25**
- 7. Communications from the Mayor**
  - 7.1. *Proclamation*: Arbor Day – Friday, April 26, 2024 P. 43**
- 8. Presentation of Petitions and Council Correspondence**
- 9. Nominations, Appointments, Resignations, and Elections**
  - 9.1. *Resignation*: Bryan Karolian - Conservation Commission,  
Seat B *consideration for acceptance***
  - 9.2. *Resignation*: Palana Belken – Arts & Culture Commission,  
Seat B *consideration for acceptance***

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- 9.3. **Resignation:** Michael King – Zoning Board of Adjustments, Seat E *consideration for acceptance*

## 10. Reports of Committees

### 10.1 Appointments Review Committee P. 45

10.1.1 **New Appointment:** Martha Wingate – Historic District Commission, Seat C, Regular Member *Term to expire 1/2/2027 consideration for approval* P. 45

10.1.2 **New Appointment:** Kimberly Adams – Historic District Commission, Seat F, Regular Member *Term to expire 1/2/2027 consideration for approval* P. 46

10.1.3 **New Appointment:** Zebadiah McGill – Planning Board, Seat N, Alternate Member *Term to expire 1/2/2026 consideration for approval* P. 46

10.1.4 **New Appointment:** Ashley Desrochers – Arts & Culture Commission, Seat B, Regular Member *Term to expire 7/1/2027 consideration for approval* P. 47

10.1.5 **Reappointment:** Shawn Libby – Utility Advisory Board, Seat E, Regular Member *Term to expire 1/2/2027 consideration for approval* P. 47

### 10.2 Codes & Ordinances Committee P. 49

10.2.1 **Amendment to Chapter 94 of the General Ordinances of the City of Rochester Regarding Lead Paint Poisoning and Prevention Control** *first reading and consideration for adoption* P. 59

10.2.2 **Committee Recommendation:** to Approve the City Council Rules of Order with the following amendments:

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- **Amendment to section 1.5 Subsection b (3) of the Rules of Order, Removing the Word “Unexpected” *consideration for approval* P. 61**
- **Amendment to Section 1.5 Subsection c (6) of the Rules of Order, Regarding the Script for Remote Participation *consideration for approval* P. 62**
- **Amendment to Section 4.4 of the Rules of Order Regarding Alternate Members of Standing Committees *consideration for approval* P. 63**

**10.3 Community Development Committee P. 65**

**10.4 Finance Committee P. 75**

**10.5 Planning Board P. 81**

**10.6 Public Safety P. 91**

**10.7 Public Works P. 97**

**10.7.1 Committee Recommendation:** To grant the pavement disturbance moratorium waiver request for 148 Old Dover Road *consideration for approval* P. 102

**10.7.2 Resolution Authorizing Supplemental Appropriation of \$150,000 to the FY24 General Fund CIP Fund for the Drainage Pipe Relining Project *first reading and refer to Public Hearing on April 16, 2024* P. 103**

**11. Unfinished Business**

**11.1. Resolution Adopting a FY 2025 Rochester CDBG “Action Plan for the City of Rochester, N.H.” and Approving and Appropriating the FY 2025 Community Development Budget for the City of Rochester *second reading and consideration for adoption* P. 109**

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- 11.2. Resolution for Supplemental Appropriation of \$250,000 to the General Fund CIP Fund for the Community Center Bleacher Replacement Project *second reading and consideration for adoption* P. 111
- 11.3. Resolution Pursuant to RSA 656:40 Authorizing Use of Certain Ballot Counting Devices *second reading and consideration for adoption* P. 115
- 12. Consent Calendar
- 13. New Business
  - 13.1. RSA 79-E Covenant Subordination Agreement with Profile Bank for 22 South Main Street *consideration for approval* P. 119
  - 13.3. Unsealing of Non-Public Minutes *Motion to unseal the following:*
    - 13.3.1. November 8, 2023, RSA 91-A:3, II(d) Land
    - 13.3.2. January 16, 2024, RSA 91-A:3, II(d) Land
    - 13.3.3. February 6, 2024, RSA 91-A:3, II(d) Land
    - 13.3.4. March 5, 2024, RSA 91-A:3, II(d) Land
  - 13.4. Resolution Authorizing Appropriations Related to Funding for Purchase of 16 Bridge Street *first reading and consideration for adoption* P. 131
  - 13.5. Resolution Authorizing Acceptance and Appropriation of American Rescue Plan Act Victim Services Grant Award for FY 2025 *first reading and consideration for adoption* P. 135
- 14. Non-Meeting/Non-Public Session
- 15. Adjournment

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City of Rochester  
Revised Draft

Regular City Council Meeting  
February 6, 2024

that the Clerk cast one ballot for Mr. de Geofroy. The **MOTION CARRIED** by a 13 to 0 roll call vote as follows: Councilors Herman, Fontneau, Hamann, Turner, Walker, Creteau, Sullivan, Karolian, Lawrence, Fitzpatrick, Richardson, de Geofroy, and Mayor Callaghan voted in favor of the appointment.

**9.6. Appointment: Kendra Finch – Ward 5 Selectman  
consideration for approval**

Mayor Callaghan nominated Kendra Finch to serve as the Selectman for Ward 5. Councilor Walker **MOVED** that nominations cease and that the Clerk cast one ballot for Ms. Finch. The **MOTION CARRIED** by a 13 to 0 roll call vote as follows: Councilors Hamann, Sullivan, de Geofroy, Fontneau, Walker, Herman, Fitzpatrick, Creteau, Lawrence, Turner, Richardson, Karolian, and Mayor Callaghan voted in favor of the appointment.

**9.7. Declaration of Vacancy: Ward 6 Ward Clerk**

Attorney O'Rourke explained that the person who was elected to this position at the last election (November 7, 2023) has refused to take the Oath of Office as prescribed; therefore by Section 66 of the City Charter, the Office is to be declared vacant. Mayor Callaghan asked which part of the Oath this person is refusing to sign. Attorney O'Rourke replied to the section that states "agreeable to the City Charter and the General Ordinances of the City of Rochester". Councilor Sullivan asked if this individual has been given an opportunity to sign the correct version of the Oath of Office. Attorney O'Rourke explained that the individual has been given many opportunities by the Clerk's Office to sign the correct Oath of Office.

Mayor Callaghan gave human (the individual who had been elected to the Ward Clerk position but refused to sign the Oath of Office as prescribed) an opportunity to address the City Council.

human spoke at length about the reasons ~~why he felt~~ **for his assertion** that there is no seat to be declared vacant and that he signed an adequate Oath of Office as prescribed by State law.

Councilor de Geofroy asked human if there were any of his Quaker beliefs precluding him from taking that section of the Oath of Office (City

Charter & General Ordinances). human replied that signing an Oath of Office not prescribed in the Constitution would be illegal. Councilor de Geofroy asked what Quaker beliefs required him to remove words from the Oath of Office. human explained that the Oath of Office that is prescribed in the Constitution does not include verbiage about the City's Charter nor the General Ordinances. Councilor Sullivan asked for clarification about the RSAs; are the RSAs giving guidance to the language permitted in an Oath of Office or is it meant to be a minimum standard for the language for an Oath of Office. human said the RSAs do allow Cities to require and administer an Oath of Office; however, there is nothing in the City Charter that indicates a variation of an Oath of Office differing from the RSA.

Mayor Callaghan asked about the opinion offered to human by Orville "Bud" Fitch, Legal Advisor to the Secretary of State's Office, dated January 16, 2024. human, did not acknowledge receipt of the letter; however, he stated that he delivered a letter to the Secretary of State this past Tuesday.

Kelly Walters, read the email she received (CC'd from the SOS Department) addressed to human dated January 16, 2024, which outlined that it is reasonable that a person seeking an elected position would adhere to the local rules/regulations City Charter/General Ordinances. human agreed with the statement made by the Secretary of State's representative **in part**. ~~, to the extent that the City Charter requires specific language (City Charter/General Ordinances).~~ He clarified that he is not saying that he does not want to follow the City Charter; however, the City Charter itself does not stipulate that **specific** language is to be added to the City of Rochester's Oath of Office.

Councilor Walker **MOVED** to declare the Ward Clerk Position (Ward 6) vacant. Councilor de Geofroy seconded the motion. The **MOTION CARRIED** by a 10 to 3 roll call vote. Councilors Walker, Fontneau, de Geofroy, Turner, Karolian, Fitzpatrick, Hamann, Sullivan, Creteau, and Mayor Callaghan voted yes. Councilors Herman, Lawrence, and Richardson voted no.

## **10. Reports of Committees**

### **10.1. Appointments Review Committee**

**Regular City Council Meeting  
March 5, 2024  
Council Chambers  
6:00 PM**

**COUNCILORS PRESENT**

Councilor Creteau  
Councilor de Geofroy  
Councilor Fitzpatrick  
Councilor Fontneau  
Councilor Herman  
Councilor Karolian  
Councilor Lawrence  
Councilor Richardson  
Councilor Sullivan  
Councilor Turner  
Councilor Walker  
Deputy Mayor Hamann  
Mayor Callaghan

**OTHERS PRESENT**

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

**COUNCILORS ABSENT**

**Minutes**

**1. Call to Order**

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

**2. Opening Prayer**

Mayor Callaghan called for a moment of silence.

**3. Pledge of Allegiance**

Councilor Karolian led the City Council and all those present in the Pledge of Allegiance.

**4. Roll Call**

Kelly Walters, City Clerk, took the roll call attendance. All Councilors were present as listed above.

**5. Acceptance of Minutes**

### **5.1 Regular City Council Meeting: February 6, 2024** ***consideration for approval***

Councilor Walker **MOVED** to **ACCEPT** the minutes of the Regular City Council meeting of February 6, 2024. Councilor Hamann seconded the motion. Councilor Richardson stated that human informed him that his (human) remarks were not correctly recorded in the minutes. Councilor Richardson requested a review of the recording prior to accepting the minutes. The City Council briefly discussed the matter. Councilor Karolian **MOVED** to **TABLE** the matter until such time the recording was reviewed. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

### **5.2 City Council Special Meeting: February 20, 2024** ***consideration for approval***

Councilor Walker **MOVED** to **ACCEPT** the minutes of the Special City Council meeting of February 20, 2024. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

## **6. Communications from the City Manager**

City Manager Ambrose stated that the "Recreation and Arena Community Engagement" survey is posted on the City's website: rochesternh.gov. Ms. Ambrose stated that the Recreation and Arena Department is working in conjunction with the Strafford Regional Planning Commission in an effort to update the City of Rochester's Recreation Master Plan.

City Manager Ambrose publicly thanked the members of the CIP Committee and Department heads for embarking on a new process to review all CIP projects during the budget season. She said the committee has been a successful venture. The CIP Committee presented the CIP recommendations to the Planning Board last evening.

### **6.1 City Manager's Report**

**The City Manager Report is as follows:**

**Contracts and Documents executed since last month:**

**Department of Public Works**

- Temporary Access Permit, Granite Ridge Phase 2 – Eversource
- Cert. Of Final Completion, Rt 11 Pump Station Upgrade.
- Scope of Services, Annex Space Planning and Design – Weston and Sampson.
- Amendment, Columbus/Summer Intersection – Fuss & Oneill
- Engineering Amendment, Union St Parking Lot – Fuss & Oneill
- Task Order, Cocheco Well Upgrades – Underwood Engineers
- Change Order, Biosolids Dewatering Facility – Apex Construction
- Woodman Water Service Homeowner Lien
- Change Order #2, Biosolids Dewatering Facility – Apex Construction
- Scope pf Services – Old Landfill Groundwater Permit Management contract – Ransom Consulting
- Scope of Service, Norway Plain Rd Sewer Main – S.U.R.

### **Economic Development**

- Gafney Home Project extension request

### **Standard Reports:**

- Personnel Action Report Summary

## **7. Communications from the Mayor**

Mayor Callaghan echoed the City Manager’s sentiments spoken in relation to the success of the new CIP process and thanked all participants.

### **7.1. Above and Beyond Service Award – John “Moose” Mousette**

Mayor Callaghan stated that a Spaulding High School student collapsed in the presence of John “Moose” Mousette, Athletic Trainer, in December 2023. Mr. Mousette immediately responded to the incident using life saving measures until the medical emergency crew arrived, which greatly aided in saving the student’s life.

Mayor Callaghan invited Mr. Mousette to come forward. Mayor

Callaghan said Mr. Mousette has been employed by the School Department for just over ten years. Mayor Callaghan shared a story about his own child’s experiences involving Mr. Mousette’s dedication to the students. He expressed appreciation for Mr. Mousette quick response during this unexpected event at Spaulding High School. Mayor Callaghan presented the “Above and Beyond Service” award to Mr. Mousette.

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

No discussion.

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

**9.1. Resignation: Tim Jones – Rochester Economic Development Commission, Seat G *consideration for approval***

Councilor Walker **MOVED** to **ACCEPT** the resignation letter of Tim Jones with regret and to send a letter of thanks. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**9.2. Appointment: Pamela Beliveau – Ward 6 Ward Clerk *consideration for approval***

Mayor Callaghan nominated Pamela Beliveau to be appointed as the Ward Clerk of Ward 6 and asked if there were any other nominations. Councilor Walker **MOVED** that nomination cease and a roll call be taken. Councilor Fitzpatrick seconded the motion. The **MOTION CARRIED** to appoint Ms. Beliveau as the Ward Clerk for Ward 6 by a unanimous roll call vote as follows: Councilors de Geofroy, Fitzpatrick, Sullivan, Lawrence, Walker, Herman, Fontneau, Turner, Creteau, Richardson, Hamann, Karolian, and Mayor Callaghan voted in favor of the motion.

**10. Reports of Committees**

**10.1.1 New Appointment: Josephine Finocchiaro – Planning Board, Seat L, Alternate Member *Term to expire 1/2/2027 consideration for approval***

Councilor Walker recommended that Ms. Finocchiaro be appointed as an Alternate Member to the Planning Board with a term to expire on January 2, 2027. Mayor Callaghan concurred and asked if there were

any other nominations. The **MOTION CARRIED** to appoint Ms. Finocchiaro to the Planning Board by a unanimous voice vote.

**10.1.2 New Appointment: Shawn Pierce – Arts and Culture Commission, Seat I, Regular Member Term to expire ~~1/2/2026~~ 7/1/2026 consideration for approval**

Mayor Callaghan nominated Shawn Pierce to the Arts and Culture Commission; however, he made a correction to the term expiration as shown above. Mayor Callaghan asked if there were any other nominations. The **MOTION CARRIED** to appoint Mr. Pierce to the Arts and Culture Commission by a unanimous voice vote.

**10.1.3 New Appointment: Bryan Karolian – Conservation Commission, Seat B, Regular Member Term to expire 1/2/2027 consideration for approval**

Councilor Walker said the Committee recommended that Mr. Karolian be appointed as a Regular Member to the Conservation Commission with a term to expire on January 2, 2027. Councilor Hamann seconded the nomination. Mayor Callaghan concurred and asked if there were any other nominations. The **MOTION CARRIED** to appoint Mr. Karolian to the Conservation Commission by a unanimous voice vote.

**10.1.4 New Appointment: George Bald – Economic Development Commission, Seat G, Regular Member Term to Expire 1/2/2026 consideration for approval**

Councilor Walker said the Committee recommended that Mr. Bald be appointed as a Regular Member to the Economic Development Commission with a term to expire on January 2, 2026. Councilor Hamann seconded the nomination. Mayor Callaghan concurred and asked if there were any other nominations. The **MOTION CARRIED** to appoint Mr. Bald to the Economic Development Commission as shown above by a unanimous voice vote.

**10.1.5 New Appointment: Susan Rice – Planning Board, Seat G, Regular Member Term to Expire 1/2/2026 consideration for approval**

Councilor Walker stated that the Committee recommended, by a majority voice vote that Ms. Rice be appointed as a Regular Member of the Planning Board with a term to expire on January 2, 2027. Councilor Richardson seconded the nomination. Mayor Callaghan asked if there were any other nominations. The **MOTION FAILED** to appoint Ms. Rice to the Planning Board by a majority voice vote against the appointment.

**10.1.6 Reappointment: Kevin Sullivan – Conservation Commission, Seat A, Regular Member Term to expire 1/2/2027 consideration for approval**

Mr. Sullivan has been reappointed as a Regular Member of the Conservation Commission with a term to expire on January 2, 2027. See full vote of all reappointments just prior to the Codes and Ordinances Committee report.

**10.1.7 Reappointment: Mark Jennings – Conservation Commission, Seat C, Regular Member Term to expire 1/2/2027 consideration for approval**

Mr. Jennings has been reappointed as a Regular Member of the Conservation Commission with a term to expire on January 2, 2027. See full vote of all reappointments just prior to the Codes and Ordinances Committee report.

**10.1.8 Reappointment: Merry Lineweber – Conservation Commission, Seat G, Regular Member Term to expire 1/2/2027 consideration for approval**

Ms. Lineweber has been reappointed as a Regular Member of the Conservation Commission with a term to expire on January 2, 2027. See full vote of all reappointments just prior to the Codes and Ordinances Committee report.

**10.1.9 Reappointment: Tanya Hervey – Economic Development Commission, Seat D, Regular Member Term to expire 1/2/2027 consideration for approval**

Ms. Hervey has been reappointed as a Regular Member of the Economic Development Commission with a term to expire on January 2,

2027. *See full vote of all reappointments just prior to the Codes and Ordinances Committee report.*

**10.1.10 Reappointment: Ronald Poulin – Economic Development Commission, Seat F, Regular Member  
Term to expire 1/2/2027 consideration for approval**

Mr. Poulin has been reappointed as a Regular Member of the Economic Development Commission with a term to expire on January 2, 2027. *See full vote of all reappointments just prior to the Codes and Ordinances Committee report.*

**10.1.11 Reappointment: Janet Davis – Economic Development Commission, Seat A, Regular Member  
Term to expire 1/2/2027 consideration for approval**

Ms. Davis has been reappointed as a Regular Member of the Economic Development Commission with a term to expire on January 2, 2027. *See full vote of all reappointments just prior to the Codes and Ordinances Committee report.*

**10.1.12 Reappointment: Ralph Sanders – Utility Advisory Board, Seat A, Regular Member  
Term to expire 1/2/2027 consideration for approval**

Mr. Sanders has been reappointed as a Regular Member of the Utility Advisory Board with a term to expire on January 2, 2027. *See full vote of all reappointments just prior to the Codes and Ordinances Committee report.*

**10.1.13 Reappointment: Eli Barnes – Utility Advisory Board, Seat C, Regular Member  
Term to expire 1/2/2026 consideration for approval**

Mr. Barnes has been reappointed as a Regular Member of the Utility Advisory Board with a term to expire on January 2, 2026. *See full vote of all reappointments just prior to the Codes and Ordinances Committee report.*

**10.1.14 Appointment: Dylan Dowe – Conservation Commission, Elevation from Alternate to Regular, Seat D, Term to Expire 1/2/2025 consideration for approval**

Councilor Walker stated the Committee unanimously recommended to elevate Mr. Dowe from an Alternate Member to a Regular Member of the Conservation Commission with a term to expire on January 2, 2025. Mayor Callaghan asked if there were any other nominations. The **MOTION CARRIED** to appoint Mr. Dowe to the Conservation Commission by a unanimous voice vote.

**10.1.15 Appointment: Michael McQuade – Planning Board, Elevation from Alternate to Regular, Seat B, Term to Expire 1/2/2027 consideration for approval**

Councilor Walker stated the Committee unanimously recommended to elevate Mr. McQuade from an Alternate Member to a Regular Member of the Planning Board with a term to expire on January 2, 2027. Mayor Callaghan asked if there were any other nominations. The **MOTION CARRIED** to appoint Mr. McQuade to the Planning Board by a unanimous voice vote.

Councilor Walker offered to vote upon all reappointments at once, *if there were no objections.*

Councilor Walker **MOVED** to reappoint all the reappointments listed below. Councilor Hamann seconded the motion. Councilor Walker **MOVED** that nominations cease and the Clerk cast one ballot for all reappointments. The **MOTION CARRIED** by a unanimous voice vote.

- **Kevin Sullivan – Conservation Commission, Seat A, Regular Member Term to expire 1/2/2027**
- **Mark Jennings – Conservation Commission, Seat C, Regular Member Term to expire 1/2/2027**
- **Merry Lineweber – Conservation Commission, Seat G, Regular Member Term to expire 1/2/2027**
- **Tanya Hervey – Economic Development Commission, Seat D, Regular Member Term to expire 1/2/2027**

- **Ronald Poulin – Economic Development Commission, Seat F, Regular Member *Term to expire 1/2/2027***
- **Janet Davis – Economic Development Commission, Seat A, Regular Member *Term to expire 1/2/2027***
- **Ralph Sanders – Utility Advisory Board, Seat A, Regular Member *Term to expire 1/2/2027***
- **Eli Barnes – Utility Advisory Board, Seat C, Regular Member *Term to expire 1/2/2026***

## **10.2 Codes & Ordinances Committee**

### **10.2.1 Resolution Pursuant to RSA 34:1-a Establishing a Waste Management Closure Reserve Fund *second reading and consideration for adoption***

Councilor de Geofroy stated that the Codes and Ordinances Committee unanimously recommended that the City Council approve the Resolution establishing the Waste Management Closure Reserve Fund. Councilor Hamann seconded the recommendation.

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

#### **Resolution Pursuant to RSA 34:1-a Establishing an Waste Management Closure Reserve Fund**

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

By adoption of this Resolution, the City Council establishes a Non-Capital Reserve Fund, Waste Management Closure Reserve Fund, pursuant to RSA 34:1-a for the purpose of creating a financial reserve for the anticipated closure of the Waste Management landfill in 2034. Upon closure of the Waste Management landfill the associated Waste Management Host Fee Revenues shall also cease. The purpose of this fund is to offset impacts to the amount to be raised by property taxes resulting from the complete loss, or material reduction, of the Waste Management Host Fee revenues, and any related additional waste disposal expenses.

The City Council, at its sole discretion, may appropriate monies to said Waste Management Closure Reserve Fund through the annual budgeting process, however, in no case shall said annual appropriation be less than One Million Dollars \$1,000,000. Revenue sources can be Waste Management Host Fee Revenues, or General Fund Unassigned Fund Balance.

Other unanticipated revenue sources may also be transferred to the fund upon a majority vote of Council. Upon 2/3 Council vote General Fund Unassigned Fund Balance contributions outside of the annual budget appropriation may occur after the annual fiscal year audit confirms the net changes to General Fund Unassigned Fund balance, and results are presented by the independent auditor.

**Further**, the City Council, at its sole discretion, may assign portions of the General Fund Unassigned Fund Balance as a reserve commitment to the Waste Management Closure Fund. This assigned status assures that an allocation of the General Fund Unassigned Fund balance is reserved for the Waste Management Closure Fund.

**Further**, the funds can be considered for utilization as a non property tax revenue source during the annual operating budget process upon realization of the following conditions, or combination of conditions. Waste Management's official ceasing of landfill operations and termination of all Host Fee Revenues, when landfill capacity materially decreases, which results in a material decrease of Host Fee Revenues, or when landfill capacity necessitates the implementation of new transfer station and disposal service expenses.

Pursuant to RSA 34:6, the Trustees of Trust Funds shall have custody of all non capital reserves transferred to the Waste Management Closure Reserve Fund. The Trustees of the Trust Fund will hold the monies appropriated to the Waste Management Closure Reserve Fund in a separate investment account. Appropriations made to the Waste Management Closure Reserve Fund will be submitted to the Trustees of the Trust Fund after July 1 but prior to June 30 of the fiscal year of the appropriation.

The City Council may dissolve the Waste Management Closure Reserve Fund at its sole discretion. Upon dissolution all available funds will lapse to the General Fund Unassigned Fund balance. 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

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numbers as necessary to implement the transactions contemplated by this Resolution.

The City Council discussed if a roll call vote was necessary; however, it was determined that a voice vote would be sufficient. Mayor Callaghan called for a vote on approval. The **MOTION CARRIED** by a unanimous voice vote.

### **10.3 Community Development Committee**

Councilor Creteau gave an update on the CDBG Grant application process, which should be finalized by the next meeting.

#### **10.3.1 Resolution Adopting a FY 2025 Rochester CDBG "Action Plan for the City of Rochester, N.H." and Approving and Appropriating the FY 2025 Community Development Budget for the City of Rochester *first reading and refer to public hearing March 19, 2024***

Mayor Callaghan read the resolution by title only and referred the matter to a Public Hearing to be held on March 19, 2024.

#### **Resolution for Supplemental Appropriation of \$250,000 to the FY24 General Fund CIP Fund for the Community Center Bleacher Replacement Project**

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

That the Mayor and City Council of the City of Rochester hereby appropriate Two Hundred Fifty Thousand Dollars (\$250,000) to the General Fund CIP for the purpose of paying costs associated with the Community Center Gym Bleacher Replacement Project. This funding will address replacement of the second bank of bleachers. The first bank of bleacher replacements were funded in the FY24 Adopted General Fund CIP program budget. The entirety of this supplemental appropriation shall be derived from the General Fund Unassigned Fund Balance.

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

implement the transactions contemplated in this Resolution.

**10.3.2 Update on Easterseals Champlin Ridge Project *first reading and refer to public hearing March 19, 2024***

Mayor Callaghan said an update to the Easterseals Champlin Ridge Project would be referred to a Public Hearing to be held on March 19, 2024.

**10.4 Finance Committee**

**10.4.1 Resolution for Supplemental Appropriation of \$250,000 to the General Fund CIP Fund for the Community Center Bleacher Replacement Project *first reading and refer to a Public Hearing March 19, 2024***

Mayor Callaghan read the resolution by title only and referred the matter to a Public Hearing to be held on March 19, 2024.

**Resolution for Supplemental Appropriation of \$250,000 to the FY24 General Fund CIP Fund for the Community Center Bleacher Replacement Project**

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

That the Mayor and City Council of the City of Rochester hereby appropriate Two Hundred Fifty Thousand Dollars (\$250,000) to the General Fund CIP for the purpose of paying costs associated with the Community Center Gym Bleacher Replacement Project. This funding will address replacement of the second bank of bleachers. The first bank of bleacher replacements were funded in the FY24 Adopted General Fund CIP program budget. The entirety of this supplemental appropriation shall be derived from the General Fund Unassigned Fund Balance.

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

**10.5 Planning Board**

No discussion.

**10.6 Public Safety**

Councilor Fontneau said that there were no action items to review.

**10.7 Public Works**

Councilor Hamann said that there were no action items to review.

**11. Unfinished Business**

No discussion.

**12. Consent Calendar**

No discussion.

**13. New Business**

**13.1. Resolution Pursuant to RSA 656:40 Authorizing Use of Certain Ballot Counting Devices *first reading and refer to public hearing March 19, 2024***

- [LHS ImageCast Precinct](#)
- [Voting Works VxSuite](#)

Mayor Callaghan read the resolution for a first time by title only and referred the matter to a Public Hearing to be held on March 19, 2024.

**Resolution Pursuant to RSA 656:40 Authorizing Use of Certain Ballot Counting Devices**

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

That the Mayor and City Council of the City of Rochester hereby authorize the use of the Dominion ImageCast Precinct Tabulator and the VotingWorks VxSuite ballot counting devices for the counting of ballots in the City of Rochester.

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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.

#### **14. Non-Meeting/Non-Public Session**

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

Councilor Walker **MOVED** to enter a Non-Public Session at 6:16 PM, under RSA 91-A-3,II(d) Land. Councilor de Geofroy seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote of 13 to 0 as follows: Councilors Turner, Richardson, Karolian, Fitzpatrick, Sullivan, Hamann, Lawrence, Herman, de Geofroy, Creteau, Fontneau, Walker, and Mayor Callaghan voted in favor of the motion.

Councilor Walker **MOVED** to exit the Non-Public Session at 6:52 PM and to seal the minutes indefinitely because disclosure would render the action ineffective. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote of 13 to 0 as follows: Councilors Fitzpatrick, Turner, Hamann, Richardson, Sullivan, Fontneau, Karolian, Creteau, Herman, de Geofroy, Walker, Lawrence, and Mayor Callaghan voted in favor of the motion.

#### **15. Adjournment**

Mayor Callaghan Adjourned the Regular City Council meeting at 6:52 PM.

Respectfully submitted,

Kelly Walters, CMC  
City Clerk



## City of Rochester, New Hampshire

OFFICE OF THE CITY MANAGER

31 Wakefield Street • Rochester, NH 03867

(603) 332-1167

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

### CITY MANAGER'S REPORT

March 2024

Contracts and documents executed since last month:

- **Department of Public Works**
  - Task Order, Hydraulic Sewer Modeling – Weston & Sampson **P. 26**
  - Task Order, Wastewater Pump Station Evaluation– Weston & Sampson. **P. 27**
  - Task Order, Sewer System Investigation – Weston & Sampson. **P. 28**
  - Certificate of Substantial Completion, WWTP Biosolids Dewatering Facility – Apex Construction **P. 29**
  - Estimate, Highfields Common drainage swale – S.U.R. **P. 30**
  - Scope of Services, Portland St Reconstruction conceptual design – Greenman Pedersen **P. 31**
  - Scope of Services, Peer review of Salmon Falls School Project – Greenman Pedersen **P. 32**
  - Estimate, Downtown Sewer System reset covers/frame – S.U.R. **P. 33**
  - Task Order, Traffic Impact Study Review – Hoyle Tanner and Assoc. **P. 34**
  - Change Order, Tara Est. Sewer Pump Station Upgrade - Apex **P. 35**
  - Engineering contract, Marketplace Blvd drainage pond – Jones & Beach. **P. 36**
- **Economic Development**
  - FY23-24 CAP Weatherization – Whispering Winds **P. 37**
- **HR**
  - Facilities Contract, Employee recognition – The Oaks **P. 38**
- **IT**
  - Secondary internet Connection – Comcast **P. 39**

The following standard report has been enclosed:

- Personnel Action Report Summary **P. 40**

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City Clerk's Office

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**INTEROFFICE MEMORANDUM**

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**TO:** KATIE AMBROSE, CITY MANAGER  
**FROM:** LISA J. CLARK, DPW DEPUTY DIRECTOR OPERATIONS & ADMINISTRATION  
**DATE:** March 1, 2024  
**SUBJECT:** Weston & Sampson Task Order 2024-01  
Hydraulic Sewer Modeling - SSMP  
Amount \$293,700.00

**CC:** Peter C. Nourse, PE, Director of City Services  
Richard A. Carr, PE City Engineer

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Attached please find (1) one copy of the Weston & Sampson Task Order 2024-01 for City Manager Signature. The work in this task order is part of the continued efforts for the Sewer System Master Plan and includes manhole inspections, GPS data Collection and hydraulic sewer Modeling.

Weston & Sampson Engineers were selected for City Infrastructure Projects per RFQ 21-19.

The funds are available in the Sewer Fund CIP Project Sewer System Master Plan Accounts as follows:

- Account # 55026020-776001-23548 = \$504.01
- Account # 55026020-771000- 24561 = \$293,195.99

If you have any question, please call, if none please sign and return document to me at the DPW for Distribution



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**INTEROFFICE MEMORANDUM**

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**TO:** KATIE AMBROSE, CITY MANAGER  
**FROM:** LISA J. CLARK, DPW DEPUTY DIRECTOR OPERATIONS & ADMINISTRATION  
**DATE:** March 1, 2024  
**SUBJECT:** Weston & Sampson Task Order 2024-02  
Wastewater Pump Station Evaluation - SSMP  
Amount \$161,000.00  
  
**CC:** Peter C. Nourse, PE, Director of City Services  
Richard A. Carr, PE City Engineer

---

Attached please find (1) one copy of the Weston & Sampson Task Order 2024-02 for City Manager Signature. The work in this task order is part of the continued efforts for the Sewer System Master Plan and includes work to complete a full evaluation of the City's 29 Pump Station. The Study will include civil, structural, mechanical, electrical engineering services and architectural services.

Weston & Sampson Engineers were selected for City Infrastructure Projects per RFQ 21-19.

The funds are available in the Sewer Fund CIP Project Sewer System Master Plan Accounts as follows:

Account # 55026020-771000 - 24561 = \$160,559.20  
Account #55026020-771000 – 21532 = \$440.80

If you have any question, please call, if none please sign and return document to me at the DPW for Distribution



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**INTEROFFICE MEMORANDUM**

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**TO:** KATIE AMBROSE, CITY MANAGER  
**FROM:** LISA J. CLARK, DPW DEPUTY DIRECTOR OPERATIONS & ADMINISTRATION  
**DATE:** March 1, 2024  
**SUBJECT:** Weston & Sampson Task Order 2024-03  
Spring 2024 I/I Investigations – Sewer Collections System  
Amount \$196,413.00

**CC:** Peter C. Nourse, PE, Director of City Services  
Richard A. Carr, PE City Engineer

---

Attached please find (1) one copy of the Weston & Sampson Task Order 2024-03 for City Manager Signature. The work in this task order is to complete Close-Circuit Television Inspection (CCTV) of the sewer system Sub Area 18 in the spring of 2024. This is scheduled this spring in advance of the Winter Street area project and is a required priority for completion.

Weston & Sampson Engineers were selected for City Infrastructure Projects per RFQ 21-19.

The funds are available in the Sewer Fund CIP Project Sewer System Master Plan Accounts as follows:

- Account # 55026020-771000 - 21532 = \$93,221.10
- Account #55026020-771000 – 22556 = \$100,000.00
- Account #55026020-771000 – 23545 = \$3,191.90

If you have any question, please call, if none please sign and return document to me at the DPW for Distribution



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**INTEROFFICE MEMORANDUM**

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**TO:** KATIE AMBROSE, CITY MANAGER  
**FROM:** LISA J. CLARK, DPW DEPUTY DIRECTOR OPERATIONS & ADMINISTRATION  
**DATE:** March 1, 2024  
**SUBJECT:** Apex Construction  
WWTP Biosolids Dewatering Facility  
Certificate of Substantial Completion

**CC:** Peter C. Nourse, PE, Director of City Services  
David Green, Superintendent Wastewater System

---

Attached please find (1) one copy of the Certificate of Substantial Completion for Apex Construction in regard to the Biosolids Dewatering Facility at the Wastewater Treatment Plant. The project was substantially complete on February 2, 2024, and Apex will be working to complete the final punch list items prior to final completion.

If you have any question, please call, if none please sign and return document to me at the DPW for Distribution



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**INTEROFFICE MEMORANDUM**

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**TO:** KATIE AMBROSE, CITY MANAGER

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

**DATE:** February 26, 2024

**SUBJECT:** SUR Construction  
Highfield Common - Drainage Swale  
Amount \$24,105.00

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

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Attached please find (1) one copy of the SUR Construction estimate/ scope of service for City Manager signature. This scope is for SUR Construction to install a drainage swale to mitigate the significant drainage impacts on private residential property due to construction in the Rt 202A Project. The pricing is per the equipment and labor cost quoted in City of Rochester Bid #23-26 for Equipment rental and “On-call Construction Services and Related Equipment Rentals.

Funding for this work is in the RT 202A Water Main Extension Project Funds Accounts as follows:

55016010-771000-20635 = \$24,105.00

If you do not have any questions, please execute, and return the executed copy to us at the DPW for distribution.



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**INTEROFFICE MEMORANDUM**

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**TO:** KATIE AMBROSE, CITY MANAGER  
**FROM:** LISA J. CLARK, DPW DEPUTY DIRECTOR OPERATIONS & ADMINISTRATION  
**DATE:** March 6, 2024  
**SUBJECT:** Greenman Pedersen Inc  
Portland Street Reconstruction-Conceptual Design  
\$36,708.36  
  
**CC:** Peter C. Nourse, PE, Director of City Services  
Richard A. Carr, PE City Engineer

---

Attached please find (1) one copy of the Greenman Petersen Inc (GPI) scope of services for City Manager Signature. The proposed work is for conceptual design engineering of the Portland Street Reconstruction Project. This project is designated as Portland Street from South Main to Salmon Falls and includes roadway, sidewalk, water, and sewer systems in the area.

GPI was selected for City of Rochester Infrastructure based on RFQ 21-19.

The funds available in the following CIP Accounts as budgeted for this project:

- 15013010-771000-24536 = \$18,354.18
- 55016010-771000-24550 = \$9,177.09
- 55026020-771000-24559 = \$9,177.09

If you have any question, please call, if none please sign and return document to me at the DPW for Distribution



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**INTEROFFICE MEMORANDUM**

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**TO:** KATIE AMBROSE, CITY MANAGER  
**FROM:** LISA J. CLARK, DPW DEPUTY DIRECTOR OPERATIONS & ADMINISTRATION  
**DATE:** March 8, 2024  
**SUBJECT:** Greenman Pedersen Inc (GPI)  
Peer Review – Salmon Falls Elementary School Project  
\$2,500.00  
**CC:** Peter C. Nourse, PE, Director of City Services  
Richard A. Carr, PE City Engineer

---

Attached please find (1) one copy of the Greenman Petersen Inc (GPI) scope of services for City Manager Signature. The proposed scope is to provide a peer review of the Tighe & Bond design of the roadway widening and a turn lane at the entrance of the proposed elementary school on Salmon Falls Road.

GPI was selected for City of Rochester Infrastructure based on RFQ 21-19.

The funds available in the City's O&M General Fund account as follows:

11080050-533000 \$2,500.00

If you have any question, please call, if none please sign and return document to me at the DPW for Distribution



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**INTEROFFICE MEMORANDUM**

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**TO:** KATIE AMBROSE, CITY MANAGER

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

**DATE:** March 8, 2024

**SUBJECT:** SUR Construction  
Sewer System Reset Covers/frames Downtown  
Amount \$21,155.00

**CC:** Peter C. Nourse, PE, Director of City Services  
Richard A. Carr, PE, City Engineer  
Scott McGlynn, Municipal Service Supervisor-Wastewater Collections

---

Attached please find (1) one copy of the SUR Construction estimate/ scope of service for City Manager signature. This scope is for SUR Construction to reset frames and covers on (6) manholes in the downtown area. The current structures have sunk below acceptable depths and creating driving issues downtown.

The pricing is per the equipment and labor cost quoted in City of Rochester Bid #23-26 for Equipment rental and "On-call Construction Services and Related Equipment Rentals.

Funding for this work is in the Sewer Fund - Collection System Upgrade Account as follows. :

55026020-771000-23545 = \$21,155.00

If you do not have any questions, please execute, and return the executed copy to us at the DPW for distribution.



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**INTEROFFICE MEMORANDUM**

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**TO:** KATIE AMBROSE, CITY MANAGER  
**FROM:** LISA J. CLARK, DPW DEPUTY DIRECTOR OPERATIONS & ADMINISTRATION  
**DATE:** March 6, 2024  
**SUBJECT:** Hoyle Tanner & Associates Task Order 7A Traffic Impact Study Review  
Granite Ridge TIF - 105 Farmington Road  
Amount \$9,995.00

**CC:** Peter C. Nourse, PE, Director of City Services  
Richard A. Carr, PE City Engineer

---

Attached please find (1) one copy of the HTA Task Order 7A for City Manager Signature. The work in this task order is to attend meetings and follow up the professional review services for the Traffic Impact study for 105 Farmington Road proposed car wash and convenience store with fueling facility.

Hoyle Tanner & Associates were selected for City Infrastructure Projects per RFQ 21-19.

The funds are available in the Highway General Fund as follows:

Account # 13010057-532200 \$9,995.00

If you have any question, please call, if none please sign and return document to me at the DPW for Distribution



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**INTEROFFICE MEMORANDUM**

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**TO:** Katie Ambrose, City Manager  
**FROM:** Dana Webber, PE, DPW Engineering  
**DATE:** March 25, 2024  
**SUBJECT:** Tara Estates Sewer Pump Station Upgrades Project (Bid 23-01)  
Apex Construction, Inc. Change Order No. 2  
**CC:** Peter Nourse, PE, Director of City Services  
Richard Carr, PE, City Engineer  
Lisa Clark, DPW Deputy Director, Operations & Administration

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Attached please find (1) electronic copy of Change Order No. 2 for the Tara Estates Sewer Pump Station Upgrades project. As described in the attached change order document, the additional work is related to Wetwell No. 1 rehabilitation of deteriorated conditions found during construction. Our engineering consultant, Weston & Sampson, has reviewed and approved this change order. NHDES has reviewed and approved this change order.

The total amount of this contract change order is \$13,336.77, all of which is eligible for CWSRF funding. The adjusted contract amount will be \$1,392,029.17. Please note that Apex has acknowledged the change order amount but is reserving their right to adjust contract duration.

Funds are available for this amendment in the following Sewer System Pump Station CIP accounts:

- 55026020-772000-21536 = \$2,183.53
- 55026020-772000-24560 = \$11,153.24

City Manager signature approval is required on Page 2 of the attached Change Order No. 2. Once signed please return to DPW for distribution.



# *City of Rochester, New Hampshire*

Finance Office

31 Wakefield Street • Rochester, NH 03867-1917  
(603)-509-1908

March 26, 2023

To: Katie Ambrose-City Manger

c: Peter Nourse Director of City Services

Fm: Mark Sullivan-Director of Finance

Re: GRDD Jones & Beach Engineering Contract

Katie,

Attached is an engineering contract from Jones & Beach to design the drainage associated with the Marketplace Blvd drainage pond network. This change is the result of an original misinterpretation of the Marketplace Blvd design plans, where the drainage pond network was characterized as private developer responsibility. As a result, HTA did not incorporate the design of the drainage pond and drainage network into their work scope. Jones & Beach had been designing the projects onsite flows into the drainage pond, but the drainage pond itself and roadway network where not being addressed by Jones & Beach, or HTA. It makes sense that since Jones & Beach has already been designing the drainage related to the private development to the pond they continue design on the pond and roadway drainage network. The expense of this additional work scope is \$25,950, the funding source shall be the existing GRDD Infrastructure appropriation 61083010-771000-16577. The recommendation is to accept Jones & Beach’s contract.



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

## INTEROFFICE MEMORANDUM

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**TO:** Kathryn Ambrose, City Manager

**FROM:** Kiersten Wright, Community Development Coordinator/Grants Manager

**DATE:** March 13, 2024

**SUBJECT:** FY 23- 24 CAP Weatherization Assistance Program- Whispering Winds

**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.



# *City of Rochester, New Hampshire*

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

MEMO

TO: Katie Ambrose

FROM: Kimberly Conley, Director of Human Resources

DATE: March 20,2024

RE: Employee Recognition night out

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Attached please find a contract of work with the Grandview Venue at the Oaks for the Employee Recognition Night Out for the employees. Initial Funding for the \$3,213 is available in account 11063151-589070. Additional estimated funding is \$3,655.00, of which \$2326.60 will come from 11000051-589070 and the balance from account 11063151-589070.

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

---

Kimberly Conley  
Deputy CAO

Enclosures: Oaks Contract



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**INTEROFFICE MEMORANDUM**

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**TO:** Katie Ambrose, City Manager

**FROM:** Andrew Watkins, Chief Information Officer

**DATE:** March 19, 2024

**SUBJECT:** Secondary internet connection

**CC:**

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Requesting signatures on the DocuSign document from Comcast for a secondary Internet connection.

Sufficient funding is available in IT O&M account 1000-11020050-553000 IT Communications.

If you have any questions, please let me know.

Signature \_\_\_\_\_  
Katie Ambrose, City Manager

DEPARTMENT	NAME	POSITION	# of Employees	FT	PT	SEASONAL/TEMP	NEW HIRE	REHIRE	RETIREMENT	SEPARATED	PROMOTION	OTHER	MISC. INFO
BLS	JONATHAN STEVENS	PLUMBING/MECHANICAL INSPECTOR	1	X						X			
COMMUNICATIONS	JESSICA HAWES	COMMUNICATIONS SPECIALIST	1	X						X			
COMMUNICATIONS	ASHLEY CONSTANTINO	COMMUNICATIONS SPECIALIST	1	X						X			
COMMUNICATIONS	ELLEN SPICER	PER DIEM DISPATCHER	1			X				X			
DPW	JOSHUA BEAL	WW MAINTENANCE MECHANIC	1	X							X		PUMP STATION MAINTENANCE to WWTP MAINTENANCE MECHANIC
DPW	NICOLAS PICKERING	GROUNDS PERSON	1		X	X				X			
DPW	MICHELLE WILLIAMS	ADMINISTRATIVE ASSISTANT II	1	X			X						
DPW	CHRISTOPHER LEE	MEDIUM EQUIPMENT OPERATOR	1	X						X			
FINANCE	STACIE BERKOWITZ	ACCOUNTANT I	1	X			X						
HUMAN RESOURCES	MEGAN METZDORF	HR TEMP	1		X	X	X						
POLICE	ZACHARY MASSE	PATROL OFFICER	1	X						X			
POLICE	ANTHONY BOSSI	POLICE LIEUTENANT	1	X					X				

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City Clerk's Office

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**CITY OF ROCHESTER, NEW HAMPSHIRE**  
**OFFICE OF THE MAYOR**  
 31 Wakefield Street, Rochester, NH 03867  
[www.RochesterNH.gov](http://www.RochesterNH.gov)

**MAYORAL PROCLAMATION**

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

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

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

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

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

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

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

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

NOW THEREFORE, I, Paul Callaghan by the authority vested in me as Mayor of the City of Rochester, in the State of New Hampshire do hereby proclaim that April 26, 2024 is ARBOR DAY in the City of Rochester and I do support our community's efforts to protect our trees and woodlands, and to support our City's efforts to maintain our environment by planting trees to gladden the hearts and promote the well-being of present and future generations.

IN WITNESS WHEREOF, I have set my hand  
 and caused to be affixed the Seal of the City of  
 Rochester this the 2nd Day of April in the year of  
 our Lord, Two Thousand and Twenty-four

Paul Callaghan  
 Mayor

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City Clerk's Office

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*City of Rochester, New Hampshire*

CITY COUNCIL –  
APPOINTMENTS REVIEW COMMITTEE  
31 Wakefield Street • Rochester, NH  
03867 (603) 335-7508  
[www.RochesterNH.gov](http://www.RochesterNH.gov)

**Appointments Review Committee**

March 26, 2024  
City Hall Chambers – Conference Room  
5:30 PM

**Committee Members Present:**

David Walker, Chair  
Chuck Creteau  
Bryan Karolian  
Matthew Richardson  
Rachel Lawrence  
Mayor Callaghan, ex officio

**Committee Members Absent:**

**Minutes**

**Review and Discussion of Applications and Current Board Membership**

Chair Walker called the Appointments Review Committee meeting to order at 5:30 PM. The Committee reviewed the current vacancies on the City’s boards and commissions and reviewed the statements of interest coming before them.

Chair Walker inquired if there had been any indication that the two alternate members of the Historic District Commission would like to be elevated to regular membership before the Committee considers the two applicants for regular membership on HDC this evening. Deputy City Clerk Cassie Givara stated that City staff had contacted these alternate members, but no applications for elevation had been received at this time.

**New appointment(s):**

**Martha Wingate**  
**Historic District Commission, Seat C (New Appointment, Regular Member) Term to Expire 1/2/2027**

Ms. Wingate stated that she was a previous member of the HDC for many years, and after taking a leave for personal matters, she was ready to start serving again. Ms. Wingate gave a summary of her history as an educator and school administrator in Rochester. She spoke about the importance of keeping downtown Rochester a thriving and inviting area for residents and visitors. She stated that there are some longtime residents of the City who do not realize all the

historic features and properties Rochester has to offer and spoke of the ways in which more attention can be brought to these properties. Ms. Wingate spoke of her involvement in an upcoming historical tour of Rochester. The Committee discussed with Ms. Wingate potential uses for the Rochester Courthouse.

Councilor Karolian **MOVED** to recommend the appointment of Martha Wingate to the Historic District Commission, Seat C, with a term to expire 1/2/27. Councilor Creteau seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**Kimberly Adams**

**Historic District Commission, Seat F (New Appointment, Regular Member) Term to Expire 1/2/2027**

Ms. Adams explained that she was born and raised in Rochester, where her family has resided for generations. After leaving the state for Florida, she had eventually returned to her hometown and she spoke about the beauty and charm of the City. Ms. Adams spoke about the importance of preserving the historical characteristics of the City, especially of the downtown area, while still allowing for development and progress. The Committee discussed with Ms. Adams how a determination could be made on what makes a property “historic” and how development can be undertaken while still maintaining an aesthetic which assimilates with the existing historic properties. The Committee discussed with Ms. Adams potential uses for the Rochester Courthouse.

Councilor Creteau **MOVED** to recommend the appointment of Kimberly Adams to the Historic District Commission, Seat F with a term to expire 1/2/27. Councilor Karolian seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**Zebadiah McGill**

**Planning Board, Seat N (New Appointment, Alternate Member) Term to Expire 1/2/2026**

Mr. McGill stated that he had moved to Rochester 2 years prior and was looking to plant roots in the community and become more involved. Mr. McGill spoke about his interest in City Planning, Traffic Science, and historical zoning and its effect on the present, and he gave an overview of the research and review he had done on these topics. Mr. McGill spoke about his goals and vision for Rochester, and how he would like to see more alternatives for transportation outside of vehicle travel, such as biking and pedestrian pathways, with more consideration and space given to these alternatives to encourage and support connections throughout the City.

The Committee discussed with Mr. McGill his potential interest in being a regular member as opposed to an alternate. Mr. McGill indicated he would prefer to serve as an alternate to start to become accustomed to the board’s process and to determine if he could better serve as a regular member.

Councilor Lawrence **MOVED** to recommend the appointment of Zebadiah McGill to the Planning Board, Alternate Member Seat N, with a term to expire 1/2/26. Councilor Richardson seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**Ashley Desrochers**

**Arts & Culture Commission, (New Appointment, Regular Member) *No Current Vacancy***

The Committee discussed the process and whether a recommendation could be made if there is no current vacancy on the board. Deputy City Clerk Cassie Givara advised that there had been a resignation received today for a position on Arts & Culture; This resignation will go to City Council for acceptance on April 2 and, if accepted, Ms. Desrochers could be appointed to this position if Council wishes.

Ms. Desrochers spoke about the importance of arts in the City of Rochester and how art has the potential to not only bring the community together, but to bring people into the community. Ms. Desrochers spoke about potential arts initiatives which could be established in the City; such as painting of bridge underpasses, art on manhole covers, a children’s mural downtown, and focus on media other than visual arts, such as music and poetry. Ms. Desrochers discussed with the committee the potential ways to bring attention and support to culinary arts in the community.

Councilor Creteau **MOVED** to recommend the appointment of Ashley Desrochers to the Arts & Culture Commission, Regular Member Seat B, with a term to expire 7/1/27. Councilor Lawrence seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**Re-Appointments/Discussions:**

**Shawn Libby**

**Reappointment: Utility Advisory Board, Seat E – *Term to Expire 1/2/2027***

Councilor Karolian **MOVED** to recommend the reappointment of Shawn Libby to the Utility Advisory Board, Seat E, with a term to expire 1/2/27. Councilor Richardson seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Cassie Givara  
Deputy City Clerk

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City Clerk's Office

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**Codes and Ordinances Committee**

- Councilor Alex de Geofroy, Chair
- Councilor Tim Fontneau, Vice Chair
- Councilor Bryan Karolian (excused)
- Councilor Patricia Turner
- Councilor Dave Walker



**Others Present**

- Terence O'Rourke, City Attorney
- Phebe Miner, Legal Intern
- Jim Grant, Director of Building and Licensing
- Chris Rice, resident

**CODES AND ORDINANCES COMMITTEE**  
 Of the Rochester City Council  
**Thursday, March 7, 2024**  
**Council Chambers**  
**6:00 PM**

**Minutes**

**1. Call to Order**

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

**2. Roll Call**

Deputy City Clerk Cassie Givara took the roll call attendance. Councilors de Geofroy, Fontneau, Turner, Walker, and ex officio member Mayor Callaghan were present. Councilor Karolian was excused.

**3. Public Input**

Chris Rice, resident, addressed the Committee regarding the proposed amendment to Chapter 40 appearing on the agenda and gave suggestions on edits which could be made prior to full council approval.

**4. Acceptance of the Minutes**

**4.1 February 15, 2024 *motion to approve***

Councilor Walker **MOVED** to **ACCEPT** the February 15, 2024 Codes and Ordinances Committee meeting minutes. Councilor Fontneau seconded the motion. The **MOTION CARRIED**

by a unanimous voice vote.

**5. Continued Review of the City Council Rules of Order**

- **Amendment to Section 1.5-C:6 “Procedures for Remote Participation” (addendum a)**

Chair de Geofroy explained that the suggested change is to add references to RSA 91-A into the script included in the Rules of Order. This RSA citation is already being verbally stated when the script is read at meetings; this amendment would just make the Rules of Order consistent with current practice.

Councilor Fontneau **MOVED** to recommend the amendment to Section 1.5-C(6) of the Rules of Order, “Procedures for Remote Participation” to full City Council. Councilor Turner seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

- **Amendment to Section 4.4 “Standing Committees” (addendum b)**

Councilor Walker stated that the verbiage suggested by the City Attorney was not the same as what he had suggested at the prior meeting and asked the City Attorney how he arrived at the suggested wording included in the packet. Attorney O’Rourke explained that he had concerns that if all City Councilors were made alternates for all subcommittees and compelled to attend the meetings, it would violate the provision that members cannot service on more than 3 standing committees. As written in the suggested amendment, alternates would not need to regularly attend but would be available on call if needed. The Committee discussed the procedure if this amendment is passed, with the Mayor or Chair of a committee calling on an alternate to attend if a quorum is not available. Councilor Walker explained that his original idea had been to not name specific councilors as alternates, but to have all Councilors as alternates. In this instance, if a Councilor was present for a meeting of which they were not a regular member, they could be appointed as the alternate if needed negating the need for a specific call-in. Attorney O’Rourke explained that this procedure would violate the Mayor’s authority to appoint. Councilor Walker **MOVED** to recommend the amendment to Section 4.4 of the City Council Rules of Order to full Council. Councilor Fontneau seconded the motion.

Mayor Callaghan acknowledged that it would make sense for an alternate to be able to serve on a board/committee if they are present at a meeting instead of a call being made to a specific alternate. He questioned how the proposed wording would ensure a quorum. Councilor Fontneau referenced Councilor Walker’s prior suggestion that all Councilors not appointed to a subcommittee automatically become alternates to all other committees. Attorney O’Rourke suggested the following: “**The Mayor shall appoint two (2) alternate members to each standing committee.**” This would serve the same purpose of ensuring alternates are available without requiring specific Councilors or specific numbers to be named as alternates for committees. Attorney O’Rourke explained that the Mayor would still appoint specific Councilors as alternates, whether it is several members or the entire body. This would allow any available Councilors to serve as alternates when available without violating the Mayor’s authority to appoint. Councilor Walker **MOVED** to **AMEND** section 4.4 by striking out the word “two” as detailed by Attorney O’Rourke. Councilor Fontneau seconded the amendment. The **MOTION CARRIED** to amend the section as stated above by a unanimous voice vote. Chair de Geofroy called for a vote on the original motion as amended.

The MOTION CARRIED, as amended, by a unanimous voice vote.

## **6. Continued Review of the Code of Ethics and Conduct for Elected and Appointed Officials**

Phebe Miner, legal intern, referenced discussion from the prior meeting regarding the sufficiency review portion of the “Board of Ethics” ordinance. The Committee had questioned whether this review of sufficiency should be conducted by City officials/staff or should be entirely members outside the city organization. The current ordinance lists City officials carrying out the sufficiency review to determine whether there is enough evidence to support a violation of the code; the process is then handed over to the “Ethics Investigation Officer” (EIO), who would be a hired independent party outside of the City administration.

Ms. Miner stated that she had reviewed the processes of neighboring towns and cities related to their ethics codes, and she summarized her findings. The City of Dover is closest to the suggestion from Councilor Walker that the entirety of the sufficiency review be conducted by outside parties not elected or employed by the City; with Dover’s 5-member sufficiency review being comprised of one former school board or City Council member along with four other residents of the City. In their process, if the complaint is deemed sufficient, it is then handed over to the City Council. The Dover ordinance states that the board members receive training, although they are not compensated monetarily.

Ms. Miner explained that in Somersworth, the ordinance states that the sufficiency review is comprised of 5 members; however, there are currently only three members serving. She speculated that this could potentially be due to the time commitment or difficulty in finding members to serve on such a board. This would need to be taken into consideration if Rochester were to explore a completely external sufficiency review board; keeping in mind that any complaints received are required to be reviewed within 30 days of receipt.

Councilor Walker reiterated his suggestion that a sufficiency review board could be comprised of HR officials from local businesses, who already have adequate training for dealing with ethics issues. Ms. Miner asked for clarification on the suggestion and whether these HR employees of local businesses could serve on said board regardless of their town of residence. Councilor Walker equated his proposal to members of the REDC, who are not required to reside in the city to serve on the board as long as they have business ties to the City. Ms. Miner inquired how board members could be compelled to serve if they were not City officials being appointed. Councilor Walker speculated that the City could contact local organizations to see if they would be amenable to having staff serve on the board; however membership would be voluntary. Ms. Miner reported that there is no precedent in the region for having an ethics board which is not comprised of residents of the town or city. The Committee discussed the requirement for members serving on the board to be Rochester residents or to have relevant HR experience. The potential difficulty of being able to assemble a quorum in a timely manner with a board comprised of local business staff was discussed.

Chair de Geofroy inquired how long the codes of ethics Ms. Miner had reviewed had been in effect. Ms. Miner stated that many of them had been established more than 10 years prior and already recertified; with Portsmouth’s Code of Ethics in place since the late 1980s. Chair de Geofroy requested that the process and background of these well-established codes be reviewed to determine what is working and how the Rochester process could be built. Ms. Miner committed to returning the following month with recommendations based on this review. Mayor Callaghan requested

guidance on how these board members would be appointed, whether city officials, residents, or local business staff. There was a brief discussion regarding whether these members would be City Manager, Mayor, or Council appointees.

Chair de Geofroy asserted that he did not identify any issues with having a sufficiency review made up of internal candidates, who would simply determine whether sufficient evidence of a violation exists to warrant elevating to an investigation. He speculated that there could always be perception of bias to some extent, regardless of how the board is comprised or appointed.

The review of the Code of Ethics was kept in Committee.

**7. Amendment to Chapter 40 of the General Ordinances of the City of Rochester Regarding Council Designated Area Periodic Inspections**

Attorney O'Rourke explained that this this amendment proposes a new approach to enforcing the property maintenance codes which are already adopted as part of the City ordinances.

In developing this approach, data was gathered regarding locations of non-owner-occupied multi-family rental properties, locations of code complaints regarding multi-family properties, and locations of property crimes in the City. This data was compiled into maps to illustrate the areas of the City where these criteria were most prevalent. Attorney O'Rourke explained that he had reviewed approaches to property maintenance code enforcement throughout the country and had developed this amendment with the Director of Building and Licensing Services (BLS).

Attorney O'Rourke summarized the approach, which would have the City Council designate areas of the City for periodic inspection based on the above-mentioned data. Code Enforcement officers would still be responding to complaints and carrying out their regular duties; this amendment would ensure inspections of certain properties in these designated areas on a routine basis. Attorney O'Rourke clarified that residents of multi-family rental properties are the least likely to complain about code issues due to fear of potential eviction or retaliation. This approach would remove the "neighbor against neighbor" complaint-based approach and potential adverse results for tenants. It would put the proactive responsibility on the City. He stated that the goal is that the numbers of property crimes and code complaints will gradually reduce once these periodic inspections become commonplace and improvements are made.

Jim Grant, Director of Building and Licensing Services, acknowledged that there are often right-to-know requests following code complaints to determine where the complaint had originated, pitting neighbor against neighbor. He clarified that he is tasked with carrying out the International Property Maintenance Codes (IPMC), however there needs to be a better mechanism to enforce these codes than the complaint-based approach being used currently. Director Grant responded to a comment made at public input, which he interpreted to imply that affordable dwelling units should not be as safe as higher priced rentals. Director Grant acknowledged that bringing properties up to code does cost money; however, the tenants of these units deserve safe accommodations and should not be faced with potential loss of housing due to the cost of these necessary improvements being completed by property owners.

Councilor Fontneau clarified that the IPMC applies to all properties, not only rental units as covered in the proposed amendment. He expressed concern that the maps included with the

amendment appear to target only certain types of properties; non-owner-occupied multi-family units. The maps seem to focus primarily on the downtown area, which has the most multi-family units as well as the oldest housing stock in the City. Councilor Fontneau stated that landlords may feel singled out based on the location of their property while there are similar properties that fall outside of the designated areas and are not subject to the same scrutiny. He requested that the stakeholders, owners of non-owner-occupied multi-family units, be invited to weigh in on this amendment.

Councilor Walker inquired why property crime statistics were used in the development of the maps included to support the inspection approach. Attorney O'Rourke responded that tenants of properties that are not up to code are more likely to be victims of property crimes.

Councilor Walker speculated that the current verbiage of the amendment "targeting" non-owner-occupied multi-family units could open the City up to discrimination lawsuits. Attorney O'Rourke clarified that owners of such properties are not a protected class and could not fall under the classification for such discrimination litigation. Attorney O'Rourke explained that BLS staff would not be conducting inspections *only* of multi-family rental units; they would still be conducting their regular tasks and inspections of all types of properties. This amendment would simply ensure that the areas identified as being in most dire need are designated as being inspected periodically without complaints needed to initiate the inspections. Councilor Walker agreed with Councilor Fontneau that affected property owners should have an opportunity to speak on the matter at a public hearing.

Councilor Walker inquired how the process would be carried out and if interior inspections would be noticed prior to occurring. Director Grant clarified that no interior inspections would be carried out under this proposal; all inspections are external to identify code deficiencies.

Mayor Callaghan requested that there be a definition of "inspection" included in the amendment because it is not clear based on the current language. Director Grant directed the Committee to the IPMC and the definition of inspections. He stated staff will not be entering properties unless there are egregious visible violations, at which point proper authorizing documentation to enter the property would be secured.

Mayor Callaghan acknowledged the correlation between property crimes and property code violations. He stated that his interpretation of the amendment did not limit inspections to multi-family rentals with the phrase "...inspections of residential rental buildings or structures..." Attorney O'Rourke agreed that inspections are not limited to rental properties. Mayor Callaghan stated that this proactive approach to code enforcement will likely result in improvement of property values and quality of life for residents.

Mayor Callaghan spoke about the potential of fines collected being placed into a fund to assist residents with property improvements in order to get their properties up to code. He spoke about several other potential financing options the City could review to assist residents with improvements. Attorney O'Rourke spoke about the previous "Neighborhood Compliance Program" and the process the City had followed. Instead of fining property owners, fees were waived under the stipulation that funds would instead be reinvested into property improvements. The goal had not been for the City to make money, but rather to have these properties brought up to code and for the neighborhoods to be improved for residents. He said the City had experienced great success with this approach.

Councilor Walker inquired how BLS staff would proceed if an owner refused access to their property. Director Grant indicated that the inspections are primarily front, exterior visual inspections; staff are not digging for problems and will not investigate further unless an obvious violation is identified.

Councilor Fontneau reiterated the inference that only non-owner-occupied rental properties would be addressed. Attorney O'Rourke clarified that this particular proposal identifies non-owner-occupied rentals in particular areas of the City, because these properties are currently what the City has data detailing; however, Code Enforcement would still be carried out for all types of properties in the City per the IPMC.

Councilor Fontneau cautioned against the perception of certain properties being targeted and the possible resulting effect of rent increases and unaffordability due to the cost of these improvements being made upon code enforcement. He suggested there could be a middle ground between the complaint-based approach and the designated area inspection approach. Chair de Geofroy agreed that there could be further review and revisions to the proposal to avoid the perception of targeting or bias.

Mayor Callaghan specified that the City employs building inspectors and code enforcement officers; their job is to enforce these adopted code laws and they should be given the ability to do so. Chair de Geofroy agreed and cautioned against the perception of the City advocating for not enforcing these property codes; but he acknowledged there needs to be an approach that is perceived as more equitable and fair.

Chair de Geofroy suggested that Director Grant report back to the committee with a comprehensive detailing of BLS' approach and to and process for code enforcement to help the committee understand current practice and how it can be improved or changed. Director Grant stated there needs to be a determination whether it is the City's approach to code enforcement that is the issue, or if it is the codes themselves that are objectionable. If it is the latter, the City needs to look into changing the codes if they are not supportive of enforcing them.

Director Grant spoke about the codes he is tasked with enforcing and the department's current approach. He summarized a courtesy letter submitted to violating properties and the potential of softening the language included in this notice if requested.

Mayor Callaghan suggested the following amendment: **"The City hereby requires periodic inspections of residential rental buildings or structures as part of a targeted effort within geographic areas specified by the City Council...."** Attorney O'Rourke explained that there are laws in the State of NH that recognize the difference between single-family residences and multi-family dwellings, which are considered businesses and held to different standards. However, striking out the words "residential rental" would still allow for periodic inspections in these designated areas. Mayor Callaghan **MOVED** to amend the proposal by striking the words "residential rental" as shown above. Councilor Fontneau seconded the motion. The amendment to the **MOTION CARRIED** by a majority voice vote.

Chair de Geofroy proposed that this item be kept in committee to allow further review and work and reiterated the request to Director Grant for a more comprehensive detailing of how this process

would be approached and carried out in these designated areas. Councilor Walker reiterated that there should be a public hearing held on the matter to allow stakeholders to share their thoughts prior to consideration for adoption.

## **8. Amendment to Chapter 94 of the General Ordinances of the City of Rochester Regarding Lead Paint Poisoning and Prevention Control**

Attorney O'Rourke gave an overview of a new State law going into effect on July 1, 2024; RSA 130-A Regarding Lead Poisoning Prevention and Control. If adopted by the City, this would allow City officials to enforce the provisions of this law. If not adopted, the only party able to enforce the provisions would be DHHS; with limited inspectors throughout the State and the requirement to file a request for service, this could be prohibitive. Attorney O'Rourke clarified that this is not creating a new law, but rather allowing the City to enforce a law already in effect without the involvement of a State agency.

Councilor Walker inquired how this law would be enforced; if it is complaint-driven or would it involve periodic inspections. Director Grant stated that the trigger for this enforcement would be a question on the City's building permits regarding any renovations or projects on pre-1978 properties. He explained that effective July 1, the City would be requiring a certificate of lead safety prior to a certificate of occupancy being issued. Director Grant briefly summarized the difference between lead-free and lead safe.

Councilor Walker inquired if the City is currently undertaking lead testing for children in Rochester schools. Mayor Callaghan responded that there is no in-school testing occurring; there had been legislation proposed at the State level which would enact this testing, but it did not pass. Councilor Walker suggested that elevated levels on a child's lead test could be a trigger for testing of the property where the child lives.

Councilor Fontneau cautioned that requiring properties to be lead safe would come at an increased cost for improvements and in turn, an increased cost for rents. He stated that the system unfairly places elevated lead levels on landlords, suggesting that the onus should be on parents to ensure that their children are tested on the recommended schedule to identify exposures. He surmised that there are multiple sources of lead exposure for children besides rental properties. Additionally, Councilor Fontneau questioned if there would be liability for the City if a property is certified as lead safe and a child later tests positive at this location. Attorney O'Rourke stated that the City would not be liable in a circumstance as explained; the liability would fall on the property owner.

Councilor Walker asked how the City would be carrying out lead testing. Director Grant explained that City staff will not enter properties to perform lead testing; the change in law being discussed is the requirement of specific certification for lead safety which will now be enforced by the City. The Committee discussed various methods of testing for lead. Director Grant indicated he would invite the Health Inspector, who is lead certified, to attend an upcoming Codes and Ordinances meeting and explain the process in greater detail.

Mayor Callaghan asked if this proposal would initiate the addition of a checkmark on building permits for the involvement of a lead abatement contractor for all properties pre-dating 1978. Chair de Geofroy summarized that the State law is already in place requiring this process be followed; the proposal for the City is to take on the responsibility of ensuring the follow through is occurring

without having to rely on the State. Director Grant confirmed this would be a field built into the permitting software. Certain criteria would be flagged, such as year the property was built, requiring a certification number to be entered. It was further clarified that the proposal is an administrative function to ensure that the law has been followed.

Mayor Callaghan clarified that the City would not be inspecting for the presence of lead paint; these inspections would be done by certified abatement contractors and the City would be requiring their certification number. Director Grant confirmed this that the Board of Health had already directed BLS to add this field to building permits; the proposal before the committee is the enforcement portion of the process.

Mayor Callaghan **MOVED** to recommend to the full City Council the Amendment to Chapter 94 regarding lead paint poisoning and prevention control. Chair de Geofroy seconded the motion. Chair de Geofroy referenced a vote taken by Council the prior year regarding these checkboxes for lead certification numbers to be added to building permits. Attorney O'Rourke confirmed that Council had voted to add this field to building permits; with this new law going into effect, staff felt it would be propitious to combine both the city enforcement aspect along with the change to the building permits. Councilor Fontneau expressed support for the addition of certification numbers to the building permits but spoke against City staff involvement in lead abatement and the potential related liability. Mayor Callaghan emphasized the adverse effects lead exposure can have on a child's brain development, and the priority this should take over renovation costs. Chair de Geofroy agreed and stated that the costs of any lead abatement and improvement should be borne by property owners. The **MOTION CARRIED** by a majority voice vote.

**9. Building and Licensing Services - Compliance Updates and Review**

Director Grant explained that currently, the City's Zoning Board of Adjustments serves as the board of appeals for compliance of the IPMC. He suggested that the City could explore the option of creating their own board of appeals specifically to handle the Council Designated Area process, which would be comprised of individuals with expertise in this area, such as landlords and developers and those familiar with IPMC. This board could be viewed as more fair and unbiased. Director Grant spoke of the potential of using a score card for inspections. He requested direction and guidance from the Committee in order to know how to proceed and which methods and approaches the City would like explored. He reiterated that if there are codes the City does not believe should be enforced, these codes should be reviewed and potentially removed. Director Grant cautioned against the possibility of a great deal of time and effort being placed into the Council Designated Area proposal just to have it voted down by City Council. He suggested that guidance could be given prior to staff spending time developing programs which are not structured in a way the City wants.

Chair de Geofroy requested more data to be brought forward in regards to code compliance processes; numbers might be helpful in determining what is being done well and what could be changed. Director Grant reiterated that these numbers are currently complaint-driven and relatively low. There was discussion regarding the committee receiving a more detailed explanation of the current BLS approach and how the proposed designated area approach would work.

**10. Other**

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City of Rochester

Codes and Ordinances Committee  
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There was no discussion under “other.”

**11. Adjournment**

Councilor Walker **MOVED** to **ADJOURN** the Codes and Ordinances Committee meeting at 8:03 PM. Councilor Turner seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully Submitted,

Cassie Givara  
Deputy City Clerk

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**Amendments to Chapter 94 of the General Ordinances of the City of Rochester Regarding Lead Paint Poisoning and Prevention Control**

THE CITY OF ROCHESTER ORDAINS:

That Chapter 40 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 III**

**§ 94-14 Enforcement of the Lead Paint Poisoning and Prevention Control Act.**

- a. In accordance with RSA 130-A:11, II, the City assumes full and sole legal authority to enforce the provisions of the Lead Paint Poisoning and Prevention Contral Act, Chapter 130-A of the Revised Statutes Annotated.
- b. The authority granted to the City by adoption of this section, in accordance with RSA 130-A:11, II, does not extend to matters pertaining to licensure and certification under RSA 130-A:12, said authority shall rest solely with the New Hampshire Department of Health and Human Services.

**Amendments effective upon passage.**

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## SECTION 1.5 REMOTE PARTICIPATION DURING COUNCIL AND BOARD MEETINGS

### **a) INTRODUCTION / PURPOSE**

The City Council strongly encourages board members to be physically present for all board and committee meetings. The Council recognizes, however, that extenuating circumstances may occasionally prevent a member from being physically present at a meeting. Therefore, to promote full participation of board members while ensuring access and transparency for the public as required by NH RSA 91-A:2 Access to Governmental Records and Meetings, the Council authorizes remote participation in board meetings subject to the following procedures and requirements.

### **b) PERMISSIBLE REASONS FOR REMOTE PARTICIPATION**

Remote participation is not to be used solely for a board member's convenience or to avoid attending a particular meeting in person. Any Board member who is unable to physically attend a meeting of the board may make arrangements to remotely participate in the meeting under the following conditions:

1. Personal illness or disability;
2. Out-of-town travel;
3. ~~Unexpected~~Lack of child-care;
4. Family member illness or emergency;
5. Weather conditions;
6. Military service;
7. Employment obligations; or
8. A scheduling conflict.
9. As determined by the Chair

6. The Chair shall announce the remote participant *prior* to the Call to Order and follow this suggested script: “Board member (name) is participating in this meeting remotely. (name) are you there? (participant– “yes I am here”) **In accordance with RSA 91-A:2, III (a)** (name) was it reasonably impractical for you to be physically present at this meeting? (participant) – yes, it was impractical for me to be physically present), **(Chair), I find that it is not reasonably practical for (participant) to be physically present for this meeting. (Name), can you identify all other persons physically present in your current location? (participant names others).”**

**SECTION 4.4 STANDING COMMITTEES**

At the commencement of the new year following the regular municipal election, the following committees shall be appointed by the Mayor:

**Finance:**

Shall consist of seven (7) members including the Mayor who shall serve as chair.

**Public Works and Buildings:**

Shall consist of five (5) members.

**Public Safety:**

Shall consist of five (5) members.

**Codes and Ordinances:**

Shall consist of five (5) members.

**Community Development:**

Shall consist of five (5) members.

**Appointments Review Committee:**

Shall consist of five (5) members.

- A. No Council Member shall serve on more than three (3) standing committees, excluding the Finance Committee.
- B. All vacancies occurring in any standing committee shall be filled by the Mayor.
- C. The Mayor shall appoint ~~two (2)~~ alternate members to each standing committee. Alternates are not required to attend regularly scheduled meetings, but may be called upon by a Chairperson to attend a meeting in order to form a quorum in the absence of appointed regular members.

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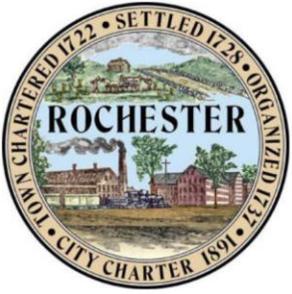
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# Rochester City Council

Community Development Committee

## MEETING MINUTES

**Chuck Creteau, Chair**  
**Matthew Richardson, Vice Chair**  
**David Herman**  
**Patricia Turner**  
**Rachel Lawrence**

<b>Meeting Date:</b>	Thursday March 14, 2024	
<b>Members Present:</b>	<b>Chuck Creteau</b> <b>Matthew Richardson</b> <b>David Herman</b> <b>Patricia Turner</b>	<b>Members Absent:</b> <b>Rachel Lawrence</b>
<b>City Staff Members Present</b>	<b>Kiersten Wright</b> , Community Development Coordinator <b>Todd Marsh</b> , City of Rochester Welfare Director <b>Mark Sullivan</b> , City of Rochester Deputy Finance Director	
<b>Non Staff Present</b>	<b>Bob Arnold</b> , Housing Development & Revitalization Director, Community Action Partnership <b>Sophie Aikman</b> , Annual Giving Manager Community Action Partnership <b>Susan Ford</b> , Executive Director My Friend's Place <b>Kathe Levesque</b> , President of Homeless Center for Strafford County <b>Cora-Lynn Hoppe</b> , Executive Director Rochester Child Care Center <b>Lynda Morgann</b> , Board Member Rochester Child Care Center <b>Roxanne Bienieck</b> , Board Member Rochester Child Care Center <b>Rebecca Harris</b> , Board Member Rochester Child Care Center <b>Mike Guillette</b> , President of Rochester Main Street	

Call to Order: 6:01pm by Councilor

Roll Call: See attached sheet- Councilor Lawrence was excused

<b>PUBLIC INPUT</b>	Councilor Creteau provided questions from a resident to Ms. Wright who stated she would review the questions and email Councilor Creteau back with an update.
<b>Approval of Minutes- February 8, 2024</b>	Councilor Herman motioned to approve the minutes, Councilor Richardson seconded. All were in favor.
<b>CDBG Pickle Ball &amp; Commons Camera</b>	Mark Sullivan, Deputy Finance Director for the City provided an update on the Pickleball Court and Teen Area/Cameras project that the Rec Department had received CDBG funding in FY22. Currently out of the \$109,856.75 in funding that was allocated for the projects, only \$5,484 of

<p><b>Change of Funding w/ Deputy Finance Director</b></p>	<p>CDBG funding has been expended to provide seating for the teens by the basketball courts. Neither project is set to be completed by the end of FY24. The last quote for the pickleball court was \$125,000 with \$37,950 to be funded by FY23 General Fund CIP award but also had an 8 month lead time for completion once the agreement is signed. As of this meeting date there is no Purchase Order in place for the court. The camera portion of the project has also seen several delays, with IT noting that there are delays in vendor selections as well as long lead times. Both projects are currently affecting the City's Timeliness with the CDBG funds.</p> <p>The Deputy Finance Director wanted the approval of the Community Development Committee to Deauthorize \$87,050 CDBG funding for the Pickleball Court and \$17,322.75 balance for security cameras at Commons. Return \$104,372.75 to the CDBG pool of funding. These two projects can then be presented to the Finance Committee at the April-24 meeting as a change of funding to General Fund Unassigned Fund balance.</p> <p>Councilor Creteau inquired about the pros and cons of deauthorizing the project. Mr. Sullivan stated that they could do more, and that they wouldn't be required to report to HUD, as well as help the funds be spent on other projects that are ready to go. Cons would be that the projects would be funded with unassigned funds and that the project would need additional funding due to the increase in prices.</p> <p>Councilor Richardson inquired if its possible that CDBG Funds could be used at a later time for this project. Mr. Sullivan explained that they would have to reapply for CDBG funding, and that I wouldn't be guaranteed as funds may not be available for the full amount.</p> <p>Councilor Turner moved to deauthorize the \$104,372.75 left on the two projects. Councilor Richardson seconded. All present were in favor. Mr. Sullivan stated that he will be bringing this to the April Finance Committee to notify them of the changes.</p>
<p><b>Job Loan Discussion- Affect on City's CDBG Timeliness</b></p>	<p>Kiersten Wright, the City's Community Development Coordinator provided an update regarding the Job Loan and the City's Timeliness with their CDBG program. Ms. Wright informed the committee that while they are in charge of reviewing CDBG program and projects that will be funded using CDBG funds, the Job Loan Program is not under their review, and is reviewed by the Job Loan Committee.</p> <p>Part of the CDBG requirements is that the city is within the timeliness standards which is 1.5 times the current year's grant amount. For FY24 that amount would be \$344,364 (FY24's grant amount is \$229,576). This will be the second year that the city will not hit its timeliness goals set by HUD. This is in part due to the Pickleball Court and Cameras projects but a large portion of it is due to the high amount in the Job Loan funds.</p> <p>Currently there is a little over \$312,000 in the job loan funds. This is included in the timeliness balance. In order to make the timeliness by May 2<sup>nd</sup> 2024 the city would have to spend down over \$252,000. Ms.</p>

	<p>Wright explained that with the job loan balance being so high, even if the city had spent down on all of the projects currently open, including the pickleball court and cameras, that the city would not make the timeliness as there is still going to be funds received into the Job Loan during the next couple of months as the recipients continue to pay back their loans.</p> <p>Ms. Wright has met with the City’s HUD Rep and Jenn Marsh, the Assistance Director of Economic Development, to discuss the job loan and its affects on the City’s Timeliness. Ms. Marsh will be meeting with the Job Loan Committee in the next couple of months to discuss the Job Loan Program. Ms. Marsh has offered to meet with the CD Committee at a later date to provide an update to the committee and inform them of the plans for the Job Loan Program.</p> <p>Ms. Wright explained to the committee that as the city will not make its timeliness by May 2<sup>nd</sup>, that she will have to meet with a HUD rep to discuss the goals for FY25 in order to ensure that Rochester is within the timeliness limits. Ms. Wright has already discussed options with the Finance Director with the city as well as others to start making plans prior to the meeting with HUD and will continue to update the coming months as more information comes to light.</p>
<p><b>Meet with Final Applicants for CDBG &amp; Municipal FY25 Funding</b></p>	<p><b>My Friend’s Place- Susan Ford- \$30,000- Municipal Funding &amp; \$30,000 for CDBG Public Facilities Funds</b>          Susan Ford from My Friend’s Place came to present their program to the committee and requested \$30,000 from municipal funding and \$30,000 in Public Facilities funds from CDBG. The facility had to close last year due to an issue with the sprinkler system. During their closure they updated the kitchen, sprinkles, removed the chimney, added new fire alarms and updated the locks to use key cards. When they had to close they relocated 4 Rochester families to transitional housing. About ½ to ¾ of those that enter the facility are from Rochester, with Dover the next most. They are looking for \$30,000 for operational expenses to keep the facility open. The other \$30,000 is for repairs to their barn at their facility. This barn houses donated items, including furniture as well as residents items that they need to store during their time there. They are primed to open back up April 1<sup>st</sup>. Todd Marsh from Welfare noted the great relationship that the city has with My Friend’s Place and that providing funding to them is cost effective for the city. My Friend’s Place also offers placement to Rochester first prior other cities due to this good relationship.</p> <p><b>Strafford Community Action Partnership- Sophie Aikman- \$10,000 Municipal Funds</b>          Sophie Aikman from Community Action Partnership (CAP) provided information on CAP and the services that they offer residents, from their home heating fuel program for low to moderate income families and individuals. They have helped about 6,600 Rochester residents which makes up about 41% of the</p>

Strafford Residents helped. They also offer over 60 types of programs. Todd Marsh from Welfare noted that CAP and Welfare have a good relationship with one another and that CAP has worked with the Community Outreach Coordinator for Rochester.

**Strafford Community Action Partnership- Bob Arnold- \$75,000 for Weatherization Program- CDBG funds**

Bob Arnold introduced himself to the committee and explained the Weatherization Assistance Program. The program helps reduce energy costs, which also helps with health and safety of the residents. They work with elderly, disable and/or children. The program works with a number of different grants in order to fund the program. They are also certified with the Department of Energy. In the last 12 months Rochester CDBG funds have helped over 28 sites in Rochester, all low- and low-moderate income residents. They heavily leverage other funds. Todd Marsh noted the importance of the program and that Welfare sometimes will get emergency calls about down systems like furnaces, and can refer to CAP for assistance. Bob Arnold noted that residents are referred to their program via their fuel assistance program as if they are eligible for the fuel assistance, they'll be eligible for the Weatherization. Ms. Wright pointed out that this program also keeps people in their homes and makes it more affordable for them.

**Homeless Center for Strafford County (Home for Now)- Kathe Levesque- \$21,740 for CDBG Public Facilities, \$29,000 for CDBG PSA, \$30,000 for Municipal Funds**

Kathe Levesque introduced herself to the committee and provided an update on the Homeless Center for Strafford County. They are requesting a total of \$21,740 for two separate facilities projects at their location. One for \$6,840 is to help build walls in the basement and separate the meeting space with the storage space, which will then help with the second project, installing Mini Splits in the basement (\$14,900) to help heat areas of the basement that are currently are heated with small space heaters. This will allow the board to meet in the basement, as well as allow volunteers to work in the basement in the storage areas. They are also asking for \$29,000 in operational expenses from CDBG and \$30,000 in Municipal funding for operation expenses. They have full time, part time and volunteers who work at the facility. They opened up for full time in late 2023, transitioning from a seasonal shelter. CDBG funded the build of the shelter in previous years. Todd Marsh noted the relationship between Home for Now and the Welfare Department and that in past years Home for Now changed their system resulting in less acceptance of Rochester residents which resulted in the city stopping funding. This is a mid barrier shelter, rather than a low barrier like the Willand Center.

Over the recently year they have changed their program and are able to accept more residents than before resulting in a better relationship.

**Rochester Child Care Center- Core-Lynn Hoppe- \$200,000 Municipal Funding**

Core Hoppe introduced herself and a few members of the Board for Rochester Child Care Center. Rochester Child Care Center is requesting \$200,000 in funding to assist with keeping the child care center on Charles Street open. Currently there is a nation wide child care issue and several facilities have shut down. Honey Tree in Dover had shut down the morning of the CD Committee meeting, resulting in 97 families out of child care in the area. Right now the center has 135 children ages 6 months to 5 years and 245 children ages 5 to 12 years enrolled in their programs they offer in Rochester. 5 Licensed centers have closed in a 50 mile radius since 2021. They have seen a staffing crisis which reduced capacity and hours. With the slow rollout of state funds allocated to supporting childcare they have seen a lose of over \$300k in the last quarter of 2023. They have taken several steps at this time to try to prevent a closure including reduced staffing from 90 to 74, reduced their hours of operations, cancelled maintenance contract, implemented spending freeze and engaged a financial advisor to maximize investment income. The \$200,000 are necessary for the center to not cease operations in 4-6 months, and will help stabilize their program. Ms. Hoppe pointed out that if their center has to close in the next few months that hundreds of families throughout Rochester will be affected, which will also affect local businesses as they find their employees having to take time off while looking for childcare. Todd Marsh noted the importance of childcare and that without childcare people can't work. He also pointed out that early childcare is important for the future.

**Rochester Main Street- Mike Guillette -\$35,000- Municipal Funding**

Mike Guillette is the President of Rochester Main Street and came to present their program. In previous years the program has received funding through the city's Economic Department in the amount of \$35,000 which is the amount they are looking for this year. Going forward Rochester Main Street will have to request funding through the CD Committee. Mr. Guillette discussed their 4 Point Approach, which include Economic Vitality, Design (which supports a community transformation by enhancing the physical and visual assets that set the commercial district apart), Promotion and Organization. They have various activities that they work on including the flower barrels and baskets, Big Foot cutouts, cleanup and lights added to Wyandotte Alley, bistro tables added to Central

	<p>Sq, Wyandotte Alley and the Riverwalk as well as numerous other activities. They also help with several events such as Porchfest, Trick or Treat, Free Movie Night, Clean up Days, and Festival of Trees. Rochester Main Street is currently the fiscal sponsor for Rochester Farmers Market which they are looking to bring back this summer and Rochester Tank a Cop. In previous years they were also the sponsor for Rochester Fine Arts Museum. Mr. Guillette also gave an update on the new Façade Program that Rochester Main Street is implementing. They are working with downtown businesses to update signage. The awards will be determined by funding level and determination of business needs. The sign work will be contracted with Renaissance Signs. Councilor Creteau asked about their involvement with down town business and keeping communication open with them. Mr. Guillette noted that Rochester Main Street does try to keep the businesses up to date and involved with various projects that they are working on throughout down town and have recently tried to assist with the parking concerns by holding a meeting to discuss the businesses concerns and offered to bring this to the City.</p>
<p><b>Vote on FY25 Funding</b></p>	<p>Discussion was had regarding the municipal funding applicants first.</p> <p>The Committee approved Municipal funding for the following programs and organization:</p> <p><b>COAST-</b> \$256,508  <b>Cornerstone VNA-</b> \$28,826  <b>Easter Seals Rochester-</b> \$10,000  <b>SOS Recovery-</b> \$46,000  <b>Strafford CAP-</b> \$10,000  <b>Rochester Museum of Fine Arts-</b> \$5,000  <b>My Friend’s Place-</b> \$20,000  <b>Homeless Center for Strafford County -</b> \$10,000  <b>Rochester Child Care-</b> \$130,000  <b>Rochester Main Street-</b> \$30,000</p> <p>Councilor Creteau and Richardson both felt that East Rochester should not receive funding especially with Nancy Loud being closed and their services only being open two days a week for a few hours, the councilors present all agreed that they did not feel that it benefited the citizens of East Rochester or other areas of Rochester to continue to fund the facility. All present were in favor to cut funding.</p> <p>There was much discussion regarding My Friend’s Place, Homeless Center for Strafford County, Rochester Child Care Center and Rochester Main Street. The Committee decided to fund</p>

these programs at less than their ask due to various reasons such as closers, first year requests, etc.

The Committee discussed the CDBG applicants and agreed that CASA of NH, the Homeless Center for Strafford County and Community Partners would **not** receive Public Service Agency funding from CDBG funds. Some of the reasons include duplication of services and funding received from other sources.

The Committee approved the following programs /organizations under the Public Service Agency of the CDBG program:

**Waypoint NH-** \$5,000

**Strafford Nutrition Meals on Wheels-** \$5,000

**Share Fund-** \$10,000

**Haven-** \$1,000

**DALC-** \$1,000

**Cross Roads-** \$8,000

**ACT/COAST-** \$1,000

**Hope on Haven Hill-** \$1,000

The Committee agreed that any excess funding over the \$32,000 approved would be split evenly among the following groups: DALC, HAVEN and Hope on Haven Hill who would receive a little more funding over the form two. If the amount is significantly over the \$32,000 once HUD has allocated FY25 funding, Ms. Wright will bring the amount back to the committee to re-evaluate.

Funding under CDBG's Public Facilities and Infrastructure and Housing Rehab portion of funding was approved for the following projects:

**Strafford Community Action Partnership – Weatherization Program -** \$75,000

**My Friend's Place- New Roof and Siding for Barn Storage-** \$30,000

**Homeless Center for Strafford County- Updates to Basement and Meeting Area-** \$6,840

**Homeless Center for Strafford County- Mini Splits for Basement-** \$14,900

Currently there are \$26,005 in unallocated funding from this current year's funds, that will be used to fund some of these projects, as well as the deauthorized funds from the Pickleball Courts and Camera projects. This will leave additional funding from FY25's CDBG allocation. The Committee will hear any future projects during FY25 that request funding for public facilities, infrastructure or housing rehabilitation projects during the year.

<b>Discussion on Committee's Goals</b>	Due to the time, a motion was made by Councilor Herman to move Discussion of Committee's Goals to the April or May meeting. Councilor Creteau seconded; motion approved by all present.
<b>Other Business</b>	<p>The Homeless Center for Strafford County (Home for Now) and Community Action Partnership provided an update to the committee about their goal to potentially merge later this year. The Home For Now board members agreed in their last meeting to open talks with Community Action Partnership. With the two groups merging it would allow Home for Now to gain access to help staffing the facility. Currently the facility has had a tough time keeping people employed in the Executive Director position. CAP does plan on keeping this a 24hr shelter and is not interested in putting it back to a seasonal. With the merge it would also allow for more funding options for Home for Now, as CAP has access to more grant options and opportunities.</p> <p>Councilor Richardson inquired about why Home for Now and Rochester stopped their relationship. Kathe explained that they had issues with the previous director was cherry picking people in order to provide the best outcome, and they fudged the numbers when they provided an update to the board. It resulted in the board not realizing the extend of the issue and Rochester pulling its funding. Todd Marsh noted that the Welfare department had no knowledge of this and that they had assumed the facility decided to update their program which they had the right to do. The only option Rochester had for the change was to pull funding.</p> <p>CAP and Home for Now said they were confident that the merger would be a good thing and will be keeping the cities up to date on the merger going forward.</p> <p>Councilor Creteau informed the Committee that they will not be able to make the scheduled April Meeting as they will be out of state. Councilor Richardson would be in charge of the April Meeting. Ms. Wright stated she would reach out prior to the meeting date to verify the agenda.</p>

Motion to adjourned made by Councilor Herman, seconded by Councilor Richardson, all in favor. Meeting adjourned at 10:19pm

**Next Meeting** – Thursday April 11<sup>th</sup>, 2024, 6:00 p.m., Location: TBD.  
**Topics:** Discussion of Committee Goals

Respectfully Submitted by  
Kiersten "Kay" Wright, Community Development Coordinator.

# COMMUNITY DEVELOPMENT COMMITTEE

## Agenda Item

03/28/2024

**Agenda Item Name:** Deauthorize CDBG Funding-Pickleball Court & Security Cameras

**Date Submitted:** 3-11-24

**Name of Person Submitting Item:** Mark Sullivan-Director of Finance

**E-mail Address:** mark.sullivan@rochesternh.gov

**Meeting Date Requested:** 3-14-24

**Issue Summary Statement:** In FY22 the Community Development Committee awarded CDBG funding for two City project initiatives. Hanson Pines Pickleball Court (\$87,050), and Hanson Pines Teen Area (\$22,806.75).

These projects have proven to be more complicated than anticipated to implement. Community input for the pickleball courts influenced changes in location and design. Regarding the Hanson Pines Teen Area project \$5,484 of CDBG funding has been expended, but the funding also included an allocation for security cameras at the Commons.

Although both of these projects were determined to be eligible for CDBG funding they were better suited for General Fund Capital Improvement cash funding. Awarding CDBG funding to a City project should be made on the basis that the project is ready for implementation, and will be completed within the fiscal year of award.

Neither of these projects will be completed by the end of FY24. The latest quotation on the pickleball court projects was \$125,000, \$37,950 to be funded by FY23 General Fund CIP award, with an eight month lead time for completion once agreement is signed. To date there is no Purchase Order in place for the pickleball courts. The cameras for the Commons is pending IT Services vendor selection and long lead times as well.

**Recommended Action:** Deauthorize \$87,050 CDBG funding for the Pickleball Court and \$17,322.75 balance for security cameras at Commons. Return \$104,372.75 to the CDBG pool of funding. These two projects can then be presented to the Finance Committee at the April-24 meeting as a change of funding to General Fund Unassigned Fund balance.

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## Finance Committee

## Meeting Minutes

Meeting Information

Date: March 12, 2024

Time: 6:00 P.M.

Location: 31 Wakefield Street

**Committee members present:** Mayor Callaghan, Councilor Fitzpatrick, Councilor Sullivan, Councilor Turner, Councilor Walker, and Deputy Mayor Hamann

**City staff present:** Finance Director Mark Sullivan. Cassie Givara, Deputy City Clerk.

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

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

Deputy City Clerk Cassie Givara took the roll call attendance. Councilors Fitzpatrick, Sullivan, Turner, Walker, Deputy Mayor Hamann, and Mayor Callaghan were all present.

**2. Acceptance of Minutes: February 13 2024**

Councilor Walker **MOVED** to **ACCEPT** the minutes of the February 13, 2024, Finance Committee meeting. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**3. Public Input**

There was no one present for public input.

**4. Unfinished Business: Opioid Committee-Review of Opioid Fund Proposals**

Mayor Callaghan reported that Todd Marsh, Welfare Director, was unable to attend the meeting this evening, but does want to discuss these proposals with the Committee. Director Marsh has been working with the Opioid Abatement Committee to weigh in on the proposals and would attend a Finance Committee meeting in the future to give guidance. Finance Director Mark Sullivan clarified that Director Marsh did not intend to endorse any of the proposals or make recommendations. He had become aware that some of the proposals would impact the Welfare office and had concerns about how the funds would be administered. Director Marsh will work further with the Opioid Abatement Committee, and the proposals will come back to the Finance

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Committee in the future when the proposals have been fine tuned.

Councilor Lawrence asked if any part of this agenda item is time sensitive. Director Sullivan stated that the opioid funds were resultant from litigation settlement and would not expire. Councilor Lawrence inquired if any of the proposals for service or programs funded by this settlement have associated deadlines. Director Sullivan stated that this would need to be answered by the Opioid Abatement Committee.

## **5. New Business:**

### **5.1.1 Review of 79E Properties**

Director Sullivan directed the Committee to a chart in the packet illustrating the currently active 79-E properties in Rochester, their baseline value, and their deferred value. The 7 properties listed have a baseline value of \$2.1 million, with a deferred value of \$2.3 million following substantial completion of the projects: more than doubling the assessed value through the 79-E program. He explained the chart, which shows the estimated construction costs as well as the permit values, which translates into \$8 million in investment in the downtown area. The chart also shows the number of dwelling units these 7 projects added, which total 117.

Director Sullivan explained the second chart, showing the four properties which have been approved for 79-E but have not yet reached substantial completion at which time the deferred value is established and the “clock starts” on the 79-E incentive. These four properties add an additional \$12 million in permit fees, bringing the investment in the downtown area to over \$20 million for all projects.

Councilor Walker inquired if the column illustrating “dwelling units” included any commercial space in these properties. Director Sullivan explained that commercial space is not included in this number, only residential dwelling units.

Councilor Turner inquired what portion of the permit fees listed in the chart come back to the City. Director Sullivan explained that the City received \$9 per \$1000 of construction cost for building permits. The number listed in the chart was received by the City in its entirety using this calculation for permit fees.

Councilor Sullivan asked if the baseline value listed is the current assessment versus the full assessed value which is the projected value. Director Sullivan clarified that the baseline was the value of the property at the initiation of the project, prior to any building permits being issued. The deferred value is the amount that the chief assessor has added on top of the baseline value. The full assessed value is the combination of the two, which will be used in the tax rate upon completion of the project. It is the current value as opposed to a projected value.

Mayor Callaghan asked if there is a final assessment done by the Chief Assessor at the completion of the projects. Director Sullivan stated that he would confirm that this is the procedure with the Chief Assessor.

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The Committee discussed the timeline on the deferments. Mayor Callaghan explained that, per the State law, the clock starts as soon as substantial completion is reached. There was a discussion regarding certificates of occupancy and if the issuance of such signals the completion of the projects and the start of deferment. Director Sullivan stated that he would have the Chief Assessor draft a timeline of the process and report back to the committee.

Councilor Lawrence inquired if there was a policy requiring a certain amount of housing units for approved 79-E projects. Director Sullivan said there is no requirement for number of residential units; however the duration of the 79-E tax relief determined by City Council can be extended based upon certain criteria, one being residential units. Councilor Fitzpatrick explained that the 79-E program is not necessarily intended as a housing program, but rather a capital investment program, although it can be used for residential housing.

### **5.1.2 City Residential Trash Bags-Retail Options**

Director Sullivan gave an overview of the Waste Management Host agreement, which contains a clause that all overflow residential household trash, above and beyond what would fit in the toter, is to be brought to the residential drop-off at the landfill in a city-approved bag; although the City opted to use stickers rather than trash bags. This clause had been loosely enforced by many years by Waste Management. However, Waste Management has started enforcing this requirement much more stringently and has been turning residents away who have not obtained a sticker. This is causing a large increase in foot traffic to the tax office, where these stickers are sold, and causing delays with the office's other business. Previously, the tax office reported selling approximately 2,500 stickers per year. This has significantly increased to almost 2,500 each month.

Director Sullivan presented the idea of City trash bags, which is the system in place in many neighboring communities. These bags are produced by a company in Lewiston, Maine and sold locally in rolls at local grocery and convenience stores. Director Sullivan reported that the cost of producing these trash bags is equivalent to the cost of the trash stickers. The retail cost of the trash bags would be kept the same as the sticker cost; \$1.75. He indicated he has been in contact with both Hannaford and Market Basket, both of whom already have experience selling municipal trash bags from the referenced manufacturer, and is he is working on an agreement. Director Sullivan explained that unlike the sticker, these bags will be sold in rolls of 5 as opposed to individual due to the logistics on the manufacturing process and sales in stores.

Councilor Sullivan inquired about the proposed \$9 cost of these rolls of trash bags. Director Sullivan explained that he had rounded up slightly in case the retail locations wanted to take a margin on the sales.

Councilor Walker asserted that this proposal would effectively be increasing the cost of the trash bags (over the cost of stickers) since there would not be an option for single bag

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purchases and there would likely be an increased cost to cover the margin taken by the store. Director Sullivan clarified that the City could stipulate that the price at the store is not to exceed \$1.75 per bag.

Councilor Walker speculated that the quality of municipal trash bags is not equivalent to the quality of premium store brands. The City bags could potentially rip when a resident tries to fill them, wasting the money spent on said bag, whereas the stickers could be placed on the exterior of any heavy-duty bag. Director Sullivan stated that the City could have the bags made with increased thickness, if desired.

Councilor Fitzpatrick clarified that the sale of neither trash bags nor stickers is not a way to generate revenue for the City, but rather a way to control the materials received at the landfill and ensure it comes only from Rochester residents. He inquired if the City could look into a vending machine to sell and distribute trash stickers. Director Sullivan stated that he had looked into a vending machine option, however it did not seem plausible for multiple reasons such as how the machine would be able to vend more than one requested sticker, where it would be located, and who would do the service and maintenance on the machine.

Councilor Sullivan inquired if it would be feasible to offer the bags in stores and simultaneously continue to sell the stickers through the City for the first year. If there are multiple complaints regarding the quality of the bags or if they don't work out as anticipated, the City could revert back to the sticker system without interruption. Director Sullivan agreed and stated that the intention is for there to be a transition period where the stickers are still available through the City while the bags are being sold in stores.

Councilor Sullivan inquired if the possibility had been explored of selling trash stickers in stores instead of the proposed bags. Director Sullivan stated that he had not looked into this, primarily because the stores are already well accustomed to the process of selling municipal bags for other communities.

The committee discussed the potential of increasing the cost of the trash bags if the thickness were increased. Director Sullivan reiterated that the trash bag price could be capped at a certain amount, even if the City were to opt for a thicker quality.

There was a brief discussion clarifying that this sticker and/or bag system would not affect the drop-off of larger items unable to fit into toters or bags, and items such as yard or construction waste.

Councilor Lawrence asked if this trash bag proposal could potentially tie in with the process of progressing toward the Waste Management landfill closure in 2034, at which point residents will need a new way of getting rid of household waste. Director Sullivan stated he had not looked this far into the future as the immediate concern was alleviating the traffic from the tax office, however he agreed that this would be a natural transition with getting residents accustomed to this process in the future.

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Councilor Turner stated that residents are currently purchasing trash stickers and separately purchasing trash bags for their toters; with the proposed system, they would be purchasing the bags alone which could potentially be a cost savings. Councilor Walker reiterated his concern of the quality of the bags and the potential for breakage and wasted cost to the tax payers. Director Sullivan restated that the City could opt to have bags manufactured with increased thickness.

Mayor Callaghan asked if this item could be kept in committee for another month or if it was of a time sensitive nature. Director Sullivan stated that although it is time sensitive to the extent that a solution is needed to relieve the burden from the tax office, he is still waiting on a decision from the grocery stores; it would not be a problem to wait one more month while these other details are resolved.

Councilor Sullivan requested a cost comparison for the base model trash bags versus several other thicknesses in order to make a recommendation.

Councilor Walker asked if residents of other communities would be able to purchase these bags and bring their trash to the Rochester landfill. Director Sullivan stated that it is possible for anyone to buy these bags, however IDs are checked by Waste Management staff and only Rochester residents are authorized to drop off. The Committee discussed the prevalence of non-resident landlords, businesses, and residents of other communities utilizing the landfill and how the stickers and bags are trying to protect against this. Councilor Walker asked if the tax office staff verifies IDs prior to selling stickers. Director Sullivan stated he would confirm this with the tax collector but reiterated that regardless of how the sticker is obtained, Waste Management would still be verifying residency.

## **Reports from Finance & Administration**

### **5.2.1 Monthly Financial Report Summary-February 29, 2024**

There was no discussion regarding the finance report.

## **6. Other**

There was no discussion under "other."

## **7. Adjournment**

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

Respectfully Submitted,

Cassie Givara, Deputy City Clerk

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**City of Rochester Planning Board**  
Monday, March 4, 2024  
City Hall Council Chambers  
31 Wakefield Street, Rochester, NH 03867  
*(These minutes were approved on March 18, 2024)*

Members Present

Mark Collopy, *Chair*  
Robert May, *Vice Chair*  
Alan Dews  
Donald Hamann  
James Hayden  
Peter Bruckner  
Rick Healey

Alternate Members Present

Matthew Richardson  
Michael McQuade

Members Absent

Staff: Shanna B. Saunders, *Director of Planning & Development*  
Tracy Gora, Senior Planner

(These are the legal minutes of the meeting and are in the format of an overview of the meeting. A recording of the meeting, as well as the meeting's minutes can be found on the Planning Boards Webpage at [www.rochesternh.gov/planning-board](http://www.rochesternh.gov/planning-board). Paper minutes may be copied at the Planning & Development Office for a fee.)

**I. Call to Order**

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

**II. Roll Call**

Planning Department Director, Shanna B. Saunders, conducted roll call.

**III. Seating of Alternates**

There was no seating of Alternate members.

**IV. Communications from the Chair**

There were no communications from the Chair.

**V. Approval of Minutes**

**A. February 5, 2024**

*A motion was made by Mr. Bruckner to approve the February 5, 2024, Planning Board meeting minutes and seconded by Mr. Dews. The motion carried unanimously.*

## **VI. Opening Discussion/Comments**

### **A. Public Comment**

There were no comments from the public to discuss.

### **B. Discussion of general planning issues**

There were no General Planning Issues that were discussed.

## **VII. Review of CIP Committee ranking of projects**

Ms. Saunders introduced David Walker, the Chair of the Capital Improvements Program Committee and briefly explained the CIP process and how the projects were reviewed and ranked based on nine criteria. Ms. Saunders reviewed the members of the CIP Committee.

Mr. Walker, Chair of the CIP Committee, explained the schedule of the CIP review and how the projects were presented and reviewed. Mr. Walker read the nine criteria used to score the individual projects. Mr. Walker explained that cost of projects was not part of the reviewed criteria.

Ms. Saunders explained the layout of the CIP project ranking sheet and explained how calculations were prepared for a few projects that were missing scores.

Mr. Dews asked what the numbers to the left on the ranking sheet were. Ms. Saunders explained that the number signified the project number.

Mr. Walker stated his support of the CIP Committee process and stated that the process allowed for questions to be asked to better understand the projects.

Ms. Saunders stated that the process also allowed for the concern of cost to be removed in the review process and only review by the nine criteria provided.

Mr. Bruckner stated that some projects will rank lower based on the scores of the criteria but should be higher ranked due the priority of the project.

Ms. Saunders explained that the Planning Board can submit a memo to the City Manager explaining if they feel that certain projects that are not higher ranked but have a higher priority level.

Mr. Collopy asked about timelines for projects. Ms. Saunders explained that the projects that were requested and reviewed this year are for the next fiscal year, 2025.

Mr. Hamann explained that the CIP Committee did not review the cost because of the criteria and because the CIP book did not have the correct funding sources listed for the projects.

Mr. Dews stated that he felt the Planning Board was well represented in the CIP Committee and felt that the rankings could be pushed forward for further review without changes. Mr. Bruckner explained that some projects had a higher priority but did not score as high because of the nine criteria that the review was based on.

Ms. Saunders explained a few projects related to the City's Master Plan that scored lower on the ranking but may be considered a high priority and explained alternative ways to review and update the Master Plan as a whole rather than individual chapters.

Mr. May stated his confusion regarding Master Plan review and updated and stated that he supports the CIP Committee's review and ranking and that the ranking should be forwarded as is.

*A motion was made by Mr. Hamann to approve the CIP Projects ranking, as is and submit for further review by the City Manager and Council and seconded by Mr. Dews. The motion carried unanimously. ,*

Mr. Collopy thanked Mr. Walker and the other CIP Committee members for their efforts.

## VIII. Extension Applications

- A. [Elm Grove Realty, LLC, 29 Wadleigh Road](#) (Jones & Beach) Site Plan to construct a 52-Unit apartment building. Case# 137 – 35-1 – HC – 21 **EXTENSION to April 4, 2025**

Ms. Saunders explained the project and current status of the project. Ms. Saunders stated that Elm Grove Realty has recently bought the property and plans to move forward quickly with requirements necessary before construction. Ms. Saunders stated that the Elm Grove Realty has expressed the possibility of an amendment coming forward due to the views of the new owner and stated that the Planning Department Staff recommend this extension to allow time for the new owner to present plans.

Mr. Hamann asked if the process has been approved. Ms. Saunders stated that the project was approved previously but that final plans have not been received showing that precedent conditions have been met for the project to move forward.

Mr. Dews asked that if an amendment is presented if the process and timelines started over. Mr. Saunders responded stated that was correct.

Mr. Dews stated his support for a 6-month extension rather than a year.

*A motion was made by Mr. Hamann to approve the extension to meet precedent conditions to April 4, 2025 and seconded by Mr. Bruckner. The motion carried with Mr. Dews opposing.*

## IX. New Applications

- A. [City of Rochester, 27 Maple Street](#) (Norway Plains/Scott Lawler) Site Plan to construct parking lot for School Case# 121 – 191 – R2 – 24 **Public Hearing/Planning Board Review Only**

Ms. Saunders explained that this project would not require a decision from the Planning Board, that this presentation is for review and to give a chance for the public to ask questions.

Mr. Scott Lawler, Norway Plains, introduced himself, David Totty, Director of Facilities for the Rochester School Department, and Erin Mahoney, Principal of Maple Street Magnet School. Mr. Lawler presented the project and explained the on-site improvements for circulation and increased parking. Mr. Lawler explained the current space is narrow and that emergency vehicles struggle to fit in the space. Mr. Lawler stated that the parking lot will consist of 18 parking spaces and explained the entry and exit of the parking lot. Mr. Lawler stated that a fence will be installed to separate the play area from the parking for security and safety of the students. Mr. Lawler explained the stormwater management system design and explained the restriping of the existing spaces.

Mr. Hamann stated that the area surrounding the exit has a slope and catch basin. Mr. Lawler demonstrated where the area was and explained how the space will be filled to accommodate the elevation changes.

Mr. Hamann asked how much fill would be required for the space. Mr. Lawler stated that approximately 4 feet of fill is required.

Mr. Hamann asked if a wall would be present. Mr. Lawler explained that a guardrail would be present.

Mr. Collopy opened the public hearing. There were no comments from the public regarding this project.

Mr. Dews asked if it was possible to have a fence between the parking and the sidewalk to block headlights from the properties across the street. Mr. Lawler explained that space was limited between the edge of parking and the sidewalk. Mr. Lawler stated that the school department will take the recommendation of a fence into consideration.

Mr. Collopy asked if the driveway would have parking restrictions to prevent residents from overnight parking. Mr. Totty explained that restricting signage will be present.

Mr. Totty explained, to Mr. Dews concerns, that there is a future phase of this project that would include a vegetative screening to the residential areas across the street preventing headlights from shining into homes.

Mr. Saunders and Mr. Dews asked if space would be left for the proposed future screening. Mr. Totty showed, on the plan, where the proposed screening would be placed and stated it would be near the exit road.

Mr. Hayden asked how much pavement would be placed would be added in front of the school. Mr. Lawler responded that there would be a 24-foot-wide paved area and explained stormwater drainage of the paved areas.

Mr. Healey asked what the hours of the school were. Mr. Totty answered that custodians are present at 6:30am and last teachers are typically leaving at approximately 6:30pm.

Mr. Healey stated that he felt headlight screening concern was minimal because the residents would be at work and that employees of the school would not be present late at night.

Mr. Hamann asked about the presence of an existing drain on the property. Mr. Lawler confirmed the location of the drain.

Mr. Collopy asked if the project was reviewed by the Technical Review Group. Ms. Saunders responded that the group discussed the project once and was able to give their input and recommendations.

Mr. Healey asked what the maintenance process would be for the proposed drainage system. Mr. Lawler explained that a maintenance program would be in place and explained that the same proposed drainage system resides in Strafford Square on Main Street.

**B. [Robert Higgins Revocable Trust, 381 Washington Street](#) (Norway Plains Associates/ Glenn Griswold) 2-Lot Subdivision Case# 250 – 32-2 – A – 24 *Public Hearing/ ACCEPTANCE/FINAL DECISION\****

Mr. Ashley Rowe, Norway Plains, presented the proposed subdivision and displayed how the lot would be divided on a colored plan. Mr. Rowe explained the measurements, size, and frontage for the new lots. Mr. Rowe explained that a driveway easement would be in place for the newly created lot to utilize the current driveway in place. Mr. Rowe explained that test pits were not placed on the plan and that a contractor reviewed the space this morning to perform those test pits. Mr. Rowe brought the test pit log information into the Planning Department.

Mr. Collopy opened the Public Hearing.

William LaMaire, 374 Washington Street, stated his concerns of the driveway being directly across from his driveway. Mr. LaMaire stated that he was concerned of erosion issues and increased water flow and accumulation. Mr. LaMaire stated that he was also concerned about an additional sewage system contaminating his water well.

Mr. Rowe explained that there would be no changes to the existing driveway entrance, and this would be a shared drive and that there would be no extra driveway for the second lot from Route 202.

Ms. Saunders reviewed the staff recommendation and explained that the current lot has a duplex and that the newly created lot is permitted by right to have a duplex built. Ms. Saunders reviewed the condition of approval for the applicant to provide the driveway easement to the Planning Department and stated that other conditions are standard conditions of approval, and that staff recommends that the application be accepted as completed and approved by the Planning Board.

Mr. Hayden asked if the test pit review noted any issues with ledge. Mr. Rowe responded that there were no issues with ledge on the test performed.

*A motion was made by Mr. Bruckner to accept the application as complete and seconded by Mr. Healey. The motion carried unanimously.*

Mr. Collopy asked for a overview of the septic for the abutter. Mr. Rowe explained that the septic would be a state approved design that will meet all rules and regulations.

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

**C. [Morgan & Kimberly Edgerly, 142 Tebbetts Road](#) (Norway Plains Associates/ Glenn Griswold) 3-Lot Subdivision Case# 244 – 5 – A – 24 **Public Hearing/ ACCEPTANCE/FINAL DECISION\*****

Mr. Ashley Rowe, Norway Plains, presented the proposed subdivision. Mr. Rowe explained the sizing of the newly proposed lots and explained what was currently present on the existing 142 Tebbetts Road lot. Mr. Rowe stated that all lots would be using a single driveway by an easement and that each lot will be serviced with individual, on-site water, and sewage systems. Mr. Rowe reviewed the waiver requested for length of a dead-end driveway and waiver requested for not paving the driveway.

Mr. Collopy opened the Public Hearing. There were no comments from the public.

Mr. Dews stated that the waiver stated a cross-section but did not see the cross-section on the plans and asked where the cross-section would be located. Mr. Rowe pointed to the small cross section insert on the subdivision plan sheet.

Mr. Hayden asked if there would be a maintenance agreement between the 3 lot for the driveway. Mr. Rowe stated that would be necessary.

Ms. Saunders reviewed the waivers requested by the applicant. Ms. Saunders explained that the first waiver request is regarding the cul-de-sac length and stated the recommended conditions of approval proposed by the Fire Department and Department of Public Works and stated that the Planning Department supports the recommended conditions.

Ms. Saunders stated the second requested waiver is in relation to not paving the new driveways and explained the stated statute regarding paving of driveways. Ms. Saunders explained the preferences of Emergency Service staff. Ms. Saunders stated that City staff support the approval of the requested waiver.

Ms. Saunders reviewed the staff recommendation and recommended conditions of approval and stated that staff recommends acceptance and approval of the application.

Mr. Hayden asked if the applicant would return to the Planning Board when the driveway plans are finalized. Ms. Saunders stated that the Planning Board can require to see the driveway plan as a condition of approval.

Mr. Hayden stated his concern for lack of snow panel in the proposed cross-section.

Mr. Rowe stated that the land is flat that the driveway would be constructed on.

Mr. Dews asked if the cross-section was a typical cross-section. Mr. Rowe responded yes.

Mr. Dews asked if the cross-section plans would be presented to the Planning Department and Department of Public Works. Mr. Rowe stated that plans would be submitted from the existing driveway to the newly created lots.

Mr. Dews asked why the plans would not be submitted for the entire driveway length from the road. Mr. Lawler explained that they plan to review the gravel that is present, rather than removing gravel just to re-lay it.

Ms. Saunders asked for verification that if the tests proved that the gravel was unable to withstand firetrucks, that new plans would be submitted to The Planning and Public Works Departments. Mr. Lawler stated that was correct.

Mr. Healey stated that he felt a driveway would be too narrow for firetrucks and other large vehicles to turn around and expressed his support for turning the space into a road and naming the street. Mr. Healey stated his concerns for addressing the newly created lots with letters.

Mr. Healey asked what the colors on the plan were. Mr. Rowe responded that the colors were a visual aid to represent the proposed new lots. Mr. Rowe explained a thin piece of land that connects to Lowell street is being included on one of the newly created lots.

Mr. McQuade asked if the E911 statute was advisory or a binding statute. Ms. Saunders responded that the statute was advisory. Ms. Saunders explained that E911 has had multiple struggles with porkchop subdivision addressing.

*A motion was made by Mr. Hamann to accept the application as complete and seconded by Mr. Bruckner. The motion carried unanimously.*

Mr. Collopy stated his concern with the driveway rather than creating a road and explained the complications with emergency services regarding addressing. Mr. Collopy stated that he does not support the driveway placement instead of requiring a road in place. Ms. Saunders clarified that the space would be a private road but would not be paved.

Ms. Saunders reviewed the additional conditions of approval for the proposed application.

*A motion was made by Mr. Bruckner to approve the Section 5 Waiver for Cul-de-sacs not exceeding 1,200 feet in length and seconded by Mr. Hamann. The motion carried unanimously.*

*A motion was made by Mr. Hamann to approve the Section 6 Waiver for all roadways being paved and seconded by Mr. Bruckner. The motion carried unanimously.*

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

**D. Granite State Housing, LLC, 5 Crockett Street (Northam Survey/Eric Salovitch) 3-Lot Subdivision Case# 127 – 89 – R1 – 24 **Public Hearing/ ACCEPTANCE/FINAL DECISION\*****

Mr. Eric Salovitch, Northam Survey, introduced himself and presented the proposed subdivision. Mr. Salovitch explained the zoning and sizes of the current and proposed lots. Mr. Salovitch explained the variance that was obtained to allow for less frontage on the lots. Mr. Salovitch explained utilities for the properties and explained the updated notations on the plans. Mr. Salovitch asked for the removal of the requirement to have electrical utilities notated that they would be underground and explained that the applicant preferred to have one pole placed and power lines hung above the street to service the 3 lots. Mr. Salovitch explained the drainage notation on the plans.

Mr. Collopy opened the public hearing. There were no comments from the public.

Ms. Saunders reviewed the application and reviewed recommendations from the Technical Review Group including having power run under the road. Ms. Saunders reviewed the recommended conditions of approval for the proposed subdivision. Ms. Saunders also reviewed the standard conditions of approval and stated that staff recommended the application to be accepted as complete and approved with the conditions as stated.

Mr. Healey stated that he supports the subdivision and explained that the utilities such as water and sewer will require to be laid underground and recommended to have the power lines run underground as well.

*A motion was made by Mr. Dews to accept the application as complete and seconded by Mr. Bruckner. The motion carried unanimously.*

Mr. Dews stated that newly created lots are required to have underground power. Mr. Dews stated that a waiver would have to be requested in order to have the power run above the road. Mr. Salovitch stated that the applicant will move forward with underground power. This will be a condition of approval.

Mr. Dews stated his recommendation for the driveway to be long enough to fit a vehicle without being in the City's right-of-way. Ms. Saunders stated that the length of 24 feet can be added as a plan modification within the conditions of approval.

*A motion was made by Mr. Hayden to approve the application with conditions as stated and seconded by Mr. Healey. The motion carried unanimously.*

- E. **Fieldstone Land Consultants, PLLC/All Purpose Storage Rochester, LLC, 303 North Main Street** (Fieldstone Land Consultants/Chad Branon and Brandon Richards) Amendment to Approved Site Plan to construct 6 new parking spots and removal of existing pavement and parking islands. Case# 114 – 8 – B2 – 03 ***CONTINUANCE requested to April 1, 2024 meeting***

Ms. Saunders explained that the applicant has requested to be continued to the April 1, 2024 meeting.

*A motion was made by Mr. Healey to continue the application to the April 1, 2024 meeting and seconded by Mr. Hamann. The motion carried unanimously.*

## X. Other Business

### A. Planning Update

Ms. Saunder explained that the Culture and Historic Master Plan Chapter is being submitted in draft form to the Arts & Culture Commission and the Historic District Commission for review next month. Ms. Saunders explained the status of the Natural Resources Master Plan Chapter.

Ms. Saunders also stated that the Recreation Master Plan Chapter is underway with Mr. May as the Planning Board Representative.

Mr. May provided an overview of the Recreation Master Plan and stated that the review is currently in the public input stage. Mr. May stated a few of the highlights of the public outreach, such as an art contest for the public. Mr. May stated that the drafting of the document has been contracted to the Strafford Regional Planning Commission. Mr. May stated that the Recreation Master Plan section would be covering more of the Recreation Department, rather than recreation opportunities within the City of Rochester.

Ms. Saunders reviewed the Porkchop subdivision section of the ordinance with the Planning Board members. Ms. Saunders stated that staff are moving forward to update the requirements to fit with current City standards and explained that the section of the ordinance is dated. Ms. Saunders asked the Planning Board members if they wanted to continue allowing porkchop subdivisions, or to remove the allowance of porkchop subdivisions altogether.

Mr. Healey stated that other Cities call the lots “flag subdivisions”, or “flag lots”. Mr. Healey provided an example of how porkchop subdivisions can be used and stated that to disallow these subdivisions is to make parcels with a large amount of property in their rear not subdividable. Mr. Healey stated that he does not prefer porkchop subdivisions but does not support the limitation of landowners subdividing their land.

Mr. Dews stated his concerns for porkchop subdivisions.

Mr. McQuade stated porkchop subdivisions create complications for first responders and stated that he does not support porkchop subdivisions and supports removing porkchop subdivision from the ordinance.

Mr. Hayden stated that he supports Mr. Healey and stated that if the section of the ordinance is rewritten, that strong review be taken with respect to accessibility.

Mr. Collopy recommended that the review of porkchop subdivisions should be discussed at a workshop meeting, so that changes can be made and further submitted to City Council.

Mr. May suggested utilizing Special Exceptions for porkchop subdivisions. Mr. May stated his concerns with porkchop subdivisions in respect to allowing them, as well as what consequences could come from limiting homeowners.

**B. Other**

There was no other business.

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**XI. Adjournment**

*A motion was made by Mr. Dews and seconded by Mr. Hayden to adjourn the meeting at 8:02pm. The motion carried unanimously.*

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Respectfully submitted,

Jaclyn Millard,  
*Administrative Assistant II*

and

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

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City Clerk's Office

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**Public Safety Committee  
Draft Meeting Minutes  
March 20, 2024  
6:00 PM  
Council Chambers**

**Members Present**

Councilor Bryan Karolian, Vice Chair  
Councilor Chuck Creteau  
Councilor Kevin Sullivan  
Councilor David Herman

**Members Absent**

Councilor Timothy Fontneau, Chair (excused)

**Others Present**

Deputy Chief Andrew Swanberry, PD  
Jarrod Norris, P.E. Assistant City Engineer  
Gina Golden-Silvestro, GIS/AM Technician  
Suzette Richards, 5 Walnut Street

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

1. **Approve Minutes from February 21, 2024 Public Safety Meeting Councilor Sullivan *MOVED to approve the minutes from February 21, 2024. Councilor Creteau seconded the motion. MOTION CARRIED by unanimous voice vote.***

2. **Public Input**

Suzette Richards of 5 Walnut Street was present to discuss her concerns about traffic coming from the traffic circle onto Walnut Street. She stated that the speeding issue is happening around 5:45 AM and around 6 PM. She would like to see a speed bump or speed trap at this location. She mentioned a noise ordinance cars are back firing and are very loud. Councilor Sullivan asked Ms. Richards if the section of fence that the City removed has helped with the visibility pulling out of her driveway. She stated this has helped with the visibility.

3. **Lowell Street- Streetlight between Westview and Royal Crest**

Councilor Karolian summarized the issue. He asked if Deputy Chief Swanberry had anything new on this. Deputy Chief Swanberry stated he does not have anything new on this. Councilor Sullivan was hopeful that a resident would show up for or against the light. No one showed up for or against the light. **Councilor Sullivan *MOVED to remove from committee. Councilor Herman seconded the motion. MOTION CARRIED by unanimous voice vote.***

4. **Meaderboro Rd/ RT202A- Intersection**

Councilor Karolian summarized the issue. Councilor Creteau said he avoids this intersection coming out of Meaderboro Road it is hard to see with the house to the left and there is a fence that you need to look through. Councilor Karolian asked if Public Works had any updates. Mr. Norris stated that they are aware of the line-of-sight

issue and are working with DOT to address the issue. Meaderboro Road and 202A are State of NH streets. Councilor Sullivan said this was kept in committee to get regular updates on. Councilor Creteau asked if there are any accident or issue statistics available at this location. Deputy Chief Swanberry stated that he could get the data in a five-year spread for next month. Councilor Karolian asked Deputy Chief Swanberry if he could still pull data for vehicular and pedestrian incidents. Deputy Chief Swanberry had the data pulled for 5 years to include pedestrian and bicycle incidents. Over 5 years there were 25 pedestrian/ bicycle accidents. Of the 25 accidents 16 had minor injury, 6 had no injury, and 3 had serious injury. About 75% were in the compact part of the city verses rural. Councilor Creteau asked how they define serious injury. Deputy Chief Swanberry provided examples of a broken bone or unable to walk as a serious injury. Bumps, bruises, scrapes, and road rash would be considered minor injury. Councilor Herman asked the committee what the solution may entail. Councilor Karolian recommended engaging with the state to get a definitive answer for the public prior to taking it out of committee. **Councilor Sullivan MOVED to keep in committee. Councilor Creteau seconded the motion. MOTION CARRIED by unanimous voice vote. (kept in committee)**

#### 5. Traffic Circle/ Walnut St- Signage/ Speeding

Councilor Karolian summarized the issue. Mr. Norris stated that he reached out to the engineer to discuss the options to address the driveway and speeding concerns. He said Walnut St is under the urban compact agreement with the state of NH, any changes would need to go to them for review. Councilor Karolian asked about the other measures putting in a speed table and the impact on DPW, Fire and PD that were discussed last month. Mr. Norris stated the concern with a speed table is it would affect the actual movement of traffic in the circle. There is also a concern that drainage would have to be redesigned. Mr. Norris also said that adding a blind driveway sign in this area would create an overload of signage with there already being so many signs in this area. Blind driveway signs are usually put in where there is no line of sight such as on a curve. This would be an unconventional use of that sign. Mr. Norris also called the traffic bureau about changing the speed limit and this would require a speed study by the traffic bureau. The recommended speed limit would then be based on a state statute that establishes a reasonable and prudent standard . The speed study is a public document and may not return with a beneficial result of signing the speed limit lower. Mr. Norris reviewed other measures and said that when you come out of the circle traveling 15-20 MPH onto Walnut Street you immediately see the 30 MPH sign. Mr. Norris suggested moving the 30 MPH sign down the street. He thinks this would be easily approved through the traffic Bureau. Councilor Karolian asked Deputy Chief Swanberry his thoughts on the signage. Deputy Chief Swanberry said he has discussed this with Mr. Norris and thinks if the sign could be moved two poles down if possible. He has been in the area observing in an unmarked car multiple times. He observed cars are going into the circle to avoid the speed table and also going into the circle to pass the cars going over the speed table. If speed tables added to another slip lane or lane may cause similar problem. Past discussion on speed tables suggest sending then to the Technical Review Group

for further review and comments. Councilor Creteau said that he believes it would be helpful if the sign was moved down two poles. Mr. Norris will contact the traffic bureau to get their review and will update the committee next month. **Councilor Sullivan MOVED to keep in committee. Councilor Creteau seconded the motion. MOTION CARRIED by unanimous voice vote. (kept in committee)**

**6. Portland Street/ Salmon Falls Road – Speed and Enforcement**

Councilor Karolian summarized the issue. Councilor Sullivan asked Deputy Chief Swanberry if they were able to do patrols. Deputy Chief Swanberry said they did in that area, there were no stop sign violations of the 48 stops 34 were for speed. Monitor progress of patrols for one more month. **Councilor Creteau MOVED to keep in committee. Councilor Herman seconded the motion. MOTION CARRIED by unanimous voice vote. (kept in committee)**

**7. Portland Street – School Drop Off/ Pick Up**

Councilor Karolian summarized the issue of cars backing up and others going around them. Deputy Chief Swanberry stated he did reach out to the school to see if they could stagger pickup times to help with the traffic back-up on Portland Street. Councilor Karolian asked if Deputy Chief Swanberry could follow up with the school next month to find out the response. Deputy Chief Swanberry stated he would follow up.

**8. Jamey Drive- Signage (Prescott Estates MHP)**

Councilor Karolian summarized the issue. Councilor Sullivan asked if Deputy Chief Swanberry was able to look at the area for line of sight or turning issues. Deputy Chief Swanberry said visibility of the MHP sign is excellent heading from Somersworth to Portland Street. Heading in the opposite direction the sign is blocked partially by tree's not being familiar with the area you might not know that road is coming up. The speed limit is relatively low at 35 MPH. Councilor Sullivan said he believed the issue was cars in danger of getting rearended as they wait to turn into the MHP. He said this could be distracted driving. Councilor Creteau stated he believes that this is about driving the speed limit and using blinkers. **Councilor Sullivan MOVED to remove from committee. Councilor Creteau seconded the motion. MOTION CARRIED by unanimous voice vote.**

**9. Hanson Street- Going Wrong Direction**

Councilor Karolian summarized the issue. Councilor Creteau stated he brought this up at last month's meeting. Someone he knows moved her business to Hanson Street and on four occasions she saw cars driving in the wrong direction. Mr. Norris stated Ms. Golden went out to the location to review the signage and there are no changes in the signage. Councilor Karolina asked if there was arrows or a red sign showing one way. Mr. Norris said there is a red "Do Not Enter" sign at the Wakefield St. / Hanson St. side of the road. Councilor Creteau said that he believes the people cut through the bank area come out and go the wrong direction. He asked if

it is posted for the people coming out of the bank area. Councilor Karolian asked if this can be reviewed by Mr. Norris. Mr. Norris said he would review and speak to it at the next meeting. Councilor Creteau asked if it could be reviewed as there is a development going in and this will increase traffic as well. Will reassess the need for further signage. **Councilor Creteau MOVED to keep in committee. Councilor Herman seconded the motion. MOTION CARRIED by unanimous voice vote. (kept in committee)**

#### **10. Rt 125/ Oak St Intersection- Traffic Light Timing**

Councilor Karolian summarized the issue. Councilor Karolian said where at the signal both Colby and Oak Street turn simultaneously. The traffic have to cross over each other to turn left. There could be two options to help this issue. Change the light to let one street go then the other street or move the stop line in the north bound lane back. Deputy Chief Swanberry stated the issue as described has been his experience. He believes this was brought up in 2020 and this is a state intersection. Changes would be at DOT discretion. Mr. Norris will reach out to the state to ask what they would recommend in this situation. Councilor Karolian said that with two new developments, one with 80 units and the other with 60+ units the traffic will continue to increase. He asked if Deputy Chief Swanberry has seen an increase in the traffic and he stated he has definitely seen an increase. Councilor Sullivan asked that the city contact the state on the issue. The city will communicate with the state. **Councilor Sullivan MOVED to keep in committee. Councilor Creteau seconded the motion. MOTION CARRIED by unanimous voice vote. (kept in committee)**

#### **11. Other**

Councilor Karolian summarized the issue. Mrs. Goodwin from 5 Second Street called concerning children playing in the road in front of her home and traffic not slowing down. Councilor Karolian asked Deputy Chief Swanberry if he could have this road worked into the schedule for patrol. Deputy Chief Swanberry said he would put it on the list. Councilor Karolian read email on request by Councilor Creteau. Mrs. Goodwin asks if a slow children sign can be put up. Mr. Norris suggested a homeowners private sign could be put up. Signs are available at home improvement stores. Signs and their placement should receive approval from Public Works. Councilor Sullivan asked if a resident they could attach a sign to a pole. Mr. Norris suggested getting permission from whoever owns the pole. Signs cannot be put in the street or on a sidewalk or where people travel. Councilor Karolian to communicate this discussion for continued consideration in committee. **Councilor Sullivan MOVED to keep in committee. Councilor Herman seconded the motion. MOTION CARRIED by unanimous voice vote. (kept in committee)**

Mr. Norris stated that Public Works is working with consultants to provide informative sessions to the PSC that would last 15-20 minutes and would be added to the agenda. Topics that have been selected are traffic control devices and traffic calming measures. Mr. Norris said please reach out with any questions and they can make sure those questions are answered by the consultant. Councilor Sullivan asked if there could be more information on other types such as streetlights or urban compact agreements that would helpful as well. **Councilor Sullivan MOVED to keep in committee. Councilor Herman seconded the motion. MOTION CARRIED by unanimous voice vote.**

**Councilor Karolian ADJOURNED the meeting at 7:24 PM.**

The minutes were respectfully submitted by Ronda Boisvert, Administrative Assistant II

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City Clerk's Office

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**Public Works and Buildings Committee**  
**City Hall Council Chambers**  
**Meeting Minutes**  
**March 21, 2024, 6PM**

**MEMBERS PRESENT**

Chairman - Councilor Hamann  
Councilor Alexander de Geofroy  
Councilor Kevin Sullivan  
Councilor David Walker

**MEMBERS ABSENT**

Councilor Daniel Fitzpatrick

**OTHERS PRESENT**

Peter C. Nourse PE, Director of City Service  
Lisa J. Clark, Deputy Director  
Gretchen Young, Deputy of Technical Services  
Dan Camara, Coordinator GIS & Asset Mgmt.  
Ian Rohrbacher, Water System Superintendent  
Richard Davee, Wright-Pierce  
Keith Pratt, Underwood Engineers  
Tom Page, Underwood Engineers

**MINUTES**

Councilor de Geofroy called the Public Works and Building Committee to order at 6 PM

**1. Roll Call**

Ms. Clark took the roll call attendance. Councilor Sullivan, Councilor Walker and Councilor de Geofroy were all present. Councilor Hamann and Councilor Fitzpatrick were not present for roll call. Councilor Haman joined the meeting at 7:10.

**2. Approval of the February 22, 2024, PWC Minutes**

*Councilor Walker made a motion to accept the minutes of February 22, 2024, meeting as presented. Councilor Sullivan seconded the motion. The motion passed unanimously.*

**3. Public Input**

There was no public present for public input.

**4. Rochester Drinking Water Story Map**

Mr. Nourse informed the committee that they would be hearing a lot about Rochester drinking water this evening. He stated that there will be presentations on current efforts to ensure Rochester will continue to provide adequate quantities of some of the best quality drinking water in the State of New Hampshire. Mr. Nourse displayed a story map of the water system on the monitors. He stated that this story map was produced by the Geographic Information System (GIS) Staff at the Department of Public Works (DPW) and that is currently in draft form. He noted that once completed it will be posted on the City website for public viewing.

**5. Round Pond Reservoir Augmentation: Project Overview and Update**

Public Works & Building Committee Meeting Minutes  
March 21, 2024

Mr. Nourse noted that the project to raise the water level at Round Pond was started approximately 10 years ago, but records indicate that interest in raising the operational level goes back to the 1920s. Mr. Nourse stated that raising the operational level of this reservoir significantly increases its volume and the firm yield of our watershed. He stated it will also allow us to maintain the ecological health of the Berry's River. Mr. Nourse introduced Rick Davee of Wright Pierce Engineers who was present to give a presentation and overview of the Round Pond Reservoir Augmentation Project. Mr. Davee stated he worked with the City of Rochester on water projects for over twenty-five years. He presented the attached Power Point which includes information on Round Pond and the next agenda topic for the Salmon Fall Booster Station Project. Mr. Davee explained that in the recent five years City Staff and Wright Pierce have working to get the Round Pond and Berry River watershed permit process started and working on getting permission to flood the private properties. He noted that Rochester owns ninety percent of the surrounding property in the Berry's River Watershed, but there are seven privately owned properties that the City needs to seek permission from because it increases the water on those properties. Mr. Davee stated that all but one of the seven property owners have signed off and that the last property has verbally committed and will be meeting with the City soon. Mr. Davee noted that raising the pond by eight feet will yield another two million gallons per day and that this project will secure the water necessary to support the City's planned growth and needs through 2060. Mr. Nourse noted that the project has an estimated cost of eight million dollars, and he will start seeking funding in the Fiscal year 2025 and 2026 capital budgets to support this effort. Mr. Nourse informed the Committee that the City Staff had submitted for drinking water state revolving fund loans, but this project did not score high enough in their ranking criteria to obtain those funds. Mr. Nourse stated that he wants to keep the momentum up and still has a few years to go on this project.

#### **6. Salmon Falls Booster Pump Station Upgrades: Project Overview**

Mr. Nourse gave a little background on the booster pump station that was built in 1984 along with the Salmon Falls Road Water Tank. Mr. Nourse stated that this pump station needs to be rebuilt as it is over 40 years old, and it does not have the capacity needed now nor in the future to support growth. Mr. Nourse stated that the Salmon Falls Road corridor is seeing rapid growth, the Granite State Business Park has requested more flow, a new school is to be built on Salmon Falls Road, and new residential subdivisions are crowding into this corridor. Mr. Nourse reminded the Committee that last October it was discussed to shift the surplus of the City's American Rescue Plan Act (ARPA) funds from a completed water project to this water project. Mr. Nourse noted the City Council authorized that shift to offset the cost of this booster pump station. Mr. Nourse further stated that the ARPA funds that were transferred to this project are \$1.5 million dollars, and the overall project estimate is \$3.25 million. He explained that the committee that he would request the difference of \$1.775 million dollars in this upcoming FY2025 budget. Mr. Davee continued his PowerPoint presentation and discussed the Salmon Falls Booster Pump Station. His PowerPoint showed the history of the project, the purpose of the project, and the existing conditions of the pump station. He noted the project will consist of demolition of existing pump station, associated piping, valves, and hydrants. He explained that there would be a new prefabricated above ground booster pump station, 3 pumps, space

for future pump if needed, supporting electrical equipment, emergency generator, site improvements and it would incorporate the existing infrastructure as possible. He noted that the project will need temporary power and there will be no modifications to the old Salmon Falls Standpipe that is solely used for communications.

**7. Surface Water Treatment Facility Hydraulic Analysis and Water Treatment Residuals Management: Project Overviews**

Mr. Nourse stated that the Surface Water Treatment Facility was built in 1985. He noted that there has been some upgrades over the years to allow the City to comply with changing environmental regulations. Mr. Nourse stated the water treatment facility was designed to produce up to five- million gallons per day of treated drinking water. Mr. Nourse further noted that recently it has been determined that its output is significantly less than the designed five million gallons per day and certainly not what the City will require in the future. Tom Page and Keith Pratt of Underwood Engineers were present with a PowerPoint presentation (attached) to go over how the current facility operates and hydraulic limitations. They also discussed the existing and future water demands, the existing and target supply sources and existing and target treatment capacity of the treatment plant. Mr. Page stated that the surface water treatment plant treats using conventional sedimentation, filtration, and disinfection processes. He noted that the hydraulics study showed that the original design was five million gallons in 1986 when the treatment plant went on line, however compliance and other operational improvements have impacted hydraulics of the plant and have limited the actual output capability. He noted the reservoir intake screen project, the clear well baffling project, the filter upgrade project, the low lift pump station project, and the elimination of pre-chlorination prior to filters as projects that may have impacted the hydraulics and operations. Mr. Page stated that Underwood is working to determine the hydraulic restrictions and identify improvements needed to meet the target capacity. He stated that there are interim improvements that would get the plant to 3.4 million gallons without exceeding the current restricted points at Water Treatment Plant and there are long term improvements planned to meet the target of 5 million gallons per day. Mr. Nourse explained that the Council will see funding request for capital improvement funds to keep these initiatives moving towards completion.

**8. Cocheco Drinking Water Well Upgrades for Manganese, Iron and PFAS: Project Overview and Update**

Mr. Nourse gave an overview of this project noting that this has been discussed in the previous budgets and also at the Public Works and Buildings Committee in February of 2023. Mr. Nourse said that manganese is a natural occurring element and common in groundwater. Mr. Nourse noted he reported that in 2022 NHDES attempted to regulate manganese as a primary contaminant in treated drinking water at 0.3 milligram, with a public notice at required 0.1 milligram. Mr. Nourse stated that those regulations were not realized and currently it is classed as a secondary contaminant, or non-life threatening and has a secondary limit of 0.05 milligram per liter. He noted that the NHDES 2022 efforts failed, but Mr. Nourse stated that the regulators are likely attempt this again. Mr. Nourse explained that a reduction of manganese and iron would improve the water quality, especially in East Rochester. Mr. Nourse also stated that last April he reported that the EPA had proposed a National Primary Drinking Water Regulation to establish a legally enforceable maximum contaminant level for six PFAS compounds in drinking water. Mr.

Nourse stated that these new limits are a fraction of the current regulatory limits. He stated the six compounds are PFOS, PFOA and 4 Genx compounds. Mr. Nourse stated the well contains Manganese and PFAS at limits that are near those of possible regulation. Mr. Nourse stated the current costs to add treatment trains to the well to treat for manganese is about \$14 million and for PFAS it would be more. Mr. Nourse stated that through Drinking Water Trust Fund loans and grants and an American Rescue Plan Act (ARPA) grant the City has obtained about \$5.6 million towards this estimate. Mr. Nourse said since these new Manganese and PFAS regulations are not currently in effect, the City is using only the ARPA grant funds to advance the design of the upgrades. Mr. Nourse said he feels strongly that PFAS treatment will be a future requirement and perhaps Manganese. Mr. Nourse stated currently they are advancing design and when regulations are issued, he hopes to have other funding sources line up to fund the upgrades. Councilor de Geofroy asked a question on the previous hydraulic discussion. He asked when you remove the restrictions in the process, will you find other unanticipated restrictions in the system? Mr. Page of Underwood Engineers said it is possible, and they are doing some further investigations to identify all restrictions. Underwood Engineers presented a power point presentation (attached) to go over the purpose, history, existing conditions & deficiencies, conceptual improvement concepts. Mr. Pratt stated that they believe the path for previously discussed work is to complete Round Pond Reservoir Augmentation, advance surface water treatment plant interim improvements, the hydraulic improvements, the residuals project, and the advance treatment at Cocheco well, Iron/Manganese and PFAS. The long-term improvement recommendations are to plan for long-term improvements at surface water treatment plant and consider 3<sup>rd</sup> groundwater source if needed and cost effective. Councilor Sullivan asked about increasing rates on the wastewater treatment side and water supply side if this was incorporated in the discussion from a previous meeting. Mr. Nourse said the previous discussion was on wastewater rates only and it did not incorporate potential water rates. Councilor Hamann asked if they are PFAs testing now. Mr. Nourse stated they have been testing for years but are not required to treat right now. Councilor Walker asked where in the process are the contaminants found at the plant. Mr. Nourse said they have not pinpointed where in the treatment stream and noted that it could be from system components such as rubber tubing or plastic pump parts.

**9. Eastern Avenue Sewer Pipe Rehabilitation Overview and Bid Results and Next Steps (Refer to January 19, 2024, Public Works Committee Minutes for background)**

Mr. Nourse stated he hoped the committee was able to review the minutes or video from the 1/19/2023 Public Works and Buildings Committee. Mr. Nourse stated the Eastern Avenue sewer pipe was videoed and noted to have major structural problems. Mr. Nourse stated that this pipe had issues in 2018 when there was a major collapse near the Highland Street area. Mr. Nourse explained that this project is a major rehab of over a mile of deteriorated sewer main pipe on Eastern Avenue. Mr. Nourse noted it is a major trunk line of sewerage. Mr. Nourse stated the base bid scope includes rehabbing over a mile of deteriorated sewer main under Eastern Avenue. Mr. Nourse stated that as the project was being prepared for bid, drainage projects were added as alternates to address failing drainage pipes at three separate locations. He stated that this similar work is necessary to avoid failure and the cost of excavating collapsed drainage pipes. Mr. Nourse stated the

award is flexible and allows the City to choose to award just the base bid or any combination of base bid and alternates. Mr. Nourse noted that they have \$1,315,000 from the Sewer CIP appropriations for Eastern Ave. He then explained that there is \$97,995 available from the annual corrective drainage CIP account. Mr. Nourse stated there were 3 bidders and the apparent low bidder is National Watermain Cleaning Co. of Canton, MA. Mr. Nourse further stated they have a good reputation and are actually doing the Closed-Circuit Television (CCTV) work Rochester for the Sewer System Master Plan (SSMP). Mr. Nourse presented the committee with the bid tab and noted just sewer base bid total with planned contingency is \$1,309,566 and the available \$1,315,000 will be sufficient. He stated the two drainage bid alternates with contingency total \$240,372. Mr. Nourse explained that there is an available balance of \$97,995 in the General Fund CIP Corrective Drainage Account, leaving a deficit of \$142,377.00 for the necessary drainage work. These 3 drain culverts in bad shape and need to be addressed, he notes, one is below a roadway, one is outside of the pavement, and one is under a house. Mr. Nourse said the cost to excavate and replace would be more than twice the cost of relining. ***Councilor Hamann motioned to recommend that the full City Council approve a supplemental appropriation of \$150,000 to the DPW General fund CIP for Drainage Relining projects stipulated in Bid 24-27. Councilor Walker seconded the motion.***

Discussion: Councilor De Geofroy asked if the lining was not completed at this time would the ability to reline the pipe be ruled out. Mr. Nourse stated that the pipes would continue to deteriorate and the ability to reline would be lost. Councilor Sullivan asked how long the relined pipe might last. Mr. Nourse stated that the technology is new, and though it is still unknown, the anticipated time is one hundred years. Councilor Sullivan asked if the pavement would be disturbed. Mr. Nours stated the pavement would not be disturbed and that the cost savings are related to not needing to excavate and replace the pavement.

***The motion passed unanimously by voice vote.***

## 10. Other

### **Public Information Meeting-Portland Street Sidewalks**

Mr. Nourse said on April 3, 2024, at 7:00 PM at The Public Works Department, 209 Chestnut Hill Road there will be a local concern meeting regarding the Portland Street Sidewalk Project. Mr. Nourse stated that this is a joint project with NH DOT that will add about 6,400 feet of brand-new sidewalk along Portland Street down Chamberlain Street to Salmon Falls Road. Mr. Nourse noted that all the abutters have been invited and he also said that the committee is welcome to attend, the ward Councilors, the Mayor, Deputy Mayor and City Manager have also been invited. Mr. Nourse said it is a local concern meeting where they will hear comments, equant people with the idea of the project, listen to comments and answer questions to the best of our ability.

### **Roundabout Color Schemes**

Mr. Nourse stated that Rochester will be seeing more roundabouts, and he wants to get the committees input on the color of ride up of the orbit the middle of the roundabout it is an aesthetic question not a functional question. Mr. Nourse stated that some of them are concrete. Mr. Nourse stated that to make them colored you put an additive in the concrete. Councilor Sullivan asked if there was a cost difference for the colored. Mr. Nourse stated that Strafford Square was about \$12,000 more. The committee said the

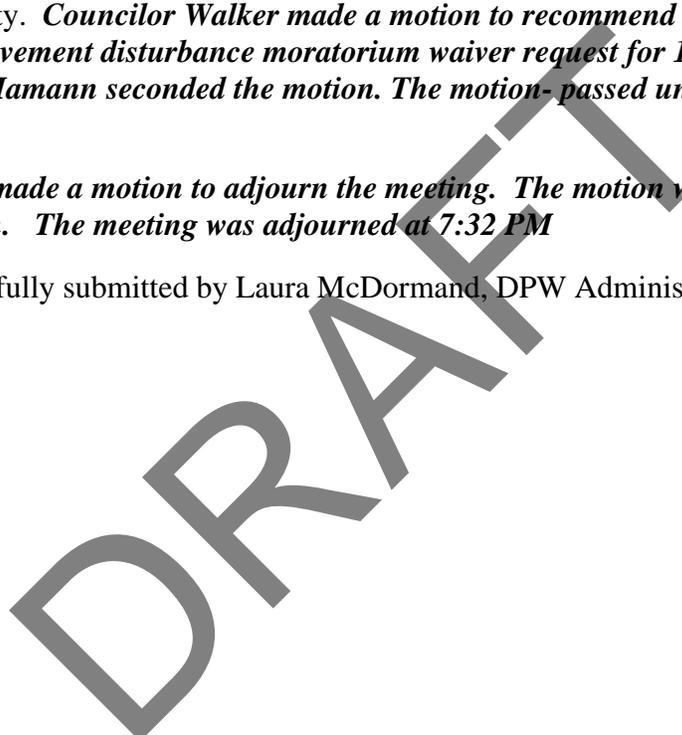
gray does not look bad. Councilor Hamann said that the Strafford Square Roundabout will need to be repaved again and needs to be well marked once the paving is done.

**Pavement Disturbance Moratorium Waiver Request**

Mr. Nourse stated that a single-family home is going in at 148 Old Dover Road and they are requested to tie into City water. Mr. Nourse said that Old Dover Road was paved in 2023 so it was less than five years. Mr. Nourse stated per the ordinance a Moratorium waiver would need to be considered. Mr. Nourse stated that they put their permit in before the road was paved, they weren't told the road is going to be paved. They are trying to put the house on the market in April and due to the fact that they had put the permits in, the housing shortage and that they don't have to go far onto the pavement. Mr. Nourse would recommend the Moratorium Waiver. Mr. Nourse further noted that due to Chapter 223 surety is now required on excavation on Moratorium roads, so they will have to have surety. ***Councilor Walker made a motion to recommend to full Council to grant the pavement disturbance moratorium waiver request for 148 Old Dover Road. Councilor Hamann seconded the motion. The motion- passed unanimously by voice vote.***

***Councilor Walker made a motion to adjourn the meeting. The motion was seconded by Councilor Hamann. The meeting was adjourned at 7:32 PM***

Minutes respectfully submitted by Laura McDormand, DPW Administration & Utility Billing Supervisor



**Resolution Authorizing Supplemental Appropriation of \$150,000.00 to the FY24 General Fund CIP Fund for the Drainage Pipe Relining Project**

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

That the Mayor and City Council of the City of Rochester hereby appropriate One Hundred Fifty Thousand Dollars (\$150,000) to the General Fund CIP for the purpose of paying costs associated with the Drainage Pipe Relining Project. The entirety of this supplemental appropriation shall be derived from the General Fund Unassigned Fund Balance.

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

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City Clerk's Office

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### City of Rochester Formal Council Meeting

### AGENDA BILL

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

AGENDA SUBJECT Supplemental Appropriation - General Fund Drainage Pipe Relining Project \$150,000
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COUNCIL ACTION ITEM <input checked="" type="checkbox"/> INFORMATION ONLY <input type="checkbox"/>
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FUNDING REQUIRED? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> * IF YES ATTACH A FUNDING RESOLUTION FORM
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RESOLUTION REQUIRED? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
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FUNDING RESOLUTION FORM? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
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AGENDA DATE	April 2, 2024, Reg City Council Mtg	
DEPT. HEAD SIGNATURE	Peter C. Nourse, Director of City Services	
DATE SUBMITTED	March 26, 2024	
ATTACHMENTS YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	

#### COMMITTEE SIGN-OFF

COMMITTEE	Public Works & Buildings Committee
CHAIR PERSON	Chair Councilor Donald Hamann

#### DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

#### FINANCE & BUDGET INFORMATION

FINANCE OFFICE APPROVAL	Yes
SOURCE OF FUNDS	Gen Fund Unassigned Fund Balance
ACCOUNT NUMBER	15013010-771000-24xxx
AMOUNT	\$ 150,000
APPROPRIATION REQUIRED YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	

#### LEGAL AUTHORITY

City Charter, Section 4: Except as herein provided otherwise, the City Council shall have all powers conferred by law upon City Councils, Boards of Mayor and Aldermen, and the Selectmen of Towns so far as applicable to cities.

**SUMMARY STATEMENT**

This agenda bill is to fund the relining of failing drainage pipes and culverts on Ten Rod Road, Cross Road and Winter Street. The pricing was obtained as a bid alternate to the Eastern Ave Sewer Lining Project. Bid #24-27. These drainage pipes have deteriorated to a point of near collapse and relining now will prevent a more costly excavation project should a collapse happen. Relining these pipes now could extend the life of the pipe up to one hundred years, and opting not to do them now will lead them to further deterioration and the possibility of losing us the ability to reline them.

bid 24-27 include the following alternates.

Alt #1 - Ten Rod Road & Cross Road Relining = \$175,000

Alt #2 - Winter Street Relining = \$43,520

Total = \$218,520 plus 10% contingency = \$242,372

Current available funds are \$97,995.

This leaves a shortfall of \$142,377.

The DPW is requesting \$150,000 for supplemental to the General Fund for this Drainage Pipe Relining project.

At the suggestion of the Finance Director, the funding source is from the General Fund Unassigned Fund Balance.

**RECOMMENDED ACTION**

1. City Council approval of a General Fund Supplemental Appropriation from the General Fund Unassigned Fund Balance in the amount of \$150,000.

**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	15013010	771000	24XXX	-	-	\$150,000.00 -
2				-	-	-
3				-	-	-
4				-	-	-

**Revenue**

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

DUNS #

CFDA #

Grant #

Grant Period: From   
To

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

Reimbursement Request will be reduced

Funds will be returned

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City Clerk's Office

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**RESOLUTION ADOPTING AN FY 2025 ROCHESTER CDBG  
“ACTION PLAN FOR THE CITY OF ROCHESTER, N.H.” AND  
APPROVING AND APPROPRIATING THE FY 2025 COMMUNITY DEVELOPMENT  
BUDGET FOR THE CITY OF ROCHESTER**

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

I. That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby adopt the one-year FY 2025 (July 1, 2024—June 30, 2025) “Action Plan for the Community Development Block Grant (CDBG) Program for the City of Rochester, N.H.,” as prepared and presented to the Mayor and City Council by the City of Rochester Office of Economic and Community Development, in connection with the City’s CDBG program, including the goals, objectives, and concepts set forth therein;

II. Further, that a twelve (12) month Community Development Block Grant budget for the Office of Economic and Community Development for the City of Rochester will be approved and appropriated for fiscal year 2025 (July 1, 2024—June 30, 2025). Included in said approval and appropriation are expenditures set forth in the one-year action plan of the Office of Economic & Community Development for the City of Rochester for the Community Development Block Grant program, in the following categories and amounts:

Administration and Planning	20%
Public Service Agencies	15%
Housing/Public Facilities/Infrastructure	65%
<b>Total</b>	<b>100%</b>

III. Further, that Two Hundred Forty One Thousand Fifty Six Dollars and Eighteen Cents (\$293,921.24) in the Job Opportunity Benefit revolving loan fund loan fund, plus the principal and interest received monthly from existing loans’ repayments, be appropriated for continued use in the FY 2024 Action Plan year in granting loans to qualified small businesses that commit to the creation and/or retention of jobs made available to low to moderate-income Rochester residents.

This budget and the one-year action plan for FY 2025 may be reconsidered if federal funding is changed or if it is inconsistent with the total FY 2025 budget adopted for the Office of Economic and Community Development.

The sums necessary to fund the above appropriation in the amount shall be drawn in their entirety from the above-mentioned FY 2025 Community Development Block Grant from the federal government to the City of Rochester. The Finance Director is hereby authorized to create such line-item accounts as shall be necessary to implement this Resolution.

Furthermore, in the event that federal funding for the above Community Development Block Grant budget is less than the total appropriation amount provided for in this Resolution, then, and in such event, the City Manager, or the City Manager’s designee in the Office of Economic and Community Development, is authorized to adjust the amounts for the budgetary categories stated above, as well as for any planned grants and/or other expenditures made from within such budgetary categories.

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City Clerk's Office

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**Resolution for Supplemental Appropriation of \$250,000 to the FY24 General Fund CIP  
Fund for the Community Center Bleacher Replacement Project**

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

That the Mayor and City Council of the City of Rochester hereby appropriate Two Hundred Fifty Thousand Dollars (\$250,000) to the General Fund CIP for the purpose of paying costs associated with the Community Center Gym Bleacher Replacement Project. This funding will address replacement of the second bank of bleachers. The first bank of bleacher replacements were funded in the FY24 Adopted General Fund CIP program budget. The entirety of this supplemental appropriation shall be derived from the General Fund Unassigned Fund Balance.

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

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City Clerk's Office

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**City of Rochester Formal Council Meeting**

**AGENDA BILL**

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

AGENDA SUBJECT <b>Community Center Gym-Bleacher Replacements</b>	
COUNCIL ACTION ITEM <input type="checkbox"/> X INFORMATION ONLY <input type="checkbox"/>	FUNDING REQUIRED? X YES <input type="checkbox"/> NO <input type="checkbox"/> * IF YES ATTACH A FUNDING RESOLUTION FORM
RESOLUTION REQUIRED? X YES <input type="checkbox"/> NO <input type="checkbox"/>	FUNDING RESOLUTION FORM? X YES <input type="checkbox"/> NO <input type="checkbox"/>

AGENDA DATE	3-5-24	
DEPT. HEAD SIGNATURE	Mark Sullivan-Director of Finance/Lauren Krans Director of Rec	
DATE SUBMITTED	2-29-24	
ATTACHMENTS YES <input type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	

**COMMITTEE SIGN-OFF**

COMMITTEE	FINANCE COMMITTEE- 2-13-24
CHAIR PERSON	

**DEPARTMENT APPROVALS**

DEPUTY CITY MANAGER	
CITY MANAGER	

**FINANCE & BUDGET INFORMATION**

FINANCE OFFICE APPROVAL	
SOURCE OF FUNDS	General Fund Unassigned Fund Balance
ACCOUNT NUMBER	TBD
AMOUNT	\$250,000
APPROPRIATION REQUIRED YES X <input type="checkbox"/> NO <input type="checkbox"/>	

**LEGAL AUTHORITY**

City Council
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**SUMMARY STATEMENT**

The two banks of gymnasium bleachers are integral components to Recreation and School Department operations. Both banks of bleachers are original to the 1976 Community Center. Funding to replace the 16-tier bank of bleachers was adopted in FY24. The second, 20-tier set of bleachers has an outdated power system with failing motors, a 40-year-old understructure, are not ADA compliant and have surpassed their life expectancy. A November 2023 bleacher inspection indicated that for these reasons, the 20 tier should be replaced. Replacing both sets of bleachers at the same time will reduce future cost and greatly decrease the impact to gym operations. Supplemental funding of \$250,000 is requested to replace the 20-tier set of bleachers at the same time. **Finance Committee voted favorable to endorse this project at the 2-13-24 Finance Committee Meeting**

**RECOMMENDED ACTION**

Council Approval

**Resolution Pursuant to RSA 656:40 Authorizing Use of Certain Ballot Counting Devices**

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

That the Mayor and City Council of the City of Rochester hereby authorize the use of the Dominion ImageCast Precinct Tabulator and the VotingWorks VxSuite ballot counting devices for the counting of ballots in the City of Rochester.

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

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City Clerk's Office

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### City of Rochester Formal Council Meeting

### AGENDA BILL

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

AGENDA SUBJECT Seeking Authorization to use certain ballot counting devices for elections.
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COUNCIL ACTION ITEM <input checked="" type="checkbox"/> INFORMATION ONLY <input type="checkbox"/>
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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"/>
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FUNDING RESOLUTION FORM? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
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AGENDA DATE	March 5, 2024		
DEPT. HEAD SIGNATURE	Kelly Walter, City Clerk		
DATE SUBMITTED	February 28, 2024		
ATTACHMENTS Yes <input type="checkbox"/> <input checked="" type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED		

#### COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

#### DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

#### FINANCE & BUDGET INFORMATION

FINANCE OFFICE APPROVAL	
SOURCE OF FUNDS	
ACCOUNT NUMBER	
AMOUNT	
APPROPRIATION REQUIRED No <input checked="" type="checkbox"/> YES <input type="checkbox"/>	Not at this time

#### LEGAL AUTHORITY

City Council

**SUMMARY STATEMENT**

On September 15, 2023, the NH Ballot Law Commission certified two new electronic ballot counting devices as follows: The VotingWorks VxSuite ballot counting device and the Dominion/LHS ImageCast Precinct ballot counting device. Certification of these two ballot counting devices becomes effective as of March 1, 2024.

The current machines (Accuvote) in use in Rochester have been out of production since 2008. New parts are not available and repair and maintenance has become increasingly difficult.

In the event that a new machine is approved by the City Council, the City Clerk submitted a FY25 CIP request (\$56,000) to purchase 7 machines.

Please find more information about each machine by clicking the links below:

[LHS Imagecast Precinct](#)

[VotingWorks VxSuite](#)

**RECOMMENDED ACTION**

First reading and refer the matter to a public hearing on March 19, 2024



**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 Profile Bank-Insurance Subordination-79E-22 So. Main St	
COUNCIL ACTION ITEM <input type="checkbox"/> X INFORMATION ONLY <input type="checkbox"/>	FUNDING REQUIRED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> * IF YES ATTACH A FUNDING RESOLUTION FORM
RESOLUTION REQUIRED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	FUNDING RESOLUTION FORM? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>

AGENDA DATE	4-2-24
DEPT. HEAD SIGNATURE	Mark Sullivan-Director of Finance
DATE SUBMITTED	3-27-24
ATTACHMENTS YES <input type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED

**COMMITTEE SIGN-OFF**

COMMITTEE	N/A
CHAIR PERSON	

**DEPARTMENT APPROVALS**

DEPUTY CITY MANAGER	N/A
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
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**SUMMARY STATEMENT**

Insurance Subordination Request 79E property 22 So Main St-Supporting Details Attached.

**RECOMMENDED ACTION**

Council Approval Profile Subordination Request



# *City of Rochester, New Hampshire*

Finance Office

31 Wakefield Street • Rochester, NH 03867-1917

(603)-509-1908

March 27, 2024

To: Mayor & City Council

Fm: Mark Sullivan-Director of Finance

Re: Profile Bank's Request for Insurance Subordination 79E-22 So Main St

Profile Bank is funding the property rehabilitation of 22 So Main St., and has submitted a very detailed explanation of 79E covenant conditions relative to property liability insurance. Profile Bank requests they be allowed to be in first lien position on the property insurance related to 22. So. Main St.

The 79E covenants include a provision for the City of Rochester to be in first lien position on the property insurance of properties granted 79E relief. This means that in the event of a catastrophic event on the property, while under 79E relief, the insurance proceeds can be sent directly to the City. The City can then use those proceeds to restore the property, or remediate any public safety issues, resulting from the catastrophic event. It's likely the City would only address immediate public safety issues, and not take on the role of managing a complete restoration of the property. Any excess insurance proceeds after public safety mitigations would be returned to the property owner.

Profile Bank is requesting that the City subordinate the property insurance first lien position to them, and Profile Bank will assume the responsibilities of restoration. The City would be in a second lien position on the property insurance. This is being requested due to details in how Profile Bank needs to manage risk positions in their lending practices. The City and Profile Bank will enter into a subordination agreement. This issue has been closely reviewed by myself and the City Attorney and the professional opinions are this subordination does not present any financial or insurance liability risks to the City of Rochester.



March 21, 2024

The Honorable  
Paul Callaghan  
Mayor of Rochester  
31 Wakefield Street  
Rochester, NH 03867

Re: Norman and Stacia Vetter – Banque, LLC - 22 So. Main Street  
Covenant to Protect Public Benefit

Dear Mayor Callaghan:

Profile Bank (the “Bank”) is in the process of extending a \$1,400,000 first mortgage loan to be secured by the above referenced property. The loan will be used to fund the redevelopment of the property.

In support of the redevelopment of the property the City has entered into an agreement with the property owner through which it has agreed to offer tax relief pursuant to NH RSA 79-E which embodies the “Community Revitalization Tax Relief Incentive.” To memorialize the agreement the City and the property owner recorded a Covenant to Protect Public Benefit in the Strafford County Registry of Deeds (the “Covenant”) a copy of which is included with this letter. The Covenant required that the rehabilitation work on the property be completed by March 31, 2022, however, this deadline was extended for a period of twelve months by City Council at its September 5, 2023.

The Covenant also requires that the property owner obtain and maintain casualty and flood insurance on the property and on page 2 of the Covenant, the property owner grants the City a lien on the insurance proceeds from any insurance claims made under such insurance policies “to ensure proper restoration or demolition of any damaged structures and property.” The purpose of this letter is to request that the City subordinate its lien on the insurance proceeds to the Bank’s interest in the insurance proceeds which will allow Profile Bank to extend the redevelopment loan to the property owner.

As with any financing of this nature the Bank requires to be listed as Mortgagee/Loss Payee on the insurance policy in order to protect its interest in the property. In the

The Honorable  
Paul Callaghan  
Mayor of Rochester  
March 21, 2024

event any damage occurs to the property, or any other property financed by the Bank, the Bank's 1<sup>st</sup> lien position on insurance proceeds allows the Banks to control the funds to insure the property is rehabilitated as close to its original state as possible prior to the damage. In the event the property is a total loss it allows the Bank to utilize the insurance proceeds to repay its loan. Without a 1<sup>st</sup> lien position on insurance proceeds the Bank would be unable to finance projects such as this impeding its ability to participate in the redevelopment and revitalization of the communities we serve.

We believe that the Bank's interest in the property, as well as the City's interest "to ensure proper restoration or demolition of any damaged structures and property" are shared and that a subordination of the City's interest in the insurance proceeds would not impact the City's goals relative to the property. Further, page 2 of the Covenant addresses the property assessment and favorable tax treatment, as well as the loss of said treatment if the Covenant's terms are not satisfied. Presumably in the event the City were to reassess the property following the owner's failure to abide by the Covenants, the City would continue to have all of its statutory enforcement remedies against the property. Per RSA 79 E:8 (III) the Covenants may include, at the governing body's sole discretion, a lien against proceeds from casualty and flood insurance claims for the purpose of ensuring proper restoration or demolition or damaged structures and property. In addition, if the property owner has not begun the process of restoration, rebuilding, or demolition of such structure within one year following damage or destruction, the property owner shall be subject to the termination of provisions set forth in RSA 79-E:9, I. **Accordingly, a subordination of casualty and flood insurance claims assigns the restoration and demolition responsibilities to the party to whom the City subordinates (in this case the Bank), while leaving the powers of termination under RSA 79-E:9, I with the City in the event no remediation of the property has occurred within one year following the damage and destruction.**

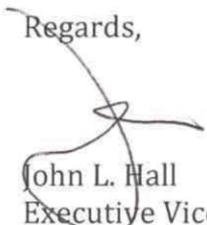
Therefore, the Bank respectfully requests the City of Rochester to subordinate its lien position against proceeds for any insurance claims for the above referenced property to that of Profile Bank.

I believe both the Bank and the City share a common interest in this situation, the rehabilitation of the subject property while protecting our interests in the event of any damage to the property warranting an insurance claim. In the event that that City grants the Bank's request, the Bank will provide the City with a standard subordination agreement, which can be modified to ensure mutually acceptable terms prior to execution.

The Honorable  
Paul Callaghan  
Mayor of Rochester  
March 21, 2024

I appreciate both your and the City Council's consideration of our subordination request. Should you have any questions please do not hesitate to contact me.

Regards,



John L. Hall  
Executive Vice President

Cc: Katie Ambrose, City Manager  
Mark Sullivan, Director of Finance  
Norman and Stacia Vetter

**Book:4691 Page: 224**

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Book 4691 Page 224

Page 1 of 5

Catherine A. Berube

Register of Deeds, Strafford County

City of Rochester, NH

**COVENANT TO PROTECT PUBLIC BENEFIT****Per RSA 79-E:8 (Community Revitalization Tax Relief Incentive)**

I (We) Norman P Vetter and Stacia R. Vetter, Trustees of the Norman P. Vetter Revocable Trust of 2004 and Stacia R. Vetter and Norman P. Vetter Trustees of the Stacia R. Vetter Revocable Trust of 2004, with a mailing address of, P.O. Box 181, Rochester, NH 03866-0181, (hereinafter referred to, collectively, if appropriate, as "GRANTOR") owner of the property situate at 22 South Main Street located in the City of Rochester, NH 03867, City of Rochester, NH (hereinafter referred to as the "PROPERTY"), for itself and for it's successors and assigns, for consideration of tax relief granted to GRANTOR by GRANTEE pursuant to the provisions of RSA 79-E, agree to the following Covenants imposed by the City of Rochester, (hereinafter referred to as "GRANTEE"), 31 Wakefield Street City of Rochester, NH, County of Strafford, State of New Hampshire.

These covenants are made in exchange for property tax relief granted with respect to the PROPERTY as a result of the substantial rehabilitation of the PROPERTY to be accomplished by the GRANTOR in accordance with GRANTOR'S proposal (specific approved scope of work is attached as "CHAPTER 79-E COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE ADDENDUM") approved by GRANTEE on August 20, 2019.

This Covenant is to protect the public benefit in accordance with the provisions of RSA 79-E for a term of eleven years, beginning on April first of the first tax year commencing immediately after the completion of the rehabilitation work. Notwithstanding the foregoing, the contemplated tax relief shall be null and void if the proposed rehabilitation work is not completed by March 31, 2022.

The PROPERTY is designated GRANTEE'S Tax Map 120 Lot 363 in the City of Rochester. For further reference to GRANTOR'S title see deed recorded at Book 4620 Page 169, Strafford County Registry of Deeds.

The GRANTEE agrees that the PROPERTY, if substantially rehabilitated in accordance with GRANTOR'S proposal approved by GRANTEE on August 20, 2019 provides a demonstrated public benefit in accordance with the provisions of RSA 79-E:7 in so much as the substantial rehabilitation of said property:

- I. Enhances the economic vitality of downtown;
- II. Enhances or improves a structure that is culturally or historically important on a local, regional, state, or national level, either independently or within the context of an historic district, town center, or village center in which the building is located; and
- III. Promotes development of municipal centers, providing for efficiency, safety and a greater sense of community consistent with RSA 9-B.

The City of Rochester, NH City Council held a public hearing on August 6, 2019 and at that meeting made the following findings consist with and required by RSA 79-E 7 & 8 (minutes are available upon request). The terms of the Covenant hereby granted with respect to the above-described Property are 11 years. The terms of the Covenant which is hereby granted by the GRANTOR to the GRANTEE with respect to the above described PROPERTY are to be co-extensive with the tax relief period and are as follows:

GRANTOR'S COVENANTS:

REHABILITATION OF PROPERTY. The Grantor agrees to substantially rehabilitate the PROPERTY during the term of this Agreement in accordance with GRANTOR'S proposal approved by GRANTEE on August 20, 2019. The substantial rehabilitation contemplated by GRANTOR'S proposal approved by GRANTEE on August 20, 2019 shall be completed by the GRANTOR on or before March 31, 2022. All of the work on the attached scope of work must be completed in order for the tax relief to take effect. If only some of the work on the attached scope of work is completed prior to March 31, 2022, then the PROPERTY shall be fully assessed for the value of that work during the tax year(s) commencing 2022.

MAINTENANCE OF THE PROPERTY. The GRANTOR agrees to maintain, use and keep the structure in a condition that furthers the public benefits for which the tax relief was granted and accepted during the term of the tax relief under RSA 79-E.

REQUIRED INSURANCE, USE OF INSURANCE PROCEEDS, AND TIMEFRAME TO

REPLACE OR REMOVE DAMAGED PROPERTY. The GRANTOR agrees and is required to obtain and maintain casualty insurance, as well as flood insurance, if appropriate. The GRANTEE requires a lien against proceeds for any insurance claims to ensure proper restoration or demolition of any damaged structures and property. The GRANTEE further requires that the restoration or demolition commence within one year following any insurance claim incident; otherwise the GRANTOR shall be subject to the termination provisions set forth in RSA 79-E:9, I.

RECORDING. The GRANTEE agrees to and shall provide for the recording of this covenant with the Strafford County Registry of Deeds. It shall be a burden upon the PROPERTY and bind all transferees and assignees of such PROPERTY. The GRANTOR will be solely responsible for payment of the recording fees.

ASSESSMENT OF THE PROPERTY. The GRANTEE agrees that the PROPERTY shall be assessed, during the term of the Tax Relief Granted based on the pre-rehabilitation value or such other value utilized by the Assessor to address improvements not covered by RSA 79-E. If the terms of these covenants are not met, the Property Tax Relief will be discontinued. Furthermore, the GRANTEE will assess all taxes to the owner as though no tax relief was granted, with interest in accordance with RSA 79-E:9, II.

RELEASE, EXPIRATION, CONSIDERATION.

I. RELEASE. The GRANTOR may apply to the local governing body of the City of Rochester for a release from the foregoing discretionary tax relief and associated covenant within the duration of the tax relief period of the RSA 79-E upon a demonstration of extreme personal hardship. Upon release from such covenants, the GRANTOR shall thereafter pay the full value assessment of such structure(s) and land to the Tax Collector of the City of Rochester.

II. EXPIRATION. Upon final expiration of the terms of the tax relief and associated covenants the tax assessment will convert to the then full fair market value and these covenants will be concluded.

III. CONSIDERATION. The Tax Collector shall issue a summary receipt to the owner of such PROPERTY and a copy of the governing body of the City of Rochester for the sums of tax relief accorded during the term of this Agreement. The local governing body shall, upon receiving a copy of the above-mentioned consideration, execute a release of the Covenant to the GRANTOR who shall record such a release with the Strafford County Registry of Deeds. A copy of such release or renewal shall also be sent to the local assessing official.

IV. MAINTENANCE OF STRUCTURE. If, during the term of the tax relief, the GRANTOR shall fail to maintain the structure in conformity with the foregoing agreement, or shall cause the structure(s) to significantly deteriorate or be demolished or removed, the covenants shall be terminated and a penalty shall be assessed in accordance with RSA 79-E:9.

ENFORCEMENT. If a breach of this Covenant is brought to the attention of the GRANTEE, the GRANTEE shall notify the GRANTOR, in writing of such breach, which notification shall be delivered in hand or by certified mail, return receipt requested to the GRANTOR.

The GRANTOR shall have 30 days after receipt of such notice to undertake those actions, including restorations, which are reasonably calculated to cure the said breach and to notify the GRANTEE thereof.

If the GRANTOR fails to take such curative action, the GRANTEE may undertake any actions that are reasonably necessary to cure such breach, and the cost thereof, including GRANTEE'S expenses, court costs and legal fees, shall be paid by the GRANTOR, provided the said GRANTOR is determined to be directly or indirectly responsible for the breach.

The GRANTOR, by accepting and recording this Covenant to the GRANTOR agrees to be bound by and to observe and enforce the provisions hereof and assumes the rights and responsibilities herein provided for and incumbent upon the GRANTEE, all in furtherance of the purposes for which this Tax Relief and associated Covenant is delivered.

Norman P. Vetter Revocable Trust of 2004 and Stacia R. Vetter Revocable Trust of 2004

By:

  
Norman P. Vetter, trustee

STATE OF NEW HAMPSHIRE  
COUNTY OF STRAFFORD

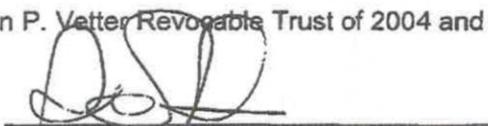
On this 20th day of Sept, 2019, before me personally appeared the above named Norman P. Vetter, Trustee of the Norman P. Vetter Revocable Trust of 2004 and Norman P. Vetter Trustee of the Stacia R. Vetter Revocable Trust of 2004, known to me or satisfactorily proven to be the person whose name is subscribed to the foregoing instrument and acknowledged the same to be his free act and deed for the purposes contained therein on behalf of the City of Rochester.

JENNIFER MUTOLO  
★ JUSTICE OF THE PEACE - NEW HAMPSHIRE ★  
My Commission Expires January 18, 2022

  
Notary Public / Justice of the Peace  
My Commission Expires: 1/18/22

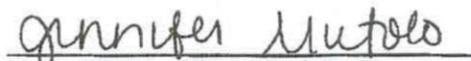
Norman P. Vetter Revocable Trust of 2004 and Stacia R. Vetter Revocable Trust of 2004

By:

  
Stacia R. Vetter, Trustee

STATE OF NEW HAMPSHIRE  
COUNTY OF STRAFFORD

On this 20th day of Sept, 2019, before me personally appeared the above named Stacia R. Vetter, Trustee of the Norman P. Vetter Revocable Trust of 2004 and Stacia R. Vetter Trustee of the Stacia R. Vetter Revocable Trust of 2004, known to me or satisfactorily proven to be the person whose name is subscribed to the foregoing instrument and acknowledged the same to be his free act and deed for the purposes contained therein on behalf of the City of Rochester.

  
Notary Public / Justice of the Peace  
My Commission Expires: 1/18/22

JENNIFER MUTOLO  
★ JUSTICE OF THE PEACE - NEW HAMPSHIRE ★  
My Commission Expires January 18, 2022

Covenant -RSA 79E

ACCEPTANCE

The undersigned City of Rochester hereby accepts this Covenant.

CITY OF ROCHESTER

By:

Blaine Cox  
Blaine Cox, City Manager

STATE OF NEW HAMPSHIRE  
COUNTY OF STRAFFORD

On this 20th day of Sept, 2019, before me personally appeared the above named Blaine Cox, duly authorized, City Manager of the City of Rochester, known to me or satisfactorily proven to be the person whose name is subscribed to the foregoing instrument and acknowledged the same to be his free act and deed for the purposes contained therein on behalf of the City of Rochester.

Jennifer Muto

Notary Public / Justice of the Peace  
My Commission Expires: 1/18/22



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City Clerk's Office

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**Resolution Authorizing Funding in the Amount of \$1.7 Million for the Purchase of 16  
Bridge Street**

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

That the Mayor and City Council of the City of Rochester hereby authorize the use of One Million Seven Hundred Thousand Dollars (\$1,700,000.00) for the purchase of 16 Bridge Street, Rochester, New Hampshire. The funding shall be derived as follows: Nine Hundred Fifty Thousand Dollars (\$950,000.00) from the Economic Development Non-Capital Reserve Fund and Seven Hundred Fifty Thousand Dollars (\$750,000.00) of ARPA grant funds previously allocated and approved for affordable housing projects.

Further, the Mayor and City Council direct the Trustees of the Trust Funds to transfer the above-referenced Nine Hundred Fifty Thousand Dollars (\$950,000.00) to the custody of the Finance Director to carry out the purposes of this Resolution.

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

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City Clerk's Office

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**City of Rochester Formal Council Meeting**

**AGENDA BILL**

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

AGENDA SUBJECT Purchase of 16 Bridge St-Former St. Elizabeth’s Seton School	
COUNCIL ACTION ITEM <input type="checkbox"/> X INFORMATION ONLY <input type="checkbox"/>	FUNDING REQUIRED? X YES <input type="checkbox"/> NO <input type="checkbox"/> * IF YES ATTACH A FUNDING RESOLUTION FORM
RESOLUTION REQUIRED? X YES <input type="checkbox"/> NO <input type="checkbox"/>	FUNDING RESOLUTION FORM? X YES <input type="checkbox"/> NO <input type="checkbox"/>

AGENDA DATE	4-2-24
DEPT. HEAD SIGNATURE	Mark Sullivan-Director of Finance
DATE SUBMITTED	3-27-24
ATTACHMENTS YES <input type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED

**COMMITTEE SIGN-OFF**

COMMITTEE	N/A
CHAIR PERSON	

**DEPARTMENT APPROVALS**

DEPUTY CITY MANAGER	N/A
CITY MANAGER	

**FINANCE & BUDGET INFORMATION**

FINANCE OFFICE APPROVAL	
SOURCE OF FUNDS	Economic Development Non-Capital Reserve Fund & ARPA Grant-Affordable Housing
ACCOUNT NUMBER	TBD
AMOUNT	\$1,700,000
APPROPRIATION REQUIRED YES X <input type="checkbox"/> NO <input type="checkbox"/>	

**LEGAL AUTHORITY**

City Council
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**SUMMARY STATEMENT**

Purchase of 16 Bridge St-Former St. Elizabeth's Seton School owned by Catholic Diocese. City submitted a purchase offer of \$1,700,000, offer is pending final acceptance by Diocese. The funding is \$950,000 from Economic Development Non-Capital Reserve Fund, and \$750,000 in ARPA grant funds previously approved to be expended on affordable housing projects. The resell to a developer will include affordable housing provisions.

**RECOMMENDED ACTION**

Council Approval

**RESOLUTION AUTHORIZING ACCEPTANCE AND APPROPRIATION OF  
AMERICAN RESCUE PLAN ACT VICTIM SERVICES GRANT AWARD FOR FY 2025**

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

WHEREAS, that an American Rescue Plan Act Victim Services grant in the amount of Twenty-Five Thousand Eight Hundred and Thirty-Six Dollars (\$25,836.00) awarded to the City of Rochester's Legal Department is hereby accepted by the City of Rochester;

WHEREAS, the aforesaid grant requires a 20% cash match by the City of Rochester in the amount of Six Thousand Four Hundred Fifty Nine Dollars (\$6,459.00), by City of Rochester's Legal Department;

FURTHER, that the sum of Twenty-Five Thousand Eight Hundred and Thirty-Six Dollars (\$25,836.00) be, and hereby is, appropriated to a non-lapsing Special Revenue Fund to be created for the purpose of carrying out the purposes of the American Rescue Plan Act Victim Services grant;

FURTHER, that the transfer of Six Thousand Four Hundred Fifty Nine Dollars (\$6,459.00) from the FY 2025 Legal Department Operating Budget to the non-lapsing Special Revenue fund stipulated above is hereby authorized;

FURTHER, that the City Manager is authorized to enter into a grant agreement and any other contracts with the New Hampshire Department of Justice that are necessary to receive and administer the grant funds detailed above; and

FURTHER, to the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution.

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City Clerk's Office

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### City of Rochester Formal Council Meeting

### AGENDA BILL

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

AGENDA SUBJECT Acceptance of and Appropriation of Funds for FY 2023 American Rescue Plan Act Victim Services Grant
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COUNCIL ACTION ITEM <input checked="" type="checkbox"/>
INFORMATION ONLY <input type="checkbox"/>

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

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

FUNDING RESOLUTION FORM? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
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AGENDA DATE	March 1, 2022		
DEPT. HEAD SIGNATURE	Michael Scala, on file		
DATE SUBMITTED	2/7/2021		
ATTACHMENTS YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	4	

#### COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

#### DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

#### FINANCE & BUDGET INFORMATION

FINANCE OFFICE APPROVAL	
SOURCE OF FUNDS	NH Dept. of Justice / general City funds
ACCOUNT NUMBER	TBD
AMOUNT	
APPROPRIATION REQUIRED YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	\$25,836 (grant) / \$6,459 (match)

#### LEGAL AUTHORITY

City Charter.
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**SUMMARY STATEMENT**

The Legal Department has been awarded a NH Department of Justice American Rescue Plan Act Victim Services grant in order to fund the continuing Victim-Witness Advocate position in the amount of \$25,836.00. A non-Federal match of \$6,459.00 is required by the grant and is included in the Legal Department's FY 2023 budget.

**RECOMMENDED ACTION**

Accept the grant, appropriate the necessary funds, and authorize the City Manager to enter into a grant agreement with the NH Department of Justice.