



**Rochester City Council Public Hearing  
February 19, 2019  
Council Chambers  
7:00 PM**

- 1. Call to Order**
- 2. An Ordinance to Revise and Consolidate, Amend, Supplement, and Codify The Ordinances of the City of Rochester P. 5**
  - 2.1. Schedule A P. 9**
  - 2.2 Codes & Ordinances Meeting Minutes February 7, 2019 P. 37**
- 3. Adjournment**

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**Rochester Special City Council Meeting  
February 19, 2019  
Council Chambers  
*Immediately Following Public Hearing***

**Agenda**

- 1. Call to Order**
- 2. Confirmation of Results of Public Auction February 9, 2019 P. 133**
- 3. Resolution Authorizing the Rochester Legal Department to Apply for a Victims of Crime Act (VOCA) Continuing Grant for Fiscal Year 2019-2020 in the amount of \$25,836.00 *first reading, second reading and consideration for adoption* P. 135**
- 4. Adjournment**

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City Clerk's Office

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**Rochester City Council Workshop  
February 19, 2019  
Council Chambers  
*Immediately following the Special Meeting***

**Agenda**

- 1. Call to Order**
- 2. Public Input**
- 3. Communications from the City Manager**
- 4. Communications from the Mayor**
- 5. Update from the Poet Laureate**
- 6. FY2018 Annual Audit Presentation**
- 7. Department Reports P. 165**
- 8. Other**
- 9. Non-Public/Non-Meeting**
  - 9.1. Non-Public Session**
- 10. Adjournment**

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City Clerk's Office

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**An Ordinance to Revise and Consolidate, Amend, Supplement, and Codify  
The Ordinances of the City of Rochester**

The City of Rochester ordains:

§ 1-3. Adoption of Code.

The ordinances of the City of Rochester of a general and permanent nature adopted by the City Council of the City of Rochester, as revised, codified and consolidated into chapters and sections by General Code, and consisting of Chapters 1 through 275, inclusive, are hereby approved, adopted, ordained and enacted as the "Code of the City of Rochester," hereinafter referred to as the "Code."

§ 1-4. Code supersedes prior ordinances.

This ordinance and the Code shall supersede the City Code adopted June 6, 1995, and all other general and permanent ordinances enacted prior to the enactment of this Code, except such ordinances as are hereinafter expressly saved from repeal or continued in force.

§ 1-5. Continuation of existing provisions.

The provisions of the Code, insofar as they are substantively the same as those of the ordinances in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinances.

§ 1-6. Copy of Code on file.

A copy of the Code has been filed in the office of the City Clerk and shall remain there for use and examination by the public until final action is taken on this ordinance, and if this ordinance shall be adopted, such copy shall be certified to by the Clerk of the City of Rochester by impressing thereon the Seal of the City, as provided by law, and such certified copy shall remain on file in the office of the Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect.

§ 1-7. Amendments to Code.

Any and all additions, deletions, amendments or supplements to the Code, when adopted in such form as to indicate the intention of the City Council to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the City of Rochester" shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be adopted, they shall thereafter be inserted in the Code as amendments and supplements thereto.

§ 1-8. Publication; filing.

The Clerk of the City of Rochester, pursuant to law, shall cause to be published, in the manner required by law, notice of the adoption of this ordinance. A copy of the Code of the City of Rochester shall be maintained in the office of the Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this ordinance, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-9. Code to be kept up-to-date.

It shall be the duty of the City Clerk, or someone authorized and directed by the Clerk, to keep up-to-date the certified copy of the Code required to be filed in the Clerk's office for use by the public. All changes in said Code and all ordinances adopted subsequent to the effective date of this codification which shall be adopted specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances are included as supplements to said Code.

§ 1-10. Sale of Code.

Copies of the Code, or any chapter or portion of it, may be purchased from the Clerk or an authorized agent of the Clerk upon the payment of a fee to be set by the City Council. The Clerk may also arrange for procedures for the periodic supplementation of the Code.

§ 1-11. Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City of Rochester to be misrepresented thereby. Anyone violating this section or any part of this ordinance shall be subject, upon conviction, to a fine as provided in § 1-1 of the Code.

§ 1-12. Severability of Code provisions.

Each section of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof. If any provision of this Code or the application thereof to any person or circumstances is held invalid, the remainder of this Code and the application of such provision to other persons or circumstances shall not be affected thereby.

§ 1-13. Severability of ordinance provisions.

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-14. Repealer.

All ordinances or parts of ordinances inconsistent with the provisions contained in the Code adopted by this ordinance are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the City of Rochester which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.

§ 1-15. Ordinances saved from repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-14 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to September 4, 2018.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance brought pursuant to any legislative provision.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.
- G. Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the City's indebtedness.
- H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract or obligation.
- I. The levy or imposition of taxes, assessments or charges.
- J. The annexation or dedication of property or approval of preliminary or final subdivision plats.
- K. Ordinances providing for local improvements or assessing taxes or special assessments therefor.
- L. All currently effective ordinances pertaining to the rate and manner of payment of salaries and compensation of officers and employees.

- M. Any legislation relating to or establishing a pension plan or pension fund for municipal employees.
- N. Any ordinances adopting or amending a zoning map or otherwise rezoning property.
- O. Any ordinance or portion of an ordinance establishing a specific fee amount for any license, permit or service obtained from the City.
- P. Any ordinance or portion of an ordinance establishing or amending sewer or water rates or charges.

§ 1-16. Changes in previously adopted ordinances.

- A. In compiling and preparing the ordinances for publication as the Code of the City of Rochester, no changes in the meaning or intent of such ordinances have been made, except as provided for in Subsection B hereof. Certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the City Council that all such changes be adopted as part of the Code as if the ordinances had been previously formally amended to read as such.
- B. The amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)

§ 1-17. When effective.

This ordinance shall take effect upon passage and publication as required by law.

§ 1-18. Incorporation of provisions into Code.

The provisions of this ordinance are hereby made part of Chapter 1 of the Code of the City of Rochester, to be titled "General Provisions, Article II, Adoption of Code."

Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2018

**City of Rochester  
Code Adoption Ordinance**

**Schedule A  
(As Referenced in § 1-16B)**

The following changes are made throughout the Code:

- "Director of Public Works" is amended to "Commissioner of Public Works."
- "Planning Director" is amended to "Planning and Development Director."
- "Planning Department" is amended to "Planning and Development Department."
- "Arena Department" and "Recreation, Parks and Youth Services Department" are amended to "Recreation and Arena Department."
- "Chairman" is amended to "Chairperson."

Chapter 1, General Provisions.

Section 1-2 is added to read as follows:

**§ 1-2. Definitions and word usage.**

- A. Definitions. Unless the context requires other interpretations or otherwise noted, the following terms are defined:

CITY — The City of Rochester, New Hampshire.

CITY COUNCIL — The City Council of Rochester, New Hampshire.

CODE — The Code of the City of Rochester, New Hampshire.

COUNTY — Strafford County.

PERSON — Any natural individual, firm, trust, partnership, association or corporation in his/her or its own capacity as administrator, conservator, executor, trustee, receiver or other representative appointed by a court.

PUBLIC WAY — Any sidewalk, street, alley, highway or other public thoroughfare.

STATE — The State of New Hampshire.

- B. Word usage.

- (1) Whenever any words in this Code denote the plural, the singular shall be deemed included, and whenever the singular number shall be used, it shall be deemed to include the plural.
- (2) Wherever the masculine gender is used in this Code, females as well as males shall be deemed to be included.

- (3) Words in the present tense shall be deemed to include the future.
- (4) The word "shall" as used in this Code is mandatory.

Chapter 7, Administrative Code.

Section 7-2 is amended to delete "Administration – City Manager"; to delete the Arena Department and Arena Director; to add the Information Technology Department and Chief Information Officer; to change "Planning" to "Planning and Development"; and to change the Recreation, Parks and Youth Services Department and Director of Recreation, Parks and Youth Services to the Recreation and Arena Department and the Director of Recreation and Arena, respectively.

Original § 2.18, Arena Department, is repealed.

Section 7-8A is amended to change "two Deputy Assessors" to "three Deputy Assessors."

Section 7-18D(4) is amended as follows: "Care for and maintain all property assigned to the Sewage and Waste Treatment ~~System~~ Works."

Section 7-21 is amended to read as follows:

**§ 7-21. Recreation and Arena Department.**

- A. The Recreation and Arena Department shall be under the supervision of the Director of Recreation and Arena and shall consist of such other personnel as may be provided for in the annual departmental budget appropriation. The Director of Recreation and Arena shall be appointed in the manner and for such term provided in Sections 15 and 18 of the Rochester City Charter.
- B. The Recreation and Arena Department shall perform the following functions:
  - (1) Develop a general recreation program for the City.
  - (2) Operate the recreational activities on all City parks, playground, swimming pools, tennis courts, and all other recreational facilities.
  - (3) Maintain, care for and operate all property assigned to the Recreation and Arena Department, including the Rochester Ice Arena.
  - (4) Prepare and maintain all records and books pertaining to the Recreation and Arena Department.
  - (5) Cooperate with private groups as well as with public officials in the development, promotional and recreational activities within the City.
  - (6) Perform all other related functions as required.
  - (7) Annually establish a fee schedule for the services provided by the Recreation and Arena Department, said fee schedule to be subject to approval by the City Council.
- C. All moneys received by the Recreation and Arena Department shall be held by the City of Rochester in a fund specifically established for the Recreation and Arena Department, and

if at the end of any fiscal year the moneys received by the Recreation and Arena Department shall exceed the moneys expended for the benefit, maintenance and operation of the Recreation and Arena Department, then said moneys shall not revert to the general fund for the City of Rochester but shall be held in a separate fund exclusively for the future use and benefit of the Recreation and Arena Department.

Section 7-24A is amended to change "Recreation and Park Commission" to "Recreation and Arena Commission"; to delete "Arena Advisory Commission"; and to add "Arts and Culture Commission."

Section 7-26C(2) is amended as follows: "Advise the Health Officer on all public health matters."

Section 7-27 is amended to read as follows: "The composition, functions, powers and duties of the Board of Trustees of the Public Library shall be as provided in Section 22 of the Rochester City Charter, state statutes, and/or ordinance. Vacancies occurring in said Board shall be filled by the City Council for the unexpired term."

Section 7-29 is amended to delete the following wording (duplicates § 49-2):

The Old Cemetery by Willow Brook, the Old Town Farm Cemetery and the Cemetery on Haven's Hill shall be under the control of the of the City Manager acting pursuant to authority conferred upon such City Manager by the provisions of Section 36.1 of the General Ordinances of the City of Rochester, who shall have authority to dispose of vacant lots within said cemeteries, and the money received from any sales shall be of said lots shall be kept by the Board of Trustees of Trust Funds and shall be used for the improvement of said cemeteries by the City Manager acting pursuant to authority conferred upon such City Manager by the provisions of Section 36.1 of the General Ordinances of the City of Rochester.

Sections 7-40C and 7-52B are amended to change "Finance Director" to "Business Administrator."

Section 7-44 is amended to read as follows: "Salaries of City officials shall be set by ordinance as provided in Section 69 of the City Charter. Salary ordinances are on file at the office of the City Clerk."

Section 7-46A is amended as follows: "All citations of this ~~ordinance~~ Code may be designated ~~General Ordinances~~ the Code of the City of Rochester, adding to the citation when necessary the number of the chapter and section."

Section 7-54 is amended to change "Business Director" to "Business Administrator."

Section 7-66E and I are amended to update "Department of Revenue" to "Department of Revenue Administration."

Original § 13.3, Election of Chairman of Board of Supervisors of the Checklist, is repealed.

Chapter 11, Adult-Oriented Establishments.

The definition of "adult entertainer" in § 11-2 is amended to "adult entertainment."

Chapter 16, Alarm Systems.

Section 16-8C is amended as follows: "If the false alarm is due to an alarm system malfunction that is in the process of being repaired or where immediate steps are taken to identify or correct the problem and notification has been made to the dispatch center as applicable, the Chief of the Police Department or Fire Department may waive the civil assessment."

Chapter 22, Amusements and Entertainment.

Section 22-2 is amended to update "New Hampshire State Athletic Commission" to "New Hampshire Boxing and Wrestling Commission."

Section 22-3 is amended to change "permit" to "license" in the last sentence.

The definition of "mechanical device" in § 22-5 is amended to "mechanical amusement device."

Sections 22-7, 22-13, 22-15 and 22-17 are amended to change "mechanical device" to "mechanical amusement device."

Chapter 28, Animals.

Section 28-4C is amended to change "dog" to "animal" and to change "such penalties as are provided for in the General Ordinances of the City of Rochester" to "such penalties as are provided for in this chapter."

Section 28-5 is amended to change "guard dog" to "guide dog."

Section 28-6 is added to read as follows: "Unless otherwise provided, any person who violates any provision of this chapter shall be punished by a fine of not more than \$50."

Chapter 40, Building Construction and Property Maintenance.

Section 40-8 is amended to change "Water or Sewer Department" to "Division of Water Supply Works or Division of Sewage and Waste Treatment Works."



Section 40-12A is amended to change "anything in violation of this code" to "anything in violation of any code adopted herein."

Section 40-13 is amended to change "those areas classified as Business 1 zones, Business 2 zones, and 1-3 zones" to "those areas classified as Downtown Commercial, Office Commercial and Highway Commercial Districts."

Section 40-15B(1) and (4) are amended to change "this code" to "this chapter."

#### Chapter 75, Fires and Fire Safety.

Section 75-1 is amended as follows: "The Fire Chief shall manage[,] the Fire Department and consult with and advise the City Manager on all matters pertaining to the equipment and control of the Fire Department."

Section 75-9B(2) is amended to change "the appropriate police, fire and emergency medical department services" to "the appropriate emergency services department."

Section 75-9C(1) is amended as follows: "A minimum average in-building field strength of 2.25 microvolts (-100 dbm) for analog and five microvolts (-93 dbm) for digital systems shall be provided throughout 85% of the area of each floor of the building when transmitted from the City's police dispatch center and the appropriate emergency service dispatch centers which are providing fire and emergency medical protection services to the building."

Section 75-9D(1) is amended as follows: "A minimum average signal strength of 112 microvolts (-6 dbm) for analog and five microvolts (+1 dbm) for digital systems shall be provided as received by the City's police dispatch center and the appropriate emergency service dispatch centers which are providing fire and emergency medical protection services to the building."

Section 75-9E(3) is amended as follows: "The area where the amplification equipment is located ~~almost~~ must be free of hazardous materials such as fuels, asbestos, etc."

Section 75-10 is amended as follows: "The authority having jurisdiction for the administration and enforcement of this article shall be ~~Fire Prevention~~ the Fire Chief of the City of Rochester."

Section 75-16D(6) is amended as follows: "Anyone using permissible fireworks shall be responsible for removing any debris accumulated due to the discharge of fireworks that fall onto the public way, public property, and any private property within 24 hours."

Chapter 80, Food and Food Service.

Section 80-1 is amended as follows: "The City of Rochester hereby adopts the provisions of the ~~Sanitary~~ Food Code of the State of New Hampshire, Department of Health and ~~Welfare~~ Human Services, Division of Public Health Services, as presently enacted and as may be amended from time to time."

The definition of "Sanitary Food Code" in § 80-2 is amended to "Food Code" and as follows: "The State of New Hampshire, State Department of Health and ~~Welfare~~ Human Services, ~~Sanitary~~ Food Code as adopted by § 80-1 above, and as the same shall be amended from time to time by the Department of Health and ~~Welfare~~ Human Services."

Section 80-4 is amended to delete the following wording (duplicates Subsection C): "All applications for food establishment licenses shall be filed with the Board on or before June 20 of any year."

Section 80-7 is amended to change "health authority" to "Board of Health."

Section 80-26C is amended as follows: "~~For those outdoor dining establishments serving alcohol,~~ Seating shall be appurtenant and contiguous to a doorway accessing the main restaurant facility with service provided within the area approved by the City Manager.

Chapter 94, Health and Sanitation.

The definition of "owner" in § 94-2B is amended to change "Strafford County of Probate" to "Strafford County Probate Court."

Section 94-2C is amended to change "the Building, Zoning, and Licensing Services" to "the Department of Building, Zoning, and Licensing Services."

Section 94-11 is amended as follows:

In Subsections A and B to update the reference to Chapter Env-Ws 800 to Chapter Env-Wq 800, Sludge Management.

In Subsection C(1) to update the reference to Chapter Env-Ws 801 to Chapter Env-Wq 801.

In Subsection C(6) to update the reference to Section Env-Ws 1014.02 to Section Env-Wq 1014.02.

In Subsection C(7) to update the reference to Section Env-Ws 806.01 to Section Env-Wq 806.01.

In Subsections C(7) and E to change "the Building, Zoning, and Licensing Services" to "the Department of Building, Zoning, and Licensing Services."

In Subsection D as follows: "Any sludge used within the City of Rochester and subject to the terms of this section shall be subject to random collection and/or testing for the presence of fecal coliform at the discretion and under the direction of the Director of Building, Zoning, and Licensing Services."

In Subsection F(1) to update the reference to Chapters Env-Wm 100 through Env-Wm 3500 to Chapters Env-Hw 100 to 1100, Env-Sw 200 to 1800 and Env-Or 300 to 700.

In Subsection F(2)(b) to change "Class A pathage and reduction requirements" to "Class A pathogen reduction requirements."

#### Chapter 110, Junk and Secondhand Dealers.

Section 110-3A(3) is amended as follows: "The fee for a junk dealer's license or secondhand dealer's license or any renewal thereof granted under the provisions of RSA 322 shall be \$50 a year, payable in advance."

Section 110-4A is amended to change "to avoid such order" to "to void such order."

#### Chapter 135, Mobile Home Parks.

The definition of "manufactured housing" in § 135-3 is amended to read as follows:

Any structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width and 40 body feet or more in length, or when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained therein (in conformance with the definition in RSA 674:31, as amended).

Section 135-5 is amended to update "Water Supply and Pollution Control Commission" to "Department of Environmental Services" and to revise Subsection E(1) as follows: "A water supply meeting ~~the requirements of the 1983 State of New Hampshire Water Supply and Pollution Control Commission Drinking Water Regulations~~ current New Hampshire Department of Environmental Services drinking water standards shall be provided to each mobile home lot in a mobile home park."

Sections 135-7A(3)(e)[6] and 135-8B are amended to change "Zoning Officer" to "Zoning Administrator."

Section 135-8C(2) is amended as follows: "This provision shall be in effect even should an appeal be taken from the ~~Building Inspector's~~ Director's revocation order."

Chapter 158. Parks, Recreation and Arena.

The definition of "Commission" in § 158-1 is amended to read as follows: "The Rochester Recreation and Arena Commission. See § 158-3."

The definition of "Director" in § 158-1 is amended to read as follows: "The Recreation and Arena Director. See § 158-4."

The definition of "park" in § 158-1 and § 158-2E are amended to change "Recreation Director" to "Director."

Section 158-2K is amended to change "Commons" to "Common."

Section 158-3A is added to read as follows:

This Commission shall consist of 13 members to be nominated by the Mayor and elected by the Council, in accordance with the provisions of Section 74 of the Rochester City Charter, as follows: one member from the City Council, one member from the School Board, and 11 interested citizens. Up to two members of the Commission may be a nonresident of the City of Rochester, provided that at the time of election of such individual to the Commission such individual is associated with communities or organizations utilizing the Rochester Arena facilities or has other specialized skills related to the provision of recreational services.

Section 158-4 is amended to read as follows:

The City Manager, in accordance with the provisions of Sections 15 and 18 of the Rochester City Charter, shall appoint the Recreation and Arena Director for the City of Rochester, who shall be the department head of the Rochester Recreation and Arena Department. The Director shall be responsible for the direction of all phases of the City's recreation programs and parks owned or controlled by the City subject to the supervision of the City Manager. The Director shall be responsible for hiring and supervising all personnel as may be required to carry out Recreation and Arena Department programs. The Director, with the consent of the Commission, shall have the power to promulgate reasonable written rules and regulations to govern the use of the City's parks and equipment and to issue permits for the use thereof as set forth in this chapter.

Section 158-7 is amended as follows: "Any violation of this chapter or of the rules and regulations as provided for hereunder shall be considered to be a violation and subject to a penalty as provided in § 1-1 of this Code."

Chapter 176, Planning Board.

Section 176-2C is amended to update the reference to RSA 31:89-d to RSA 674:46-a.

Section 176-10 is amended to update the reference to RSA 31 to RSA 674.

Chapter 200, Sewers.

The definition of "Director" in § 260-2 is amended to "Commissioner" and to read as follows: "The Commissioner of Public Works or his/her designee. See § 7-18A of the City Code."

The definition of "floatable oil" in § 200-1 is amended to change "free of floatable fat" to "free of floatable oil."

Section 200-3C is amended to add the following sentence: "When a private wastewater disposal system is found to be in failure, it is the duty of the owner and/or his agent to contact the City to determine if the property falls within the sewer service area."

Section 200-5F is amended as follows: "~~Interest~~ Late payments shall accrue interest at the same rate charged by the City for overdue property tax bills."

Section 200-6B is amended as follows: "The property owner is responsible for the costs incurred for the repair and maintenance of all existing sewer services from the ~~property line~~ public sewer main to the building or structure."

Section 200-6D is amended to delete the last sentence: "For any applicant who holds a valid license, the fee shall be prorated from the date such license expires."

Section 200-7B is amended as follows: "There shall be two classes of sewer permits: for residential ~~and commercial~~ service and for service to establishments producing commercial and/or industrial wastes."

Section 200-7C is amended as follows: "In addition to the permit requirements of Subsection B above, any new construction or use other than a single-family home which exceeds 500 gallons per day of discharge, as estimated by New Hampshire Administrative Rules Section Env-Wq 1008.03, Table 1008-1, shall be required to also obtain a wastewater discharge permit and pay the reserve capacity assessment."

Section 200-7D is amended as follows: "All costs and expenses incidental to the installation and connection of ~~the a new~~ sewer service shall be borne by the owner(s). The owner(s) shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the sewer service. If installation and connection is accomplished at a location where the City has previously installed a sewer stub, the ~~property owner will also be assessed a sewer stub fee equal to~~ Sewer Enterprise Fund will bear the cost of installation of the sewer stub."

Section 200-7J is amended to update the reference to the Water Pollution Control Federation to the Water Environment Federation.

Section 200-7K is amended to delete "or licensed plumber" after "licensed contractor."

Section 200-7S is amended to change "private sewer" to "sewer service."

Section 200-7T(1)(a) is amended as follows: "All applicants discharging over 500 gallons per day, as determined by New Hampshire Administrative Rules Section Env-Wq 1008.03, Table 1008-1, are required to file for a wastewater discharge permit."

Sections 200-8 through 200-15 are added to read as shown at the end of this schedule.

Section 200-16B is amended as follows: "Stormwater and unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers ~~or combined sewers~~ or a natural outlet approved by the Commissioner."

Section 200-16Q is added to read as follows: "A dental practice or any other similar practice or business that handles or manages dental amalgams shall install and maintain an amalgam separator and institute a management program in accordance with federal and state regulations."

Section 200-17C is amended to delete "(revised in 2003; approved April 11, 2005; and revised in 2008, approved February 28, 2008)" after the references to Schedule A (this information has been included in Schedule A).

Section 200-17I is amended to change "40 CFR(o)" to "40 CFR 2."

Section 200-23A is amended to change "Wastewater Division" to "Division of Sewage and Waste Treatment Works."

Section 200-27 is amended to change "Finance Director" to "Business Administrator."

Section 200-30 is amended as follows:

In Subsection A: "The Utility Advisory Board shall rule on appeals of user and other charges and fees and perform other such duties that may be assigned by City Council."

To delete original Subsection (b), Membership, Subsection (c), Term, Subsection (d), Vacancies, and Subsection (e), Administrative Actions, and add the following: "The membership and terms of the Utility Advisory Board shall be as provided in § 260-28 of the City Code."

Section 200-33 is amended as follows:

In Subsection A(4): "High-volume customers (i.e., customers using more than 5,000 units\*\* monthly): \$6.08 per 100 cubic feet of water use. \*\*Note: for purposes of this section the word "unit" shall mean 100 cubic feet or 748 gallons of water use."

In Subsection G: to delete "Sewer stub fee: actual cost of installation" and to add "Meter repair or testing: minimum charge of \$30 for the first half hour per visit plus cost of transportation of meter to testing facility and cost of testing" and "Meter damage: \$50."

To delete "Minimum service charge: \$30 per visit."

#### Chapter 210, Solid Waste.

The definition of "acceptable construction and demolition debris" in § 210-1 is amended as follows: "Letters of authorization on the owner's behalf brought to the dropoff by nonresidents will not be accepted, unless approved by the ~~City and Waste Management~~ City's contracted solid waste management company (the City's waste collection contractor)."

The definition of "bags" in § 210-1 is amended as follows: "Bags (stickers) shall be sold by the City for waste that will not fit into the cart provided by ~~Waste Management~~ the City's waste collection contractor for residential solid waste."

The definition of "hazardous waste and unacceptable waste" in § 210-1 is amended to change "Waste Management" and "the Company" to "the City's waste collection contractor."

The definition of "residential recycling bin" in § 210-1 is replaced with the following:

**RESIDENTIAL RECYCLING CART** – A specifically designated wheeled container or cart distributed by the City's waste collection contractor to be used for the storage of acceptable recyclables in the automated collection process. No other receptacles will be permitted for collection by the City's waste collection contractor.

The definition of "rubbish and waste receptacle" in § 210-1 is replaced with the following:

**RESIDENTIAL WASTE RECEPTACLE** – The specifically provided or designated container distributed by the City's waste collection contractor. No other receptacles will be permitted.

The definition of "special waste" in § 210-1 is added to read as follows: "As defined in 40 CFR 240.101(z)."

Section 210-3 is amended to change "the Public Works Director and Waste Management" to "the Commissioner of Public Works or his/her designee and the City's waste collection contractor."

Section 210-6 is amended as follows:

All residential solid waste shall be placed in suitable receptacles, as defined under § 210-1. ~~Common paper shopping bags are prohibited and wooden crates are not suitable rubbish containers.~~ Residential solid waste that does not fit in the ~~car~~ approved receptacle shall not be collected unless such waste is recyclable materials as defined in § 210-1 and placed at curbside as described in § 210-17.

Section 210-11 is amended as follows:

Acceptable construction and demolition debris as defined in § 210-1 may be brought to ~~the~~ an approved residential dropoff center at no cost. Debris generated at apartment or condominium units not used as the primary personal residence of the taxpayer shall be charged ~~such~~ the same fees as any other commercial user.

Section 210-13 is amended to change "determined by Public Works" to "determined by the Department of Public Works."

Section 210-14 is amended as follows: "Hazardous waste and unacceptable wastes, as defined in § 210-1, the definition of 'hazardous waste and unacceptable wastes,' will not be accepted for roadside pickup by the City."

Section 210-16 is amended to change "a fine up to \$3,000" to "a civil penalty up to \$3,000."

Section 210-17 is amended as follows:

Recyclable material must be placed in the approved residential recycling ~~bins~~ receptacles (as defined by § 210-1). ~~Bins~~ The approved residential recycling receptacles must be placed at the ~~curb~~ roadside on the evening before or by 7:00 a.m. on the scheduled pickup day. Unacceptable material found in the approved residential recycling ~~bins~~ receptacles will not be collected.

Section 210-18 is amended as follows: "Rochester residents may purchase ~~City-approved~~ the City's approved bags (stickers) for residential solid waste to be brought to ~~the~~ an authorized residential dropoff center."

Original § 19.22, Savings clause, is repealed.

#### Chapter 218, Stormwater Management and Erosion Control

Section 218-2A(1) is amended as follows: "The City Council pursuant to RSA 47:13, 47:17, ~~VII, VIII and XVIII~~, 38:26, 149-I:3 and 149:1:6."



Sections 218-2A(3), 218-6A(5) and 218-10E are amended to change "Office of Building, Zoning, and Licensing Services Department" to "Building, Zoning, and Licensing Services Department."

Section 218-6 is amended as follows:

In the first sentence: "This chapter shall apply to any action that will hinder, interfere with, alter, or modify the existing stormwater flow, drainage, or infrastructure constructed for such purpose ~~unless and until this chapter has been complied with.~~"

In Subsection A to change "stormwater management permit (SMP)" to "stormwater permit (SWP)."

In Subsection B: to change "construction stormwater management and erosion control plan" to "stormwater management and erosion control plan."

The definition of "City Engineer" in § 218-7 is amended as follows: "Intended to refer to and identify the City Engineer or his/her designee or any qualified engineering consultant which the City Council, City ~~Administrator~~ Manager, Planning Board, Building, Zoning, and Licensing Services Department, Commissioner of Public Works, or their designee(s) engage(s) for the purpose of reviewing any application or plan submitted in accordance with this chapter or determining compliance herewith."

The definition of "City Inspector" in § 218-7 is amended as follows: "A City representative from the Department of Public Works, Department of Building, Zoning, and Licensing Services Department, ~~Community Development~~ Department of Planning and Development, or their designee."

Section 218-8C(2)(n) is amended to add "(now the Natural Resources Conservation Service)" after "Soil Conservation Service."

Section 218-9B(1)(z)[1] is amended as follows:

For common drainage that serves an area with 10 or more acres disturbed at one time, a temporary (or permanent) sediment basin ~~must provide~~ providing storage for a calculated volume of runoff from a drainage area from a two-year, twenty-four-hour storm, or equivalent control measures, must be provided, where attainable, until final stabilization of the site.

Section 218-11B is amended as follows:

In the first sentence: "The following provisions shall pertain and be applicable only to those plans which do not come under the jurisdictional purview of the Planning Board (site plan/subdivision review)."

To change "Building, Zoning, and Licensing Services Department Officer" to "Building, Zoning, and Licensing Services Department Director" in Subsection B(1), (2) and (3).

Section 218-15A is amended to change "Building, Zoning, and Licensing Services Department Officer" to "Building, Zoning, and Licensing Services Department Director."

Chapter 223, Streets and Sidewalks.

Section 223-1 is amended as follows:

To replace the definition of "Commissioner of Public Works" with the following: "COMMISSIONER – The Commissioner of Public Works or his/her designee. See § 7-18A of the City Code."

To revise the definition of "Committee" as follows:

The subcommittee of the City Council (Public Works and Building Committee) having responsibility for overseeing expenditures, maintenance and control of public buildings, streetlights, public parks, sewerage, streets and highways and rubbish/recycle disposal. The Committee members shall be designated by the Mayor and shall enjoy membership according to rules and regulations as established by the City Council. The responsibilities of this Committee shall be enumerated by the City Council and shall further be as set forth within this article, and this Committee shall be referred to throughout this article as "Committee."

Section 223-5A is amended as follows:

Whenever any street, lane, alley, sidewalk, or other public place in the City shall, under any license granted, be dug up, obstructed or encumbered, and thereby rendered unsafe or inconvenient for travelers, the person so digging up, obstructing or encumbering shall put, and at all times keep up, a suitable railing or fence around the section or parts of any street, lane, alley, or sidewalk or other public place so dug up, obstructed or encumbered, so long as the same shall be, or remain, unsafe or inconvenient as aforesaid, and shall also keep ~~one or more lighted lanterns fixed to such fence, or in some proper place,~~ adequately illuminated every night from ~~twilight~~ dusk until dawn ~~in the evening and throughout the whole night~~ so long as such railing or fence shall be kept standing.

Section 223-7 is amended as follows:

In Subsection A: "No person shall move, or assist in moving, any house, shop or other building through any street, lane, or alley without first obtaining a written license ~~therefor~~ from the Licensing Board."

In Subsection B: "~~In addition to the requirements of Subsection A hereof, no person shall move, or assist in moving, any house, shop or other building through any street, lane, or alley~~

~~without first obtaining a written license therefor from the Licensing Board.~~ The fee for such license shall be \$25."

Section 223-8D is amended as follows: "No theatrical or dramatic representation shall be performed or exhibited, and no parade or procession upon any public street or way, unless a special license ~~therefor~~ shall first be obtained from the ~~City Manager~~ Licensing Board."

Section 223-9A(1)(e) is amended to correct the reference to RSA 252:9-18 to RSA 80:88 to 80:91.

Section 223-11A is amended to correct the reference to RSA 231:133 in the first sentence to RSA 231:133-a and to revise Subsection A(10) as follows: "Such numbers shall be a minimum ~~of 3.5 inches in~~ height as to meet current Fire Code requirements."

Section 223-14 is amended to change "telephone poles" to "utility poles."

The definition of "newspaper" in § 223-20 is amended to change "teacher articles" to "feature articles."

The definition of "street" in § 223-20 is amended as follows: "All that area dedicated to public use or public street purposes and shall include, but not be limited to, roadways, parkways, alleys, sidewalks, garages, parking lots, parks and playgrounds."

Section 223-21C is amended as follows: "Within 60 days of the passage of this article every person or other entity shall comply with the provisions of this article with respect to each newsrack and/or public way obstruction owned by it within the City."

Section 223-25 is amended to change "bodily or person or property damage" to "bodily injury or damage to private or public property."

#### Chapter 254. Vehicles and Traffic.

The definition of "police officer" in § 254-1 is amended as follows: "An officer of the Municipal Police Department or any person authorized to direct or regulate traffic or to make arrests for violations of traffic regulations."

Section 254-39 is amended as follows: "Except as otherwise provided herein, a person violating any provision of Articles I through VIII of this chapter shall be punished by a fine of not more than \$250 for each offense, except that the optional procedures set forth in § 254-42 may be used in lieu of court proceedings for violations of Article III."

Section 254-49D is amended as follows: "The Licensing Board may establish taxicab stands on such public streets and in such places and in such numbers as shall be determined to be of greatest

benefit and convenience to the ~~public, business~~ public and businesses, and every such taxicab stand shall be designated by appropriate markings."

Section 254-49E(2) is amended as follows: "In ~~no~~ any case pick up any adults when children under the age of 16 years are alone in the cab, unless said juvenile is seated adjacent to the driver."

Section 254-50B is amended as follows:

Any taxicab driver who shall be convicted of any violation of these rules and regulations, or of any law of the State of New Hampshire, shall forthwith return his/her taxicab driver's license to the Director of the Building, Zoning, and Licensing Services Department who shall retain said license until such time as ~~a permit~~ an application has been filed in the same manner as for an original taxicab driver's license and a determination as to its issuance or denial shall have been made by the Chief of Police and/or the Licensing Board.

Section 254-57C is amended to update the reference to RSA 31:1102 to RSA 31:102 and to update the reference to RSA 262:40-1 to 262:40-a.

#### Chapter 260, Water.

The definition of "Business Office" in § 260-2 and §§ 260-19A and B and 260-20A are amended to change "Finance Director" to "Business Administrator."

The definition of "Director" in § 260-2 is amended to "Commissioner" and to read as follows: "The Commissioner of Public Works or his/her designee. See § 7-18A of the City Code."

The definition of "water rates and charges" in § 260-2 is repealed.

Section 260-4B is amended as follows: "An estimate of the cost of work to install the service will be prepared by the applicant and verified by the Department of Public Works."

Section 260-4F is amended as follows: "Interest shall accrue on late payments at the same rate charged by the City for overdue property tax bills."

Section 260-5 is amended to change "American Water Association" to "American Water Works Association."

Sections 260-7A and 260-25A are amended to change "Water Department" to "Division of Water Supply Works." Section 260-7A is further amended to update "firemen" to "firefighters."

Original § 17.17, Rates, charges and fees, is repealed.

Section 260-17 is amended to update "Water Division" to "Division of Water Supply Works."

Section 260-19B is amended as follows: "The decision of the Utility Advisory Board shall be final, except that the City Manager shall have the authority to veto or modify any action of the Utility Advisory Board."

Section 260-21 is amended as follows: "If such bills are not paid within 30 days or a payment agreement made with the Business Office, the water will be shut off or the charges will become a lien on the property, or both."

Section 260-22 is amended as follows: "~~Twenty-four~~ Forty-eight hours' advance notice is normally required for turning on and shutting off water."

Section 260-28A is amended as follows: "The Utility Advisory Board shall rule on appeals of user and other charges and fees and perform such other duties that may be assigned by City Council."

Sections 260-34A and 260-43C are amended to update the reference to New Hampshire Administrative Rules Part Env-Ws 364 to Part Env-Dw 505.

The definition of "approved source" in § 260-35 is amended to update the references to the State Water Supply Division to "Water Division."

The definition of "auxiliary water supply" in § 260-35 is amended as follows: "Any water supply on, or available to, a premises other than the ~~Town's~~ City's approved public potable water supply."

The definition of "hose bib vacuum breaker" in § 260-35 is amended as follows: "A device which is attached to a hose bib and which acts as an atmospherically permanently vacuum breaker."

The definition of "potable water" in § 260-35 is amended to change "Division for Human Consumption" to "Water Division."

The definition of "premises" in § 260-35 is amended as follows: "The industrial, commercial or residential facility or dwelling ~~subject~~ connected to the public water supply."

The definition of "water service entrance" in § 260-35 is amended to add "any" before "unprotected branch."

Section 260-36 is amended to read as follows: "The authority for this article is derived from the New Hampshire Administrative Rules Part Env-Dw 505, Backflow Prevention, and the City of Rochester public water system rules and regulations, as adopted."

Section 260-38L is amended as follows: "All new single-family residential water services will be required to install a residential No. 7 dual check device immediately downstream of the water meter."

Section 260-39 is amended to delete the following note which appeared at the beginning of the section: "Note: Homeowners are permitted to work on their own residential plumbing. A licensed plumber with a valid New Hampshire license is required for work on all industrial, commercial, and rental properties."

Section 260-40 is amended to delete the following wording: "The Department will operate a cross-connection control program, to include keeping of necessary records, which fulfills the requirements of the Division's Backflow Prevention Regulations and is approved by the Division."

Section 260-42 is amended to delete the following wording from Subsection A: "Install an approved reduced pressure zone (RPZ) device at the public water supply service connection" and to replace Subsection B with the following:

B. The Department shall not permit a cross-connection within the public water supply system unless it is considered necessary and that it cannot be eliminated.

- (1) The customer shall install an approved reduced pressure zone (RPZ) device at the public water supply service connection.
- (2) The customer shall provide the water supplier with backflow prevention device test results per required schedule or the customer's water service from the water provider will be shut off until the data is supplied to the water supplier.

Section 260-43 is amended to delete the following wording: "The Department shall not permit a cross-connection within the public water supply system unless it is considered necessary and that it cannot be eliminated."

Section 260-44 is amended as follows: "Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment, an existing backflow preventer must be upgraded to ~~a reduced pressure zone principle~~ an approved device, or ~~a reduced pressure zone principle~~ an approved device must be installed in the event that no backflow device is present.

Section 260-45 is amended as follows:

In Subsection A as follows: "Initial installations, replacements and upgrades shall be performed by ~~a plumber licensed in the State of New Hampshire~~ an individual with a current Backflow Prevention Device Inspector/Tester Certification from the New England Water Works Association (NEWWA)."

In Subsection B(4) and (5) to change "Water Department or its designee" to "Department of Public Works or its designee."

In Subsection B(6) as follows: "If A drain is to be provided for a relief valve port[,], There must be an approved air gap separation between the port and the drain line."

To add Subsection B(7) as follows: "Backflow prevention devices are not allowed to be installed below grade or other location that may be prone to unit inundation and/or submergence."

In Subsection C(4) and (5) to change "Water Treatment Department Chief Operator or his designee" to "Department of Public Works or its designee."

To delete the following wording from the end of the section: "Pit installations shall be approved only as, but not limited to the requirements provided in Section 6.4 below" and "Pit installations. No backflow prevention device shall be installed in pits."

Section 260-46 is amended as follows:

In Subsection B: "Testing and inspection of all devices to include reduced pressure principle backflow devices, testable double check valve assemblies, and testable pressure vacuum breakers shall be performed by ~~a New Hampshire~~ an individual with a current Backflow Prevention Device Inspector/Tester Certification from the New England Water Works Association (NEWWA)."

In Subsection C: "Parallel installation of two devices of the same size is an effective means of ensuring that uninterrupted water service during testing and repair of devices is maintained and is strongly recommended when the owner desires such continuity."

In Subsection E: "Failure to test a backflow prevention device as required, or failure to repair a device when needed, shall result in immediate termination of the water service."

Original § 18.16, Records, and § 18.17, Reports, are repealed.

#### Chapter 275, Zoning.

Section 275-1.6 is amended as follows: "If a court or any other body with appropriate jurisdiction finds that any ~~chapter~~ article, section, subsection, or provision of this chapter is invalid, that finding shall not invalidate any other provision of this chapter."

Section 275-1.8 is amended to change the "Class" of the Neighborhood Mixed-Use District in Table 1-A from "Commercial District" to "Residential District."

Section 275-2.1E is replaced with the following (to reflect the new numbering system in this chapter):

For the purposes of this chapter, the words "this chapter" refer to this entire Zoning Ordinance, Chapter 275 of the City of Rochester General Ordinances. The words "this article" refer to a specific portion of this chapter, as designated by an article number (such as "Article 1" or "Article 2"). The words "this section" refer to a specific portion of an article designated by a section number (such as "§ 275-1.1" or "§ 275-3.2"). The words "this subsection" refer to a specific portion of a section as designated by a letter or number [such as "A" or "(1)" or "(a)"].

In § 275-2.2, Definitions:

The definition of "apartments or apartment buildings" is amended as follows:

See "dwelling, apartment building," "dwelling, mixed-use," "dwelling, multifamily," and "security apartment."

The definition of "earth excavation" is amended to correct the reference to RSA 155 to RSA 155-E.

The definition of "lounge" under "eating and drinking establishments" is amended to delete "(or TAVERN)" after "LOUNGE."

The definition of "hazardous substance/waste" is amended to change "Division of Environmental Services" to "Department of Environmental Services."

In the definition of "junkyard" Subsection B is amended to correct the reference to RSA 236:12 to RSA 236:112.

Under "retail establishments" Subsection F, Retail services, is amended as follows:

"Retail services" does not include retail sales except for incidental items related to the service, as an accessory use, ~~not~~ or the leasing/rental of equipment or goods if stored on the premises.

Under "retail establishments" Subsection H, Service establishment, is amended to change "by Building, Zoning, and Licensing Services" to "by the Director of Building, Zoning, and Licensing Services."

A definition of "retail services" is added to read "See 'retail establishments.'"

A definition of "setback, special" is added to read as follows: "In addition to the setbacks listed in the Tables of Dimensional Standards there are several use-specific and situational-specific setbacks noted throughout this chapter. The more restrictive setback will apply."



The definition of "sight triangle" is amended to delete "(For additional information see Article 27.)"

The definition of "single-unit dwelling" is repealed.

In the definition of "solid waste facility" Subsections A and B are amended to update the reference to Chapters Env-Wm 100 to 1100 of the New Hampshire Administrative Rules to Chapters Env-Hw 100 to 1100.

The definition of "temporary wireless communication facility" is amended as follows:

TEMPORARY WIRELESS COMMUNICATIONS FACILITY – Any wireless communications facility designed for short-term use only for a special event or while a permanent wireless communications facility is under construction.

The definition of "townhouse" is repealed.

The definition of "wireless communications facility" is repealed.

The definition of "wireless communications systems (or WFC)" is amended to "wireless communications facilities (or WCF)" and to add the following sentence: "See 'alternate tower structure,' 'antenna' and 'tower.'"

Section 275-2.3 is amended to change "Division of Environmental Services" to "Department of Environmental Services."

Section 275-3.2 is amended to delete the following wording (covered by § 275-1.7):

It is emphasized that the requirements of this chapter constitute minimum requirements. Unless otherwise stated, clearly implied, or stipulated by other applicable law, compliance with all provisions of this chapter does not necessarily ensure approval of applications. In most cases, the applicant will need to comply with, or obtain approval under, other regulations, including Site Plan Regulations; Subdivision Regulations; the City of Rochester Building Code; State of New Hampshire statutes; other City of Rochester General Ordinances, codes, standards, and policies; and state and federal statutes and regulations.

Section 275-3.3A is amended to change "building or occupancy permit" to "building permit or certificate of occupancy."

Section 275-5.3A is amended to delete the following sentence: "All development in the Residential Districts should follow the principles of Traditional Neighborhood Development (see definition in Article 2)."

Section 275-5.4 is amended to change "town water or sewer services" to "City water or sewer services."

Section 275-6.3C(2)(b)[1] is amended to add the following sentence: "Also see special setbacks in Note 1 on Table 19-B."

Section 275-6.3C(4) is amended to change "Building Safety Department" to "Building, Zoning, and Licensing Services Department."

Section 275-6.5F is amended to delete the following sentence: "Refer to Appendix D annexed hereto and entitled 'GRD Service Road Cross-Section - Figure 1' for configuration details."

Section 275-8.6 is amended to delete the following sentence: " Refer to Appendix D annexed hereto and entitled 'GRD Service Road Cross-Section - Figure 1' for configuration details."

The definition of "regulated substance" in § 275-10.3 is amended to change "department-approved facilities" to "facilities approved by the Department of Environmental Services."

Section 275-10.9C(2) is amended as follows: "The Planning Board may, at its discretion, require a performance guarantee or bond in an amount and with conditions satisfactory to the Board, to be posted to ensure completion of construction of any facilities required for compliance with the performance standards."

Section 275-10.11A is amended to change "performance measures" to "performance standards."

Section 275-10.11H is amended to update the reference to the New Hampshire Administrative Rules from "Env-Wm" to "Env-Hw."

The definitions of "poorly drained soil" and "very poorly drained soil" in § 275-12.6 are amended to change "As defined High Intensity Soil Maps for New Hampshire Standards" to "As defined by high-intensity soil maps for New Hampshire."

The definition of "wetland" in § 275-12.6 is amended as follows: "those areas that are surface inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for a life in saturated soil conditions."

Section 275-12.8B(7) is amended as follows: "but not within 25 feet of the edge of ~~wet~~ of the adjacent wetland."

Section 275-13.4F is amended to delete the following wording: "If the structure has been floodproofed, the as-built elevation (in relation to mean sea level) to which the structure was floodproofed."

Section 275-14.5C(1) is amended to change "Building Department" to "Building, Zoning, and Licensing Services Department."

Section 275-19.2I is amended to delete the following: "The width of a lot bordering on and providing access to a Class I through Class V public street, but excluding limited access highways, as defined by RSA 230:44, such as the Spaulding Turnpike, Route 16 and associated access ways to the Milton Town Line."

Section 275-20.2M(2) is amended to change "Rural Residential zone" to "Agricultural District."

Section 275-20.2N(7)(a) is amended to change "certified mail" to "verified mail, as defined in RSA 451-C:1."

Section 275-20.2N(8)(h)[4] is amended as follows: "If lighting is required, the applicant shall provide a copy of the FAA regulations for determination to establish the required markings and/or lights for the small wind energy system."

Section 275-22.3N is amended to delete the following sentence: "In addition, all of the standards articulated in Article 20, Standards for Specific Permitted Uses, under Wireless Communications Facilities and Table 20-A, Commercial Wireless Facilities Standards, shall also apply to facilities allowed by special exception."

Section 275-23.2A(1)(e) is amended as follows: "It may be either part of the single-family dwelling or in a separate building, such as above a garage; if it is part of the single-family ~~house~~ dwelling, an interior door shall be provided between the principal dwelling unit and the accessory dwelling unit."

Section 275-23.2A(10)(g) is amended as follows: "Fences must conform to sight triangle requirements at corner lots (~~see Article 27, Miscellaneous Provisions~~)."

Section 275-27.3G(2) is amended as follows: "Prior to granting such a waiver, the Planning Board must find that the proposed construction is entitled to the ~~four-year~~ five-year exemption provided by RSA 674:39, pursuant to that statute."

Section 275-28.4I(2) is amended to update the reference to the New Hampshire State Radiological Control Agency to the New Hampshire Department of Health and Human Services.

Section 275-28.4K(3) is amended to update the reference to the Division of Water Supply and Pollution Control to the Division of Water and to update the reference to the Department of Public Health to the Department of Health and Human Services.

Section 275-28.4L is amended to update the reference to the New Hampshire Water Supply and Pollution Control Commission to the New Hampshire Department of Environmental Services.

Section 275-29.3 is amended as follows: "A sign which was lawfully established prior to the adoption or amendment of this article but which does not meet the requirements of this article is considered a nonconforming sign."

Section 275-29.4 is amended to change "zoning permit" to "sign permit."

Section 275-29.6 is amended as follows: "Before any permit is granted for the erection of a sign or sign structure requiring such permit, construction documents shall be filed with the Building, Zoning, and Licensing Services Department ~~official~~ showing the dimensions, materials and required details of construction, including loads, stresses, anchorage and any other pertinent data."

Section 275-29.9E is amended as follows: "Vehicles and trailers used primarily as static displays, advertising a product or service, ~~not~~ or utilized as storage, shelter or distribution points for commercial products or services for the general public."

In § 275-29.11, Definitions:

The definition of "canopy" is amended to "canopy (attached)."

The definition of "development of complex sign" is amended to "development complex sign."

The definition of "marquee sign" is amended to "marquee."

The definition of "nonconforming sign" is amended as follows: "Any sign that existed lawfully prior to the adoption or amendment of this article which now does not conform to the provisions of this article."

The definition of "premises sign" is repealed.

The definition of "projecting sign" is amended to delete the following sentence: "For visual reference, see Section 1003."

The definition of "wall sign" is amended to "wall or fascia sign."

The definition of "window sign" is amended as follows: "A sign within one foot of a window ~~message~~ intended to be visible to and readable from the public way or from adjacent property."

Section 275-29.12F is amended to change "code official" and "Building, Zoning, Licensing, Services official" to "Director of Building, Zoning, and Licensing Services."

Section 275-29.12G is amended as follows: "All landlord or single-owner controlled multiple-occupancy development complexes, such as shopping centers or planned industrial parks, shall

submit to the Building, Zoning, and Licensing Services Department a master sign plan prior to issuance of new sign permits."

Section 275-29.13D is amended to delete the following: "Not more than 25% of the area of any directional sign shall be permitted to be devoted to business identification or logo, which area shall not be assessed as identification sign area."

Section 275-29.13F(1)(c) is amended as follows: "Development and construction signs may not be displayed until after the issuance of ~~construction~~ building permits by the ~~Building Official~~ Building, Zoning, and Licensing Services Department and must be removed not later than 24 hours following issuance of ~~an occupancy permit~~ a certificate of occupancy for any or all portions of the project."

Section 275-29.13I is replaced with the following: "Home occupation signs. See Article 24, Home Occupations."

Section 275-29.13L(6) is replaced with the following: "Political signs shall not require a sign permit."

Section 275-29.14B(3) is amended as follows: "No wall sign shall exceed 10% of the area of the building frontage as measured by the width of the wall containing the main public entrance by the height (measured from the floor level to the top of the first floor cornice area, or to one foot below secondary story window) of the building to which it is attached."

Section 275-29.14B(4) is amended as follows: "Permits are required for these signs with a fee ~~of \$10~~ set by the City Council."

Section 275-33.1A is amended to change "Land Use Plan" to "Master Plan."

Section 275-33.2A is amended to change "Land Use Master Plan" to "Master Plan."

Section 275-33.7 is amended as follows: "Two-family, three-family, and four-family dwellings ~~and townhouses~~ are permitted in conservation subdivisions provided:"

Table 18-A, Residential Uses, is amended to delete the row beginning "Dwelling, three and four family" and to change "outdoor wood-fired hydronic boiler" to "outdoor wood-fired hydronic heater."

Table 19-A, Dimensional Standards – Residential Districts, is amended to change "Multifamily" under Residential-2 (R2) to "Five- or more family."

Table 19-B, Dimensional Standards – Commercial Districts, is amended to add the following to Note 2: "For multifamily dwellings/developments within the DC Zone, the minimum lot area per dwelling unit shall be 500 square feet."

**Sections added to Chapter 200, Sewers:**

**§ 200-8. Sewer only meters.**

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

**§ 200-9. Sewer deduct meter.**

Upon application and approval by the Department of Public Works, a customer may install a meter to measure water that will not be disposed of in the City's sewer system. The purpose of the meter would be to meter uses including, but not limited to, in-ground sprinkler systems, outside spigots, and commercial air-conditioning systems. The cost of the meter, inspection, and installation by the City is entirely the responsibility of the customer. The meter will fully meet the requirements of § 200-8 of this article.

**§ 200-10. Meter repairs.**

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

**§ 200-11. Meter testing.**

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

**§ 200-12. Sealing of meter.**

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

**§ 200-13. Tampering with meter.**

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

written consent and authorization of the Commissioner of Public Works or his/her designee, such customer may, upon appeal to the Utility Advisory Board in accordance with the provisions of § 200-30 and within its discretion, be relieved of any and all of the charges listed in Subsection A(1) through (4) above, provided that such customer shall have notified the Department of Public Works, in writing, of the tampering event in question within three business days of the occurrence of such event.

**§ 200-14. Outside reader.**

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

**§ 200-15. Inspections.**

The Department of Public Works employees or its agents shall be allowed access to the customer's premises between the hours of 8:00 a.m. and 6:00 p.m. for examination of pipes, fixtures, connections, the quality of water used, and manner of use.



Codes and Ordinances Committee

Councilor Peter Lachapelle, Chair  
Councilor Elaine Lauterborn, Vice Chair  
Councilor Tom Abbott  
Councilor Donna Bogan  
Councilor Robert Gates



**CODES AND ORDINANCES COMMITTEE**  
Of the Rochester City Council  
**Thursday, February 7, 2019**  
**31 Wakefield Street, Rochester, NH**  
City Council Chambers  
**6:00 PM**

**Minutes**

**Members Present:**

Councilor Peter Lachapelle, Chair  
Councilor Elaine Lauterborn, Vice Chair  
Councilor Tom Abbott  
Councilor Donna Bogan  
Councilor Robert Gates

**Others Present:**

City Manager Cox  
City Attorney Terence O'Rourke  
Fire Chief Mark Klose  
Assistant Fire Chief Tim Wilder  
Peter Nourse, Director of City Services  
Michele Grant, Clerk Clerk's office  
Owen Friend-Gray, P.E., Department of Public Works  
Seth Creighton, AICP, Chief Planner

**MINUTES**

**1. Call to Order**

Councilor Lachapelle called the meeting to order at 6:00 PM. Kelly Walters, City Clerk, took a silent roll call. All committee members were present.

**2. Public Input**

Councilor Lachapelle opened public input at 6:01 PM. No member of the public came forward. Councilor Lachapelle closed public input at 6:02 PM.

**3. Acceptance of the Minutes: November 1, 2018**

Councilor Lauterborn **MOVED** to accept the November 1, 2018 minutes as written. Councilor Gates seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

**4. Discussion: Codification Project**

Councilor Lachapelle said the Committee will review and make a recommendation for each section of Schedule A.

Councilor Lachapelle reviewed the following sections with the Committee and requested a motion to recommend or deny to the full City Council:

The following changes are made throughout the Code:

- "Director of Public Works" is amended to "Commissioner of Public Works."
- "Planning Director" is amended to "Planning and Development Director."
- "Planning Department" is amended to "Planning and Development Department."
- "Arena Department" and "Recreation, Parks and Youth Services Department" are amended to "Recreation and Arena Department."
- "Chairman" is amended to "Chairperson."
- **Additional recommendation made by the Codes and Ordinances Committee:**  
"Finance Administrator" and "Business Administrator" to **"Finance Director"**

Councilor Lauterborn **MOVED** to recommend the above change(s) as **AMENDED** to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Chapter 1, General Provisions.

Section 1-2 is added to read as follows:

**§ 1-2. Definitions and word usage.** Proposed by General Code due to lack of necessary definitions.

A. Definitions. Unless the context requires other interpretations or otherwise noted, the following terms are defined:

CITY — The City of Rochester, New Hampshire.

CITY COUNCIL — The City Council of Rochester, New Hampshire.

CODE – The Code of **General Ordinances** of the City of Rochester, New Hampshire

COUNTY — Strafford County.

PERSON — Any natural individual, firm, trust, partnership, association or corporation in his/her or its own capacity as administrator, conservator, executor, trustee, receiver or other representative appointed by a court.

PUBLIC WAY — Any sidewalk, street, alley, highway or other public thoroughfare.

STATE — The State of New Hampshire.

Councilor Lauterborn **MOVED** to recommend the above change(s) as **AMENDED** to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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B. Word usage.

- (1) Whenever any words in this Code denote the plural, the singular shall be deemed included, and whenever the singular number shall be used, it shall be deemed to include the plural.
- (2) ~~Wherever the masculine gender is used in this Code, females as well as males shall be deemed to be included.~~
- (2) Remove all gender reference and use gender-neutral reference throughout the Code.**
- (3) Words in the present tense shall be deemed to include the future.
- (4) The word "shall" as used in this Code is mandatory.

Councilor Bogan **MOVED** to recommend the above change(s) as **AMENDED** to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Chapter 7, Administrative Code.

Section 7-2 is amended to delete "Administration – City Manager"; to delete the Arena Department and Arena Director; to add the Information Technology Department and Chief Information Officer; to change "Planning" to "Planning and Development"; and to change the Recreation, Parks and Youth Services Department and Director of Recreation, Parks and Youth Services to the Recreation and Arena Department and the Director of Recreation and Arena, respectively.

Original § ~~7-2.18~~, Arena Department, is repealed.

**Justification:** *An Amendment to the Ordinances occurred on 11/4/2015 to combine the Recreation and Arena Department; however, some Chapters of the ordinances were not updated to reflect this change (existing Chapter 2.18).*

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 7-8A is amended to change "two Deputy Assessors" to "**three** Deputy Assessors."

**Justification:** *The City Charter was Amended at the November 6, 2013 Municipal Election to include this change; however, the City Ordinances were not amended to show this change at that time. See proposed change(s) as shown in existing Chapter 2.18 follows:*

**2-18 2-8 Assessing Department.**

**A.** The Assessing Department shall consist of one (1) Assessor, to be known as the City Assessor, and ~~two (2)~~ **three (3)** Deputy Assessors, who altogether shall be known as the Board of Assessors, and such personnel as may be provided for in the annual departmental budget appropriation. The City Assessor shall be appointed in the manner and for such term provided in Sections 15 and 18 of the Rochester City Charter. The Deputy Assessors to be appointed in accordance with provisions of Section 20 of the Rochester City Charter. The Assessing Department shall be under the immediate supervision of the City Assessor.

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 7-18D(4) is amended as follows: "Care for and maintain all property assigned to the Sewage and Waste Treatment ~~System~~ **Works**."

**Justification:** *Correction to title. See proposed change(s) as shown in existing Chapter 2.11(d)(4) as follows:*

**(4)** The Care ~~for and maintain~~ **maintenance** of all property assigned to the Sewage and Waste Treatment ~~System~~ **Works**.

Councilor Bogan **MOVED** to recommend the above change(s) as **AMENDED** to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 7-21 is amended to read as follows:

**Justification:** *The proposed changes to Chapter 7-21 (C) is language taken from existing Chapter 2.18 (c). Please find the entire proposed Chapter 7-21 below, which indicates the details of where the exact language was taken from within the existing ordinances, in order to combine the Recreation and Arena Departments as previously approved by the City Council.*

**§ 7-21. Recreation and Arena Department.**

**A.** The **Recreation and** Arena Department shall be under the ~~immediate~~ supervision of the ~~Arena~~ Director of **Recreation and Arena** and shall consist of such **other** personnel as may be provided for in the annual departmental budget appropriation. The ~~Arena~~ Director of **Recreation and Arena** shall be appointed in ~~such~~ the manner and for such term provided in Sections 15 and 18 of the Rochester City Charter. *Existing Chapter 2.18 a*

**B. The Recreation and Arena Department shall perform the following functions:**

**(1)** Develop a general recreation program for the City. *Existing Chapter 2.14 b (1)*

- (2) Operate the recreational activities on all City parks, playground, swimming pools, tennis courts, and all other recreational facilities. *Existing Chapter 2.14 b (2)*
- (3) Maintain, ~~and~~ care for and operate all property ~~within said facility or which is assigned~~ to the Recreation and Arena Department, including the Rochester Ice Arena. *Existing Chapter 2.18 b (2)*
- (4) Prepare and maintain all ~~books~~ **records** and ~~records~~ **books** pertaining to the **Rochester Arena Recreation and Arena** Department. *Existing Chapter 2.18 b (3)*
- (5) Cooperate with private groups as well as with public officials in the development, promotional and recreational activities within the City. ~~involving the Arena Facility.~~ *Existing Chapter 2.18 b (4)*
- (6) Perform all other related functions as required. *Existing 2.18 b (6)*
- (7) Annually establish a fee schedule for the services provided by the **Recreation and Arena** Department, said fee schedule to be subject to approval by the City Council. *Existing Chapter 2.18 b (5)*

C. All ~~monies moneys~~ **revenue** received by the **Recreation and Arena** Department shall be held by the City of Rochester in a fund specifically established for the **Rochester Recreation and Arena** Department, and if at the end of any fiscal year, the ~~monies moneys~~ **revenue** received by the **Rochester Recreation and Arena** Department shall exceed the ~~moneys~~ **revenue** expended for the benefit, maintenance and operation of the **Rochester Recreation and Arena** Department, then said ~~monies moneys~~ **revenue** shall not revert to the general fund for the City of Rochester but shall be held in a separate fund exclusively for the future use and benefit of the **Rochester Recreation and Arena** Department. *Existing Chapter 2.18 C*

Councilor Lachapelle **MOVED** to recommend the above change(s) as **AMENDED** to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 7-24A is amended to change "~~Recreation and Park Commission~~" to "**Recreation and Arena Commission**"; to delete "~~Arena Advisory Commission~~"; and to add "**Arts and Culture Commission**."

**Justification:**

1. Correction to the title of the Recreation and Arena Commission.
2. To insert the missing "Arts and Culture Commission" to full list of the City's Boards and Commissions. *Existing Chapter 3.15*

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Abbott seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 7-26C(2) is amended as follows: "Advise the Health Officer on all public health matters."

**Justification:** Added "matters" to complete the sentence. See proposed change(s) as shown in existing Chapter 3.3 (c)(2) as follows:

- (2) Advise the Health Officer on all public health **matters**.

Councilor Lachapelle **MOVED** to recommend the above change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 7-27 is amended to read as follows: "**The composition, functions, powers and duties of the Board of Trustees of the Public Library shall be as provided in Section 22 of the Rochester City Charter, state statutes, and/or ordinance. Vacancies occurring in said Board shall be filled by the City Council for the unexpired term.**"

***Justification:** Section 7-27 "Board of Trustees of the Public Library", currently repeats the wording of Section 22 of the City Charter. Is the duplication necessary? The proposed change is to revise Section 7-27 to reference the Charter, which is exactly how the existing ordinances reads for a similar board: "Board of Assessors" in existing Chapter 3.4. See proposed change(s) as shown in existing Chapter 3.4 (a) as follows:*

(a) ~~In accordance with the provisions of Section 22 of the Rochester City Charter, the Board of Trustees of the Public Library shall consist of the City Manager, or his designee, and six members to be elected by the City Council, one member to be elected from each ward for a term of three years, and their election so arranged that one third of the members of the Board shall be elected each year. Vacancies occurring in said Board shall be filled by the City Council for the unexpired term. Elections to the Board shall be conducted pursuant to Section 68 of the Rochester City Charter.~~

**7-27 The composition, functions, powers and duties of the Board of Trustees of the Public Library shall be as provided in Section 22 of the Rochester City Charter, state statutes, and/or ordinance. Vacancies occurring in said Board shall be filled by the City Council for the unexpired term**

Councilor Gates **MOVED** to recommend the above change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 7-29 is amended to delete the following wording (duplicates § 49-2):

~~The Old Cemetery by Willow Brook, the Old Town Farm Cemetery and the Cemetery on Haven's Hill shall be under the control of the of the City Manager acting pursuant to authority conferred upon such City Manager by the provisions of Section 36.1 of the General Ordinances of the City of Rochester, who shall have authority to dispose of vacant lots within said cemeteries, and the money received from any sales shall be of said lots shall be kept by the Board of Trustees of Trust Funds and shall be used for the improvement of said cemeteries by the City Manager acting pursuant to authority conferred upon such City Manager by the provisions of Section 36.1 of the General Ordinances of the City of Rochester.~~

***Justification:** This is a duplicated paragraph. First, it is recommended that the City keep this paragraph in one place, which would be under existing Chapter 36.2 (New Code 49-2) and secondly, to delete this same paragraph from existing Chapter 3.6 (d).*

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Draft

Sections 7-40C and 7-52B are amended to change "Finance Director" to "Business Administrator."

**Justification:** *Correction to title of the Business Administrator. See proposed change(s) as shown in existing Chapter 4.3 (c) and Chapter 11.6 as follows:*

**4.3 (c) 7-40 C.** All individual item purchases or contracts over Ten Thousand Dollars (\$10,000) shall require a competitive sealed bid process, ~~and approval of the department head, Finance Director~~ **Business Administrator** and the City Manager. Exceptions for purchases over Ten Thousand (\$10,000) may be allowed at the discretion of the City Manager for professional service contracts, computer software/hardware, passenger vehicles/one-ton vehicles or smaller, or other items where comparative pricing instead of a sealed bid process may be in the best overall interest of the City. The City Council shall be formally notified whenever an exception to the sealed bid process occurs.

**11.6 7-52** City funds:

**B.** When and ~~where~~ deposited. The City Treasurer and City Tax Collector shall deposit to the credit of the City all money which they may receive for or in behalf of the City, in such bank or banks as the Treasurer may direct. Their financial records and lists shall be submitted to the City ~~Finance Director~~ **Business Administrator** for his/her inspection and computation. All other persons who shall at any time have money in their hands belonging to the City, unless otherwise provided, shall forthwith pay the same to the City Treasurer, taking his/her receipt for the same.

Councilor Lauterborn **MOVED** to **DENY** the recommended change to the Finance Director's title. The Finance Director's title shall remain as such throughout the City Code. Councilor Bogan seconded the motion. The **MOTION CARRIED** to **DENY** by a unanimous voice vote.

Section 7-44 is amended to read as follows: "Salaries of City officials shall be set by ordinance as provided in Section 69 of the City Charter. Salary ordinances are on file at the office of the City Clerk."

**City Council inquiry – Varney [2]:** *The existing ordinance under Section 5 Salaries lists the salaries of elected officials as required by the Charter Section 69. The revised (Code) changes the ordinance by removing all of the actual amounts and refers only to Charter Section 69. Charter Section 69 requires the salaries to be set by ordinance. The ordinance must contain the actual salaries.*

7-44 **Salaries of** Elected Officials

**Salaries of City officials shall be set by ordinance as provided in Section 69 of the City Charter. Salary ordinances are on file at the office of the City Clerk.**

**City Clerk's recommendation:** Deny proposed change. Include all Elected Officials Salaries in Code 7-44.

7-44 **Salaries of** Elected Officials

**Salaries of City officials shall be set by ordinance as provided in Section 69 of the City Charter. ~~Salary ordinances are on file at the office of the City Clerk.~~**

Councilor Bogan **MOVED** to **DENY** the recommended change, which was to keep the Salaries of the Elected Official as a separate document within the City Clerk's office. She recommended to the full City Council that the Salaries of Elected Officials should remain in Chapter 7-44 of the Code as stated in the City Clerk's recommendation. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** to **DENY** by a unanimous voice vote.



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Section 7-46A is amended as follows: "All citations of this ~~ordinance~~ **Code** may be designated ~~General Ordinances~~ **the Code** of the City of Rochester, adding to the citation when necessary the number of the chapter and section."

***Justification:** Update the term of "ordinances" to "code". See proposed change(s) as shown in existing Chapter 10.1 as follows:*

**~~10.1~~ 7-46 Ordinance. Citation.**

**A. Citation.** All citations of this ~~ordinance~~ **Code** may be designated ~~General Ordinances~~ **the Code** of the City of Rochester, adding to the citation when necessary, the number of ~~the~~ chapter and section.

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 7-54 is amended to change "Business Director" to "Business Administrator."

***Justification:** To correct the title of the Business Administrator. See proposed change(s) as shown in existing Chapter 11.10 as follows:*

**~~11.10~~ 7-54 Negotiation of loans to City.**

~~The City Treasurer, with the assistance and subject to the approval of the City Manager, shall negotiate all loans to the City which shall be authorized by the City Council and shall report the amount to the City Business Director~~ **Administrator.**

A motion was previously made to recommend to the full City Council that all references to the "Finance Administrator" and Business Administrator" be changed to Finance Director.

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Section 7-66E and I are amended to update "Department of Revenue" to "Department of Revenue Administration."

***Justification:** To correct the title of the DRA. See proposed change(s) as shown in existing Chapter 11.23 e & I as follows:*

**~~11.23 (e)~~ E.** The provisions of Section 43-a of the Rochester City Charter which provide "such override expires following adoption of the annual budget"; and "subsequent budgets or supplemental appropriations require additional two-thirds (2/3) override votes, or the limitations expressed in this section will apply"; shall mean that once a budget is adopted, and throughout the fiscal year for which it is adopted, any subsequent supplemental appropriation to the general fund budget for which the amount that needs to be raised by taxes exceeds the limitation of Section 43-a of the Rochester City Charter shall require a new two-thirds (2/3) override vote. The "limitation on budget increase"; as provided for in Section 43-a of the Rochester City Charter, for a subsequent fiscal year budget shall be calculated using the official Department of Revenue **Administration** tax setting documents for the immediately preceding year. The "amount to be raised by taxes", as set forth on such document, shall be adjusted as provided for in Section 43-a of the Rochester City Charter.

**~~11.23 (i)~~ I.** The phrase "budget limitations with annual changes in assessments"; as contained in



subsection D of Section 43-a of the Rochester City Charter, shall refer to the annual updates and phased physical property examination that are part of the requirements to keep the city within the parameters recommended by the New Hampshire Department of Revenue **Administration** (DRA). It does not require that all properties be changed, but that some are reviewed and/or changed as part of a planned process to keep assessed values within DRA guidelines.

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Abbott seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Original § 13.3, Election of Chairman of Board of Supervisors of the Checklist, is repealed.

***Justification:** On 6/5/2010 the City Council Amended the Ordinances to de-fund the position of Chairman of Board of Supervisor of the Checklist (to eliminate the salary only, not the position). General Code's recommendation has been included in Schedule A as shown above. Please see the editor's note, which will remain in the new Code as a reference to a Supervisor of the Checklist – chairman. See proposed change(s) as shown in existing Chapter 13.3 as follows:*

**~~13.3 7-75 Election of Chairman of Board of Supervisors of the Checklist. Reserved.~~**

~~The City Council shall, during January following each regular municipal election, by ballot and majority vote, elect one Supervisor of the Checklists, who shall act as Chairman of the Board of Supervisors of the Checklist.~~

**5. Editor's Note: Original § 13.3 Election of Chairman of Board of Supervisors of the Checklist was repealed at time of adoption of Code (See Chapter 1 General Provisions, Art.II) See Sec. 53 of the City Charter.**

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Chapter 11, Adult-Oriented Establishments.

The definition of "~~adult entertainer~~" in § 11-2 is amended to "**adult entertainment.**"

***Justification:** This paragraph is the definition of "Adult Entertainment" and not of an "Adult Entertainer". See proposed change(s) as shown in existing Chapter 25.8 (g) as follows:*

**~~25.8 (g) 11-2 Adult entertainer~~ Adult entertainment means** any exhibition of any adult-oriented motion pictures, live performance, display or dance or any type performance which has as a significant or substantial portion of such performance any actual or simulated performance of "specified sexual activities" or exhibition and viewing of "specified anatomical areas," removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal services offered customers.

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Chapter 16, Alarm Systems. Existing Chapter 33.8C

Section 16-8C is amended as follows: "If the false alarm is due to an alarm system malfunction that is

in the process of being repaired or where immediate steps are taken to identify or correct the problem and notification has been made to the dispatch center as applicable, **the Chief of the Police Department or Fire Department** may waive the civil assessment." Refusal to pay the civil assessment within thirty (30) days of the assessment shall be punishable as a violation and may be cause for revocation of the alarm user's permit.

***Justification:** Existing Chapter 33.8C does not indicate "who" may waive the fee. See proposed change(s) as shown in existing Chapter 33.8 (c) as follows:*

(e) **C.** If the false alarm is due to an alarm system malfunction that is in the process of being repaired or where immediate steps are taken to identify or correct the problem and notification has been made to the dispatch center as applicable, **the Chief of the Police Department or Fire Department** may waive the civil assessment." Refusal to pay the civil assessment within thirty (30) days of the assessment shall be punishable as a violation and may be cause for revocation of the alarm user's permit.

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Bogan **MOVED** to recommend that General Code be consistent with writing out numbers and including the numerical symbol in parenthesis: **thirty (30)**. Councilor Abbott seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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#### Chapter 22, Amusements and Entertainment.

Section 22-2 is amended to update "New Hampshire State Athletic Commission" to **"New Hampshire Boxing and Wrestling Commission."**

***Justification:** Correction to title of commission. See proposed change(s) as shown in existing Chapter 26.5 as follows:*

### **Article II Boxing and Wrestling Exhibitions**

#### **~~26.5 22-2~~ Boxing and Wrestling Exhibitions authorized.**

The holding of boxing and/or wrestling exhibitions or bouts within the City of Rochester, under license issued by the New Hampshire ~~State Athletic Commission~~ **Boxing and Wrestling Commission** and permit issued by the Licensing Board of the City of Rochester, is hereby permitted and authorized, subject to the provisions of the statutes of the State of New Hampshire relating to athletic exhibitions. No permit for the holding of boxing and/or wrestling exhibitions or bouts within the City of Rochester shall be issued by the Licensing Board unless the place for holding such exhibition or bout shall have been approved by majority vote of the City Council. After issuance by the Licensing Board, the City Council may revoke or suspend said permit after hearing for any cause which the Council may deem sufficient. The fee for such permit shall be \$25.**00** per day.

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Abbott **MOVED** to recommend that General Code be consistent with writing the dollar amounts to include the zeros. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 22-3 is amended to change "~~permit~~" to "**license**" in the last sentence.

***Justification:** The word "permit" was corrected to "license". See proposed change(s) as shown in existing Chapter 26.6 as follows:*

**ARTICLE III**  
**Public Dances, Circuses and Parades**

**26.6 Public Dances, Circuses, Parades, etc.**

**22-3 License Required.**

Unless a license therefore shall first have been obtained from the Licensing Board, no person shall conduct a public dance, circus or carnival, theatrical or dramatic representation, parade or procession upon any public street or way, and no open air public meeting upon any ground abutting a public street or way or any party or gathering on private property which party or gathering is open to the general public. The fee for such ~~permit~~ **license** shall be \$2.00.

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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The definition of "mechanical device" in § 22-5 is amended to "mechanical amusement device."

Sections 22-7, 22-13, 22-15 and 22-17 are amended to change "mechanical device" to "mechanical amusement device."

***Justification:** Existing Chapters 27.6 & 27.10 both referenced a "mechanical amusement device." The recommendation is to update the references and the definition of "mechanical device" to "mechanical amusement device". See proposed change(s) as shown in existing Chapter 27 as follows:*

**ARTICLE V**  
**~~REGULATION OF PINBALL AND VIDEO GAMES AND MACHINES~~**

~~27.4~~ **22-5. Definitions.**

**As used in this article, the following terms shall have the meanings indicated:**

~~(a) Mechanical Device.~~

MECHANICAL **AMUSEMENT** DEVICE - ~~The term "mechanical device" shall mean~~ Any machine which, upon insertion of a coin, slug, token, plate or disc, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score, but shall not include jukeboxes. It shall include, but not be limited to, such devices as marble machines, pinball machines, video games, skill ball, mechanical grab machines, and all games, operations, and transactions similar thereto under whatever name they may be indicated.

~~(b) Person, Firm, Corporation, Association. The terms "Person," "Firm," "Corporation," or "Association" as used herein shall~~

PERSON, FIRM, CORPORATION, **or** ASSOCIATION – **Includes** the following: Any person, firm, corporation, or association in whose place of business any such machine is placed for use by the public, and the person, firm, corporation, or association having control over such machine.

**~~27.3~~ 22-7.** Licenses ~~r~~ required.

Any person, firm, corporation, or association displaying for public patronage any mechanical **amusement** device shall obtain a license for each such mechanical device from the Licensing Board of the City of Rochester. Application for such license shall be made upon a form to be supplied by the Licensing Board for that purpose. No license shall be issued to any applicant unless he/she shall be 18 years of age and a citizen of the United States and of good moral character. No license shall be issued to any applicant until after the Chief of Police has approved the application.

**~~27.9~~ 22-13. Prohibitions and Restrictions. Hours of Operation by Minors.**

No person, firm, corporation, or association holding a license under this ordinance shall permit any person under eighteen (18) years of age, and over five (5) years of age to play or operate any mechanical device as defined in **Section 27.1 22-5** of this **Chapter Article** during normal school hours on any day in which the Rochester Public Schools are in session, or permit any minor under the age of sixteen (16) years to play or operate any such mechanical **amusement** device after 9:00 p.m. unless accompanied by a parent, guardian or other suitable person.

**~~27.11~~ 22-15.** Revocation of License.

Every license issued hereunder may be revoked in the event the licensee, directly or indirectly, permits the operation of any mechanical **amusement** device contrary to the provisions of this **ordinance Article** or other ordinances of the City of Rochester or the laws of the State of New Hampshire. The license may be revoked by the Licensing Board by a written notice to the licensee, which notice shall specify the ordinances or law violations with which the licensee is charged.

**~~27.13~~ 22-17.** Seizure and Destruction of Machine. If the Chief of Police shall have reason to believe any mechanical **amusement** device is used as a gambling device, such machine may be seized by the Police and impounded and if, upon trial of the exhibitor for allowing it to be used as a gambling device, said exhibitor is found guilty, such machine shall be destroyed by the Police.

Councilor Lachapelle **MOVED** to recommend the above change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Chapter 28, Animals.

Section 28-4C is amended to change "dog" to "animal" and to change "such penalties as are provided for in the General Ordinances of the City of Rochester" to "such penalties as are provided for in this chapter."

**Justification:** *To update the language from any "dog" to any "animal", which is required by RSA 47:17. The City must regulate conduct of "all animals". See proposed change(s) as shown in existing Chapter 29.4 as follows:*

**C.** A person who is the owner, keeper, or person in control, of a **dog animal** found to be a nuisance by reason of conduct contrary to the provisions of **Subparagraph (b)(1) B** above, and who fails to comply with an order to abate the nuisance caused by such **dog animal**, shall be guilty of a violation of this section and, after conviction, such person shall be subject to such penalties as are provided for in **the this Chapter. General Ordinances of the City of Rochester.**

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Section 28-5 is amended to change "guard dog" to "guide dog."

**Justification:** *Correction to type of dog. See proposed change(s) as shown in existing Chapter 28.3 as follows:*

**28.3 28-5 Removal of Dog Excrement.**

It shall be unlawful for the owner or person in control of any dog to allow that dog to appear in any public place or upon the property of any other person unless said owner or person in control has in his or her possession a mechanical or other device for the removal of excrement; nor shall said owner or person in control fail to expeditiously remove any such excrement deposited by said dog in any such place. This ordinance shall not apply to a blind person while walking his or her ~~guard~~ **guide** dog.

Councilor Abbott **MOVED** to recommend the above change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 28-6 is added to read as follows: "Unless otherwise provided, any person who violates any provision of this chapter shall be punished by a fine of not more than \$50."

**City Council Inquiry/Varney [8] - Provide more information for 28-6 Violations and Penalties (Animals).**

**Justification:** *No specific penalties are prescribed for violations of 28-3 Dogs running at large or 28-4 Dogs a nuisance. RSA 466:39 The local governing body may make such additional bylaws and regulations concerning the licensing and restraining of dogs as it deems reasonable, and may affix penalties not exceeding \$50 for a breach thereof.*

*Section 28-6 is added to read as follows:*

**28-6 Unless otherwise provided, any person who violates any provision of this chapter shall be punished by a fine of not more than \$50.**

Councilor Lauterborn **MOVED** to recommend the above change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Chapter 40, Building Construction and Property Maintenance.

Section 40-8 is amended to change "Water or Sewer Department" to "Division of Water Supply Works or Division of Sewage and Waste Treatment Works."

**Justification:** *Correction to titles of the water and sewer divisions. See proposed change(s) as shown in existing Chapter 40.8 as follows:*

**40.8 Plumbing Code.**

The duties defined in and the enforcement of the ~~2006~~ International Plumbing Code (2006 Edition), or any applicable successor code, shall be assumed by the Director of Building, Zoning, and Licensing Services, or his authorized representative, except as otherwise provided in ~~Chapter 16 § 200, Sewers~~ of the ~~Ordinances Code~~ of the City of Rochester where the same are defined as the duties of the Commissioner of Public Works, with inspections to be done by the Director of Building, Zoning, & Licensing Services or an authorized member of the ~~Water or Sewer Department~~ **Division of Water Supply Works or Division of Sewage and Water Treatment Works.**

Councilor Lauterborn **MOVED** to recommend the above change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 40-12A is amended to change "anything in violation of this code" to "anything in violation of any code adopted herein."

***Justification:** Added verbiage to include any future amendments. See proposed change(s) as shown in existing Chapter 40.12 (a) as follows:*

#### **40.12 Penalties.**

~~(a)~~ **A.** Any person who shall violate any provisions of any code adopted herein, or fails to comply therewith or with any requirements thereof, or who shall erect, construct, alter, or repair or has erected, constructed, altered, or repaired a building or structure or portion thereof in violation of a detailed statement or plan submitted and approved thereunder, or of a permit or certificate issued thereunder, shall be punishable by a civil penalty of \$275 for the first offense, and \$550 for subsequent offences, **for** each day that such violation is found by a court to continue after the conviction date or after the date on which the violator receives written notice from the City that he/she is in violation thereof, whichever date is earlier. Each day that a violation continues shall be a separate offence. The owner of a building or structure or portion thereof or of the premises where anything in violation of ~~this any~~ Code **adopted herein** shall be placed or shall exist, and an architect, building contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of such violation shall be guilty of a separate offense and upon conviction thereof shall be punishable by a civil penalty of \$275 for the first offense, and \$550 for subsequent offences, for each day that such violation is found by a court to continue after the conviction date or after the date on which the violator receives written notice from the City that he/she is in violation thereof, whichever date is earlier. Each day that a violation continues shall be a separate offence.

Councilor Lauterborn **MOVED** to recommend the above change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 40-13 is amended to change "those areas classified as Business 1 zones, Business 2 zones, and 1-3 zones" to "those areas classified as Downtown Commercial, Office Commercial and Highway Commercial Districts."

***Justification:** These are the new classifications of zones adopted with the Comprehensive Rezoning in 2014. See proposed change(s) as shown in existing Chapter 40.13 (a) as follows:*

#### **40.13 40-13** Fire Limits Established.

The fire limits for the City of Rochester are hereby established as those areas classified as ~~Business 1 zones, Business 2 zones, and 1-3 zones~~ **Downtown Commercial, Office Commercial and Highway Commercial Districts** and adjacent to North and South Main Streets in Rochester proper and Main Streets in Gonic and East Rochester, so called, as shown on the Zoning Maps, as an overlay, adopted as part of the Zoning Ordinance, adopted on March 4, 1986, which are incorporated herein by specific reference thereto.

Councilor Lauterborn **MOVED** to recommend the above change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 40-15B(1) and (4) are amended to change "this code" to "this chapter."



**Justification:** Clarification about the specific chapter's being referenced. See proposed change(s) as shown in existing Chapter 40.16 as follows:

~~40-16~~ **40-15**

**B.** The estimated cost of construction for purposes of ~~subparagraph (a)~~ **Subsection A** of this section ~~40.16~~ shall be calculated on the following basis:

(1) For contract work, new buildings and newly constructed additions, the building permit fee shall be based on the greater of: all contract/construction costs associated with the total construction project, or the cost of construction as determined using the latest "Building Valuation Data" as published periodically by the International Code Council. When construction costs are determined using the "Building Valuation Data" as published by the International Code Council, such costs shall be multiplied by a modification factor of 0.60. Construction costs shall include, but not be limited to, pile driving, foundations, structural and nonstructural framing, interior finish (as regulated by this **Code Chapter**), fire protection systems and any other work which would render the building complete and ready for occupancy.

(4) In the case of a revocation of a permit or abandonment or discontinuance of a building project, the portion of the work actually completed shall be computed and any excess fee for the uncompleted work shall be returned to the permit holder upon written request. All plan examination and permit processing fees and all penalties that have been imposed on the permit holder under the requirements of this **Code Chapter** shall first be collected. The permit processing fee shall be ten percent (10%) of the building permit application fee with a minimum fee of ten dollars (\$10).

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Abbott seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Chapter 75, Fires and Fire Safety.

Section 75-1 is amended as follows: "The Fire Chief shall manage [,] the Fire Department and consult with and advise the City Manager on all matters pertaining to the equipment and control of the Fire Department."

**Justification:** Added language for clarification purposes. See proposed change(s) as shown in existing Chapter 22.1 as follows:

~~22.1~~ **75-1 Appointment and requirements of Fire Chief.**

Upon appointment, the Fire Chief shall within six ~~(6)~~ months establish residence within the City's boundaries. The Fire Chief shall work under the direct supervision of the City Manager in accordance with the provisions of Section 18 of the Rochester City Charter. The Fire Chief shall manage, **the Fire Department and** consult with and advise the City Manager on all matters pertaining to the equipment and control of the Fire Department. Subject to the approval of the City Manager, the Fire Chief shall make rules and regulations for the internal operation of the Fire Department as he/she ~~shall~~ deems necessary and shall keep the same posted in the Fire Station and other buildings of the Department.

Councilor Lachapelle **MOVED** to recommend the above change(s) as **AMENDED** to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Section 75-9B(2) is amended to change "the appropriate police, fire and emergency medical department services" to "the appropriate emergency services department."

**Justification:** Update to terminology. See proposed change(s) as shown in existing Chapter 23.6 b (2) as follows:

~~23.6 b (2)~~ **75-9B (2)** The City's fire department, with consideration of the appropriate ~~police, fire and emergency medical department services~~ **emergency services department**, shall determine the frequency range or ranges that must be supported.

Councilor Lachapelle **MOVED** to recommend the above change(s) to the full City Council. Councilor Abbott seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 75-9C(1) is amended as follows: "A minimum average in-building field strength of 2.25 microvolts (-100 dbm) for analog and five microvolts (-93 dbm) for digital systems shall be provided throughout 85% of the area of each floor of the building when transmitted from the City's police dispatch center and the appropriate emergency service dispatch centers which are providing fire and emergency medical protection services to the building."

**Justification:** Additional language for clarification purposes. See proposed change(s) as shown in existing Chapter 23.6 (c) (1) as follows:

~~23.6 — (c) (1)~~ **75-9 (C)(1)** A minimum average in-building field strength of 2.25 micro-volts (-100 dbm) for analog and five ~~(5)~~ microvolts (-93 dbm) for digital systems ~~shall be provided~~ throughout eighty five percent (85%) of the area of each floor of the building when transmitted from the City's police dispatch center and the appropriate emergency service dispatch centers which are providing fire and emergency medical protection services to the building.

Peter Nourse, Director of City Services, addressed the City Council. He stated that this change would be substantial and should be removed from Schedule A. Councilor Abbott **MOVED** to **DENY** this recommendation to the full City Council. The **MOTION CARRIED** to **DENY** by a unanimous voice vote.

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Section 75-9D(1) is amended as follows: "A minimum average signal strength of 112 microvolts (-6 dbm) for analog and five microvolts (+1 dbm) for digital systems shall be provided as received by the City's police dispatch center and the appropriate emergency service dispatch centers which are providing fire and emergency medical protection services to the building."

**Justification:** Additional language proposed for clarification purposes. See proposed change(s) as shown in existing Chapter 23.6 (d) as follows:

**23.6 (d) 75-9D.** Outbound from the Building.

~~(1)~~ A minimum average signal strength of 112 microvolts (-6 dbm) for analog and five ~~(5)~~ microvolts (+1 dbm) for digital systems ~~shall be provided~~ as received by the City's Police dispatch center and the appropriate emergency service dispatch centers, which are providing fire and emergency medical protection services to the building.

Peter Nourse, Director of City Services addressed the City Council. He stated that this change would be substantial and should be removed from Schedule A. Councilor Abbott **MOVED** to **DENY** this recommendation to the full City Council. The **MOTION CARRIED** to **DENY** by a unanimous



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Section 75-9E(3) is amended as follows: "The area where the amplification equipment is located ~~almost~~ must be free of hazardous materials such as fuels, asbestos, etc."

***Justification:** Correction to grammar. See proposed change(s) as shown in existing Chapter 23.6 e (3) as follows:*

**23.6 (e)(3)**

**75-9E(3)** Amplification equipment must have adequate environmental controls to meet the heating, ventilation, cooling and humidity requirements of the equipment that will be utilized to meet the requirements of this ~~code~~ **Section**. The area where the amplification equipment is located ~~almost~~ must be free of hazardous materials such as fuels, asbestos, etc. All communications equipment, including amplification systems, cable and antenna systems, shall be grounded with a single point ground system of five (5) ohms or less. The ground system must include an internal tie point within three (3) feet of the amplification equipment. System transient suppression for the telephone circuits, ac power, radio frequency (RF) cabling and grounding protection are required as needed.

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Abbott seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 75-10 is amended as follows: "The authority having jurisdiction for the administration and enforcement of this article shall be ~~Fire Prevention~~ the Fire Chief of the City of Rochester."

***Justification:** Identifies the Fire Chief for the enforcement of this chapter. See proposed change(s) as shown in existing Chapter 23.7 as follows:*

**23.7 75-10** Administration and Enforcement.

The authority having jurisdiction for the administration and enforcement of this ~~chapter~~ **Article** shall be ~~Fire Prevention~~ **the Fire Chief** of the City of Rochester.

**A.** The fee schedule under this ~~chapter~~ **Article** shall be as follows:

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Bogan **MOVED** to direct General Code to be consistent with capitalization. All titles of chapters/sections/articles should be capitalized. Additionally, if a certain chapter/section/article is being referred to it should also be capitalized. She requested this recommendation be sent to the full City Council. Councilor Abbott seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 75-16D(6) is amended as follows: "Anyone using permissible fireworks shall be responsible for removing any debris accumulated due to the discharge of fireworks that fall onto the public way, public property, and any private property within 24 hours."

***Justification:** Correction not needed since the current ordinance duplicates this language. See proposed change(s) as shown in existing Chapter 23.13 (d) (vi) as follows:*

**23.13 (d) (vi) 75-16D (6)** Anyone using permissible fireworks shall be responsible for removing any debris accumulated due to the discharge of fireworks that fall onto the public way, public property,

and any private property **within** twenty-four hours. Anyone failing to remove such debris shall be financially responsible for its clean up.

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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#### Chapter 80, Food and Food Service.

Section 80-1 is amended as follows: "The City of Rochester hereby adopts the provisions of the ~~Sanitary~~ Food Code of the State of New Hampshire, Department of Health and ~~Welfare~~ **Human Services**, Division of Public Health Services, as presently enacted and as may be amended from time to time."

***Justification:** Correction to titles. See proposed change(s) as shown in existing Chapter 25.14 as follows:*

**25.14 Sanitary Food Code. 80-1 Food Code Adopted.**

The City of Rochester hereby adopts the provisions of the ~~Sanitary~~ Food Code of the State of New Hampshire, Department of Health and ~~Welfare~~ **Human Services**, Division of Public **Health** Services, as presently enacted and as may be amended from time to time.

Councilor Lachapelle **MOVED** to recommend the above change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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The definition of "Sanitary Food Code" in § 80-2 is amended to "Food Code" and as follows: "The State of New Hampshire, State Department of Health and ~~Welfare~~ **Human Services**, ~~Sanitary~~ Food Code as adopted by § 80-1 above, and as the same shall be amended from time to time by the Department of Health and ~~Welfare~~ **Human Services**."

***Justification:** Correction to titles. See proposed change(s) as shown in existing Chapter 25.15 (c) as follows:*

**25.15 (c) Sanitary Food Code.  
80-2. Definitions.**

**FOOD CODE** - ~~"Sanitary Food Code"~~ shall mean ~~The~~ State of New Hampshire, State Department of Health and ~~Welfare~~ **Human Services**, ~~Sanitary~~ Food Code as adopted by ~~Section 25.13~~ **§ 80-1** above, and as the same shall be amended from time to time by the Department of Health and ~~Welfare~~ **Human Services**.

Councilor Lauterborn **MOVED** to recommend the above change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 80-4 is amended to delete the following wording (duplicates Subsection C): "All applications for food establishment licenses shall be filed with the Board on or before June 20 of any year."

***Justification:** See existing Chapter 25.17 Class (J) below; it repeats the same sentence two times under Class (J). See proposed change(s) as shown in existing Chapter 25.17 (Fees) as follows:*

**25.17 80-4**

**A.** Fees. Based upon highest classification.

**(10) Class J. Food establishments at Rochester Fair: \$65.00**

~~All applications for food establishment licenses shall be filed with the Board on or before June 20<sup>th</sup> of any year.~~

**B.** All applications for food service establishment licenses shall be filed with the Board on or before June 20<sup>th</sup> of each year. In addition to the fees provided for in this section, there shall be a ten dollar (\$10.00) late fee for any renewal application received after June 20<sup>th</sup> of any year.

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Abbott seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 80-7 is amended to change "health authority" to "Board of Health."

***Justification:** Correction to title. The title of Health "authority" is not used anywhere else in this article. See proposed change(s) as shown in existing Chapter 25.20 as follows:*

**25.20 80-7. Revocation of License.**

For serious or repeated violations of any of the requirements of this ~~ordinance~~ **Article** or for interference with the Health Officer in the performance of his/her duties, the license may be permanently revoked after opportunity for hearing has been provided by the Board. Prior to such action, the ~~health authority~~ **Board of Health** shall notify the licensee in writing, stating the reasons for which the license is subject to revocation and advising that the license shall be permanently revoked at the end of five ~~(5)~~ business days following the service of such notice, unless a request for hearing is filed with the Board by the licensee within such five-day-~~(5)~~ period. A license may be suspended for cause pending its revocation or hearing relative therein.

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 80-26C is amended as follows: "~~For those outdoor dining establishments serving alcohol,~~ Seating shall be appurtenant and contiguous to a doorway accessing the main restaurant facility with service provided within the area approved by the City Manager.

***Justification:** The first sentence of subsection (C) repeats "serving alcohol" which is established as the title: "Site design standards for establishments with alcohol services". See proposed change(s) as shown in existing Chapter 26.10 (16) (c) as follows:*

**16. 80-26 Site design standards for establishments with alcohol services.**

*Outdoor dining establishments with alcohol service should meet the following site Design standards:*

- ~~a)~~ **A.** Be separated from the public pedestrian space on the adjacent municipal sidewalk by an enclosure system consisting of heavy duty black decorative metal materials or equivalent as approved by the City Manager or his designee; special attention shall be paid to the method used to support the enclosure system in order to avoid damage to public property and insure public safety; the minimum height of the enclosure system shall be thirty inches (30) and the maximum height shall be thirty-six inches (36).

- b) **B.** *Outdoor dining establishments shall not have live entertainment of any type located outside, and no visual entertainment shall be situated on the inside of the building in such a manner that it is directed toward patrons in the outdoor dining area.*
- e) **C.** ~~*For those outdoor dining establishments serving alcohol,*~~ *Seating shall be appurtenant and contiguous to a doorway accessing the main restaurant facility with service provided within the Area approved by the City Manager. Exceptions to this provision will be allowed consistent with NH State Liquor Commission approval for particular licensees.*

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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#### Chapter 94, Health and Sanitation.

The definition of "owner" in § 94-2B is amended to change "Strafford County of Probate" to "Strafford County Probate Court."

**Justification:** *Correction to the title of the Strafford County Probate "Court". See proposed change(s) as shown in existing Chapter 23.6 (b) (2) as follows:*

**2) ~~Owner.~~ OWNER** - The record title holder(s) of a multifamily dwelling as disclosed by the appropriate records of the Strafford County Registry of Deeds, Strafford County of Probate **Court** and/or the records of the Rochester City Tax Collector.

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 94-2C is amended to change "the Building, Zoning, and Licensing Services" to "the Department of Building, Zoning, and Licensing Services."

**Justification:** *Correction to title. See proposed change(s) as shown in existing Chapter 25.2 (c) as follows:*

#### **25.2 (e)**

**C.** Posting of Information Regarding Owner and Individual Responsible for ~~Multi-Family~~ **Multifamily** Dwelling Required.

The owner of any ~~multi-Family~~ **multifamily** dwelling located within the City shall, at all times, have posted in a conspicuous place on the inside of the front door of each dwelling unit within a ~~multi-Family~~ **multifamily** dwelling, the name, current mailing address and current telephone number of the owner of said dwelling unit and the name, current address, and current telephone number of an individual designated by the owner as being responsible for matters of public health, safety and welfare arising with respect to such ~~multi-Family~~ **multifamily** dwelling. The owner shall also be responsible for filing the information specified in the preceding sentence with the **Department of** Building, Zoning, & Licensing Services of the City of Rochester and for keeping said information current at all times. In the event that a ~~multi-Family~~ **multifamily** dwelling is such as to contain a lobby or other similar common area open to the public and/or tenants of such ~~multi-Family~~ **multifamily** dwelling, the owner shall also post the information specified in the first sentence of this subparagraph in said lobby or other similar area and shall keep said posted information current at all times. The provisions of this **ordinance Section** shall not apply to owner-occupied ~~multi-Family~~ **multifamily** dwellings of less than three ~~multi-Family~~ **multifamily** dwelling units.

Councilor Lauterborn **MOVED** to recommend the above change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 94-11 is amended as follows:

In Subsections A and B to update the reference to **Chapter Env-Ws 800 to Chapter Env-Wq 800, Sludge Management.**

In Subsection C(1) to update the reference to **Chapter Env-Ws 801 to Chapter Env-Wq 801.**

In Subsection C(6) to update the reference to **Section Env-Ws 1014.02 to Section Env-Wq 1014.02.**

In Subsection C(7) to update the reference to **Section Env-Ws 806.01 to Section Env-Wq 806.01.**

In Subsections C(7) and E to change "the Building, Zoning, and Licensing Services" to "**the Department of Building, Zoning, and Licensing Services.**"

***Justification:** Correction to references and titles. See proposed change(s) as shown in existing Chapter 25.10-a as follows:*

**25.10-a**

**91-11** Stockpiling or Land Application of Septage and Sludge.

**(a) A.** Purpose. The provisions of this **ordinance Section** are adopted pursuant to the authority granted by RSA 47:17 and are intended to promote the public health, safety and general welfare of the people of the City of Rochester and to control noxious odors and/or other nuisances which may occur from the stockpiling and/or land application of septage or sludge, as the same are herein defined, within the City of Rochester through the promulgation of this **ordinance Section** regulating such activities. The purpose of this ordinance **Section** is to ensure that the beneficial use or disposal of septage and sludge does not pose a threat to public health and safety, by supplementing the requirements for removal, transportation and disposal of septage and sludge found in 40 CFR Part 503 and at New Hampshire Code of Administrative Rules, **Septage and Sludge Management**, Chapter **and Env- Ws-Wq 800, Sludge Management.**

**(b) B.** Applicability of Federal and State Regulations. All "stockpiling", "land application", or other use, management or handling of "septage" or "sludge" within the City of Rochester shall be conducted subject to and in accordance with the requirements of all applicable federal, State and local statutes, rules, regulations and/or ordinances, including, without limiting of the generality of the foregoing, the provisions of 40 CFR Part 503 and New Hampshire Code of Administrative Rules, **Septage and Sludge Management**, Chapter Env. **-Ws-Wq 800, Sludge Management.** For the purpose of this **section 25.10-a**, words defined in New Hampshire Code of Administrative Rules, **Septage and Sludge Management**, Chapter Env. **-WsWq 800, Sludge Management.** ~~Shall retain such meaning herein.~~

**(c) C.** Additional Regulations of Septage and Sludge. In addition to the rules, regulations and restrictions imposed upon the stockpiling, land application and/or other use of septage or sludge referred to in **Subsection 25.10-a (B)-B** above, the stockpiling, land application and/or other use of septage or sludge within the City of Rochester shall be subject to the following restrictions and/or requirements-

- (1)** No use of septage or sludge requiring a facility permit as provided for in **Env-Ws 800 Chapter Env-Wq 801** shall be permitted.

- (2) No stockpiling of sludge shall be permitted, except in connection with land application of sludge; provided further, however, that no stockpiling of sludge in connection with land application of sludge shall be permitted between January 1~~st~~ and April 1~~st~~ or between November 15~~th~~ and December 31~~st~~ of any calendar year.
- (3) Any person stockpiling sludge for longer than 12 hours shall cover the stockpile with an odor control material, such as lime, wood ash or cement kill dust, to minimize odors.
- (4) Sludge shall be fully incorporated into the soil within 8 hours of spreading,
- (5) The practice of, so-called, "top dressing" of soil shall be prohibited.
- (6) No land application or spreading of sludge shall be permitted on any hydric soil as defined in ~~Env.-Ws 1014.02~~ **Section Env-Wq 1014.02** or in areas exhibiting seasonal ponding. (For the purposes of this subparagraph, the determination of the existence and/or location of hydric soils shall be made based upon the results of an order # **No. 1** soil study to be submitted to the Director of Building, Zoning, & Licensing Services by or on behalf of the site operator.)
- (7) Every site operator shall file a copy of all materials required to be filed with the State of New Hampshire with respect to a site application pursuant to ~~Env.-Ws 806.01~~ **Section Env-Wq 806.01** with the **Department** of Building, Zoning, & Licensing Services at the time such documents are filed with the State of New Hampshire.

~~(d)~~ **D.** Random Testing. Any sludge used within the City of Rochester and subject to the terms of this ~~ordinance~~ **Section** shall be random collection and /or testing for the presence of fecal coliform at the discretion and under the direction of the Director of Building, Zoning, & Licensing Services.

~~(e)~~ **E.** Permit fee. Before any operator shall receive sludge for stockpiling and/or land application purposes as permitted pursuant to the ordinance **section** in any calendar year, such operator shall pay to the **Department** of Building, Zoning, & Licensing Services an annual sludge land application permit fee of \$250.

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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In Subsection D as follows: "Any sludge used within the City of Rochester and subject to the terms of this section shall be subject to random collection and/or testing for the presence of fecal coliform at the discretion and under the direction of the Director of Building, Zoning, and Licensing Services."

**Justification:** *Correction to incomplete sentence. See proposed change(s) as shown in existing Chapter 25.10-a (d) as follows:*

(d) Random Testing.

Any sludge used within the City of Rochester and subject to the terms of this ~~ordinance~~ **Section** shall be **subject to** random collection and /or testing for the presence of fecal coliform at the discretion and under the direction of the Director of Building, Zoning, & Licensing Services.

Councilor Lauterborn **MOVED** to recommend the above change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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In Subsection F(1) to update the reference to Chapters Env-Wm 100 through Env-Wm 3500 to Chapters Env-Hw 100 to 1100, Env-Sw 200 to 1800 and Env-Or 300 to 700.



**Justification:** Updates to references. See proposed change(s) as shown in existing Chapter 25.10-a (f) as follows:

**25.10-a (f)**

**F. Exceptions.**

(1) This ordinance shall not apply to any septage or sludge, which is managed at a solid waste facility permitted by the Waste Management Division of the Department of Environmental Services pursuant to RSA 149 – M and ~~Env.-Wm 100 through Env.-Wm 3500~~ **Chapters Env-Hw 100 to 1100, Env-Sw 200 to 1800 and Env-Or 300 to 700.**

Councilor Lachapelle **MOVED** to recommend the above change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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In Subsection F(2)(b) to change "Class A pathage and reduction requirements" to "Class A pathogen reduction requirements."

**Justification:** Correction to the spelling of the word "pathogen". See proposed change(s) as shown in existing Chapter 25.10-a (f) (2) (B) as follows:

**25.10-a (f) (2)**

~~(B)~~ (b) The Class A ~~pathage~~ **pathogen** and reduction requirements contained in 40 CFR 503.32 (a); and

Councilor Lachapelle **MOVED** to recommend the above change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Chapter 110, Junk and Secondhand Dealers.

Section 110-3A(3) is amended as follows: "The fee for a junk dealer's license or secondhand dealer's license or any renewal thereof granted under the provisions of RSA 322 shall be \$50 a year, payable in advance."

**Justification:** Both fees are for the same amount. See proposed change(s) as shown in existing Chapter 26 and 34 as follows:

**110-3A(3)** \*Payment of fees. **The application shall be** accompanied by the full amount of fees chargeable to such license. \*\*The fee for a junk dealer's license or **secondhand dealer's license** any renewal thereof granted under the provisions of RSA 322 shall be \$50.00 a year, payable in advance. (\*Existing 34a(3) \*\*Existing 26.4)

Councilor Lauterborn **MOVED** to recommend the above change(s) as **AMENDED** to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 110-4A is amended to change "to avoid such order" to "to void such order."

**Justification:** Correction to wording. See proposed change(s) as shown in existing Chapter 34.4-b (a) as follows:

**34.4-b**

**(a) A.** Contents of Appeal. The appeal shall set out a copy of the order or decision appealed from and shall include a statement of facts relied upon to ~~avoid~~ **void** such order together with any defenses, legal objections or explanations which the appellant wishes the Board to consider.

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Abbott seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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**Chapter 135, Mobile Home Parks.**


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The definition of "manufactured housing" in § 135-3 is amended to read as follows:

***Justification:** Updated per RSA 674:31 and to match existing Chapter 42.2 definitions (New Code 275). See proposed change(s) as shown in existing Chapter 43.3 (j) as follows:*

**43.3**

**(j)** Any structure, transportable in one or more sections, which, in the traveling mode, is **eight (8)** body feet or more in width and **forty** 40 body feet or more in length, ~~and-or~~ when erected on site, is ~~at least 13 feet in overall width and have at least 700~~ **three hundred twenty (320)** square feet or more; ~~of habitable living space,~~ and which is built on a permanent chassis and is designed to be used as a ~~single family habitation dwelling~~ with or without a permanent foundation when connected to required utilities, which include plumbing, heating, and electrical heating systems contained therein (in conformance with the definition in RSA 674:31, as amended).

Councilor Lachapelle **MOVED** to recommend the above change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 135-5 is amended to update "Water Supply and Pollution Control Commission" to "Department of Environmental Services" and to revise Subsection E(1) as follows: "A water supply meeting ~~the requirements of the 1983 State of New Hampshire Water Supply and Pollution Control Commission Drinking Water Regulations~~ current New Hampshire Department of Environmental Services drinking water standards shall be provided to each mobile home lot in a mobile home park."

***Justification:** Correction to titles. See proposed change(s) as shown in existing Chapter 43.5 and Chapter 43.5 e (1) as follows:*

**43.5 Design Standards****135-5. Design standards.**

During the development of any mobile home park, that portion of said park which is used, occupied, and/or made available for use and occupation of mobile homes shall be subject to these standards, and to the applicable standards of the New Hampshire ~~Water Supply & Pollution Control Commission~~ **Department of Environmental Services** and the Sanitary Laws and Regulations of the New Hampshire Division of Public Health Services.

**43.5 (e) (1)****E. Water supply.**

A water supply meeting ~~the requirements of the 1983 State of New Hampshire Water Supply & Pollution Control Commission Drinking Water Regulations~~ **current New Hampshire Department of Environmental Services drinking water standards** shall be provided to each mobile home lot in a mobile home park.



Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Sections 135-7A(3)(e)[6] and 135-8B are amended to change "Zoning Officer" to "Zoning Administrator."

***Justification:** Correction to the title of Zoning Administrator. See proposed change(s) as shown in existing Chapter 43.7(a)(E)(vi) and 43.8(b) as follows:*

**43.7 (a) (E)**

**135-7.(d)** Written approval of the following City of Rochester officials indicating that the mobile home park complies with the requirements of this **Ordinance Chapter**:

- (i) **(1)** Planning Board
- (ii) **(2)** Commissioner of Public Works
- (iii) **(3)** Fire Chief
- (iv) **(4)** Health Officer
- (v) **(5)** Police Chief
- (vi) **(6)** Zoning **Officer Administrator**
- (vii) **(7)** City Manager

**43.8 (b)**

**B.** The Director of Building, Zoning, & Licensing Services Department, Police Chief, Health Officer, Fire Chief, Commissioner of Public Works, the Zoning **Officer Administrator**, and other agents of the City as certified by the City Manager, are hereby authorized to make periodic and reasonable inspections to determine the condition of mobile home parks within the City of Rochester, and to determine if the requirements of this ordinance are being observed.

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 135-8C(2) is amended as follows: "This provision shall be in effect even should an appeal be taken from the ~~Building Inspector's~~ Director's revocation order."

***Justification:** Correction to title. See proposed change(s) as shown in existing Chapter 43.8 (c) as follows:*

**43.8 (e)**

**135-8. C. (2)** After revocation of the license has been ordered by the Director of Building, Zoning, & Licensing Services Department, additional violations shall result in a fine not exceeding one thousand dollars \$1,000.00 in accordance with the provisions of RSA 47:17. This provision shall be in effect even should an appeal be taken from the ~~Building Inspector's~~ **Director's** revocation order.

Councilor Lachapelle **MOVED** to recommend the above change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Chapter 158, Parks, Recreation and Arena.

The definition of "Commission" in § 158-1 is amended to read as follows: "The Rochester Recreation and Arena Commission. See § 158-3."

***Justification:** Directs reader to the full description in same chapter. See proposed change(s) as shown in existing Chapter 21.2 definitions as follows:*

**21.1(e) Commission.**

**COMMISSION** - ~~The Rochester Recreation and Arena Commission. This commission shall consist of thirteen (13) members to be nominated by the Mayor and elected by the Council, in accordance with the provisions of Section 74 of the Rochester City Charter, as follows: one member from the City Council, one member from the school board, and eleven (11) interested citizens. Up to two (2) members of the Commission may be a nonresident of the City of Rochester provided, that at the time of election of such individual to the Commission, such individual is associated with communities or organizations utilizing the Rochester Arena facilities or has other specialized skills related to the provision of recreational services.~~ **The Rochester Recreation and Arena Commission. See § 158-3**

Councilor Lauterborn **MOVED** to recommend the above change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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The definition of "Director" in § 158-1 is amended to read as follows: "The Recreation and Arena Director. See § 158-4."

***Justification:** Directs reader to the full description in the same chapter. See proposed change(s) as shown in existing Chapter 21.2 definitions as follows:*

**~~(d) Director.~~**

**DIRECTOR** - ~~The City Manager, in accordance with the provisions of Sections 15 and 18 of the Rochester City Charter, shall appoint a Director of Recreation and Arena for the City of Rochester, who shall be the department head of the Rochester Department of Recreation and serve as the Arena Director.~~ **The Recreation and Arena Director. See § 158-4.**

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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The definition of "park" in § 158-1 and § 158-2E are amended to change "Recreation Director" to "Director."

***Justification:** Correction to title. See proposed change(s) as shown in existing Chapter 21.2 (e) definitions as follows:*

**158-1. Definitions**

**As used in this chapter, the following terms shall have the meanings indicated:**

**~~Park. The term "park" or "parks" shall~~**

**PARK** - Includes all parks, playgrounds, athletic fields, tennis courts, swimming pools, band shells, music pavilions, recreation areas, parking lots, and structures under the jurisdiction of the ~~recreation~~ **Director** now owned or hereafter acquired by the City of Rochester for park or recreation purposes.

**158-2. Conduct Prohibited in Parks and Arena.**

**~~(e)~~** Disobeying Authorities and Signs. No person shall, at the Arena or in any park, disobey a proper order of a Police Officer or an employee of the Arena or any park employee designated by the ~~Recreation~~ **Director** to give orders, nor shall any person in any park disobey, disregard or fail to

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comply with any rule or regulation, warning, prohibition, instruction or direction, posted or displayed by sign, notice, bulletin, card, ~~or~~ poster or when notified or informed as to its existence by an employee of the Arena or park employee(s) or other authorized person.

Councilor Bogan **MOVED** to recommend the above change(s) as **AMENDED** to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 158-2K is amended to change "Commons" to "Common."

**Justification:** *Correction to the spelling of the "Common". See proposed change(s) as shown in existing Chapter 21.2 (k) definitions as follows:*

**21.2**

~~(k)~~ **K.** Dogs Prohibited on the So-Called Commons. Dogs shall not be permitted within the confines of the municipal park known as the "Commons," situate off South Main Street between Common Street and Grant Street. No person shall enter or remain upon the said Commons with a leashed dog, nor shall any person allow a dog to run at large within the confines of said Commons at any time.

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 158-3A is added to read as follows:

**Justification:** *The above wording has been taken from the definition of "Commission" in 158-1 (existing Chapter 21.1-c) and has been moved to 158-3A so that all provisions relating to the membership and terms of the Recreation and Arena are in the same section. See proposed change(s) as shown in existing Chapter 21.1 (c) definitions as follows:*

**21.1(e)**

**158-3 A.** This Commission shall consist of thirteen (13) members to be nominated by the Mayor and elected by the Council, in accordance with the provisions of Section 74 of the Rochester City Charter, as follows: one member from the City Council, one member from the School Board, and eleven (11) interested citizens. Up to two (2) members of the Commission may be a nonresident of the City of Rochester, provided, that at the time of election of such individual to the Commission, such individual is associated with communities or organizations utilizing the Rochester Arena facilities or has other specialized skills related to the provision of recreational services.

Councilor Lachapelle **MOVED** to recommend the above change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 158-4 is amended to read as follows:

**Justification:** *To combine the Recreation and Arena Department as approved by the City Council. See proposed change(s) as shown in existing Chapter 21.1 (d) and Chapter 21.5 as follows:*

\*The City Manager, in accordance with the provisions of Sections 15 and 18 of the Rochester City Charter, shall appoint ~~a director of the~~ **the** Recreation and Arena Director for the City of Rochester, who shall be the department head of the Rochester ~~Department of Recreation and serve as the Arena Director~~ **Recreation and Arena Department**. \*\*The Director shall be responsible for the direction of all phases of the City's recreation programs and parks owned or controlled by the City subject to the

supervision of the City Manager. The Director shall be responsible for hiring and supervising all personnel as may be required to carry out Recreation and **Arena** Department programs. The Director, with the consent of the Commission, shall have the power to promulgate reasonable written rules and regulations to govern the use of the City's parks, and equipment and to issue permits for the use thereof ~~for use of the parks~~ as set forth in this chapter. (*\*Existing Chapter 21.1 (d). \*\*Existing Chapter 21.5)*

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 158-7 is amended as follows: "Any violation of this chapter or of the rules and regulations as provided for hereunder shall be considered to be a violation and subject to a penalty as provided in § 1-1 of this Code."

***Justification:** Language added to inform the public that consequences apply – consistent with other chapters. See proposed change(s) as shown in existing Chapter 21.8 as follows:*

#### **21.8**

##### **158-7. Violations and Penalties.**

Any violation of this Chapter or of the rules and regulations as provided for hereunder shall be considered to be a violation, **and subject to a penalty as provided in § 1-1 of this Code.**

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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#### Chapter 176, Planning Board.

Section 176-2C is amended to update the reference to RSA 31:89-d to RSA 674:46-a.

~~41.2~~ **e 176-2 C** Either one appointed or one ex-officio member may be a member of the Historical District Commission, if one exists in the City, in accord with ~~RSA 31:89-d~~ **RSA 674:46-a.**

Section 176-10 is amended to update the reference to RSA 31 to RSA 674.

~~42.12~~ **176-10** The Planning Board shall act as a Zoning Commission, to recommend to the Council the boundaries of the various original districts provided for in RSA ~~31~~ **674**, and appropriate regulations to be enforced therein. The Planning Board shall make a preliminary report and hold public hearings thereon before submitting its final report to the Council.

***Justification:** Updates to reference. See proposed change(s) as shown in existing Chapter 41.2 (c) and Chapter 42.12 above.*

Councilor Lauterborn **MOVED** to recommend the above change(s) to the full City Council. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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#### Chapter 200, Sewers.

The definition of "Director" in § 260-2 is amended to "Commissioner" and to read as follows: "The Commissioner of Public Works or his/her designee. See § 7-18A of the City Code."

***Justification:** To update to the title of Commissioner. See proposed Amendment as shown in existing Chapter 17.2 (d) follows:*

~~17.2 (g) Director, Commissioner of Public Works as defined in Section 18 of the City Charter or his/her designee.~~

**260-2**

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

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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The definition of "floatable oil" in § 200-1 is amended to change "free of floatable fat" to "free of floatable oil."

***Justification:** In the definition of "floatable oil" in 200-1 it is recommended that "free of floatable fat" be changed to "free of floatable oil" for consistency with the term being defined. See proposed change(s) as shown in existing Chapter 16.1 as follows:*

**Floatable Oil is**

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

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 200-3C is amended to add the following sentence: "When a private wastewater disposal system is found to be in failure, it is the duty of the owner and/or his agent to contact the City to determine if the property falls within the sewer service area."

***Justification:** Clarification of obligation (City will not know about private failure unless notified by home owner.) This correction is required as a result of the 6-6-2017 amendment. See proposed change(s) as shown in existing Chapter 16.4 (c) as follows:*

**16.4 (e) 200-3C** At such time as public sewer becomes available to a property served by a private wastewater disposal system, as provided in 16.3 (d), a direct connection shall be made to the public sewer within ninety (90) days in compliance with this ordinance, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material. **When a private wastewater disposal system is found to be in failure, it is the duty of the owner and/or his agent to contact the City to determine if the property falls within the sewer service area.**

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 200-5F is amended as follows: ~~Interest~~ Late payments shall accrue interest at the same rate charged by the City for overdue property tax bills."

***Justification:** Policy decision directly related to the Sewer Amendment, which passed on 6-6-2017. See proposed change(s) as shown in existing as shown in existing Chapter 16.5 f as follows:*

(f) Applicants may enter into agreements, at the discretion of the City of Rochester, to pay all costs in equal installments over a period of time. ~~Interest~~ **Late payments** shall accrue ~~interest~~ at the same rate charged by the City for overdue property tax bills. Such agreements shall be recorded with the Strafford County Register of Deeds at the expense of the applicant. In the event property is conveyed; all monies owed to the City of Rochester shall be remitted in full.

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council.  
Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 200-6B is amended as follows: "The property owner is responsible for the costs incurred for the repair and maintenance of all existing sewer services from the ~~property line~~ public sewer main to the building or structure."

***Justification:** The wording is proposed to accurately reflect definitions and current practices. See proposed change(s) as shown in existing Chapter 16.6 (b) as follows:*

**16.6 (b) 200-6B** The property owner is responsible for the costs incurred for the repair and maintenance of all existing sewer services from the ~~property line~~ **public sewer main** to the building or structure.

Councilor Abbott **MOVED** to **DENY** this change. He recommended that the full City Council not accept the above change(s). Councilor Lachapelle seconded the motion. The **MOTION CARRIED** to **DENY** by a unanimous voice vote.

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Section 200-6D is amended to delete the last sentence: "For any applicant who holds a valid license, the fee shall be prorated from the date such license expires."

**216.6 (d) 200-6D** Annually, before any contractor or company shall install or repair any portion of a wastewater system within the City of Rochester, such contractor or company shall obtain an Installation and Repair License from the Department of Public Works authorizing such entity to perform installations or repairs to such system. Licenses shall be valid from January 1 through December 31 for any given year. The Department of Public Works shall issue such license only to contractors or companies ~~who~~ **which** demonstrate the ability to perform wastewater system installation and repairs in a workmanlike manner, consistent with standards maintained by the Department of Public Works. All applicants shall be required to submit evidence of general liability insurance. The City Manager shall establish an annual fee for such license. This fee shall be listed in Section ~~16.25~~ **§ 200-33**, Wastewater Rate and Fee Schedule. ~~For any applicant who holds a valid license, the fee shall be prorated from the date such license expires.~~

***Editor's Note:** Amended at time of Adoption of Code (see Chapter 1, General Provisions, Art II)*

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council.  
Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 200-7B is amended as follows: "There shall be two classes of sewer permits: for residential ~~and commercial~~ service and for service to establishments producing commercial and/or industrial wastes."

***Justification:** The wording currently makes it sound like there are 3 classification; however, there are only two. See proposed change(s) as shown in existing Chapter 16.7 (b) as follows:*



~~16-7(b)~~ **200-7 B** There shall be two **(2)** classes of sewer permits: ~~(a)~~ for residential ~~and commercial~~ service, and ~~(b)~~ for service to establishments producing **commercial and/or** industrial wastes. In either case, the owner(s) or his/her agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the Director. A permit and Inspection Fee as listed in ~~Section 16.25 § 200-33~~, Wastewater Rate and Fee Schedule, for a sewer permit shall be paid to the City, at the time the application is filed. This fee shall be paid regardless of whether the installation is to be accomplished by the Department of Public Works or the developer or property owner.

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council.  
Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 200-7C is amended as follows: "In addition to the permit requirements of Subsection B above, any new construction or use other than a single-family home which exceeds 500 gallons per day of discharge, as estimated by New Hampshire Administrative Rules Section Env-Wq 1008.03, Table 1008-1, shall be required to also obtain a wastewater discharge permit and pay the reserve capacity assessment."

***Justification:** Clarification and defining of current practice which allows for uniform implementation of regulations. See proposed change(s) as shown in existing Chapter 16.7 (c) as follows:*

~~16-7-e~~ **200-7 C** In addition to the permit requirements of ~~16.7(b)~~ **Subsection B** above, any new construction or use other than a single-family home which exceeds five hundred (500) gallons per day of discharge, **as estimated by New Hampshire Administrative Rules Section Env-Wq 1008.03, Table 1008-1**, shall be required to also obtain a **Wastewater Discharge Permit** and **pay the reserve capacity assessment**. Application for such permit and shall be made to the Department of Public Works together with the Wastewater Discharge Permit fee as listed in ~~Section 16.25 § 200-33~~, Wastewater Rate and Fee Schedule. All such requests for a Wastewater Discharge Permit are subject to the approval of the Director based on the existing sewer line's ability to handle the increased discharge.

Councilor Abbott **MOVED** to recommend the above change(s) to the full City Council.  
Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 200-7D is amended as follows: "All costs and expenses incidental to the installation and connection of ~~the a new~~ sewer service shall be borne by the owner(s). The owner(s) shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the sewer service. If installation and connection is accomplished at a location where the City has previously installed a sewer stub, the ~~property owner will also be assessed a sewer stub fee equal to Sewer Enterprise Fund will bear~~ the cost of installation of the sewer stub."

***Justification:** Clarification needed resulting from contradiction in the cross references when amendment was passed. See proposed change(s) as shown in existing Chapter 16.7 (d) as follows:*

~~16-7-d~~ **200-7 D** All costs and expenses incidental to the installation and connection of ~~the a new~~ sewer service shall be borne by the owner(s). The owner(s) shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the sewer service. If installation and connection is accomplished at a location where the City has previously installed a sewer stub, the ~~property owner will also be assessed a Sewer Stub Fee equal to~~ **Sewer Enterprise Fund will bear** the cost of installation of the sewer stub.

Councilor Lachapelle **MOVED** to recommend the above change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 200-7J is amended to update the reference to the Water Pollution Control Federation to ~~the Water Environment Federation~~. New Hampshire Department of Environmental Services (*clerk note: Schedule A is incorrect - transcription error*)

**Justification:** *Correction to reference. See proposed change(s) as shown in existing Chapter 16.7 (j) as follows:*

~~16.7-j.~~ **200-7 J** The connection of the sewer service into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City or the procedures set forth in appropriate specification of the ASTM and ~~the Water Pollution Environment Control Federation Manual of Practice No. 9~~ **New Hampshire Department of Environmental Services**. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Director before installation.

Councilor Lauterborn **MOVED** to recommend the above change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 200-7K is amended to delete "or licensed plumber" after "licensed contractor."

**Justification:** *To reduce confusion and bring into compliance with current practice The City of Rochester DPW does not allow plumbers to lay out public sewers. See proposed change(s) as shown in existing Chapter 16.7 (k) as follows:*

~~16.7-k~~ **200-7. K.** All public sewers shall be laid by the Director or his/her employees or by a licensed contractor, ~~or licensed plumber~~; but the Director shall have authority to prescribe rules as to such other material to be used as is not herein specified, and all work shall be done as directed by him/her and subject to his/her inspection, and the pipe trench shall be kept open until the work has been so inspected.

Councilor Lachapelle **MOVED** to recommend the above change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 200-7S is amended to change "private sewer" to "sewer service."

**Justification:** *Directly related to definitions and reduces confusion. See proposed change(s) as shown in existing Chapter 16.7 (s) as follows:*

~~16.7-s~~ **200-7.S.** Whenever any ~~private-sewer service~~ shall become clogged, broken, or obstructed, out of order, or detrimental to the use of any public sewer, or unfit for sewerage purposes in that part situated outside of any street or private way in which public sewers are laid, the owner, agent, occupant or person having charge of any building or premises in which such ~~private~~ sewer **service** is located shall, when directed by the ~~Director~~ **Commissioner**, remove, reconstruct, alter, cleanse, or repair said sewer, as the condition thereof may require. In case of neglect or refusal to comply with such notice within five days after the same is given, the ~~Director~~ **Commissioner** may cause such sewer to be removed, reconstructed, repaired, altered, or cleansed, as he/she may deem expedient, at the expense of such owner, agent, occupant or other person so notified, who shall also be liable for a penalty in accordance with ~~Section 16.12 § 200-20~~ **Violations and Penalties**.



Councilor Lachapelle **MOVED** to recommend the above change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 200-7T(1)(a) is amended as follows: "All applicants discharging over 500 gallons per day, as determined by New Hampshire Administrative Rules Section Env-Wq 1008.03, Table 1008-1, are required to file for a wastewater discharge permit."

***Justification:** To break up the long paragraph and to add the necessary reference. See proposed change(s) as shown in existing Chapter 16.7 (t) as follows:*

**~~16.7-t~~ 200-7.**

**T.** Reserve capacity assessments.

- (1) Proposed multi-family dwellings, new subdivisions, **and** commercial, industrial or business structures within sewer service area or expansion of such structures~~;~~.
- (a) Property owner or applicant shall file a sewer connection application with the Department of Public Works. All applicants discharging over 500 gallons per day, **as determined by New Hampshire Administrative Rules Section Env-Wq 1008.03, Table 1008-1**, are required to file for a Wastewater Discharge Permit. All property owners are subject to a reserve capacity assessment fee as listed in **Section 16.25 § 200-33**, Wastewater Rate and Fee Schedule for all existing and projected future usage.
- (b) If it is determined that insufficient capacity exists for the projected flows, the applicant shall be responsible for all costs for upgrading and improving the sewers necessary to serve the project.

Councilor Lachapelle **MOVED** to recommend the above change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Sections 200-8 through 200-15 are added to read as shown at the end of this schedule.

***Justification:** The City Council voted on 6/6/17 to allow for well-line metering. This language is needed for when there are meters on private well lines and there is no City water supply to the customer. This is the same language, which has been taken from the water section of the ordinance. See proposed change(s) as shown at the end of Schedule A.*

Councilor Lauterborn **MOVED** to recommend the above change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 200-16B is amended as follows: "Stormwater and unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers ~~or combined sewers~~ or a natural outlet approved by the Commissioner."

***Justification:** To bring the Code into compliance with State Law. Combined sewers have been illegal since the 1980's. See proposed change(s) as shown in existing Chapter 16.8 (b) as follows:*

**~~16.8-b~~ 200-16.B.** Stormwater and unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers ~~or combined sewers~~ or a natural outlet approved by the Director. Industrial cooling water or process waters require an NPDES permit prior to discharge to a

storm sewer or natural outlet.

Councilor Lauterborn **MOVED** to recommend the above change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 200-16Q is added to read as follows: "A dental practice or any other similar practice or business that handles or manages dental amalgams shall install and maintain an amalgam separator and institute a management program in accordance with federal and state regulations."

***Justification:** The existing ordinance does not define a dental practice. Which was recently added to the state law requiring local regulation See proposed change(s) as shown below:*

**Q. A dental practice or any other similar practice or business that handles or manages dental amalgams shall install and maintain an amalgam separator and institute a management program in accordance with federal and state regulations**

Councilor Lauterborn **MOVED** to recommend the above change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 200-17C is amended to delete "(revised in 2003; approved April 11, 2005; and revised in 2008, approved February 28, 2008)" after the references to Schedule A (this information has been included in Schedule A).

***Justification:** To remove the amendment dates, which will remain referenced as part of the Code in Schedule A as shown above.*

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 200-17I is amended to change "40 CFR(o)" to "40 CFR 2."

***Justification:** Correction to reference. See proposed change(s) as shown in existing Chapter 16.17 (i) as follows:*

**16.17 (i) 200-17. I. Public Information.** Information and data submitted to the City under this part relating to wastewater discharge characteristics shall be available to the public without restriction. Other such information shall be available to the public at least to the extent provided by 40 CFR Section 2.302. The City shall comply with the maintenance and records requirements of 40 CFR ~~(o)~~ **2**.

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 200-23A is amended to change "Wastewater Division" to "Division of Sewage and Waste Treatment Works."

***Justification:** Correction to title. See proposed change(s) as shown in existing Chapter 16.15 (a) as follows:*

**16.15 (a) 200-23. A. Process.** Wastewater rates and fees shall be reviewed and updated periodically by the City Council. Such wastewater rates shall be computed based on the total amount budgeted for the Department of Public Works ~~Wastewater~~ **Division of Sewage and Waste Treatment Works**

operations and maintenance, plus any debt service and capital outlays determined by the City Council, and projections of estimated sewer consumption, number of accounts, and/or other such factors. Wastewater rates shall be recommended to the City Council by the Utility Advisory Board and/or the City Manager and shall be established to provide sufficient revenue to at least pay the expenses of operating and maintaining the wastewater treatment works, collection system, and appurtenant facilities.

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 200-27 is amended to change "Finance Director" to "Business Administrator."

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**Justification:** *Correction to the title of the Business Administrator. See proposed change(s) as shown in existing Chapter 16.19 as follows:*

~~16.19~~ Agreements. ~~200-27.~~ An agreement between the City ~~Finance Director~~ **Business Administrator** and the customer may be signed, on a form provided in the Business Office, if the customer is unable to satisfy their wastewater bill in full at the due date. An agreement procedure shall be established by the ~~Finance Director~~ **Business Administrator** and approved by the City Manager.

A motion was previously made to recommend to the full City Council that all references to the "Finance Administrator" and Business Administrator" be changed to Finance Director.

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Section 200-30 is amended as follows:

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In Subsection A: "The Utility Advisory Board shall rule on appeals of user and other charges and fees and perform other such duties that may be assigned by City Council."

To delete original Subsection (b), Membership, Subsection (c), Term, Subsection (d), Vacancies, and Subsection (e), Administrative Actions, and add the following: "The membership and terms of the Utility Advisory Board shall be as provided in § 260-28 of the City Code."

**Justification:**

1. *Additional language for clarification and specificity.*
2. *Remove the repetitive language as provided in § 260-28 of the existing and proposed City Code.*
3. *See both proposed change(s) as shown in existing Chapter 16.22 as follows:*

**(a) 200-30** Utility Advisory Board.

**A. ~~Function of the Board.~~** The Utility Advisory Board shall periodically make recommendations to the City Council on the level of wastewater rates to be established under this ordinance, but such recommendations are not binding on the City Council. The Utility Advisory Board shall rule on appeals of user and other charges and fees and **perform** other such duties that may be assigned by City Council.

**(b) ~~Membership.~~** ~~The Utility Advisory Board shall consist of five (5) members. Such members shall be nominated by the Mayor and appointed by the City Council.~~

**(c) ~~Term.~~** ~~Members shall serve a term of five (5) years from the date of appointment.~~

~~(d) **Vacancies.** Vacancies on the Utility Advisory Board shall be filled in the same manner that members are appointed under Section 16.22 (b). The term of a member appointed to fill a vacancy shall be equal to the remaining term of the member being replaced.~~

~~(e) **Administrative Actions.** The City Manager shall have the authority to veto or modify any action of the Utility Advisory Board.~~

**B. The membership and terms of the Utility Advisory Board shall be as provided in § 260-28 of the City Code.**

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 200-33 is amended as follows:

In Subsection A(4): "High-volume customers (i.e., customers using more than 5,000 units\*\* monthly): \$6.08 per 100 cubic feet of water use. \*\*Note: for purposes of this section the word "unit" shall mean 100 cubic feet or 748 gallons of water use."

***Justification:** Added language for clarification purposes and change in document formatting. See proposed change(s) as shown in existing Chapter 16.25 as follows:*

~~**16.25 High Volume Customer (i.e. Customers using ——— \$6.08 per 100 cu. ft. of water use — more than 5,000 units \*\*monthly)**~~

~~**\*\*Note: for purposes of this section the word "unit" shall mean 748 gallons of water use.**~~

**(4)** High-volume customers (i.e. customers using more than 5,000 units\*\* monthly): \$6.08 per 100 cubic feet of water use. \*\*Note: for purposes of this section the word "unit" shall mean **100 cubic feet or** 748 gallons of water use.

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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In Subsection G:

*\*To delete:* "Sewer stub fee: actual cost of installation"

*\*\*To add:* "Meter repair or testing: minimum charge of \$30 for the first half hour per visit plus cost of transportation of meter to testing facility and cost of testing" and "Meter damage: \$50."

*\*\*\*To delete:* "Minimum service charge: \$30 per visit."

~~**\* Sewer Stub Fee: ————— Actual Cost of Installation**~~

~~**\*\*\*Minimum Service Charge: ————— \$30.00 per visit**~~

**\*\*Meter repair or testing: minimum charge of thirty dollars \$30 for the first half hour per visit plus cost of transportation of meter to testing facility and cost of testing" and "Meter damage: \$50.**

***Justification:** Clarification to the implementation of the Sewer Meters. This language is taken from the water section of the ordinance. The language is needed for when there are meters on private well lines and there is no City water supply to the customer.*

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council.

Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Chapter 210, Solid Waste.

The definition of "acceptable construction and demolition debris" in § 210-1 is amended as follows: "Letters of authorization on the owner's behalf brought to the dropoff by nonresidents will not be accepted, unless approved by the ~~City and Waste Management~~ City's contracted solid waste management company (the City's waste collection contractor)."

***Justification:** To keep the City's waste collection contractor terminology consistent throughout the Code. See proposed change(s) as shown in existing Chapter 19.1 Definitions as follows:*

**19.1 210-1** Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter.

~~**Acceptable Construction And Demolition Debris—**~~

**ACCEPTABLE CONSTRUCTION AND DEMOLITION DEBRIS** - Any material generated from minor renovation or demolition activities on Primary Personal Residences within the City. Debris generated at apartment or condominium units not used as Primary Personal Residence of the taxpayer shall not be accepted for free. Residents must bring any material to the drop off themselves. Letters of authorization on owner's behalf brought to the dropoff by non-residents will not be accepted, unless approved by the City and ~~Waste Management~~. **City's contracted solid waste management company (the City's waste collection contractor).** Residents requesting approval must submit an application to the Department of Building, Zoning, and Licensing Services.

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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The definition of "bags" in § 210-1 is amended as follows: "Bags (stickers) shall be sold by the City for waste that will not fit into the cart provided by ~~Waste Management~~ the City's waste collection contractor for residential solid waste."

***Justification:** To keep the City's waste collection contractor terminology consistent throughout the Code. See proposed change(s) as shown in existing Chapter 19.1 Definitions as follows:*

**19.1 Bags—BAGS—** Specially marked bags (or stickers for bags up to 30 gallons in size) designed for refuse as approved by the City of Rochester Public Works Director. Bags (stickers) shall be sold by the City for waste that will not fit into the cart provided by ~~Waste Management~~ **the City's waste collection contractor** for residential solid waste.

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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The definition of "hazardous waste and unacceptable waste" in § 210-1 is amended to change "Waste Management" and "the Company" to "the City's waste collection contractor."

***Justification:** To keep the City's waste collection contractor terminology consistent throughout the Code. See proposed change(s) as shown in existing Chapter 19.1 Definitions as follows:*

**19.1 Hazardous Waste and Unacceptable Wastes** - Wastes classified as hazardous under Federal, State

or local law and/or waste, the acceptance of which in ~~Waste Management's~~ **the City's waste collection contractor's** judgment would pose a nuisance or threat to human health or the environment, and/or waste that cannot be accepted under the ~~Company's~~ **City's** waste **collection contractor's waste** acceptance policy as amended from time to time.

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

The definition of "residential recycling bin" in § 210-1 is replaced with the following:

**RESIDENTIAL RECYCLING CART** – A specifically designated wheeled container or cart distributed by the City's waste collection contractor to be used for the storage of acceptable recyclables in the automated collection process. No other receptacles will be permitted for collection by the City's waste collection contractor.

***Justification:** To keep the City's waste collection contractor consistent throughout the Code. See proposed change(s) as shown in existing Chapter 19.1 Definitions as follows:*

**19.1 Residential Recycling Cart** – ~~It shall be a~~ specifically designed wheeled container or cart distributed by ~~Waste Management~~ **the City's waste collection contractor** to be used for the storage of acceptable recyclables in the automated collection process. No other receptacles will be permitted for collection by the City's waste collection ~~container~~ **contractor**.

Councilor Lauterborn **MOVED** to recommend the above change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

The definition of "rubbish and waste receptacle" in § 210-1 is replaced with the following:

**RESIDENTIAL WASTE RECEPTACLE** – The specifically provided or designated container distributed by the City's waste collection contractor. No other receptacles will be permitted.

***Justification:** To keep the Residential waste receptacles consistent throughout the Code. See proposed change(s) as shown in existing Chapter 19.1 Definitions as follows:*

**19.1 Rubbish and Residential waste receptacles** – ~~Shall be a~~ **The-specially provided or** designed container ~~with wheels or "cart"~~ distributed by ~~Waste Management~~ **the City's waste collection contractor**. ~~to be used for the storage of acceptable refuse in the automated collection process.~~ No other receptacles will be permitted. ~~for collection by the City's waste collection contractor.~~

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

The definition of "special waste" in § 210-1 is added to read as follows: "As defined in 40 CFR 240.101(z)."

***Justification:** In the existing ordinances 19.2 makes a reference to "special" waste; however, "special waste" is not defined. It is proposed that the City reference the definition of "special waste" as defined in 40 CFR 240.101(z). See proposed change(s) as follows:*

**Special waste - As defined in 40 CFR 240.101(z).**



Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Abbott seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 210-3 is amended to change "the Public Works Director and Waste Management" to "the Commissioner of Public Works or his/her designee and the City's waste collection contractor."

***Justification:** To keep the City's waste collection contractor consistent throughout the Code and allowance of designation. See proposed change(s) as shown in existing Chapter 19.2 as follows:*

**19.2 210-3 Rubbish Residential Solid Waste Collection.** The City of Rochester shall only collect ~~rubbish residential solid waste~~ on public streets or highways. For those properties served by streets other than public streets or highways, including but not limited to, mobile home parks, condominiums, or streets not yet accepted by the City, ~~rubbish residential solid waste~~ shall not be placed within the public street for collection unless agreed to by the ~~Public Works Director~~ **Commission of Public Works or his/her designee** and ~~Waste Management~~ **the City's waste collection contractor**.

Councilor Lachapelle **MOVED** to recommend the above change(s) as **AMENDED** to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Lachapelle **MOVED** to direct General Code to replace "Rubbish collection" to "residential solid waste collection". This change is recommended to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 210-6 is amended as follows:

All residential solid waste shall be placed in suitable receptacles, as defined under § 210-1. ~~Common paper shopping bags are prohibited and wooden crates are not suitable rubbish containers.~~ Residential solid waste that does not fit in the ~~ear~~ **approved receptacle** shall not be collected unless such waste is recyclable materials as defined in § 210-1 and placed at curbside as described in § 210-17.

***Justification:** To keep the approved receptacle definitions consistent throughout the Code. See proposed change(s) as shown in existing Chapter 19.5 as follows:*

~~19.5 Rubbish and Waste~~ **210-6 Receptacles for residential solid waste.** All residential solid waste shall be placed in suitable receptacles, as defined under ~~19.1 (v) 210-1. Common paper shopping bags are prohibited and wooden crates are not suitable rubbish containers.~~ Residential Solid waste that does not fit in the ~~ear~~ **approved receptacle** shall not be collected unless such waste is recyclable materials as defined in section ~~19.1 (v) 210-1~~ and placed ~~at~~ on the ~~curbside~~ **roadside** as described in ~~section 19.15~~ **§ 210-17**.

Councilor Lachapelle **MOVED** to recommend the above change(s) as **AMENDED** to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Lachapelle **MOVED** to direct General Code to replace "Rubbish collection" to "residential solid waste collection". This change is recommended to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 210-11 is amended as follows:

Acceptable construction and demolition debris as defined in § 210-1 may be brought to ~~the~~ an approved residential dropoff center at no cost. Debris generated at apartment or condominium units not used as the primary personal residence of the taxpayer shall be charged ~~such~~ the same fees as any other commercial user.

**Justification:** Update to terminology. See proposed change(s) as shown in existing Chapter 19.6 as follows:

**19.6 210-11** Construction and Demolition debris. Acceptable construction and demolition debris as defined in ~~19.1 210-1~~ **210-1** may be brought to ~~the~~ **an approved** residential ~~Drop-off dropoff~~ center at no cost. Debris generated at apartment or condominium units not used as the Primary Personal Residence of the taxpayer shall be charged ~~such~~ **the same** fees as any other commercial user.

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Section 210-13 is amended to change "determined by Public Works" to "determined by the Department of Public Works."

**Justification:** Correction to title of the Department of Public Works consistent throughout the Code. See proposed change(s) as shown in existing Chapter 19.2 as follows:

**19.7 210-13 Bulky Waste Collection.** Bulky waste, white goods and scrap metal as defined in ~~Section 19.1 210-1~~ **210-1** may be placed at curbside for collection by the Contractor. Schedule shall be as determined by **the Department of** Public Works and publicized.

Councilor Lachapelle **MOVED** to recommend the above change(s) as **AMENDED** to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Section 210-14 is amended as follows: "Hazardous waste and unacceptable wastes, as defined in § 210-1, the definition of 'hazardous waste and unacceptable wastes,' will not be accepted for roadside pickup by the City."

**Justification:** Clarification of terminology to accurately reflect current practice. See proposed change(s) as shown in existing Chapter 19.8 as follows:

**19.8 210-14** Hazardous Waste and Unacceptable Wastes. "Hazardous waste and unacceptable wastes, as defined in ~~19.1 210-1~~, the definition of 'hazardous waste and unacceptable wastes,' will not be accepted for **roadside** pickup by the ~~city~~ **City's waste collection contractor.**"

Councilor Lachapelle **MOVED** to recommend the above change(s) as **AMENDED** to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Section 210-16 is amended to change "a fine up to \$3,000" to "a civil penalty up to \$3,000."

**Justification:** Correction of legal terminology. See proposed change(s) as shown in existing Chapter 19.9 as follows:



**19.9 210-16** Violations and Penalties. Any person, firm or corporation found to be in violation of any provision of this chapter shall be guilty of a violation punishable by a **fine civil penalty** up to three thousand dollars (\$3,000.00).

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 210-17 is amended as follows:

Recyclable material must be placed in the approved residential recycling bins receptacles (as defined by § 210-1). ~~Bins~~ The approved residential recycling receptacles must be placed at the ~~curb~~ roadside on the evening before or by 7:00 a.m. on the scheduled pickup day. Unacceptable material found in the approved residential recycling bins receptacles will not be collected.

***Justification:** Correction of terminology. See proposed change(s) as shown in existing Chapter 19.17 as follows:*

**19.17 210-17 Residential curb Roadside Recycling.** Recyclable material will be collected from residences (as defined by ~~Section 19.1 210-1 of the Rochester City Code~~) on the same day as **rubbish residential solid waste** collection. Recyclable material must be placed in **the approved residential recycling Bins receptacles** (as defined by ~~Section 19.1 210-1 of the Rochester City Code~~). **Bins The approved residential recycling receptacles** must be placed at the ~~curb~~ **roadside** on the evening before or, by 7:00 a.m. on the scheduled pickup day. Unacceptable material found in the **approved residential recycling Bins receptacles** will not be collected.

Councilor Lauterborn **MOVED** to recommend the above change(s) as **AMENDED** to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 210-18 is amended as follows: "Rochester residents may purchase ~~City approved~~ the City's approved bags (stickers) for residential solid waste to be brought to ~~the~~ an authorized residential dropoff center."

***Justification:** Correction of terminology. See proposed change(s) as shown in existing Chapter 19.18 as follows:*

**19.10 210-18 Residential Drop-Off dropoff center.** Rochester residents may purchase **the City's** approved bags (stickers) for residential solid waste to be brought to **the an authorized** residential **Drop-Off dropoff** center. ~~Recycling is mandatory at the Residential Drop-Off center.~~

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Original § 19.22, Savings clause, is repealed.

***Justification:** Language deleted. See proposed change(s) as shown in existing Chapter 19.22 as follows:*

**19.22 Savings Clause.** ~~The repeal provided therein shall not abrogate or affect any offense or act~~

~~committed or done or any penalty or forfeiture incurred, or any pending litigation or prosecution or any right established, or occurring prior to the effective date of this ordinance.~~

Councilor Lachapelle **MOVED** to recommend the above change(s) to the full City Council. Councilor Abbott seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Chapter 218, Stormwater Management and Erosion Control

Section 218-2A(1) is amended as follows: "The City Council pursuant to RSA 47:13, 47:17, ~~VII, VIII and XVIII~~, 38:26, 149-I:3 and 149:1:6."

***Justification:** Correction of references. See proposed change(s) as shown in existing Chapter 50.2 (a) as follows:*

**50.2 218-2 Authority; when effective.**

This Ordinance is adopted pursuant to the authority vested in:

~~(a) (1) The authority vested in~~ **(1)** The City Council pursuant to RSA 47:13, RSA 47:17, ~~VII, VIII, and XVIII~~ **38:26**, RSA 149-I:3, ~~and RSA-38:26, RSA 149:I:6;~~

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Sections 218-2A(3), 218-6A(5) and 218-10E are amended to change "Office of Building, Zoning, and Licensing Services Department" to "Building, Zoning, and Licensing Services Department."

***Justification:** Correction to titles See proposed change(s) as shown in these existing sections of Chapter 50 as follows:*

**50.2 218-2 Authority; when effective.**

This Ordinance is adopted pursuant to the authority vested in:

~~(e) The authority vested in~~ **(3) The Office of** Building, Zoning, & Licensing Services Department pursuant to RSA 147:1 and 147:14.

**(5)** Emergency repairs to any stormwater management facility or practice that poses a threat to public health or safety, or as deemed necessary by the ~~Office of~~ Building, Zoning, & Licensing Services Department or ~~Director-Commissioner~~ of Public Works.

~~(e)~~ **E.** The Department of Planning and Development, Department of Public Works, and/or ~~Office of~~ Building, Zoning, & Licensing Services Department may require the owner or his/her authorized agent to deposit in escrow with the City an amount of money sufficient to cover the City's costs for inspection and any professional assistance required for site compliance monitoring.

Councilor Keans voiced concern about the title "when effective". The City Council briefly discussed the matter. Councilor Bogan **MOVED** to recommend the above change(s) to the full City

## Codes &amp; Ordinances Committee

## Draft

Council. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 218-6 is amended as follows:

In the first sentence: "This chapter shall apply to any action that will hinder, interfere with, alter, or modify the existing stormwater flow, drainage, or infrastructure constructed for such purpose ~~unless and until this chapter has been complied with.~~"

**Justification:** Redundancy to existing sentence. See proposed change(s) as shown in existing Chapter 50.6 as follows:

**50.6 218-6** Applicability. This ~~Ordinance~~ **Chapter** shall apply to any action that will hinder, interfere with, alter, or modify the existing stormwater flow, drainage, or infrastructure constructed for such purpose. ~~unless and until this Ordinance has been complied with.~~ It shall apply to any discharges into the City's Stormwater Drainage System, waterbodies, streams, and wetlands.

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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In Subsection A to change "stormwater management permit (SMP)" to "stormwater permit (SWP)." (*Councilor Abbott – Requested more information.*)

**Justification:** Correction to the permit title. See proposed change(s) as shown in existing Chapter 50.6 (a) as follows:

**50.6 (a) Permit and SWMP –**

**218-6 A.** Permit ~~required~~. Except as permitted by this ~~Ordinance~~ **Chapter**, no person shall alter land or engage in any activity which causes or contributes to stormwater runoff discharge without first having obtained a ~~stormwater Management permit (SMP)~~ **(SWP)** for land proposed to be altered or which will be affected by such activity. The owner shall be required to apply to the ~~Director~~ **Commissioner** of Public Works and obtain such permit from the ~~Director~~ **Commissioner** ~~Department~~ of Public Works (DPW) ~~Director~~, or ~~their~~ **his/her** designee, as ~~their~~ **his/her** jurisdiction warrants, prior to undertaking any such action. This requirement shall apply to any activity that will disturb or impact a land area greater than 5,000 cumulative square feet unless noted as an exclusion in **Subsection A** (1) through (5) below.

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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In Subsection B: to change "construction stormwater management and erosion control plan" to "stormwater management and erosion control plan." (*Councilor Abbott – Requested more information.*)

**Justification:** Correction to the permit title. See proposed change(s) as shown in existing Chapter 50.6 (b) as follows:

~~(b)~~ — **B.** Requirement of Construction Stormwater Management and Erosion Control Plan - The

applicant for a permit required under ~~Section 50.6.a).(1)~~ **Subsection A** above, shall be required, additionally, as part of the application review process, to design and submit a ~~Construction~~ stormwater management and erosion control plan (unique to the site) to the ~~Director~~ **Commissioner** of Public Works for distribution to the City Engineer for any tract of land being developed, redeveloped, or subdivided within the boundaries of Rochester, where one or more of the following conditions are proposed:

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

---

The definition of "City Engineer" in § 218-7 is amended as follows: "Intended to refer to and identify the City Engineer or his/her designee or any qualified engineering consultant which the City Council, City ~~Administrator~~ **Manager**, Planning Board, Building, Zoning, and Licensing Services Department, Commissioner of Public Works, or their designee(s) engage(s) for the purpose of reviewing any application or plan submitted in accordance with this chapter or determining compliance herewith."

***Justification:** Adding applicable roles. See proposed change(s) as shown in existing Chapter 50.7 (f) as follows:*

**50.7 (f)**

**218-7** City Engineer - ~~The term "City Engineer" when contained in this Ordinance, is~~ Intended to refer to and identify the City Engineer or **his/her designee or** any qualified engineering consultant which the City Council, City ~~Administrator~~ **Manager**, Planning Board, Building, Zoning, & Licensing Services Department, ~~DPW Director,~~ **Commission of Public Works, or** their designees engage(s) for the purpose of reviewing any application or plan submitted in accordance with this ~~Ordinance Chapter~~ or determining compliance herewith, when, in their judgment, such review is appropriate or necessary in order to ensure compliance with this ~~Ordinance chapter~~ or determine if the provisions hereof have been violated.

Councilor Lachapelle **MOVED** to recommend the above change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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The definition of "City Inspector" in § 218-7 is amended as follows: "A City representative from the Department of Public Works, Department of Building, Zoning, and Licensing ~~Services Department,~~ or ~~Community Development~~ Department of Planning and Development, or their designee."

***Justification:** Correction to title. See proposed change(s) as shown in existing Chapter 50.7 (g) as follows:*

**50.7 (g)** City Inspector - A City representative from the Department of Public Works, Department of Building, Zoning, & Licensing Department, or **Department of Planning and Community** Development, or their designee.

Councilor Lachapelle **MOVED** to recommend the above change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

## Codes &amp; Ordinances Committee

## Draft

Section 218-8C(2)(n) is amended to add "(now the Natural Resources Conservation Service)" after "Soil Conservation Service."

**Justification:** Update to existing reference (Soil Conservation Service does not exist anymore). See proposed change(s) as shown in existing Chapter 50.8 (c) (2) as follows:

**~~50.8 (c) (2)~~ 218-8 (C) (2)**

**(n)** Drainage design should follow the guidelines presented in the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire, as published by the New Hampshire Department of Environmental Services, Rockingham County Conservation District and the **United States Department of Agriculture** Soil Conservation Service **(now the Natural Resources Conservation Service)**, and additional guidelines published in the Manual on Drainage Design for Highways, as published by the State of New Hampshire Department of Transportation.

Councilor Lauterborn **MOVED** to recommend the above change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 218-9B(1)(z)[1] is amended as follows:

For common drainage that serves an area with 10 or more acres disturbed at one time, a temporary (or permanent) sediment basin ~~must provide~~ providing storage for a calculated volume of runoff from a drainage area from a two-year, twenty-four-hour storm, or equivalent control measures, must be provided, where attainable, until final stabilization of the site.

**Justification:** Grammar correction. See proposed change(s) as shown in existing Chapter 50.9 b 1 z (i) as follows:

**~~50.9 (b) (1) (z) (i).~~ 218-9B(1)(z)[1]** Sediment Basins: For common drainage that serves an area with 10 or more acres disturbed at one time, a temporary (or permanent) sediment basin ~~must provide~~ **providing** storage for a calculated volume of runoff from a drainage area from a 2-year, 24-hour storm, or equivalent control measures, must be provided, where attainable, until final stabilization of the site. Where no such calculation has been performed, a temporary (or permanent) sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent control measures, must be provided where attainable until final stabilization of the site. When computing the number of acres draining to a common location, it is not necessary to include flows from off-site areas and flows from on-site areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed areas and the sediment basin. In determining whether a sediment basin is attainable, the operators may consider such factors as site soils, slope, available area on-site, etc. In any event, the operator must consider public safety, especially as it relates to children, as a design factor for the sediment basin and alternative sediment controls must be used where site limitations would preclude a safe design.

Councilor Lachapelle **MOVED** to recommend the above change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

---

Section 218-11B is amended as follows:

In the first sentence: "The following provisions shall pertain and be applicable only to those plans

which do not come under the jurisdictional purview of the Planning Board (site plan/subdivision review)."

**Justification:** Grammar correction. See proposed change(s) as shown in existing Chapter 50.11 (b) as follows:

#### **50.11 (b)**

#### **218.11 Maintenance and Inspection.**

**B.** Other Projects. The following provisions shall pertain and be applicable only to those plans which **do not** come under the jurisdictional purview of the Planning Board (site plan/subdivision review).

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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To change "Building, Zoning, and Licensing Services Department Officer" to "Building, Zoning, and Licensing Services Department Director" in Subsection B(1), (2) and (3).

**Justification:** Correction to titles. See proposed change(s) as shown in existing Chapter 50.11 (b) (1 through 3) as follows:

#### **50.11 (b)**

(1) Right to inspect. The Building, Zoning, & Licensing Services Department ~~Officer~~ **Director**, and/or ~~DPW-Director~~ **Commissioner of Public Works** or their designees, are authorized to conduct inspections of any site that is the subject of a permit issued hereunder, irrespective of whether such permit also required the approval of a plan in accordance with ~~Section 50.6.b~~ **§ 218-6B** above, in order to ensure that any conditions of the issuance of such permit are being maintained and that no violation of any of the provisions of this ~~Ordinance Chapter~~ are taking place.

(2) Confirmation by registered professional engineer. Upon such inspection, when the circumstances of any suspected breach of condition or violation of this ~~Ordinance Chapter~~ involve standards that implicate technical engineering criteria either included in this ~~Ordinance Chapter~~ or as a condition of such permits, the Building, Zoning, & Licensing Services Department ~~Officer Director~~, and/or ~~DPW-Director~~ **Commissioner of Public Works** or their designee shall seek confirmation that such circumstances constitute a violation of such criteria prior to taking any enforcement action under ~~Section 50.15~~ **§ 218-15** of this ~~Ordinance Chapter~~.

(3) Enforcement. Upon such confirmation by a registered professional engineer, or when such confirmation is not required due to the fact that the circumstances of such violation do not implicate technical engineering criteria either included in this ~~Ordinance Chapter~~ or as a condition of such permit, the Building, Zoning, & Licensing Services Department ~~Officer Director~~ and/or ~~DPW-Director~~ **Commissioner of Public Works** or their designees may proceed to enforce the provisions of this Ordinance or conditions of the permit in accordance with applicable statutes, rules or regulations.

Councilor Lauterborn **MOVED** to recommend the above change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 218-15A is amended to change "Building, Zoning, and Licensing Services Department Officer" to "Building, Zoning, and Licensing Services Department Director."



**Justification:** *Correction to title. See proposed change(s) as shown in existing Chapter 50.15 (a) as follows:*

**50.15 (a)**

**218.15**

**A.** The Building, Zoning, & Licensing Services Department, Building, Zoning, & Licensing Services Department ~~Officer~~ Director, ~~DPW Director~~ **Commissioner of Public Works**, or their designee, as the case may be and subject to the provisions below, shall be responsible for enforcement of all aspects of this ~~Ordinance~~ **Chapter**. In that regard, said official(s) shall be empowered hereby to invoke any and all statutory enforcement prerogatives that may be applicable to the purported violation as it relates to the ~~plan~~ submitted hereunder or activity regulated hereby. By way of illustration and not by way of limitation, it is contemplated that the following statutory enforcement prerogatives would apply:

Councilor Lachapelle **MOVED** to recommend the above change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Chapter 223, Streets and Sidewalks.

Section 223-1 is amended as follows:

To replace the definition of "Commissioner of Public Works" with the following: "COMMISSIONER – The Commissioner of Public Works or his/her designee. See § 7-18A of the City Code."

**Justification:** *Correction to title and allowance of designation. See proposed change(s) as shown in existing Chapter: 15.1 (b) as follows:*

**15.1**

~~(b) "Commissioner of Public Works." The individual appointed by the City Manager to have overall supervision and control of the Department of Public Works and Highways. The duties of the Commissioner of Public Works shall be those normally granted to a department head and shall include but not be limited to those duties as set forth within this Chapter. The Commissioner of Public Works shall be referred to throughout this Chapter 15 as the "Commissioner."~~

**223-1 COMMISSIONER – The Commissioner of Public Works or his/her designee. See § 7-18A of the City Code.**

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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To revise the definition of "Committee" as follows:

The subcommittee of the City Council (Public Works and Building Committee) having responsibility for overseeing expenditures, maintenance and control of public buildings, streetlights, public parks, sewerage, streets and highways and rubbish/recycle disposal. The Committee members shall be designated by the Mayor and shall enjoy membership according to rules and regulations as established by the City Council. The responsibilities of this Committee shall be enumerated by the City Council and shall further be as set forth within this article, and this Committee shall be referred to throughout

this article as "Committee."

**Justification:** Clarification in title. See proposed change(s) as shown in existing Chapter 15.1 (a) as follows:

**15.1 (a) "Committee."**

**COMMITTEE** - The **subcommittee** of the **City Council (Public Works and Building Committee)** having responsibility for overseeing expenditures, maintenance and control of public buildings, street lights, public parks, sewerage, streets and highways and rubbish **/recycling** disposal. The Committee members shall be designated by the Mayor and shall enjoy membership according to rules and regulations as established by the City Council. The responsibilities of this Committee shall be enumerated by the City Council and shall further be as set forth within this **Committee article**, and **this Committee** shall be referred to throughout this **Committee Article** as "Committee."

Councilor Lachapelle **MOVED** to recommend the above change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 223-5A is amended as follows:

Whenever any street, lane, alley, sidewalk, or other public place in the City shall, under any license granted, be dug up, obstructed or encumbered, and thereby rendered unsafe or inconvenient for travelers, the person so digging up, obstructing or encumbering shall put, and at all times keep up, a suitable railing or fence around the section or parts of any street, lane, alley, or sidewalk or other public place so dug up, obstructed or encumbered, so long as the same shall be, or remain, unsafe or inconvenient as aforesaid, and shall also keep ~~one or more lighted lanterns fixed to such fence, or in some proper place, adequately illuminated every night from twilight dusk until dawn in the evening and throughout the whole night~~ so long as such railing or fence shall be kept standing.

**Justification:** Outdated language. See proposed change(s) as shown in existing Chapter 15.5 as follows:

**15.5 223-5 Permit License** for Excavation upon Highway or Sidewalk.

**(a) A.** No person shall break or dig up the ground, stone or concrete in any street, lane or alley, or in any sidewalk or common in the City, or erect any staging for building, or fence off any portion of said street or sidewalk, or place or deposit any stone, brick, timber, or other building material thereon, without first obtaining a written license from the Commissioner and complying in all respects with conditions said Commissioner may impose. Whenever any street, lane, alley, sidewalk, or other public place in the City shall, under any license granted, be dug up, obstructed or encumbered, and thereby rendered unsafe or inconvenient for travelers, the person so digging up, obstructing or encumbering, shall put, and at all times keep up, a suitable railing or fence around the section or parts of any street, lane, alley, or sidewalk or other public place so dug up, obstructed or encumbered, so long as the same shall be, or remain, unsafe or inconvenient as aforesaid, and shall also ~~one or more lighted lanterns fixed to such fence, or in some proper place, every night from twilight in the evening and throughout the whole night so long as such railing or fence shall be kept standing.~~ **keep such fence adequately illuminated every night from dusk until dawn so long as such railing or fence shall be kept standing.** He/she shall also, at his/her expense, to the acceptance of the Commissioner, and within such reasonable time as the Commissioner shall direct, repair such street, lane, alley, sidewalk or public place.



Councilor Lachapelle **MOVED** to recommend the above change(s) as **AMENDED** to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 223-7 is amended as follows:

In Subsection A: "No person shall move, or assist in moving, any house, shop or other building through any street, lane, or alley without first obtaining a written license ~~therefor~~ from the Licensing Board."

In Subsection B: "~~In addition to the requirements of Subsection A hereof, no person shall move, or assist in moving, any house, shop or other building through any street, lane, or alley without first obtaining a written license therefor from the Licensing Board.~~ The fee for such license shall be \$25."

***Justification:** (A) grammar correction and (B) redundancy. See proposed change(s) as shown in existing Chapter 15.7 and 26-.7 as follows:*

**15.7 223-7** Moving of Buildings Through Streets.

**A.** No person shall move, or assist in moving, any house, shop or other building through any street, lane, or alley without first obtaining a written license ~~therefore~~ from the Licensing Board. Whenever the Licensing Board shall as aforesaid grant permission to any person to encumber any street, sidewalk, or public squares, for the purpose of erecting, altering or moving buildings or to dig up or encumber the same in any other manner, it may, as a condition to granting such permission, require the party obtaining the same to furnish a **bond** of **indemnity** to the City of Rochester, in such sum and with such securities as the Licensing Board may deem proper.

~~26.7 B. In addition to the requirements of Section 15.7 hereof, no person shall move, or assist in moving any house, shop or other building through any street, lane, or alley without first obtaining a written license therefore from the Licensing Board.~~ The fee for such license shall be \$25.00.

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 223-8D is amended as follows: "No theatrical or dramatic representation shall be performed or exhibited, and no parade or procession upon any public street or way, unless a special license ~~therefor~~ shall first be obtained from the ~~City Manager~~ Licensing Board."

***Justification:** Correction grammar and title. See proposed change(s) as shown in existing Chapter 15.8 (d) as follows:*

~~(d)~~ **D.** No Theatrical or dramatic representation shall be performed or exhibited, and no parade or procession upon any public street or way, unless a special license ~~therefore~~ shall first be obtained from the ~~City Manager~~ **Licensing Board**. (See Chapter 26.7 22, Licensing Requirements. Amusements and Entertainment, Article 3, Public Dances, Circuses and Parades.)

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Draft

Section 223-9A(1)(e) is amended to correct the reference to RSA 252:9-18 to RSA 80:88 to 80:91.

**Justification:** *Correction to grammar and reference. See proposed change(s) as shown in existing Chapter 15.8 (d) as follows:*

**E. (e)** A separate form of sewer or water agreement, providing that a person shall pay for the total cost of any sewer or water extensions, which said costs shall be determined by the Commissioner of Public Works, and each agreement shall further provide for the payment of the total cost of said sewer or water extensions plus full payment of interest on account of any debt to be incurred by the City in the construction of said sewer or water extensions. Each agreement shall further provide that the total cost of said sewer or water extensions and payment in full of the interest on any debt to be incurred by the City in the construction of said sewer or water extensions shall be paid by the person desiring such construction by means of a special sewer or water assessment and shall constitute a lien on all land of said person. Said lien shall be transferable upon the conveyance of said improved land, provided, that all prior installments thereon have been paid. Each agreement shall further provide that said special sewer or water assessment shall be based upon the total cost of the construction plus the payment of interest on any debt incurred by the City, and may further provide that said cost and interest may be prorated over a period not exceeding ten (10) years. Each agreement shall further provide that in the event of a transfer or sale by the original petitioner of the property serviced by said extension, the balance then owing to the City for said extension shall be paid in full. Said agreement shall be recorded in the Strafford County Registry of Deeds, and said lien shall have the full force and effect of a tax lien and be collectable as such as provided by RSA 252:9-18 80:88 to 80:91 as presently enacted or the corresponding provisions of any recodification or amendment of this these sections. Said agreement shall also be signed and shall be duly witnessed and acknowledged. Any agreement for sewer or water shall be limited to individual owners of residential homes only, who shall be reimbursed for any payment made as above provided in the event that Phase II of the Water Pollution Abatement Program of the City of Rochester is adopted. Any commercial, industrial or real estate development owners shall pay their pro rata share of such sewer and water improvements in cash prior to construction.

Councilor Lachapelle **MOVED** to recommend the above change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 223-11A is amended to correct the reference to RSA 231:133 in the first sentence to RSA 231:133-a and to revise Subsection A(10) as follows: "Such numbers shall be a minimum of 3.5 inches in height as to meet current Fire Code requirements."

**Justification:** *To keep Code up to date with the current Fire Code (the City ordinances cannot be more strict than State regulations.) See proposed change(s) as shown in existing Chapter 15.9-b as follows:*

**(a) A.** Pursuant to the provisions of RSA 231:133-a, the Planning and Development Director of the City of Rochester, or his/her designee, shall have the authority to assign numbers to all existing residential and/or commercial structures and/or to vacant lots. In assigning numbers to residential and/or commercial structures and/or vacant lots, the Planning and Development Director, or his/her designee, shall employ the following criteria:

**(10)** Any building or structure for which a number has been designated shall have such number affixed thereto in such manner as to be plainly visible from the street which abuts the main entrance to the property. Such numbers shall be a minimum of 3.5 inches in height as to meet current Fire Code requirements.

Councilor Lauterborn **MOVED** to recommend the above change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 223-14 is amended to change "telephone poles" to "utility poles."

***Justification:** Correction in terminology. See proposed change(s) as shown in existing Chapter 15.12 as follows:*

~~15.12 223-14 Regulation of~~ Streetlighting. The Commissioner shall have supervision of all municipal lighting, ~~and~~ location of electric light and ~~telephone~~ **utility** poles within the City limits, and is authorized to prescribe rules and regulations for the marking or painting of any poles, crossarms or supporting fixtures which are located within the public highway. All persons owning or using said poles, crossarms or supporting fixtures shall paint or mark at their own expense said poles, crossarms, or supporting fixtures in accordance with the rules, regulations and directions of said Commissioner.

Councilor Lachapelle **MOVED** to recommend the above change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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The definition of "newspaper" in § 223-20 is amended to change "teacher articles" to "feature articles."

***Justification:** Transcription error – existing ordinance already reads “feature” article. See existing Chapter 35.2 as follows:*

**35.2**

~~(a)~~ **223-20** Newspaper or News Periodicals: A daily or weekly publication containing all of the following: current news, editorials, ~~teacher~~ **feature** articles and advertising.

Councilor Lachapelle **MOVED** to recommend the above change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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The definition of "street" in § 223-20 is amended as follows: "All that area dedicated to public use or public street purposes and shall include, but not be limited to, roadways, parkways, alleys, sidewalks, garages, parking lots, parks and playgrounds."

***Justification:** Correction to grammar. See proposed change(s) as shown in existing Chapter 35.2 as follows:*

**35.2 Street:**

**223-20**

**STREET** – All that area dedicated to public use or public street purposes and shall include, but not be limited to, roadways, parkways, alleys, sidewalks, garages, parking lots, parks and playgrounds.

Councilor Lachapelle **MOVED** to recommend the above change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 223-21C is amended as follows: "Within 60 days of the passage of this article every person

or other entity shall comply with the provisions of this article with respect to each newsrack and/or public way obstruction owned by it within the City."

**Justification:** 1. This was an incomplete sentence without added language. 2. Corrected "chapter" to "article". See proposed change(s) as shown in existing Chapter 35.3 c as follows:

### **35.3(e)**

#### **223-21**

**C.** Within ~~sixty (60)~~ **60** days of the passage of this ~~Chapter~~ **Article** ~~of the General Ordinances of the City of Rochester~~ **every person or other entity** shall comply with the provisions of this ~~Chapter~~ **Article** with respect to each newsrack and/or public way obstruction owned by it within the City.

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 223-25 is amended to change "bodily or person or property damage" to "bodily injury or damage to private or public property."

**Justification:** Deletion due to repetition/clarification. See proposed change(s) as shown in existing Chapter 35.7 as follows:

### **35.7**

#### **223-25** Hold Harmless Agreement; **Insurance.**

Every person or other entity which places or maintains a newsrack, or public way obstruction on a public sidewalk, parkway, roadway or street in the City shall file a written statement with the Licensing Board, satisfactory to the City Attorney, whereby he/she/it agrees to indemnify and hold harmless the City, its officers, City Council Members and employees, from any loss or liability or damage, including expense and costs for ~~bodily or person or property damage~~ **bodily injury or damage to private or public property** sustained by any person as a result of the installation, use or maintenance of a newsrack or public obstruction within the City. A ~~certificate of insurance~~ in a form approved by the City Attorney indicating no less than One Million Dollars (\$1,000,000.00) in general liability insurance coverage and naming the City as an additional insured shall be maintained on file with the Licensing Board by each such person or entity.

Councilor Lauterborn **MOVED** to recommend the above change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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## Chapter 254, Vehicles and Traffic.

The definition of "police officer" in § 254-1 is amended as follows: "An officer of the Municipal Police Department or any person authorized to direct or regulate traffic or to make arrests for violations of traffic regulations."

**Justification:** Consistency of definitions as a result of combining existing Chapters 60 through Chapter 66. See proposed change(s) as shown in existing Chapter 60.8 as follows:

### **60.8 Police Officer.**

#### **254-1 Definitions.**

**POLICE OFFICER** - An officer of the Municipal Police Department or any person authorized to direct or regulate **traffic** or to make arrests for violations of traffic regulations.

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 254-39 is amended as follows: "Except as otherwise provided herein, a person violating any provision of Articles I through VIII of this chapter shall be punished by a fine of not more than **two hundred fifty dollars** \$250 for each offense, except that the optional procedures set forth in § 254-42 may be used in lieu of court proceedings for violations of Article III."

***Justification:** Clarification purposes. Update to "articles" as shown in existing Chapter: See proposed change(s) as shown in existing Chapter 65.1 as follows:*

**65.1 Penalties.**

**254-39 Violations and Penalties.**

**Except as otherwise provided herein**, ~~A~~**a** person violating any provision of ~~Chapters 60 through 67~~ **Articles I through VIII of this chapter** ~~the Traffic Code~~ shall be punished by a fine of not more than Two Hundred Fifty Dollars (\$250.00) for each offense, except that the optional procedures set forth in ~~Section 65.4 § 254-42~~ may be used in lieu of court proceedings for violations of **Chapter 62. Article III.**

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 254-49D is amended as follows: "The Licensing Board may establish taxicab stands on such public streets and in such places and in such numbers as shall be determined to be of greatest benefit and convenience to the ~~public, business~~ public and businesses, and every such taxicab stand shall be designated by appropriate markings."

***Justification:** Clarification purposes. See proposed change(s) as shown in existing Chapter 66.6 (d) as follows:*

**66.6 (d)**

**D.** Taxicab Stands. The Licensing Board may establish taxicab stands on such public streets and in such places and in such numbers as shall be determined to be of greatest benefit and convenience to the ~~public, business,~~ **public and businesses** and every such taxicab stand shall be designated by appropriate markings.

Councilor Lauterborn **MOVED** to recommend the above change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 254-49E(2) is amended as follows: "In ~~no~~ any case pick up any adults when children under the age of 16 years are alone in the cab, unless said juvenile is seated adjacent to the driver."

***Justification:** Verbiage correction for clarity purposes. See proposed change(s) as shown in existing Chapter 66.6 (e) (2) as follows:*

~~66.6~~

~~(e)~~ — ~~(2)~~

**254-49 E. (2)** In ~~no~~ **any** case pick up any adults when children under the age of sixteen (16) years are alone in the cab, unless said juvenile is seated adjacent to the driver.

Councilor Lauterborn **MOVED** to recommend the above change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 254-50B is amended as follows:

Any taxicab driver who shall be convicted of any violation of these rules and regulations, or of any law of the State of New Hampshire, shall forthwith return his/her taxicab driver's license to the Director of the Building, Zoning, and Licensing Services Department who shall retain said license until such time as ~~a permit~~ an application has been filed in the same manner as for an original taxicab driver's license and a determination as to its issuance or denial shall have been made by the Chief of Police and/or the Licensing Board.

***Justification:** Correction in terminology. See proposed change(s) as shown in existing Chapter 66.7 (b) as follows:*

~~66.7(b)~~

**254-50**

**B.** Any taxicab driver who shall be convicted of any violation of these rules and regulations, or of any law of the State of New Hampshire, shall forthwith return his/her ~~taxicab driver's~~ **license** to the Director of Building, Zoning, & Licensing Services Department who shall retain said license until such time as ~~a permit~~ **an application** has been filed in the same manner as for an original ~~taxicab driver's~~ **license** and a determination as to its issuance or denial shall have been made by the Chief of Police and/or the Licensing Board.

Councilor Lauterborn **MOVED** to recommend the above change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 254-57C is amended to update the reference to RSA 31:1102 to RSA 31:102 and to update the reference to RSA 262:40-1 to 262:40-a.

***Justification:** Update to references. See proposed change(s) as shown in existing Chapter 67.6 (c) as follows:*

~~67.6(e)~~

**254-57 C.** The towing service shall, upon request of the City, tow any vehicles which have been abandoned as defined in RSA 262:32, obstructing access as defined in RSA ~~31:1102~~ **31:102** or which are in violation of private property restrictions as outlined in RSA ~~262:40-1~~ **262:40-a**. Towing and storage charges shall be as provided by law.

Councilor Lauterborn **MOVED** to recommend the above change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Chapter 260, Water.

The definition of "Business Office" in § 260-2 and §§ 260-19A and B and 260-20A are amended to



change "Finance Director" to "Business Administrator."

**Justification:** Update to titles. See proposed change(s) as shown in existing Chapter's 17.2; 17.19 (a) & (b); and 17.20 (a) as follows:

**17.2 (b)** 260-2

~~Business Office.~~ **BUSINESS OFFICE** - The Business Office of the City of Rochester, New Hampshire, as represented by its **Finance Director Business Administrator**, or duly authorized employee.

**17.20 (a) A.** Notification. The aggrieved user shall notify the Business Office in writing that said bill is contested before the next payment is due for water service. The notification shall explain why the bill is contested and provide the information necessary to determine the validity of the claim. The **Finance Director Business Administrator**, may require the use of forms to expedite the appeals process.

**17.20 (b) B.** Resolution. Upon receipt of a notification under ~~Section 17.20(A), Subsection A~~ the **Finance Director Business Administrator**, shall submit the claim to the Utility Advisory Board with a recommendation on the validity of the claim. The **decision of the** Utility Advisory Board shall be final, except that the City Manager shall have the authority to veto or modify any action of the Utility Advisory Board. Aggrieved parties shall be allowed only one appeal per claim.

**17.21 (a) A.** An agreement between the City **Finance Director Business Administrator** and the customer may be signed, on a form provided in the Business Office, if the customer is unable to satisfy ~~his~~ **their** water bill in full at the due date. A water shutoff notice and agreement procedure shall be established by the **Finance Director Business Administrator** and approved by the City Manager.

Councilor Bogan **MOVED** to recommend the above change(s) as **AMENDED** (*a previous motion was accepted to change "Business Administrator" to Finance Director*) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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The definition of "Director" in § 260-2 is amended to "Commissioner" and to read as follows: "The Commissioner of Public Works or his/her designee. See § 7-18A of the City Code."

**Justification:** Update to terminology (for consistency). See proposed change(s) as shown in existing Chapter 17.2 as follows:

~~(g) Director. Commissioner of Public Works as defined in Section 18 of the City Charter or his/her designee.~~

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

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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The definition of "water rates and charges" in § 260-2 is repealed.

**Justification:** Contradictory to the rest of the ordinance (would direct the customer to the DPW instead

of the ordinance where the information is published) Water rates and charges is explained in more detail under 260-17 Establishment of water rates. See proposed change(s) as shown in existing Chapter 17.2 (o) as follows:

**~~17.2 (o) Water Rates and Charges. A separate listing of all deposits, water rates, charges, and violation fees can be obtained from the Department of Public Works or Business Office.~~**

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 260-4B is amended as follows: "An estimate of the cost of work to install the service will be prepared by the applicant and verified by the Department of Public Works."

***Justification:** To accurately reflect current practices. See proposed change(s) as shown in existing Chapter's 17. (b) as follows:*

**~~17.5 (b)~~ 260-4.B.** An estimate of the cost of work to install the service will be prepared by the **applicant and verified by the** Department of Public Works.

Councilor Lachapelle **MOVED** to recommend the above change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 260-4F is amended as follows: "Interest shall accrue on late payments at the same rate charged by the City for overdue property tax bills."

***Justification:** Corrected for consistency on definition of interest accrued. See proposed change(s) as shown in existing Chapter 17.5 (f) as follows:*

**~~17.5 (f)~~ 260-4. F.** The City of Rochester may allow applicants to enter into agreements with the City to pay all costs in equal installments over a period of time. Interest shall accrue **on late payments** at the same rate charged by the City for overdue property tax bills. Such agreements shall be recorded with the Strafford County Register of Deeds at the expense of the applicant. In the event property is conveyed; all monies owed to the City of Rochester shall be remitted in full.

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 260-5 is amended to change "American Water Association" to "American Water Works Association."

***Justification:** Update to title (never actually existed). See proposed change(s) as shown in existing Chapter 17.5 (f) as follows:*

**~~17.6~~ 260-5** Size of Service and Meter Required.

The minimum size of service connections and meter installation permitted shall conform-**with** to the recommendations of the American Water **Works** Association.

Councilor Lachapelle **MOVED** to recommend the above change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Sections 260-7A and 260-25A are amended to change "Water Department" to "Division of Water



Supply Works." Section 260-7A is further amended to update "firemen" to "firefighters."

**Justification:** *Update to titles. See proposed change(s) as shown in existing Chapter 17.8 (a) as follows:*

**17.8 (a) 260-7 A.** No persons except those duly authorized by the Department of Public Works, will tap any water main or connect any service pipes thereto. No unauthorized person shall shut off or turn on the water from any main within the street lines. No person except ~~firemen~~ **firefighters** shall open any hydrants without the consent of the Department of Public Works. Water taken out of the system without permission will be calculated by the **Division of Water** ~~Department Supply Works~~ and the violator will be required to pay same and, in addition, be subject to a fine for the violation of above provision.

**17.26 (a) 260-25 A.** Should any customer violate any regulations established by the **Division of Water** ~~Department Supply Works~~, or fail to pay rates or other charges when due, his/her supply shall be shut off, or terminated, and it shall not be resumed until causes of complaint are removed and/or all charges paid.

Councilor Lachapelle **MOVED** to recommend the above change(s) to the full City Council. Councilor Abbott seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Original § 17.17, Rates, charges and fees, is repealed. (*Councilor Abbott – Requested more information.*)

**Justification:** *Contradictory to the rest of the ordinance (would direct the customer to the DPW instead of the ordinance where the info is published). See proposed change(s) as shown in existing Chapter as follows:*

**17.17. Rates, Charges and Fees.** ~~A separate listing of all deposits, water rates, charges, and violation fees can be obtained from the Department of Public Works or the Business Office.~~ **260-16 Reserved.**

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 260-17 is amended to update "Water Division" to "Division of Water Supply Works."

**Justification:** *Correction to title. See proposed change(s) as shown in existing Chapter 17.8 (a) as follows:*

**17.18 260-17 Establishment of water rates.**

Water rates shall be established periodically by the City Council. Such water rates shall be computed based on the total amount budgeted for the Department of Public Works, ~~Water~~ **Division of Water Supply Works**, operations and maintenance, plus any debt service and capital outlays determined by the City Council, and projections of estimated water consumption, number of accounts, and/or other such factors. Water rates shall be recommended to the City Council by the Utility Advisory Board and/or the City Manager and shall be established to provide sufficient revenue to at least pay the expenses of operating and maintaining the water treatment works, transmission and distribution system, and appurtenant facilities.

Councilor Lachapelle **MOVED** to recommend the above change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 260-19B is amended as follows: "The decision of the Utility Advisory Board shall be final, except that the City Manager shall have the authority to veto or modify any action of the Utility Advisory Board."

***Justification:** Addition of language for clarity purposes. See proposed change(s) as shown in existing Chapter 17.20 (b) as follows:*

**17.20 (b) 260-19 B.** Resolution. Upon receipt of a notification under ~~Section 17.20(A)~~ **Subsection A**, the **Finance Director** ~~Business Administrator~~ shall submit the claim to the Utility Advisory Board with a recommendation on the validity of the claim. The **decision of the** Utility Advisory Board shall be final, except that the City Manager shall have the authority to veto or modify any action of the Utility Advisory Board. Aggrieved parties shall be allowed only one appeal per claim.

Councilor Lachapelle **MOVED** to recommend the above change(s) as **AMENDED** (*a previous motion was accepted to change the title of "Business Administrator" to "Finance Director"*) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 260-21 is amended as follows: "If such bills are not paid within 30 days or a payment agreement made with the Business Office, the water will be shut off or the charges will become a lien on the property, or both."

***Justification:** Additional language for clarity purposes. See proposed change(s) as shown in existing Chapter 17.22 as follows:*

**17.22 260-21 Miscellaneous bills.**

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

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Abbott seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 260-22 is amended as follows: "~~Twenty-four~~ Forty-eight hours' advance notice is normally required for turning on and shutting off water. (*Councilor Abbott – Requested more information.*)

***Justification:** This section does not apply to emergency situations, this is for advanced/planned turn on/turn off situations. If request causes interruption to services of other customers, state law requires 48-hour advanced notice to those interrupted customers (for both turning on or off). See proposed change(s) as shown in existing Chapter 17.23 as follows:*

**17.23 260-22 Turning on and off.**

~~Twenty-four (24)~~ **Forty-eight** ~~hours'~~ **hours'** advance notice is normally required for turning on and shutting off water. The requested service will be provided as soon as possible thereafter. All expenses involved will be the responsibility of the customer. Overtime charges at the rate of time and one-half ( $\frac{1}{2}$ ) will be charged before or after duty hours, with a minimum of a three-hour (3) charge.

Councilor Lachapelle **MOVED** to recommend the above change(s) as **AMENDED** to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 260-28A is amended as follows: "The Utility Advisory Board shall rule on appeals of user and other charges and fees and perform such other duties that may be assigned by City Council."

***Justification:** Grammar correction. See proposed change(s) as shown in existing Chapter 17.29 as follows:*

~~17.29~~ **260-28** Utility Advisory Board.

~~(a)~~ **A.** Function of the Board. The Utility Advisory Board shall periodically make recommendations to the City Council on the level of water rates to be established under this ~~ordinance~~ **Article**, but such recommendations are not binding on the City Council. The Utility Advisory Board shall rule on appeals of user and other charges and fees and **perform** such other duties that may be assigned by City Council.

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Sections 260-34A and 260-43C are amended to update the reference to New Hampshire Administrative Rules Part Env-Ws 364 to Part Env-Dw 505.

***Justification:** Update to reference. See proposed change(s) as shown in existing Chapter 18.1 and 18.10 (c) as follows:*

~~18.1~~ **260-34 A** New Hampshire Code of Administrative Rules, ~~Env-Ws 364~~ **Part Env-Dw 505**, requires that the City of Rochester take appropriate actions to prevent the reverse flow of water previously delivered to customers; or, the backflow of harmful substances into the public water system. Each public water system serving 1,000 or more persons must have a written ~~cross-connection~~ **control** program ~~ordinance~~.

~~18.10 C~~ **260-43 C** The permit shall contain the information required in ~~Env-Ws 364~~ **Part Env-Dw 505**, Backflow Prevention.

Councilor Abbott **MOVED** to recommend the above change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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The definition of "approved source" in § 260-35 is amended to update the references to the State Water Supply Division to "Water Division."

***Justification:** Update to title. See proposed change(s) as shown in existing Chapter 18.4 (C) as follows:*

~~18.4 C~~ **260-35** Definitions:

**Approved Source:**

**APPROVED SOURCE** - A source of water utilized by a public water system for distribution to the public for consumption purposes and which is approved by the NHDES Water ~~Supply~~ **Supply** Division for said use following a required and/or approved treatment process.

Councilor Lauterborn **MOVED** to recommend the above change(s) to the full City Council. Councilor Abbott seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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The definition of "auxiliary water supply" in § 260-35 is amended as follows: "Any water supply on, or available to, a premises other than the ~~Town's~~ City's approved public potable water supply."

***Justification:** Rochester is a City, not a town. See proposed change(s) as shown in existing Chapter 18.4 (D) as follows:*

**18.4 D. 260-35** Definitions:

~~**Auxiliary Water Supply:**~~

**AUXILIARY WATER SUPPLY** - Any water supply on, or available to, a premises other than the ~~Town's~~ **City's** approved public potable water supply.

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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The definition of "hose bib vacuum breaker" in § 260-35 is amended as follows: "A device which is attached to a hose bib and which acts as an atmospherically permanently vacuum breaker."

***Justification:** Grammar correction. See proposed change(s) as shown in existing Chapter 18.4 (K) as follows:*

**18.4 K. 260-35** Definitions:

~~**Hose Bib Vacuum Breaker:**~~

**HOSE BIBB VACUUM BREAKER** - A device which is attached to a hose bib~~b~~ and which acts as an atmospherically ~~permanently~~ vacuum breaker.

Councilor Lauterborn **MOVED** to recommend the above change(s) as **AMENDED** to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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The definition of "potable water" in § 260-35 is amended to change "Division for Human Consumption" to "Water Division."

***Justification:** Update in state organization title. See proposed change(s) as shown in existing Chapter 18.4 (FF) as follows:*

**18.4 FF. Potable Water:**

**260-35** Definitions:

**POTABLE WATER** - Water from a source that has been approved by ~~the Division for human Consumption~~ **New Hampshire Department of Environmental Services**.

Councilor Lachapelle **MOVED** to recommend the above change(s) as **AMENDED** to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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The definition of "premises" in § 260-35 is amended as follows: "The industrial, commercial or residential facility or dwelling ~~subject~~ connected to the public water supply."

***Justification:** Repetition. See proposed change(s) as shown in existing Chapter 18.4(MM) as follows:*

**260-35** Definitions:

**18.4 MM. Premises:**

**PREMISES** - The industrial, commercial or residential facility or dwelling ~~subject~~ connected to the public water supply.

Councilor Lachapelle **MOVED** to recommend the above change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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The definition of "water service entrance" in § 260-35 is amended to add "any" before "unprotected branch."

***Justification:** Additional language for clarification purposes. See proposed change(s) as shown in existing Chapter 18.4 (II) as follows:*

**260-35** Definitions:

**18.4 II. Water Service Entrance:**

**WATER SERVICE ENTRANCE** - The point in the customer's water system beyond the sanitary control of the Department; generally considered to be the outlet end of the water meter and always before **any** unprotected branch.

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

---

Section 260-36 is amended to read as follows: "The authority for this article is derived from the New Hampshire Administrative Rules Part Env-Dw 505, Backflow Prevention, and the City of Rochester public water system rules and regulations, as adopted."

***Justification:** Corrections made for clarity and update made to reference. See proposed change(s) as shown in existing Chapter 18.2 as follows:*

**18.2 260-36 Authority.**

**The authority for this article is derived from the** New Hampshire Administrative Rules ~~Part Env-Ws~~ **Env-Dw 364 505**, Backflow Prevention, ~~Section 2.3 Responsibilities of the Water Treatment Chief Operator,~~ and the City of Rochester public water system rules and regulations, **as** adopted.

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 260-38L is amended as follows: "All new single-family residential water services will be required to install a residential No. 7 dual check device immediately downstream of the water meter."

***Justification:** Clarification to reflect state law. See proposed change(s) as shown in existing Chapter 18.5 (L) as follows:*

**L.** All new **single-family** residential water services will be required to install a residential ~~#7~~ **No. 7** dual check device immediately downstream of the water meter.

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 260-39 is amended to delete the following note which appeared at the beginning of the section:

"Note: Homeowners are permitted to work on their own residential plumbing. A licensed plumber with a valid New Hampshire license is required for work on all industrial, commercial, and rental properties."

***Justification:** Contradicts current plumbing code. See proposed change(s) as shown in existing Chapter 18.6 as follows:*

**18.6 Owner.**

**260-39 Requirements of Owner.** ~~NOTE: Homeowners are permitted to work on their own residential plumbing. A licensed plumber with a valid New Hampshire license is required for work on all industrial, commercial, and rental properties.~~ A. The owner shall be responsible for the elimination or protection of all cross-connections on their premises.

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Abbott seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 260-40 is amended to delete the following wording: "The Department will operate a cross-connection control program, to include keeping of necessary records, which fulfills the requirements of the Division's Backflow Prevention Regulations and is approved by the Division."

***Justification:** Regulator's requirements shouldn't be included in ordinances, only requirements of those being regulated. See proposed change(s) as shown in existing Chapter 18.7 as follows:*

**18.7 Administration.** ~~A. The Department will operate a cross-connection control program, to include keeping of necessary records, which fulfills the requirements of the Division's Backflow Prevention Regulations and is approved by the Division.~~

Councilor Lachapelle **MOVED** to recommend the above change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 260-42 is amended to delete the following wording from Subsection A: "Install an approved reduced pressure zone (RPZ) device at the public water supply service connection" and to replace Subsection B with the following:

B. The Department shall not permit a cross-connection within the public water supply system unless it is considered necessary and that it cannot be eliminated.

(1) The customer shall install an approved reduced pressure zone (RPZ) device at the public water supply service connection.

(2) The customer shall provide the water supplier with backflow prevention device test results per required schedule or the customer's water service from the water provider will be shut off until the data is supplied to the water supplier.

***Justification:** Increased language to more accurately reflect state regulations. (Schedule A appears to add new sections to the Code; however, most of this is existing language can be found in 18.9 and Article 4 Permits.) See proposed change(s) as shown in existing Chapter 18.9 and Article 4 Permits as follows:*

**260-42 Auxiliary water sources.**



**A.** Where a single- or dual-family residential customer served by **the** public water supply system has or proposes to install an auxiliary water supply (i.e., well, cistern, spring, etc.), the supplier of the water shall protect the public water supply against backflow by requiring the customer to perform one of the following:

**18.9 A. (1)** Permanently disconnect the auxiliary water supply from any direct connection to the public water supply system. An inspection to determine compliance with this requirement shall be made by the supplier of the water, local Director of Building, Zoning, & Licensing Services, or his designee. The frequency of the inspections shall be at the time of the disconnection and at periodic intervals thereafter (i.e. every three to five years).

**18.9 B. (2)** Abandon the auxiliary water supply in a manner acceptable by the water supplier.

**18.9 C. ~~Install an approved reduced pressure zone (RPZ) device at the public water supply service connection.~~**

**Article 4 Permits. B.** The Department shall not permit a cross-connection within the public water supply system unless it is considered necessary and that it cannot be eliminated.

**18.9 C. (1) The customer shall** install an approved reduced pressure zone (RPZ) device at the public water supply service connection.

**18.9 D. (2)** The customer shall provide the water supplier with backflow prevention device test results per required schedule or the customer's water service from the water provider will be shut off until the data is supplied to the water supplier.

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

---

Section 260-43 is amended to delete the following wording: "The Department shall not permit a cross-connection within the public water supply system unless it is considered necessary and that it cannot be eliminated."

**Justification:** State does not allow cross-connections. No change to the existing language. Existing Article 4: Permits (18.10) has been moved to Section 260-42 (B). See proposed change(s) as shown in existing Article 4 (18.10) as follows:

**Article 4 Permits (18.10). ~~The Department shall not permit a cross-connection within the public water supply system unless it is considered necessary and that it cannot be eliminated.~~**

**Article 4 Permits. 260-42 B.** The Department shall not permit a cross-connection within the public water supply system unless it is considered necessary and that it cannot be eliminated.

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 260-44 is amended as follows: "Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment, an existing backflow preventer must be upgraded to a reduced pressure zone principle an approved device, or a reduced pressure zone principle an approved device must be installed in the event that no backflow device is present.

**Justification:** *Not all devices are reduced pressure zones, there are other approved high hazard devices. See proposed change(s) as shown in existing Chapter 18.11 as follows:*

**18.11 Existing Backflow Prevention Devices** Any existing backflow preventer shall be allowed by the Department to continue in service if in good working order unless the degree of hazard is such as to supersede the effectiveness of the present backflow preventer, or result in an unreasonable risk to the public health. Permits for existing devices shall be issued with durations to coincide with the required schedule of inspection and testing. Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment, an existing backflow preventer must be upgraded to an **approved reduced-pressure-zone-principle** device, ~~or a reduced-pressure-zone-principle device~~ must be installed in the event that no backflow device is present.

Councilor Lauterborn **MOVED** to recommend the above change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Section 260-45 is amended as follows: *(Councilor Abbott – Requested more information.)*

In Subsection A as follows: "Initial installations, replacements and upgrades shall be performed by a ~~plumber licensed in the State of New Hampshire~~ **an individual** with a current Backflow Prevention Device Inspector/Tester Certification from the New England Water Works Association (NEWWA)."

**Justification:** *Overly restrictive, one does not have to be a plumber to be a certified backflow tester. See proposed change(s) as shown in existing Chapter 18.12 as follows:*

**18.12 260-45 Installation. Requirements.**

**A. Installation requirements.** Initial installations, replacements and upgrades shall be performed by a ~~plumber licensed in the state of New Hampshire~~ **an individual** with a current Backflow Prevention Device Inspector/Tester Certification from the New England Water Works Association (NEWWA).

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

In Subsection B(4) and (5) to change "Water Department or its designee" to "Department of Public Works or its designee."

**Justification:** *Correction to title to more accurately reflect current practices. See proposed change(s) as shown in existing Chapter 18.13 as follows:*

**18.13 B. Reduced Pressure Zone Backflow Prevention Devices.**

~~D.~~ **(4)** The reduced pressure zone backflow prevention device and shut-off valves must be installed in a horizontal alignment between three and four feet from the floor to the bottom of the device and a minimum of 12 inches from any wall, unless the device is approved by the ~~Water~~ Department **of Public Works** or its Designee, for vertical installations.

~~E.~~ **(5)** Tightly closing valves must be installed at each end of the device and must be immediately accessible unless otherwise approved by the ~~Water~~ Department **of Public Works** of its Designee.

Councilor Lachapelle **MOVED** to recommend the above change(s) to the full City Council.



Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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In Subsection B(6) as follows: "~~If A~~ drain is to be provided for a relief valve port[,]. ~~There~~ must be an approved air gap separation between the port and the drain line."

***Justification:** Drainage is not optional on devices with relief valve ports in accordance with state regulations. See proposed change(s) as shown in existing Chapter 18.13 as follows:*

**F. (6) If A** drain is to be provided for a relief valve port, **There** must be an approved air gap separation between the port and the drain line. To be approved, the air gap must be at least twice the internal diameter of the discharge line, or two ~~(2)~~ inches minimum.

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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To add Subsection B(7) as follows: "Backflow prevention devices are not allowed to be installed below grade or other location that may be prone to unit inundation and/or submergence."

***Justification:** Added language to reflect state law. See proposed change(s) as follows:*

**(7) Backflow prevention devices are not allowed to be installed below grade or other location that may be prone to unit inundation and/or submergence.**

Councilor Lachapelle **MOVED** to recommend the above change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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In Subsection C(4) and (5) to change "Water Treatment Department Chief Operator or his designee" to "Department of Public Works or its designee."

***Justification:** Correction to title to more accurately reflect current practices. See proposed change(s) as shown in existing Chapter 18.14 C (4) and (5) as follows:*

**18.14 C.** Double Check Valve Assemblies.

**(4)** The double check valve assembly and shutoff valves must be installed in a horizontal alignment and the top of the double check valve assembly must be between 30 inches and 53 inches from the floor to the bottom of the device and a minimum of 12 inches from any wall, unless the device is approved by the ~~Water Treatment Department Chief Operator~~ **Department of Public Works** or ~~his-its~~ Designee.

**(5)** Tightly closing valves must be installed at each end of the device and be immediately accessible unless otherwise approved by the ~~Water Treatment Department Chief Operator~~ **Department of Public Works** or ~~His-its~~ Designee.

Councilor Bogan **MOVED** to recommend the above change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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To delete the following wording from the end of the section: "Pit installations shall be approved only as, but not limited to the requirements provided in Section 6.4 below" and "Pit installations. No backflow prevention device shall be installed in pits."

**Justification:** Verbiage was deleted from the end of the section to accurately reflect state regulations and current city of Rochester practices. See proposed change(s) as shown in existing Chapter 18.14 G and 18.15 as follows:

**18.14 G. Pit installations shall be approved only as, but not limited to the requirements provided in Section 6.4 below.**

#### **18.15 Pit Installations**

**No backflow prevention device shall be installed in pits.**

Councilor Lachapelle **MOVED** to recommend the above change(s) to the full City Council. Councilor Abbott seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Section 260-46 is amended as follows:

In Subsection B: "Testing and inspection of all devices to include reduced pressure principle backflow devices, testable double check valve assemblies, and testable pressure vacuum breakers shall be performed by ~~a New Hampshire~~ an individual with a current Backflow Prevention Device Inspector/Tester Certification from the New England Water Works Association (NEWWA)."

**Justification:** Pronoun correction. See proposed change(s) as shown in existing Article 7 B as follows:

**Article 7 B. 260-46B** Testing and Inspection of all devices, to include reduced pressure principle backflow devices, testable double check valve assemblies, and testable pressure vacuum breakers shall be performed by ~~a New Hampshire~~ **an individual** with a current Backflow Prevention Device Inspector/Tester Certification from the New England Water Works Association (NEWWA).

Councilor Lachapelle **MOVED** to recommend the above change(s) to the full City Council. Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

In Subsection C: "Parallel installation of two devices of the same size is an effective means of ensuring that uninterrupted water service during testing and repair of devices is maintained and is strongly recommended when the owner desires such continuity."

**Justification:** Added language for clarification. See proposed change(s) as shown in existing Article 7 (C) as follows:

**C.** Any backflow preventer, which fails during a periodic test, shall be repaired or replaced. When repairs are necessary, upon completion of the repair, the device shall be re-tested at owner's expense to ensure correct operation. High-hazard situations shall not be allowed to continue unprotected if the backflow preventer fails the test and cannot be repaired immediately. The owner is responsible for spare parts, repair tools, or a replacement device. Parallel installation of two (2) devices **of the same size** is an effective means of ensuring that uninterrupted water service during testing and repair of devices is maintained, and is strongly recommended when the owner desires such continuity.

Owen Friend-Gray, P.E., Assistant City Engineer, addressed the Committee. He recommended not accepting this change since the "devices" being referred to in this section do not need to be of the same size. Councilor Lachapelle **MOVED** to recommend to **DENY** the above change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** to **DENY** by a unanimous voice vote.

In Subsection E: "Failure to test a backflow prevention device as required, or failure to repair a device when needed, shall result in immediate termination of the water service."

***Justification:** Constitutes a known hazard to safety of drinking water supply, legally obligated by state law to address the issue immediately. See proposed change(s) as shown in existing Article 7 (E) as follows:*

**E.** Failure to test a backflow prevention device as required, or failure to repair a device when needed, shall result in **immediate** termination of the water service.

Councilor Lachapelle MOVED to recommend the above change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Original § 18.16, Records, and § 18.17, Reports, are repealed.

***Justification:** Regulator's requirements shouldn't be included in ordinances, only requirements of those being regulated. See proposed change(s) as shown in existing Chapter 18.16 and 18.17 as follows:*

#### **18.16 Records**

~~The Department will initiate and maintain the following:~~

- ~~A. Master files on existing and new properties requiring backflow prevention devices.~~
- ~~B. Master files on customer cross-connection tests and/or inspections for all applicable properties.~~
- ~~C. Master files on cross-connection permits.~~
- ~~D. Copies of permits and permit applications.~~
- ~~E. Master files on backflow prevention device installation/inspection and testing certification forms.~~
- ~~F. Copies of lists and summaries supplied to the Division.~~

#### **18.17 Reports**

~~The Department will submit the following to the Division:~~

- ~~A. Initial listing of low-hazard cross-connections on New Hampshire Department of Environmental Services, Water Supply Division Low-Hazard form X-I (L).~~
- ~~B. Initial listing of high-hazard cross-connections on New Hampshire Department of Environmental Services, Water Supply Division High-Hazard form X-I (H).~~
- ~~C. Annual update lists of Items I and 2, above.~~
- ~~D. Annual summary of cross-connection inspections and tests. This report shall be submitted to the department no later than April 1st of the year following the inspection year.~~
- ~~E. Additionally, the Department will submit to the Division:~~
  - ~~• The permit number of the backflow prevention device~~
  - ~~• The name of the Owner of the backflow prevention device~~
  - ~~• The location of the backflow prevention device~~
  - ~~• The date of each inspection and test performed during the year of reporting~~
  - ~~• The name, certifying organization, and certification number of the certified backflow prevention device inspector who performed the inspection and test on the device~~
  - ~~• The result of each inspection and test~~
  - ~~• If the inspection or test result is unsatisfactory, the date at which the backflow prevention device was found to be satisfactory following a subsequent inspection and test in that calendar year period~~

Councilor Lauterborn **MOVED** to recommend the above change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Chapter 275, Zoning.

Section 275-1.6 is amended as follows: "If a court or any other body with appropriate jurisdiction finds that any ~~chapter~~ article, section, subsection, or provision of this chapter is invalid, that finding shall not invalidate any other provision of this chapter."

***Justification:** New Code refers to "article" not "chapter". See proposed change(s) as shown in existing Chapter 42.1 (f) as follows:*

**42.1 (f) 275-1.6.** Severability. The provisions of this chapter are severable. If a court or any other body with appropriate jurisdiction finds that any chapter, section, subsection, or provision of this ~~chapter~~ **Article** is invalid, that finding shall not invalidate any other provision of this chapter. Those other provisions shall remain in full force without any other action required.

Councilor Bogan **MOVED** to recommend the change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 275-1.8 is amended to change the "Class" of the Neighborhood Mixed-Use District in Table 1-A from "Commercial District" to "Residential District."

***Justification:** The ordinance cited the NMU zone as both a commercial district and a residential district. It can only be one or the other. It is a residential district as noted in section 42.5 "residential zoning districts" See proposed change(s) as shown in existing Table 1-A Zoning Districts as follows:*

**TABLE 1-A Zoning Districts**

<i><b>Full Name</b></i>	<i><b>Abbreviation</b></i>	<i><b>Class</b></i>
<i>Neighborhood Mixed-Use District</i>	<i>NMU</i>	<del><i>Commercial District</i></del> <i>Residential District</i>

Councilor Bogan **MOVED** to recommend the change(s) to the full City Council. Councilor Abbott seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 275-2.1E is replaced with the following (to reflect the new numbering system in this chapter):

***Justification:** To rid the Code of the old numbering system and to replace with the new numbering system. See details below: See proposed change(s) as shown in existing Chapter 42.2 (a) (5) as follows:*

**42.2 (a) (5):**

~~For the purposes of this chapter, the words "this chapter" refers to this entire zoning ordinance, Chapter 42 of the City of Rochester General Ordinances. The words "this section" refers to a specific portion of this chapter, as designated by Arabic numerals (such as "42.1" or "42.2"). The words "this subsection" refers to a specific portion of a section as designated by a lower case letter (such as "a" or "b"). The levels continue by using an Arabic numeral (such as "1" or "2"), a capital letter (such as "A" or "B"), a lower case Roman numeral (such as "i" or "ii"), or another lower level designation. The words "this ordinance" applies to this chapter, a section of this chapter, or a subsection of this chapter, as the context may imply.~~

**275-2.1. E**

**For the purposes of this chapter, the words "this chapter" refer to this entire Zoning Ordinance, Chapter 275 of the City of Rochester General Ordinances. The words "this article" refer to a specific portion of this chapter, as designated by an article number (such as "Article 1" or "Article 2"). The words "this section" refer to a specific portion of an article designated by a section number (such as "§ 275-1.1" or "§ 275-3.2"). The words "this subsection" refer to a specific portion of a section as designated by a letter or number [such as "A" or "(1)" or "(a)].**

Councilor Lachapelle **MOVED** to recommend the change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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In § 275-2.2, Definitions:

The definition of "apartments or apartment buildings" is amended as follows:

Apartment or Apartment Buildings: See "dwelling, apartment building," "dwelling, mixed-use," "dwelling, multifamily," and "security apartment."

***Justification:** In the table of permitted uses, the use classification is "dwelling, apartments (apartment/mixed use building)" Therefore there is no use known as "dwelling, apartment building". See proposed change in existing Chapter 42.2 (b) (17) as follows:*

**42.2 (b) (17) ~~Apartment or Apartment Buildings:~~**

**275-2.2. Definitions.**

**APARTMENTS or APARTMENT BUILDINGS:** See "**dwelling, apartment building**," "dwelling-mixed use", "**dwelling, multifamily**", and "**security apartment**".

Councilor Bogan **MOVED** to recommend the change(s) to the full City Council. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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The definition of "earth excavation" is amended to correct the reference to RSA 155 to RSA 155-E.

***Justification:** Update to RSA reference. See proposed change(s) as shown in existing Chapter 42.2 as follows:*

**42.2 Earth Excavation (or "mining" or "resource extraction"):**

**275-2.2.**

**EARTH EXCAVATION (or MINING or RESOURCE EXTRACTION)** - The commercial removal of materials on or below the surface of the earth, including soil, sand, gravel, rock, stones, clay, peat, or other mineral deposits or organic substances in accordance with RSA 155-E. This does not include the removal of vegetation or materials incidental to agriculture, development site work, or building construction.

Councilor Abbott **MOVED** to recommend the change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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The definition of "lounge" under "eating and drinking establishments" is amended to delete "(or TAVERN)" after "LOUNGE."

***Justification:** Tavern allows alcohol carry-out, where as a Lounge must keep the alcohol on premises. See proposed change(s) as shown in existing Chapter 42.2 as follows:*

**42.2 Lounge:**

**275-2.2.**

**LOUNGE** - See "Eating and Drinking Establishments" ~~Lounge (or "Tavern")~~: A section of a restaurant that sells alcoholic beverages for consumption on the premises (as an accessory use).

Councilor Bogan **MOVED** to recommend the change(s) to the full City Council. Councilor Abbott seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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The definition of "hazardous substance/waste" is amended to change "Division of Environmental Services" to "Department of Environmental Services."

***Justification:** Correction to the title of DES. See proposed change(s) as shown in existing Chapter 42.2 Definitions as follows:*

**42.2 Hazardous Substance/Waste:**

**275-2.2. HAZARDOUS SUBSTANCE/WASTE** - Hazardous waste materials are classified as such by the NH ~~Division~~ **Department** of Environmental Services under RSA 147-A: 2.

Councilor Bogan **MOVED** to recommend the change(s) to the full City Council. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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In the definition of "junkyard" Subsection B is amended to correct the reference to RSA 236:12 to RSA 236:112.

***Justification:** Correction to the reference of RSA 236:112,III. See proposed change(s) as shown in existing Chapter 42.2 Definitions as follows:*

**42.2 Junk yard and/or Junkyard:** ~~"Junk yard" and/or "Junkyard"~~ means **JUNKYARD** - A place used for storing and keeping, or storing and selling, trading, or otherwise transferring old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked motor vehicles, or parts thereof, iron, steel, or other old or scrap ferrous or nonferrous material. As used in this subdivision, the term includes, but is not limited to, the following types of junkyards:

- A. Automotive recycling yards, meaning a motor vehicle junkyard, as identified in subparagraph (c), the primary purpose of which is to salvage multiple motor vehicle parts and materials for recycling or reuse;
- B. Machinery junkyards, as defined in RSA 236:112, III; and
- C. Motor vehicle junkyards, meaning any place, not including the principal place of business of any motor vehicle dealer registered with the director of motor vehicles under RSA 261:104 and controlled under RSA 236:126, where the following are stored or deposited in a quantity equal in bulk to 2 or more motor vehicles:



Councilor Bogan **MOVED** to recommend the change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Under "retail establishments" Subsection F, Retail services, is amended as follows:

"Retail services" does not include retail sales except for incidental items related to the service, as an accessory use, ~~not~~ or the leasing/rental of equipment or goods if stored on the premises.

***Justification:** Clarification of the intent. See proposed change(s) as shown in existing Chapter 42.2 Definitions as follows:*

**42.2 Retail Services:** A facility for providing direct personal or business services to walk-in customers. "Retail ~~services~~" does not include retail sales except for incidental items related to the service, as an accessory use, ~~not~~ **or** the leasing/rental of equipment or goods if stored on the premises. (Also see "Office", "Retail Sales", and "Service Establishment").

Councilor Bogan **MOVED** to recommend the change(s) to the full City Council. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Under "retail establishments" Subsection H, Service establishment, is amended to change "by Building, Zoning, and Licensing Services" to "by the Director of Building, Zoning, and Licensing Services."

***Justification:** Correction to the title. See proposed change(s) as shown in existing Chapter 42.2 Definitions as follows:*

**Service Establishment:** Retail, wholesale, and business services of a more intensive nature than "Retail Services" including repair of heavy equipment, machines with engines, and furniture involving the significant use of chemicals; rental of large or heavy equipment; and other miscellaneous activities with greater potential performance impacts, as reasonably determined by **the Director of** Building, Zoning, and Licensing Services.

Councilor Bogan **MOVED** to recommend the change(s) to the full City Council. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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A definition of "retail services" is added to read "See 'retail establishments.'"

***Justification:** The existing ordinance makes reference to retail service; however, it currently does not direct the reader to a definition. See proposed change(s) as follows:*

**RETAIL SERVICES - See "retail establishments."**

Councilor Lachapelle **MOVED** to recommend the change to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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A definition of "setback, special" is added to read as follows: "In addition to the setbacks listed in the Tables of Dimensional Standards there are several use-specific and situational-specific setbacks noted throughout this chapter. The more restrictive setback will apply."

**Justification:** *The existing ordinance makes reference to “Setback, Special” however, it does not define “Setback, Special.” See proposed change(s) as below:*

**SETBACK, SPECIAL – In addition to the setbacks listed in the Tables of Dimensional Standards there are several use-specific and situational-specific setbacks noted throughout this chapter. The more restrictive setback will apply.**

Councilor Bogan **MOVED** to recommend the change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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The definition of "sight triangle" is amended to delete "(For additional information see Article 27.)"

**Justification:** *The current ordinance directs reader to another chapter for more information; however there is currently no cross-reference to “sight triangle.” See proposed change(s) as shown in existing Chapter 42.2 Definitions as follows:*

**42.2 275-2.2 Sight Triangle:** A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. ~~(For additional information see 42.27)~~

Councilor Lachapelle **MOVED** to recommend the change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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The definition of "single-unit dwelling" is repealed.

**Justification:** *This is a term which isn’t used in the ordinances. The term used throughout the ordinances is “Single family dwelling” See proposed change(s) as shown in existing Chapter 42.2 Definitions as follows:*

Single-Unit Dwelling: ~~See “Dwelling, Single Unit”.~~ **Repealed.**

Councilor Bogan **MOVED** to recommend the change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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In the definition of "solid waste facility" Subsections A and B are amended to update the reference to Chapters Env-Wm 100 to 1100 of the New Hampshire Administrative Rules to Chapters Env-Hw 100 to 1100.

**Justification.** *Update to references. See proposed change(s) as shown in existing Chapter 42.2 Definitions as follows:*

**Solid Waste Facility:** A location or system for resource recovery, recycling, collection, source separation, storage, transportation, processing, treatment or disposal of solid waste. Devices, equipment, and other structures required or ordered to be installed at a Solid Waste Facility by the Department of Environmental Services, State of New Hampshire, shall be deemed to be an accessory use of a solid waste facility. The term "solid waste facility" includes devices, equipment, buildings,



uses and structures for the treatment, processing or beneficial use of by-products resulting from the treatment, processing or disposal of solid waste (such as landfill gas and landfill leachate).

A. For the purposes of this chapter, the term "solid waste facility" shall specifically exclude hazardous waste facilities including those regulated under the NH DES **Hazardous Waste Rules (New Hampshire Code of Administrative Rules Chapters Env-Wm Hw 100 - 1100)** and, so-called, waste-to-energy facilities involving the incineration of solid waste.

B. For the purpose of the interpretation of the provisions of this **ordinance Chapter** relative to the authorization and operation of a solid waste facility, all definitions contained in Chapter 149-M of the New Hampshire Revised Statutes Annotated and applicable regulations promulgated there under (e.g **New Hampshire Code of Administrative Rules Chapters Env-Wm Hw 100- 1100**) as presently enacted or the corresponding provision(s) of any recodification or amendment thereof shall apply, unless a specific and more restrictive definition of any applicable term shall be adopted as part of this chapter. "Solid waste facility" includes, but is not limited to, composting facility, junkyard, and recycling facility. (See also "Composting Facility", "Junkyard"; and "Recycling Facility".)

Councilor Bogan **MOVED** to recommend the change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

The definition of "temporary wireless communication facility is amended as follows:

**TEMPORARY WIRELESS COMMUNICATIONS FACILITY** – Any wireless communications facility designed for short-term use only for a special event or while a permanent wireless communications facility is under construction.

**Justification:** *Clarification of type of facility. See proposed change(s) as shown in existing Chapter 42.2 Definitions as follows:*

**Temporary Wireless Communication Facility:** Any wireless communication facility designed for short term use only for a special event or while a permanent wireless **communications** facility is under construction.

Councilor Lauterborn **MOVED** to recommend the change(s) to the full City Council. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

The definition of "townhouse" is repealed.

**Justification:** *"Townhouse" is a style of construction, not a use. See proposed change(s) as shown in existing Chapter 42.2 Definitions as follows:*

**Townhouse:** See **"Dwelling, Townhouse"**. **Repealed.**

Councilor Lachapelle **MOVED** to recommend the change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

The definition of "wireless communications facility" is repealed.

**Justification:** *Merging definitions of wireless communications facility and wireless communication systems, existing wireless communications systems will be retitled as "wireless communications*

facilities." See proposed change(s) as shown in existing Chapter 42.2 Definitions as follows:

Wireless Communications Facility: ~~See "Alternate Tower Structure Antenna and Tower"~~  
**Repealed.**

Councilor Bogan **MOVED** to recommend the change to the full City Council. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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The definition of "wireless communications systems (or WFC)" is amended to "wireless communications facilities (or WCF)" and to add the following sentence: "See 'alternate tower structure,' 'antenna' and 'tower.'"**(Councilor Abbott – Requested more information.)**

**Justification:** Merging definitions of wireless communications facility and wireless communication systems, existing wireless communications systems will be retitled as "wireless communications facilities." See proposed change(s) as shown in existing Chapter 42.2 Definitions as follows:

Wireless Communications ~~Systems~~ **Facilities** (or "WCF"): Any towers, poles, or other support structures, attached antennas, and accessory structures and elements used for the transmission or reception of signals for radio, television, paging systems, personal communications services, cellular telephone systems, or for any other spectrum-based systems. Mobile vehicle mounted or transported systems, such as used for mobile news organizations, are not considered wireless communications facilities under this ordinance. **See 'alternate tower structure,' 'antenna' and 'tower.'**"

Councilor Bogan **MOVED** to recommend the change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 275-2.3 is amended to change "Division of Environmental Services" to "**Department of Environmental Services.**"

**Justification.** Update to references. See proposed change(s) as shown above.

Councilor Lauterborn **MOVED** to recommend the change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 275-3.2 is amended to delete the following wording (covered by § 275-1.7):

It is emphasized that the requirements of this chapter constitute minimum requirements. Unless otherwise stated, clearly implied, or stipulated by other applicable law, compliance with all provisions of this chapter does not necessarily ensure approval of applications. In most cases, the applicant will need to comply with, or obtain approval under, other regulations, including Site Plan Regulations; Subdivision Regulations; the City of Rochester Building Code; State of New Hampshire statutes; other City of Rochester General Ordinances, codes, standards, and policies; and state and federal statutes and regulations.

**Justification:** The first paragraph of 275-3.2 only reiterates the below paragraph 275-1.7 as seen below. See proposed change(s) as shown in existing Chapter 42.3(b) Definitions as follows:

**275-1.7 Minimum Requirements.** The provisions of this chapter shall be construed to be the minimum requirements for the granting of any pertinent City approvals. Compliance with these requirements, however, is not necessarily deemed sufficient for the granting of these approvals. All applicants must comply with all other applicable statutes, ordinances, regulations, rules, standards, and policies of the City of Rochester and of other governmental authorities. In particular, all applicants must comply with the City of Rochester Site Plan Regulations and the City of Rochester Subdivision Regulations which include myriad specific requirements and provide for the reasonable judgment of the Planning Board and other City authorities in reviewing applications. An application might meet all of the minimum requirements of this chapter but be legitimately denied by the Planning Board in accordance with general or specific provisions of those regulations or other applicable regulations.

**275-3.2 Effect of other Laws.** ~~*Minimum Requirements.* It is emphasized that the requirements of this chapter constitute minimum requirements. Unless otherwise stated, clearly implied, or stipulated by other applicable law, compliance with all provisions of this chapter does not necessarily ensure approval of applications. In most cases, the applicant will need to comply with, or obtain approval under, other regulations—including Site Plan Regulations; Subdivision Regulations; the City of Rochester Building Code; State of New Hampshire statutes; other City of Rochester General Ordinances, codes, standards, and policies; and state and federal statutes and regulations.~~

A. Most Restrictive Provision. Where a provision of this chapter differs from any provision contained in any other applicable statute, regulation, ordinance, code, standard, or policy, that provision which imposes the greatest restriction or the higher standard shall govern.

B. Overriding State or Federal Law. Where any state or federal law overrides any provision(s) of this chapter, the state or federal law shall be determining and any affected portions of this chapter may be disregarded or interpreted as necessary to comport with the overriding law.

Councilor Bogan **MOVED** to recommend the change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**Planning Board recommendation:**

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Section 275-3.3A is amended to change "building or occupancy permit" to "building permit or certificate of occupancy."

**Justification:** *To insert correct titles of the type of permit and the Certificate of Occupancy. See proposed change(s) as shown in existing Chapter 42.3 (e) (1) Definitions as follows:*

**42.3(e)(1)**

275-3.3 **A.** Building Permit. No building or other structure as required by the City of Rochester Building Code, as amended, shall be constructed, altered, enlarged, or moved unless a building permit for such action has been issued by the Director of Building, Zoning, and Licensing Services. In accordance with RSA 676:13 I. no building **permit** or **certificate of** occupancy **permit** shall be issued for any building or activity unless it is in compliance with the provisions of this chapter.

Councilor Bogan **MOVED** to recommend the change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Section 275-5.3A is amended to delete the following sentence: "All development in the Residential Districts should follow the principles of Traditional Neighborhood Development (see definition in Article 2)."

**Justification:** *There is no definition of "Traditional neighborhood" in the ordinances See proposed change(s) as shown in existing Chapter 42.5 (c) as follows:*

#### **42.5 (c) Residential 1 and Residential 2 Districts (R1 and R2)**

**A. Character of Districts.** ~~All development in the Residential Districts should follow the principles of Traditional Neighborhood Development (see definition in Section 42.2).~~ **The primary goals of the R Districts are:**

- (1) **To** enhance these older residential areas through sensitive, small scale in-fill construction, building renovation, and redevelopment; and
- (2) **To** foster new development in remaining open areas.

**B. The R1 District is intended to allow single family neighborhoods and thus allows single family use with few other allowed uses. The R2 District allows for a mix of residential types and limited nonresidential uses.**

Councilor Bogan **MOVED** to recommend the change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 275-5.4 is amended to change "town water or sewer services" to "City water or sewer services."

**Justification:** *Clarification on terms. See proposed change(s) as shown in existing Chapter 42.5 (d) as follows:*

#### **42.5 (d)**

##### **275-5.4. Agricultural District (AG)**

The AG District includes mostly outlying areas of the **City**; such areas may or may not be serviced by ~~town~~ **City** water or sewer services.

Councilor Bogan **MOVED** to recommend the change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 275-6.3C(2)(b)[1] is amended to add the following sentence: "Also see special setbacks in Note 1 on Table 19-B."

**Justification:** *Clarifies additional applicable setbacks. See proposed change(s) as shown in existing Chapter 42.6 (3) (B) (i) as follows:*

- A. (2) Setbacks.**
- i. (a) Front Build to Line/Zone.**

**[1]** In the DC district a build-to line of 5 feet is established for all commercial buildings and for additions to such buildings fronting on the street (it is preferred, that the building be built right up to the sidewalk with no setback).

**[2]** In the DC District a build-to zone between 5 and 10 feet is established for all non-commercial buildings and for additions to such buildings fronting on the street.

**[3]** The build to line and build to zone may be altered by conditional use where appropriate, such as for churches and civic type buildings, which may warrant a larger front setback and landscaped or hardscaped yard or to create pedestrian oriented amenities such a pocket parks or plazas or upon a finding that the build to line or zone is not practical or to conform with prevailing existing setbacks.

ii. **(b)** Side/Rear Setbacks.

**[1]** There are no minimum side setbacks except for spacing between buildings as specified in the Building and Fire Codes. **Also see special setbacks in Note 1 on Table 19-B."**

**[2]** The Planning Board may alter the rear setbacks by conditional use, where appropriate, such as to accommodate rear decks for dining, to accommodate pedestrian oriented facilities, or to allow for optimal uses of lots consistent with the intent of this section. The Planning Board must determine that any reduction does not measurably interfere with or negatively impact abutting properties, particularly residential properties.

Councilor Bogan **MOVED** to recommend the change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 275-6.3C(4) **275-6.4C(4)** is amended to change "Building Safety Department" to "Building, Zoning, and Licensing Services Department."

**Justification:** *Correction to title. See proposed change(s) as shown in existing Chapter 42.6 (d)(3) (D) as follows:*

**(4)** Driveways.

**No part of any driveway or curb cut may be located in front of the front façade of any primary building; rather, they must be situated along or in close proximity to side lot lines, unless otherwise approved by the Planning Board, Building Safety Department **Building, Zoning, and Licensing Services Department** or Department of Public Works.**

Councilor Bogan **MOVED** to recommend the change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 275-6.5F is amended to delete the following sentence: "Refer to Appendix D annexed hereto and entitled 'GRD Service Road Cross-Section - Figure 1' for configuration details."

**Justification:** *Correction to outdated reference. See proposed change(s) as shown in existing Chapter 42.6 (f) (6) (B) as follows:*

~~B. Refer to APPENDIX D annexed hereto and entitled "GRD SERVICE ROAD CROSS-SECTION FIGURE 1", for configuration details.~~

Councilor Bogan **MOVED** to recommend the change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**Planning Board recommendation:**

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Section 275-8.6B is amended to delete the following sentence: "Refer to Appendix D annexed hereto and entitled 'GRD Service Road Cross-Section - Figure 1' for configuration details."

***Justification:** Correction to outdated reference. See proposed change(s) as shown in existing Chapter 42.8 (f) (2) as follows:*

~~B. — Refer to APPENDIX D annexed hereto and entitled "GRD SERVICE ROAD CROSS-SECTION FIGURE 1", for configuration details.~~

Councilor Bogan **MOVED** to recommend the change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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The definition of "regulated substance" in § 275-10.3 is amended to change "department-approved facilities" to "facilities approved by the Department of Environmental Services."

***Justification:** Specified which department is designated to approve the facility. See proposed change(s) as shown in existing Chapter 42.10 (c) (9) as follows:*

Regulated substance: **Any** of the following, with the exclusion of all substances used for the treatment of drinking water or wastewater at ~~department approved~~ facilities **approved by the Department of Environmental Services.**<sup>1</sup>[Env-Wq401.03(h), NH Code of Administrative Rules]:

Councilor Bogan **MOVED** to recommend the change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**Planning Board recommendation:**

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Section 275-10.9C(2) is amended as follows: "The Planning Board may, at its discretion, require a performance guarantee or bond in an amount and with conditions satisfactory to the Board, to be posted to ensure completion of construction of any facilities required for compliance with the performance standards."

***Justification:** Grammar correction. See proposed change(s) as shown in existing Chapter 42.10 (i) (3) (F) as follows:*

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~~42.10 (i) (3) (F)~~ **275-10.9 C (2)** The Planning Board may, at its discretion, require a performance guarantee or bond in an amount **and with** conditions satisfactory to the Board, to be posted to ensure completion of construction of any facilities required for compliance with the Performance Standards.

Councilor Bogan **MOVED** to recommend the change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 275-10.11A is amended to change "performance measures" to "performance standards."

***Justification:** Change to industry standard terminology. See proposed change(s) as shown in existing Chapter 42.10 (k) (1) as follows:*

**A.** Any private residence, excluding home occupations, is exempt from all **performance Measures standards**.

Councilor Bogan **MOVED** to recommend the change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 275-10.11H is amended to update the reference to the New Hampshire Administrative Rules from "Env-Wm" to "Env-Hw."

***Justification:** Correction to mistitled state reference. See proposed change(s) as shown in existing Chapter 42.10 (k) (8) as follows:*

~~42.20 (k) (8)~~ **275-10.11H** Any non-reoccurring household hazardous waste collection projects regulated under NH Code of Administrative Rules Env-~~Wm~~ **Hw** 401.03(b)(1) and 501.01(b) are exempt from Performance Standard 3.

Councilor Bogan **MOVED** to recommend the change to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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The definitions of "poorly drained soil" and "very poorly drained soil" in § 275-12.6 are amended to change "As defined High Intensity Soil Maps for New Hampshire Standards" to "As defined by high-intensity soil maps for New Hampshire."

***Justification:** Correction to terminology. See proposed change(s) as shown in existing Chapter 42.12 (f) (5) and (7) as follows:*

~~42.12 (f) (5) and (7)~~ **275-12.6** "Poorly drained soil" as defined ~~High Intensity Soil Maps for New Hampshire Standards~~ **by high-intensity soil maps for New Hampshire** sponsored by the Society of Soil Scientist of Northern Special Publication No. 1, Sept. 2002.

"Very poorly drained soil" as defined ~~High Intensity Soil Maps for New Hampshire Standards~~



by **high-intensity soil maps for New Hampshire** sponsored by the Society of Soil Scientist of Northern New England Special Publication No. 1, Sept. 2002.

Councilor Bogan **MOVED** to recommend the change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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The definition of "wetland" in § 275-12.6 is amended as follows: "those areas that are surface inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for a life in saturated soil conditions.

***Justification:** Updated to conform to state definition, and to remove redundant wording See proposed change(s) as shown in existing Chapter 42.12 (f) as follows:*

**42.12 (f) The term "wetland"**

**275-12.6**

**WETLAND - As** defined by National Food Security Act Manual (Soil Conservation Service, 1994) and the Corps of Engineers Wetlands Delineation Manual (Environment Laboratory, 1987) as amended, will mean those areas that are **surface inundated or saturated by surface water** or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for a life in saturated soil conditions. Wetlands include, but are not limited to, swamps, marshes, bogs and similar areas.

Councilor Lachapelle **MOVED** to recommend the change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 275-12.8B(7) is amended as follows: "but not within 25 feet of the edge of ~~wet of~~ the adjacent wetland."

***Justification:** Removed word to correct grammar See proposed change(s) as shown in existing Chapter 42.12 h 2 G as follows:*

**42.2 275-12 275-12.8 (B)(7)** Production, cultivation, growing, and harvesting of any fruit, vegetable, floricultural or horticultural crops, conducted in accordance with Best Management Wetlands Practices for Agriculture (July 1993, amended September 1998; (on file with this ordinance with the City Clerk) but not within 25 feet of the edge of ~~wet of~~ the adjacent wetland.

Councilor Bogan **MOVED** to recommend the change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 275-13.4F is amended to delete the following wording: "If the structure has been floodproofed, the as-built elevation (in relation to mean sea level) to which the structure was floodproofed."

***Justification:** Removed section due to redundant wording. See proposed change(s) as shown in existing Chapter 42.13 (d) (6) as follows:*



~~42.13 (d) (6)~~ **275-13.4F.** The Director of Building, Zoning, and Licensing Services shall maintain for public inspection, and furnish upon request, any certification of flood-proofing and the as-built elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and include whether or not such structures contain a basement. ~~If the structure has been floodproofed, the as-built elevation (in relation to mean sea level) to which the structure was floodproofed.~~ This information must be furnished by the applicant.

Councilor Bogan **MOVED** to recommend the change to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 275-14.5C(1) is amended to change "Building Department" to "Building, Zoning, and Licensing Services Department."

*Justification:* Update to title of department. See proposed change(s) as shown in existing Chapter 42.14 (e) (3) (A) as follows:

~~42.14 (e) (3) (A)~~ **275-14.5(C) (1)** Recognizing that a lengthy approval process can be costly to landowners, developers, and business owners, the Commission shall seek to take final action at its earliest reasonable opportunity, which in many cases will be at the first regular meeting of the Commission at which the application is presented. To the extent practicable and appropriate, as determined by City staff and the Commission, applicants may file applications for various permits - to the Planning Board, Zoning Board of Adjustment, ~~Building Department~~ **Building, Zoning, and Licensing Services Department**, etc. – simultaneously, or in any appropriate order, in order to save time. This provision, however, shall not be construed in a manner which would prevent the Commission from conducting a thorough review, as it sees fit. Final approval of any permits from other City departments, for projects under the Commission's purview, cannot precede the Certificate of Approval from this Commission.

Councilor Bogan **MOVED** to recommend the change to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 275-19.2I is amended to delete the following: "The width of a lot bordering on and providing access to a Class I through Class V public street, but excluding limited access highways, as defined by RSA 230:44, such as the Spaulding Turnpike, Route 16 and associated access ways to the Milton Town Line."

*Justification:* This is a redundancy for the definition of Frontage "or street frontage", which already exists in 275-2.2. See proposed change(s) as shown in existing Chapter 42.19 b. 12-15 as follows:

~~42.19 (b) (12)~~—

**(15) 275-19.2 (I)** Frontage.

- (1) Continuous. An area used to meet frontage requirements must be continuous and unbroken. Two or more discrete areas may not be added together to meet frontage requirements.
- (2) ~~Frontage~~— Cul-de-Sacs. The Planning Board may reduce the required frontage on the curved end portion of a cul-de-sac by up to 20% by conditional use (due to the narrower frontage relative to lot width that naturally occurs along a cul-de-sac).

(3) ~~**Frontage**~~—Depth. The front portion of every lot must be at least the width of the required frontage from the front property line extending back at least the depth of the setback from the front property line. ~~**Frontage—Turnpike.**~~ The width of a lot bordering on and providing access to a Class I through Class V public street, but excluding limited access highways, as defined by RSA 230:44, such as the Spaulding Turnpike, Route 16 and associated access ways to the Milton Town Line.

Councilor Bogan **MOVED** to recommend the change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 275-20.2M(2) is amended to change "Rural Residential zone" to "Agricultural District."

***Justification:*** There is no term "Rural Residential Zone" in the current ordinances. See proposed change(s) as shown in existing ~~42.20 M~~ **275-20 M**. Outdoor ~~wood-fired Boilers~~ **hydronic heater or outdoor wood boiler**.

~~42.20 (b) (13) (B)~~ **275-20 M. (2)** The installation and/or operation of outdoor wood-fired hydronic heaters are permitted in the ~~Rural Residential zone~~ **Agricultural District** only.

Councilor Bogan **MOVED** to recommend the change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 275-20.2N(7)(a) is amended to change "certified mail" to "verified mail, as defined in RSA 451-C:1."

***Justification:*** Corrected "certified" to "verified" as defined in RSA 451-C:1. See proposed change(s) as shown in existing Chapter 42.20 (b) (14) (G) (i) as follows:

~~42.20 (b) (14) (G) (i)~~ **275-20.2 N(7)(a)** The Director of Building, Zoning, and Licensing Services shall notify all abutters by ~~certified~~ **verified** mail upon application for a building permit to construct a small wind energy system. The cost of abutter notification shall be paid by the applicant. Abutters shall be afforded a 30-day comment period prior to the issuance of a building permit.

Councilor Lauterborn **MOVED** to recommend the change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 275-20.2N(8)(h)[4] is amended as follows: "If lighting is required, the applicant shall provide a copy of the FAA regulations for determination to establish the required markings and/or lights for the small wind energy system."

***Justification:** Clarification to sentence by including the word “regulations.” See proposed change(s) as shown in existing Chapter 42.20 (b) (14) (H) (viii) (4) as follows:*

~~42.20 (b) (14) (H) (viii) (4)~~ **275-20.2N(8)(h)[4]** A small wind energy system shall not be illuminated unless such lighting is required by the Federal Aviation Administration (FAA). If lighting is required, the applicant shall provide a copy of the FAA **regulations** for determination to establish the required markings and/or lights for the small wind energy system.

Councilor Lauterborn **MOVED** to recommend the change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 275-22.3N is amended to delete the following sentence: "In addition, all of the standards articulated in Article 20, Standards for Specific Permitted Uses, under Wireless Communications Facilities and Table 20-A, Commercial Wireless Facilities Standards, shall also apply to facilities allowed by special exception."

***Justification:** Referenced standards do not exist. See proposed change(s) as shown in existing Chapter 42.22 (c)(14) as follows:*

~~42.22 (c) (14). Other Standards. In addition, all of the standards articulated in Section 42.20—Standards for Specific Permitted Uses, under Wireless Communications Facilities and Table 20 A—Commercial Wireless Facilities Standards shall also apply to facilities allowed by special exception.~~

Councilor Bogan **MOVED** to recommend the change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 275-23.2A(1)(e) is amended as follows: "It may be either part of the single-family dwelling or in a separate building, such as above a garage; if it is part of the single-family ~~house~~ **dwelling**, an interior door shall be provided between the principal dwelling unit and the accessory dwelling unit."

***Justification:** Changed verbiage to conform to current definition (“dwelling” is used as opposed to “house”). See proposed change(s) as shown in existing Chapter 42.23 (b) (E) as follows:*

~~42.23 (b) (E).~~ **275-23 A (1) (e)** It may be either part of the single-family dwelling or in a separate building, such as above a garage; if it is part of the single family ~~house~~ **dwelling**, an interior door shall be provided between the principle dwelling unit and the accessory dwelling unit;

Councilor Lauterborn **MOVED** to recommend the change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 275-23.2A(10)(g) is amended as follows: "Fences must conform to sight triangle requirements

at corner lots (~~see Article 27, Miscellaneous Provisions~~)."

***Justification:** The current ordinances refer to an article (Article 27 Miscellaneous Provisions) which doesn't exist. See proposed change(s) as shown in existing Chapter 42.23 (b) (10) (G) as follows:*

~~42.23 (b) (10) (G).~~ **275-23.2 A(10)(g)** Fences must conform to sight triangle requirements at corner lots. (~~See Section 42.27 Miscellaneous Provisions~~).

Councilor Bogan **MOVED** to recommend the change to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 275-27.3G(2) is amended as follows: "Prior to granting such a waiver, the Planning Board must find that the proposed construction is entitled to the ~~four-year~~ five-year exemption provided by RSA 674:39, pursuant to that statute."

***Justification:** Changes to conform with new state law, law previously referenced "4 years" now references 5 years. See proposed change(s) as shown in existing Chapter 42.27 (c) (7) (B) as follows:*

~~42.27(e) (7) (B)~~ **275-27.3 (G) (2)** A person may request a full or partial waiver of impact fees for construction within a subdivision or site plan approved by the Planning Board prior to the effective date of this ordinance. Prior to granting such a waiver, the Planning Board must find that the proposed construction is entitled to the ~~four-year~~ five-year exemption provided by RSA 674:39, pursuant to that statute. This waiver shall not be applicable to phases of a phased development project where active and substantial development, building and construction has not yet occurred in the phase in which construction is proposed.

Councilor Bogan **MOVED** to recommend the change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 275-28.4I(2) is amended to update the reference to the New Hampshire State Radiological Control Agency to the New Hampshire Department of Health and Human Services.

***Justification:** Updated to reference correct state department. See proposed change(s) as shown in existing Chapter 42.28 (d) (9) (B) as follows:*

~~42.28 (d) (9) (B).~~ **275-28.4I(2)** Any emission of radiation shall be in compliance with the standards of the New Hampshire ~~State Radiological Control Agency~~ **Department of Health and Human Services**.

Councilor Bogan **MOVED** to recommend the change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

## Codes &amp; Ordinances Committee

## Draft

Section 275-28.4K(3) is amended to update the reference to the Division of Water Supply and Pollution Control to the Division of Water and to update the reference to the Department of Public Health to the Department of Health and Human Services.

***Justification:** Updated to reference correct state department. See proposed change(s) as shown in existing Chapter 42.8 (d) (11) (C) as follows:*

**42.8 (d) 275-28.4K(3)** The treatment and disposal of any waste materials, liquid and solid, including hazardous materials, shall be in compliance with all standards of the New Hampshire Department of Environmental Services, Divisions of Waste Management and Water, ~~Supply and Pollution Control~~ –and of the New Hampshire Department of ~~Public Health~~ **and Human Services**.

Councilor Bogan **MOVED** to recommend the change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 275-28.4L is amended to update the reference to the New Hampshire Water Supply and Pollution Control Commission to the New Hampshire Department of Environmental Services.

***Justification:** Updated to reference about state department. See proposed change(s) as shown in existing Chapter 42.28 (12) (d) as follows:*

**42.28 (12) (d) 275-28.4 L.** Sewage Disposal. All sewage disposal shall be in compliance with the standards of the New Hampshire ~~Water Supply & Pollution Control Commission~~ **Department of Environmental Services**.

Councilor Bogan **MOVED** to recommend the change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 275-29.3 is amended as follows: "A sign which was lawfully established prior to the adoption or amendment of this article but which does not meet the requirements of this article is considered a nonconforming sign."

***Justification:** Changed to include further amendments. See proposed change(s) as shown in existing Chapter 42.29 (c) as follows:*

**42.29 e. 275-29 (3)** Nonconforming signs. A sign which was lawfully established prior to the adoption **or amendment** of this article but which does not meet the requirements of this article is considered a nonconforming sign. Non-conforming signs and sign structures may remain or must be removed as follows:

Councilor Bogan **MOVED** to recommend the change to the full City Council. Councilor Abbott seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 275-29.4 is amended to change "zoning permit" to "sign permit."

**Justification:** Update to correct permit type. See proposed change(s) as shown in existing Chapter 42.29 (d) as follows:

**42.29-d. 275-29.4.** Permits Required. All signs, regardless of size, shall require the issuance of a **zoning sign** permit before public display unless otherwise specifically exempt by this **Ordinance Article**.

Councilor Lauterborn **MOVED** to recommend the change(s) to the full City Council. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 275-29.6 is amended as follows: "Before any permit is granted for the erection of a sign or sign structure requiring such permit, construction documents shall be filed with the Building, Zoning, and Licensing Services Department ~~official~~ showing the dimensions, materials and required details of construction, including loads, stresses, anchorage and any other pertinent data."

**Justification:** Correction to title. See proposed change(s) as shown in existing Chapter 42.29 (f) as follows:

**42.29 (f) 275-29.6** Construction Documents. Before any permit is granted for the erection of a sign or sign structure requiring such permit, construction documents shall be filed with the Building, Zoning, and Licensing Services **Department official** showing the dimensions, materials and required details of construction, including loads, stresses, anchorage and any other pertinent data. The permit application shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected and by engineering calculations signed and sealed by a registered design professional where required by the International Building Code.

Councilor Bogan **MOVED** to recommend the change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 275-29.9E is amended as follows: "Vehicles and trailers used primarily as static displays, advertising a product or service, ~~not~~ or utilized as storage, shelter or distribution points for commercial products or services for the general public."

**Justification:** Correction of clerical error (typo). See proposed change(s) as shown in existing Chapter 42.29 (i) (5) as follows:

**42.29 (i) (5) 275-29.9 E.** Vehicles and trailers used primarily as static displays, advertising a product or service, ~~not~~ or utilized as storage, shelter or distribution points for commercial products or services for the general public.

Councilor Bogan **MOVED** to recommend the change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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In § 275-29.11, Definitions:

The definition of "canopy" is amended to "canopy (attached)."

**Justification:** Changed to further clarify types of canopies. See proposed change(s) as shown in existing Chapter 42.29 Definitions as follows:

**Canopy:** **CANOPY (ATTACHED)** - A multisided overhead structure or architectural projection supported by attachments to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached *canopy* may be illuminated by means of internal or external sources of light. See also "Marquee."

**Canopy (Free-Standing):** A multisided overhead structure supported by columns, but not enclosed by walls. The surface(s) and or soffit of a free- standing *canopy* may be illuminated by means of internal or external sources of light.

**Canopy Sign:** A sign affixed to the visible surface(s) of an attached or free- standing *canopy*.

Councilor Bogan **MOVED** to recommend the change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

#### **Planning Board recommendation:**

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The definition of "development of complex sign" is amended to "development complex sign."

**Justification:** *Grammar correction. See proposed change(s) as shown in existing Chapter 42.9 Definitions as follows:*

#### **42.29 Development of Complex Sign:**

**DEVELOPMENT COMPLEX SIGN** - A freestanding sign identifying a multiple-occupancy development, such as a shopping center or planned industrial park, which is controlled by a single owner or landlord, approved in accordance with ~~Section 1009.2 of this chapter~~ **§ 275-29G**.

Councilor Bogan **MOVED** to recommend the change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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The definition of "marquee sign" is amended to "marquee." (*Councilor Abbott – Requested more information.*)

**Justification:** *Removed word "sign" for redundancy (Marquee is a sign). See proposed change(s) as shown in existing Chapter 42.29 Definitions as follows:*

**42.29 Marquee Sign:** **MARQUEE** – A permanent roof-like structure, including the structural support system, projecting beyond a building wall at the entrance to a building or extending along and projecting beyond building wall.

Councilor Bogan **MOVED** to recommend the change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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The definition of "nonconforming sign" is amended as follows: "Any sign that existed lawfully prior to the adoption or amendment of this article which now does not conform to the provisions of this article."

**Justification:** *Changed to include future amendments. See proposed change(s) as shown in existing Chapter 42.29 Definitions as follows:*



**42.29 Nonconforming Sign:** Any sign that existed lawfully prior to the adoption **or amendment** of the Sign **Ordinance article** which now does not conform to the provisions of this ordinance.

Councilor Bogan **MOVED** to recommend the change to the full City Council. Councilor Abbott seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

The definition of "premises sign" is repealed. *(Councilor Abbott – Requested more information.)*

***Justification:** Remove for redundancy purposes (development complex sign) addresses this type of sign. See proposed change(s) as shown in existing Chapter 42.29 Definitions as follows:*

**42.29 Premises Sign:** ~~A lot or number of lots situated a building or group of buildings designed as a unit or on which a building or group of buildings are to be constructed housing multiple businesses.~~

Councilor Bogan **MOVED** to recommend the change(s) to the full City Council. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

The definition of "projecting sign" is amended to delete the following sentence: "For visual reference, see Section 1003."

***Justification:** Deleted reference to a section which does not exist in the current ordinance. See proposed change(s) as shown in existing Chapter 42.29 Definitions as follows:*

**42.29 Projecting Sign:**

**PROJECTING SIGN** - A sign other than a wall sign that is attached to or projects more than 18 inches (457 ~~mm~~ **millimeters**) from a building face or wall or from a structure whose primary purpose is other than the support of a sign. ~~For visual reference, see Section 1003.~~

Councilor Bogan **MOVED** to recommend the change to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

The definition of "wall sign" is amended to "wall or fascia sign."

***Justification:** Expanded definition to include "or fascia", which is terminology used in the current ordinance. See proposed change(s) as shown in existing Chapter 42.29 Definitions as follows:*

**42.29 Wall sign:**

**WALL OR FASCIA SIGN** - A sign that is attached to a vertical wall of building that projects not more than 18 inches from the building or structure wall.

Councilor Bogan **MOVED** to recommend the change to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

The definition of "window sign" is amended as follows: "A sign within one foot of a window ~~message~~ intended to be visible to and readable from the public way or from adjacent property."

***Justification:** Clarifying the intent of the definition. See proposed change(s) as shown in existing Chapter*



42.29 Definition as follows:

**42.29 Window Sign:**

**WINDOW SIGN** - A sign within one foot of a window ~~message~~ intended to be visible to and readable from the public way or from adjacent property.

Councilor Bogan **MOVED** to recommend the change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 275-29.12F is amended to change "code official" and "Building, Zoning, Licensing, Services official" to "Director of Building, Zoning, and Licensing Services."

**Justification:** *Correction to titles. See proposed change(s) as shown in existing Chapter 42.29 (l) (6) as follows:*

**42.29 (l) (6), 275-29.12 F.** Maintenance, repair and removal. Every sign permitted by this ordinance shall be kept in good condition and repair. When any sign becomes insecure, in danger of falling or is otherwise deemed unsafe by the code official, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this ordinance, the owner thereof or the person or firm using same shall, upon written notice by the **Director of Building, Zoning, Licensing, Services official** forthwith in the case of immediate danger, and in any case within not more than 10 days, make such sign conform to the provisions of this ordinance, or shall remove it. If within 10 days the order is not complied with, the ~~code official~~ **Director of Building, Zoning, Licensing, Services** shall be permitted to remove or cause such sign to be removed at the expense of the owner and/or the user of the sign.

Councilor Bogan **MOVED** to recommend the change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 275-29.12G is amended as follows: "All landlord or single-owner controlled multiple-occupancy development complexes, such as shopping centers or planned industrial parks, shall submit to the Building, Zoning, and Licensing Services Department a master sign plan prior to issuance of new sign permits."

**Justification:** *Correction to title. See proposed change(s) as shown in existing Chapter 42.29 (l) (7) as follows:*

**42.29 (l) (7) 275-29.12 G.** Master sign plan required. All landlord or single-owner controlled multiple-occupancy development complexes, such as shopping centers or planned industrial parks, shall submit to the Building Zoning and Licensing Services **Department** a master sign plan prior to issuance of new sign permits. The master sign plan shall establish standards and criteria for all signs in the complex that require permits, and shall address, at a minimum, the following:

Councilor Bogan **MOVED** to recommend the change to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 275-29.13D is amended to delete the following: "Not more than 25% of the area of any directional sign shall be permitted to be devoted to business identification or logo, which area shall not be assessed as identification sign area."

**Justification:** Deleted due to repetition (also found in E.) See proposed change(s) as shown in existing Chapter 42.29 (m) (4) (D) as follows:

**~~42.29 (M) (4) (d) 275-29.13 D.~~**

1. Directory Signs. For businesses located on Secondary Streets within the Downtown Commercial District.

A. Not to exceed four (4) square feet in area.

B. Permission must be obtained in writing from the property owner on whose premise the sign is to be placed.

C. These signs shall not obscure any portion of road, intersection, or sidewalk.

**~~D. Not more than 25 percent of the area of any directional sign shall be permitted to be devoted to business identification or logo, which area shall not be assessed as identification sign area.~~**

Councilor Bogan **MOVED** to recommend the change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 275-29.13F(1)(c) is amended as follows: "Development and construction signs may not be displayed until after the issuance of ~~construction~~ building permits by the ~~Building Official~~ Building, Zoning, and Licensing Services Department and must be removed not later than 24 hours following issuance of ~~an occupancy permit~~ a certificate of occupancy for any or all portions of the project."

**Justification:** Correction to titles. See proposed change(s) as shown in existing Chapter 42.29 (m) 6.1 as follows:

**~~42.29 (M) 6.1 275-29.13 F. (1)(c)~~** Development and construction signs may not be displayed until after the issuance of ~~construction~~ permits by the building ~~official~~ **Building, Zoning, and Licensing Services Department**, and must be removed not later than 24 hours following issuance of ~~an a certificate of occupancy permit~~ for any or all portions of the project.

Councilor Bogan **MOVED** to recommend the change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 275-29.13I is replaced with the following: "Home occupation signs. See Article 24, Home Occupations."

**Justification:** Repeats info already found in article 24. See proposed change(s) as shown in existing Chapter 42.29 (m) (9) through (11) as follows:

**~~42.29 (m) 275-29.13~~**

9. ~~Home Occupation 1 Sign. No signs are permitted.~~

10. ~~Home Occupation 2 Sign. There may be only one sign for the business visible from the street. The sign shall be non-illuminated and shall not exceed three (3) square feet.~~

11. ~~Home Occupation 3 Sign. There may be only one sign for the business visible from the street. The sign shall be non-illuminated and shall not exceed four (4) square feet.~~

**I. Home occupation signs. See Article 24, Home Occupations.**

Councilor Bogan **MOVED** to recommend the change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 275-29.13L(6) is replaced with the following: "Political signs shall not require a sign permit."

***Justification:** Removed additional verbiage for clarity. See proposed change(s) as shown in existing Chapter 42.29 (m) (14) (F) as follows:*

**42.29 (m) (14) (F). 275-29.13 (L)(6) No sign, except for political signs, shall be erected until a permit for same has been obtained from the Director of Building, Zoning, & Licensing Services. Political signs shall not require a sign permit.**

Councilor Bogan **MOVED** to recommend the change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 275-29.14B(3) is amended as follows: "No wall sign shall exceed 10% of the area of the building frontage as measured by the width of the wall containing the main public entrance by the height (measured from the floor level to the top of the first floor cornice area, or to one foot below secondary story window) of the building to which it is attached."

***Justification:** Added language for clarification purposes. See proposed change(s) as shown in existing Chapter 42.29 (n) (2) (C) as follows:*

**42.29 (n) (2) (C). 275-29.14 B (3) Wall Signs.** No wall sign shall exceed ten percent (10%) of the area of the building frontage as measured by the width of the wall containing the main public entrance by the height (measured from the floor level to the top of the first floor cornice area, or to one foot below secondary story window) **of the building** to which it is attached. For buildings with multiple tenants having store fronts only, the façade rented by the tenant shall be considered as wall area for a sign.

Councilor Bogan **MOVED** to recommend the change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 275-29.14B(4) is amended as follows: "Permits are required for these signs with a fee ~~of \$10 set by the City Council.~~"

***Justification:** Clarification to reflect current practices. See proposed change(s) as shown in existing Chapter 42.29 (n) (2) (D) as follows:*

**42.29 (n)(2) (D) 275-29.14 B**

**(4) Temporary signs.** One temporary sign is allowed at any one time, including portable and banner signs. For portable signs (where they are permitted;—see below) the maximum area is eight (8) square feet and the maximum height is four (4) feet. Banner signs, not exceeding sixty (60) square feet, are permitted for grand openings of new business only, and may be displayed for a maximum of thirty (30) consecutive days. Permits are required for these signs with a fee ~~of \$10~~ **set by the City Council.**

Councilor Bogan **MOVED** to recommend the change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 275-33.1A is amended to change "Land Use Plan" to "Master Plan."

**Justification:** Correction to title being referenced. See proposed change(s) as shown in existing Chapter 42.33 (a) (1) as follows:

~~42.33 (a) (1)~~ **275-33.1 A** Master Plan. Promotion of conservation subdivisions is a core goal of the City of Rochester ~~Land Use~~ **Master** Plan. This section is adopted pursuant to RSA 674:21, Innovative Land Use Controls (f) "Cluster Development".

Councilor Bogan **MOVED** to recommend the change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 275-33.2A is amended to change "Land Use Master Plan" to "Master Plan."

**Justification:** Correction to title being referenced. See proposed change(s) as shown in existing Chapter 42.33 (b) (1) as follows:

~~42.33 (b) (1)~~ **275-33.2 A**

~~(1)~~ **A.** Conditional Use. A conservation subdivision is a major subdivision involving the creation of a new road. It is allowed by conditional use in the R1, R2, AG, OC, and HC Districts when the Planning Board determines that the proposal meets the intent of a conservation subdivision as expressed in this ~~section~~ **Article**, in the Subdivision Regulations, and in the City of Rochester ~~Land Use~~ **Master** Plan. While the conservation subdivision is the preferred form of subdivision it is allowed by conditional use rather than by right in order to ensure that it does meet this intent.

Councilor Bogan **MOVED** to recommend the change(s) to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Section 275-33.7 is amended as follows: "Two-family, three-family, and four-family dwellings ~~and townhouses~~ are permitted in conservation subdivisions provided:"

**Justification:** Townhouse is a style of construction, not a "use." See proposed change(s) as shown in existing Chapter 42.33 (g) as follows:

~~42.33 (g)~~ **275-33.7** Allowed Uses. All uses permitted in the zoning district within which the conservation subdivision is located are permitted in the conservation subdivision under the same terms. Two family, three family, four family dwellings, ~~and townhouses~~ are permitted in conservation subdivisions provided:

Councilor Bogan **MOVED** to recommend the change to the full City Council. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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Table 18-A, Residential Uses, is amended to delete the row beginning "Dwelling, three and four family" and to change "outdoor wood-fired hydronic boiler" to "outdoor wood-fired hydronic heater."

Table 19-A, Dimensional Standards – Residential Districts, is amended to change "Multifamily" under Residential-2 (R2) to "Five- or more family."

Table 19-B, Dimensional Standards – Commercial Districts, is amended to add the following ~~to Note 2:~~ **Note 3:** "For multifamily dwellings/developments within the DC Zone, the minimum lot area per

dwelling unit shall be 500 square feet."

Councilor Bogan **MOVED** to recommend the change as **AMENDED** to the full City Council. Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

### **Sections added to Chapter 200, Sewers (Sewer Only Meters)**

#### **§ 200-8. Sewer only meters.**

A. Sewer only properties may be metered via the private water supply line. A common meter will be provided for rented units or lots. All meters will be maintained by the Department of Public Works, but the customer will be charged for any damage to meters caused by abnormal conditions, i.e., freezing, fire, tampering, etc. The Department of Public Works will set only one meter for any one service and the owner of the premises shall be liable for the entire amount of wastewater generated on the premises irrespective of leases of individual customers.

B. Meters are installed for measurement of all water used by the consumer. Customers shall provide a clean, dry, warm, safe, and accessible place (always free from debris) for installation of a meter. The location shall be easily accessible by a person in the upright position for reading, maintaining, and changing.

C. All customers billed for wastewater must keep their own fixtures, and service pipes within their property lines, in good repair and fully protected from injury by frost, and all such pipes and connections shall conform to the Rochester Plumbing Code.

#### **§ 200-9. Sewer deduct meter.**

Upon application and approval by the Department of Public Works, a customer may install a meter to measure water that will not be disposed of in the City's sewer system. The purpose of the meter would be to meter uses including, but not limited to, in-ground sprinkler systems, outside spigots, and commercial air-conditioning systems. The cost of the meter, inspection, and installation by the City is entirely the responsibility of the customer. The meter will fully meet the requirements of § 200-8 of this article.

#### **§ 200-10. Meter repairs.**

A. All meters shall be kept in repair by the Department of Public Works except when damaged by the customer or by his/her negligence, including freezing. In case of any such damage, the cost of repairs shall be charged to the owner of the premises.

B. If the reader is out of repair or fails to register, the customer will be charged at the average daily consumption as shown by the reader when in order or the flat rate structure, whichever is less. Subsequently, if the actual amount of water metered is determined to be different than the amount previously estimated, the charge will be on the subsequent billing by the difference between the two.

C. If a customer, after being so notified, does not allow the Department of Public Works access in order to test and/or correct a faulty meter or reader, the customer's subsequent bill will be 1.5 times the average daily consumption as historically shown on the meter.

D. No person, except the duly authorized agent of the Department of Public Works, shall be allowed to reset, take off, or repair a meter.

**§ 200-11. Meter testing.**

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

**§ 200-12. Sealing of meter.**

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

**§ 200-13. Tampering with meter.**

A. No customer or his/her agent shall perform a tampering event with regard to a meter without having first received written consent and authorization of the Commissioner of Public Works or his/her designee to take such action. In the event that the Commissioner of Public Works and/or his/her designee shall determine that a customer and/or his/her agent has performed a tampering event with respect to a meter, such customer shall be subject to the following charges:

- (1) A charge in an amount based upon the actual metered usage to such meter prior to the tampering event, if determinable.
- (2) A charge in an amount based upon twice the estimated usage for the premises serviced by the meter in question during the preceding billing period(s) or the corresponding billing period(s) during the year immediately preceding such tampering event, whichever is greater.
- (3) A charge for all costs associated with the repair and/or replacement of such meter.
- (4) A reconnection fee as listed in § 200-33, Wastewater Rate and Fee Schedule.

B. Anything in Subsection A above to the contrary notwithstanding, should a customer or his/her agent, as a result of an emergency or other circumstances beyond his/her control, perform a tampering event with respect to a meter, without having received the prior written consent and authorization of the Commissioner of Public Works or his/her designee, such customer may, upon appeal to the Utility Advisory Board in accordance with the provisions of § 200-30 and within its discretion, be relieved of any and all of the charges listed in Subsection A(1) through (4) above, provided that such customer

shall have notified the Department of Public Works, in writing, of the tampering event in question within three business days of the occurrence of such event.

**§ 200-14. Outside reader.**

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

**§ 200-15. Inspections.**

The Department of Public Works employees or its agents shall be allowed access to the customer's premises between the hours of 8:00 a.m. and 6:00 p.m. for examination of pipes, fixtures, connections, the quality of water used, and manner of use.

Councilor Lachapelle said that concludes the review process. This will be sent to the full City Council with recommended changes.

**5. Other**

Councilor Walker said the Committee should fix other issues with the Code prior to adoption. Councilor Lachapelle replied that the Code should be sent to the full City Council for adoption and once the Code has been adopted other changes should be brought back to the Codes and Ordinances Committee for review.

**6. Adjournment**

Councilor Gates **MOVED** to adjourn at 9:20 PM. Councilor Bogan seconded the motion. The MOTION CARRIED by a unanimous voice vote.

Respectfully Submitted,

Kelly Walters, CMC  
City Clerk

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City Clerk's Office

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# Memorandum

To: City Council  
CC: Blaine Cox, City Manager  
From: Terence O'Rourke, City Attorney *mo*  
Date: February 11, 2019  
Re: February 9, 2019 Auction

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On February 9, 2019, the City of Rochester (the "City") conducted an auction for several properties obtained by the City by way of tax deed. Pursuant to Ordinance 4.4 (a), the City Council by majority vote must confirm the results of the auction. The results are listed below and it is recommended that the City Council make a Motion to Confirm said results.

<u>Property:</u>	<u>Amount Sold For:</u>	<u>Buyer:</u>
118 Jamey Drive	\$10,500.00	Danziger Properties
19 Sagebrush	\$57,000.00	Affordable Mobiles, LLC
70 Strafford Road	\$14,000.00	K-B Properties, LLC
108 Briar Drive	\$1,750.00	Shawn Jackson

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City Clerk's Office

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**Resolution Authorizing the Rochester Legal Department to Apply for a Victims of Crime Act (VOCA) Continuing Grant for Fiscal Year 2019-2020 in the amount of \$25,836.00**

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

That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, approve the submission of a grant application in an amount up to Twenty-Six Thousand Eight Hundred Thirty-Six Dollars (\$25,836) to the New Hampshire Department of Justice's Victims of Crime Act Grant program in order to continue to fund the City of Rochester's Victim-Witness Advocate position.

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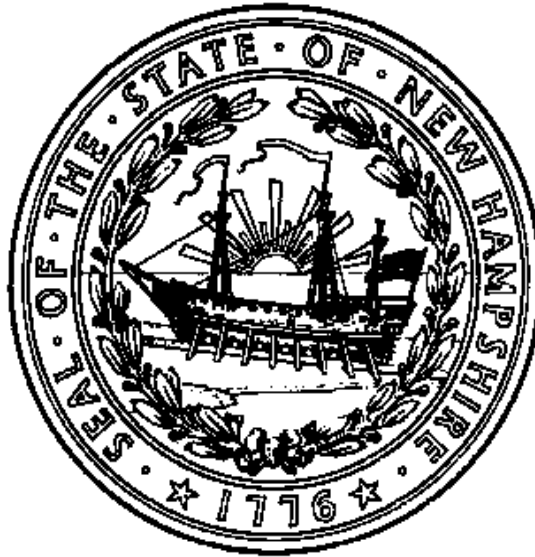
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City Clerk's Office

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# STATE OF NEW HAMPSHIRE



## DEPARTMENT OF JUSTICE

**Gordon J. MacDonald**

**Attorney General**

**Victims of Crimes Act (VOCA)**

**2018-2020 VOCA Application**

**2017VOCA1**

## **SUB-GRANT APPLICATION INSTRUCTIONS**

### **Program Description**

The main objective of the VOCA grant is to support programs providing direct services to crime victims. The VOCA program is designated to be used to compensate victims for their crime-related losses, and to support organizations providing direct services to victims of crime. These services include personal advocacy, emergency shelter, safety planning, support groups, transportation and material goods, courtroom advocacy, and many other life-changing and life-saving services. The Fund is comprised wholly of criminal fines, penalties, and forfeitures; there are no taxpayer dollars in the Fund. The US Department of Justice, Office for Victims of Crime (OVC) administers the Fund via VOCA Assistance and VOCA Compensation Grants to the States.

### **Priority Areas**

The VOCA grant identifies sexual assault, domestic violence, child abuse and underserved programs to be given priority.

### **Selection Criteria**

#### 1. Problem Statement (30 Points) – 2 page limit

This section should describe the nature and extent of the problem to be addressed and improvements needed to address the problem.

#### 2. Project/Program Design and Implementation (35 Points) – 5 page limit

This section should provide a detailed description of the proposed solution to your above problem statement. Please detail the services/activities your program will provide including the staff requirements to meet your projected services.

#### 3. Sustainability and Evaluation Plan (5 Points)

As federal funding is generally considered ‘seed money’, successful applicants should include a description of how they intend to continue efforts initiated through this request at the conclusion of the grant period. Applicants should also develop a plan for evaluating their programs to determine success or failure. Finally, applicants must describe a process through which required grant related data can be gathered and reported to the New Hampshire Department of Justice.

#### 4. Budget Detail (20 points)

See Section 3 for full budget detail worksheet. Federal Funds for VOCA programs must be used to **supplement, not supplant, existing subgrantee programs and services**. VOCA funds may

only be used to support allowable VOCA activities. The VCOA grants require a matching CASH and/or IN-KIND contribution of 20% of the Total Budget (Total Budget equals the Federal amount requested plus the match amount). All funds designated as match are restricted to the same uses as the grant funds and must be expended within the grant period. Match must be identified in a manner that guarantees its accountability during an audit. NOTE: Funds from other Federal sources may not be used to meet the match requirement.

**The formula for calculating the required match is:**

**Award Amount / 80% Federal Share = Adjusted Project Costs**

**Adjusted Project Costs x 20% Recipient's Share = Required Match**

**For a Federal award amount of \$350,000, required match would be calculated as follows:**

**\$350,000 / 80% = \$437,500**

**\$437,500 x 20% = \$87,500 Required Match**

5. Budget Narrative (10 points)

Budget Narrative worksheet is provided. Federal funds from the VOCA program must be used to supplement, not supplant, existing subgrantee programs and services. Supplanting means that if an entity is currently paying for specific services with local funding, they cannot request federal funds to pay for that same service. Applicants may request funding to pay for an enhancement to that service, however only the enhancement will be eligible for funding and the original services must remain locally funded. The budget narrative should provide the justification for the expenses itemized in the budget. For each of your budget categories, provide a brief narrative explaining and justifying the itemized expenses. For example, for the Personnel category, list the personnel, their program job functions, and any pertinent explanatory information. Include job descriptions and resumes of all personnel requested to be funded by this VOCA grant. Include a breakdown of the source (whether value of In-Kind or Cash) and the amount of your proposed matching funds and an explanation of the In-Kind Match and how its cash value was calculated. In-Kind Match is donated services, which the agency does not pay for.

## INSTRUCTIONS FOR THE VOCA APPLICATION PROCESS

Complete all three sections (cover page, narrative, budget and budget narrative) of this application and submit it electronically to [grants.apps@doj.nh.gov](mailto:grants.apps@doj.nh.gov) on or before December 15, 2017.



**New Hampshire Department of Justice  
Section 1: Cover Page**

a) Program Title: \_\_\_\_\_

b) Grant Starting Date: \_\_\_\_\_ c) Ending Date: \_\_\_\_\_

d) DUNS #: \_\_\_\_\_

e) Federal Funds Requested \$ \_\_\_\_\_ f) SAM Expiration: \_\_\_\_\_

g) Agency Name: \_\_\_\_\_

h) Chief Elected Official/Head of Agency:

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

E-mail: \_\_\_\_\_

i) Project Director

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

E-mail: \_\_\_\_\_

j) Financial Officer

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

E-mail: \_\_\_\_\_

**k) Certification Required:**

As the signing authority for this grant project, I hereby certify that I have read and understand the documents included in this application.

Signature of signing authority: \_\_\_\_\_ Date: \_\_\_\_\_

## **VOCA Application Project Narrative: Scope of Work**

### **Section 2: Narrative Questions** (12 point-font with 1-inch margins and page numbered)

1. **Problem Statement** - This section should describe the nature and extent of the problem to be addressed and improvements needed to address the problem. The purpose of this section of the Application Narrative is to develop a clear, concise picture of the problem or gap in services or benefits that will be addressed using grant funds. This section also should describe approaches taken thus far to address the problem, to include any other grant or non-grant funded projects undertaken within the target area aimed at addressing the stated need. The description of the problem should be supported by an analysis of statistical information and/or other factual information or relevant literature. The sources or methods used for assessing the problem also should be listed and described.
  
2. **Project/Program Design and Implementation-** Describe the proposed project: How will your project address the problems stated above?
  - a. New projects- provide a full narrative of what services will be provided, what segment of the population the services will address and how those services will be evaluated.
  - b. Existing projects - describe how this grant funding will enhance, expand or help to sustain current services. Your narrative should also include a brief description of successes and accomplishments to date; and describe any continuing or new challenges your project will work to overcome.
  - c. Both new and existing projects- provide a detailed description of services to be delivered and how that delivery will be implemented. Also include project goals, objectives and the activities that will ensure goals are accomplished. Goals and objectives outlined in this section should be clearly defined and quantifiable. Each goal should be fully described along with its' accompanying objectives, activities, and performance measures. Goals should represent general statements of the desired results or outcomes of the project. Goals should be both realistic and achievable. Activities are performed to accomplish the objectives; they are the key operational elements of the project and must be specific and measurable.

3. **Sustainability** - Explain applicant's plan for sustainability of the proposed project and also your organization should federal funds no longer be available.
4. **Evaluation Plan** - Describe the method(s) for evaluating success, progress, and areas in need of improvement for the proposed project.
5. **Program Management** - Describe in detail the applicant's capabilities for the financial management and in the oversight of federal grant funds.

**New Hampshire Department of Justice**  
**Section 3: Budget Detail Worksheet and Budget Narrative**

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**A. Personnel** - List each position by title and name of employee, if available. Show the annual salary rate and the percentage of time to be devoted to the VOCA project. Compensation paid for employees engaged in grant activities must be consistent with that paid for similar work within the applicant organization and must be based on ACTUAL time worked and not percentage. Please attach job descriptions and resumes for each position listed.

<u><b>Name/Position</b></u>	<u><b>Computation</b></u>	<u><b>Federal</b></u>	<u><b>Match</b></u>
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<b>Category A. Personnel Sub-Total Federal:</b>		<b>Match:</b>	
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**B. Fringe Benefits** - Fringe benefits should be based on actual known costs or an established formula. Fringe benefits are for the personnel listed in budget category (A) and only for the percentage of time devoted to the project. Fringe benefits on overtime hours are limited to FICA, Workman's Compensation, and Unemployment Compensation. Individual fringe benefits must be listed by amount and percentage.

<u><b>Name/Position</b></u>	<u><b>Computation</b></u>	<u><b>Federal</b></u>	<u><b>Match</b></u>
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<b>Category B. Fringe Benefits Sub-Total Federal:</b>		<b>Match:</b>	
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**C. Travel** - Itemize travel expenses of project personnel by purpose (e.g., staff to training, field interviews, advisory group meeting, etc.). Show the basis of computation (e.g., six people to 3-day training at \$X airfare, \$X lodging, \$X subsistence). In training projects, travel and meals for trainees should be listed separately. Show the number of trainees and the unit costs involved. Identify the location of travel, if known. Indicate source of Travel Policies applied, Applicant or Federal Travel Regulations.

<b>Purpose of Travel</b>	<b>Location Item</b>	<b>Computation</b>	<b>Federal</b>	<b>Match</b>
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<b>Category C. Travel Sub-Total Federal:</b>		<b>Match:</b>	
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**D. Equipment** - List non-expendable items that are to be purchased. Non-expendable equipment is tangible property having a useful life of more than two years and an acquisition cost of \$5,000 or more per unit. Expendable items should be included either in the "supplies" category or in the "Other" category. Explain how the equipment is necessary for the success of the project. Attach a narrative describing the procurement method to be used.

<b>Item</b>	<b>Computation</b>	<b>Federal</b>	<b>Match</b>
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<b>Category D. Sub-Total Federal:</b>		<b>Match:</b>	
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**E. Supplies** - List items by type (office supplies, postage, training materials, copying paper, and expendable equipment items costing less than \$5,000, such as books, hand held tape recorders) and show the basis for computation. Generally, supplies include any materials that are expendable or consumed during the course of the project.

<b>Supply Items</b>	<b>Computation</b>	<b>Federal</b>	<b>Match</b>
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<b>Category E. Supplies Sub-Total Federal:</b>		<b>Match:</b>	
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**F. Construction** - As a rule, construction costs are not allowable. In some cases, minor repairs or renovations may be allowable. Check with the program office before budgeting funds in this category.

<b>Purpose</b>	<b>Description of Work</b>	<b>Federal</b>	<b>Match</b>
<b>Project category Not Approved by NH Department of Justice</b>			

**G. Consultants/Contracts** - Indicate whether applicant's formal, written Procurement Policy or the Federal Acquisition Regulations are followed.

**G-1 Consultant Fees:** For each consultant enter the name, if known, service to be provided, hourly or daily fee (8-hour day), and estimated time on the project. Consultant fees in excess of \$650 per day require additional justification and prior approval from OJP.

<b>Name of Consultant</b>	<b>Service Provided</b>	<b>Computation</b>	<b>Federal</b>	<b>Match</b>
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<b>Category G-1 Consultant Fees: Sub-Total Federal:</b>		<b>Match:</b>	
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**G-2 Consultant Expenses:** List all expenses to be paid from the grant to the individual consultants in addition to their fees (i.e., travel, meals, lodging, etc.)

<b>Item</b>	<b>Location</b>	<b>Computation</b>	<b>Federal</b>	<b>Match</b>
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<b>Category G-2 Consultant Expenses Sub-Total Federal:</b>		<b>Match:</b>	
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**G-3 Contracts:** Provide a description of the product or service to be procured by contract and an estimate of the cost. Applicants are encouraged to promote free and open competition in awarding contracts. A separate justification must be provided for sole source contracts in excess of \$100,000.

**Item** **Federal** **Match**

<b>Category G-3 Contracts Sub-Total Federal:</b>		<b>Match:</b>	
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**H. Other Costs** - List items (e.g., rent, reproduction, telephone, janitorial or security services, and investigative or confidential funds) by major type and the basis of the computation. For example, provide the square footage and the cost per square foot for rent, or provide a monthly rental cost and how many months to rent.

**Description** **Computation** **Federal** **Match**

<b>Category H. Other Costs Sub-Total Federal:</b>		<b>Match:</b>	
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**I. Indirect Costs** - Indirect costs are allowed at the applicant's federally approved indirect cost rate. A copy of the rate approval, (a fully executed, negotiated agreement), must be attached. If the applicant does not have an approved rate, the applicant may submit either a rate negotiated between the pass-through entity and the subrecipient (in compliance with this part), or a de minimis indirect cost rate of 10% of modified total direct costs as defined in §200.414 Indirect (F&A) costs, paragraph (f) of the Federal Register Vol. 78 No 248; 2 CFR Part 200

**Description** **Computation** **Federal** **Match**

<b>Category I. Indirect Costs Sub-Total Federal:</b>		<b>Match:</b>	
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**Budget Summary-** When you have completed the budget worksheet, transfer the totals for each category to the spaces below. Compute the total direct costs and the total project costs. Indicate the amount of Federal requested and the amount of non-Federal (match) funds that will support the project.

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<b>Budget Category Amount</b>	<b>Federal</b>	<b>Match</b>
<b>A. Personnel</b>		
<b>B. Fringe Benefits</b>		
<b>C. Travel</b>		
<b>D. Equipment</b>		
<b>E. Supplies</b>		
<b>F. Construction</b>		
<b>G. Consultants/Contracts</b>		
<b>H. Other</b>		
<b>Total Direct Costs</b>		
<b>I. Indirect Costs</b>		
<b>Total Project Costs</b>		

<b>Federal Request</b>	
<b>Non-Federal Match Amount</b>	

**New Hampshire Department of Justice**

**Please include a written narrative that explains your above budget requested items. For example if you are requesting salary for personnel please include in the narrative what the responsibilities of that person will include.**

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**Budget Narrative:**

**APPLICATION CHECKLIST**

Please be sure that the following sections are completed and returned with your VOCA grant application. Please include a completed copy of this checklist in your application.

**Documents/Attachments due with the application:**

- \_\_\_\_\_ **General Information Cover Page (Section 1)**
- \_\_\_\_\_ **Application Narrative (Section 2)**
- \_\_\_\_\_ **Budget Itemization (Section 3)**
- \_\_\_\_\_ **Budget Narrative (Section 3)**
- \_\_\_\_\_ **Audit**
- \_\_\_\_\_ **IRS 990 (non-profits)**
- \_\_\_\_\_ **VOCA Sub Award report data (SAR data)**
- \_\_\_\_\_ **Application Checklist**

Please submit your completed application electronically  
to NHDOJ by April 3, 2017 to:

**Grants.Apps@doj.nh.gov**

If you have any questions regarding this application kit or the application process, please feel free to contact Tanya Pitman at (603) 271-1261 or email: [Tanya.Pitman@doj.nh.gov](mailto:Tanya.Pitman@doj.nh.gov). For general grant information you may access our webpage at [www.doj.nh.gov](http://www.doj.nh.gov). Thank you for your interest in providing services to Victims of Crime in NH.

**New Hampshire Department of Justice**  
**Section 3: Budget Detail Worksheet and Budget Narrative**

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**A. Personnel** - List each position by title and name of employee, if available. Show the annual salary rate and the percentage of time to be devoted to the VOCA project. Compensation paid for employees engaged in grant activities must be consistent with that paid for similar work within the applicant organization and must be based on ACTUAL time worked and not percentage. Please attach job descriptions and resumes for each position listed.

<u><b>Name/Position</b></u>	<u><b>Computation</b></u>	<u><b>Federal</b></u>	<u><b>Match</b></u>

<b>Category A. Personnel Sub-Total Federal:</b>		<b>Match:</b>	
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**B. Fringe Benefits** - Fringe benefits should be based on actual known costs or an established formula. Fringe benefits are for the personnel listed in budget category (A) and only for the percentage of time devoted to the project. Fringe benefits on overtime hours are limited to FICA, Workman's Compensation, and Unemployment Compensation. Individual fringe benefits must be listed by amount and percentage.

<u><b>Name/Position</b></u>	<u><b>Computation</b></u>	<u><b>Federal</b></u>	<u><b>Match</b></u>

<b>Category B. Fringe Benefits Sub-Total Federal:</b>		<b>Match:</b>	
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**C. Travel** - Itemize travel expenses of project personnel by purpose (e.g., staff to training, field interviews, advisory group meeting, etc.). Show the basis of computation (e.g., six people to 3-day training at \$X airfare, \$X lodging, \$X subsistence). In training projects, travel and meals for trainees should be listed separately. Show the number of trainees and the unit costs involved. Identify the location of travel, if known. Indicate source of Travel Policies applied, Applicant or Federal Travel Regulations.

<u><b>Name/Position</b></u>	<u><b>Computation</b></u>	<u><b>Federal</b></u>	<u><b>Match</b></u>

<b>Category C. Travel Sub-Total Federal:</b>		<b>Match:</b>	
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**D. Equipment** - List non-expendable items that are to be purchased. Non-expendable equipment is tangible property having a useful life of more than two years and an acquisition cost of \$5,000 or more per unit. Expendable items should be included either in the “supplies” category or in the “Other” category. Explain how the equipment is necessary for the success of the project. Attach a narrative describing the procurement method to be used.

<u><b>Item</b></u>	<u><b>Computation</b></u>	<u><b>Federal</b></u>	<u><b>Match</b></u>

<b>Category D. Sub-Total Federal:</b>		<b>Match:</b>	
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**E. Supplies** - List items by type (office supplies, postage, training materials, copying paper, and expendable equipment items costing less than \$5,000, such as books, hand held tape recorders) and show the basis for computation. Generally, supplies include any materials that are expendable or consumed during the course of the project.

<u><b>Supply Items</b></u>	<u><b>Computation</b></u>	<u><b>Federal</b></u>	<u><b>Match</b></u>
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<b>Category E. Supplies Sub-Total Federal:</b>		<b>Match:</b>	
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**F. Construction** - As a rule, construction costs are not allowable. In some cases, minor repairs or renovations may be allowable. Check with the program office before budgeting funds in this category.

**Project category Not Approved by NH Department of Justice**

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**G. Consultants/Contracts** - Indicate whether applicant's formal, written Procurement Policy or the Federal Acquisition Regulations are followed.

**G-1 Consultant Fees:** For each consultant enter the name, if known, service to be provided, hourly or daily fee (8-hour day), and estimated time on the project. Consultant fees in excess of \$650 per day require additional justification and prior approval from OJP.

<u>Name of Consultant</u>	<u>Service Provided</u>	<u>Computation</u>	<u>Federal</u>	<u>Match</u>

<b>Category G-1 Consultant Fees: Sub-Total Federal:</b>		<b>Match:</b>	
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**G-2 Consultant Expenses:** List all expenses to be paid from the grant to the individual consultants in addition to their fees (i.e., travel, meals, lodging, etc.)

<u>Item</u>	<u>Location</u>	<u>Computation</u>	<u>Federal</u>	<u>Match</u>

<b>Category G-2 Consultant Expenses Sub-Total Federal:</b>		<b>Match:</b>	
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**G-3 Contracts:** Provide a description of the product or service to be procured by contract and an estimate of the cost. Applicants are encouraged to promote free and open competition in awarding contracts. A separate justification must be provided for sole source contracts in excess of \$100,000.

<u>Item</u>	<u>Description</u>	<u>Federal</u>	<u>Match</u>

<b>Category G-3 Contracts Sub-Total Federal:</b>		<b>Match:</b>	
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**H. Other Costs** - List items (e.g., rent, reproduction, telephone, janitorial or security services, and investigative or confidential funds) by major type and the basis of the computation. For example, provide the square footage and the cost per square foot for rent, or provide a monthly rental cost and how many months to rent.

<u>Description</u>	<u>Computation</u>	<u>Federal</u>	<u>Match</u>

<b>Category H. Other Costs Sub-Total Federal:</b>		<b>Match:</b>	
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**I. Indirect Costs** - Indirect costs are allowed at the applicant' federally approved indirect cost rate. A copy of the rate approval, (a fully executed, negotiated agreement), must be attached. If the applicant does not have an approved rate, the applicant may submit either a rate negotiated between the pass-through entity and the subrecipient (in compliance with this part), or a de minimis indirect cost rate of 10% of modified



total direct costs as defined in §200.414 Indirect (F&A) costs, paragraph (f) of the Federal Register Vol. 78 No 248; 2 CFR Part 200

<b><u>Description</u></b>	<b><u>Computation</u></b>	<b><u>Federal</u></b>	<b><u>Match</u></b>

<b>Category I. Indirect Costs Sub-Total Federal:</b>		<b>Match:</b>	
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**Budget Summary-** When you have completed the budget worksheet, transfer the totals for each category to the spaces below. Compute the total direct costs and the total project costs. Indicate the amount of Federal requested and the amount of non-Federal (match) funds that will support the project.

---

<b>Budget Category Amount</b>	<b>Federal</b>	<b>Match</b>
<b>A. Personnel</b>		
<b>B. Fringe Benefits</b>		
<b>C. Travel</b>		
<b>D. Equipment</b>		
<b>E. Supplies</b>		
<b>F. Construction</b>		
<b>G. Consultants/Contracts</b>		
<b>H. Other</b>		
<b>Total Direct Costs</b>		
<b>I. Indirect Costs</b>		
<b>Total Project Costs</b>		

<b>Federal Request</b>	
<b>Non-Federal Match Amount</b>	

**Budget Narrative**

**Agency Name:**

**Grant Period: 7/1/18-6/30/19**

**PURPOSE OF THE VOCA SUBAWARD : (CHECK ALL):**

- ☐ A. Continue a VOCA-funded victim project funded in a previous year
- ☐ B. Expand or enhance an existing project not funded by VOCA in the previous year
- ☐ C. Start up a new victim services project

**PRIORITY AND UNDERSERVED REQUIREMENTS:**

**INSTRUCTIONS:** *This is determined by the state for each SAR. Indicate the amount of VOCA funds that are allocated to each category of priority and underserved victims of crime.*

*Indicate the amount of **VOCA funds ONLY** (federal award share, not matching funds).*

**A. Child abuse (equals A1+A2): \$**

A1. Child physical abuse/neglect:

A2. Child sexual abuse:

**B. Domestic and Family Violence: \$**

**C. Sexual assault: \$**

**D. Underserved(equals D1-D10): \$**

D1. Underserved (DUI/DWI crashes) \$

D2. Underserved (assault): \$

D3. Underserved (adults molested as children): \$

D4. Underserved (elder abuse): \$

D5. Underserved (robbery):

D6. Underserved (survivors of homicide victims): \$

D7. Other Underserved (other violent crimes): \$

D8. Please briefly describe "Other Underserved (other violent crimes)" :

D9. Other Underserved (non-violent crimes): \$

D10. Please briefly describe Other Underserved (non-violent crimes):

**8. Subgrant match (financial support from other sources) INSTRUCTIONS: : All VOCA awards must be matched (20 %) either with in-kind or cash match**

**A. Value of in-kind match: \$**

**B. Cash match: \$**

**C. Total match: \$**

**USE OF VOCA AND MATCH FUNDS:**

*INSTRUCTION: For this subaward, check the category of service and subcategory that best identifies the types of services or activities that will be provided by the VOCA-funded project, as described below. Note: Report only those services actually provided by the VOCA-funded project. Do not report services offered by another agency. Check all that apply.*

**A.INFORMATION & REFERRAL (please check all that apply)**

- ☐ Information about the criminal justice process
- ☐ Information about victim rights, how to obtain notifications, etc.
- ☐ Referral to other victim service programs
- ☐ Referral to other services, supports, and resources (includes legal, medical, faith-based organizations, address confidentiality programs, etc.)

**B.PERSONAL ADVOCACY/ACCOMPANIMENT**

- ☐ Victim advocacy/accompaniment to emergency medical care
- ☐ Victim advocacy/accompaniment to medical forensic exam
- ☐ Law enforcement interview advocacy/accompaniment
- ☐ Individual advocacy (e.g., assistance in applying for public benefits, return of personal property or effects)
- ☐ Performance of medical forensic exam or interview, or medical evidence collection
- ☐ Immigration assistance (e.g., special visas, continued presence application, and other immigration relief)
- ☐ Intervention with employer, creditor, landlord, or academic institution
- ☐ Child and/or dependent care assistance (includes coordination of services)
- ☐ Transportation assistance (includes coordination of services)
- ☐ Interpreter services

**C.EMOTIONAL SUPPORT OR SAFETY SERVICES**

- ☐ Crisis intervention (in-person, includes safety planning, etc.)
- ☐ Hotline/crisis line counseling
- ☐ On-scene crisis response (e.g., community crisis response)
- ☐ Individual counseling
- ☐ Support groups (facilitated or peer)
- ☐ Other therapy (traditional, cultural, or alternative healing; art, writing, or play therapy; etc.)

- ☐ Emergency financial assistance (includes emergency loans and petty cash, payment for items such as food and/or clothing, changing windows and/or locks, taxis, prophylactic and nonprophylactic meds, durable/medical equipment, etc.)

#### D.SHELTER/HOUSING SERVICES

- ☐ Emergency shelter or safe house
- ☐ Transitional housing
- ☐ Relocation assistance (includes assistance with obtaining housing)

#### E.CRIMINAL/CIVIL JUSTICE SYSTEM ASSISTANCE

- ☐ Notification of criminal justice events (e.g., case status, arrest, court proceedings, case disposition, release, etc.)
- ☐ Victim impact statement assistance
- ☐ Assistance with restitution (includes assistance in requesting and when collection efforts are not successful)
- ☐ Civil legal assistance in obtaining protection or restraining order
- ☐ Civil legal assistance with family law issues (e.g., custody, visitation, or support)
- ☐ Other emergency justice related assistance
- ☐ Immigration assistance (e.g., special visas, continued presence application, and other immigration relief)
- ☐ Prosecution interview advocacy/accompaniment (includes accompaniment with prosecuting attorney and with victim/witness)
- ☐ Law enforcement interview advocacy/accompaniment
- ☐ Criminal advocacy/accompaniment
- ☐ Other legal advice and/or counsel

#### F. ASSISTANCE IN FILING COMPENSATION CLAIMS

- ☐ Assists potential recipients in seeking crime victim compensation benefits

#### TYPES OF VICTIMIZATIONS

*INSTRUCTION: Check the types of victimization that best describe the victims the VOCA-funded project will serve. "Other" refers to a type that is not associated with any of the types provided in this list. Please review the Appendix for definitions. Provide an explanation for any victimization type listed as "other."*

#### Types of Victimizations

- ☐ Adult Physical Assault (includes Aggravated and Simple Assault)

- ☐ Adult Sexual Assault
- ☐ Adults Sexually Abused/Assaulted as Children
- ☐ Arson
- ☐ Bullying (Verbal, Cyber, or Physical)
- ☐ Burglary
- ☐ Child Physical Abuse or Neglect
- ☐ Child Pornography
- ☐ Child Sexual Abuse/Assault
- ☐ Domestic and/or Family Violence
- ☐ DUI/DWI Incidents
- ☐ Elder Abuse or Neglect
- ☐ Hate Crime: Racial/Religious/Gender/Sexual Orientation/Other
- ☐ Human Trafficking: Labor
- ☐ Human Trafficking: Sex
- ☐ Identity Theft/Fraud/Financial Crime
- ☐ Kidnapping (noncustodial)
- ☐ Kidnapping (custodial)
- ☐ Mass Violence (Domestic/International)
- ☐ Other Vehicular Victimization (e.g., Hit and Run)
- ☐ Robbery
- ☐ Stalking/Harassment
- ☐ Survivors of Homicide Victims
- ☐ Teen Dating Victimization
- ☐ Terrorism (Domestic/International)
- ☐ Other

If other, please explain:

**11. BUDGET AND STAFFING:**

**Total budget for all victimization programs/services for this agency:**

**Annual funding amounts allocated to all victimization programs and/or services for the current fiscal year for which you have applied:** (Identify by source the amount of funds allocated to the victimization programs/services budget of the subgrantee agency. Do not count funds in more than one category. C4 OTHER FEDERAL includes all federal funding except the subaward amount reported in C1.

C1. Subaward Amount:	\$0.00
C2. STATE/TERRITORY:	\$ 0.00
C3. Local:	\$ 0.00
C4. Other Federal:	\$ 0.00
C5. Other non-federal:	\$ 0.00

**Total number of paid staff for all subgrantee victimization program and/or services(Count each staff member once. Both full and part time staff should be counted as one staff member. Do not prorate based on FTE.):**

**Number of staff hours funded through this VOCA award (plus match) for subgrantee's victimization programs and/or services (Total count of hours to be worked by all staff members supporting the work of this VOCA subaward plus match.):**

**Number of volunteer staff supporting the work of this VOCA award (plus match) for subgrantee's victimization programs and/or services (Count each volunteer once. Do not prorate based on FTE.)**

**Number of volunteer hours supporting the work of this VOCA award (plus match) for subgrantee's victimization programs and/or services (Total count of hours to be worked by all volunteers supporting the work of this VOCA subaward plus match.)**



# 2019

## ***January Department Reports:***

- 7.1 Assessor's Office P. 167**
- 7.2 Building, Zoning, and Licensing Services P. 169**
- 7.3 City Clerk's Office P. 177**
- 7.4 Department of Public Works P. 181**
- 7.5 Economic & Community Development P. 189**
- 7.6 Finance Office P. 203**
- 7.7 Planning & Development Department P. 205**
- 7.8 Recreation & Arena P. 209**
- 7.9 Rochester Fire Department P. 211**
- 7.10 Rochester Police Department P. 215**
- 7.11 Rochester Public Library P. 241**
- 7.12 Tax Collector's Office P. 243**
- 7.13 Welfare Department P. 245**

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City Clerk's Office

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## City of Rochester, New Hampshire

### Assessor's Office

19 Wakefield Street

Rochester, New Hampshire 03867-1915

(603) 332-5109

Email: [assessor@rochester.net](mailto:assessor@rochester.net)

Web Site: [www.rochesternh.net](http://www.rochesternh.net)

February 7, 2019

To: City Manager/Council

From: Theresa Hervey, Assessing

### **Subject: January Council Report**

#### Revenue Received/Collection Warrants issued:

Property Records, Maps, & Copies	\$ 12.50
Added List Warrant	\$ 24,539.58

- A press release was sent to the City's PR firm announcing the 2019 municipal-wide revaluation. Information about the full revaluation is also posted on the City website and on the Government channel.
- The Field Assessors continue permit and sale related inspections.
- Approximately 400 Elderly & Disabled Exemption renewal letters were mailed out.
- 50 Religious, Charitable and Educational reminder letters were mailed out.
- 20 RSA 75:11 (Residential in Commercial Zone) renewal letters were mailed out.
- 75 PA-35's (APPROVED Veterans' Credit) were also mailed out.
- Darcy Moore received her Certified Property Assessor Assistant designation from the Department of Revenue.

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City Clerk's Office

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# End of Month Council Report

02/14/2019

To the Honorable Mayor and City Council of the City of Rochester, the following is a summary of the revenue collected and the activities performed by the Department of Building, Zoning and Licensing Services for the month of January 2019 with the fiscal Year to Date

The following data is subject to adjustment & revision pending further review and analysis as well as year-end closing adjustments.

## Department Revenue

Permit Type	January 2019	Year to Date
Building Permits	\$19,833.10	\$229,560.90
Electrical Permits	\$2,650.00	\$21,187.00
Gas Permits	\$0.00	\$0.00
Plumbing Permits	\$1,802.00	\$12,418.80
Zoning Permits	\$623.00	\$2,238.60
FireSuppression Permits	\$0.00	\$0.00
FireAlarm Permits	\$0.00	\$621.00
Sprinkler Permits	\$293.00	\$2,016.00
Mechanical Permits	\$3,623.00	\$22,094.20
Food_Milk Licenses	\$150.00	\$5,585.00
Taxi Licenses	\$0.00	\$590.00
General Licenses	\$470.00	\$3,330.00
<b>Net Revenue</b>	<b>\$29,444.10</b>	<b>\$299,641.50</b>

# End of Month Council Report

02/14/2019

## Building Permit Detail

New Permits		January 2019		Fiscal Year to Date	
Permit Type	Permit For	Permits Issued	Estimated Construction Value	Permits Issued	Estimated Construction Value
Building Permits	Addition - Non-Residential	0	\$0.00	2	\$304,626.00
	Addition - Residential	1	\$19,000.00	10	\$245,000.00
	Alteration - Residential	4	\$14,200.00	44	\$550,261.53
	Alterations- Non Residential	3	\$369,584.00	19	\$1,387,159.49
	Apartment	0	\$0.00	2	\$3,902,533.00
	Barn	0	\$0.00	0	\$0.00
	Building - Non-Residential	1	\$3,775,000.00	9	\$6,692,824.00
	Condo	2	\$1,800.00	3	\$2,800.00
	Deck	1	\$7,200.00	27	\$121,043.00
	Demolition	3	\$19,000.00	16	\$113,618.00
	Fence	0	\$0.00	19	\$70,633.83
	Footing/ Foundation	4	\$31,000.00	43	\$989,934.00
	Garage	0	\$0.00	23	\$449,650.00
	Manufactured Home	1	\$70,000.00	26	\$1,724,760.00
	New Home	2	\$331,000.00	28	\$4,368,830.00
	Other	2	\$39,500.00	15	\$511,008.00
	Pool - Above Ground	0	\$0.00	7	\$27,700.00
	Pool - In Ground	0	\$0.00	1	\$27,500.00
	Repair/Replace - Non-Residential	0	\$0.00	3	\$73,800.00
	Repair/Replace - Residential	7	\$84,300.00	33	\$455,624.00
	Roofing	7	\$65,380.00	97	\$931,339.20
	Shed	0	\$0.00	33	\$98,145.60
	Siding	0	\$0.00	9	\$86,959.00
	Sign	3	\$5,300.00	28	\$108,493.00
	Windows	3	\$23,117.00	25	\$150,659.00
Electrical Permits	Electrical Underground	0	\$0.00	6	\$9,500.00
	Generator	4	\$28,615.00	24	\$159,545.00
	Meters	0	\$0.00	4	\$11,700.00
	Service	18	\$15,500.00	72	\$120,797.25
	Solar Electric System	0	\$0.00	5	\$40,448.00
	Temp Service	0	\$0.00	0	\$0.00
	Wiring	14	\$159,700.00	196	\$3,588,203.96

# End of Month Council Report

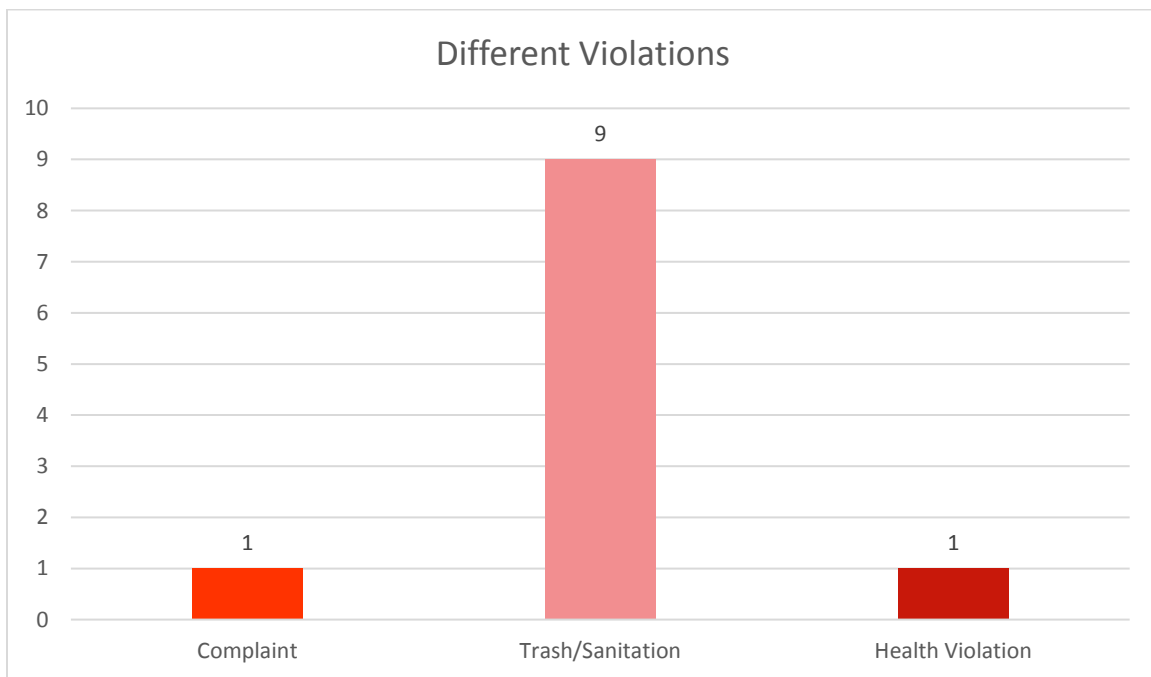
02/14/2019

FireAlarm Permits	Fire Alarm Permit	0	\$0.00	1	\$8,000.00
FireSuppression Permits	Fixed Fire Suppression System	0	\$0.00	0	\$0.00
Mechanical Permits	Air Conditioning	0	\$0.00	16	\$1,110,482.00
	Furnace/Boiler	10	\$89,750.00	104	\$930,700.00
	Gas Line	1	\$1,000.00	24	\$25,000.00
	Gas Piping	9	\$5,200.00	45	\$60,363.00
	Heating	6	\$29,412.00	50	\$1,487,658.00
	Hot Water Heater	1	\$3,000.00	10	\$21,500.00
	Mechanical Underground	0	\$0.00	1	\$1,000.00
	Other	1	\$174,652.00	3	\$181,202.00
	Pressure Testing	0	\$0.00	14	\$5,550.00
	Propane Tank	11	\$6,252.00	96	\$70,187.00
	Sheet Metal Work	0	\$0.00	0	\$0.00
	Tank Installation	1	\$2,500.00	21	\$31,652.00
	Ventilation	0	\$0.00	5	\$21,740.00
Plumbing Permits	Plumbing	20	\$123,817.00	127	\$1,430,907.00
	Water Heater	2	\$1,034.00	17	\$23,729.00
Sprinkler Permits	Fire Sprinkler Systems	0	\$0.00	0	\$0.00
	<b>Total Permit Issued</b>	142	\$5,495,813.00	1363	\$32,734,764.86

# January 2019 Code Compliance

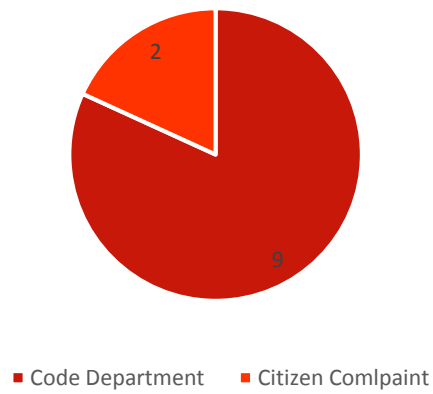
## Monthly Report

For the month of January, Code Compliance dealt with 10 properties with a total of 11 documented compliance or zoning issues. All property owners in these cases have been notified and received Notice of Violations, Citations or Courtesy Visits asking for them to bring their property into compliance. Of these 10 properties, 9 of them have been brought into compliance with 1 still pending. Of the 3 properties with pending issues from December, 1 has been closed and brought into compliance.

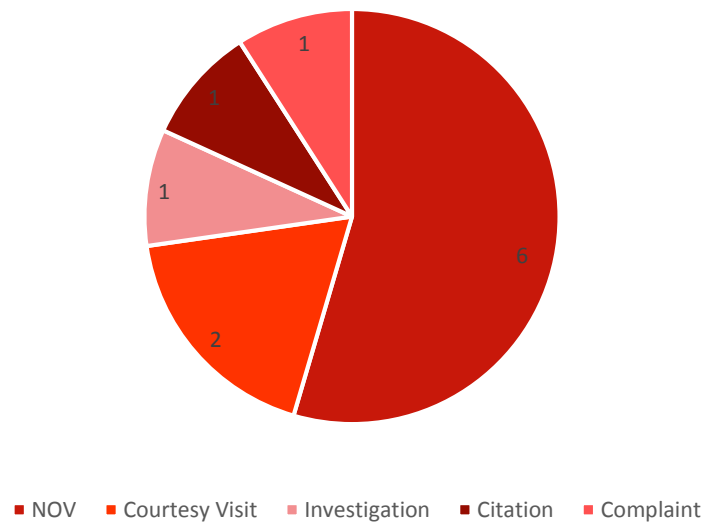




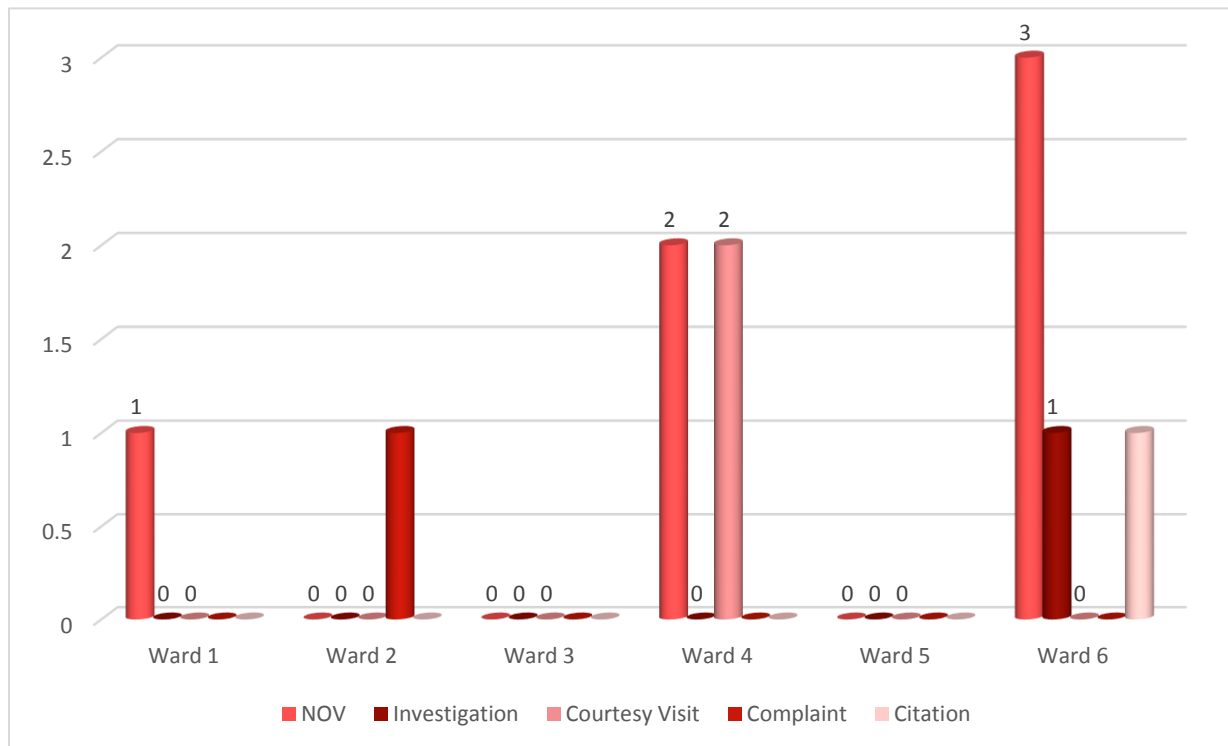
Orgin of Violation



Type of Correspondence



## Breakdown by Ward's



Respectfully Submitted,

Joseph Devine

Compliance Officer



**City of Rochester, New Hampshire**  
**Department of Building, Zoning & Licensing Svcs**  
33 Wakefield Street \* Rochester, NH 03867  
(603) 332-3508 \* Fax (603) 330-0023  
Website: [www.rochesternh.net](http://www.rochesternh.net)

## **Zoning Monthly Report**

### **January 2019**

#### **Cases:**

**2018-10** Corey & Gary MacKoul applicants for a Variance to permit a mixed use dwelling, to include one professional office, and one personal service establishment according to Article 42.18, Table 18-A.  
**Location:** 147 Wakefield Street, Rochester, NH 03867, 0113-0055-0000, in the Residential 2 Zone.

***Motion to Rehear was approved.***

**2018-15** Brenda Rainville applicant, for a Special Exception to permit an accessory apartment in the Residential 1 Zone. According to Article 42, Table 18-A.

**Location:** 52 Walnut Street, Rochester, NH 03867, 0122-0074-0000, in the R1 Zone

***Special Exception was granted.***

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City Clerk's Office

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City Clerk's Office  
 City Hall - First Floor  
 31 Wakefield Street, Room 105  
 ROCHESTER, NEW HAMPSHIRE 03867-1917  
 (603) 332-2130 - Fax (603) 509-1915  
 Web Site: <http://www.rochesternh.net>



## City Clerk's Report January 2019

### Vital Statistics

As reported in the revenue chart below, the City Clerk's staff issued 257 initial copies of vital records, and 199 subsequent copies of vital records in the month of January. The City Clerk's staff issued 7 Marriage Licenses.

The New Hampshire Division of Vital Records Administration generated the following report of statistics for the City of Rochester:

- 24 births were reported in Rochester during the month of January, 11 of these children were born to Rochester residents.
- 29 resident deaths were reported in Rochester.
- 3 couples celebrated their wedding ceremonies in Rochester during the month of January.

### Revenue – Vital Records/Marriage Licenses

	2018		2019	
	State	City	State	City
Initial/Subsequent copies:	\$3,050	\$2,810	\$2,429	\$2,236
Marriage Licenses:	\$387	\$63	\$516	\$84
<b>Total:</b>	<b>\$3,437</b>	<b>\$2,873</b>	<b>\$2,945</b>	<b>\$2,320</b>

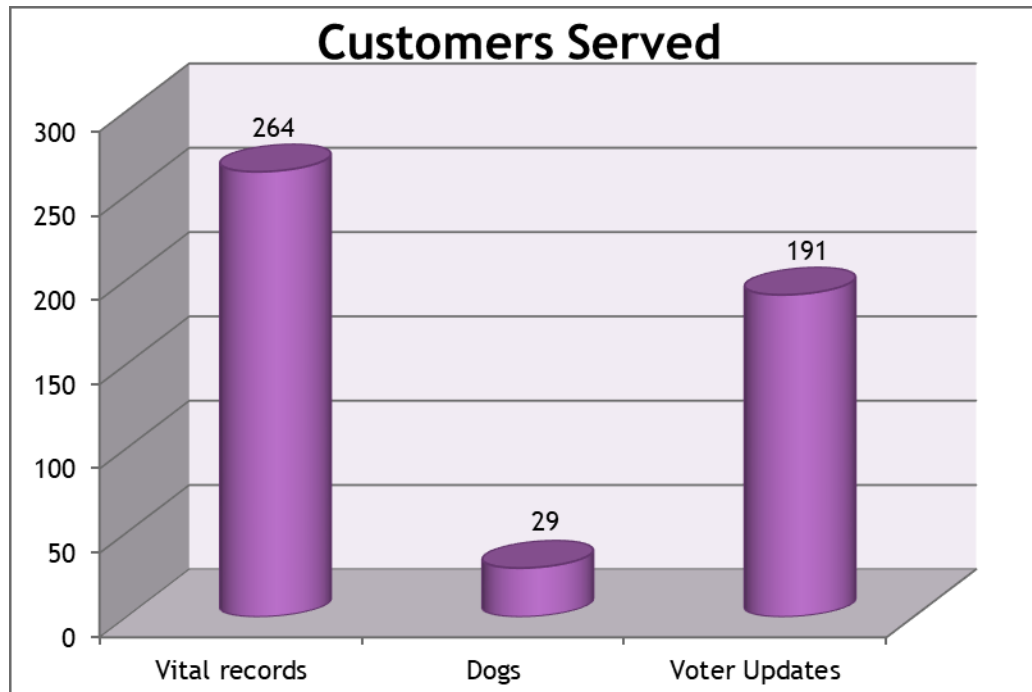
### Dog Licensing

The City Clerk's office licensed 29 dogs during the month of January. There were \$25 in Civil Forfeiture fees collected.

The City Clerk's office has begun the process of preparing for our transition to our new dog licensing software, ClerkWorks. The staff of the clerk's office has been reviewing and cleaning up all the data from our old system to ensure that the new system will be clean, organized and ready to go when it is installed in February. Staff will receive training on the software and will be ready to assist customers prior to our new 2019 dog tags being received.

All Rochester residents owning dogs are required to have their dog updated on rabies vaccination and have their dog licensed with the City by April 30, 2019.

**Customers Served during the month of January 2019**



**Voter registration summary by party as of January 31, 2019:**

Ward	Democrats	Libertarians	Republicans	Undeclared	Totals
1	1,061	0	1,159	1,482	3,702
2	977	0	1,113	1,676	3,766
3	1,038	0	1,215	1,417	3,670
4	855	0	799	1,695	3,349
5	950	0	1,128	1,468	3,546
6	1,022	0	827	1,293	3,142
<b>Totals:</b>	<b>5,903</b>	<b>0</b>	<b>6,241</b>	<b>9,031</b>	<b>21,175</b>

As noted in the December 2018 Clerk's Report, as of January 2, 2019 the New Hampshire Libertarian party has changed from a political party to a political organization. This was the result of the Libertarian candidate for Governor receiving less than 4% of the overall vote in the November 6, 2018 State Primary Election. Voters in Rochester who were previously registered as Libertarians were notified that their party affiliation had been changed to undeclared. If these voters choose, they can fill out a party affiliation form in the City Clerk's office.

**Staff Development**

Over the past couple months, the City Clerk's office has been fortunate enough to receive some extra help from our intern, Ashley! Ashley comes to us through the Workplace Success program to gain additional skills and sharpen the skills she already possesses. Her internship is carried out at no cost to the City of Rochester.

Ashley was invaluable to the Clerk's Office helping during our election preparation and post-election organization. She has also been wonderful with assisting our clients at the counter and helping to prepare our office for the new dog system. We were so pleased to learn that Ashley will be able to extend her internship through our busy dog licensing season. Next time you're in City Hall, stop in to our office and say hello to Ashley!

Respectfully submitted,

Cassie Givara  
Deputy City Clerk

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City Clerk's Office

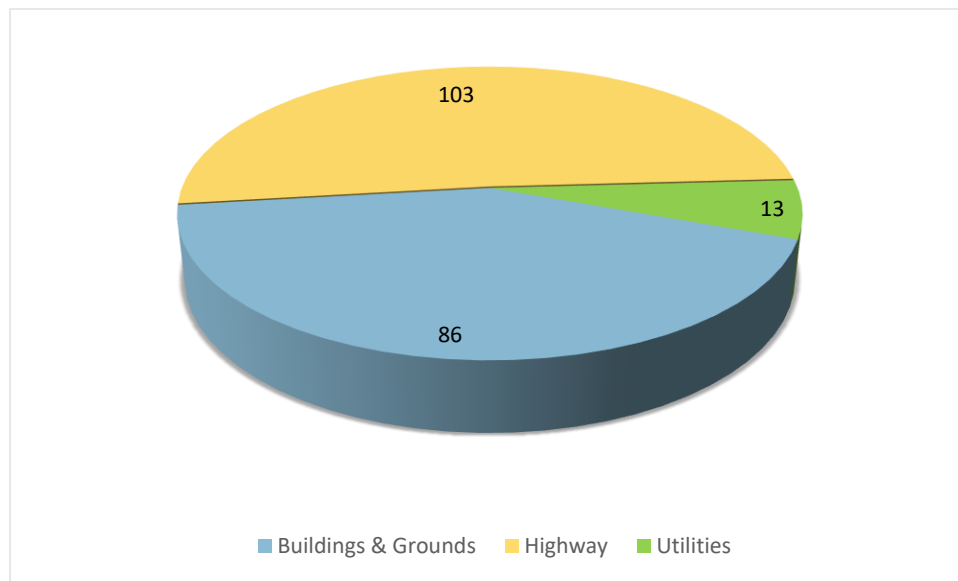
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## ROCHESTER DEPARTMENT OF PUBLIC WORKS MONTHLY REPORT JANUARY 2019

In addition to their other scheduled tasks and responsibilities the Department of Public Works responded to approximately 202 requests for service in the month of December. The Highway Division had 103 requests that ranged from potholes, clogged culverts, sign repairs and traffic light issues. The Utilities Division responded to 13 requests water pressure and other miscellaneous concerns. Buildings and Grounds Department completed 86 service request during the month of January. Service request included plumbing repairs, electrical repairs, and painting.



### JANUARY SERVICE REQUESTS

#### HIGHWAY & FLEET MAINTENANCE WORK COMPLETED:

- Patched pot holes
- Repaired 2 catch basins.
- Cleaned catch basins.
- Repaired dirt roads with gravel.
- Hauled snow piles.
- Cleaned and treated sidewalks.
- Performed mail box and sign repair.
- Pushed up snow dumps.
- Changed plow and wing blades on trucks.
- Plowed and treated in 11 snow and ice events. (24" of snow, sleet and ice)
- Removed 6,191 yards of snow.
- Repaired and installed street signs thought the City.
- Replaced tires on #35, one ton truck.
- Replaced batteries, repaired wing pole and replaced oil pan on #17, six-wheel dump.
- Replaced alternator on #6, six wheel dump.
- Replaced sander door crank on #9, six wheel dump.
- Replace 2 Wheel sensors and repair wiring on the wing light on #27, grader.

- Installed sanders in the two new Mack trucks #15 and #55, six wheel dumps.
- Repaired break lines on #38, loader.
- Changed blades and shoes on all three sidewalk tractors.
- Replaced hyd. manifold and transmission lines on #6, six wheel dump.
- Replace lights and blade on front end #39, loader.
- Changed out windshield washer pump on #17, six wheel dump.
- Replaced shift cable on #37, sidewalk tractor.
- Replaced upper wing pole on #17 and #19, six-wheel dumps.
- Installed sander in #106, new one ton dump.
- Replaced inner door panel on Truck #23, one ton dump.
- Replaced fuel pump and repaired turbo clamp on #10, six-wheel dump.

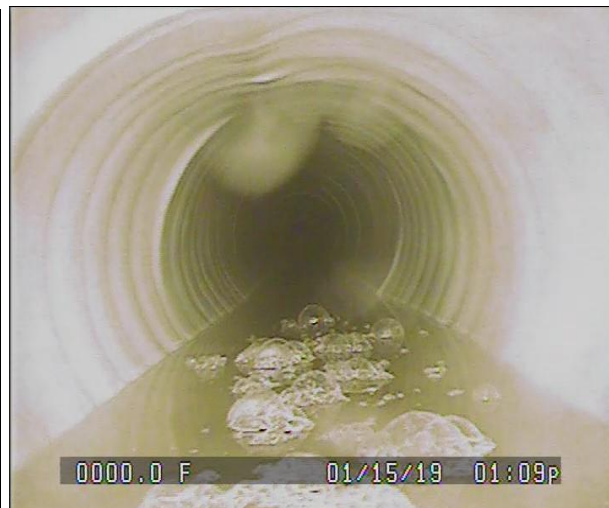
### UTILITIES DIVISION WORK COMPLETED:

The Utilities Division continues to perform daily mark-outs of our municipal water & sewer infrastructure in response to “Dig Safe” requests. Location data is being collected and input into GIS during these mark outs. Crews shut down three water services due to private plumbing breaks. Eight meters were removed and replaced. Remote radio read equipment was installed at properties that pose hazard or risk to the Meter Reader; i.e. aggressive dogs, gated properties. Utilities staff responded to six service requests regarding impacted sewer. The sewer mains were jet rodded relieving the blockages. Crews performed monthly maintenance on problematic sewer runs and the city’s sewer siphons.

Ted Berry Company lined seventy feet of collapsing sewer main saving City expense of excavation and road reconstruction otherwise necessary to replace the pipe. Following lining this segment of pipe now has the integrity of Polyvinyl Chloride Pipe.



18" Sewer Siphon - Congress Street Pre-Lining



18" Sewer Siphon – Congress Street Post-Lining

Utilities staff excavated a test pit along the Airport Drive Sewer Easement in order to determine depth of existing ten inch PVC forced sewer main. Information was provided to contracted engineers to determine best location of new Shaw Drive water main.



#### **BUILDINGS AND GROUNDS DIVISION WORK COMPLETED:**

Buildings and grounds spent a large amount of time moving furniture and book racks during the month of January to stay ahead of the carpeting crew installing new carpet on all three floors of the library. In addition to the work at the library, Buildings and Grounds staff have worked on painting of the stairwell at City Hall, snow removal, painting of downstairs business office at City Hall, and stripping and waxing of the waiting area in DHHS. The Police Department Firing Range HVAC Project was completed. This included the cleaning of the duct work as well as installation of new filters; and the heating system is now operational. Carpet installation in downstairs business office at City Hall is completed.





Library old carpet vs. new



DHHS stripped and waxed floors

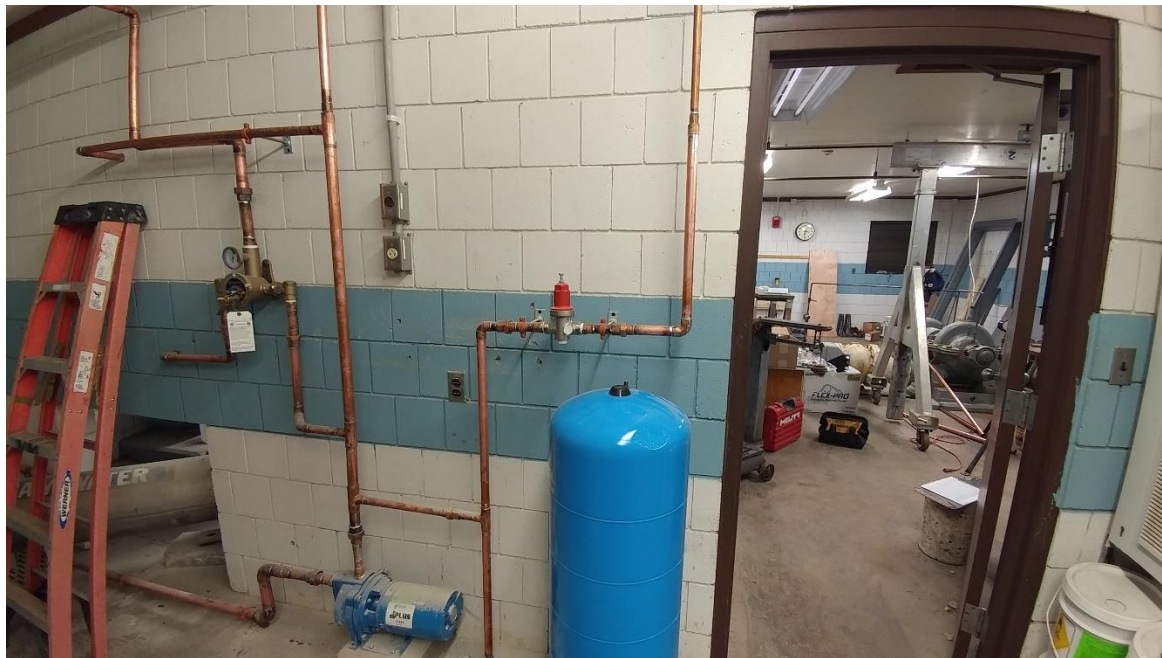
### **WASTEWATER TREATMENT DIVISION**

Staff at the WWTP continues to work with the coalition of communities on related wastewater and Great Bay Estuary issues. The Wastewater Treatment Division worked with industries on various industrial pretreatment issues for compliance. WWTP re-issued Lydall's industrial discharge permit. Honeywell visited on site to repair the boiler. A load bank test was conducted on the Front St pump station generator and found that it is in need of new fuel pump. The VFD's were reprogrammed at the South Main St. pump station to have the pump start at 100% speed. The LED lighting project was completed. The fire panel and sprinkler system inspections were completed. After receiving differing opinions from contractors on which type of spray foam insulation should be used for the administration building, staff reached out to the building inspector who recommended not using spray foam for this application but instead going with the standard fiberglass insulation. Staff will proceed with his recommendation. Staff has been working our consultant and the manufacturer to identifying the bar screen phantom alarms issue. Staff completed and submitted the annual industrial pretreatment report to EPA and DES. Staff also completed and submitted semi-annual and annual groundwater reports to DES. All required testing for EPA and DES has been completed and submitted. Staff performed preventative and corrective maintenance on equipment, machinery and instrumentation at the WWTP and pump stations. Average effluent flow for the month was 3.407 million gallons per day (MGD). Percent of design flow 67.7%. Precipitation for the month = 4.42".

### **WATER TREATMENT DIVISION**

Treated water volume for the month of January was approximately 54.9 million gallons from the surface water treatment facility and 12.5 million gallons from the well, totaling 67.4 million gallons. All water quality testing and monitoring was completed in accordance with NHDES requirements. Staff is pleased to report that the City of Rochester again met and exceeded all State and Federal standards for drinking water. Sampling for Cyanotoxins under Unregulated Contaminant Monitoring Rule 4 is set to commence in May. Watershed inspections were conducted at Oxbow, Berry Pond, Tufts Pond, Round Pond, and the Rochester Reservoir. Staff

recorded 3.6 inches of rainfall at the Rochester Reservoir; heavy rain and meltwater combined with winter water storage management necessitated minor process changes. Stream gages were inspected; repairs to the Berry River Gage continue. Equipment and grounds maintenance was performed at the WTP, well, and tanks/stations. Station maintenance included winter cleanup and equipment inspections. Maintenance at the well included repairs to the overhead door and housekeeping. Maintenance at the WTP included inspection and repairs to the fluidization air compressor and the vacuum prime system, controller and feed line repairs to the bicarbonate silo, and repairs to the flocculation basin #2 dividers. A NHDES file review has triggered an inspection and update of our above ground storage tank and spill response plan. Staff attended the New Hampshire/New England Water Works Joint Seminar in Portsmouth. Topics focused on pending legislation, per- and polyfluoroalkyl substances, and hydrogeology. Winter maintenance of alum sludge lagoons A and C has been completed. A progress meeting for the Low Lift Pump Station was held on site on Tuesday the 15<sup>th</sup>. Staff, project engineers, the general contractor, electrician, and SCADA integrators were in attendance. Pump and motor replacements are scheduled for February.



**LLPS seal water and chemical makeup system in progress**





**Groomed and Frozen Alum Sludge Lagoon**

## **ENGINEERING**

Project Updates for January 2019:

- Asset Management:** The City continues to move forward in the process of acquiring the new Asset Management software; this process will continue over the next several months. Efforts continue to improve the GIS data layer for the City's stormwater network, which will be used in the continued mapping effort required by the MS4 Permit. In addition to inventory work, staff continue to populate more detailed information such as asset age, material, and condition on all of our assets and coordinate with our consultants to develop baseline information related to our water, sewer, and stormwater systems' "level of service", "consequence of failure", and "criticality". The City is also working with SRPC to collect sidewalk inventory information, including a condition assessment; this effort is anticipated to resume in spring 2019.
- Colonial Pines Sewer Extension:** Sewer installation work on Railroad Avenue has been completed; final paving of Railroad Avenue and final punch list items to be completed in spring 2019. Phase 2 will include extension of the sewer from Birch Drive across Old Dover Road to Juniper Street, Towle Street, Vinewood Lane, Susan Lane, Hickory Lane, and a portion of Hillside Drive. Phase 2 was advertised for bids in December 2018 and bids were received in January 2019. A spring 2019 construction start is anticipated. Funding for future phases of this multi-phased sewer extension program will be requested in the upcoming CIP proposed budget. Internal plumbing and private property surveys have been conducted throughout the entire Colonial Pines area (more than 85% have been completed).
- Pavement Maintenance & Rehabilitation:** Culvert replacement was completed on Dry Hill Road in December 2018; final wearing course on Dry Hill between Gear/Oak/Estes and Washington will be paved in spring 2019. Whitehouse Road was reclaimed and base-paved in October 2018; final wearing course will be paved in spring 2019. Regarding SB38 paving: Woodside Lane, Clow Court, and Nadeau Drive will have the final wearing course paved in spring 2019; and Sampson Road reclaim/pave will begin in spring 2019.

- **Dewey Street Pedestrian Bridge:** A new utility pole and LED streetlight is anticipated to be installed at the bridge approach on the Hanson Pines side in the near future.
- **Strafford Square Roundabout:** Final design continues. Bidding of the roundabout construction contract is now anticipated for late 2019. Prior to that contract, and in preparation for that construction, a utility infrastructure contract is anticipated to be bid for construction in spring 2019. Right-of-way and easement negotiations are being conducted in preparation for the construction contracts.
- **Water Treatment Plant Low Lift Pump Station Upgrade:** Construction continues. Substantial Completion of this project is anticipated in April 2019.
- **Water Treatment Plant Residuals Disposal:** An evaluation of alternatives has determined that the most cost effective method of disposal of residuals generated at the Surface Water Treatment Plant is an upgrade of the existing pipeline and addition of an attenuation tank. Funds for the implementation of this upgrade have been requested in the CIP budget in the next few years.
- **Granite State Business Park Water Main Interconnection:** This project is in design. Bid advertisement is anticipated in spring 2019 with construction to follow in 2019.
- **WWTF Biosolids Dewatering Facility:** The design of this project is complete and under final review. The project is anticipated to be advertised for bids in March 2019.
- **River Street Sewer Pump Station Upgrade:** Design of this project continues. This project is anticipated to be advertised for bids in May 2019. Construction is anticipated to begin in 2019 and be completed within one year.
- **Route 11 Sewer Pump Station Upgrade:** This upgrade project is currently in design. This project could potentially be advertised for bids in June or July 2019, with construction occurring 2019-2020.
- **WWTF Upgrades (various projects):** There are several projects on-going at the WWTF: Soda Ash System Replacement, Aeration System Automation, Aeration Basin Sidewall Blower Tie-in (Iris Valve) and Mechanical Mixers, Standby Power Interconnection for Aeration Blowers, and Programmable Logic Controllers (PLC) Replacement. All of these projects are on schedule to be completed by summer 2019.
- **Wastewater Interceptor Upgrades:** A Basis of Design Report has been received from the design consultant. This report summarizes alternatives and recommends a sewer collection system master plan before proceeding with final design. Funding for a Sewer System Master Plan was approved with the FY19 CIP Budget; consultant selection process will commence in the coming months.
- **NPDES Permits - Wastewater Treatment Facility & MS4 Permit (Stormwater):** A new draft National Pollutant Discharge Elimination System (NPDES) Permit for the Wastewater Treatment Facility (WWTF) has not yet been issued by USEPA Region 1. As far as the Municipal Separate Storm Sewer System (MS4) NPDES General Permit for stormwater, the 2017 NH Small MS4 General Permit, issued by USEPA Region 1, became effective on July 1, 2018; and, on September 28, 2018, the City submitted a Notice of Intent (NOI) to comply with this MS4 General Permit. Since meeting with USEPA Region 1 and NHDES on October 4, 2018 regarding permitting and nutrient loading in the Great Bay Estuary, the Great Bay Municipal Coalition (Dover, Portsmouth, and Rochester) has continued an on-going dialogue and anticipates further meetings and discussions in the coming months.

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City Clerk's Office

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# Economic & Community Development



1/31/2019

MANAGEMENT REPORT



*Written & Compiled by: Jennifer Murphy Aubin*



## OFFICE OF ECONOMIC & COMMUNITY DEVELOPMENT

KAREN POLLARD, MBA, CECD - ECONOMIC DEVELOPMENT MANAGER

### WORKFORCE DEVELOPMENT - GREAT BAY COMMUNITY COLLEGE

Dr. Pelema Morrice, President of Great Bay, announced a college-wide reorganization, giving Dr. Mike Fischer oversight and management control over the satellite campus in Rochester. Dr. Fischer will be in Rochester an average of two days per week and there will be an increased focus on expanding credit and non-credit training and college courses. Manager Pollard offered a tour of the city's industrial parks and commercial centers to Dr. Fischer.

### LEADERSHIP TRAINING

City Manager Blaine Cox invited Manager Pollard and Specialist Marsh to attend a Leadership Training session along with other Department Leadership Teams to talk about leading through change along with succession planning. Dr. Gerri King, author of "The DUH! Book of Management and Supervision" presented the topic and gave copies of her book to the attendees.

### STRAFFORD REGION ECONOMIC DEVELOPERS MEETING

Manager Pollard discussed Opportunity Zones and SB22 Construction Property Tax Exemption and scheduled tri-city COAST Bus trolley meeting for February.

### DOWNTOWN REVITALIZATION - SALINGER BLOCK & SCENIC THEATER

Manager Pollard and Executive Aubin hosted multiple tours to multiple interested firms. Additionally, Brandee Loughlin, National Register and Tax Incentive Coordinator, from NH Division of Historical Resources visited the site to meet with potential developers. Unfortunately, the Scenic Theater is not contributing to the overall historic district due to the serious decomposition of the building itself as found in the [Technical Report - Preservation Conditions Assessment](#) and the [Structural Report](#). Prior attempts at renovation over the years compromised and stripped away many of the historic features of the



*Salinger Block, prior to the construction of the Scenic Theater, in the 1900s.*

building. Brandee met with Senior Planner Mears and Executive Aubin to discuss some realistic options for attempting to save the Salinger Block.

## SMALL BUSINESS FRIENDLINESS - BACKHILL BREWERY, GONIC MILL

Peter LaPlante of Back Hill Brewery received good news because he did not need a variance or to argue his case before the ZBA after all. The Gonic Mill got a splash of publicity from the new tenant as well. Since 2017, craft breweries have a transformative effect on post-industrial and/or neighborhoods in need of investment. Clusters of breweries and taprooms are beneficial to the community to drive foot traffic as well as each other as there is ability to share equipment, cross train staff and barter ingredients such as barley and hops.

## NORTHEAST ECONOMIC DEVELOPERS ASSOCIATION

The organization has scheduled several successful webinars and is planning some informal "meet ups" of economic development practitioners in the urban centers of the Northeast for networking and education. For the second year, the organization appointed Manager Pollard to Vice Chair of the NEDA Board of Directors.

## ROUTE 11 REZONING

Manager Pollard is developing a Feasibility Analysis regarding changing the zoning in the Granite Ridge Development District that allows multi-family housing development to replace the originally planned, office uses, in that zone. The assumptions include that Marketplace Boulevard continues in both directions and allows multi-family housing to be approximately 600 feet from the Route 11 Right-of-Way.

## INTERNATIONAL ECONOMIC DEVELOPMENT COUNCIL

"Championing Economic Development" is the latest in-depth report to come from the Economic Development Research Partners. Recommendations made to help economic developers champion their work and respond to challenges. A reminder that Economic Development Week is in May 2019. In January, the Economic Development Research Partners distributed, "State of the Industry Report".

## Can Craft Breweries Transform America's Post-Industrial Neighborhoods?

"A new [study](#) in The Professional Geographer tells the story of this trend, and explains its transformative impact on cities and neighborhoods across the country.

As it turns out, the craft beer revolution, like many other urban economic phenomena, is highly clustered. The good news is that many of these clusters are taking shape in places that have been subject to disinvestment and deindustrialization.

*"The impact of beer tourism also cannot be overstated. For instance, 38% of craft brewery patrons are tourists."*

Craft breweries find it beneficial to locate near one another so they can sell each other excess grain and hops, share equipment, and even train one another's staff. The smallest breweries, in particular, garner large proportions of their revenue from their taprooms. Locating in a thriving brewery district can drive up foot traffic and attract beer tourists."

Read on...

<https://www.citylab.com/life/2017/08/can-craft-breweries-transform-americas-post-industrial-neighborhoods/536943/>

Here are some takeaways from the report: EDO = Economic Development Organization

- § Workforce development, entrepreneurship, and infrastructure remained the top three priorities for EDOs.
- § The greatest challenge for EDOs has been finding qualified talent.
- § More EDOs reported concern over the availability of workforce housing.
- § Community colleges are the top educational partner for EDOs.
- § Seventy percent of EDOs do not have a succession plan in place.
- § Top priorities noted for 2019 are business attraction, business retention, and investing in workforce training.

## JENN MARSH, ECONOMIC DEVELOPMENT SPECIALIST

### ROCHESTER FARMERS MARKET

Specialist Marsh met with the Community Development Committee and the Recreation Department to ensure the Farmers Market will continue for the 2019 season and into the future. Rochester Main Street is the fiscal sponsor and the 2019 market manager is Vicky Poland, an experienced manager with several large NH fairs, festivals and a real estate agent with Keller Williams. Specialist Marsh will work closely with RFM Manager Poland to secure vendors, volunteers and additional market operations.

### BUSINESS RETENTION PLANNING & REGIONAL PARTNERSHIPS

Specialist Marsh is the new 2019 Rochester Main Street President. One of the Main Street's strategic goals for the year is, in collaboration with several community partners, Main Street Board of Directors, Rochester Economic Development Commission, Strafford Regional Planning Commission, the Greater Rochester Chamber, and Strafford Economic Development Corporation of New Hampshire, to execute a business retention program for the downtown businesses. The purpose is to continue to proactively deepen and expand the relationships with downtown business, listen to their needs, and connect them with resources. Commencing in April, teams from the collaborating organizations will start with main street business and visits will expand across the community to Rochester businesses throughout the summer. At the end of summer/early fall, we will compile business responses and anticipate a report out to the City, fall forward.

Additional priorities for 2019: to compile comprehensive list of businesses and vacant buildings to incorporate into the Main Street website; to enhance the current Main Street events and expand the relationships with other organizations running complimentary events with aligned downtown oriented missions.

For example, the collaboration between the Rochester Main Street and Rochester Opera House with the popular, Rochester Porch Fest, a downtown music festival that featured more than 30 bands of all genres, along with food trucks, vendors and participating Main Street businesses is a great model for future events to come.

### BUXTON RETAIL MATCHES

Specialist Marsh and Manager Pollard are working closely with Buxton to identify 20 more retail matches for Rochester. Buxton will take these 20 new retail matches, create customized Rochester pursuit packages to approach retailers and site selectors, to attract new tenants to Rochester.

## THE STRATEGIC PARTNERS

Specialist Marsh is a part of the Strategic Partners, a group comprise of local businesses, school representative and City staff to develop, promote and collaborate on programs to provide Rochester students with soft skills trainings, internships, and jobs that help them with a smooth transition into the workforce. For information on this initiative: <https://rochesterportal.com/2019/02/04/spaulding-high-schools-extended-learning-opportunity-program-thrives/>

## JENNIFER MURPHY AUBIN, EXECUTIVE SECRETARY & MARKETING MANAGEMENT/SPECIAL PROJECTS

### TOURS OF 10 + 12/14 NORTH MAIN STREET

Executive Aubin provided tours and met with Brandee Loughlin, Tax Credit Coordinator regarding Historic Tax Credit information. Executive Aubin worked with the Purchasing Agent to update the website and answered questions regarding the RFP.

Additionally, Executive Aubin is reviewing, *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* for background in preserving and reusing historic building stock, to contribute to the district and the community.

The office heard a lot of citizen feedback through calls in response the RFP for the Adaptive Reuse of the building, with a fondness for the Salinger Block, as a dry goods store and most recently, a gymnastics and dance studio, training hundreds of residents and neighboring children. It is exciting to see the movement forward for restoration and new vision for downtown Rochester.

### BUSINESS RETENTION PLANNING & COMMUNICATIONS PLAN

Executive Aubin met with Manager Pollard and Specialist Marsh to provide feedback on the business retention program, slated to start in April through the summer months. Aubin came up with a time line to share the information with the public and businesses. She is writing the correspondence to the businesses, designing the marketing materials and working with media outlets to share the project's vision.

### TRAINING: SITE SELECTION MARKETING + VIRTUAL TOWN HALL



*Salinger Block, decorative cornice detail, excluding the glazed brick.*



Executive Aubin participated in a webinar for the City website, which was helpful as she maintains economic development pages, the [www.RochesterEDC.com](http://www.RochesterEDC.com) site, and support to Arts & Culture Commission, REDC and Community Development pages.

Additionally, Executive Aubin took part in a panel discussion, *5 Ways to Elevate Site Selection Marketing* hosted by Conway Data and Site Selection Magazine to review effective marketing strategies. A site selector, developer and marketing analyst spoke about the “deal killers” for new and expanding businesses coming to communities, includes the following challenges: **“politics/lack of responsiveness, lack of available qualified labor, lack of building sites, costs and lack of utilities.”**

Since site selectors and developers access much of their information and experience their first impression of a community online, it is paramount to the office of economic development and the City to have comprehensive and updated online presence.

The session concluded with, *What Site Selectors Want to See on Your Website* (having a separate, distinct economic development website encouraged): “accurate & up-to-date data, contact person & info, news on recent projects, available buildings/sites, testimonials, annual report and videos.”

## MARKETING TOOLS - GIS STORY MAPPING

Executive Aubin is learning how to create Story Maps with Coordinator Camara, using the ERSI GIS mapping software. Story Maps are effective tools to provide detailed, interactive and visually stunning presentations of information, projects, initiatives and community points of interest. Story Mapping is easy to use and straightforward in design; it has great potential to be an online tool to highlight City department’s work, events and priorities. She is currently creating a Story Map of the business development, areas of interest and incentives.

## MORE MARKETING STRATEGY - AWARDS SUBMISSION – INTERNATIONAL ECONOMIC DEVELOPMENT COUNCIL

Executive Aubin is in the process of applying for 2019 Economic Development Awards for several graphic design projects: economic development marketing materials, annual report for the presentation materials for Standard & Poor’s visit and the City of Rochester NH CGI videos. The deadline is April 5<sup>th</sup>. Last year, the office received an award for the [www.RochesterEDC.com](http://www.RochesterEDC.com) website. Anytime there is positive stories and awards, it helps to provide more value to businesses already in Rochester as well as the new businesses to come!

## RFP TELEPHONE SYSTEM COMMITTEE

Having worked in a book printing company with experience using a multiline phone system, Executive Aubin is contributing the IT Team’s RFP process as the City seeks a new phone system. There are two bids to review, discuss and evaluate over the course of February, including oral presentations and reference reviews. Executive Aubin also volunteered to be a part of the reference calls as part of the bidder due diligence.

## ARTS & CULTURE – 7<sup>TH</sup> ANNUAL ART AWARDS



For the past five years, Executive Aubin co-chairs the Arts Awards, along with Senior Planner Mears. This year, Senior Planner Mears asked Executive Aubin to be the event Chair and oversee the Arts Awards. Senior Planner Mears will be on maternity leave when it occurs in August. Aubin and Mears will be meeting over the course of February to discuss next steps, including the slate of nominees and collaborating with the RW Creteau Technical School students to create the awards. **Save the date: Monday, August 19, 6:00 PM – 8:00 PM, location confirmation coming soon!**

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*Flyer from last year's Art Awards*

## JULIAN LONG, CDBG COORDINATOR & GRANTS MANAGER

### COORDINATOR REPORT

Prepared by the Community Development Coordinator

February 2019

### CONTINUING PROJECTS

**School Department Chairlift Projects:** The Maple St. Magnet School and Spaulding High School projects have been delayed until later in the school year. They are still on track to be completed by the end of the fiscal year.

### CDBG PROGRAM

**Federal Government Shutdown:** The partial federal government shutdown ended January 25<sup>th</sup>, when the government was reopened for a period of three weeks.

**FY 2019-2020 Annual Action Plan:** Summaries of the grant applications received requesting FY 2019-2020 grant funds are included as an attachment to this report. The draft FY 2019-2020 Annual Action Plan is also included as an attachment.

**FY 2020-2025 Consolidated Plan:** The Community Development Coordinator has continued the research and consultation processes for the FY 2020-2025 Consolidated Plan and has also started drafting the FY 2020-2025 Consolidated Plan. The plan will be due concurrent with the FY 2020-2021 Annual Action Plan

**Workforce Housing Charrette:** The Community Development Coordinator attended the Planning Board's annual retreat to provide an overview of the workforce housing charrette and the charrette report's recommendations.

**Tri-City Homelessness Task Force:** The Community Development Coordinator has continued to attend meetings of the tri-city homelessness task force and to assist the task force in its work. Most recently, this has included assisting the master plan subcommittee in finishing drafting the master plan to end homelessness for the tri-city region.

**JOB Loan Program Report:** The Q2 JOB Loan Program report is attached. All JOB Loan Program loan recipients are up to date on loan repayments. The job creation period for Rochester Eye Care has concluded this month, and Rochester Eye Care created more jobs than required by its loan agreement. The job creation

period for Seacoast Gymnastics will end in March 2019, and Seacoast Gymnastics is on track to exceed its required job creation.

## NON-CDBG GRANT ACTIVITIES

**Bridging the Gaps:** The Community Development Coordinator continues to assist the Bridging the Gaps coalition coordinator in identifying and applying for grant funding.

**Rochester Farmers Market:** Economic Development Specialist Jenn Marsh has reported that the Rochester Farmers Market will be signing a contract with a market manager this week. Rochester Recreation Director Chris Bowlen will observe the market operations, evaluating how it runs in order to be an activity the Recreation Department can add to next year's budget.

**Riverwalk Committee:** The Riverwalk Committee has been awarded a New Hampshire Recreational Trails Program grant in the amount of \$80,000. The Community Development Coordinator continues to assist the committee in revising the project scope after cost estimates indicated the project as originally outlined could not be completed within budget.

**VOCA Grant:** The Community Development Coordinator has drafted the Q2 financial expenditures report and will submit it after it is approved by the Finance Department. The Community Development Coordinator has also confirmed with VOCA state grant officials that the City of Rochester intends to apply for continuation grant funds for FY 2019-2020. The continuation grant application usually is made available in March.

## OTHER ITEMS

**COAST:** The City of Rochester and COAST for several years have successfully shared ad revenues from bus shelters located within the city. Before this arrangement was enacted, COAST presented its ad revenue sharing request to the Community Development Committee. The City Manager's Office has been unable to locate City Council approval of the ad sharing arrangement, however. The topic is being referred back to the Community Development Committee so the committee can vote to recommend continuing the ad revenue sharing agreement, which will then be referred to the full City Council for final vote at the March City Council meeting.

## REPORT ATTACHMENTS

- § FY 2019-2020 Grant Applications and Summaries – [HTTPS://DRIVE.GOOGLE.COM/DRIVE/FOLDERS/1DKTDDUQVVT6CH0GIB\\_0VZ1EBSFUI\\_CD?OGSRC=32](https://drive.google.com/drive/folders/1DKTDDUQVVT6CH0GIB_0VZ1EBSFUI_CD?OGSRC=32)
- § FY 2019-2020 Annual Action Plan – DRAFT v.1 – *online only* - [HTTPS://WWW.ROCHESTERNH.NET/SITES/ROCHESTERNH/FILES/UPLOADS/FY\\_2019-2020\\_CDBG\\_AAP\\_DRAFT\\_V1\\_0.PDF](https://www.rocchesternh.net/sites/rocchesternh/files/uploads/fy_2019-2020_cdbg_aap_draft_v1_0.pdf)
- § JOB Loan Program Report – FY 18-19 Q2



FY 19-20 CDBG Requests Chart\_v5

		City General Fund										
	CDC Recomm.	FY 19-20 Request	FY 18-19 Approved	FY 17-18 Approved								
Homemakers / EasterSeals	---	\$15,000	\$0	\$11,272								
Cornerstone VNA	---	\$28,826	\$28,826	\$28,826								
Community Action Partnership	---	\$9,000	\$9,000	\$9,000								
COAST	---	\$147,303	\$127,913	\$118,527								
Main Street	---	\$35,000	\$35,000	\$35,000								
East Rochester Public Library	---	\$10,200	\$5,000	\$5,000								
SOS Recovery Center	---	\$20,000	\$25,000	\$0								
total		\$265,329	\$230,739	\$207,625								
					CDBG PSA					CDBG Facility/Rehab/ED		
	Council Approved	CDC Recomm.	FY 19-20 Request	FY 18-19 Approved	FY 17-18 Approved			CDC Recomm.	FY 19-20 Request	FY 18-19 Approved	FY 17-18 Approved	
My Friend's Place	---	---	\$8,000.00	7,000.00	7,000.00			---	\$13,750	0.00	0.00	
Community Partners	---	---	\$10,080.00	3,000.00	3,000.00			---	\$0	0.00	0.00	
Homeless Center for Strafford Co.	---	---	\$0.00	0.00	0.00			---	\$150,000	0.00	0.00	
SHARE Fund	---	---	\$6,000.00	5,000.00	5,852.85			---	\$0	0.00	0.00	
East Rochester Public Library	---	---	\$0.00	0.00	0.00			---	\$20,000	0.00	0.00	
Dover Adult Learning Center	---	---	\$5,000.00	5,000.00	5,000.00			---	\$0	0.00	0.00	
Rochester Child Care Center	---	---	\$0.00	0.00	0.00			---	\$20,000	0.00	0.00	
Strafford Nutrition Meals on Wheels	---	---	\$10,000.00	0.00	0.00			---	\$0	0.00	0.00	
SOS Recovery Center	---	---	14,000.00	5,000.00	0.00			---	0.00	0.00	0.00	
Tri-City Coop	---	---	7,000.00	3,685.05	0.00			---	0.00	0.00	0.00	
Seacoast Youth Services / Bridging the Gaps	---	---	6,600.00	0.00	0.00			---	0.00	0.00	0.00	
New Generation	---	---	10,000.00	0.00	0.00			---	0.00	0.00	0.00	
ROH - Fly System Project	---	---	\$0.00	0.00	0.00			---	\$116,000	0.00	0.00	
MY TURN	---	---	10,000.00	0.00	5,041.90			---	0.00	0.00	0.00	
Community Action Partnership	---	---	0.00	0.00	0.00			---	\$75,000	50,000.00	50,000.00	
Cross Roads House	---	---	15,000.00	12,000.00	12,000.00			---	\$0	0.00	0.00	
Gafney Home	---	---	0.00	0.00	0.00			---	\$55,000	0.00	0.00	
Rochester Riverwalk Committee - INELIGIBLE	---	---	0.00	0.00	0.00			---	\$0	0.00	0.00	
HAVEN	---	---	10,000.00	0.00	0.00			---	\$0	0.00	0.00	
ROH - Chairlift Project	---	---	0.00	0.00	0.00			---	\$23,000	0.00	0.00	
	total	\$0.00	111,680.00	40,685.05	37,894.75			\$0.00	472,750.00	50,000.00	50,000.00	
	available		37,056.22						247,775.01			

**General City Funding Requests – FY 2019-2020**

- Homemakers / EasterSeals – home care services for elderly residents and residents with disabilities
  - FY 19-20 request: \$15,000
  - Prior year funding: \$0 (FY 18-19), \$11,272 (FY 17-18)
- Cornerstone VNA – home care services for elderly residents and residents with disabilities
  - FY 19-20 request: \$28,826
  - Prior year funding: \$28,826 (FY 18-19), \$28,826 (FY 17-18)
- Community Action Partnership – fuel assistance, workforce training, weatherization, Head Start, and other services for low-income residents
  - FY 19-20 request: \$9,000
  - Prior year funding: \$9,000 (FY 18-19), \$9,000 (FY 17-18)
- COAST – public transportation services, including ADA paratransit
  - FY 19-20 request: \$147,303
  - Prior year funding: \$127,913 (FY 18-19), \$118,527 (FY 17-18)
- Rochester Main Street – economic development for downtown
  - FY 19-20 request: \$35,000
  - Prior year funding: \$35,000 (FY 18-19), \$35,000 (FY 17-18)
- East Rochester Public Library – library services for East Rochester area
  - FY 19-20 request: \$10,200
  - Prior year funding: \$5,000 (FY 18-19), \$5,000 (FY 17-18)
- SOS Recovery Center – substance use disorder recovery services
  - FY 19-20 request: \$20,000
  - Prior year funding: \$25,000 (FY 18-19), \$0 (FY 17-18)

**CDBG Funding Requests – PSA – FY 2019-2020**

- My Friend's Place – operational expenses for homeless shelter
  - FY 19-20 request: \$8,000.00
  - Prior year funding: \$7,000.00 (FY 18-19), \$7,000.00 (FY 17-18)
- Community Partners – rental assistance for residents with mental illness and/or developmental disabilities
  - FY 19-20 request: \$10,080.00
  - Prior year funding: \$3,000.00 (FY 18-19), \$3,000.00 (FY 17-18)
- SHARE Fund – rental assistance for low-income residents
  - FY 19-20 request: \$6,000.00
  - Prior year funding: \$5,000.00 (FY 18-19), \$5,852.85 (FY 17-18)
- Dover Adult Learning Center – HiSET (GED) preparation and testing services for low-income residents
  - FY 19-20 request: \$5,000.00
  - Prior year funding: \$5,000.00 (FY 18-19), \$5,000.00 (FY 17-18)
- Strafford Nutrition Meals on Wheels – meal delivery services for elderly residents and low-income residents with disabilities
  - FY 19-20 request: \$10,000.00
  - Prior year funding: \$0.00 (FY 18-19), \$0.00 (FY 17-18)
- SOS Recovery Center – salary for substance use disorder recovery support coordinator
  - FY 19-20 request: \$14,000.00
  - Prior year funding: \$5,000.00 (FY 18-19), \$0.00 (FY 17-18)
- Tri-City Coop – non-medical peer to peer behavioral health support services
  - FY 19-20 request: \$7,000.00
  - Prior year funding: \$3,685.05 (FY 18-19), \$0.00 (FY 17-18)
- Seacoast Youth Services / Bridging the Gaps – substance use disorder prevention and recovery services for youth
  - FY 19-20 request: \$6,600.00
  - Prior year funding: \$0.00 (FY 18-19), \$0.00 (FY 17-18)
- New Generation – homeless shelter services for homeless pregnant women and their children
  - FY 19-20 request: \$10,000.00
  - Prior year funding: \$0.00 (FY 18-19), \$0.00 (FY 17-18)
- MY TURN – vocational and employment services for low-income young adults (ages 18-24)
  - FY 19-20 request: \$10,000.00
  - Prior year funding: \$0.00 (FY 18-19), \$5,041.90 (FY 17-18)
- Cross Roads House – emergency and transitional homeless shelter services
  - FY 19-20 request: \$15,000.00
  - Prior year funding: \$12,000.00 (FY 18-19), \$12,000.00 (FY 17-18)
- HAVEN – Housing First program for domestic violence survivors
  - FY 19-20 request: \$10,000.00
  - Prior year funding: \$0.00 (FY 18-19), \$0.00 (FY 17-18)

**CDBG Funding Requests – Housing Rehabilitation and Public Facilities – FY 2019-2020**

- My Friend's Place – funding for back-up generator for homeless shelter
  - FY 19-20 request: \$13,750
  - Prior year funding: \$0.00 (FY 18-19), \$0.00 (FY 17-18)
- Homeless Center for Strafford County – funding for land acquisition for new shelter site
  - FY 19-20 request: \$150,000
  - Prior year funding: \$0.00 (FY 18-19), \$0.00 (FY 17-18)
- East Rochester Public Library – funding for building repairs, including roof and fuel tank replacement
  - FY 19-20 request: \$20,000.00
  - Prior year funding: \$0.00 (FY 18-19), \$0.00 (FY 17-18)
- Rochester Child Care Center – funding for fire sprinkler system upgrades to meet code
  - FY 19-20 request: \$20,000.00
  - Prior year funding: \$0.00 (FY 18-19), \$0.00 (FY 17-18)
- Rochester Opera House – replacement of Opera House fly system to improve safety
  - FY 19-20 request: \$116,000.00
  - Prior year funding: \$0.00 (FY 18-19), \$0.00 (FY 17-18)
- Community Action Partnership of Strafford County – weatherization of low-income residents' homes
  - FY 19-20 request: \$75,000
  - Prior year funding: \$50,000.00 (FY 18-19), \$50,000.00 (FY 17-18)
- Gafney Home – roof replacement for assisted living facility for low-income elderly residents
  - FY 19-20 request: \$55,000.00
  - Prior year funding: \$0.00 (FY 18-19), \$0.00 (FY 17-18)
- ~~• Rochester Riverwalk Committee – handicap-accessible boat launch~~
  - ~~○ FY 19-20 request: \$47,000.00~~
  - ~~○ Prior year funding: \$0.00 (FY 18-19), \$0.00 (FY 17-18)~~
- Rochester Opera House – installation of ADA chairlift
  - FY 19-20 request: \$23,000.00
  - Prior year funding: \$0.00 (FY 18-19), \$0.00 (FY 17-18)

Summary of Job Loan Principal Balances												
As of DECEMBER 31, 2018												
Recipient Name	Loan Amount	Original Interest %	Original Term Months	Original Loan Date	Final Payment MO/YR	Pmts Up To Date ?	FY18 FYE Principal		FY19 Principal Collected	FY19 Dec-18 Principal Bal	FY19 Payment Amount	Notes
							Date	Balance				
Active Job Loans												
Distinctive Forest Creations	\$30,000	5.06%	60	Nov-05	04/12/12	Yes	06/30/2018	\$12,558.91	\$1,400.00	\$11,158.91	\$100.00	no int since Jun 2014, @ \$260 per month, principal only, the loan will be paid off Jul 2022
Blue Oasis	\$50,000	2.44%	120	Apr-10	05/12/20	Yes	06/30/2018	\$10,549.92	\$2,704.95	\$7,844.97	\$469.99	
Country Tire & Service Center	\$40,000	2.44%	84	Aug-11	07/12/18	Yes	06/30/2018	\$517.14	\$517.14	\$0.00	\$0.00	Paid in full 07/12/2018
Thompson Tool Company	\$70,000	2.44%	84	Oct-12	09/12/19	Yes	06/30/2018	\$13,391.61	\$5,307.75	\$8,083.86	\$907.37	
P1T2	\$50,000	2.81%	84	Feb-17	03/12/24	Yes	06/30/2018	\$31,348.31	\$1,613.38	\$29,734.93	\$340.80	Payments begin April-17
Rochester Eye Care	\$60,000	2.62%	240	Feb-16	03/12/36	Yes	06/30/2018	\$54,708.92	\$1,218.71	\$53,490.21	\$321.46	Payments begin April-16
Seacoast Gymnastics	\$30,000	2.63%	84	Mar-16	09/15/23	Yes	06/30/2018	\$23,008.07	\$2,057.34	\$20,950.73	\$391.35	Payments begin Oct-16
White Birch Ammo	\$75,000	3.19%	84	Oct-18	11/12/24	Yes	06/30/2018	\$74,133.37	\$5,248.35	\$68,885.02	\$1,065.86	Principal payments begin 6/12/18
Flexographic Print Solutions LLC	\$75,000	3.56%	84	May-18	06/12/25	Yes	06/30/2018	\$75,000.00	\$4,635.29	\$70,364.71	\$1,011.92	Payments begin 7/12/18
Totals								\$295,216.25	\$24,702.91	\$270,513.34	\$4,608.75	
Grand Total								\$295,216.25	\$24,702.91	\$270,513.34		AMA

## December 31, 2018 Cash-Balance

\$74,059.46 Citizens Bank Balance including INT on Account  
 -\$200.67 MUNIS INT on account due to IDIS  
**\$73,858.79**

## Grand Total Available to Lend

**\$73,858.79**

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City Clerk's Office

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# FINANCE COMMITTEE

## Agenda Item

02/14/2019

**Agenda Item Name:** Monthly Financial Statements Summary – as of January 31, 2019.

For the full detail report, click here: [January 2019 Financial Detail Report](#)

### **Revenues Summary – General Fund, Enterprise Funds**

<b><u>ACCOUNT DESCRIPTION</u></b>	<b><u>REVISED ESTIM REV</u></b>	<b><u>ACTUAL YTD REVENUE</u></b>	<b><u>REMAINING REVENUE</u></b>	<b><u>% COLL</u></b>
11011 ECONOMIC DEVELOPMENT REV	\$ -	\$ 240.00	\$ (240.00)	100.0
11031 CITY CLERK REVENUE	\$ 113,210.00	\$ 57,560.80	\$ 55,649.20	50.8
11051 ASSESSORS REVENUES	\$ -	\$ 109.00	\$ (109.00)	100.0
11061 BUSINESS OFFICE REVENUE	\$ 100,000.00	\$ 301,681.94	\$ (201,681.94)	301.7
11062 BUSINESS OFFICE REVENUE	\$ 1,000.00	\$ 71.55	\$ 928.45	7.2
11071 TAX COLLECTOR REVENUE	\$ 31,577,911.00	\$ 31,209,520.66	\$ 368,390.34	98.8
11072 TAX COLLECTOR REVENUE	\$ 2,029.00	\$ -	\$ 2,029.00	0.0
11081 GENERAL OVERHEAD REVENUE	\$ 4,113,784.00	\$ 1,938,837.52	\$ 2,174,946.48	47.1
11082 GENERAL OVERHEAD REVENUE	\$ 1,548,683.00	\$ 1,548,683.19	\$ (0.19)	100.0
11091 PUBLIC BLDGS REVENUE	\$ -	\$ 18,897.32	\$ (18,897.32)	100.0
11101 PLANNING	\$ 16,250.00	\$ 32,183.90	\$ (15,933.90)	198.1
11201 REV LEGAL OFFICE	\$ 50,000.00	\$ 29,481.99	\$ 20,518.01	59.0
12011 POLICE CITY REVENUE	\$ 277,850.00	\$ 259,923.84	\$ 17,926.16	93.5
12021 FIRE CITY REVENUE	\$ 23,000.00	\$ 26,020.96	\$ (3,020.96)	113.1
12022 FIRE STATE REVENUE	\$ 52,668.00	\$ 3,375.00	\$ 49,293.00	6.4
12031 DISPATCH CENTER	\$ 60,290.00	\$ 59,354.91	\$ 935.09	98.4
12041 CODE ENFORCEMENT REVENUE	\$ 394,025.00	\$ 301,415.34	\$ 92,609.66	76.5
13011 PUBLIC WORKS REVENUE	\$ 33,700.00	\$ 40,307.33	\$ (6,607.33)	119.6
13012 STATE HIGHWAY SUBSIDY	\$ 634,612.00	\$ 507,689.36	\$ 126,922.64	80.0
14011 WELFARE REVENUE	\$ 5,000.00	\$ 1,425.78	\$ 3,574.22	28.5
14021 RECREATION REVENUE	\$ 122,000.00	\$ 105,010.61	\$ 16,989.39	86.1
14031 LIBRARY REVENUE	\$ 16,050.00	\$ 6,323.87	\$ 9,726.13	39.4
2000001 LOCAL REVENUE	\$ 34,302,955.00	\$ 32,370,849.00	\$ 1,932,106.00	94.4
2000002 STATE REVENUE	\$ 29,112,883.00	\$ 21,787,587.02	\$ 7,325,295.98	74.8
<b>1000 GENERAL FUND</b>	<b>\$ 102,557,900.00</b>	<b>\$ 90,606,550.89</b>	<b>\$ 11,951,349.11</b>	<b>88.3</b>
<b><u>ACCOUNT DESCRIPTION</u></b>	<b><u>REVISED ESTIM REV</u></b>	<b><u>ACTUAL YTD REVENUE</u></b>	<b><u>REMAINING REVENUE</u></b>	<b><u>% COLL</u></b>
5001 WATER ENTERPRISE FUND	\$ 7,119,368.00	\$ 1,870,440.21	\$ 5,248,927.79	26.3
5002 SEWER ENTERPRISE FUND	\$ 8,819,805.00	\$ 2,160,094.38	\$ 6,659,710.62	24.5
5003 ARENA ENTERPRISE FUND	\$ 393,979.00	\$ 246,621.26	\$ 147,357.74	62.6
6000 COMMUNITY CENTER SP REV F	\$ 841,000.00	\$ 434,047.56	\$ 406,952.44	51.6

**Expense Summary – General Fund, Enterprise & Special Revenue Funds**

ACCOUNT DESCRIPTION	REVISED BUDGET	YTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	% USED
11000051 CITY MANAGER	\$ 438,369.00	\$ 283,902.78	\$ 23,442.03	\$ 131,024.19	70.10
11012351 ECONOMIC DEVELOPMENT	\$ 480,918.00	\$ 330,019.41	\$ 22,712.80	\$ 128,185.79	73.30
11020050 MUNICIPAL INFORMATION	\$ 711,478.00	\$ 379,282.23	\$ 91,815.66	\$ 240,380.11	66.20
11030051 CITY CLERK	\$ 314,946.00	\$ 181,960.14	\$ 12,461.16	\$ 120,524.70	61.70
11040050 ELECTIONS	\$ 49,277.00	\$ 41,400.05	\$ 801.85	\$ 7,075.10	85.60
11050070 ASSESSORS	\$ 438,675.00	\$ 255,066.74	\$ 4,473.72	\$ 179,134.54	59.20
11060051 BUSINESS OFFICE	\$ 531,638.00	\$ 248,626.91	\$ 3,577.23	\$ 279,433.86	47.40
11063151 HUMAN RESOURCES	\$ 179,804.00	\$ 100,167.80	\$ 11,203.10	\$ 68,433.10	61.90
11070070 TAX COLLECTOR	\$ 352,603.00	\$ 200,532.26	\$ 1,446.62	\$ 150,624.12	57.30
11080050 GENERAL OVERHEAD	\$ 823,288.00	\$ 381,644.32	\$ 87,309.88	\$ 354,333.80	57.00
11090050 PB CITY WIDE 50	\$ 655,952.00	\$ 355,041.48	\$ 9,833.41	\$ 291,077.11	55.60
11090051 PB CITY HALL 51	\$ 60,635.00	\$ 41,487.02	\$ 12,502.97	\$ 6,645.01	89.00
11090052 PB OPERA HOUSE 52	\$ 44,815.00	\$ 25,910.90	\$ 14,087.02	\$ 4,817.08	89.30
11090054 PB CENTRAL FIRE 54	\$ 10,959.00	\$ 4,652.94	\$ 2,367.25	\$ 3,938.81	64.10
11090055 PB GONIC FIRE 55	\$ 10,544.00	\$ 5,238.82	\$ 2,421.35	\$ 2,883.83	72.60
11090056 PB LIBRARY 56	\$ 18,920.00	\$ 13,738.01	\$ 4,723.09	\$ 458.90	97.60
11090057 PB DPW GARAGE 57	\$ 11,874.00	\$ 7,480.60	\$ 3,178.35	\$ 1,215.05	89.80
11090059 PB ER FIRE STATION 59	\$ 750.00	\$ 235.56	\$ 102.72	\$ 411.72	45.10
11090061 PB HISTORICAL MUSEUM	\$ 1,440.00	\$ 536.72	\$ 663.69	\$ 239.59	83.40
11090063 PB HANSON POOL 63	\$ 5,005.00	\$ 1,108.16	\$ (389.28)	\$ 4,286.12	14.40
11090064 PB GONIC POOL 64	\$ 7,380.00	\$ 587.32	\$ (186.92)	\$ 6,979.60	5.40
11090065 PB EAST ROCHESTER POO	\$ 2,650.00	\$ 575.00	\$ (202.37)	\$ 2,277.37	14.10
11090068 PB GROUNDS 68	\$ 9,285.00	\$ 5,803.17	\$ (500.00)	\$ 3,981.83	57.10
11090069 PB DOWNTOWN 69	\$ 17,000.00	\$ 6,321.18	\$ 441.02	\$ 10,237.80	39.80
11090070 PB REVENUE BUILDING 7	\$ 22,170.00	\$ 11,800.58	\$ 8,759.96	\$ 1,609.46	92.70
11090071 PB PLAYGROUNDS 71	\$ 1,000.00	\$ -	\$ -	\$ 1,000.00	0.00
11090075 PB NEW POLICE STATION	\$ 21,160.00	\$ 10,391.48	\$ 6,898.64	\$ 3,869.88	81.70
11090077 PB OLD POLICE STATION	\$ 29,022.00	\$ 1,419.76	\$ 1,599.30	\$ 26,002.94	10.40
11102051 PLANNING	\$ 388,048.00	\$ 218,347.21	\$ 7,240.03	\$ 162,460.76	58.10
11200051 LEGAL OFFICE	\$ 562,815.00	\$ 297,257.90	\$ 3,334.29	\$ 262,222.81	53.40
12010053 PD ADMINISTRATIVE SER	\$ 1,906,242.00	\$ 1,190,542.10	\$ 72,014.57	\$ 643,685.33	66.20
12012453 PD PATROL SERVICES	\$ 4,825,061.94	\$ 2,552,334.04	\$ 2.75	\$ 2,272,725.15	52.90
12012553 PD SUPPORT SERVICES	\$ 413,351.00	\$ 232,317.27	\$ -	\$ 181,033.73	56.20
12020054 FIRE DEPARTMENT	\$ 4,552,980.00	\$ 2,559,127.84	\$ 70,869.41	\$ 1,922,982.75	57.80
12020055 FIRE DEPT 55 GONIC SU	\$ 28,735.00	\$ 9,723.95	\$ 8,404.06	\$ 10,606.99	63.10
12020754 CALL FIRE	\$ 31,207.00	\$ 11,137.24	\$ -	\$ 20,069.76	35.70
12023354 EMERGENCY MANAGEMENT	\$ 56,168.00	\$ -	\$ 5,484.52	\$ 50,683.48	9.80
12030153 DISPATCH CENTER	\$ 746,982.00	\$ 422,058.72	\$ 4,887.10	\$ 320,036.18	57.20
12040051 CODE ENFORCEMENT	\$ 580,962.00	\$ 343,127.42	\$ 6,825.38	\$ 231,009.20	60.20
12050050 AMBULANCE	\$ 59,874.00	\$ 29,936.96	\$ 29,937.04	\$ -	100.00
13010057 PUBLIC WORKS	\$ 2,181,690.00	\$ 1,231,471.86	\$ 296,066.29	\$ 654,151.85	70.00
13010957 WINTER MAINTENANCE	\$ 507,413.00	\$ 260,306.52	\$ 66,384.07	\$ 180,722.41	64.40
13020050 CITY LIGHTS	\$ 243,000.00	\$ 103,843.51	\$ 54,043.12	\$ 85,113.37	65.00
14010051 WELFARE	\$ 483,357.00	\$ 269,206.44	\$ 7,446.65	\$ 206,703.91	57.20
14022072 RECREATION ADMINISTRA	\$ 621,937.00	\$ 356,588.04	\$ 6,223.54	\$ 259,125.42	58.30
14022150 RECREATION PLAYGROUND	\$ 94,985.00	\$ 79,955.90	\$ (522.78)	\$ 15,551.88	83.60
14022250 RECREATION POOLS	\$ 81,405.00	\$ 72,758.98	\$ 1,936.63	\$ 6,709.39	91.80
14030056 LIBRARY	\$ 1,233,378.00	\$ 718,570.33	\$ 45,156.31	\$ 469,651.36	61.90
15000051 COUNTY TAX	\$ 6,395,447.00	\$ 6,395,447.00	\$ -	\$ -	100.00
17010051 TRANSFERS/PAYMENTS DE	\$ 4,295,199.00	\$ 1,856,757.55	\$ -	\$ 2,438,441.45	43.20
17030050 OVERLAY	\$ 256,748.00	\$ 59,220.16	\$ -	\$ 197,527.84	23.10
17040051 TRANSFER TO CIP & OTH	\$ 2,883,520.06	\$ 2,883,520.06	\$ -	\$ -	100.00
1000 GENERAL FUND	\$ 38,682,062.00	\$ 25,048,488.34	\$ 1,011,277.23	\$ 12,622,296.43	67.40
ACCOUNT DESCRIPTION	REVISED BUDGET	YTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	% USED
5001 WATER ENTERPRISE FUND	\$ 7,119,368.00	\$ 3,025,371.44	\$ 174,747.90	\$ 3,919,248.66	44.90
5002 SEWER ENTERPRISE FUND	\$ 8,819,805.00	\$ 3,702,024.96	\$ 290,149.13	\$ 4,827,630.91	45.30
5003 ARENA ENTERPRISE FUND	\$ 393,979.00	\$ 236,044.14	\$ 36,701.35	\$ 121,233.51	69.20
6000 COMMUNITY CENTER SP REV F	\$ 841,000.00	\$ 404,687.12	\$ 114,290.14	\$ 322,022.74	61.70





**Planning & Development Department**  
**City Hall Annex**  
**33 Wakefield Street**  
**ROCHESTER, NEW HAMPSHIRE 03867-1917**  
**(603) 335-1338 - Fax (603) 330-0023**  
**Web Site: <http://www.rochesternh.net>**

Planning Board  
 Conservation Commission  
 Historic District Commission  
 Arts & Culture Commission

## **PLANNING & DEVELOPMENT DEPARTMENT MONTHLY REPORT FOR JANUARY 2019**

The Planning Board and Conservation Commission held their regular meetings in January. The Historic District Commission did not meet in January. The Arts & Culture Commission was scheduled to have their regular meeting but did not have a quorum for the meeting. They held some discussions among the members that were there. You will find the summaries of the agendas and discussions further down in this report. The Planning Board did not hold a workshop in January but rather held its annual retreat meeting. The Board had several issues on the agenda and they are as follows: The Board was shown a presentation on the Workforce Housing Charrette that was held in the fall of 2018; they discussed mapping needs; heard an update from the Economic Development Department; discussed home occupations; Christmas Tree Sales; Airport Zoning; held election of officers; reviewed 2018 and looked ahead at plans for 2019; and were given brief updates on the Master Plans, Site Plan review process, and Impact Fees.

Looking forward to February the Planning Board will be holding their regular meeting and a regular workshop meeting. We received 10 new applications for the February meeting so it will be a busy one. The Planning & Development Department remains extremely busy in general with many meetings as well as taking the final work product for Density in the Downtown Commercial and the Historic District Overlay to the City Council. We continued working on the Impact Fee methodologies and the Transportation Master Plan. We are also preparing to send out a Request for Proposals (RFP) for updating the Downtown Master Plan Chapter and I hope that the RFP will go out in early February. It is also budget season and I am busy preparing the operating budget as well as my CIP budget.

Staff attended part one of a two series "Dam Negotiation" training; the trainings will foster a dialogue among diverse stakeholders about the future of dam decisions in New Hampshire. In the first workshop participants discussed a dam decision scenario and used a scientific model showing trade-offs of different dam management decisions. Based on improvements from this discussion, in the second workshop participants will engage in a solutions-oriented negotiation, experience dam decisions from another stakeholder's perspective, and work together to develop innovative policy solutions.

**APPLICATIONS REVIEWED BY THE PLANNING BOARD**

**Rochester Housing Authority, 165 Charles Street** (by Norway Plains Associates)  
Extension request for an approved site plan. Case# 128 – 221 – NMU – 18 **APPROVED**

**Joseph Johnson, 6 Kodiak Court** (by Norway Plains Assoc.) Extension request for an approved 2-Lot subdivision. Case# 210 – 39-5 – R1 – 18 **APPROVED**

**CBDA Development, LLC, Athenain Drive & Homer Way** (by Bedford Design Consultants) Lot line revision. Case# 256A – 66 thru 66-60 – PUD – 19 **APPROVED**

**Auger & Sons, Inc., 100 Chestnut Hill Road** Site plan to construct a 512 sq.ft. warehouse. Case# 221 – 174 – NMU – 19 **APPROVED**

**Safran, 85 Innovation Drive** (by Fuss & O'Neill, Inc.) Site plan and Conditional Use Permit for an additional 109 parking spaces. Case# 242 – 6 – I – 19 **APPROVED**

**Dorothy Thone, 92 Chesley Hill Road** (by Jason Pohopek) 2-Lot subdivision and lot line revision. Case# 246 – 24 – R1 – 18 **APPROVED**

**APPLICATIONS REVIEWED BY THE CONSERVATION COMMISSION****1. Conservation Overlay District:**

a) **Safran, 85 Innovation Drive (by Fuss & O'Neill, Inc.) Site plan and Conditional Use Permit for an additional 109 parking spaces. (Tax Map # 242-6) wetland and wetland buffer impacts proposed.**

A civil engineer from Fuss & O'Neill, Inc. presented this application. He explained that Safran needs more parking spaces because there aren't enough parking spaces at the time of shift change. There are 101 new spaces proposed, some of which will impact wetlands and wetland buffers. The history of the project and previous wetland approvals were discussed. Planning Staff offered suggestions on how to better treat stormwater runoff and protect wetland. The Conservation Commission approved the proposed impacts contingent upon the applicant installing bushes and limiting how often they mow around the edge of the parking lot (much of this area is wetland buffer).

**2. Minutes:** The meeting minutes of November 28, 2018 were reviewed, edited, and approved.

**3. NH DES Wetland/Shoreland Applications.**

**NH DES Wetlands Utility Maintenance Notification: Eversource; cutting of vegetation within or along the electrical utility ROW corridor using a track mounted or rubber tire equipment. Location is throughout the City.**

Planning Department Staff presented this application and explained that this application is for minor proposed temporary wetland impacts associated with scheduled brush

hogging/vegetation clearing along Eversource's rights-of-ways. The Commission had no concern with this application.

#### **4. Discussion:**

a) An update was given regarding the conserved farm known as 10 Rod Farm. The update is that the farm no longer has sheep.

b) Spaulding High School's environmental education/science teacher Darren Scopel said that he would like his class to partner with the Commission doing water monitoring (Cocheco River). The Commission agreed this was a good idea and that the two parties would convene in the spring on this.

Mr. Scopel also said that his students are learning GIS mapping and gathering/mapping tree data; he asked the Commission to let him know if there are specific areas in the City where the students should focus.

c) Planning Dept. Staff passed along a note from The Ridge Marketplace's wetland scientist. The note was notification that permitted wetland impact work was commencing on Phase 2 of The Ridge (Route 11 development). The Commission asked a few questions to remind them about the permitted work. There were no further comments.

#### **5. Notice of Intent to Cut Wood or Timber / Intent to Excavate:**

a) **Notice of Intent to Cut - Tax Maps 216-8&9, 60 & 68 Farmington Rd**

The Commission reviewed this, they had no concerns.

#### **6. New Business:**

a) **Member status and terms-** Planning Staff reminded members of their term dates.

#### **7. Reports:**

a) **Technical Review Group.**

A report was given.

b) **Planning Board.**

Planning Staff and a Commission member gave updates on active Planning Board applications. It was noted that many applications are for land actively in Current Use.

**8. Old Business:** None.

## **APPLICATIONS REVIEWED BY THE HISTORIC DISTRICT COMMISSION**

The January meeting for the Historic District Commission was canceled.

## **ARTS AND CULTURE COMMISSION ACTIVITIES**

The Arts and Culture met on January 17, 2019 at 7 pm in the City Hall Annex building. The Commission did not have a quorum at the meeting with three members in attendance. The Commission discussed reaching out to potential members to join the Commission. The Commission also discussed the date for the Rochester Arts Awards August 12, 2019. The Commission would like to continue working with the technical center on the plaques.

Respectfully submitted,  
James B. Campbell,  
*Director of Planning & Development*

# Memorandum

**To:** Blaine Cox, City Manager  
Mayor McCarley  
Members of the City Council

**From:** Lauren Krans, Recreation & Arena  
**Date:** February 12, 2019  
**Re:** January 2019 Department Report

January Program Participation	
Adult Co-Ed Pick-Up Basketball	58
Adult Open Gym 30+	8
Adult CO-ED 30+ Basketball League	66
Adult Recreation Ice Hockey League	100
Adult Volleyball	92
Community Coffee	10
King Pine	77
Learn To Skate	19
Parent/Child Open Gym	215
Public Ice Skating	671
Restorative Meditation	4
Senior Art	33
Senior Breakfast/Cookout	73
Senior Dance Lessons	7
Senior Pickleball	176
Senior Power Hour	84
Senior Table Tennis	5
Senior Trips	12
Senior Yoga Chair	19
Senior Yoga Gentle	24
Public Safety Skate	150
SHS/BCA open Gym	13
Teen Night	126
Basketball 1st and 2nd Grade	73
Basketball 3rd/ 4th Grade Boys	70
Basketball 3rd and 4th Grade Girls	22
Basketball 5th/6th Grade Boys	64
Basketball 5th/6th Grade Girls	17
Basketball 7th and 8th Co-ed	44
Basketball- High School	77
Coach Smart Classes	7
<b>January Total Program Participation</b>	<b>2,406</b>

## Outdoor Skating

Thanks to a collaboration of Public Works and Rec, areas on the Common and in front of the Nancy Loud School have been maintained for outdoor skating. When the temperatures are consistently cold enough, DPW has plowed these areas. A recreation volunteer has assisted with flooding the Nancy Loud front field during cold spurts to maintain an icy surface. We hope to continue offering this outdoor fun in the future and will use this winter season to learn and make improvements for the next!

## Public Safety Skate

The Rochester Arena continues to be a hotbed of community activity. In January the rink held a public skate session with Rochester Police Officers, Firefighters and veterans from the Skate for 22 Foundation. After the free skate was a first responders vs. Skate for 22 Foundation hockey game. There was a great turn out and the event brought many new faces to the rink and onto the ice.

## Pickleball

Pickleball remains a very popular program. Numbers have been so high, we started running a 50+ Sunday morning session and an 18+ Sunday evening session. We hope these time slots will grow to be as busy as our weekday games. Our regular Pickleball players are a mix of Rochester residents and people from neighboring communities. One of our Rochester players was thrilled to lead a "caravan" of Pickleball players up to the Ridge after their game a few weeks ago. A nonresident player who went for the ride was so impressed and later said she "had no idea Rochester had so much to offer!" We are so happy that our programs are bringing people into our great city!



Public Safety Skate at the Rochester Arena  
Photo Credit: Foster's Daily Democrat



Neighborhood kids enjoying outdoor skating in front of the Nancy Loud School!

Photo Credit: Cindy Lamie, Rec Program Coordinator

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left blank...*

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City Clerk's Office

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# ROCHESTER FIRE DEPARTMENT

**MARK E. KLOSE**  
CHIEF OF DEPARTMENT



37 Wakefield Street

Rochester NH, 03867  
[www.rochfd.org](http://www.rochfd.org)

Tel (603) 335-7545

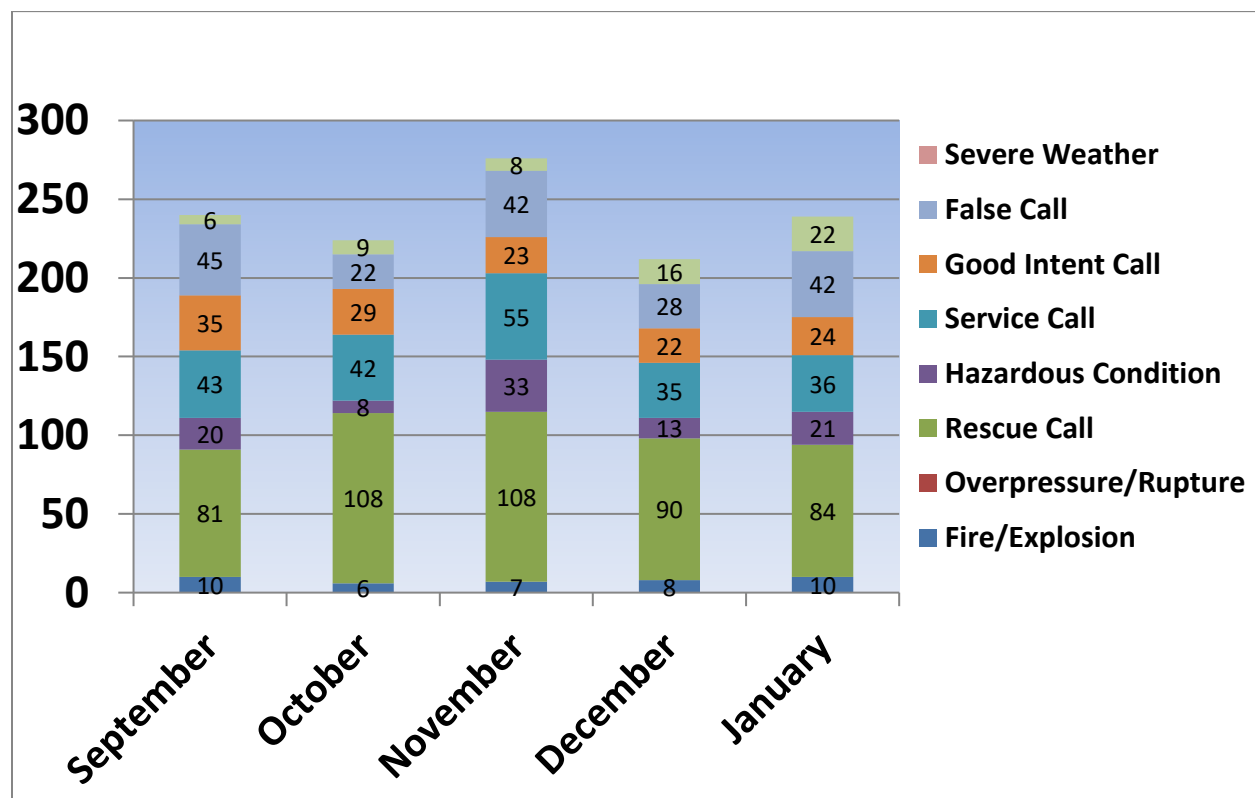
**To:** Blaine Cox, City Manager

**From:** Mark E. Klose, Fire Chief

**Date:** February 5, 2019

**Ref:** Monthly Report for January 2019

On behalf of the Rochester Fire Department, I am pleased to provide you with the following report. The report serves as a summary of the activities, incidents, projects and programs underway within the department.



The above graph shows our runs for Fiscal Year 2019 with January's data shown individually with their respective totals. For the month of January there were 239 calls for service. There have been a total of 1714 calls for Fiscal Year 2019.

**FIRE DEPARTMENT OPERATIONS**

Managed shift coverage assignments

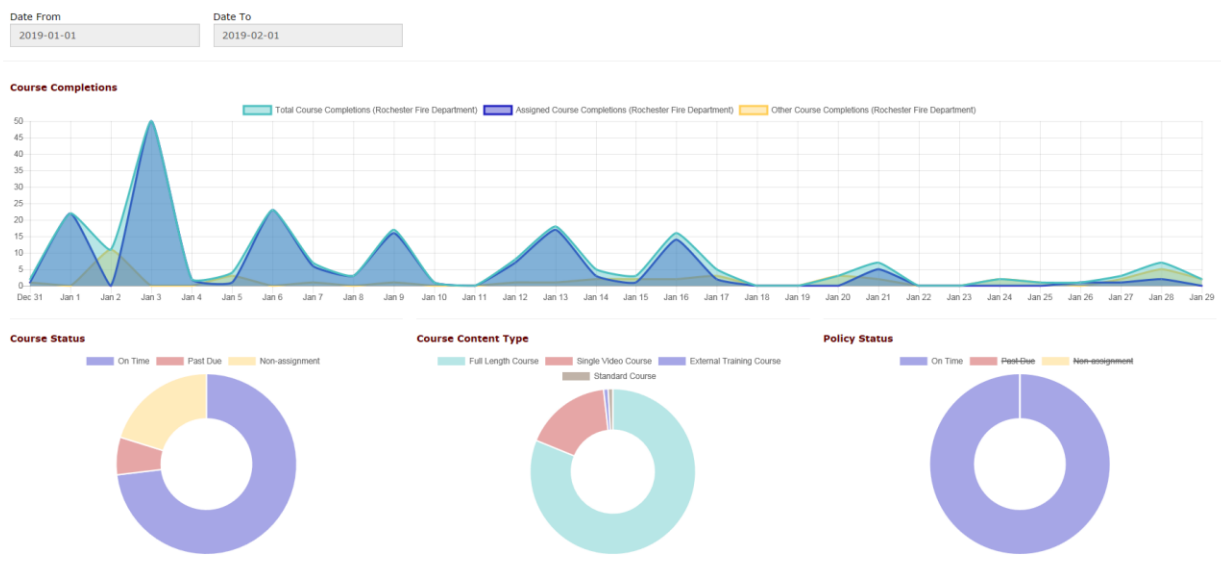
Managed and organized equipment and supply purchases as needed

Fire Department members spent 1.5 hours each Friday mentoring a student from the Monarch School

Managed apparatus repairs as needed

Repairs made to radio repeater phone lines

Worked with Secretary Gray to adjust uniform acquisition, utilizing a local vendor

**TRAINING DIVISION**

The above graph shows total courses and training hours completed in the FireRescue1 Academy. Total courses completed for the month of January were 227. Total number of training hours completed in the month of January were 270.

Continued to develop standard lesson plans for RFD

Developed and delivered “In-Service” training to each shift for “Ice Rescue”

Delivered/Tracked/Recorded members training for the purposes of re-cert to the National Registry

Delivered three hours of training to Call Force members

Continued to review and edit SOG’s and GO’s for RFD

**DEPARTMENT INFORMATION:**

Administration completed necessary shift transfers to equal out shifts to help with overtime.

- 3 Shifts at 9 Firefighters (1 Captain, 1 Lieutenant and 7 Firefighters)



- 1 Shift at 8 Firefighters (1 Captain, 1 Lieutenant and 6 Firefighters[C Shift])
- Manning Station 1 and Gonic Station

The Fire Apparatus Committee continues to work on the new engine with Eastern Fire Apparatus and Toyne

#### **PERSONNEL:**

FF Thurber has returned and is on Medical Temporary Alternate Duty. We are glad to have FF Thurber back

Senior FF Jeff Comeau has retired as of January 31, 2019 with nearly 22 years of service to the City of Rochester.

RFD and HR are creating an eligibility hiring list for new firefighter candidates

#### **RESPONSE ACTIVITY:**

On January 7, Rochester Fire was dispatched to Somersworth, NH for a mill building fire. Engine 3, Truck 1, C-1, C-2 and C-3 responded.

On January 8, Rochester Fire was dispatched to Somersworth, NH for station coverage. No calls were incurred while covering the station.

On January 9, Rochester Fire was dispatched to Somersworth, NH for a rekindle of the mill building fire. Truck 1 responded and set the truck to flow water on the hot spots.

On January 15, Rochester Fire was dispatched to Farmington, NH for a structure fire. Engine 5, Engine 7, C-1 and C-2 responded.

On January 17, Rochester Fire was dispatched to Lee, NH for a large building fire. Engine 2, Car 3 and Utility 1 with the Air Trailer responded. Engine 2 shuttled water. Engine 2 crew and C-3 assisted at staging.

On January 18, Rochester Fire was dispatched to Lee, NH for a structure fire

On January 22, Rochester Fire was dispatched to Dover, NH for station coverage, which was upgraded to a Second Alarm enroute. Engine 3 responded to the scene.

On January 26, Rochester Fire responded to a dryer fire on Hunter Court. Engine 5, Engine 3 and Truck 1 responded to the scene. C-3 arrived and took command.

On January 29, Rochester Fire responded to a structure fire on River Street. Engine 5, Engine 3, Truck 1 and C-1 responded to the scene. C-1 assumed command. Dover Fire responded as mutual aid on scene.

On January 30, Rochester Fire responded to a dryer fire on Lowell Street. Engine 5, Engine 3, Truck 1 and Engine 7 responded to the scene.

#### **EMERGENCY MANAGEMENT**

We received the final and signed approval from the State of New Hampshire Emergency Management on the City of Rochester's Hazard Mitigation Plan.

Assisted the Strafford County Regional Warming Shelter with Emergency Management trailer

**FIRE PREVENTION**

We kicked off the New Year just as busy as we finished the previous year. With a number of foster care, place of assembly and school inspections the workload continues to grow as the city around us keeps expanding. New permit applications continue to come in and our office is reviewing and inspecting new construction continually. We have also been busy with updates to our E911 addressing city wide making great strides working towards a more compliant system. We will be holding public meetings at the beginning of March for the residents of East Rochester and Gonic to discuss the proposed changes to the Main Streets in those villages respectively. As spring time is just around the corner we look forward to reviewing new plan applications for projects that will make our city even greater.

Respectfully submitted,

*Mark E. Klose*

Mark E. Klose, Fire Chief

02/14/2019



## ROCHESTER POLICE DEPARTMENT

23 WAKEFIELD STREET  
ROCHESTER NH, 03867-1933

BUSINESS (603) 330-7127  
FAX (603) 330-7159  
[www.rochesterpd.org](http://www.rochesterpd.org)

*"Dedication, Pride, Integrity"*

POLICE COMMISSION

DEREK J. PETERS  
*Chairman*  
DAVID R. STEVENS  
*Vice Chairman*  
LISA M. STANLEY  
*Commissioner*

PAUL R. TOUSSAINT  
*Chief of Police*

February 11, 2019



TO: City Manager Blaine Cox

RE: Monthly Report – January 2019

**OPERATIONS:** Wards 2,4 and 6 held meetings. Ward 3 was scheduled however, no residents attended. Areas of discussion included questions about violent crimes and the nature of incidents, vacant downtown businesses and action the city has taken with respect to some of the buildings. There was a conversation about speeding issues in Ward 5 and requesting more motor vehicle enforcement. There was a discussion on staffing and what we are doing to address vacancies. In Ward six there were discussions about the police department response to nuisance residences in a couple of neighborhoods. The statistics for the ward were discussed and a map or tracking information was requested for overdose information. A request by a local business for parking enforcement on Hanson Street was made. The Parking Enforcement Officer will follow up. There was additional discussion on warming shelters, the location and transportation.

The investigations bureau had 28 cases sent up from patrol for review or investigation. There are currently 61 cases assigned. There were 28 cases presented to the Grand Jury all with true bills. Compliance checks completed for eight pawnshops and two sex offenders. There were four detective call outs (a stabbing, an untimely, an overdose and a drug case). There were 541 pieces of evidence logged in, 34 items returned to owners and an additional 175 pieces destroyed. There were three backgrounds conducted and three polygraphs.

**BRIDGING THE GAPS:** The RMS Y2Y are finalizing an Anti-Vaping presentation for sixth graders. They are also finalizing the pitch for the Granite Youth Alliances Film Festival. Two of the team members participated in the City of Dover's Day of Service on Civil Rights Day learning about the process of advocacy around tobacco and marijuana legislation. Bridging the Gaps worked with the RMS SHARE program and RMS SAP identifying seven at risk youth who qualified for full scholarships to the NH Teen Institutes Leaders in Prevention three day workshop.

Bridging the Gaps continues to work with Seacoast Youth Services and Frisbie Hospital to solidify a lease for 39 South Main St. A grant for \$6,600.00 was submitted to the Community Development Committee for supplementing utilities for the new location. Personnel are meeting with the Dover Teen Center and Dover Youth to Youth leaders to view their operations and studio set up.

**COMMUNICATIONS:** Our newest dispatcher is progressing well in training. We have two new dispatchers coming on board in February, which brings us back to full staffing. The new hires will be in training for approximately 12 weeks.

**CEO/ COMMUNITY ENGAGEMENT OFFICER:** Officer Danie conducted foot patrols in the downtown, and assisted patrol with calls for service. He continues to monitor and post the RPD facebook page. He attended teen night and both Explorer post meetings. He spent some time training the new recruits in crime scene processing. He assisted two officers with evidence processing and is working on annual use of force training. He is planning the next Skate with a Cop, which has been expanded to include the Fire Department, with a PD/Fire vs the NH Cannons charity hockey game to follow. He has begun working on the annual Wings and Wheels event at Sky Haven. He attended the Ward 6 meeting to report out on the work done at a couple of nuisance residences.

**COMP STAT:** Field activity and proactive time remained consistent with the previous few months due to continued issues with staffing levels and calls for service. An increase in shoplifting was offset by a decrease in most other property crime. Nearly all of the drug-related charges were from instances of drugs being found on a subject incident to arrest for a separate charge. The majority of the drugs found were heroin/fentanyl. Other drugs included methamphetamine, cocaine and marijuana. We will add a notation to the CompStat report moving forward to clarify what would appear to be a decrease in drug activity caused by the shift from opioids to amphetamine drugs.

**DIVERSION:** Teen night held in January had approximately 130 in attendance. Staff prepared budget information and the process for the Strafford County Diversion program to present to the Chief's Association. The work that staff did developing legislation with Senator Guida was presented as a bill this session. Staff presented to the NH State DJJS Juvenile Probation and Parole Supervisors regarding diversion and working to ensure youth receive pre-court referrals. Rochester's program was highlighted as a successful model in collaborating between diversion and probation services.

**FINANCIAL/PURCHASING:** We received the replacement vehicle for car 5 and it is being outfitted at our vendor. Our FY20 budget entries are finalized. We await our meeting with the City Manager to discuss our overall budget. We will begin our monthly projections for the FY19 budget. We are 58% through the fiscal year and 50% spent, overall. We continue to work with 2-Way on the new radio system and we have a preliminary design for review. Decisions on equipment and tower logistics remain.

**HOUSING:** Calls for service remain steady, with 26 at the various complexes. Many were medical calls. The weather has kept outside activity to a minimum. There were 17 backgrounds for prospective new tenants.

**K9:** The year-end review for the K9 unit shows that he responded to fifty-six calls. Thirty-two were tracks and twenty-four were drug searches. Twenty-seven of the tracks and nineteen of the drug searches were in Rochester. We introduced Gunner to the team following the passing of Daisy Mae. He certified as a tracking dog in April 2018.

**PROSECUTION:** In adult court this period, there were 207 new cases with 316 charges. Of the cases that went before the court there were 89 guilty pleas, 89 not guilty pleas and 60 failed to appear. 17

charges nol prossed as part of plea agreements. 3 cases were dismissed by the Court. 43 cases were continued and six were placed on file.

Juvenile prosecution had 51 petitions, 11 arraignments, 6 trials resolved by plea. There were two violation hearings, 2 review hearings, and 4 emergency placement hearings.

**RENTAL PROPERTY OWNERS ASSOCIATION:** Lt. Bossi attended the meeting. He provided information on trespassing, plowing of snow onto other properties and information on gun laws.

**SCHOOL RESOURCE OFFICERS:** At the high school Off. Jackson attended a demonstration for a new active shooter alert system, and worked with the school administration for emergency planning. He also worked with the school safety team regarding the moving of disruptive students. He made five arrests for e-cigarette issues. He has organized the second half of the year LEAD classes. He attended two Explorer meetings.

Sgt. Deluca at the Middle School made two arrests for vapes. He had three intervention meetings with troubled students. He made an arrest for disorderly conduct and criminal mischief. He did a practice lock down. He has started the second half of the year LEAD classes.

Officer Porfido assisted patrol with calls during school vacation. He also helped with crossing guard duties. He attended teen night and two explorer post meetings. He attended the McClelland School lockdown drill. He assisted the principals of School Street and Allen School on issues.

**TRAINING/HIRING:** Several supervisors attending training at Frisbie focused on emergencies involving violent and aggressive mental health patients in healthcare facilities. This brings law enforcement and medical personnel together to understand the roles and limitations dealing with these patients.

Three recruits at the academy are doing well. One of the recruits withdrew and submitted a letter of resignation. We have started our first hiring process of 2019 for potential applicants meeting the military or college graduate requirement without the police entrance exam. Ten applicants responded and five are moving on to oral boards. Sgt. Cost participated in a senior criminal justice seminar at New England College for graduating students with criminal justice majors. The seminar was geared towards recruitment presentations on what departments have to offer potential new officers.

**FORFEITURE SPENDING:** There was no forfeiture spending this period.

**EMD USE:** Display and Deploy: None  
Display Only: None

Respectfully Submitted,

Paul R. Toussaint  
Chief of Police

# Rochester Police Department December 2018 Comp Stat Report



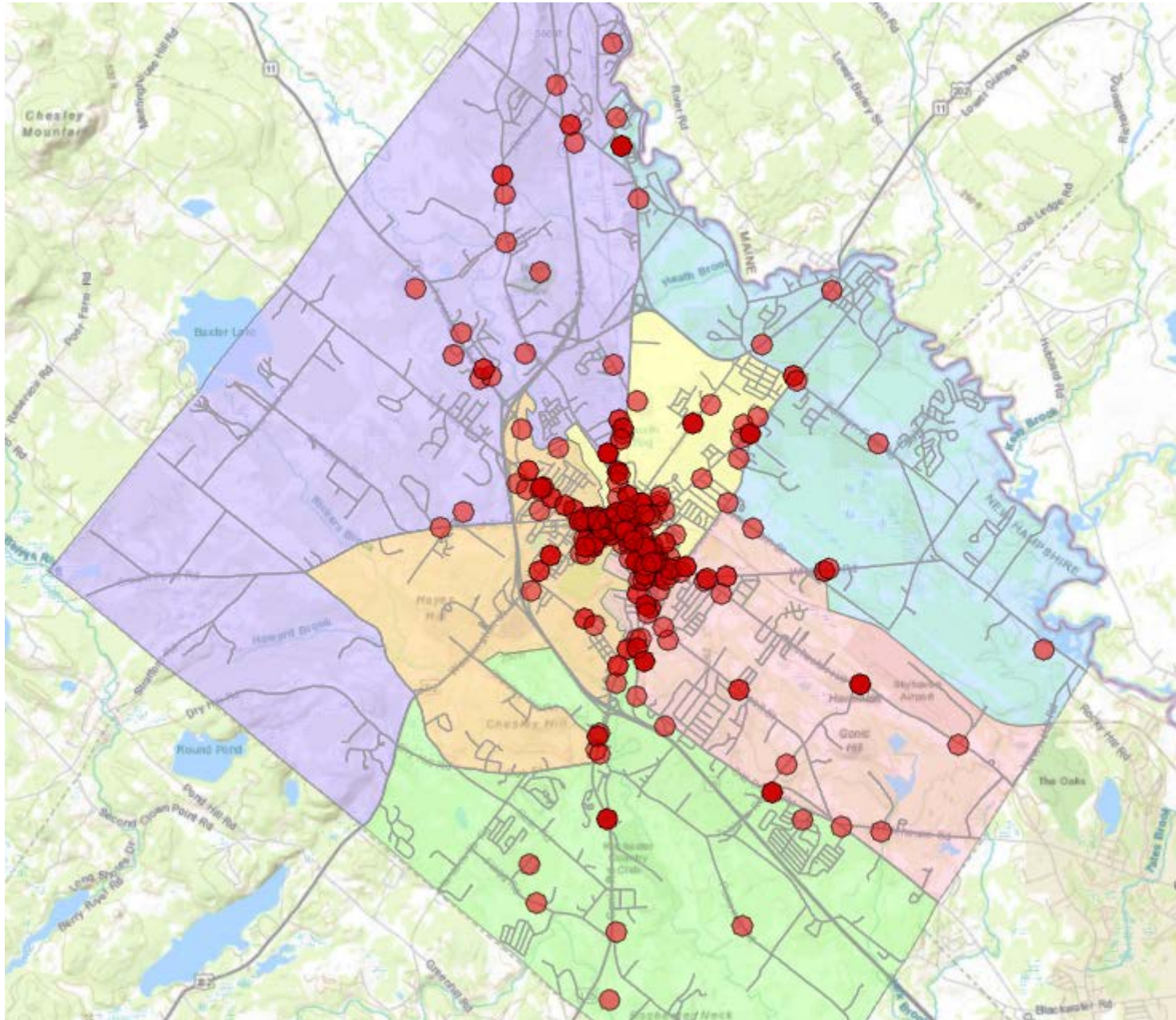
# December 2018 Field Activities

Specific Crimes	Dec-18	Dec-17	% Change	Nov-18	% Change	Oct-18	YTD 18	YTD 17	% Change	YTD 16
Traffic Stops	402	731	-45%	306	31%	298	8055	6667	21%	13394
Arrests from Stops	15	29	-48%	20	-25%	13	326	265	23%	419
Summons	19	37	-49%	7	171%	9	490	407	20%	904
Warnings	347	640	-46%	267	30%	259	6946	5798	20%	11652
No Action	17	18	-6%	9	89%	11	230	174	32%	309
Accidents	90	118	-24%	110	-18%	93	1072	1140	-6%	1012
Summons from ACs	4	2	100%	2	100%	5	36	31	16%	38
Arrests from ACs	5	12	-58%	8	-38%	3	56	83	-33%	66
Field Interviews	6	9	-33%	2	200%	11	120	161	-25%	199
DWI	6	13	-54%	13	-54%	3	76	98	-22%	78
<i>Narcotics</i>	1	0	0%	4	-75%	0	20	31	-35%	23
<i>Alcohol</i>	5	13	-62%	9	-44%	3	56	67	-16%	55
DWI from Accidents	2	4	-50%	3	-33%	1	19	33	-42%	29



# December 2018 Traffic Stops

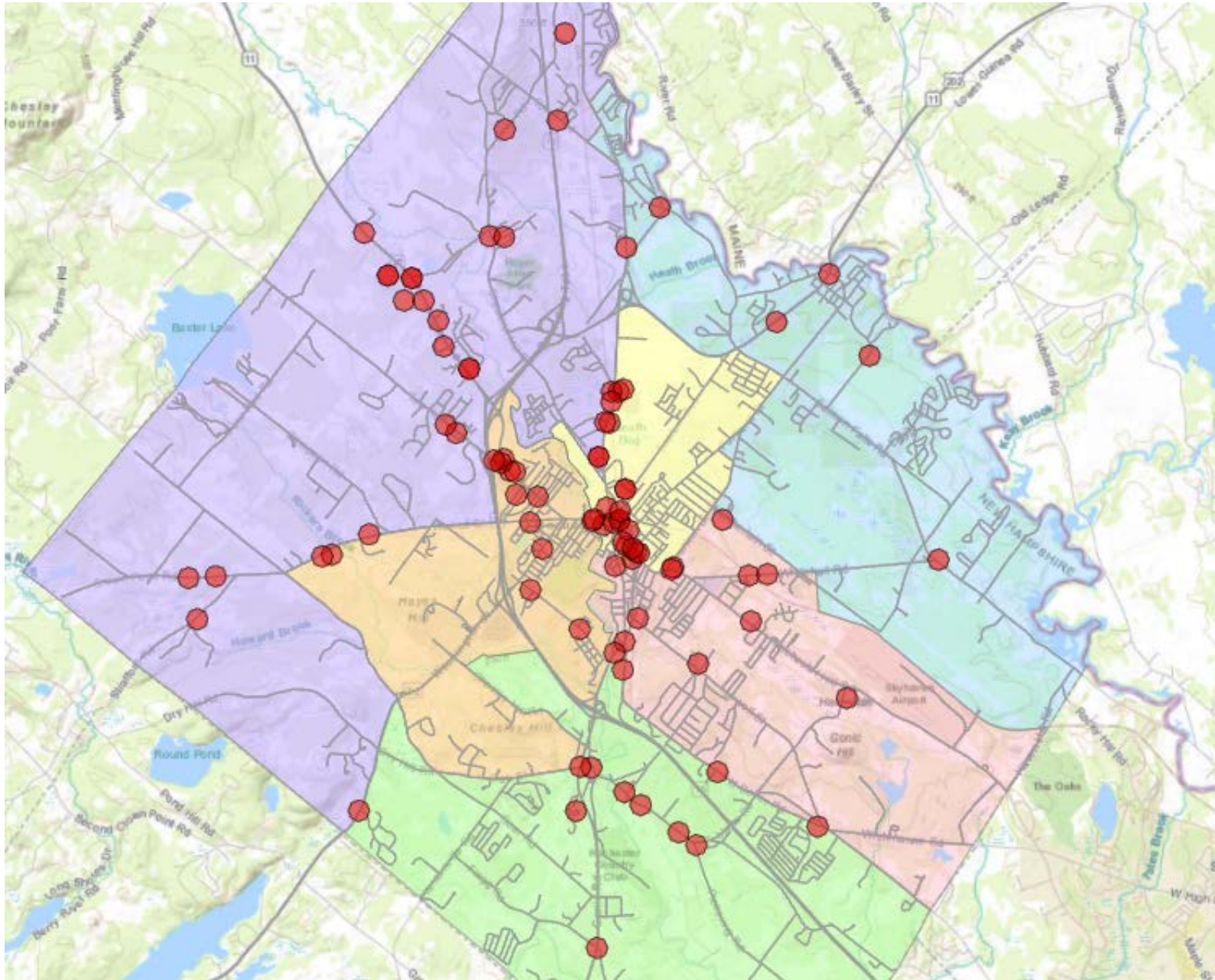
02/14/2019





# December 2018 Accidents

02/14/2019



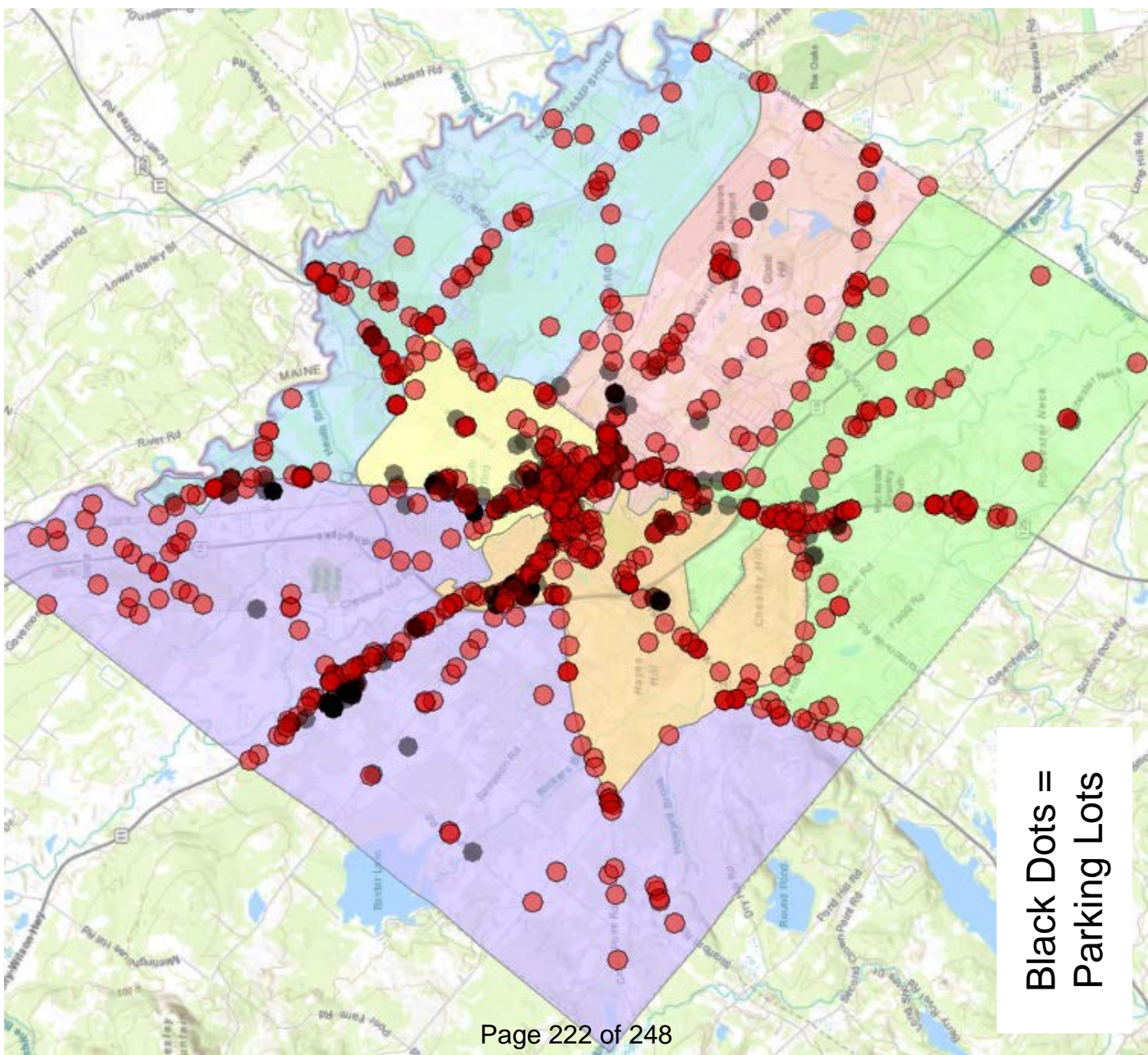


# 2018 Accidents

Percentage in  
parking lots:  
22%

Top Locations:  
Walmart (27)  
The Ridge (20)  
Rochester  
Crossing (12)  
Hannaford Lilac  
Mall (9)

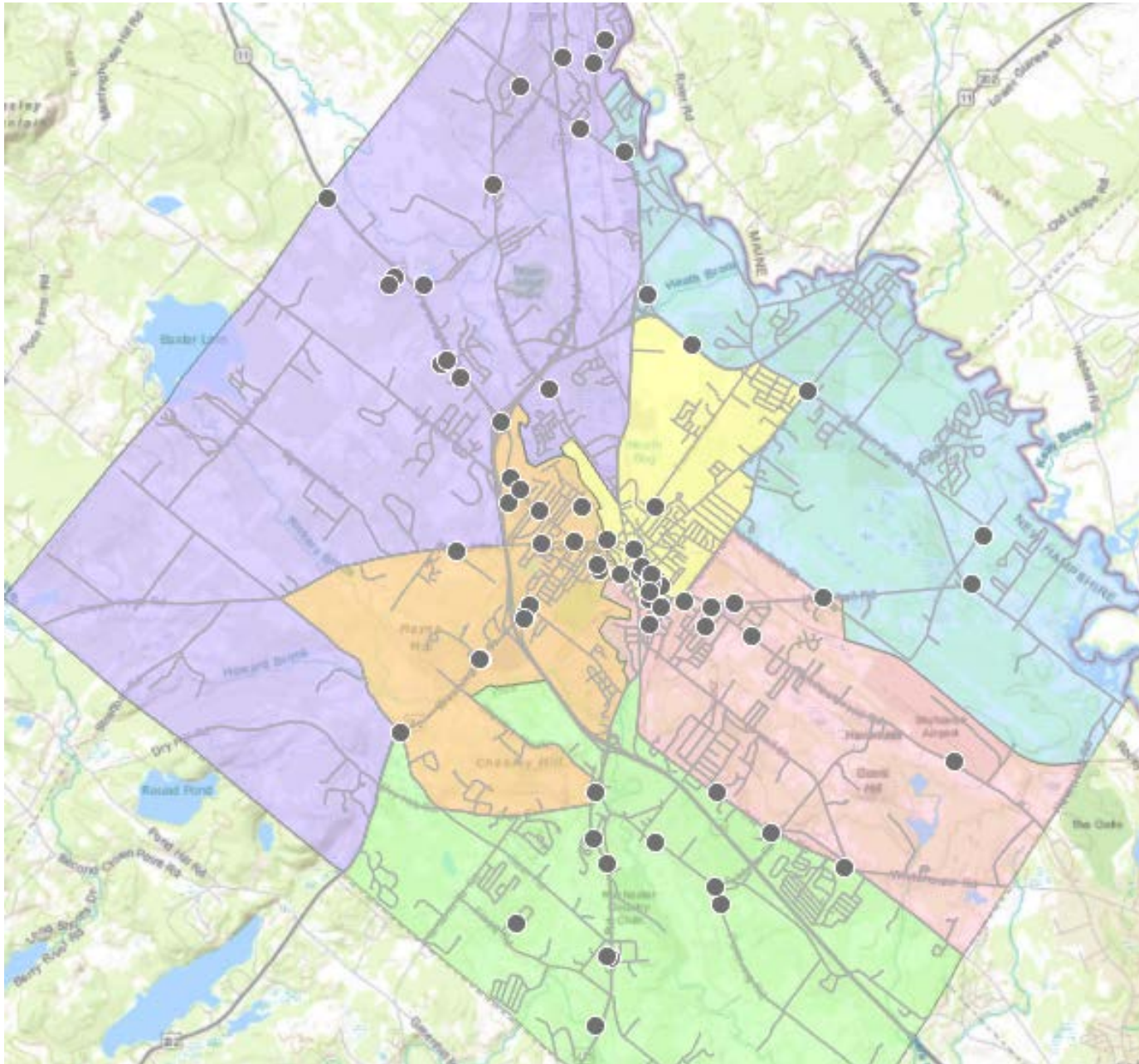
02/14/2019





# 2018 DWIs

02/14/2019



# December 2018 Property Crimes

All Incident Reports												
Specific Crimes	Dec-18	Dec-17	% Change	Nov-18	% Change	Oct-18	YTD 18	YTD 17	% Change	YTD 2018 Closure Rate	YTD 2017 Closure Rate	YTD 16
Shoplifting	35	16	81%	29	81%	16	259	269	-4%	71%	69%	288
Theft from M/V	7	11	-36%	7	-71%	24	120	198	-39%	6%	6%	124
All Other Theft*	18	41	-29%	29	-37%	46	431	408	6%	27%	21%	440
M/V Theft	3	0	0%	4	-56%	9	43	26	65%	26%	23%	36
Vandalism	29	29	3%	30	-23%	39	397	427	-7%	33%	29%	454
Burglary	9	8	-25%	6	0%	6	89	117	-24%	15%	13%	137
<b>Total Property</b>	<b>101</b>	<b>105</b>	<b>-4%</b>	<b>105</b>	<b>-4%</b>	<b>140</b>	<b>1339</b>	<b>1445</b>	<b>-7%</b>	<b>30%</b>	<b>27%</b>	<b>1479</b>
Arrests												
Specific Crimes	Dec-18	Dec-17	% Change	Nov-18	% Change	Oct-18	YTD 18	YTD 17	% Change			
Shoplifting	14	18	-22%	12	17%	5	185	186	-1%			
Theft from M/V	1	0	0%	2	-50%	1	7	11	-36%			
All Other Theft*	22	9	144%	20	10%	7	116	85	36%			
M/V Theft	1	0	0%	0	0%	2	11	6	83%			
Vandalism	12	5	140%	8	50%	14	131	123	7%			
Burglary	1	0	0%	0	0%	0	13	15	-13%			
<b>Total Property</b>	<b>51</b>	<b>32</b>	<b>59%</b>	<b>42</b>	<b>21%</b>	<b>29</b>	<b>463</b>	<b>426</b>	<b>9%</b>			

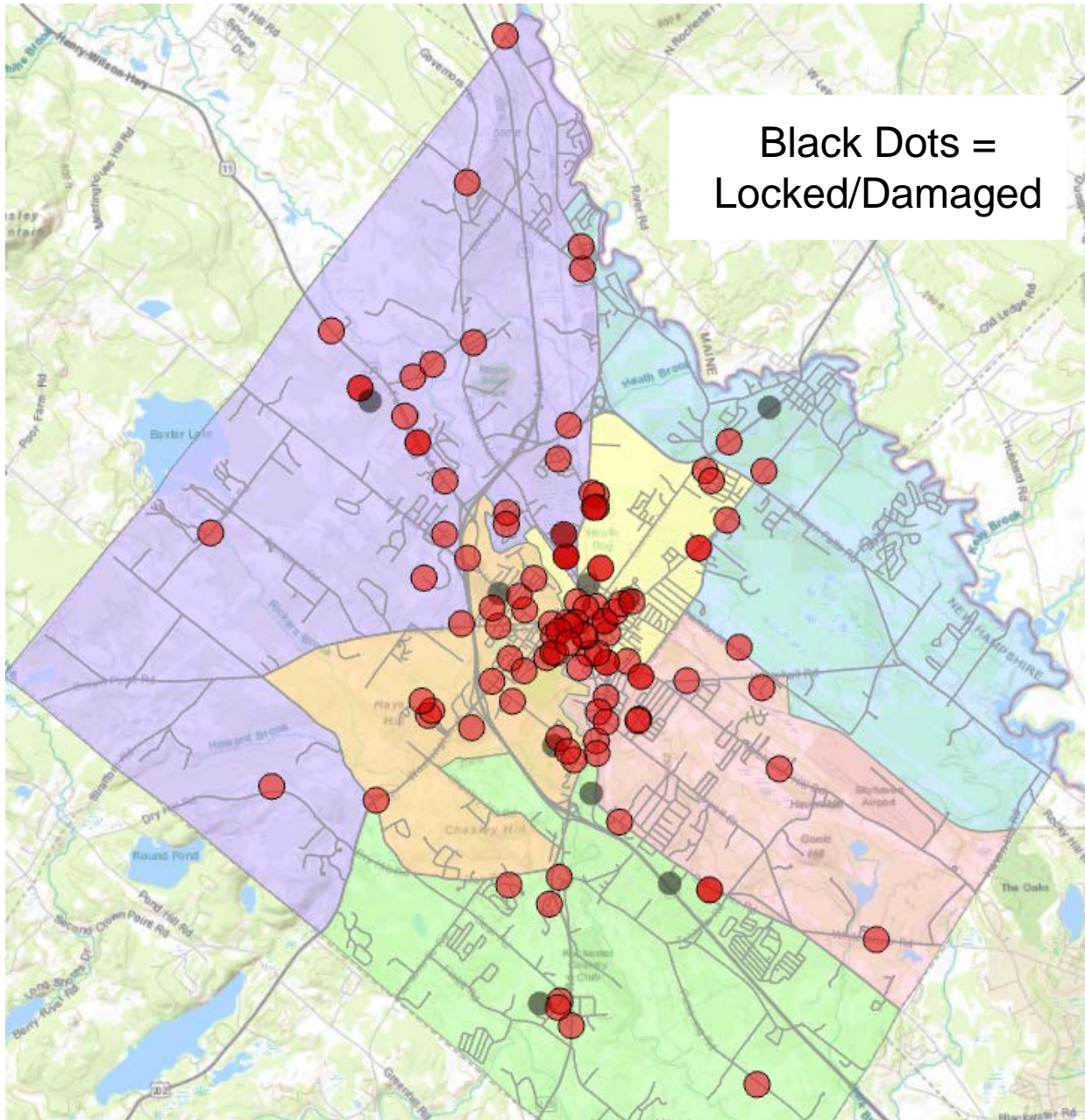
\*All Other Theft= Pocket-Picking, Purse-Snatching, Theft from a Coin-Operated Machine, Theft from Building, Theft of Motor Vehicle Parts, and All Other Larceny

32% of All Other Thefts YTD were Shoplifting Incidents



# 2018 Theft From MV

02/14/2019



Black Dots =  
Locked/Damaged

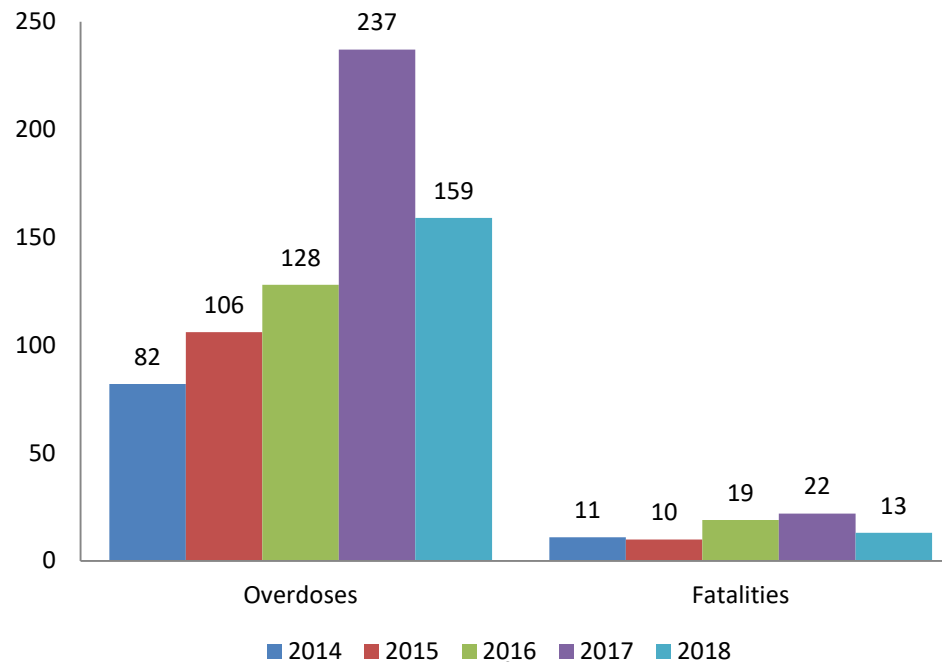
120 cases

Percentage of  
unlocked cars:  
92% (110)

10 cars locked,  
broken window,  
or damage to  
door

# December 2018 Drug Offenses

All Incident Reports												
Specific Crimes	Dec-18	Dec-17	% Change	Nov-18	% Change	Oct-18	YTD 18	YTD 17	% Change	YTD 2018 Closure Rate	YTD 2017 Closure Rate	YTD 16
Possession	12	11	9%	15	-20%	15	170	192	-11%	89%	92%	204
Overdoses	9	17	-47%	9	0%	10	159	237	-33%			128
Fatal	1	2	-50%	2	-50%	1	13	22	-41%			19
Total Drug	21	28	-25%	24	-13%	25	329	429	-23%			351
Arrests												
Specific Crimes	Dec-18	Dec-17	% Change	Nov-18	% Change	Oct-18	YTD 18	YTD 17	% Change			YTD 16
Possession	8	11	-27%	15	-47%	15	152	177	-14%			185



# December 2018 Violent Crimes

All Incident Reports												
Specific Crimes	Dec-18	Dec-17	% Change	Nov-18	% Change	Oct-18	YTD 18	YTD 17	% Change	YTD 2018 Closure Rate	YTD 2017 Closure Rate	YTD 16
Homicide	0	0	N/A	0	N/A	0	2	0	N/A	50%	0%	1
Robbery	2	2	0%	1	100%	0	16	28	-43%	56%	36%	17
Aggravated Assault	9	8	13%	11	-18%	5	79	79	0%	61%	67%	68
from DV*	7	6	17%	9	-22%	2	44	29	52%			43
Simple Assault	32	28	14%	36	-11%	34	457	469	-3%	50%	46%	538
from DV*	22	22	0%	19	16%	21	246	213	15%			283
Total Violent	43	38	13%	48	-10%	39	554	576	-4%	54%	37%	624
Arrests												
Specific Crimes	Dec-18	Dec-17	% Change	Nov-18	% Change	Oct-18	YTD 18	YTD 17	% Change			YTD 16
Homicide	0	0	0%	0	0%	0	0	0	0%			1
Robbery	1	1	0%	1	0%	0	9	10	-10%			13
Aggravated Assault	6	7	-14%	6	0%	3	48	53	-9%			41
Simple Assault	13	13	0%	24	-46%	16	229	216	6%			266
Total Violent	20	21	-5%	31	-35%	19	286	279	3%			321

\*No minor cases (suspect or victim) count as Domestic Violence

# December 2018 Threshold 02/14/2019

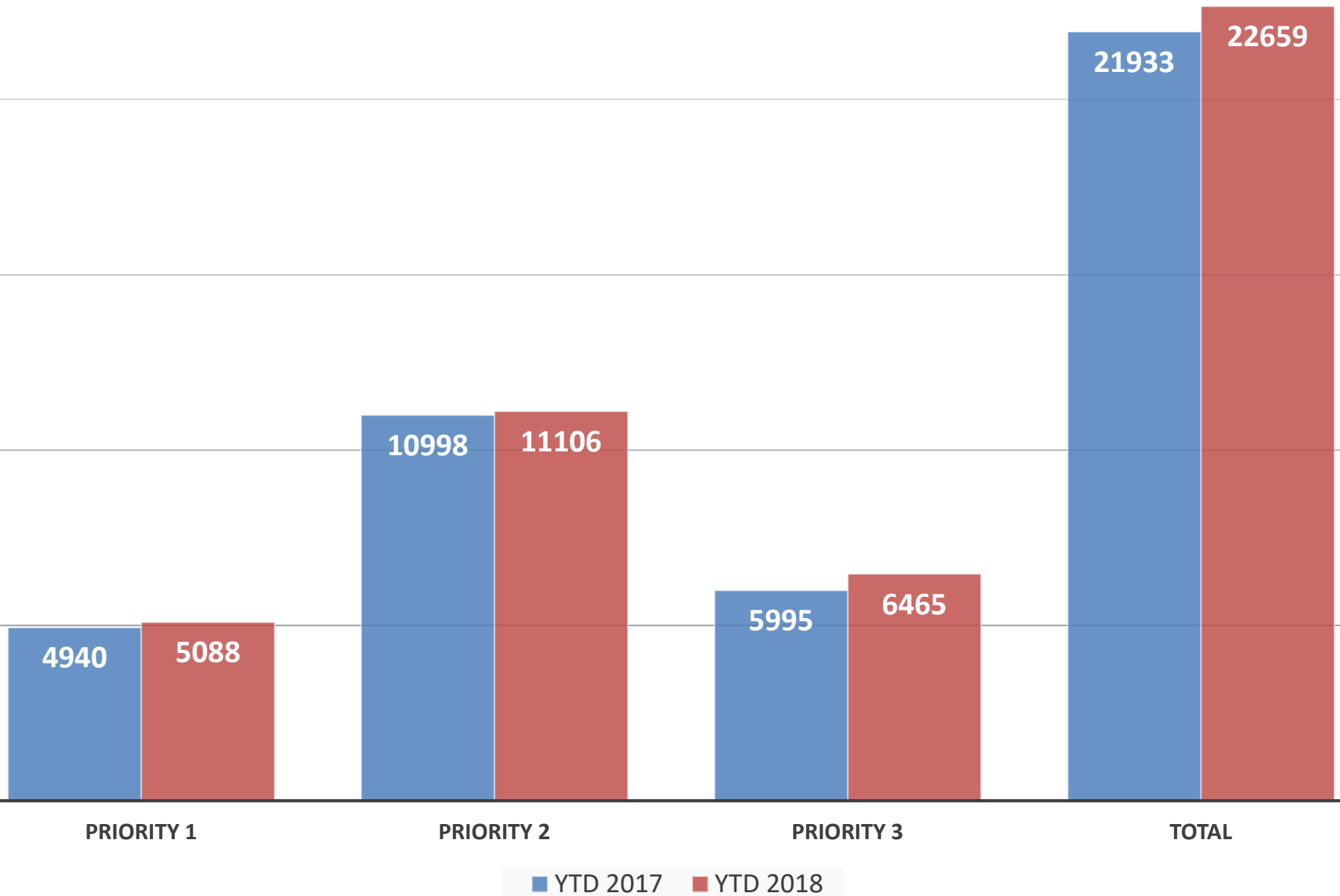
Crime	Monthly Average	Normal Range	Current Month	Activity Level
Accidents	87	73-101	90	Normal
Traffic Stop	841	519-1162	402	Moderately Low
DWI	7	4-10	6	Normal
Robbery	1	0-3	2	Normal
Aggravated Assault	6	4-9	9	Moderately High
Simple Assault	40	32-48	28	Moderately Low
Burglary	9	6-13	8	Normal
MV Theft	3	0-5	3	Normal
Theft from MV	14	6-22	7	Normal
Vandalism	36	28-44	29	Normal
Shoplifting	26	19-32	35	Moderately High
Theft all Other	38	29-46	18	Very Low
Possession	16	10-22	12	Normal
Crime	Monthly Average	Normal Range	Current Month	Activity Level
Violent	48	38-58	39	Normal
Property	125	96-153	102	Normal



# Calls for Service 2017 v 2018

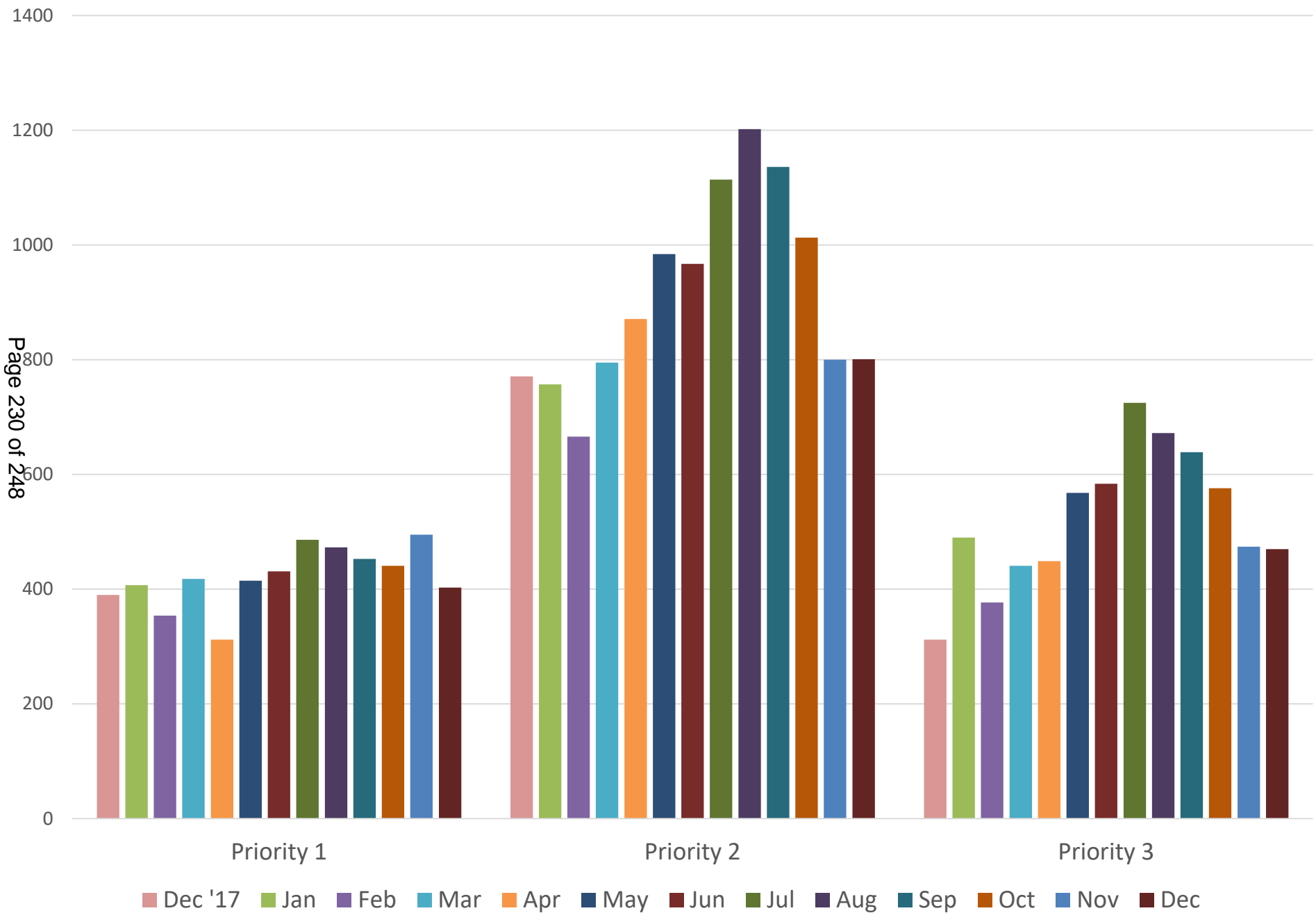
02/14/2019

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# YTD Calls for Service 2017 v 2018

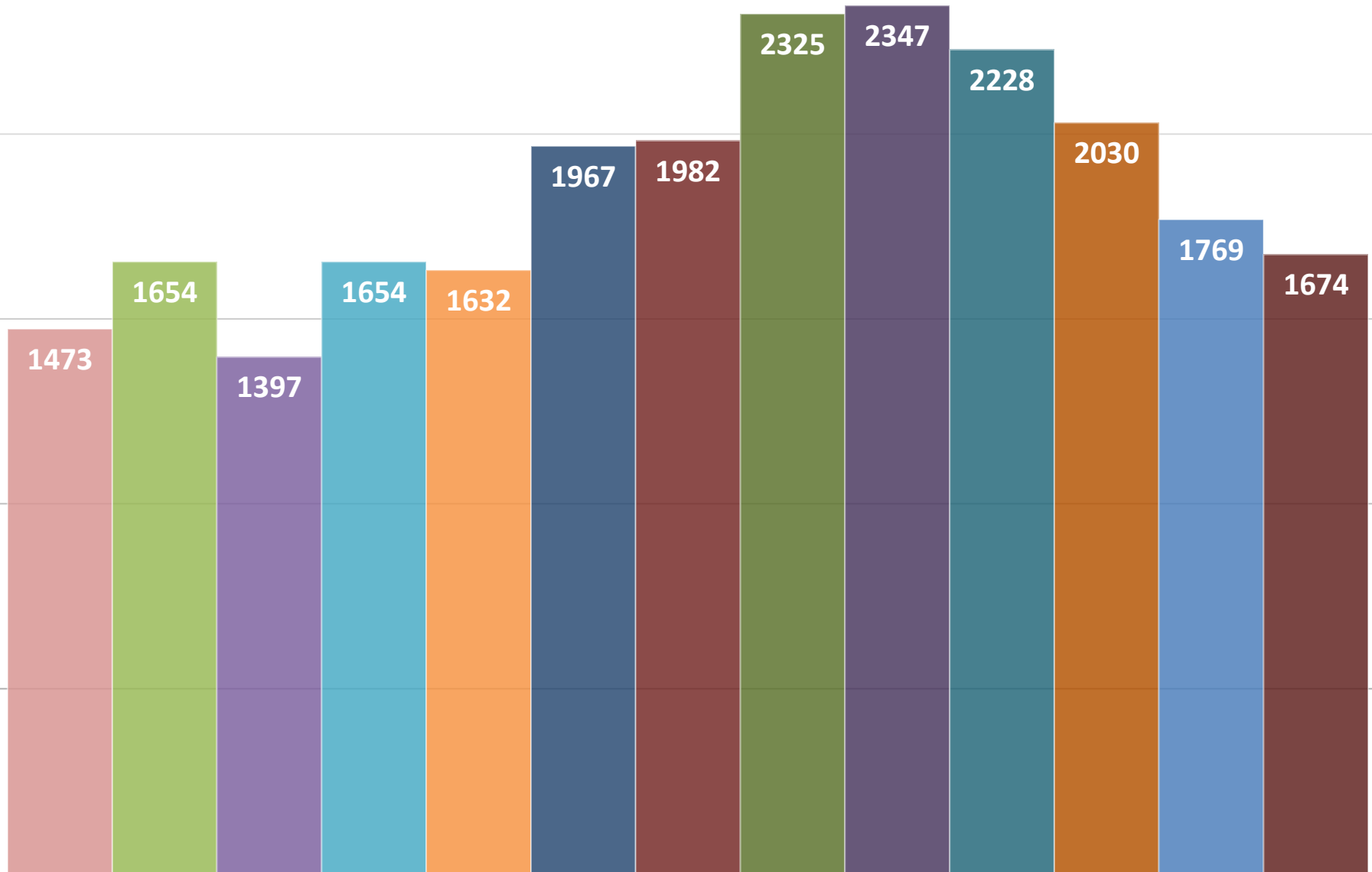
02/14/2019



# YTD Calls for Service Total 2017 v 2018

02/14/2019

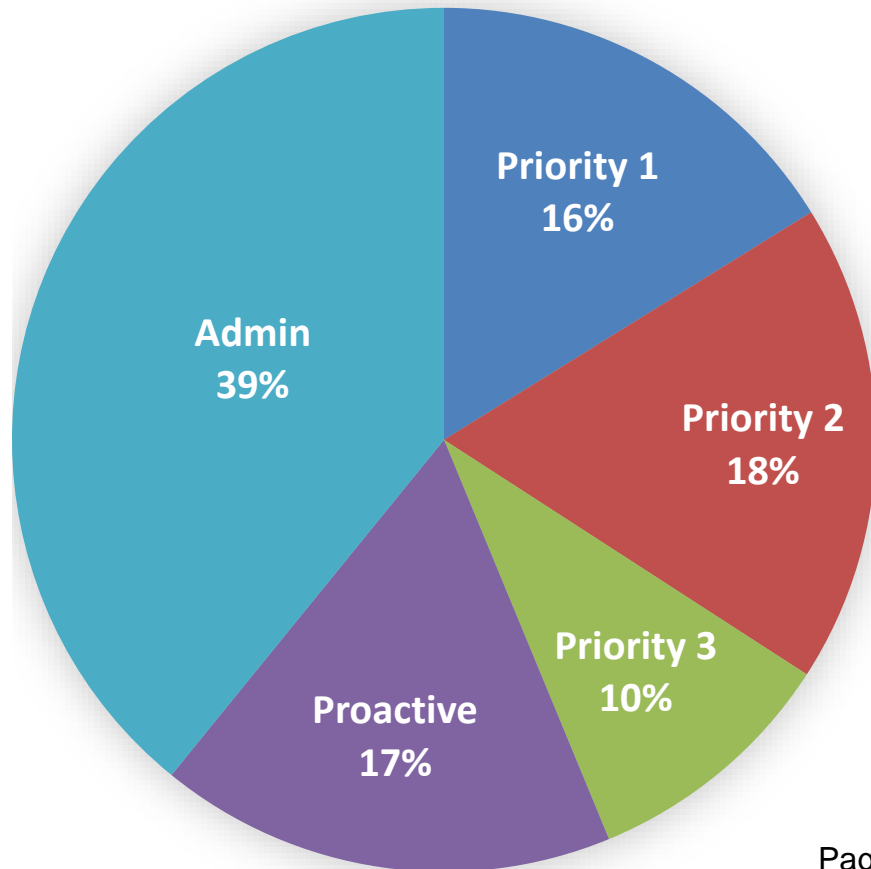
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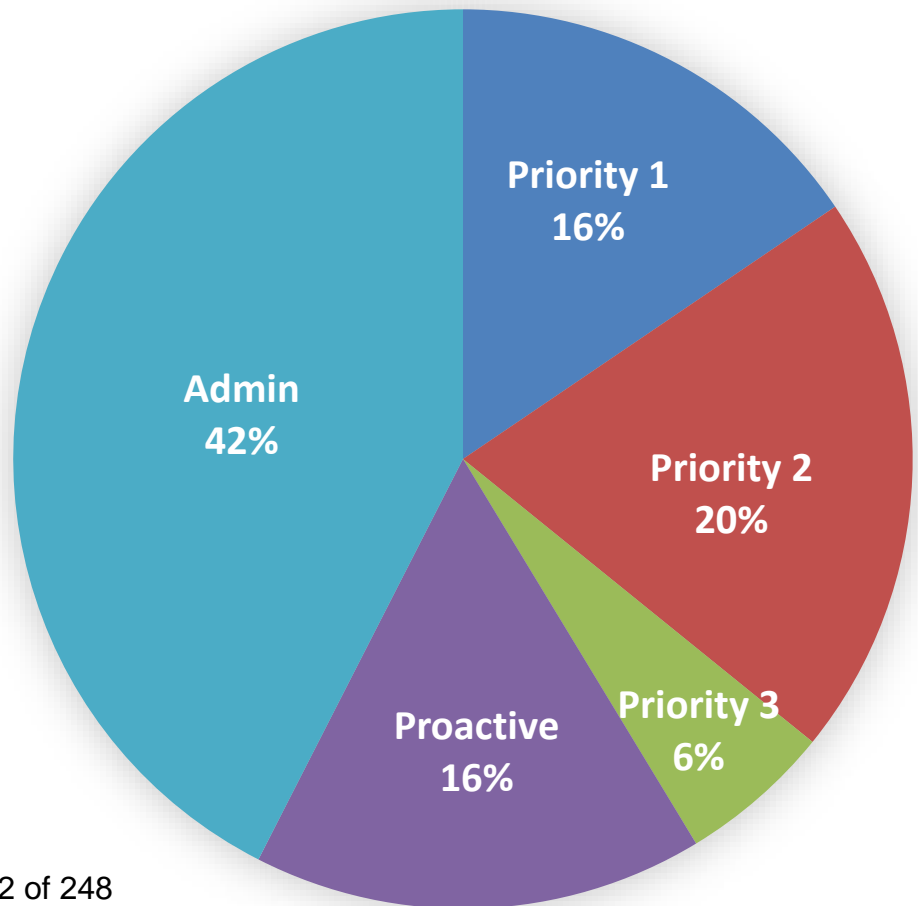
Dec '17 Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec

# December 2018 Manpower Hours

## December 2017

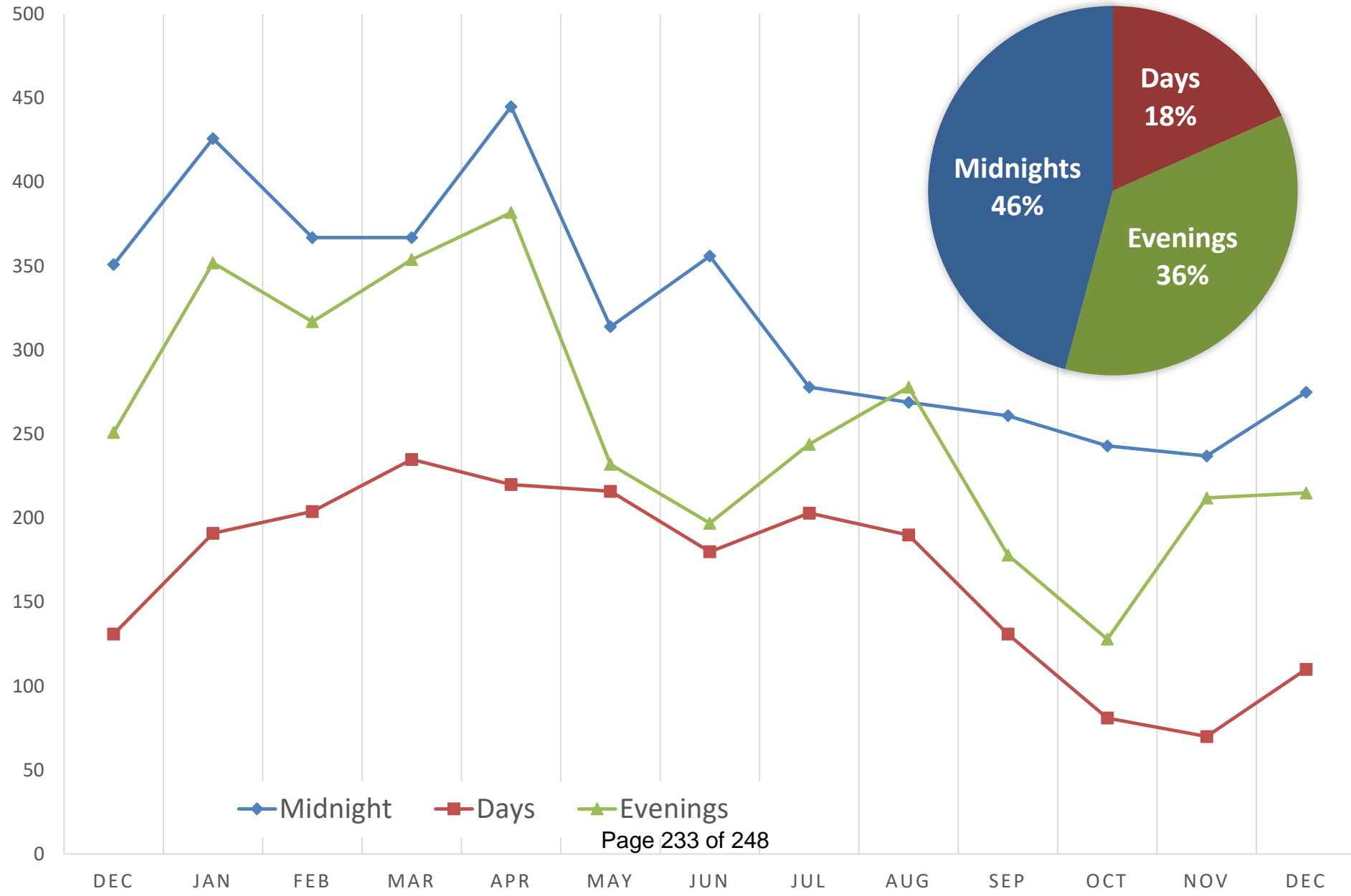


## December 2018



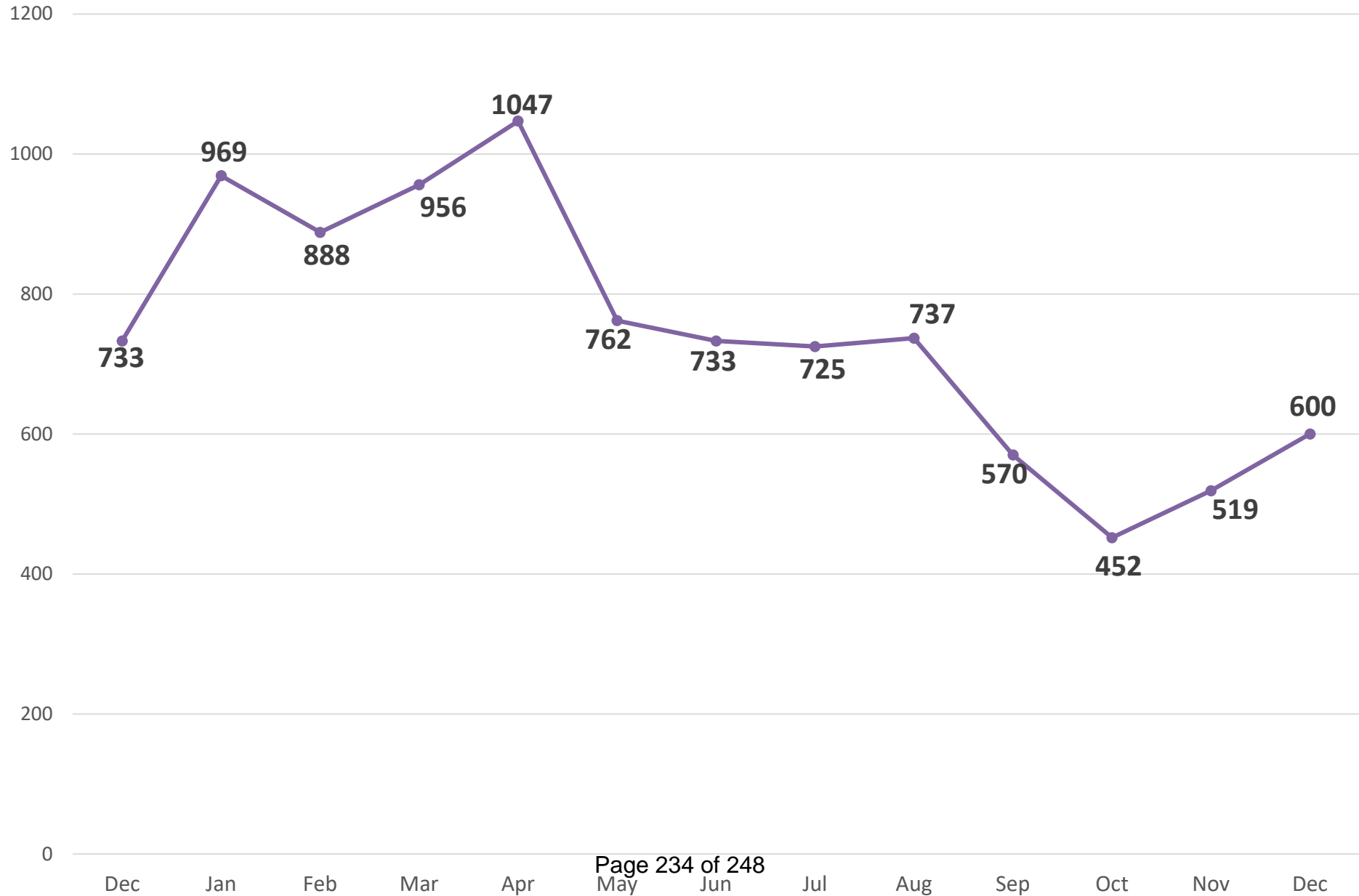
# December 2018 Proactive Hours

02/11/2019



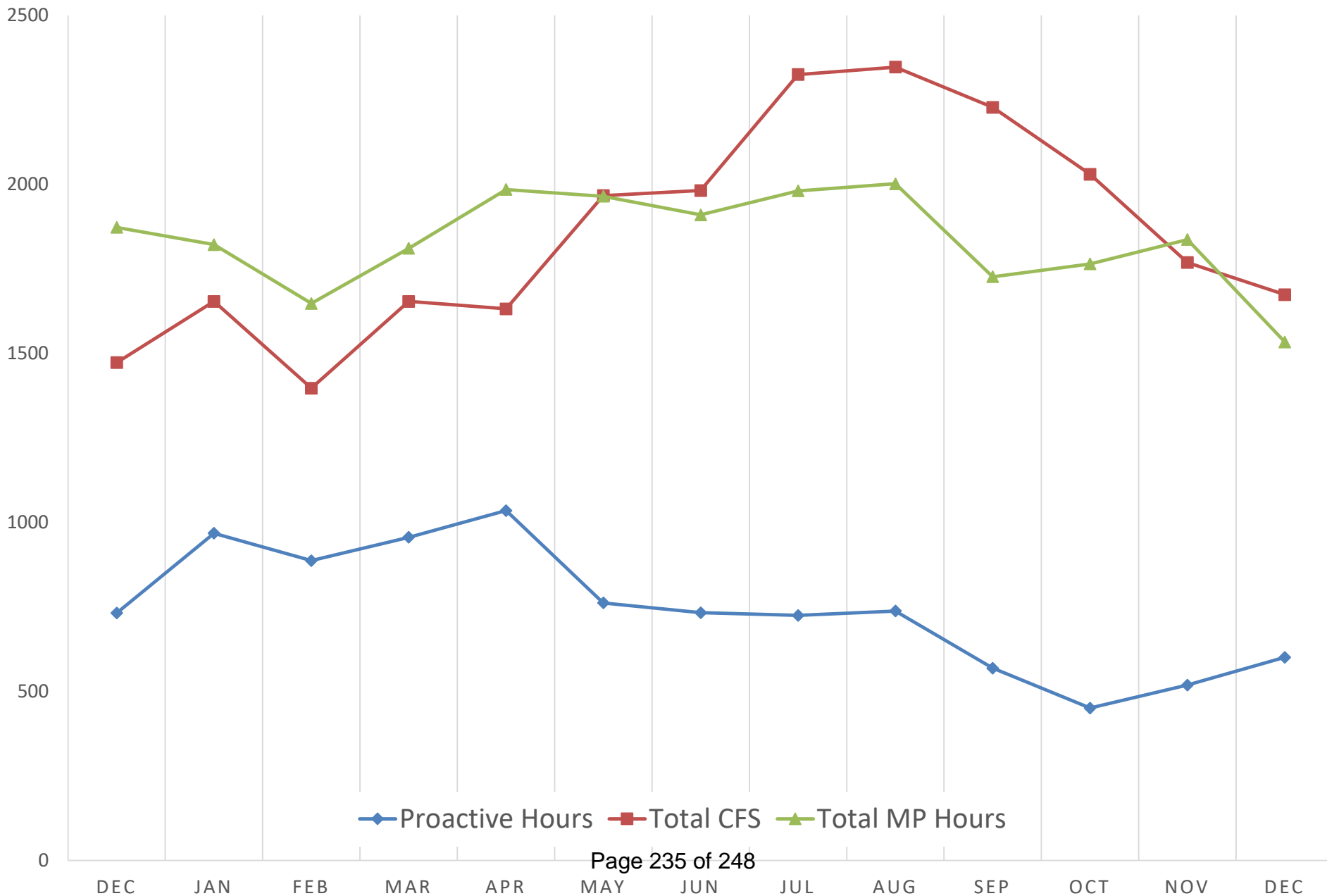
# 2018 Total Proactive Hours

12/14/2019



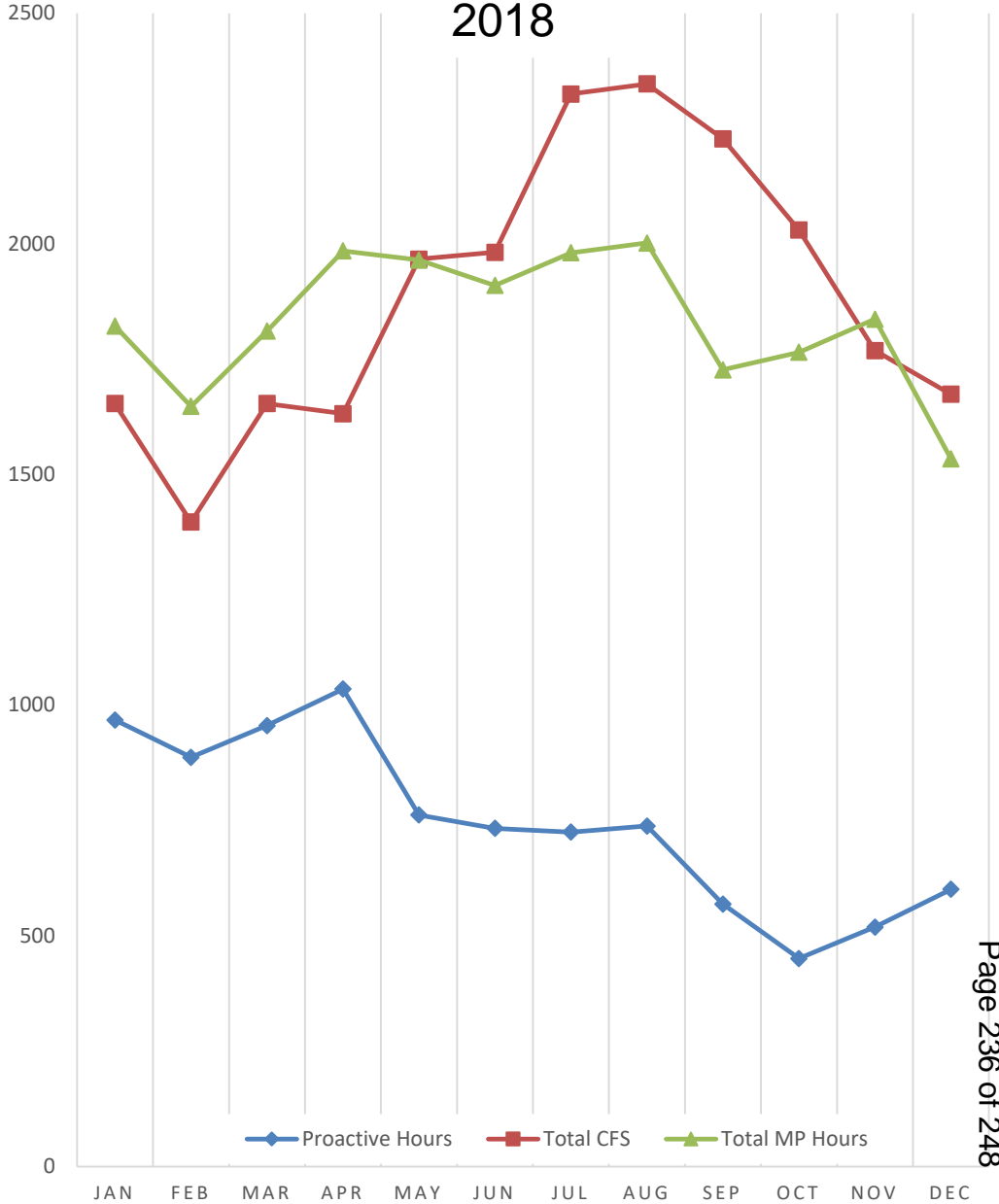
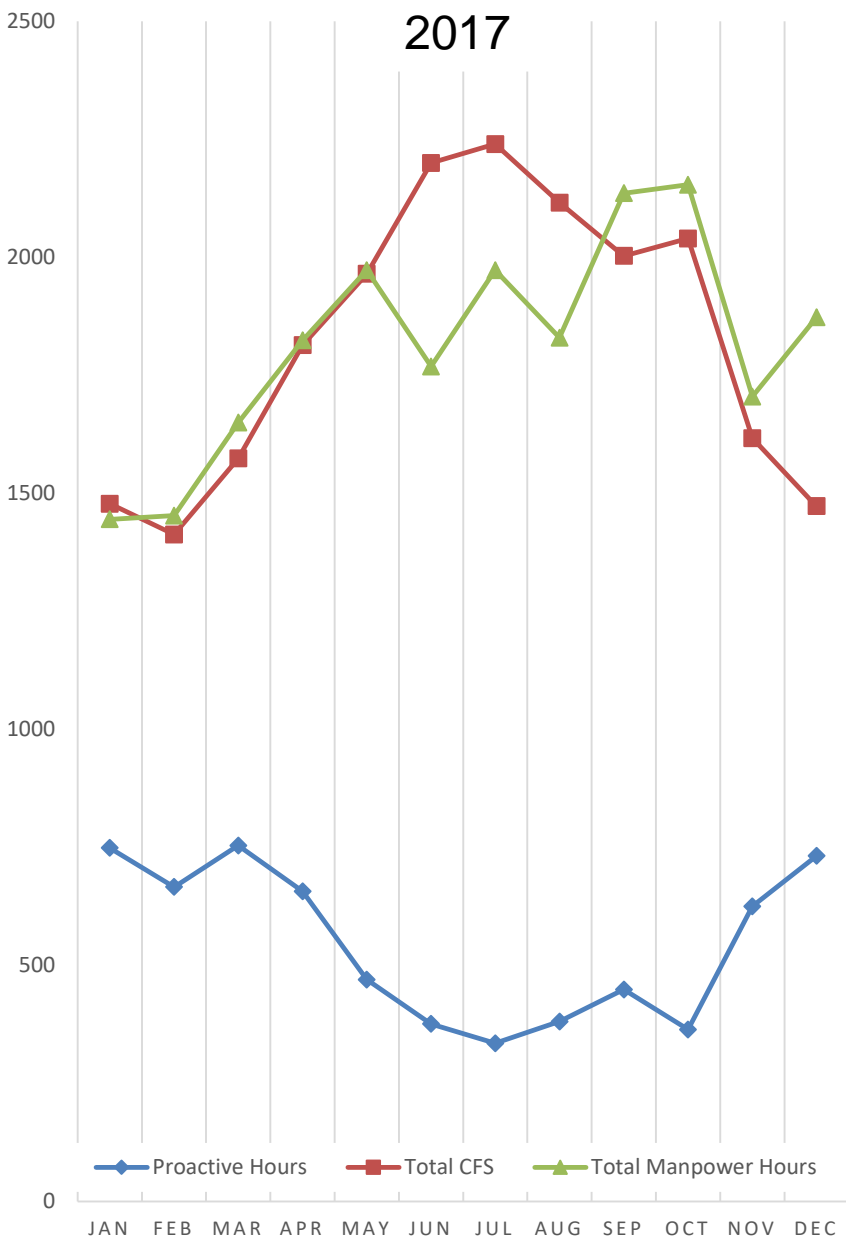
# CFS v. MP Hours v. Proactive Hours

02/14/2019



# CFS v. MP Hours v. Proactive Hours

02/14/2019





# 2018 Response Time

	2017 YTD	2018 YTD	Percent Change	2016 YTD	Percent Change
Priority 1	16.56	15.95	-4%	13.56	18%
Priority 2	58.34	51.38	-12%	46.8	10%
Priority 3	86.01	72.3	-16%	68.07	6%

**DV COMPSTAT  
December 2018**

<b>Dates</b>	<b>8/1/18- 8/31/18</b>	<b>9/1/18 – 9/30/18</b>	<b>10/1/18 – 10/31/18</b>	<b>11/1/18 - 11/30/18</b>	<b>12/1/18- 12/31/18</b>	<b>Prior Verbal (PV)</b>	<b>YTD 2018</b>	<b>PV YTD</b>	<b>YTD 2017</b>
<b>Misdemeanor Arrests</b>	<b>18</b>	<b>16</b>	<b>16</b>	<b>15</b>	<b>12</b>	<b>4</b>	<b>200</b>	<b>27</b>	<b>189</b>
<b>Felony Arrests</b>	<b>4</b>	<b>3</b>	<b>1</b>	<b>4*</b>	<b>4</b>	<b>0</b>	<b>33</b>	<b>5</b>	<b>21</b>
<b>Verbal Cases</b>	<b>15</b>	<b>26</b>	<b>15</b>	<b>12</b>	<b>17</b>		<b>239</b>		<b>276</b>
<b>Total Cases</b>	<b>39</b>	<b>45</b>	<b>32</b>	<b>31</b>	<b>33</b>	<b>4</b>	<b>472</b>	<b>32</b>	<b>486</b>

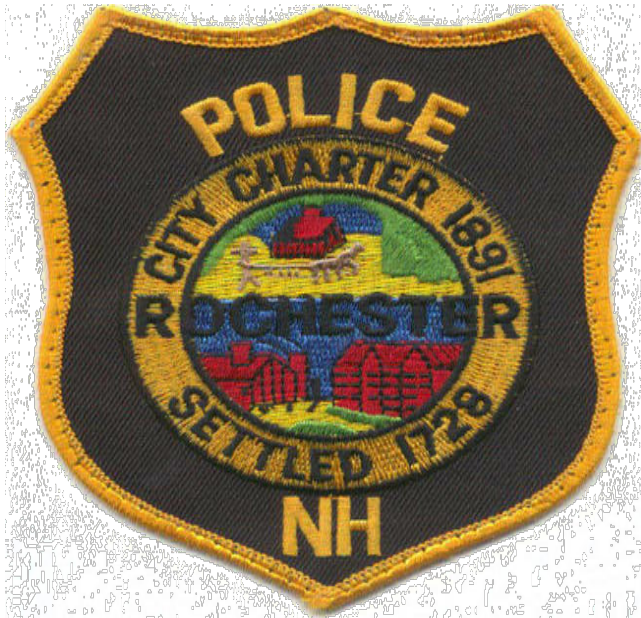
**2018 FJC Clients**

<b>Month</b>	<b>Jan</b>	<b>Feb</b>	<b>March</b>	<b>April</b>	<b>May</b>	<b>June</b>
New Clients	13 (13)	18 (17)	6 (19)	6 (21)	8 (24)	5 (12)
	<b>July</b>	<b>August</b>	<b>September</b>	<b>October</b>	<b>November</b>	<b>December</b>
New Clients	2 (16)	5 (25)	2 (13)	3 (22)	2(17)	5 (10)

**2017 FJC Clients**

<b>Month</b>	<b>Jan</b>	<b>Feb</b>	<b>March</b>	<b>April</b>	<b>May</b>	<b>June</b>
New Clients	13 (19)	6 (17)	7 (17)	6 (16)	5 (20)	10 (18)
	<b>July</b>	<b>August</b>	<b>September</b>	<b>October</b>	<b>November</b>	<b>December</b>
New Clients	8 (18)	7 (26)	11 (13)	10 (33)	5 (16)	2(16)

( ) Annotates clients that obtained services from one or more FJC partners but did not complete a full intake.



As we look to the  
*new year*, hold on to  
what is *Good*. Let go  
of what is *bad*. It  
really is that **simple**.

*-Mandy Hale*

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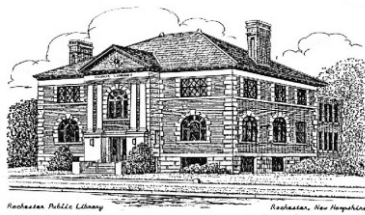
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City Clerk's Office

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**Rochester Public Library**  
**65 South Main St.**  
**Rochester, NH 03867**

02/14/2019

Main Desk: (603) 332-1428  
Reference: 335-7550  
Children's: 335-7549  
Fax: 335-7582  
[www.rpl.lib.nh.us](http://www.rpl.lib.nh.us)

## **MONTHLY REPORT**

### **January 2019**

There were a total of 11,326 items circulated with 8,305 people visiting the library in the month of January. One hundred twenty-one patrons used the library's Internet computers for 357 hours. Current number of patron registrations is 38,824. Interlibrary loan activity included 25 materials borrowed from other libraries and 166 loaned to other libraries.

Winter story times began in the Children's Room on the week of January 1<sup>st</sup>. Eight story times were held this month with over seventy-five children in attendance. The Children's Room staff also held a winter "Make-It and Take-It" program creating "Finger Puppet Theaters" with 16 enthusiastic children.

The library was pleased to present the artwork of ChildVoice International during the month of January. ChildVoice is a nonprofit organization founded in 2006 to restore the voices of children silenced by war in northern Uganda. They provide counseling, education, and vocational training to children in war-torn communities. Through their work, "ChildVoice has empowered women and their children – once rejected and abused – and transformed them into individuals of strength, hope, and dignity. These personal journeys of courage and faith have been captured in photo by visitors to ChildVoic's Lukome Center in northern Uganda." The exhibit features the work from three photographers: Pulitzer Prize-winning photojournalist, Mary Chind-Willie, Dr. Larry Lindell, and Dr. Neil Mandsager.

The Library was closed Monday, January 21<sup>st</sup> through Friday, February 1<sup>st</sup>, for a re-carpeting project encompassing every floor of the library. Library staff continued working during this time moving, cleaning and organizing approximately 90,000 books throughout the project. Staff continued to empty the book drop daily, but fines were waived for items that would otherwise come due during the closure. Library patrons still had full access to all online offerings during the closure.

Library patrons and staff collected 12 bags of food for Gerry's Food Pantry in January.

In addition to the print versions of available books, 304 of our library patrons downloaded 1,669 e-books to media devices through the library's web site this month. The RPL website also enabled 53 patrons access to the Mango Languages, Chilton, and Legal Forms databases along with 329 digital downloads from Hoopla.

Trustees meet on February 19<sup>th</sup> in the Rose Room of the library at 6pm.

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City Clerk's Office

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**City of Rochester Tax Collector's Office**  
**January 31, 2019**

Tax Year		Annual Warrant	Collected		Uncollected	
			Amount	%	Amount	%
2018	Warrant	63,834,824	60,165,202.02	94.25%	3,669,621.98	5.75%
2017		60,524,791	59,822,778.65	98.84%	702,012.35	1.16%
2016		58,196,003	57,728,945.63	99.20%	467,057.37	0.80%
2015		56,938,119	56,700,024.58	99.58%	238,094.42	0.42%
2014		55,068,779	54,938,135.32	99.76%	130,643.68	0.24%
2013		53,324,262	53,222,926.02	99.81%	101,335.98	0.19%
2012		50,952,912	50,890,063.30	99.88%	62,848.70	0.12%
2011		48,856,892	48,805,292.58	99.89%	51,599.42	0.11%
2010		47,308,832	47,263,318.57	99.90%	45,513.43	0.10%
2009		46,898,827	46,860,954.88	99.92%	37,872.12	0.08%
2008		46,522,769	46,496,000.77	99.94%	26,768.23	0.06%
2007		42,964,450	42,944,513.70	99.95%	19,936.30	0.05%
2006		40,794,160	40,782,244.16	99.97%	11,915.84	0.03%
2005		38,024,453	38,017,087.20	99.98%	7,365.80	0.02%
2004		36,065,496	36,057,439.13	99.98%	8,056.87	0.02%
2003		33,310,579	33,304,598.44	99.98%	5,980.56	0.02%
2002		29,725,878	29,720,683.38	99.98%	5,194.62	0.02%
2001		26,943,136	26,937,802.91	99.98%	5,333.09	0.02%
2000		25,415,248	25,411,043.45	99.98%	4,204.55	0.02%
1999		22,973,308	22,969,992.33	99.99%	3,315.67	0.01%
1998		30,592,529	30,587,901.82	99.98%	4,627.18	0.02%
1997		29,835,914	29,831,457.52	99.99%	4,456.48	0.01%
1996		27,726,424	27,722,073.99	99.98%	4,350.01	0.02%
1995		27,712,029	27,709,191.61	99.99%	2,837.39	0.01%
1994		26,989,803	26,987,206.62	99.99%	2,596.38	0.01%
1993		25,611,050	25,608,622.48	99.99%	2,427.52	0.01%
1992		24,746,736	24,744,940.64	99.99%	1,795.36	0.01%
1991		24,296,285	24,294,507.32	99.99%	1,777.68	0.01%
					<b>5,629,538.98</b>	

Tax Collector  
Doreen Jones, CTC

Online Citizen Self Service Totals FY 19		
Month	Total \$\$	# of Payments
July	\$ 70,642.36	32
Aug	\$ 25,303.24	16
Sept	\$ 3,047.61	7
Oct	\$ 28,402.05	5
Nov	\$ 48,552.23	14
Dec	\$ 123,132.45	117
Jan	\$ 161,311.48	229
Totals	\$ 460,391.42	420



**Rochester, New Hampshire**  
**Inter office Memorandum**

**TO:** Blaine Cox  
City Manager

**FROM:** Todd M. Marsh  
Director of Welfare



**SUBJECT:** Analysis of Direct Assistance for January 2019.

**DATE:** February 4, 2019

This office reported 117 formal interview notes for the month of December.

Voucher amounts issued were as follows:

	28 <u>Families</u> 6 new	14 <u>Single</u> 6 new
Burial .....	.00	.00
Dental .....	.00	.00
Electricity .....	477.00	.00
Food.....	.00	.00
Fuel heating .....	.00	.00
Mortgage .....	.00	.00
Prescriptions .....	10.72	.00
Rent .....	5,286.50	2,522.50
Temporary Housing.....	3,194.68	600.00
Transportation .....	<u>.00</u>	<u>2.25</u>
<b>TOTAL</b>	<b>\$8,968.90</b>	<b>\$3,124.75</b>

This represents an average cost per case/family of \$320.32 and case/Individual of \$223.20 for this month.

Total vouchers issued: \$12,743.65

There was an increase of \$1,981.70 in assistance issued this month compared to January 2018. There was a decrease of \$314.70 in vouchers issued this month compared to last month.

We received reimbursements from the Interim Assistance Program SSI, State Medicaid and Personal Reimbursements totaling \$0

**NOTES**

Decreased family homeless shelter availability has resulted in increased temporary housing assistance (motels) until transitions to permanent housing or available homeless shelters.



Rochester Welfare  
Department  
Analysis of Assistance Given  
1/1/2019 - 1/31/2019

02/14/2019

	<u>Family</u>			<u>Single</u>		
	Num	Amt	Pct	Num	Amt	Pct
Burial	0	\$0.00	0.0%	0	\$0.00	0.0%
Electricity	4	\$477.00	5.3%	0	\$0.00	0.0%
Prescriptions	1	\$10.72	0.1%	0	\$0.00	0.0%
Rent	11	\$5,286.50	58.9%	6	\$2,522.50	80.7%
Temporary Shelter	12	\$3,194.68	35.6%	7	\$600.00	19.2%
Transportation	0	\$0.00	0.0%	1	\$2.25	0.1%
Tot Household Assistance:	28	\$8,968.90		14	\$3,124.75	
Tot Assistance:		\$12,743.65				
New Families This Period:		6				
New Singles This Period:		6				
Case Notes This Period:		117				

+ 1,981.70 from 1/2018  
- 314.70 from 12/2018



Rochester Welfare  
Department  
Analysis of Assistance Given  
1/1/2018 - 1/31/2018

02/14/2019

	<u>Family</u>			<u>Single</u>		
	<u>Num</u>	<u>Amt</u>	<u>Pct</u>	<u>Num</u>	<u>Amt</u>	<u>Pct</u>
Burial	3	\$1,950.00	31.0%	3	\$1,950.00	43.6%
Electricity	2	\$156.00	2.5%	0	\$0.00	0.0%
Fuel Heating	1	\$139.95	2.2%	0	\$0.00	0.0%
Rent	10	\$4,040.00	64.3%	6	\$2,520.00	56.3%
Temporary Shelter	0	\$0.00	0.0%	1	\$0.00	0.0%
Transportation	0	\$0.00	0.0%	2	\$6.00	0.1%
Tot Household Assistance:	16	\$6,285.95		12	\$4,476.00	
Tot Assistance:		\$10,761.95				
New Families This Period:		8				
New Singles This Period:		7				
Case Notes This Period:		74				



Rochester Welfare  
Department  
Analysis of Assistance Given  
12/1/2018 - 12/31/2018

	<u>Family</u>			<u>Single</u>		
	Num	<u>Amt</u>	<u>Pct</u>	Num	<u>Amt</u>	<u>Pct</u>
Burial	0	\$0.00	0.0%	1	\$650.00	23.4%
Electricity	2	\$164.27	1.7%	2	\$224.31	8.1%
Fuel Heating	2	\$398.45	4.1%	1	\$286.37	10.3%
Prescriptions	0	\$0.00	0.0%	0	\$0.00	0.0%
Rent	14	\$6,150.50	63.9%	3	\$1,035.00	37.2%
Temporary Shelter	9	\$2,914.00	30.3%	2	\$587.00	21.1%
Tot Household Assistance:	27	\$9,627.22		9	\$2,782.68	
Tot Assistance:		\$13,058.35				
New Families This Period:		2				
New Singles This Period:		6				
Case Notes This Period:		94				