



**City of Rochester, NH
Preamble for March 2, 2021
Regular City Council Meeting**

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

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

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

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

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

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

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

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City Clerk's Office

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

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

**Regular City Council Meeting
March 2, 2021
Council Chambers
31 Wakefield Street
and remotely via Microsoft Teams
6:30 PM**

Agenda

- 1. Call To Order**
- 2. Roll Call**
- 3. Opening Prayer**
- 4. Pledge of Allegiance**
- 5. Acceptance of Minutes**
 - 5.1 Regular City Council Meeting: February 2, 2021**
consideration for approval P. 9
 - 5.2 City Council Special Meeting: February 16, 2021**
consideration for approval P. 31
- 6. Communications from the City Manager**
 - 6.1 City Manager's Report P. 47**
- 7. Communications from the Mayor**
- 8. Presentation of Petitions and Council Correspondence**
- 9. Nominations, Appointments, Resignations, and Elections**
 - 9.1 *Resignation:* Robert (Bob) Brown, Recreation & Arena Commission *consideration for approval*** P. 63

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City Clerk's Office

10. Reports of Committees

10.1 Codes and Ordinances P. 65

10.1.1 **Committee Recommendation:** to accept the amendments to Chapter 80 (Outdoor Dining) of the City Ordinances as presented by City staff *consideration for approval* P. 74

10.1.2 **Committee Recommendation:** to accept the amendments to Chapter 80 (Food & Food Service) of the City Ordinances as presented by City staff *consideration for approval* P. 78

10.1.3 **Committee Recommendation:** to accept the amendments to Chapter 11 (Adult-Oriented Establishments) of the City Ordinances as presented by City staff *consideration for approval* P. 83

10.2 Community Development Committee P. 89

10.2.1 Resolution Adopting a FY 2022 Rochester CDBG "Action Plan For The City Of Rochester, N.H." and Approving And Appropriating the FY 2022 Community Development Budget For The City Of Rochester *first reading and refer to Public Hearing on March 16, 2021* P. 95

10.3 Fidelity Committee P. 101

10.4 Finance Committee P. 107

10.4.1 **Committee Recommendation:** To increase the pay grade of the Human Resource Manager position from grade 14 to 15 *consideration for approval* P. 115

10.5 Planning Board P. 121

10.6 Public Safety P. 133

10.7 Public Works P. 139

11. Old Business

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City Clerk's Office

- 11.1 Amendments to Chapter 275 of the General Ordinances of the City of Rochester regarding Murals ***second reading and consideration for adoption*** P. 145

12. Consent Calendar

13. New Business

- 13.1 Resolution Authorizing Approval to Submit a Notice of Intent to Obtain Coverage Under the Great Bay Total Nitrogen Permit ***first reading and consideration for adoption*** P. 149
- 13.2 Resolution Deauthorizing \$3,650.45 from the Rochester Police Department Ballistic Vest Grant ***first reading and consideration for adoption*** P. 153
- 13.3 Amendment to the Granite Ridge Development District (GRDD) Tax Increment Development Program & Financing Plan ("TIF Plan") Pursuant to RSA 162-K:9, IV ***first reading and refer to public hearing March 16, 2021*** P.159
- 13.4 Amendment to Chapter 275 of the General Ordinances of the City of Rochester Regarding the Location and Boundaries of Zoning Districts ***first reading and refer to public hearing March 16, 2021*** P. 185
- 13.5 **Discussion:** Past Council practice relative to School budget (School Building Capital Reserve Fund) P. 197

14. Other

15. Non - Public

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

- 14.2 Non-Public Session – Legal RSA 91-A:3, II (I)

16. Adjournment

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City Clerk's Office

**Regular City Council Meeting
February 2, 2021
Council Chambers
31 Wakefield Street
Remotely via Microsoft Teams
6:30 PM**

COUNCILORS PRESENT

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

OTHERS PRESENT

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

Minutes

1. Call To Order

Mayor McCarley called the Regular City Council meeting to order at 6:30 PM and read the following preamble:

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

a.) **Public Input:** Due to the ongoing situation with COVID-19, the City of Rochester will be taking extra steps to allow for public input, while still

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

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

Know law. (Additionally, Council members are required to state their name and ward each time they wish to speak.)

2. Roll Call

Deputy City Clerk Cassie Givara took the roll call. All Councilors were present and indicated that they were alone in the location from which they were connecting remotely.

3. Opening Prayer

Rajan Zed, President of the Universal Society of Hinduism, led the Council in an interfaith invocation.

4. Pledge of Allegiance

Mayor McCarley led the Council in the Pledge of Allegiance.

5. Acceptance of Minutes

5.1 Regular City Council Meeting: January 5, 2021 ***consideration for approval***

Councilor Lachapelle **MOVED** to **ACCEPT** the minutes of the January 5, 2021 City Council regular meeting. Councilor Walker seconded the motion. Councilor Lachance directed Council to page 19 of the minutes, the passage in which he inquired about motorized wheelchairs. He clarified that he also inquired about segways and requested that additional verbiage be added to the minutes to reflect this. Councilor Lauterborn directed Council to the bottom of the same page where it is stated that a section of chapter 254-27 was removed; Councilor Lauterborn stated that it is actually chapter 254-7 which had been amended. The **MOTION CARRIED** to accept the minutes as corrected by a roll call vote of 13 – 0 with Councilors Rice, Walker, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Hainey, Abbott, Gray, Hutchinson, Lachance, and Mayor McCarley all voting in favor.

5.2 City Council Special Meeting: January 19, 2021 ***consideration for approval***

Councilor Lachapelle **MOVED** to **ACCEPT** the minutes of the January 19, 2021 Special City Council Meeting. Councilor Walker seconded the motion. Councilor Rice clarified that he was not present at the special meeting although the meeting minutes reflect otherwise. The **MOTION CARRIED** to accept the minutes as corrected by a roll call vote of 13 – 0 with Councilors Abbott,

Hutchinson, Bogan, Lauterborn, Rice, Lachance, Hamann, Lachapelle, Belken, Walker, Gray, Hainey, and Mayor McCarley all voting in favor.

6. Communications from the City Manager

City Manager Cox gave the Council an update on the Willand Drive warming center in Somersworth. The Tri-City Managers, Community Action Partnership and Tri-City EMDs have been coordinating efforts for the warming center. The trigger for opening the center will rest with the EMDs as well as CAP and is dependent on not only weather, but ability to staff the warming center. CAP, SOS and some other local social service agencies are taking care of the staffing of the warming center while the City of Dover is maintaining the building and providing liability insurance, and Rochester is taking the lead on working with the County on leveraging grant funding for the center. The plan is to have the center available through April as needed.

6.1 City Manager's Report

The City Manager's report was presented in the packet as follows:

Contracts and documents executed since last month:

- **Department of Public Works**
 - Power Purchase Agreement – Revision Energy
 - Home Owner Option Security Agreement - Sewer Tie-in, 8 Beaudoin Avenue
 - HHW 2021 Grant Agreement
 - Disbursement Request, Brownfields Grant – Wallace Street
- **Economic Development**
 - Dumpster License Agreement – Chinburg
 - FY21 CDBG-CV Round 3 Contracts – Homeless Center for Strafford County
 - FY21 CDBG Enviro. Reviews – CAP Weatherization – Multiple repairs
 - FY21 CDBG-CV Round 3 Contracts – New Generation
 - FY21 CDBG Environmental Review – HCSC Apartment Building Purchase
 - Purchase & Sales Agreement – 8 Amarosa/0 Milton Road
 - FY21 CDBG-CV Round 3 Contracts – Community Partners
 - FY21 CDBG Environmental Review – Lead Remediation Program
- **Other Documents signed:**
 - Tax Map Maintenance Proposal – CAI Technologies

The following standard reports have been enclosed:

- Monthly Overnight Travel Summary - none
- Permission & Permits Issued -none
- Personnel Action Report Summary

7. Communications from the Mayor

7.1 Letter in opposition to changes to HB 439

Mayor McCarley stated that she was looking for support to send this letter in opposition of some changes to House Bill 439 which involves the flexibility of municipalities regarding passing and amending ordinances. Councilor Gray objected to the letter being sent. Councilor Lachapelle **MOVED** to recommend the letter be sent by either the Mayor or City Manager with appropriate edits to reflect it came from the City of Rochester. Councilor Walker seconded the motion. The **MOTION CARRIED** by a 12 – 1 roll call vote with Councilors Hamann, Walker, Hutchinson, Belken, Lachance, Abbott, Rice, Bogan, Hainey, Lachapelle, Lauterborn, and Mayor McCarley voting in favor and Councilor Gray voting opposed.

8. Presentation of Petitions and Council Correspondence

No Discussion.

9. Nominations, Appointments, Resignations, and Elections

9.1 Resignation: Steven Maimes, Library Trustees, Ward 2 ***consideration for approval***

Councilor Lachapelle **MOVED** to **ACCEPT**, with regret, the resignation of Steven Maimes as the Ward 2 Library Trustee. Councilor Walker seconded the motion. The **MOTION CARRIED** by a 13 – 0 roll call vote with Councilors Belken, Gray, Hamann, Rice, Lauterborn, Hainey, Lachapelle, Hutchinson, Walker, Lachance, Abbott, Bogan, and Mayor McCarley all voting in favor.

10. Reports of Committees

10.1 Appointments Committee

10.1.1 New Appointment: Peg Higgins – Library Trustees, Regular Member, Ward 1. Term to expire 1/02/2023
consideration for approval

10.1.2 New Appointment: Kathleen Noble – Library Trustees, Regular Member, Ward 4. Term to expire 1/02/2023

consideration for approval

10.1.3 New Appointment: Ronald Poulin – Rochester Economic Development Commission, Regular Member. *Term to expire 1/02/2024 consideration for approval*

10.1.4 Re-Appointment: Jamie Kinsley – Arts & Culture Commission, Regular Member. *Term to expire 7/01/2023 consideration for approval*

10.1.5 Re-Appointment: Sarah Duclos – Arts & Culture Commission, Regular Member. *Term to expire 7/01/2023 consideration for approval*

10.1.6 Re-Appointment: Amy Regan – Arts & Culture Commission, Regular Member. *Term to expire 7/01/2023 consideration for approval*

10.1.7 Re-Appointment: Kristin Ebbeson – Arts & Culture Commission, Regular Member. *Term to expire 7/01/2023 consideration for approval*

Councilor Bogan read the list of candidates and their term expirations and indicated that the Appointments Committee had unanimously recommended each of them to be approved by Council. Mayor McCarley **MOVED** to **APPROVE** all of the appointments as read into the record. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a 13 – 0 roll call vote with Councilors Lachapelle, Rice, Gray, Hainey, Abbott, Bogan, Hutchinson, Lachance, Hamann, Lauterborn, Walker, Belken, and Mayor McCarley all voting in favor.

Councilor Rice asked for an updated list of which boards and committees still had vacancies. Deputy City Clerk Cassie Givara stated that she would distribute this list.

10.2 Codes and Ordinances

Councilor Lachapelle stated that there are no action items resultant from the last Codes and Ordinances meeting, but the Committee will be meeting again on Thursday, February 4 if anyone would like to attend.

10.3 Community Development

Councilor Lauterborn reported that although there was further discussion at the Community Development meeting on the CDBG action plan, it is being held in Committee for further review and fine tuning. This will be coming back to the March council meeting for action.

10.4 Fidelity Committee

Councilor Hutchinson said there are no action items from the Fidelity Committee meeting. They will next be meeting on Thursday, February 11 at 6:00 PM.

10.5 Finance Committee

Mayor McCarley stated that the bulk of the finance committee meeting was discussing concerns with the upcoming budget from both City and School sides as well as potential revenue concerns entering into the second budget cycle under COVID. There are no action items at this time.

10.6 Planning Board

Councilor Walker brought up a discussion which had occurred at the prior nights' Planning Board meeting in regard to Impact Fees. He reported there was a resident who had built a new house and moved to the new house from within a short distance in Rochester. The resident had been assessed an impact fee which they felt was unjust because there was no additional impact to the City generated from the resident moving a short distance, not using City water or sewer and not putting students into the school system. Councilor Walker requested that this issue be taken up at the Codes & Ordinances Committee. He felt that the Planning Board should be allowed the authority to waive certain portions of the impact fee and assess whether there is an impact at all so it can be evaluated fairly. Councilor Hamann agreed that the Planning Board should have more flexibility in waiving fees.

Councilor Lachapelle said he would be anticipating having this discussion at Thursday's Codes and Ordinances Committee meeting and requested that copy of the current Impact fee ordinance be sent out to the committee prior to the meeting.

10.7 Public Safety

10.7.1 Committee Recommendation: to place a stop sign at the discretion of DPW at the end of Gagne Street and one at the end of the Fownes Mill Development *consideration for approval*

Councilor Hamann **MOVED** to place the stop signs at the end of Gagne Street and the end of Fownes Mill at the discretion of the Department of Public Works. Councilor Lachapelle seconded the motion. Councilor Walker asked if the Fownes Mill site plan had been reviewed and if the developer was supposed to pay for a stop sign, and he stated he didn't believe this was a City-accepted street yet. Councilor Hamann confirmed Fownes Mill Court is not an accepted street, but he was not certain if there had been discussion with the developer about a stop sign.

Director of City Services Peter Nourse stated that they would try to have the developer install the stop sign because it will be a private road which will go back to the Planning Board. If an agreement cannot be made between the City and the developer, Director Nourse said they could probably place a stop sign in the public right-of-way. The **MOTION CARRIED** by a 13 – 0 roll call vote with Councilors Rice, Walker, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Hainey, Abbott, Gray, Hutchinson, Lachance, and Mayor McCarley all voting in favor.

10.7.2 Committee Recommendation: to install Chevron signs in both directions on Pickering Road at the discretion of DPW, *consideration for approval*

Councilor Hamann clarified that this item is in regards to the curve in Pickering Road near the Dover line. The request is to place a set of chevron signs both northbound and southbound to warn of the curve. Councilor Hamann **MOVED** to recommend the installation of these signs. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a 13 – 0 roll call vote with Councilors Abbott, Hutchinson, Bogan, Lauterborn, Rice, Lachance, Hamann, Lachapelle, Belken, Walker, Gray, Hainey, and Mayor McCarley all voting in favor.

10.8 Public Works & Buildings

10.8.1 Resolution Authorizing Supplemental Appropriation to the Department of Public Works (DPW) CIP Fund in the Amount of \$150,000.00 for the Purchase of a Multi-Hog Sidewalk Tractor *first reading and refer to public hearing*

Councilor Walker reported that the sidewalk tractors currently owned by DPW are in disrepair and the frames have to be welded regularly to combat rust and rot. This particular sidewalk tractor has an articulating frame which allows for better maneuverability. This could be purchased for arrival before the end of February to replace one of the aging machines and to be used

during this winter season. Councilor Walker stated that if the purchase was put into the budget process, the tractor could not be used until next winter if approved, although there may be additional purchases in the budget process to continue the replacement of older equipment. Councilor Walker **MOVED** to read the resolution for a first time by title only and refer to a public hearing. Councilor Lachapelle seconded the motion. Councilor Walker read the resolution for a first time by title only as follows:

**Resolution Authorizing Supplemental Appropriation to the
Department of Public Works (DPW) CIP Fund in the Amount of
\$150,000.00 for the Purchase of a Multi-Hog Sidewalk Tractor**

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

That the amount of One Hundred Fifty Thousand Dollars (\$150,000.00) is hereby appropriated as a supplemental appropriation to the DPW CIP Fund for the purpose of paying costs associated with the purchase of a Multi-Hog Sidewalk Tractor. The funding for this supplemental appropriation shall be derived in its entirety from the General Fund Unassigned Fund Balance.

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

The **MOTION CARRIED** by a 12 – 1 roll call vote with Councilors Hamann, Walker, Hutchinson, Belken, Abbott, Gray, Rice, Bogan, Hainey, Lachapelle, Lauterborn, and Mayor McCarley voting in favor and Councilor Lachance voting in opposition. Due to the resolution being read prior to the roll call, it was read for a second time by title only as listed above. Councilor Lachance acknowledged the need for the aging machinery at DPW to be replaced, but cautioned that these larger purchases should wait until the budget season due to the uncertainty of revenues under COVID this coming fiscal year.

Mayor McCarley said that the public hearing for this item will be held on Tuesday, February 16 prior to the workshop meeting.

11. Old Business

No discussion.

12. Consent Calendar

No discussion.

13. New Business

13.1 Amendments to Chapter 275 of the General Ordinances of the City of Rochester regarding Murals

Councilor Lachapelle **MOVED** to read the resolution for a first time by title only and refer to a public hearing on February 16. Councilor Walker seconded the motion. The **MOTION CARRIED** by a 13 – 0 roll call vote with Councilors Belken, Gray, Hamann, Rice, Lauterborn, Hainey, Lachapelle, Hutchinson, Walker, Lachance, Abbott, Bogan, and Mayor McCarley all voting in favor. Mayor McCarley read the resolution for a first time by title only as follows:

Amendments to Chapter 275 of the General Ordinances of the City of Rochester regarding Murals

THE CITY OF ROCHESTER ORDAINS:

That Chapter 275 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows

Purpose:

The City of Rochester understands the importance of adopting regulations for murals on private property and public property. The regulations for murals were formulated as a means to continue visual aesthetic while allowing for creative expression in appropriate locations and with sensitivity to the Historic Downtown nature of permitted areas. The established review criteria provide guidance concerning the compatibility and appropriateness of theme, location, design, placement, massing, scale, and materials of mural art with no intrusion into the artistic expression or the content of work.

Definitions

Vandalism: Any unpermitted writings, drawings, or other material posted on a public or private property. Typically this is unlawfully placed on property not owned by the person posting the material.

Mural: Any permitted art painted or applied directly on a building, structure, fence, or object within the public view that is located on public or private property.

Historic Wall Graphics: includes any graphic shown to be at least 60 years old that is recognized as distinctly important in the social science of history that records, studies, and explains the character and significance of past human activities in Rochester.

Sign: For definitions of numerous sign types see Article 29, Signage.

Zones where Murals are Permitted:

Murals are permitted by Conditional Use Permit in the following districts: Neighborhood Mixed Use, Downtown Commercial District, Office Commercial, Highway Commercial, and Granite Ridge Development District.

Approval for Murals:

A) General Requirements

The City of Rochester exempts public art, including murals, that are located outside the Historic Overlay District from Article 29: Sign Ordinance. However murals must be permitted and approved, per the process below.

Murals that include trademarks service marks, or other markings, colors, or patterns identifying or associated with business, profession, trade, occupation, may be permitted if it is shown that they are historic wall graphics on private property. Otherwise such will be considered commercial applications and shall be considered signs.

All applications shall include the property owner's signature indicating their approval of the submission of the application and of the mural.

All applications shall include a description of the artist's qualifications.

All application shall include a long-term maintenance plan.

Any mural without approval may be considered vandalism or a sign and enforced accordingly.

Rotating murals in which an applicant plans to apply more than one mural to the same wall within a year period require approval for each submission.

B) Murals on Public Property

Applicants shall submit a Public Art Install Application for review and approval by the City Council.

C) Murals on Private Property that is visible from the Public Right-of-Way:

- 1) Applicants shall submit a Public Art Install Application for review and approval by Arts and Culture Commission.
- 2) Once the Arts and Culture Commission has approved the install the applicant must check if they are in the Historic Overlay District. Any mural located within the Historic Overlay District that is visible from the public right-of-way shall be reviewed by the Historic District Commission and must comply with the Department of Secretary Interiors Standards for treatment for historic masonry buildings.
- 3) Once HDC approval is obtained the applicant shall apply for a Permit from the Planning Board.

Review Criteria:

A) Location

1. The mural complements and enhances the building.
2. The mural does not cover or detract from significant or character defining architectural features.
3. The mural enhances and complements the surround neighborhood.
4. The treatment and application of murals located on properties within the Historic District Overlay follows the National Parks Services Department of Secretary Interiors Standards for Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings Technical Preservation Services. The mural enhances the building or wall and is incorporated architecturally into the character of the Historic District.
5. Murals that are mounted onto buildings are done so in a way that prevents damage from moisture and condensation behind the attached panel. The hanging or anchoring of murals should be reversible.
6. The mural does not cover over the exterior surfaces of any building opening such as windows, doors and vents. This excludes any City sanctioned event that may involve temporary window paintings.

B) Design

1. Preparation to substrate must be identified and condition must also be addressed including surface conditions, fragility, permeability, and porosity.
2. The scale of the mural is appropriate for the building. Murals located on the primary street façade shall not exceed more than 25% of the area of façade of which the mural is located.
3. The mural enhances the surrounding neighborhood.
4. The mural is an original design.
5. The name, logo, or other indicator of the sponsor of the mural or the mural artist shall be discreetly displayed and shall not exceed 5% of the overall design.
6. Materials are of superior quality and intended for exterior use.
7. Use of reflective, neon, or fluorescent paints is limited.
8. Permanent installations have a weatherproof and vandalism resistant coating.
9. The mural contains no defamation, incitement, obscenity, illegal content, or images of child pornography. Obscene matter is that which the average resident of the City, applying community standards, would find, taken as a whole, appeals to a prurient interest and lacks serious literary, artistic, political, or scientific value.

Maintenance:

1. The maintenance of the mural is the responsibility of the property owner. In the case of murals on public property, maintenance shall be the responsibility of the organization that commissioned the mural.
2. The long-term maintenance plan must be prepared and include a plan for periodic touch up or repainting condition of the surface must be inspected.
3. The mural must be properly maintained to ensure that material failure, such as peeling paint, is corrected and vandalism is removed promptly in accordance with the Property Maintenance Code.
4. A long term maintenance plan for periodic touch up or repainting is required with submission.
5. Rotating murals (in which an applicant plans to apply more than one mural to the same wall within a year period) requires approval for each submission.

Enforcement

1. When an official interpretation is deemed necessary, the Zoning Administrator will determine if a proposal is a mural or sign. This decision may be appealed by the Zoning Board of Adjustment.

Amendments effective upon passage.

13.2 Resolution Deauthorizing \$910.77 from the Rochester Police Department JAG Fund Grant

Councilor Lachapelle **MOVED** to read the resolution for a first time by title only. Councilor Walker seconded the motion. The **MOTION CARRIED** by a 13 – 0 roll call vote with Councilors Lachapelle, Rice, Gray, Hainey, Abbott, Bogan, Hutchinson, Lachance, Hamann, Lauterborn, Walker, Belken, and Mayor McCarley all voting in favor. Mayor McCarley read the resolution for a first time by title only as follows:

Resolution Deauthorizing \$910.77 from the Rochester Police Department JAG Fund Grant

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

That Nine Hundred Ten and 77/100 Dollars (\$ 910.77) of funds previously appropriated to the Rochester Police Department as part of an JAG Fund Grant is hereby deauthorized. The City will reduce its reimbursement request to the State of New Hampshire under JAG Fund grant by the amount deauthorized herein.

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

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a 13 – 0 roll call vote with Councilors Walker, Belken, Rice, Lachance, Abbott, Hamann, Gray, Bogan, Lauterborn, Hainey, Lachapelle, Hutchinson, and Mayor McCarley all voting in favor.

13.3 HCA Ambulance Service Contract *Motion to Approve*

Councilor Lachapelle **MOVED** to **APPROVE** the HCA Ambulance service contract. Councilor Walker seconded the motion. Councilor Hutchinson

pointed out that the contract says it goes into effect January 1, 2021. He asked if this would be prorated and the City would not be responsible for the first \$57,687 for January. City Manager Cox said that the City had requested a three month extension. The contract will take effect January 1, but it does not take this extension into consideration. The City will be responsible for the referenced payment.

Councilor Lachance asked if there had been a discussion about not placing the words "Rochester Fire Department" on the side of the ambulances. City Manager Cox said that earlier versions of the contract had this wording in error. The ambulances will actually say "Emergency Paramedic Service for the City of Rochester, NH."

Councilor Rice asked if there was a stipulation in the contract which stated how many ambulances had to be within the City at any given time. He said that currently HCA provides medical intercepts outside the City and he felt that if the City of Rochester is paying \$700,000 a year for ambulance service, they should have a guarantee that there will be a certain amount of ambulances available. He asked if there was verbiage which required this coverage and, if not, if there were financial ramifications if they have to call in mutual aid. City Manager Cox said there are no financial ramifications if HCA has to call in mutual aid and there are no stipulations for the amount of ambulances which have to remain staffed within the City at any time. City Manager Cox said there are requirements for response time to be within 8-12 minutes dependent on the level of call. There are also requirements for the number and level of EMTs on each unit.

Councilor Lachapelle inquired about neighboring communities contracting the use of these ambulances and how payment for this arrangement would work. City Manager Cox stated that in the past these communities had individual contracts with Frisbie Hospital, and this would likely continue.

Councilor Rice asked if the contract included that HCA provides training to fire department staff for CPR and if there would medical supplies or oxygen included in the contract. City Manager Cox said there are provisions in the contract regarding training and HCA is also providing a mass casualty incident trailer which is required to be stocked.

The **MOTION CARRIED** by a 10 – 3 roll call vote with Councilors Walker, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Abbott, Gray, Lachance, and Mayor McCarley voting in favor and Councilors Rice, Hainey, and Hutchinson voting in opposition.

Mayor McCarley spoke briefly about the 2-year contract and determining after that duration whether or not the City would continue. She said she would discuss at the workshop meeting the forming of a committee to review this over the course of the next year and help make a determination. She stated that Councilors Rice and Hainey had previously expressed interest in serving on such a committee and asked for a third councilor to participate. Councilor Walker stated he would like to be involved.

13.4 Resolution Demanding Non-Partisan Redistricting by State of New Hampshire and the City of Rochester *first reading and consideration for adoption*

Councilor Lachapelle **MOVED** to read the resolution for a first time by title only. Councilor Walker seconded the motion. The **MOTION CARRIED** by an 11 – 2 roll call vote with Councilors Abbott, Hutchinson, Bogan, Lauterborn, Rice, Lachance, Hamann, Lachapelle, Belken, Hainey, and Mayor McCarley voting in favor and Councilors Walker and Gray voting in opposition. Mayor McCarley read the resolution for a first time by title only as follows:

Resolution Demanding Non-Partisan Redistricting by State of New Hampshire and the City of Rochester

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

WHEREAS, the U.S. Census will be completed in 2021; and

WHEREAS, the New Hampshire General Court is obligated to redraw the maps of political districts within the state for state and federal elected positions; and

WHEREAS, the City of Rochester is obligated to redistrict the voting wards for elected positions within the City of Rochester; and

WHEREAS, the New Hampshire General Court conducted the 2010 census redistricting without transparency; and

WHEREAS, the public was not able to view the proposed redistricting maps at public hearings in 2010 while additional proposed maps created by the public were ignored; and

WHEREAS, the 2010 proposed redistricting maps were created to benefit one political party over all other parties and non-affiliated candidates.

NOW, THEREFORE, the Mayor and City Council demand of the State of New Hampshire and resolve for themselves that:

1. Redistricting shall be fair, nonpartisan, and ensure effective representation; and
2. Voting maps shall not be gerrymandered to favor a political party or candidate; and
3. Communities of interest shall be considered when redistricting; and
4. The process of redistricting communities shall be transparent and open to public input at all stages; and
5. The City of Rochester shall call upon its elected state legislators, in writing, to uphold these fair redistricting principles when creating state redistricting maps; and
6. The City of Rochester shall also adhere to these fair redistricting principles when creating city redistricting maps; and
7. This resolution shall take effect upon its passage.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Rice seconded the motion. Councilor Lauterborn inquired who had drafted the resolution and requested that it appear on the meeting agenda. Mayor McCarley answered that Councilor Rice had submitted the resolution and she had agreed to include it on the agenda. Councilor Lauterborn asked where the resolution would go if it is approved by Council. Councilor Rice stated that it would be distributed to the City of Rochester's elected officials who serve in the State House and Senate. Councilor Lauterborn agreed that redistricting should be non-partisan and should be done by an independent commission, but disagreed with the general tone of the resolution. She emphasized the need for local elected officials to remain non-partisan and to leave party affiliation out of the process.

Councilor Lachance agreed with Councilor Lauterborn and stated that it has been the practice of the City Council since its inception to act in a non-partisan manner. He expressed that passing a resolution which is partisan in nature is contrary to the mission of the Council. Councilor Lachance suggested removing the last three "whereas" paragraphs in the resolution and removing the use of the word "demanding" to be replaced with "encouraging." Councilor Walker agreed that partisan politics are not appropriate for the City Council.

Councilor Hutchinson pointed out that the resolution uses the term "non-partisan" within the text. Councilor Gray stated that it was a violation of the NH State Constitution to hand over redistricting to a commission and that the Legislature is the redistricting authority. Councilor Gray spoke about prior redistricting and the perception that the process will not be fair without an

independent commission. He spoke about how the current process works and said that it is not unconstitutional to do redistricting on a partisan basis. Councilor Gray felt that the resolution as written is unconstitutional. Councilor Rice said he had brought this resolution forward to start a discussion and had hoped that, as opposed to voting it down immediately, they could make some positive changes. Councilor Rice stated that he agrees with Councilor Lachance's suggested verbiage changes.

Councilor Lachance suggested that if this item was intended as a discussion, the vote could be delayed. Councilor Lachance **MOVED** to **TABLE** to resolution. Councilor Walker seconded the motion. The **MOTION FAILED** to table the motion by a 7 – 6 roll call vote with Councilors Gray, Hamann, Lachance, Walker, Abbott, and Mayor McCarley voting in favor and Councilors Belken, Rice, Lauterborn, Hailey, Lachapelle, Hutchinson, and Bogan voting in opposition.

Councilor Lachance **MOVED** to **AMEND** the resolution by changing the word "demanding" in the title to "encouraging," removing the last three "whereas" paragraphs in the resolution, and by changing the word "demands" to "requests" in the "Now therefore" paragraph. Councilor Belken seconded the motion. Councilor Rice **MOVED** to split this amendment into two separate motions, with a vote for the wording changes separate from the removing of the "whereas" paragraphs. Councilor Lachance and Councilor Walker clarified that a motion cannot be divided into two separate motions, but rather needed to be voted on as presented. Councilor Lachance withdrew his motion to amend. Councilor Belken withdrew her second. Councilor Lachance **MOVED** to **AMEND** the resolution by changing the word "demanding" in the title to "encouraging" and changing the word "demands" to "requests" in the "now therefore paragraph." Councilor Rice seconded the motion. The **MOTION CARRIED** by a 9 – 4 roll call vote with Councilors Rice, Hailey, Abbott, Hutchinson, Lachance, Lauterborn, Walker, Belken and Mayor McCarley voting in favor and Councilors Lachapelle, Gray, Bogan and Hamann voting opposed.

Councilor Lachance **MOVED** to **AMEND** the resolution by striking the last three whereas paragraphs. Councilor Walker seconded the motion. Councilor Belken stated that although she personally agreed with the statements included in the resolution, they are presented in an overly partisan manner which warrants them being removed. Councilor Gray took issue with the assertion that the paragraphs suggested to be removed are factual. Councilor Rice disagreed that the paragraphs being removed are not factual and encouraged other to vote against the amendment. The **MOTION CARRIED** by a 10 – 3 roll call vote with Councilors Walker, Belken, Lachance, Abbott, Hamann, Gray, Bogan, Lauterborn, Lachapelle, and Mayor McCarley voting in favor and Councilors Rice, Hailey, and Hutchinson voting opposed.

Mayor McCarley referenced the redistricting which happened 20 years ago and how it was an awful process, and well as acknowledging the experience Councilor Gray conveyed about a similar redistricting 10 years prior. She thanked the Councilor for having a constructive conversation on the matter and emphasized the importance of the discussion.

The amended **MOTION** to **ADOPT FAILED** by a roll call vote of 7 – 6 with Councilors Rice, Belken, Hainey, Hutchinson, Lachance, and Mayor McCarley voting in favor and Councilors Walker, Bogan, Lachapelle, Hamann, Lauterborn, Abbott, and Gray voting opposed.

14. Non – Public

Mayor McCarley clarified that the standing agenda item for “other” had inadvertently been left off the agenda this evening and opened the floor for any further discussion.

Councilor Lachance stated that he had concerns over the upcoming revenue situation for the City budget due to COVID-19 and he **MOVED** to **RESCIND** the action taken by Council on January 5 in which \$75,575.67 of previous appropriations were approved for the CTE center to complete the paving project, as well as rescinding whatever actions needed to be taken to stop the additional \$185,000 of funding going towards this project. Councilor Lachance felt, upon further review, that the project was unnecessary and work could be done in the parking lot to a much lesser degree. He also said that there are other roads in the City in more critical need of paving, and alternately this money could be better utilized for other purchases within the school department. Councilor Walker seconded the motion. Councilor Gray stated that before this action could take place, they needed to determine if there had already been a contract signed and if these funds had already been obligated. Mayor McCarley questioned the practice of taking this item up under “other” because it is, in fact, a new resolution.

Councilor Lachance **AMENDED** the motion to **RESCIND** to include verbiage stating “in so far as these funds have not already been committed by a signed contract for paving.” Attorney O’Rourke confirmed that this action is more than an “other” discussion point, but is rather adding an agenda item. He clarified that in order to take action, the Council would need a 2/3 vote to suspend their rules and add the resolution which had not been presented to Council prior to the meeting. Councilor Lachance would also need to present the resolution in written form. He suggested waiting to discuss this item until the workshop in two weeks or upcoming special meeting. Councilor Rice **MOVED** to **TABLE** the motion to rescind until the Special Meeting on February

16, 2021. Councilor Gray asked if there was already a special meeting scheduled; he did not agree the item could be tabled for time certain if the meeting was not already scheduled. Mayor McCarley stated that she felt the intention of the motion was to discuss the item at the February 16 workshop meeting. Councilor Hainey inquired if the request should include, that if the school department had not already entered into a paving contract, that they not do so. Mayor McCarley confirmed that this would be part of the discussion at the February 16 meeting. Councilor Abbott seconded the motion. The **MOTION CARRIED** to **TABLE** until a time certain by a roll call vote of 9 – 4 with Councilors Belken, Rice, Lauterborn, Hainey, Hutchinson, Walker, Abbott, Bogan, and Mayor McCarley voting in favor and Councilors Gray, Hamann, Lachapelle, and Lachance voting opposed.

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

14.2 Non-Public Session – Reputation, RSA 91-A:3, II (c)

Councilor Lauterborn **MOVED** to enter into non-public session under RSA 91-A:3, II (d) for land and RSA 91-A:3, II (c) for Reputation at 8:03 PM. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a 13 – 0 roll call vote with Councilors Abbott, Hutchinson, Bogan, Lauterborn, Rice, Lachance, Hamann, Lachapelle, Belken, Walker, Gray, Hainey, and Mayor McCarley all voting in favor.

Councilor Lachapelle **MOVED** to exit the non-public session at 10:23 PM. Councilor Walker seconded the motion. The **MOTION CARRIED** by a majority roll call vote with Councilors Lachapelle, Rice, Gray, Hainey, Abbott, Bogan, Hamann, Walker, Lauterborn, Belken, and Mayor McCarley all voting in favor. Councilors Lachance and Hutchinson were not present/audible for the vote.

Councilor Lauterborn **MOVED** to seal the minutes of the non-public session under RSA 91-A:3, II (d) land as disclosure would render the proposed action ineffective. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a majority roll call vote with Councilors Walker, Belken, Rice, Abbott, Hamann, Gray, Bogan, Lachapelle, Lauterborn, Hainey, and Mayor McCarley all voting in favor. Councilors Lachance and Hutchinson were not present/audible for the vote.

Councilor Lauterborn **MOVED** to seal the minutes of the non-public session under RSA 91-A:3, II (c) reputation as disclosure of the discussion could adversely affect the reputation of a person other than a member of the board. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a majority roll call vote with Councilors Bogan, Gray, Rice, Hainey, Walker, Abbott, Lachapelle, Hamann, Belken, Lauterborn, and Mayor McCarley all

voting in favor. Councilors Lachance and Hutchinson were not present/audible for the vote.

15. Adjournment

Mayor McCarley **ADJOURNED** the Regular City Council Meeting at 10:28 PM.

Respectfully Submitted,

Cassie Givara
Deputy City Clerk

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left blank...*

City Clerk's Office

**City Council Special Meeting
February 16, 2021
Council Chambers
31 Wakefield Street and
Conducted Remotely via Microsoft Teams
6:36 PM**

COUNCILORS PRESENT

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

OTHERS PRESENT

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

Minutes

1. Call to Order

Mayor McCarley called the Special City Council meeting to order at 6:36 PM. She had read the following preamble prior to the Public Hearing, immediately preceding the Special Meeting:

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

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

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

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

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

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

Phone number: 857-444-0744

Conference code: 843095

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

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

City Clerk Kelly Walters had taken the roll prior to the public hearing, immediately preceding the Special Meeting. All Councilors were present and indicated that they were alone in the location from which they were connecting.

2. Intermunicipal Agreement For Development Of An Adaptive Water Quality Management Plan For Great Bay Estuary *first reading and consideration for adoption*

Councilor Lachapelle **MOVED** to read the resolution by title only for a first time. Councilor Walker seconded the motion. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Rice, Walker, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Hainey, Abbott, Gray, Hutchinson, Lachance, and Mayor McCarley voted in favor of the motion. Mayor McCarley read the resolution for a first time by title only as follows:

Resolution Authorizing Entry Into Intermunicipal Agreement For Development of an Adaptive Water Quality Management Plan for Great Bay Estuary

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

That the City of Rochester hereby agrees to enter into the Intermunicipal Agreement

For Development of an Adaptive Water Quality Management Plan for Great Bay Estuary attached as **Exhibit A** of this Resolution. (*Exhibit A - See Addendum A*)

Further, the Mayor and City Council authorize the City Manager or his/her designee to execute any and all documents to effectuate the purpose of this Resolution including, but not limited to, **Exhibit A**.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Walker seconded the motion. Mayor McCarley commented that the City has been working on the above plan for about fifteen years. This will be an important step in this process.

Councilor Rice wished to receive clarification about the members of the Executive Board (Municipal Alliance for Adaptive Management). Attorney Young gave a brief overview of the newly established board in which Blaine Cox, City Manager, will be one of the five members.

Mayor McCarley asked how many other communities have entered into this agreement. Attorney Young stated that the City of Dover has already approved the Inter-Municipal Agreement (IMA). It is expected that the City of Portsmouth and the Towns of Exeter and Newmarket will be approved soon. She indicated that the Town of Newington is scheduled to approve the agreement tomorrow evening.

Attorney Young said there is a commitment from the communities to fund this work through the Agreement (IMA), which equates to a minimum of \$200,000 annually and a maximum of \$500,000. She indicated that the City of Rochester's share is approximately 18%, which could range from \$37,000 to approximately \$90,000. Mayor McCarley said it is a worthwhile investment.

Mayor McCarley called for a vote on the motion to adopt. The **MOTION CARRIED** by a 13 – 0 roll call vote. Councilors Lachapelle, Rice, Gray, Hainey, Abbott, Bogan, Hutchinson, Lachance, Hamann, Lauterborn, Walker, Belken, and Mayor McCarley voted in favor of the motion.

3. Motion to Rescind Resolution Authorizing \$75,575.67 of Previous Appropriations of the School Department CTE Equipment Capital Improvements Plan Project for CTE Paving, Adopted by City Council 1/5/2021 *motion to rescind (2/3 vote required to pass)*

Councilor Rice **MOVED** to take the resolution off the **TABLE**. Councilor Lachance seconded the motion. The **MOTION CARRIED** by 13 to 0 roll call vote. Councilor Hamann, Hutchinson, Belken, Walker, Lachance, Abbott, Gray, Rice, Bogan, Hainey, Lachapelle, Lauterborn, and Mayor McCarley voted in favor of the motion. Mayor McCarley read the following resolution which had been taken off the table:

Resolution Authorizing \$75,575.67 of Previous Appropriations of the School Department CTE Equipment Capital Improvements Plan Project for CTE Paving

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

WHEREAS, by virtue of resolution adopted by the Mayor and City Council of

the City of Rochester, the Mayor and City Council appropriated the sum of Two Hundred Seventy Thousand Dollars (\$270,000.00) to the School Department Capital Improvements Plan CTE Renovation - Additional Equipment project # 20121 of the City of Rochester; and

WHEREAS, the Mayor and City Council of the City of Rochester have determined that the best interests of the City are served by authorizing unexpended funds from the School Department Capital Improvements Plan CTE Renovation Additional Equipment project # 20121 for the purposes of CTE Paving.

NOW THEREFORE, the Mayor and City Council of the City of Rochester by adoption of this resolution, hereby authorize the repurposing of the sum of Seventy Five Thousand Five Hundred Seventy Five and 67/100 Dollars (\$75,575.67) of previously appropriated unexpended funds from the CTE Renovation – Additional Equipment project # 20121 to designate its use for the School Department 2020-2021 Fund 1501 Capital Improvements Plan CTE Renovation Paving project.

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

Mayor McCarley opened the discussion for rescinding the resolution, which will require a simple majority vote to pass and not a two-third's vote.

Mayor McCarley spoke against the motion to rescind this action. She said the City had been committed to finishing this project completely. She said the funds were derived from the remaining funds of the project and a significant savings in the equipment costs.

Mayor McCarley said she disagreed with comments made by Councilor Lachance that the paving project was not in great need of repair. Councilor Lachance disagreed and said the project could be postponed and that he would vote in favor of rescinding the resolution.

Mayor McCarley called for a vote to rescind the resolution. The **MOTION**

CARRIED by a roll call vote of 10 to 3. Councilors Belken, Gray, Hamann, Rice, Lauterborn, Hainey, Hutchinson, Walker, Lachance, and Abbott, voted in favor of the motion. Councilors Lachapelle, Bogan, and Mayor McCarley voted against the motion.

4. Resolution Authorizing Supplemental Appropriation to the Department of Public Works (DPW) CIP Fund in the Amount of \$150,000.00 for the Purchase of a Multi-Hog Sidewalk Tractor
second reading and consideration for adoption

Councilor Walker **MOVED** to read the resolution for a second time by title only. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a 13 – 0 roll call vote with Councilors Abbott, Hutchinson, Bogan, Lauterborn, Rice, Lachance, Hamann, Lachapelle, Belken, Walker, Gray, Hainey and Mayor McCarley all voting in favor. Mayor McCarley read the resolution for a second time by title only as follows:

Resolution Authorizing Supplemental Appropriation to the Department of Public Works (DPW) CIP Fund in the Amount of \$150,000.00 for the Purchase of a Multi-Hog Sidewalk Tractor

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

That the amount of One Hundred Fifty Thousand Dollars (\$150,000.00) is hereby appropriated as a supplemental appropriation to the DPW CIP Fund for the purpose of paying costs associated with the purchase of a Multi-Hog Sidewalk Tractor. The funding for this supplemental appropriation shall be derived in its entirety from the General Fund Unassigned Fund Balance.

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

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Lachapelle seconded the motion. Councilor Rice stated that he felt this item should be put into the CIP budget due to the uncertainty of revenues coming into the City during the upcoming fiscal year. He referenced Director of City Services Peter Nourse stating that the tractor would not be received until the middle to end of February; Councilor Rice felt that this was fairly late in the winter season. He felt that the City could make do with the tractors they had for the remainder of the current season. Councilor Lachance requested that

Director Nourse speak about the current state of the Department of Public Works' tractors. Director Nourse said currently there are three machines, one of which has not been operational since before the last storm, due in part to a radiator in need of repair. Director Nourse indicated that the department has been scavenging parts off this third machine to service the two operational machines, and that it will not be a good situation to continue with just the two tractors. Director Nourse said the manufacturer reported that the new machine will be in Bow, NH in mid-February and will be available for the City of Rochester to purchase at that time. The **MOTION CARRIED** by a 10 – 3 roll call vote with Councilors Walker, Belken, Lachance, Abbott, Hamann, Gray, Bogan, Lauterborn, Lachapelle, and Mayor McCarley voting in favor and Councilors Rice, Hailey, and Hutchinson voting opposed.

5. Adjournment

Mayor McCarley **ADJOURNED** the Special City Council Meeting at 6:54 PM.

Respectfully Submitted,

Kelly Walters, CMC
City Clerk

EXHIBIT A

INTERMUNICIPAL AGREEMENT **FOR DEVELOPMENT OF AN ADAPTIVE WATER QUALITY MANAGEMENT PLAN** **FOR GREAT BAY ESTUARY**

The parties to this Intermunicipal Agreement are the City of Rochester, the City of Dover and the City of Portsmouth and those additional municipalities and towns that have executed this Agreement in accord with its provisions below.

WHEREAS, the U.S. Environmental Protection Agency Region I (“EPA”) issued the Great Bay Total Nitrogen General Permit (NPDES Permit No. NHG58A000) on November 24, 2020 (the “General Permit”);

WHEREAS, municipalities and towns that own or operate any of 13 certain municipal wastewater treatment facilities covered by the General Permit may choose to Opt-In to the General Permit by April 2, 2021 and become permittees (the “Permittees”);

WHEREAS, the Cities of Rochester, Dover and Portsmouth operate wastewater treatment facilities in the Great Bay Estuary plan to Opt-In to the General Permit;

WHEREAS, the Cities of Rochester, Dover and Portsmouth are seeking to collaborate with each other, with other Permittees, with other communities in the watershed as well as with all involved regulators and stakeholders in an adaptive management framework addressing water quality and overall TN source reductions to the Great Bay estuary as described in Part 3 of the General Permit;

WHEREAS, the General Permit envisions the elements of an adaptive management framework for the Great Bay estuary as including (1) ambient water quality monitoring (2) pollution tracking (3) pollution reduction planning and implementation, and (4) review of significant scientific, methodological, and protective target nitrogen load issues of importance to the Permittees;

WHEREAS, the General Permit describes adaptive management implementation as including collaboration between Permittees and EPA, the State of New Hampshire through its Department of Environmental Services, (“NHDES”), and public, private, commercial, and other stakeholders including the Conservation Law Foundation (“CLF”);

WHEREAS, Permittees are required by the General Permit to submit a detailed proposal on or before July 31, 2021; and

WHEREAS, through this Intermunicipal Agreement, the Permittees seek to implement the Intermunicipal Plan For Adaptive Water Quality Management In the Great Bay Estuary dated December 14, 2020 (“Plan”) and included as Attachment 1.

WHEREAS, RSA 53-A:1 permits "...municipalities and counties to make the most efficient use of their powers by enabling them to cooperate with other municipalities and counties on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of local communities";

THEREFORE, pursuant to RSA 53-A:3, the Permittees enter into this Agreement for the purposes described above as follows:

I. DEFINITIONS

- A. "Contribution Formula" that mechanism for allocating costs among the Members who are Permittees.
- B. "Executive Board" that administrative and management body charged with the responsibilities described in paragraph V.
- C. "Member" that municipality or town in the Great Bay estuary watershed, whether located in New Hampshire or Maine, that has indicated its intent to be a part of this Agreement by executing Attachment 2.
- D. "Recommended Annual Contribution for Monitoring" that amount recommended annually by the Executive Board and adopted by the Members for water quality monitoring and analysis.

II. PURPOSE OF THIS AGREEMENT

The purpose of this Agreement is to implement the Plan to improve water quality in the Great Bay estuary and to take such other and further collaborative action which may be agreed upon to fulfill or assist Permittees' compliance with the General Permit. No separate corporate entity is being created as this instrument is intended to assist with joint administrative and executive functions associated with implementation of the Plan and to generate and coordinate funding recommendations necessary to implement the Plan.

III. DURATION OF AGREEMENT

The term of this Agreement runs from March 1, 2021 to February 28, 2026. This Agreement may be renewed for an additional term to be determined by vote of the majority of the Members.

IV. MEMBERS

- A. Membership. The initiating Members to this Agreement are: the City of Rochester acting through its City Manager; the City of Dover acting through its City Manager and the City of Portsmouth acting through its City Manager. Additional Members may be added to this Agreement by executing Attachment 2 and identifying the acting authority (such as Town Manager, Town Administrator, Sewer Commission) and providing an executed Attachment 2 to the Executive Board. Any municipality or town in the Great Bay estuary watershed, whether located in New Hampshire or Maine, is eligible to be a Member.

The Members for purposes of this Agreement shall be called the Municipal Alliance for Adaptive Management.

- B. Organizational Meeting There will be an initial meeting of Members after the Opt-in date of April 2, 2021 but before April 30, 2021 to be set by the City Manager of the City of Rochester. The purpose of the meeting will be to have the Members vote on appointing up to two At-Large Members to the Executive Board and setting the recommended 2021 Contribution Goal. The Executive Board is further defined in Section V. Meetings are discussed further in Section VI.

V. EXECUTIVE BOARD

- A. Purpose and Authority of Executive Board. The Executive Board has the authority to enter into contracts on behalf of the Municipal Alliance for Adaptive Management in order to implement the Plan, to receive and manage funds by way of the fiscal agent (defined below), to approve bills and disbursements, to make funding recommendations and to circulate documents necessary in order to keep Members informed, to set the annual meeting of the members, to participate in discussions with stakeholders, and to conduct such other activities as the Executive Board deems necessary and proper to carry out the purposes of this Agreement. The Executive Board does not otherwise have authority to acquire or hold items of personal or real property.
- B. Officers. Beginning with its first meeting and then annually thereafter, the Executive Board shall elect a Chair, Vice Chair and a Clerk from the members of the Executive Board.
- C. Membership of Executive Board. The Executive Board shall be composed of three Standing Members consisting of the city managers of the City of Rochester, the City of Dover, and the City of Portsmouth. The Members may select up to two additional At-Large Members of the Executive Board from other communities.

At-Large Members of the Executive Board members shall be nominated at the Members' Organizational Meeting and serve through the expiration of

the term of this Agreement. If this Agreement is renewed by the Members for an additional term, the Members will elect/re-elect At-Large Executive Board members at the meeting in which an extension of the term of this Agreement is made. At-Large Executive Board Members must be Permittees.

There are no term limits for Executive Board members. Executive Board members may appoint designees if that designee has decision-making authority.

In the event any vacancy occurs for At-Large Executive Board Members, the Executive Board shall within thirty (30) days of the vacancy call a meeting of the Members so that the Members may select a replacement.

In the event more than three Members are communities from Maine, those members from Maine may request that the Executive Board be expanded to include a Member from Maine, which request will be granted provided there is an agreement on a formula for contribution to the activities contemplated by this Agreement.

- D. No Personal Liability. Executive Board members and its officers shall not be personally liable for any debt, liability or obligation of the Municipal Alliance for Adaptive Management. All persons having any claim against the Municipal Alliance for Adaptive Management may look only to its funds for payment of any such contract or claim, or for the payment of any debt, damages, judgment or decrees, or of any money that may otherwise become due and payable to them from the Municipal Alliance for Adaptive Management.

VI. **MEETINGS**

- A. Annual meetings of the Members. After the initial Organizational Meeting a meeting of the Members shall be held at least annually in the last quarter of each calendar year. At the Annual Meeting the Members shall vote on the Recommended Contribution for the following calendar year.

Annual meetings of the Members shall be subject to the requirements of public meetings as required by NH RSA 91-A. Members shall have the ability to participate telephonically and by video conference as may be permitted under NH RSA 91-A.

Each Member is afforded one vote in all matters that require action. A majority vote of those Members present and voting shall be needed to act upon any business associated with this Agreement. One third of the total Membership shall constitute a quorum.

- B. Executive Board Meetings. The Executive Board shall meet at least biannually or more frequently at the call of the Chair at such times and places that are mutually convenient. The meetings of the Executive Board are not public meetings as that term is defined by NH RSA 91-A.

Voting. If there are three Executive Board Members, a quorum is two (2) Members. If there are five or more Executive Board members a quorum is three Members. All votes will pass by simple majority.

Attendance. Attendance for purposes of quorum and voting may be by telephone or video conference. A record of the actions taken by the Executive Board shall be distributed to the Members within ten (10) calendar days of any meeting. Distribution may be by e-mail.

VII. WORK AND COST -SHARING

- A. Initial Water Quality Work. The Cities of Rochester, Dover and Portsmouth identified an initial scope of work necessary to initiate the adaptive management opportunity identified in Part 3 of the General Permit. Water quality specialists within the engineering firm of Brown and Caldwell were solicited to submit a proposal to complete the scope of work. Due to the time constraints imposed by the Permit and the schedule of other stakeholders including PREP to develop a water quality monitoring plan for the upcoming sampling season, the three cities entered into a memorandum of agreement to share equally the costs of the work described. The Memorandum of Agreement and the Scope of Work is set forth at Attachment 3. This paragraph is for informational purposes only and will not form a part of a request for financial contribution from other Members.
- B. Participation in Water Quality Monitoring, Data Gathering and Analysis. Members are expected to participate in the planning and cost of ambient water quality monitoring, data gathering and water quality analysis along with other stakeholders ("Annual Contribution for Monitoring"). The recommended formula for such cost sharing for Members who are Permittees is set forth in Attachment 4 ("Contribution Formula"). The Contribution Formula may be amended by a majority vote of the Members who are also Permittees.
- C. Recommended Annual Contribution for Monitoring. The Annual Contribution for Monitoring, in the aggregate for all Members, shall be no less than \$200,000 and no more than \$500,000. The Executive Board shall develop a Recommended Annual Contribution for Monitoring to be presented to the Members at the Members Annual Meeting in the fall of each calendar year. The Members who are also Permittees shall vote on and set the Recommended Annual Contribution for Monitoring. Members shall make good faith efforts to budget and appropriate the funds in accord

with the Recommended Annual Contribution for Monitoring and Contribution Formula adopted at the Members Meeting.

- D. Other Work. The Executive Board may make such additional recommendations to the Members to finance other work consistent with the Plan. Such other work if voted upon by the Members shall be financed according to the Contribution Formula.
- E. Fiscal Agent. The Members agree that the City of Rochester ("City") will be the fiscal agent for Municipal Alliance for Adaptive Management, with the authority to collect, hold, invest, disperse and pay funds held on behalf of the Municipal Alliance for Adaptive Management at the direction of the Executive Board.
- F. Accounting for Funds. The Executive Board with assistance from the Fiscal Agent shall provide to the Members an annual accounting of monies received, spent, and obligated, and a final accounting upon the termination of the Agreement.
- G. Funds upon Termination. Upon termination of this Agreement, no individual employee or member of the Executive Board shall be entitled to a share in the distribution of any funds upon dissolution. Upon termination, the funds shall be distributed to each Member at the time of distribution in proportion to the percentage of its contribution relative to the total contribution of all the Members made in the year of distribution.

VIII **POLLUTION TRACKING**

The Executive Board anticipates making recommendations to Members to participate in certain pollutant tracking programs. Members agree to make good faith efforts to participate in such pollution tracking programs.

IX. **TERMINATION**

- A. Mutual Agreement. This Agreement may be terminated prior to the end of the term upon mutual agreement of the Members.
- B. Withdrawal of a Member at the Conclusion of the Term. A Member wishing to withdraw from the Agreement at the end of the term and not interested in renewal shall give written notice to the Executive Board at least three months before the expiration of the term. The Executive Board will notify the other Members of any Member's withdrawal through their authorized agents who have executed this Agreement.
- C. Withdrawal of Member Prior to Expiration of Term. A Member wishing to withdraw from the Agreement before the end of the term shall be responsible for its share of any outstanding Recommended Annual Contribution for Monitoring for the year in which the terminating Member

gives notice of termination . Notice of withdrawal shall be in writing from the Member to the Executive Board at least thirty (30) days prior to termination. The Executive Board will notify the other Members of any Member's withdrawal through their authorized agents who have executed this Agreement.

- D. Appeal of General Permit. This Agreement is being entered into prior to the expiration of the period of appeal of the General Permit. In the event of any appeal of the General Permit, any Member may withdraw from this Agreement without penalty as described in paragraph C..

X. ISSUANCE OF BONDS

The Members do not intend to issue bonds jointly as permitted by RSA 53-A:6. Should the Members decided to do so at a later time, an amendment to this Agreement shall be undertaken to specify those items required by RSA 53-A:6, II.

XI. OTHER

- A. Amendment. This Agreement may be amended only by written Agreement signed by two-thirds of the Members.
- B. Authority. All Members undersigned represent and agree that they have the authority to enter into this Agreement.
- C. Notices. Notices for each party shall be in writing and mailed to the individuals listed in Exhibit B which is attached and incorporated hereto.
- D. Severability. If any provision of this Agreement is deemed invalid or unenforceable, the remaining provisions shall remain in full force and effect.
- E. Governing Law. This Agreement shall be governed by and interpreted in accordance with the provisions of the laws of the State of New Hampshire.
- F. Separate Document. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.
- G. Compliance with RSA 53-A:
- Pursuant to RSA 53-A:3 IV, this Agreement does not relieve any of the Members of any obligation or responsibility imposed upon it by law except to the extent of actual and timely performance thereof by the Executive Board. Performance may be offered in satisfaction of the obligation or responsibility.

- Pursuant to RSA 53-A:3 V, this Agreement shall be submitted to the NH Attorney General who shall determine whether the agreement is in proper form and compatible with the laws of this state.
- Pursuant to RSA 53-A:4, this Agreement shall be filed with the clerk of each municipality and with the NH Secretary of State.
- Pursuant to 53-A:5, this Agreement shall be submitted to the NH Department of Revenue Administration as a condition precedent to its entry into force.

This Submission and approval shall be in addition to and not in substitution for the requirement of submission to and approval by the NH Attorney General.

Dated this _____ day of _____, 2021.

CITY OF ROCHESTER

By: _____
Blaine Cox, City Manager

Dated this _____ day of _____, 2021.

CITY OF DOVER

By: _____
J. Michael Joyal, Jr., City Manager

Dated this _____ day of _____, 2021.

CITY OF PORTSMOUTH

By: _____
Karen S. Conard, City Manager

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City Clerk's Office



City of Rochester, New Hampshire

OFFICE OF THE CITY MANAGER

31 Wakefield Street • Rochester, NH 03867

(603) 332-1167

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CITY MANAGER'S REPORT

January 2021

Contracts and documents executed since last month:

- **Department of Public Works**
 - Exactitude Change Order – New DPW **P. 49**
 - Change Order, New DPW – Hutter Construction **P. 50**
 - Design Service Amendment, Attenuation Tank – Wright Pierce **P. 51**
 - Scope of Services Phase 1 Environmental Assessment – Hoyle Tanner **P. 52**
 - Permit Management Contract – Ransom Consulting **P. 53**
- **Economic Development**
 - CDBG Environmental Reviews – Waypoint NH Drop-In Center **P. 54**
 - CDBG Environmental Reviews – CAP Weatherization heating system replacement **P. 55**
 - CDBG – CAP Weatherization heating system, flue, and roof jack replacements **P. 56**
- **Government Channel**
 - Contract – Connectivity Point **P. 57**
- **IT**
 - Scope of Service proposal – Tyler Services **P. 58**
 - Proposal, new RE CAMA Format– Tyler Tech **P. 59**
- **Planning**
 - Parking Study Contract – Stantec **P. 60**

The following standard reports have been enclosed:

- Monthly Overnight Travel Summary - none
- Permission & Permits Issued -none
- Personnel Action Report Summary **P. 61**

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City Clerk's Office



City of Rochester, New Hampshire
PUBLIC WORKS DEPARTMENT
45 Old Dover Road • Rochester, NH 03867
(603) 332-4096
www.RochesterNH.net



INTEROFFICE MEMORANDUM

TO: BLAINE M. COX, CITY MANAGER
KATIE AMBROSE, DEPUTY CITY MANAGER/FINANCE DIRECTOR

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

DATE: January 27, 2021

SUBJECT: Exactitude – New DPW Change Order #1
Amount \$5,821.00

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

Attached please find (1) one copy of Exactitude Change Order #1. This change is for installation of polycarbonate enclosure on the salt shed and for the long Range Reader to operate the door to the wash bay. This work is outside the scope of original contract. .

The funds are as budgeted and are available in the following accounts

15013010-772000-18526 = 2,910.50
55016010-772000-18526 = \$1,455.25
55026020-772000-18526 = \$1,455.25

If you have any question, please call me, if not please pass on to the City Manager for signature. This document should be returned to the DPW distribution.

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



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INTEROFFICE MEMORANDUM

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

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

DATE: January 27, 2021

SUBJECT: Hutter Construction – New DPW Facility
Change Order #5 Amount \$116,728.96

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

Attached please find one copy of Change Order #5 in the amount of \$116,728.96. The changes included in this Change Order are for modifications to footing and pier sizes required in the Admin Bldg, the Vehicle Storage Bldg, the Shops Spaces and the Remote Canopy, as well as additional wall hydrants and ledge removal for oil water separator & 10k gallon tight tank.

The Original Contract value was	\$17,674,000.00
Previous Changes totaled	\$7,774.21
This Change amount	<u>116,728.96</u>
Adjusted Contract total	\$17,798,503.17

The funding is available as budgeted in the following CIP Accounts:

15013010-772000-18526 = \$58,364.48
55016010-772000-18526 = \$29,182.24
55026020-772000-18526 = \$29,182.24

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

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



City of Rochester, New Hampshire
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45 Old Dover Road • Rochester, NH 03867
(603) 332-4096
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INTEROFFICE MEMORANDUM

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

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

DATE: February 5, 2020

SUBJECT: Wright Pierce Design Services Amendment #1
Residuals Project – Attenuation Tank Design
Amount \$13,000

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

Attached please find one copy of Wright Pierce Engineers Design Services Amendment #1. This amendment is associated with the WTP Residuals Management Project. .

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

55016010-772000-18532 = \$7,883.87
55016010-772000-19530 = \$5,116.13

If you have any question, please call please forward to City Manager to signature and return to DPW.

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



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INTEROFFICE MEMORANDUM

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

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

DATE: January 29, 2021

SUBJECT: Hoyle Tanner & Associates (HTA)
Phase 1 Environmental Site Assessment
Fee: \$4,250

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

Attached please find one copy of the HTA Scope of Services a Phase 1 Environmental Assessment (ESA) related to the two parcels that the City may acquire adjacent to Amarosa Drive.

The fee for this scope of work is \$4,250 and funding will be from the following account:

15013010-771000-21551 = \$4,250.00

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

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



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INTEROFFICE MEMORANDUM

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

FROM: LISA J. CLARK, ADMIN SUPERVISOR

DATE: January 27, 2021

SUBJECT: Rochester Old Landfill Groundwater Permit Permit #198705045
Annual Permit Management Contract
Ransom Consulting, Inc. Amount \$9,750

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

Attached please (1) one copy of the annual Ransom Consulting Inc contract. Ransom has been the professional consultant of record since the issuance of this Groundwater Permit #198705045 for the Old Dover Road Landfill site in 2006. Ransom has all required history and documentation for the permit requirements and does all required sampling, testing, monitoring and reporting to the State of NH DES. .

This contract has been reviewed by the City Engineer and budgeted as follow:

13010057-533002 = \$9,750.00.

If you have any question, please call me, if not please pass on to the City Manager for signature. This document should be returned to the DPW distribution.

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

Date: January 29, 2021

To: Blaine Cox
City Manager

From: Julian Long
Community Development Coordinator/Grants Manager

Re: CDBG Environmental Review – Waypoint NH Drop-in Center Project

Please see attached the completed Community Development Block Grant (CDBG) environmental review for the purchase of the property at 3 Wallace Street by Waypoint NH for use as a drop-in center for homeless youth. The Community Development Committee voted to recommend FY 2022 CDBG funding for the activity at the January 25, 2021 committee meeting. This environmental review is being submitted prior to final City Council authorization as the property sale is anticipated to occur in April 2021, and CDBG funds would not be allowed to be used for the project if the environmental review is not completed prior to the property purchase.

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

Date: February 1, 2021

To: Blaine Cox
City Manager

From: Julian Long
Community Development Coordinator/Grants Manager

Re: FY 2021 CDBG Environmental Reviews – CAP Weatherization

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

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

Date: January 29, 2021

To: Blaine Cox
City Manager

From: Julian Long
Community Development Coordinator/Grants Manager

Re: FY 2021 CDBG Environmental Reviews – CAP Weatherization

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

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



City of Rochester, New Hampshire
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INTEROFFICE MEMORANDUM

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

FROM: Celeste Plaia, Rochester Government Channel Coordinator

DATE: February 8 2021

SUBJECT: **Contract/Quote signature needed**

CC: City Manager Blaine Cox

The Rochester Government Channel is requesting a PO and signature for contract with Connectivity Point, for the work related to upgrades in Council Chambers broadcast and audio/video system.

Please see the attached contract terms for your review.

The funding source for these projects are covered by existing CIP requests.

Signature:

Attachment:

- Contract from Connectivity Point



City of Rochester, New Hampshire

INFORMATION TECHNOLOGY SERVICES

31 Wakefield St • Rochester, NH 03867

www.rochesternh.net

INTEROFFICE MEMORANDUM

TO: Blaine City Manager
Katie Ambrose, Finance Director

FROM: Sonja Gonzalez, Chief Information Officer

DATE: February 2, 2021

SUBJECT: Tyler Services – PACE5 - \$3,150

CC:

Attached please find one copy of the proposal for Tyler Technologies PACE5. The work described in this scope of services is for 5 days of training / services from Tyler Services .

There is sufficient funding in the IT Services O&M Consulting Other < 11020050-534006>.

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

Signature_____

Katie Ambrose, Finance Director



City of Rochester, New Hampshire

INFORMATION TECHNOLOGY SERVICES

31 Wakefield St • Rochester, NH 03867

www.rochesternh.net

INTEROFFICE MEMORANDUM

TO: Blaine City Manager
Katie Ambrose, Finance Director

FROM: Sonja Gonzalez, Chief Information Officer

DATE: February 4, 2021

SUBJECT: Tyler Technologies Munis – New RE CAMA Format - \$8,000

CC:

Attached please find one copy of the proposal for New RE CAMA format project. The work described in this scope of services is for creating a utility in Munis to import data from Vision assessing software.

There is sufficient funding in the IT Services O&M Consulting other account 11020050-534006.

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

Signature_____

Katie Ambrose, Finance Director



PLANNING & DEVELOPMENT DEPARTMENT
City Hall Annex
33 Wakefield Street,
Rochester, New Hampshire 03867-1917
(603) 335-1338 - Fax (603) 330-0023
Web Site: www.rochesternh.net

Planning Board
Conservation Commission
Historic District Commission
Arts and Culture Commission

Interoffice Memo

TO: Blaine M. Cox, City Manager
FROM: Shanna B. Saunders, Planning Director
DATE: February 11, 2021
SUBJECT: Parking Study Contract – Stantec – for Signature

Attached please find one copy of the contract for the Downtown Parking Study. The work describe in this scope of services is for a study to conduct a planning-level review of the parking system in order to establish a baseline understanding of its ability to accommodate new development.

The Contract is for \$15,000. There is sufficient funding in the Project Account: Downtown Parking Study 1501110-776001-21507 and the ED Consulting Other account 1000-1-0000-101-02351- 534006

If you have any questions please let me know, if not, please sign and return to the Planning Department for distribution.

Signature

Blaine M. Cox, City Manager

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City Clerk's Office

From: Bob Brown <bobbrown@metrocast.net>
Sent: Wednesday, January 13, 2021 10:47 AM
To: Lauren Krans <lauren.krans@rochesternh.net>
Cc: Chris Bowlen <chris.bowlen@rochesternh.net>; kelly.walters@rochester.net
Subject: [External] FW: Commission retirement

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Be advised that I Robert W Brown member of the Arena Advisory Commission wish to submit notice of resignation as of this date.

Respectfully
Robert W. Brown

From: Lauren Krans [<mailto:lauren.krans@rochesternh.net>]
Sent: Tuesday, January 12, 2021 1:18 PM
To: bobbrown
Cc: Chris Bowlen
Subject: Commission

Hi Bob,
Chris shared the bittersweet information with me that you are resigning from the commission. We will miss your vast knowledge and input, but I'm so happy to see you taking more time for yourself and your family. For the next step, if you have not already, please submit your resignation via email or letter to the City Clerk's office(Kelly.Walters@rochesternh.net) . I don't think we are ever going to be able to fill your shoes, Bob!

Lauren

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City Clerk's Office

Codes and Ordinances Committee

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



Others Present

Terence O'Rourke, City Attorney
Jennifer Marsh, Economic Development
Jim Grant, Director BZLS
Tim Wilder, Deputy Fire Chief
Adam Hughes, Assistant Fire Chief
Shanna Saunders, Director of Planning
Councilor Walker
Nel Sylvain, Chairman of Planning Board

CODES AND ORDINANCES COMMITTEE

Of the Rochester City Council

Thursday, February 4, 2021

31 Wakefield Street, Rochester, NH

Meeting conducted remotely

6:00 PM

Minutes

1. Call to Order

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

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

a.) **Providing public access to the meeting by telephone:** At this time, I also welcome members of the public accessing this meeting remotely. Even though this meeting is being conducted in a unique manner under unusual circumstances, the usual rules of conduct and decorum apply. Any person found to be disrupting this meeting will be asked to cease the disruption. Should the disruptive behavior continue thereafter, that person will be removed from this meeting. The public

can call-in to the below number using the conference code. Some meetings will allow live public input, however you must have pre-registered online, otherwise, the meeting will be set to allow the public to “listen-in” only, and there will be no public comment taken during the meeting. [Public Input Registration](#) (Please note: In order to notify the meeting host that you would like to speak, press 5* to be recognized and unmuted)

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

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

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

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

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

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

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

2. Public Input

Robert Benoit, owner of Mitchell Hill BBQ, addressed the committee in regards to the outdoor dining ordinance and the potential of live entertainment as well as use of canopies/coverings in dining areas.*

**Mr. Benoit’s written correspondence is included in the addendum to the Codes packet online.*

Chairman Lachapelle stated that there was another written correspondence in the packet

which will be discussed later in the meeting.

3. Acceptance of the Minutes

3.1 January 7, 2021 *motion to approve*

Councilor Rice **MOVED** to **ACCEPT** the minutes of the January 7, 2021 Codes & Ordinances meeting. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous vote with Councilors Hainey, Rice, Lauterborn, Lachapelle, and Abbott voting in favor.

4. Code of Ordinances Review

4.1 **Update:** Amendments to Chapter 80 regarding Outdoor Dining (*addendum A*)

Chairman Lachapelle stated that he had met with City staff and reviewed the ordinance as well as the written correspondence from Stacey Marchionni, owner of the Revolution Grill & Taproom, to make some additional edits. (*Addendum A*). Jenn Marsh directed the committee to the addendum to the packet which includes the existing ordinance, the changes suggested after the previous Codes & Ordinances meeting, and the final edits made following the meeting Councilor Lachapelle referenced. Ms. Marsh clarified that live entertainment which had been discussed by Mr. Benoit during public input had been inadvertently left off the final edit page and read the current suggested wording indicating that live entertainment is not permitted unless the establishment has applied for a special events permit.

Ms. Marsh summarized the remaining suggested edits: City staff is suggesting changing due date for applications for use of City property from February 1 to March 1. Ms. Marsh said that the City issued 23 temporary outdoor dining permits the previous season, but stated that only 5 of those applications falls under use of City property; this additional time will allow businesses to submit their applications and staff to review in time for April 1 openings.

Ms. Marsh directed the committee to section 80-26 (f) regarding enclosure systems. It had been discussed that use of the term “rubber tips” was too specific. This has been changed to add verbiage to allow for use of other protectant materials. Under 80-26 (h) regarding canopies, the wording has been updated to add commercial grade umbrellas and porticos. Ms. Marsh made a correction to use of the word “portico” which should read “Pergola.” Ms. Marsh questioned how these particular structures would be inspected because they do not currently fall under any of the City codes.

Councilor Lauterborn inquired about the title of 80-26 which references establishments with alcohol service. She asked why it only applied to facilities which served alcohol. Attorney O’Rourke said that the verbiage came directly from the liquor commission when it was originally adopted. He said that the specific verbiage “alcohol service” and reference thereof could be stricken from the ordinance. Councilor Lauterborn **MOVED** to strike the wording “with alcohol service” from section 80-26. Councilor Rice seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Lauterborn, Abbott, Lachapelle, Rice, and Councilor Hainey all voting in favor.

Councilor Lauterborn referenced 80-26 (b), 4 lines down which lists “public sidewalks”; she said that in the original amendments which had been made this was changed to “public property.”

Attorney O'Rourke clarified that the template which was being used to show the suggested amendments was from the previous version and this change had been inadvertently overlooked in this version. This particular amendment has already been adopted.

80-26 (I) which states that "no objects strictly related to advertising will be allowed in the area." She questioned if this prohibits the use of the dry erase style sandwich board signs advertising specials or entertainment at an establishment. Councilor Lachapelle answered that use of signs is covered in the sign ordinance and to add that verbiage in this section would be redundant. Jim Grant, Director of Building, Zoning, and Licensing clarified that businesses are allowed to have the types of sandwich board signs referenced; one per establishment for a \$10 fee, which are limited in size and limited to display during the businesses' hours of operation. It was stated that this section does not restrict the use of these signs, it would just be redundant to include the specific criteria within this ordinance. Councilor Lauterborn suggested adding verbiage to read "except as allowed under the sign ordinance" to clear up any confusion caused by the current wording. Attorney O'Rourke recommended that the wording direct to the zoning ordinance under which the section on signs is contained, as there is no separate sign ordinance. Councilor Lauterborn **MOVED** to amend section 80-26 (I) to read "No object strictly related to advertising shall be allowed in the area **except as allowed under the zoning ordinance**". Councilor Rice seconded the motion. Councilor Rice asked what is specifically being prohibited by this amendment. Attorney O'Rourke answered that advertising which is not directly related to the functionality of the area such as brand specific advertising; it would not affect the restaurants ability to advertise specials or brand with their own name/logo. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Rice, Lachapelle, Abbott, Hainey, and Lauterborn all voting in favor.

Councilor Lauterborn directed the committee to the suggested addition of section (K) in 80-26 which reads "Decorations must be fire retardant and meet NFPA 701 Standards. No decorations permitted except those approved on the site plan. No loosely hanging material." She stated that this had been questioned by Ms. Marchionni, Revolution owner, who had suggested striking the last two sentences. Councilor Lauterborn asked for clarification on why these suggestions hadn't been adopted. Attorney O'Rourke stated that once the site plan is approved, no additional changes can be made without coming back to the City for additional approval. Councilor Lauterborn said she felt this was far too restrictive and would prevent small items such as small seasonal decorations, pillows, or ribbon. Councilor Hainey agreed that certain items such as seat cushions or pillows should be changed out regularly for cleaning, and there should not be a need for additional approvals. Councilor Lachapelle surmised that if a particular type of decoration had already been approved in the site plan, it could be switched out and changed without coming back for approval. Councilor Rice speculated that adding another permitting process might be time prohibitive for a small business which is already stretched thin. Deputy Fire Chief Tim Wilder stated that the verbiage as presented did not come from the fire department; it may relate to larger outdoor gatherings where loose materials in a tent near heating elements could constitute a hazard. Deputy Chief Wilder said he did not object to the suggested strikeouts and did not see the need for restrictions on the types of decorations being suggested such as pillows. Shanna Saunders, Director of Planning, clarified that the site plan would not prohibit use of smaller decorations such as pillows or flags. Councilor Lauterborn **MOVED** to amend 80-26 (K) as follows: "Decorations must be fire retardant and meet NFPA 701 Standards. ~~No decorations permitted except those approved on the site plan. No loosely hanging material.~~" Councilor Rice seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Lachapelle, Hainey, Rice, Abbott, and Lauterborn all voting in favor.

Councilor Lauterborn referred to section 80-27 (A), which had also been questioned by Ms. Marchionni, to the portion reading “No food prep, grilling, cooking, appliances, service counters, wait stations, or bus buckets shall be allowed...” Councilor Lauterborn agreed that the ordinance ought to allow for occasional outdoor cooking for occasions or events such as the Riverwalk dinner, or a restaurant offering an omelet station or something similar. Councilor Lachapelle agreed that occasional use of a grill for a weekend event should be permissible. Ms. Marsh said that this section was added by the health inspector who is not available at the meeting currently for comment. Councilor Lauterborn suggested adding verbiage to allow for temporary or “one off” use of outdoor grills and cooking. Director Grant clarified that when cooking outside, there is potential fire and smoke generated in this area where there would also be traffic passing through. There would also be need for fire suppression if the cooking is being done within a tent or structure. Councilor Lachapelle suggested allowing this type of outdoor cooking activity upon application and approval of a permit. Director Grant suggested adding the fire department and police department to the approval process for this permit due to potential safety concerns with this type of activity. Councilor Lauterborn suggested that if the issue comes up during the summer and a restaurant would like to offer some sort of one-off event involving outdoor cooking/grilling, this ordinance could be revisited and reviewed for a potential change at that time.

Councilor Hainey inquired why use of canopies could not be added back into the ordinance as permissible if they are sturdy and considered “Commercial-grade.” She suggested changing the wording of 80-26 (H) to add “commercial grade...canopies” along with umbrellas and the other structures. Director Grant clarified that the term “Commercial grade” is not a recognized distinction and is a marketing term or sales gimmick which can be used by different manufacturers without a set standard. He recommended if structures are allowed, they should be held to a definitive standard such as the NFPA. Director Grant stated that as far as inspections are concerned, he is limited to what is contained in Chapter 31 for temporary structures, and this chapter primarily gives the responsibility to the fire department for inspections; although even the fire department is limited to particular standards and they do not have criteria established for inspecting these types of structures. Director Grant recommended removing the words “commercial grade” until a time where a specific standard can replace it. Director Grant also specified that by the building code definitions, a canopy is a structure suspended off a building and advised against using these definitions which differ from what is included in the building code. Deputy Fire Chief Adam Hughes agreed that the definition of “canopy” differs greatly from what is being discussed in the ordinance, and stated that the items being discussed for use at outdoor dining areas are tents. Director Grant recommended removing the reference to the IBC codes, because this information is already covered by the NFPA 701 already listed. Attorney O’Rourke stated that there are multiple other NFPA codes regarding tents and advised against using the specific chapter.

Councilor Hainey **MOVED** to remove the words “Commercial grade” and “or IBC” (see below). Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Lachapelle, Lauterborn, Hainey, and Rice voting in favor. Councilor Abbott had been excused from the meeting at 7:00 PM.

H. Canopies over the outdoor dining areas shall not be allowed unless they are completely supported by hardware on the building structure, that is, there shall be no vertical supports in or around the outdoor dining. ~~Commercial-grade umbrellas, porticos, structures or tents shall be allowed if they meet~~

NFPA or IBC codes. They must be securely fastened or anchored in a manner approved by the City Manager and must not extend beyond the area approved for outdoor dining. It is recommended that applicants contact the appropriate City department before purchasing said items to ensure the product is allowed.

Councilor Rice directed the committee to 80-26 (B) regarding special events permits. He stated that although he agreed with the need for these permits, he did not believe the businesses should have to pull a permit for each day of use but rather once every week or month or designated time period. Councilor Lachapelle stated that the permit already allows for an event/performance to occur on a particular day repeating weekly for a certain length of time. Attorney O'Rourke summarized the requirements for the City to treat all applicants equally and give equal opportunity for use of public spaces which would preclude giving one organization use of a space over long periods of time.

Councilor Lauterborn inquired about an item also in section 80-26 (B) which had been brought up by Mr. Benoit during public input regarding what constitutes live entertainment. He had asked if events like trivia night, which can generate noise, would be considered entertainment and require a permit. Director Grant stated that there are, in fact, performance standards written into the zoning code. He said that historically, noise levels coming out of establishments downtown has not been enforced and he cautioned against regulating this type of activity in the ordinances because it could cause live entertainment to be shut down. He specified that a trivia night would likely be considered live entertainment. Attorney O'Rourke confirmed that under the state RSA, this type of public competition would be considered live entertainment and would require a special event permit if the event is taking place on public property.

Councilor Rice clarified that although the outdoor dining issue is coming to fruition due to COVID, it does not mean that once the pandemic is over that outdoor dining should end in Rochester. He stated that he would like to see outdoor dining continue, especially downtown, where it has been a positive change for the City. Ms. Marsh asked that the committee consider a vote on changing the application deadline from February 1 to March 1. Councilor Rice **MOVED** to recommend the amendments to Chapter 80 to the full Council with the inclusion of the application deadline date being changed from February 1 to March 1. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote with Councilors Hailey, Rice, Lauterborn, and Lachapelle voting in favor.

4.2 Building, Zoning, and Licensing Services

4.2.1 Chapter 80 – Food and Food Services (*addendum B*)

Jim Grant, Director of Building, Zoning, and Licensing stated that that there was only one substantive change suggested to the chapter; the remaining changes were minor grammatical or spelling changes. The suggested change in 80-4 (B) is to change the due date for food service establishment licenses from June 20th to June 1st. Director Grant explained that the department receives a large volume of applications during this time period, and the additional time to process and review would be beneficial. The only other change throughout the chapter is changing “TSC” to “TCS” which stands for “Time and Temperature Control for Safety.”

Councilor Rice suggested that TCS be included in section 80-2 “Definitions.” Councilor

Rice **MOVED** to recommend the amendments to Chapter 80 “Food and Food Services” to full Council with the addition of the definition for “TCS” being added to section 80-2. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Rice, Lachapelle, Hailey, and Lauterborn all voting in favor.

4.2.2 Chapter 11 – Adult –Oriented Establishments (*addendum C*)

Attorney O’Rourke stated that after the agenda was set for the Codes meeting, he had discussed this chapter with Director Grant and Planning Director Saunders for further review. He recommended striking this chapter in its entirety. He reported that these establishments are covered under the zoning ordinance which is the appropriate place for them to be, and having the chapter as a stand-alone chapter is restrictive and unnecessary. Councilor Lauterborn **MOVED** to recommend to full Council that Chapter 11 be removed in its entirety. Councilor Rice seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Lauterborn, Rice, Lachapelle, and Hailey all voting in favor.

Chairman Lachapelle announced that the next meeting agenda will include several more BZLS ordinances for review; Chapter 22: Amusements & Entertainment, Chapter 40: Building Construction & Maintenance, Chapter 54: Citations, and Chapter 94: Health and Sanitation. Director Grant said that he had forwarded the 2006 and 2015 International Property Maintenance Codes. He stated that although the changes are relatively minor, they will take some time to review. He advised the committee take a look at the codes to make suggested amendments for the next meeting. It was decided that chapters 110: Junk & Secondhand Dealers, Chapter 135: Mobile Home Parks, and Chapter 162: Pawnbrokers could also be included in the meeting due to the minor changes being made.

4.1 Discussion: Amendment to the General Ordinances of the City of Rochester Creating Chapter 41, Disorderly Residence

Councilor Hailey stated that she has spoken with the Chief of Police and they are working on a new approach for this item. She stated that she will come back to Committee with more information once it is available. It will be placed on the March agenda for further discussion.

5. Other

Councilor Walker referenced Chapter 275-27.3 regarding Impact Fees and said he members of the Planning Board felt there were some gaps in the ordinance which needed to be filled. Councilor Walker stated that the ordinance primarily deals with larger developments with multiple units; there have been instances where there have been older individuals building houses on single lots, or residents moving from one home to another within a short distance, and the Planning Board had inquired about having the authority to waive impact fees in these circumstances. He directed the committee to the suggested amendment he had supplied which would allow the Planning Board to waive impact fees in whole or in part for single family homes on a single lot after the completion of an impact assessment. The assessment would review whether or not the home would partake of City water/sewer, City schools, and police and fire services.

Councilor Lauterborn cautioned against using the criteria of not having children in the school system to avoid impact fees. She stated there are already those who believe they shouldn't have to pay school taxes because they do not have current students enrolled in Rochester schools.

Attorney O'Rourke cautioned against an ad hoc system of giving exemptions which would run contrary to the equal protection clause in the State and Federal constitutions, which require equal people to be treated equally. He clarified that the impact fee is being assessed for the property itself and the development, not for the person who will reside there. He said that theoretically there could be a deed restriction placed on a property prohibiting people over a certain age from ever residing at that location, but that it is very unlikely that an individual would put these restrictions on a property. He stated that impact fees are an "all or nothing" situation and waiving them for certain parties would be opening the municipality up to legal action for discrimination.

Councilor Walker stated that he felt the information provided by the City attorney was not included in the City ordinance, and that as it written it already allows for certain waivers and exemptions. Attorney O'Rourke clarified that although the statute allows for the creation of exemptions, these exemptions need to be determined based on the methodology used to assess impact fees.

Councilor Walker suggested that upon development of a single family home, the City could assess an impact fee; the owner could then have the ability to file an appeal at which time the Planning Board could assess an updated fee based upon their individual impact. Attorney O'Rourke reiterated that the impact fees are assessed to the property, not the resident, and in fact when an impact fee refund is given, it will go to the current resident as opposed to the resident who paid the original fee. He stated that it is the use of the property which determines the fee.

Nel Sylvain, Planning Board Chairman, referenced consultant Bruce Mayberry who had developed the methodology used to determine the impact fees. Mr. Sylvain said that he was under the impression the Board would have the ability to customize the impact fees and adjust the percentages which went to individual municipal services. Mr. Sylvain said that he felt the whole picture had not been accurately presented to the Planning Board at the time and the information being presented currently differs. Councilor Walker stated that he felt the Planning Board should be able to assess the impact fees on a case by case basis if the proposed appeal process is followed.

Chairman Lachapelle said that, where this is an amendment to the zoning ordinance, this discussion and any action taken should come from the Planning Board before going to the full Council. Attorney O'Rourke stated that the Planning Board sets the impact fees, and although they do have the authority to raise or lower them across the board, they cannot legally give waivers to individual property owners based on their demographics. Attorney O'Rourke said there could be a discussion about doing away with the impact fees or changing the percentages, but the system being proposed would not be permitted. Councilor Hainey summarized the requests being made and stated that it appeared there are already allowances for certain waivers within the ordinance. Councilor

Hailey speculated about the possibility of more people coming forward to ask for waivers if these particular waivers are authorized.

Director Grant clarified that water and sewer are not part of the assessed impact fees; this is a separate sewer assessment fee. The impact fees are county, school, municipal, infrastructure, police and fire.

Councilor Rice inquired how often the impact fees could be adjusted by the planning board and if this is done annually. Planning Director Saunders stated that the Planning Board can adjust these fees as often as they deem suitable, but realistically these fees are reviewed every 2-3 years. Mr. Sylvain clarified that the only impact fees which had been adopted by the City were for Fire, Police, municipal, and schools. Director Saunders agreed that the items listed in the ordinance come from the State RSA and are services which the City *could* assess and impact fee, but Rochester only chose to assign values for several of those items.

There was no action taken on this item. It was referred back to the Planning Board for further discussion and recommendation to the full Council.

Councilor Rice asked for a time table on the amendments being made to Chapter 80 of the ordinances regarding outdoor dining. He asked when they would see the proposed changes which would be voted on by full council. He requested a chance to review the changes prior to the amendments being included with the Council packet in order to have adequate time review. Councilor Lachapelle confirmed that the packet would be printed on February 25th with these amendments included for review in advance of the action being taken at the March 2 regular city council meeting,

There was a discussion regarding the proposed change to the due date for outdoor dining applications being moved from February 1 to March 1, which would occur before a vote can be taken on this amendment at the Council level. Councilor Lachapelle stated that the existing ordinance is in place currently with the dates prior to amendment. In the existing ordinance, the due date is February 1 which has already passed and amending the ordinance will not affect applications for this season.

6. Adjournment

Chairman Lachapelle **ADJOURNED** the Codes & Ordinances Committee meeting at 7:48 PM.

Respectfully Submitted,

Cassie Givara
Deputy City Clerk

Dining

THE CITY OF ROCHESTER ORDAINS:

That Chapter 80 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows (deletions ~~struck out~~ additions in **RED**):

Article II
Outdoor Dining Establishments

[Adopted 1-12-2016 (§ 26.10 of the 1995 Code)]

§ 80-14 Requests for use of City property.

Requests for use of City property for outdoor dining providing food and alcohol service shall be made in writing to the City Manager on an annual basis by February 1 with no expectation of continued year-to-year use of the City property on a continuing basis. Requests will only be accepted by businesses licensed to serve food to the public. In the event that a new business opens during the outdoor dining season and wishes to incorporate outdoor dining in its plans, an application will be allowed for the remainder of the dining season only.

§ 80-15 Site plans required.

Such requests shall include a dimensioned site plan of the existing conditions, including a depiction of public infrastructure such as curblines, light poles, bike racks, street trees, tree grates, manhole covers, meters, licensed A-frame signs, adjacent on-street parking and loading zones, adjacent accessible sidewalk curb cuts and the like. Such requests shall also include a dimensioned site plan depicting the proposed table/chair layout plan for outdoor dining, **lighting**, dimensioned routes of travel within the outdoor dining area and on the adjoining public sidewalk, as well as detail sheets for the proposed enclosure system, tables, chairs, lighting, trash receptacles, and the like. These plans will be reviewed by the Technical Review Group and suggestions forwarded to the City Manager. **Once Site Plans are approved, no changes shall be allowed without the approval of the City Manager.**

§ 80-16 Area service agreement; season.

[Amended 3-1-2016]

The terms and conditions of any such requests that are approved by the City Manager in any given year shall be described in an annual area service agreement, which includes a clear depiction of the area approved for outdoor dining use and the time period of approved use ("season"), with said area service agreement to be signed by the City Manager and the party or parties making the request. The season shall run from April 1 through October 31.

- A. Area service agreements shall not be assignable to other parties.
- B. Use of the area subject to the area service agreement (the "area") may be precluded, modified or made subject to any such terms and conditions as may be determined by the City Manager at any time during the season in order to accommodate special municipal events.

§ 80-17 Fee.

A minimum fee for the season of twenty-five dollars (\$25.) shall be required even if the size of the area subject to the agreement is less than 100 square feet. A fee of one dollar (\$1.) per square foot will be charged for the area subject to the agreement for all square feet above 100 square feet. The fee shall be due and

payable to the City of Rochester prior to authorization to use the area.

§ 80-18 Restoration of area.

[Amended 3-1-2016]

The area specified for outdoor dining use in the area service agreement shall be restored upon termination of the area service agreement at season's end. Specifically, at season's end, the enclosure system, tables, chairs and all other materials in their entirety shall be removed from the City-owned area with the area left in an unobstructed, undamaged, clean and sanitary condition at no cost to the City. Semi-permanent objects may remain in the area at season's end at the discretion of the City Manager.

§ 80-19 Indemnification; insurance.

Outdoor dining establishments on City property shall indemnify and hold harmless the City of Rochester and shall maintain and provide insurance of the types and amounts specified by the City's Legal Department and shall list the City as additional insured. A certificate of insurance documenting said types and amounts of insurance is to be submitted to the City's Legal Department before the start of the season.

§ 80-20 Damaging or obstructing public facilities.

Outdoor dining establishments shall not damage sidewalks, curbing, bike racks, street trees, light poles, trash containers, utilities or any other City amenities or infrastructure, or make the same inaccessible for public use (other than within the approved area) or maintenance purposes.

§ 80-21 Hours of operation.

Outdoor dining establishments may utilize the area for outdoor dining during their normal business hours, except that all tables within the area shall be cleared of all food and alcoholic beverages by 1:00 am Monday through Sunday with no alcohol served within the area subsequent to 1/2 hour before the foregoing closure times.

§ 80-22 Alcoholic beverages.

- A. Outdoor dining establishments shall agree at all times to comply with all laws, rules and regulations of the New Hampshire State Liquor Commission and all other local, state and federal laws. Approval of the area service agreement by the State Liquor Commission is required. Alcoholic beverage violations shall be self-reported to the State Liquor Commission and the City Manager. See RSA 178:24 and 179:27.
- B. Outdoor dining establishments shall only serve alcoholic beverages to patrons who are seated at a table and who are ordering food with service at tables conducted by wait staff only.

§ 80-23 Accessibility.

Outdoor dining establishments will agree that they shall be solely responsible for compliance with the Americans with Disabilities Act (ADA).

§ 80-24 Suspension of area service agreement.

The area service agreement may be suspended at the sole discretion of the City on an administrative basis.

§ 80-25 Revocation of area service agreement.

The area service agreement may be revoked in its entirety, excepting for indemnity provisions, by the City Manager at any time.

§ 80-26 Site design standards for establishments with alcohol service.

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

- A. Outdoor dining establishments shall 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/her designee; special attention shall be paid to the method used to support the enclosure system in order to avoid damage to public property and ensure public safety; the minimum height of the enclosure system shall be 30 inches and the maximum height shall be 36 inches, **measured from the lowest point of the public space being utilized.**

- B. Outdoor dining establishments shall not have live entertainment of any type located outside **unless the establishment has applied for and received a Special Event permit pursuant to RSA 286 and Chapter 123 of this Code.**, 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.
 - C. 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 New Hampshire State Liquor Commission approval for particular licensees. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
 - D. The internal dimensions and table/chair layout of the outdoor dining area must allow for the passage of customers and wait staff and shall, in any event, meet ADA requirements.
 - E. Outdoor dining establishments must provide a five-foot radius clearance from the center of restaurant doorways (exterior), and doorways shall be kept clear at all times and a five-foot minimum clear pedestrian path in front of restaurant doorways (exterior) shall be maintained at all times.
 - F. The enclosure system, tables and chairs shall be movable/nonpermanent. **The applicant shall affix and maintain rubber tips or equivalent to the legs of any table or chairs used on concrete, brick or granite surfaces. It is the applicant's responsibility to ensure that all movable items within the outdoor dining area are secured against wind or theft. The City accepts no liability for lost, stolen or damaged property**
 - G. In all areas where outdoor dining establishments are allowed the width for the pedestrianway adjacent to the area shall, at a minimum, be three feet and, in any event, meet ADA requirements, but will depend on site conditions. The pedestrianway in both instances shall allow for and provide clear unimpeded passage and access along the area. The pedestrianway shall be located entirely on the public sidewalk and shall meet criteria that ensure pedestrian safety, usability and ADA compliance. In no event shall the area interfere with accessibility or public safety, including safe lines of sight for motor vehicles.
 - H. Canopies over the outdoor dining areas shall not be allowed. ~~unless they are completely supported by hardware on the building structure, that is, there shall be no vertical supports in or around the outdoor dining.~~ **Umbrellas, porticos, structures or tents shall be allowed if they meet NFPA codes. They must be securely fastened or anchored in a manner approved by the City Manager and must not extend beyond the area approved for outdoor dining. It is recommended that applicants contact the appropriate City department before purchasing said items to ensure the product is allowed.**
- ~~Table umbrellas are allowed, but must not extend beyond the area and must be anchored.~~
- I. No object strictly related to advertising shall be allowed in the area **except in accordance with Chapter 275, Article 29 of this Code.**

- J. No improvements or personal property located within the area shall extend on or over any City property located outside the area.

K. Decorations must be fire retardant and meet NFPA 701 Standards.

§ 80-27 Rules and regulations.

Outdoor dining establishments shall agree at all times to comply with all local laws, rules, regulations and orders, including but not limited to the following:

- A. The Health Department shall approve outdoor food service operations and cleaning operations, with the area to be left in a clean and sanitary condition at all times, and no outdoor garbage containers will be permitted. The area shall be left in clean condition at close of business with all garbage removed in its entirety from the area, and any ground debris swept up, at close of daily business. No food prep, grilling, **cooking, appliances, service windows, service counters, wait stations,** or bus buckets shall be allowed in the area and no condiments, paper products or the like shall be stored on the tables in the area. The Health Department shall review/approve that kitchen facilities are sufficient to support additional seating.
- B. The Director of Buildings, Zoning, and Licensing Services shall review/approve that bathroom facilities are sufficient to support outdoor dining seating. **Outdoor dining capacity must be in compliance with State law and the Food Code to ensure that each restaurant is approved for additional seating.**
- ~~C. Only decorative lighting shall be permitted.~~
- C. The permittee is responsible for removing trash and regularly cleaning the areas being used for outdoor dining (including the areas where servers traverse between the restaurant and extended tables and chairs). Restaurant patron trash shall only be disposed of in the restaurant's commercial trash containers and not in the sidewalk trash receptacles.**
- D. A place of assembly inspection and updated place of assembly permit shall be required from the Fire Department, and the Fire Department shall review/approve means of egress as part of the Technical Review Group process.

§ 80-28 Approval of agreement.

No area service agreement should be approved by the City Manager except in conformance with the foregoing.

§ 80-29 Other terms and conditions.

The above are policy guidelines that will serve as the basis for area service agreements, which may include other terms and conditions deemed by the City Manager to be in the public interest.

§ 80-30 Number and location of establishments.

The number and location of outdoor dining establishments on City property shall be at the sole unfettered discretion of the City Manager acting in the public interest, and no entitlement is created by this policy for any party to have outdoor dining at any location.

Effective immediately upon passage.

Amendments to Chapter 80 of the General Ordinances of the City of Rochester

THE CITY OF ROCHESTER ORDAINS:

That Chapter 80 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows (deletions ~~struck out~~ additions in **RED**):

Chapter 80

Food and Food Service

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

GENERAL REFERENCES

Health and sanitation — See Ch. 94.

Article I

Food Service Establishments

[Adopted 6-6-1995 as Ch. 25, Art. 3, of the 1995 Code; amended 8-4-1998; 6-15-2004; 5-1-2007]

§ 80-1 Food Code adopted.

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

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

§ 80-2 Definitions.

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

BOARD

The Board of Health of the City of Rochester.

FOOD CODE

The State of New Hampshire, State Department of Health and Human Services, 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 Human Services.

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

FOOD SERVICE ESTABLISHMENT

Any fixed or mobile restaurant, temporary food service establishment, cafeteria, coffee shop, cocktail lounge, catering kitchen, sidewalk cafe, commissary, grill, luncheonette, short-order cafe, sandwich shop, soda fountain, ice cream shop, mobile ice cream truck, mobile lunch truck, tearoom, drive-in theater, mobile theater, drive-in restaurant, nightclub, roadside stand, grocery store, meat market, bakery, warehouse, juice bar, industrial feeding establishment, food vending operation **with TCS* foods** (whether attended or unattended), private, public or nonprofit organization or institution serving the public, or similar place in which food is prepared for sale or consumption or any establishment where

food is stored, manufactured and/or processed or packaged or any other eating or drinking establishment where food or drink is served or provided for the public with or without charge.

HEALTH OFFICER

The Health Officer of the City of Rochester or his/her designee.

SEASONAL FOOD SERVICE ESTABLISHMENT

Any food service establishment as defined above, fixed or mobile, which operates within the City of Rochester for a period of time longer than 14 days but no longer than six months during any fiscal year, and provided, further, that the applicant seeking a license for a seasonal food service establishment shall be required to designate in writing, at the time of filing an annual application for such license, the six months in which such seasonal food service establishment shall be operated, and such months shall be noted on the license issued to such applicant.

TEMPORARY FOOD SERVICE ESTABLISHMENT

Any food service establishment as defined above which operates at a fixed location for a temporary period of time, not to exceed 14 days, in connection with a fair, carnival, circus, public exhibition, or similar transitory gathering.

TCS

Time/Temperature Control for Food Safety

§ 80-3 License required.

It shall be unlawful for any person to operate a food service establishment within the City of Rochester who does not possess a valid license for that purpose issued to him/her by the Board. Only a person who complies with the requirements of this article shall be entitled to receive and retain such a license. Licenses shall not be transferable from one person to another person or another place. A valid license shall be conspicuously posted in every food service establishment. Licenses for temporary food service establishments shall be issued for a period of time not to exceed 14 days.

§ 80-4 Issuance of license; fees.

[Amended 9-3-2013; 3-5-2019]

Every applicant for a license to operate a food service establishment shall make written application therefor on forms provided by the Board. Upon receipt of an application and the designated license fee, and after inspection to ensure compliance with the Sanitary Food Code, a license shall be issued to the applicant by the Board if the requirements of this article have been met. All licenses issued hereunder shall expire on the first day of July in each year.

A. Fees. Based upon highest classification.

- (1) Class A. Food service establishments having a seating capacity of 200 persons or more; retail food store with four or more food preparation areas: three hundred dollars (\$300.).
- (2) Class B. Food service establishments having a seating capacity of 100 through 199 persons; retail food store with two to three food preparation areas: two hundred dollars (\$200.).

- (3) Class C. Food service establishments having a seating capacity of more than 25 but fewer than 100 persons; retail food store with one food preparation area; caterers; bar or lounge that serves food; service/fraternal clubs with bar/liquor lounges; nursing homes: one hundred fifty dollars (\$150.).
 - (4) Class D. Food service establishments with a seating capacity of 25 or fewer (including but not limited to bakeries); food service establishments with take-out service and no seating; drive-in movie theaters; service/fraternities and sororities; group day-care facilities; shared homes; rest homes; sheltered homes; boarding homes; home food manufacturers; and mobile food operators: one hundred dollars (\$100.).
 - (5) Class E. Bed-and-breakfast; ice cream vendors - scooping; lodging facilities serving continental breakfast: eighty-five dollars (\$85.).
 - (6) Class F. Retail food store - no preparation areas; wholesalers/distributors of ~~TSC~~ **TCS*** food; vending machines serving ~~TSC~~ **TCS*** foods; bakeries which do not serve ~~TSC~~ **TCS*** food or have seating; food service establishments selling only pre-packaged products: seventy-five dollars (\$75.). (~~TSC~~ **TCS*** - Time/Temperature Control for Food Safety)
 - (7) Class G. Bar or lounge with no food preparation area that serves alcohol; arena/theater concessions serving non-~~TSC~~ **TCS*** food; retail food stores serving pre-packaged ice cream only; institutions; private schools; senior meal sites; sellers of pre-packaged frozen USDA meat or poultry; temporary food establishments; ~~vending machine operators per location that do not dispense TSC* food~~; social clubs; residential day-care facilities: fifty dollars (\$50.). (~~TSC~~ **TCS*** - Time/Temperature Control for Food Safety)
 - (8) Class H. Nonprofit charitable organizations not holding a liquor license and not serving meals on a daily basis; public and private schools; government facilities: no fee.
 - (9) Class I. Seasonal food service establishments (open less than six months of the year): fee is 1/2 the annual fee for corresponding nonseasonal Class A through Class H establishments set forth above.
 - ~~(10) Class J. Food establishments at Rochester Fair: sixty-five dollars (\$65.).~~
- B. All applications for food service establishment licenses shall be filed with the Board on or before June ~~20~~ **1st** of each year. In addition to the fees provided for in this section, there shall be a late fee of ten dollars (\$10.) for any renewal application received after June ~~20~~ **1st** of any year.

§ 80-5 Suspension of license.

- A. If in the judgment of the Health Officer a licensee has failed to comply with any provision of this article, the licensee shall be notified in writing by the Health Officer of such failure of compliance and the licensee shall thereafter immediately bring his/her food service establishment into compliance with this article. If the licensee fails to bring his/her food service establishment into compliance with this article, the Health Officer may petition the Board in writing that the license be suspended and the Board shall give the licensee at least seven days' notice of the scheduling of the hearing on said petition. As a result of said hearing, the Board may suspend the license during such a period of time as the failure of compliance exists.
- B. Notwithstanding any other provision of this article, whenever the Health Officer or Board finds

unsanitary or other conditions in the operation of a food service establishment which, in his/her or its judgment, constitute a substantial and immediate hazard to the public health, the Health Officer or any member of the Board may issue a written notice to the licensee citing such condition and the corrective action to be taken and specifying the time period within which such action shall be taken. Any person to whom such order is issued shall immediately comply therewith but upon written petition to the Board shall be afforded a hearing as soon as possible and not later than seven days from submission of such petition. Pending a hearing on such petition, if the Health Officer finds an immediate and substantial hazard to public health, he/she may order that the license be immediately suspended and all food service operations immediately discontinued.

§ 80-6 Reinstatement of suspended license.

Any person whose license has been suspended may, at any time, make application for a reinspection for the purpose of reinstatement of the license. Within five days following receipt of a written request, including a statement signed by the applicant that in his/her opinion the conditions causing suspension of the license have been corrected, the Health Officer shall make a reinspection. If the Health Officer shall find that the food service establishment is in compliance with the requirements of this article, he/she shall so certify in writing to the Board and the license shall be reinstated forthwith.

§ 80-7 Revocation of license.

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

For serious or repeated violations of any of the requirements of this 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 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 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 period. A license may be suspended for cause pending its revocation or hearing relative therein.

§ 80-8 Hearing.

The hearings provided for in this article shall be conducted by the Board at the time and place designated by it. The Board need not make a record of such hearing beyond that required by the Right To Know Law. The Board shall make its finding based upon the evidence and testimony presented at the hearing and shall sustain, modify or rescind any official notice or order in issue at the hearing. The Board may make any further findings, orders or rulings it shall deem necessary and appropriate as a result of such hearing. A written report of the hearing decision shall be furnished to the licensee by the Board.

Commented [1]: Editor's Note: See RSA 91-A.

§ 80-9 Inspection of food service establishments.

At least annually the Health Officer shall inspect each food service establishment located in the City of Rochester and shall make as many additional inspections and reinspections as are necessary for the enforcement of this article.

§ 80-10 Access to establishments.

The Health Officer, after proper identification, shall be permitted to enter at any reasonable time any food service establishment for the purpose of making inspections to determine compliance with this article. He/she shall be permitted to examine the records of the establishment and to obtain pertinent information pertaining to food and supplies purchased, received, or used, and persons employed.

§ 80-11 Service of notices.

Notices provided for under this article shall be deemed to have been properly served when the original of the

inspection report form or other notice has been delivered personally to the licensee or person in charge of the food service establishment or such notice has been sent by registered or certified mail, return receipt requested, to the last known address of the licensee. A copy of such notice and return receipt shall be filed with the records of the Health Officer.

§ 80-12 Food from food service establishments outside City.

Food from food service establishments from outside the City of Rochester may be sold within the City of Rochester if such food service establishment conforms to the provisions of this article or to substantially equivalent provisions. To determine the extent of compliance to such provisions the Health Officer may accept reports from responsible authorities in other jurisdictions where such food service establishments are located.

§ 80-13 Review of future construction.

When a food service establishment is hereafter constructed or extensively remodeled, or when an existing structure is converted for use as a food service establishment, plans and specifications for such construction, remodeling or alteration, showing layout, arrangement and construction materials or work areas and the location, size and type of fixed equipment and facilities, shall be submitted to the Health Officer for approval with respect to compliance with this article before such work is begun. No building permit shall be issued until such approval has been given by the Health Officer.

Amendments effective upon passage.

THE CITY OF ROCHESTER ORDAINS:

That Chapter 11 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows (deletions ~~struck out~~ additions in RED):

~~Chapter 11~~ **Adult-Oriented Establishments**

~~[HISTORY: Adopted by the City of Rochester 6-6-1995 as Ch. 25, Art. 4, of the 1995 Code.
Amendments noted where applicable.]~~

GENERAL REFERENCES

Amusements and entertainment—See Ch. 22.

Health and sanitation—See Ch. 94.

Nuisances—See Ch. 149.

Peace and good order—See Ch. 167.

Zoning—See Ch. 275.

~~§ 11-1 Legislative findings and purpose.~~

It is hereby found:

- A. ~~That there are a number of types of adult oriented establishments which when established require special supervision from the City's public safety agencies in order to protect and preserve the health and welfare of the patrons of such establishments, as well as the health, safety and welfare of the citizens of the City.~~
- B. ~~Statistics and studies performed by a substantial number of cities and towns in the United States indicate that:~~
- ~~(1) Large numbers of persons, primarily male, frequent such adult oriented establishments, especially those which provide closed booths, cubicles, studios and rooms for the private viewing of so-called "adult" motion pictures and/or videotapes and/or live entertainment;~~
 - ~~(2) Such closed booths, cubicles, studios and rooms have been used by patrons, clients or customers of such adult oriented establishments for the purpose of engaging in certain sexual acts;~~
 - ~~(3) Male and female Pprostitutes have been known to frequent such establishments in order to provide sex for hire to the patrons, clients or customers of such establishments within such booths, cubicles and rooms;~~
 - ~~(4) Doors, curtains, blinds and/or other closures installed in or on the entrances and/or exits of such booths, cubicles, studios and rooms which are closed while such booths, cubicles, studios and rooms are in use encourage patrons using such booths, cubicles, studios and rooms to engage in sexual acts therein with~~

~~prostitutes and/or with other members of the same sex, thereby promoting and encouraging prostitution and the commission of sexual acts which cause blood, semen and urine to be deposited on the floors and/or walls of such booths, cubicles, studios and rooms, which deposits could prove detrimental to the health and safety of other persons who may come into contact with such deposits; and~~

~~(5) The reasonable regulation and supervision of such adult-oriented establishments tends to discourage such sexual acts and prostitution, and thereby promotes the health, safety and welfare of the patrons, clients and customers of such establishments.~~

~~C. The continued unregulated operation of adult-oriented establishments, including, without limitation, those specifically cited in Subsection A of this section, is and would be detrimental to the general welfare, health and safety of the citizens of Rochester.~~

~~D. It is not the intent of the City, in enacting this chapter, to deny to any person rights to speech protected by the United States and/or State Constitutions, nor is it the intent of the City to impose any additional limitations or restrictions on the contents of any communicative materials, including sexually oriented films, videotapes, books and/or other materials. Further, by enacting this chapter, the City does not intend to deny or restrict the rights of any adult to obtain and/or view any sexually oriented materials protected by the United States and/or State Constitutions, nor does it intend to restrict or deny any constitutionally protected rights that distributors or exhibitors of such sexually oriented materials may have to sell, distribute or exhibit such materials.~~

~~§ 11-2 Definitions.~~

~~For the purposes of this chapter, the following words and phrases used therein shall have the following meanings ascribed to them:~~

~~ADULT BOOKSTORE~~

~~An establishment having a substantial or significant **primary** portion of its stock and trade in books, films, videocassettes, or magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined below, and in conjunction therewith has facilities for the presentation of adult entertainment, as defined below, and including adult-oriented films, movies or live entertainment, for observation by patrons therein.~~

~~ADULT ENTERTAINMENT~~

~~Any exhibition of any adult-oriented motion pictures, live performance, display or dance or any type performance which has as a substantial or significant **primary** 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.~~

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

~~ADULT MINI-MOTION PICTURE THEATER~~

~~An enclosed building with a capacity of fewer than 50 persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined below, for observation by patrons therein.~~

~~ADULT MOTION PICTURE THEATER~~

~~An enclosed building with a capacity of 50 or more persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined below, for observation by patrons therein.~~

~~ADULT-ORIENTED ESTABLISHMENT~~

~~Includes, without limitation, adult bookstores, adult motion picture theaters, and adult mini motion picture theaters and further means any premises to which the public, patrons, or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. An adult oriented establishment further includes, without limitation, any adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio, or any other term of like import.~~

~~EMPLOYEE~~

~~Any and all persons, including independent contractors, who work in or at or render any services directly related to the operation of an adult oriented establishment.~~

~~ENTERTAINER~~

~~Any person who provides entertainment within an adult oriented establishment.~~

~~MINOR~~

~~Shall be deemed to be a person under the age of 18 years.~~

~~OPERATOR~~

~~Any person, partnership or corporation operating, conducting or maintaining an adult oriented establishment.~~

~~SPECIFIED ANATOMICAL AREAS~~

~~A. — Less than completely and opaquely covered:~~

~~(1) — Human genitals or pubic region;~~

~~(2) — Buttocks; or~~

~~(3) — Female breasts below a point immediately above the top of the areola; and~~

~~B. — Human male genitals in a discernibly turgid state, even if completely opaquely covered.~~

~~SPECIFIED SEXUAL ACTIVITIES~~

~~A. — Human genitals in a state of sexual stimulation or arousal.~~

~~B. — Acts of human masturbation, sexual intercourse or sodomy.~~

- C. ~~Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.~~
- D. ~~"Sexual activities" as used in this chapter, is not intended to include any medical publications or films or bona fide educational publications or films, nor does it include any art or photography publications which devote at least 25% of the lineage of each issue to articles and advertisements dealing with subjects of art or photography. Nor does this definition apply to any news periodical which reports or describes current events and which from time to time publishes photographs of nude or semi-nude persons in connection with the dissemination of the news. Nor does this definition apply to publications or films which describe and report different cultures and which, from time to time, publish or show photographs or depictions of nude or semi-nude persons when describing cultures in which nudity or semi-nudity is indigenous to the population.~~

§ 11-3 Requirements for adult-oriented establishments.

- A. ~~No operator or employee of an adult-oriented establishment shall allow or permit any minor to loiter in any part of such establishment, including parking lots immediately adjacent to such establishment used by patrons of such adult-oriented establishment.~~
- B. ~~Every adult-oriented establishment doing business in the City shall be well lighted at all times and be physically arranged in such a manner that the entire interior portion of the booths, cubicles, rooms or stalls, wherein adult entertainment is provided, shall be clearly visible from the common areas of the premises. Visibility into such booths, cubicles, rooms or stalls shall not be blocked or obscured by doors, curtains, partitions, drapes, or any other obstruction whatsoever. It shall be unlawful to install enclosed booths, cubicles, rooms or stalls within adult-oriented establishments for whatever purposes, but especially for the purpose of providing for the secluded viewing of adult-oriented motion pictures, or other types of adult-oriented entertainment.~~
- C. ~~Each adult-oriented establishment shall be responsible for and shall provide that any room or other area used for the purpose of viewing adult-oriented motion pictures or other types of live entertainment shall be well lighted and readily accessible at all times and shall be continuously open to view in its entirety. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than 1.0 footcandle as measured at the floor level. It shall be the duty of the operator and its agents to ensure that the illumination described above is maintained at all times that any patron is present in the premises.~~
- D. ~~No apertures or openings of any kind shall be allowed to exist between any two booths, cubicles, rooms or stalls used for the purpose of viewing adult-oriented motion pictures or other types of adult entertainment.~~
- E. ~~Every act or omission by an employee constituting a violation of the provisions of this chapter shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge or approval of the operator or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.~~
- F. ~~An operator shall be responsible for the conduct of all employees while on the licensed premises, and any act or omission of any employee constituting a violation of the provisions of this chapter shall be deemed the act or omission of the operator for purposes of determining whether the operator shall be~~

G. ~~All adult-oriented establishments shall be open to inspection at all reasonable times by the Rochester Police Department and/or employees of the Building, Zoning, and Licensing Services Department of the City. [Amended 10-15-2013]~~

~~§ 11-4 Violations and penalties.~~

A. ~~Any person, partnership or corporation who or which is found to have violated this chapter shall be fined a sum not exceeding one thousand dollars (\$1,000.) for each such violation.~~

B. ~~Each violation of this chapter shall be considered a separate offense, and any violation continuing more than one hour of time shall be considered a separate offense for each hour of violation.~~

~~§ 11-5 Severability.~~

~~Should any court of competent jurisdiction declare any section, clause or provision of this chapter to be unconstitutional, such decision shall affect only such section, clause or provision so declared unconstitutional and shall not affect any other section, clause or provision of this chapter.~~

Amendments effective upon passage.

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City Clerk's Office



Rochester City Council

Community Development Committee

MEETING MINUTES

Elaine Lauterborn, Chair
 Donna Bogan, Vice Chair
 Doug Lachance
 Laura Hainey
 Palana Belken

Meeting Date:	Monday, February 22, 2021	
Members Present:	Palana Belken Donna Bogan Elaine Lauterborn	Members Absent: Laura Hainey Doug Lachance
Guests/Staff:	Julian Long, Rochester Community Development Coordinator Christopher Miller, Easter Seals David Saitz, Easter Seals Scott Lawler, Norway Plains Peter Roche, Development Synergies LLC	

Councilor Lauterborn called the meeting to order at 6:00 p.m. Councilor Bogan made a motion to approve the January 25, 2021 committee meeting minutes, and Councilor Belken seconded the motion. The motion passed unanimously.

PUBLIC INPUT	No public input was received.
EASTER SEALS – Affordable Housing Project Presentation	<p>Mr. Miller provided a brief overview of The Homemakers and Easter Seals and both entities' relationship with Strafford County and the City of Rochester in providing health and health-related supportive services for elderly Rochester residents. Easter Seals is proposing 80 units of affordable supportive senior housing to be located at the Rochester Easter Seals property (formerly The Homemakers). It would involve renovation, including energy efficiency improvements, and expansion of an existing building located on the property. Easter Seals also proposes to donate undeveloped, wooded land to the Champlain Forest lands as overseen by the Society for the Protection of NH Forests. Mr. Miller also discussed the costs of developing the needed infrastructure for the project, such as a pump station.</p> <p>Councilor Lauterborn expressed excitement for the project and praised the design and details of the project. Mr. Long offered to add Easter Seals to the list of organizations that receive notifications regarding Rochester Community Development Block Grant (CDBG) grant application availability.</p> <p><i>A copy of the Easter Seals project overview is included with these minutes.</i></p>

**FY 2022
MUNICIPAL
FUNDING
APPLICATIONS –
Second Review**

Councilor Lauterborn informed the committee members that COAST has amended its FY 2022 funding request to reduce its request to the FY 2021 funding received.

Motion was made by Councilor Bogan and seconded by Councilor Belken to revise the FY 2022 recommended allocation to COAST to \$170,388. The motion passed unanimously.

Municipal Funding Recommendations

- EasterSeals (formerly The Homemakers): \$9,500
- Cornerstone VNA: \$28,826
- Community Action Partnership of Strafford County: \$10,000
- COAST: \$170,388
- SOS Recovery Center: \$25,000
- East Rochester Library: \$5,000 *(subject to pro-rating should the library remain closed to the public due to COVID-19)*

**FY 2022 CDBG
GRANT
APPLICATIONS –
Second Review**

The committee members discussed the Community Development Block (CDBG) Grant applications requesting FY 2022 CDBG funding and recommendations from the Rochester Welfare Director.

Motion was made by Councilor Bogan and was seconded by Councilor Belken to allocate any FY 2022 CDBG grant funds in excess of the \$1,000 already promised to Strafford Nutrition Meals on Wheels to be allocated to My Friend's Place. The motion passed unanimously.

Public Service Agencies

- My Friend's Place: \$7,500 *(if additional funds become available beyond the \$1,000 for SNMOW, those additional funds should be allocated to MFP)*
- Dover Adult Learning Center: \$5,000
- Strafford Nutrition Meals on Wheels: \$2,000 *(if additional funds become available, \$1,000 in additional funds should be allocated for SNMOW)*
- MY TURN: \$4,000
- Cross Roads House: \$6,448
- Court-Appointed Special Advocates of NH: \$1,000
- HAVEN: \$2,500
- SHARE Fund: \$4,000

The committee discussed the housing rehabilitation and public facilities grant applications.

Housing Rehabilitation and Public Facilities

- Homeless Center for Strafford County – Ductwork for New Shelter: \$35,000
- Waypoint NH – New Drop-in Center for Homeless Youth: \$50,000

	<ul style="list-style-type: none"> Community Action Partnership of Strafford County – Weatherization Program: \$55,572 (<i>if additional funds become available, the additional housing rehabilitation and public facilities funds should be allocated to CAP</i>) <p><i>Motion was made by Councilor Belken and seconded by Councilor Bogan to approve the above funding recommendations.</i> The motion passed unanimously.</p>
FY 2022 DRAFT ANNUAL ACTION PLAN – Second Review and Approval	Councilor Lauterborn suggested that the FY 2022 draft annual action plan be submitted to the City Council at the March meeting and the public hearing at the March workshop session. Mr. Long replied that he would schedule these for the March meetings.
COMMUNITY DEVELOPMENT PROGRAM REPORT	Mr. Long gave a brief overview of recent CDBG program activity, including the completion of the Triangle Club electrical systems project and the beginning of the Rochester Child Care Center fire sprinklers project.
OTHER BUSINESS	Councilor Lauterborn asked if it was necessary to hold a committee meeting in March. Mr. Long confirmed that he does not currently have any committee action items that would necessitate a meeting in March

The meeting was adjourned at 6:39 p.m.

Next Meeting – Monday, April 19, 2021, at 6:00 p.m., Cocheco Conference Room, City Hall Annex, 33 Wakefield St.

Topics – Community Development Program Report

Champlin Place...

a high quality supported residential environment for Older Adults in Rochester and Strafford County

Introduction/Mission

Building upon the legacy of the Champlin family, Strafford County Homemakers, and countless advocates for senior care, EasterSeals NH is proud to present this preliminary concept plan for the transformation of an extraordinary 140-acre parcel of land into a master planned campus of affordable housing, supportive services and recreational amenities designed to serve Rochester and Strafford County residents seeking to age with dignity in a supported residential community.

Our goal is to provide high quality, sustainable housing options (60-80 units) older adults with incomes ranging from 30-80% of the area median income (approx. \$20k to \$70K), together with an array of optional support services that will enable seniors to “age in place”, without resorting to potentially avoidable, more costly institutional settings which are often less desirable and less well suited to the interests of seniors in our community. While these apartments serve as the foundation of the development plan, our vision offers far more than housing as community benefit. Indeed, by partnering with the NH Forest Society, we propose to convey approximately 120 pristine acres of land for the preservation and expansion of the community trail network known as the William H Chaplin Jr. Forest. Further, we propose to explore the development of community gardens adjacent to the proposed housing development, and the potential rehabilitation of the existing EasterSeals service center as a resource for the education of graduate and undergraduate students from nearby UNH, a potential source of employment for professional service providers, and a locus for the delivery of resident services to older adults in Rochester and Strafford County.

A bold vision indeed, and a vision that will only succeed with the strong support of key stakeholders in the broader Rochester community.

The Development Team

The bold vision expressed for Champlin Place requires a development team with both the skills and the experience necessary to achieve those high expectations for generations to come. In response, EasterSeals NH has assembled a team of New Hampshire’s most qualified professionals, as summarized below.

- ❖ Developer/Owner/Manager... EasterSeals NH, founded in 1936 and serving more than 28,000 NH residents each year, EasterSeals has a clearly aligned mission, a deep reservoir of talent within its senior management ranks, and the demonstrated commitment to see this project through completion.

- ❖ Development Advisor... Development Synergies LLC has provided advisory services to a range of independent and supported housing developments across New England, resulting in the construction or redevelopment of more than 6,000 units of housing.
- ❖ Market Square Architects... one of NH's fastest growing design firms, licensed to practice in 25 states across the nation, with deep experience with market rate and affordable senior housing, both independent and assisted living.
- ❖ Norway Plans, Civil Engineer... a trusted and highly experienced civil engineering firm, with deep roots in the Rochester community and decades of experience in creative and sustainable land development.

Financing Plan

The Champlin Place Financial Plan is currently being developed in parallel with the design/development plan, the identification of market and affordability goals, and a clearer understanding of community resources. However, we do anticipate success in securing significant NHHFA resources and private investment through the syndication of Low Income Tax Credits, Federal Home Loan Bank of Boston capital, the participation of local financial institutions and other traditional housing resources. Perhaps the biggest unknown, at this point in time, is capital funding for the significant off-site infrastructure investment which may be required to ensure long term public services (e.g. public water/sewer) along Health Care Drive. Based upon preliminary discussions with the City of Rochester, we estimate those off-site costs could range from \$500k-750k, with no clear path for funding. We hope to discuss funding options with the Rochester Community Development Committee, (CDBG, TIF, HUD 108, etc.).

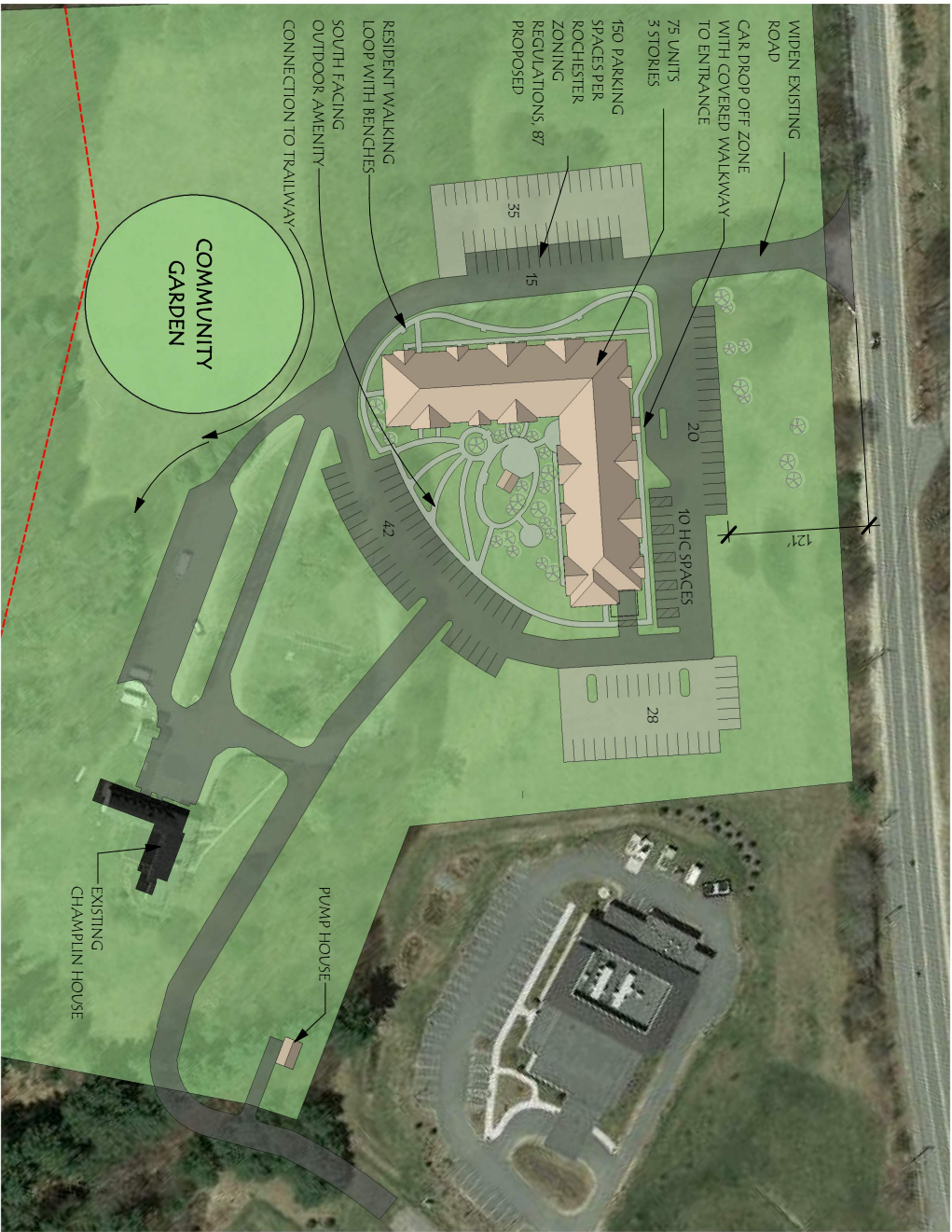
Community Benefits

In brief, we believe this extraordinary new supported housing campus, will provide a unique range of community benefits, including:

- ❖ 60-80 affordable, supportive apartments for older adults... not currently available in Rochester
- ❖ 120 acres of conservation land, an expanded trail network, including accessible trails adding to the existing SPNHF Champlin Forest, for a total of approximately 300 acres.
- ❖ Community gardens accessible to both older individuals and the broader community.
- ❖ Preserve/enhance the existing EasterSeals service center and explore new educational and employment relationships with UNH graduate and undergraduate programs in disciplines focused on senior health care and other services such as forestry, horticulture and recreation.
- ❖ Expand economic development opportunities along Health Care Drive



Introducing Champlin Place by EasterSeals NH....
An affordable, supported residential environment for Rochester & Strafford County Seniors



① SITE PLAN
1" = 100'-0"



RESOLUTION ADOPTING AN FY 2022 ROCHESTER CDBG
“ACTION PLAN FOR THE CITY OF ROCHESTER, N.H.” AND
APPROVING AND APPROPRIATING THE FY 2022 COMMUNITY DEVELOPMENT
BUDGET FOR THE CITY OF ROCHESTER

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

I. That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby adopt the one-year FY 2022 (July 1, 2021—June 30, 2022) “Action Plan for the Community Development Block Grant (CDBG) Program for the City of Rochester, N.H.,” as prepared and presented to the Mayor and City Council by the City of Rochester Office of Economic and Community Development, in connection with the City’s CDBG program, including the goals, objectives, and concepts set forth therein;

II. Further, that a twelve (12) month Community Development Block Grant budget for the Office of Economic and Community Development for the City of Rochester in the total amount of Two Hundred Sixteen Thousand Three Hundred Dollars (\$216,300) be, and hereby is, approved and appropriated for fiscal year 2022 (July 1, 2021—June 30, 2022). Included in said approval and appropriation are expenditures set forth in the one-year action plan of the Office of Economic & Community Development for the City of Rochester for the Community Development Block Grant program, in the following categories and amounts:

Administration and Planning	\$ 43,260.00
Public Service Agencies	\$ 32,445.00
Housing/Public Facilities/Infrastructure	\$ 140,595.00
Total	\$ 216,300.00

III. Further, that One Hundred Forty Three Thousand Eight Hundred Sixty Five Dollars and Ninety Cents (\$143,865.90) in the Job Opportunity Benefit revolving loan fund loan fund, plus the principal and interest received monthly from existing loans’ repayments, be appropriated for continued use in the FY 2022 Action Plan year in granting loans to qualified small businesses that commit to the creation and/or retention of jobs made available to low to moderate-income Rochester residents.

This budget and the one-year action plan for FY 2022 may be reconsidered if federal funding is changed or if it is inconsistent with the total FY 2022 budget adopted for the Office of Economic and Community Development.

The sums necessary to fund the above appropriation in the amount of Two Hundred Sixteen Thousand Three Hundred Dollars (\$216,300) shall be drawn in their entirety from the above-mentioned FY 2022 Community Development Block Grant from the federal government to the City of Rochester. The Finance Director is hereby authorized to create such line item accounts as shall be necessary to implement this Resolution.

Furthermore, in the event that federal funding for the above Community Development Block Grant budget is less than the total appropriation amount provided for in this Resolution, then, and in such event, the City Manager, or the City Manager’s designee in the Office of Economic and

Community Development, is authorized to adjust the amounts for the budgetary categories stated above, as well as for any planned grants and/or other expenditures made from within such budgetary categories.



02/25/2021

City of Rochester Formal Council Meeting

AGENDA BILL

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

AGENDA SUBJECT

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

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

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

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

LEGAL AUTHORITY

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SUMMARY STATEMENT

RECOMMENDED ACTION

AGENDA BILL - FUNDING RESOLUTION

EXHIBIT

Project Name: Date: Fiscal Year:

Fund (select):

GF Water Sewer Arena CIP Water CIP Sewer CIP Arena CIP Special Revenue Fund Type: Lapsing Non-Lapsing

Deauthorization

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

Appropriation

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

Revenue

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

DUNS # CFDA # Grant # Grant Period: From
To

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

Reimbursement Request will be reduced Funds will be returned

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City Clerk's Office



**Fidelity Committee
of the
Tri-City Joint Mayors' Task Force on Homelessness
Remote Meeting Via Microsoft Teams
February 11, 2021
6:00 PM**

MAYORS

Mayor Caroline McCarley
Mayor Robert Carrier
Mayor Dana Hilliard

Rochester Members

Jeremy Hutchinson
(Chairman)

Barbara Holstein

Dover Members

Charles Reynolds

Betsey Andrews Parker

Somersworth Members

Todd Marsh
(Vice Chairman)

Dina Gagnon

Others Present. Dave Carpenter, Dover Planning. Lindsey Williams, Dover Council. Karen Weston, former Dover Mayor. Dave Balian, Dover Welfare Director.

MINUTES

1. Call to Order

Chairman Hutchinson called the meeting to order at 6:02 PM and read the following preamble:

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

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

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

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

Cassie Givara, Deputy City Clerk of Rochester, took the roll. All members indicated that they were present and alone in the location from which they were connecting except for Dina Gagnon who was present but not audible at the time of the roll call. Additionally, Mayor McCarley of Rochester and Mayor Carrier of Dover were present.

2. Public Input

No discussion.

3. Communications from the Mayors

Mayor Carrier reported that the 13 City Mayors of NH have been meeting monthly for a Zoom call to discuss municipal issues; there are also subcommittees to spearhead writing requests and proposals to the Governor or legislature.

Mayor McCarley stated that she felt the Governor's Council on Housing Stability is making good strides and will be important moving forward in gathering all the finances, resources, services, and data together into one place where it can be accessed and there will be a better understanding on what is and is not working.

Mayor McCarley also thanked CAP and SOS who she stated have done a phenomenal job and have stepped up during the opening of the Willand warming center and facilitated the operation of the center.

4. Communications from the Chairs

Vice Chair Marsh stated that he is a member of one of the subcommittees of the Governor's Council referenced by Mayor McCarley and expressed cautious optimism at the progress being made.

Vice chair Marsh stated that in welfare, they have started seeing an increase in requests for rental assistance. He reported that utility assistance has not become necessary for many due to the flexibility being afforded by the utility companies during COVID. Vice Chair Marsh said that although there has been a surge in requests for rental/mortgage assistance, they have not yet

experienced a larger surge due in large part to the actions of CAP and SOS and their managing of the federal housing relief funds.

5. Update: Warming Center of Strafford County

Betsey Andrews Parker reported that at the most recent activation, the center served 36 clients overnight. She spoke about the upcoming activation occurring once the volunteer and staffing ratio is finalized. Ms. Andrews Parker noted that they have seen a large number of single men in the center which speaks to the need for a men's shelter in the region. She stated that all of the clientele has been repeat visitors who are not able to yet be successful in longer term shelters or housing, some of which are dealing with disabilities and medical issues. Ms. Andrews Parker stated that some of the visitors to the center are those who have not been able to adhere to the more rigid rules and regulations at the Garrison Shelter; in these circumstances it has been beneficial to have the Willand center as overflow to accommodate these clients.

Ms. Andrews Parker reported that they are still having some issues with mask compliance within the center. They are offering single serve, individually wrapped items for clients such as cheese sticks and granola bars. She encouraged faith based organizations and churches in the communities to start offering lunches and suppers again in their halls and providing food; she stated that if the warming centers are expected to be open, COVID-safe and providing meals, then it is reasonable to assume that churches can do this as well and continue to help supply staff and volunteers at the warming center.

Chairman Hutchinson reported that he has been researching each City's codes and how they pertain to church suppers and larger scale meals which could be provided to the community. He stated that this issue seemed more complicated than originally thought and suggested requesting that each City review their codes and return to the Fidelity Committee with recommendations on how they can be amended to allow this activity.

Mayor McCarley inquired about the possibility of the county jail helping to supply individually bagged meals to the shelter and warming center as they are already doing on a large scale basis for the inmates. Ms. Andrews Parker said the issue they are experiencing ongoing issues with compliance with mask-wearing, hand sanitizing, and hand washing. When the food component is added in within an environment without individual rooms like at the Garrison, it becomes more of an issue. Due to the COVID compliance problems as well as the limited space and lack of kitchen/dining facilities at the warming center, they have been focusing on individually wrapped, single serve items for the clients. There are also budgetary concerns and the money is not unlimited to staff the facility and feed the clients. Ms. Andrews Parker said that asking for assistance from the county jail in supplying bagged meals is a possibility for the future.

Dave Balian, Dover Welfare, said that the warming center has been a great help for local welfare and the day program has been effective in facilitating people who have previously been able to get assistance for their long-term issues. He suggested that the committee should look into putting resources into developing the day program into a more permanent homeless resource center. Ms. Andrews Parker gave a brief history of the day program, which had been funded with the money originally intended for the Care Pharmacy location. The funding for the Garrison and

the day program is good for 18 months with additional plans for when this funding ends, so the program will continue.

Chairman Hutchinson inquired if there could be budgetary requests made by each City welfare department in order to support this day program. He referenced a line item in the Rochester welfare budget for homeless and sheltering services. Ms. Andrews Parker stated that she was tasked with determining the actual budget for the warming center, Garrison and day center so the Cities can make an informed decision on funding moving forward. This information will be supplied to the cities once the data is reviewed at the end of February. Mayor McCarley spoke about the information and data which is being gathered by CAP and other agencies to show what has occurred at the shelter, day program and warming center, the money expended, and the clients which have come through. She stated that this data can be brought to the State for consideration for funding and assistance. Vice Chair Marsh said that in the proposed welfare budget, there is a line item for homeless services. He stated that the amount in the budget is being maintained at the same level this year as last due to the previous year's funds not being fully expended and the need for more data from the shelters and warming centers to justify the additional funding.

Ms. Andrews Parker spoke briefly in regards to the mobile high risk vaccine clinic which had been held at three local homeless centers which was able to vaccine 71 people with their first dose.

6. Regional data/statistics

No discussion.

7. Update: Tri-City joint housing rights resolution

Chairman Hutchinson stated that he has been working with Mayor Hilliard on this item, but there are no updates currently.

8. Update: Planning Department(s) recommendation request

Vice Chair Marsh referenced the letter or request with the Fidelity Committee had sent in December to the Tri-City Mayors to distribute to their respective Planning Boards and Planning Departments. He reported that he had heard back from Somersworth Planning Director Michelle Mears who had requested that a member of the Fidelity Committee appear before the Somersworth Planning Board to clarify the intent of the request. He surmised that there might be some concerns in regards to the wording of the Master Plan which states the intent to "create affordable housing for all." Where neither the Chair nor Vice chair were available to attend this Planning Board meeting, Chairman Hutchinson suggested that the Fidelity Committee could either invite Planning Department staff to the next Fidelity Meeting to answer questions, or they could allow the Planning Departments to submit questions to the committee for review. Chairman Hutchinson stated that he would reach out to Mayor Hilliard in regards to having a Somersworth Planning Board representative meet with the committee to have questions answered, and if needed, can request members of the Committee appear before the full Planning Board.

9. Continued Review of Master Plan

Charlie Reynolds referenced a conversation which had taken place at a previous Committee meeting regarding the annulments of criminal records. He stated that he had contacted a local attorney who was willing to commit his time and assist the committee with holding a workshop to develop a process for clearing these criminal records. Ms. Andrews Parker stated that the intent here is to “help the helpers,” such as local welfare staff and social service agencies. This will help pass on the knowledge in regards to how to navigate the annulments, the eligibility and criteria, so when it comes up in practice they will be able to assist in the process.

Chairman Hutchinson asked if there would be a possibility that this attorney would be willing to meet with the Fidelity Committee to give an overview of the process. Mr. Reynolds stated that the attorney has expressed a willingness to meet with the committee after some preliminary work has been done to discuss the annulments of criminal records and developing training.

10. Other

Lindsey Williams, Dover City Council, reported that she has had conversations with other Councilors in regards to the portion of the Master Plan which covering community engagement and education and the steps to take to facilitate this. She suggested that maybe in the future when things settle slightly, they committee could look at this portion of the master plan to determine more ways to be a resource to stem misinformation and

Dave Carpenter, Dover Planning, reported that the Dover Planning Department has put together a list of things that they have done previously in regards to workforce and/or affordable housing as well as a list of items which they are proposing or items which are already in progress. They will be submitting this document to the Fidelity Committee within the next couple months. Vice Chair Marsh asked if he could connect Somersworth Planning with Mr. Carpenter to review the Fidelity request from a more knowledgeable perspective of the terminology and process. Mr. Carpenter said he would be happy to review with Somersworth.

11. Closing Public Input

No Discussion.

12. Adjournment

Chairman Hutchinson **ADJOURNED** the Fidelity Committee meeting at 7:02 PM

Respectfully Submitted,

Cassie Givara
Deputy City Clerk, Rochester

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City Clerk's Office

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Finance Committee

Meeting Minutes

Meeting Information

Date: February 9, 2021

Time: 6:30 P.M.

Location: Remote via Microsoft Teams

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

City staff present: City Manager Blaine Cox, Deputy City Manager Katie Ambrose, Deputy Finance Director Mark Sullivan. Mike Scala, Director of Economic Development

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

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

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

At this time, I also welcome members of the public accessing this meeting remotely. The public can call-in to phone number: 857-444-0744 using conference code: 843095.

This meeting will be set to allow the public to "listen-in" only, and there will be no public comment taken via conference line during the meeting.

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

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

Deputy City Clerk Cassie Givara took the roll call attendance. All Committee members were present and indicated that they were alone in the location from which they were connecting.

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2. Public Input

There was no one present at City Hall to speak, nor was any written or email correspondence received for the meeting.

3. Unfinished Business

No discussion.

4. New Business

4.1 Sig Sauer PILOT and Financial Contribution-Summary

Mike Scala, Director of Economic Development, gave a brief summary of the history of this agreement between Sig Sauer and the City of Rochester.

Director Scala said Sig Sauer had approached the City with interest in 7 Amarosa Drive. At the time they had indicated that Rochester was competing with their location in Jacksonville, AR. BFA handled the funding aspect; the plan was to fund the project by the land and the building. In this case, it would be state-owned, tax exempt, and would require the City to develop a PILOT (Payment in lieu of taxes). Director Scala gave an overview of the review and approval process and the final steps with Sig Sauer.

Director Scala said that Sig was guaranteeing 300 jobs, which may increase to 500. The average wage for these jobs will be in the \$30/hr range which calculates to \$18 million in gross wages coming into the City, a portion of which will feed into the local economy. This project coincides with new housing development in progress downtown. He also stated that he foresees this as a catalyst for development of the Milton Road corridor as well as infrastructure improvements. The partnership between Great Bay Community College and the CTE with Sig Sauer are already underway as well.

Councilor Lachance inquired if this project would be perpetually State-owned or if, when the BFA financing is paid off, if this will become taxable property. Director Scala stated that the note is for 10 years and the requirement is that the loan must be paid off in 10 years. He stated that Sig Sauer has expressed interest in paying this off prior to the 10 year term. Councilor Lachance referenced a memo which says that Sig Sauer commits to paying up to \$270,000 for the remaining land after completion of the intersection improvements. Councilor Lachance asked if the Memorandum of Understanding expressly states that Sig Sauer will pay "market value" up to \$270,000. Director Scala said it was capped up to this amount, but he was not certain of the exact verbiage. He stated that he was not certain how much land the City will use, but Sig Sauer will reimburse for the portion which is not used or the entire amount if none of it is utilized.

Deputy Finance Director Sullivan said when the PILOT was first reviewed, the original baseline was established at what the property is currently generating from property taxes, which

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is approximately \$150,000 per year. This changed because it became evident that the intersection project was going to have to be addressed due to the impact Sig Sauer locating to the area would cause. The discussion turned to whether or not to approach Sig Sauer for a contribution to this intersection; with a State-owned building, the planning board wouldn't have an opportunity to impose an exaction for the intersection improvements. They determined it would be best to get a contribution up front without any impact of fund balance. Deputy Director Sullivan stated that the City had to consider the competition from the Arkansas location as well as Exeter, NH. He summarized the agreement between the City and Sig Sauer and how the amount was formulated and what Sig Sauer would be paying. He stated that there is a small shift in the general fund of approximately 4 cents per year for the first 5 years, but the CIP fund gains. He explained how the PILOT program would work and change over the 10 year term to the benefit of the City.

4.2 Granite Ridge Development District – Tax Increment Development Program and Financing Plan Review/Update

- **Economic Development summary memo.**
- **REDC & Main Street Letters of Support.**
- **Adopted Granite Ridge Development Program & Financing Plan**

Mike Scala, Director of Economic Development, reported that this is an amendment proposal for a recommendation to full Council. Director Scala said that there has been discussion for quite some time in regards to allowance of residential development in the Granite Ridge TIF district. He stated that in order to allow this type of development, the TIF would need to be amended and then there would need to be an amendment to the zoning ordinance to allow residential development in this area, which is not currently allowed.

Director Scala stated that the market for office space, which is allowable in the TIF, has been steadily declining. One quarter of Americans are working from home, which is projected to continue even after COVID, and businesses are downsizing offices and allowing for hybrid work. Director Scala spoke about the large amount of office space available within the City and stated that the Planning Board has been receiving an increase in variance requests to use office space for other uses.

Director Scala emphasized the need for residential development within the City and referenced the extremely low vacancy rates which currently exist in Rochester. He speculated that residential development in this area would solidify the TIF and would help the Granite Ridge businesses. He stated that he had submitted letters of support from both REDC, Rochester Main Street, and the Granite Ridge Advisory Board, and he speculated that the TIF would fill up far sooner with residential development versus waiting for commercial. He indicated he had a draft amendment, but wanted to get a sense of committee prior to submitting. Deputy Director Sullivan gave an overview of the TIF, the money contained within currently, and how funding from the TIF would work.

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Councilor Gray referenced Impact Fees and stated that they are assessed per square foot, driving up the price in developments; therefore if the intent was to build affordable housing, the impact fees might make this cost prohibitive. Director Scala stated that the projected plans he has seen for this area are for market rate or above market rate housing as opposed to “affordable” housing.

Councilor Gray stated that when the Planning Board had heard a proposal a couple years prior to allow residential development at the Granite Ridge, they had discouraged the idea at the time. Councilor Walker agreed that there had been safety concerns with the increase of traffic entering and exiting onto Route 11. The Planning Board had suggested that if the developer could come up with a solution to having the exit onto Route 11, they may entertain the idea of residential development on the Ridge. Director Scala said that the safety concerns have been presented to the developer and the developer is coming up with ways to mitigate the issue to address these safety concerns. Director Scala stated that the report issued by consultant Bruce Mayberry the year prior had indicated that office and commercial development in this area would have more of an impact on traffic than residential development.

Councilor Lachance directed the committee to a chart in the supplied packet and questioned the figures and data included on said chart in regards to economic growth potential. Director Scala indicated that the chart was derived in 2014 and he was uncertain how they had arrived at these numbers; the table included is currently outdated and staff is in discussions to update the data.

There was a discussion on the timeline of this request. Director Scala indicated that he would like to have this amendment approved within the next few months, but wanted to give staff and residents adequate time to review and address concerns and ensure the process is done correctly. Director Scala stated that he did have a draft amendment which could be presented to the committee.

Councilor Gray said that his recollection was that any planning issues or change of use would go to the Planning Board prior to coming to the Finance Committee or Council. Mayor McCarley briefly discussed the history of this request over the past several years and what the proper channels would be to propose the amendment.

Deputy Finance Director Mark Sullivan clarified that the item in front of the committee is the Granite Ridge development district tax incremental development program and financing plan. He stated that this needs to happen first because residential housing is not an eligible development activity within the plan, which would make it ineligible to receive TIF funding for infrastructure needs which may occur. Because of this, the plan should be updated prior to any other activity, and this action is within the purview of the Council as opposed to Planning. The zoning change can be brought to the Planning Board, but this particular document should be reviewed by Council prior.

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Deputy Finance Director Sullivan suggested that if the projects at the Ridge are slowed down, they could be funded by cash as opposed to bond. If timed correctly, there would be no need for further bonds, the Council would be able to consider closing the TIF after 2026 and returning the assessed value to the General Fund. Councilor Gray inquired if in 2026, even if the Council is not ready to close the TIF, if some of the moneys generated could be returned to the General Fund. Deputy Finance Director Sullivan said that upon review with legal counsel, it was determined that as long as the TIF is encumbered by long term debt, no funds can be taken out and sent to the General Fund. Callable bonds were discussed.

Councilor Walker advised against including housing in the TIF which would presumably extend the debt beyond the original projection of 2026. Deputy Finance Director Sullivan said that the intention was that any housing development would be funded with TIF cash flows as opposed to bonding.

Mayor McCarley asserted that just because a decision could be made to allow residential development does not mean it will definitely happen. She suggested that although there has been a back and forth on how this process will work and which board or committee it will originate from, she suggested that City Council make a recommendation which can then be heard by the Planning Board.

Councilor Hamann suggested that a lack of housing could stifle economic development if there is a lack of housing for employees for new industries. Councilor Walker stated that there can be issues when large housing developments are constructed this far out from the City center; such as distance from City water and sewer and transportation to and from schools. He suggested other options closer to the City center which would present fewer problems for infrastructure and city services such as police and fire.

Mayor McCarley recommended not taking action at this time and instead reviewing further until a future meeting.

4.3 PAB Recommendation-Human Resource Manager

Deputy City Manager Ambrose stated that the City is preparing for recruitment for the Human Resource Manager position, and as part of the process the job description and classification have been reviewed. The City has been working with MRI on a salary market review of the non-union positions, and in utilizing that data determined that this position was in need of a grade adjustment. It was found that this position was running 11% under what the same position was making in comparable communities.

Deputy City Manager Ambrose said that the Personnel Advisory Board had recommended an increase in pay grade from level 14 to 15 based on this information. Councilor Lauterborn asked for some clarification on the numbers included in the market data report included in the packet. Deputy City Manager Ambrose explained the chart and the information contained therein. It was clarified that although the compensation is listed as hourly rate, this position is a salaried position.

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Councilor Lauterborn stated that some of the communities included in the data were of a different size and different economic market than Rochester. Deputy City Manager Ambrose stated that the MRI study would come to Council in the near future and the methodology for making the determination would be discussed at that time.

Mayor McCarley **MOVED** to recommend to full Council the increase in pay grade of the Human Resource Manager position from a level 14 to a level 15. Councilor Lachance seconded the motion. The **MOTION CARRIED** by a 5 – 2 roll call vote with Councilors Bogan, Gray, Hamann, Lachance, and Mayor McCarley voting in favor and Councilors Lauterborn and Walker voting in opposition.

4.4 Building Permits FY21 Summary

Deputy City Manager stated that this agenda item was a response to a question raised at the previous finance committee meeting requesting a breakdown of residential versus commercial permits pulled and the revenue generated.

Councilor Lachance stated that he had presumed the residential permits far outpaced commercial and industrial; yet he was interested to find that likely over half of these residential permits were not for new development but rather for additions, remodels or renovations. He stated that he hopes to do further review to determine how much of the new residential development is single-family versus multifamily.

5. Reports from Finance & Administration

5.1 Monthly Financial Report Summaries January 31, 2021

5.1 (a) January 31, 2021 Revenues

5.1 (b) January 31, 2021 Expenses

There was no discussion regarding the financial reports.

6. Other

Councilor Lachance referenced statements made by a resident during the public input portion of the previous Finance Committee meeting. Councilor Lachance stated there is often a perception that the public asks questions but does not get any answers, and he asked to address some of these statements. Mayor McCarley allowed Councilor Lachance to address the prior statements.

Councilor Lachance said that there had been an assertion that the City was preparing the taxpayers for a \$4 million dollar budget deficit before the budget had even been discussed. Councilor Lachance said the \$4 million which had been outlined by staff at the previous meeting

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were known fixed budget increases of which the City has no control such as state retirement; however the budget has not been formulated yet or adopted.

It was asserted that the City wasn't being forthright by leaving full-time salaries out of the financial memo shown at the prior meeting. Councilor Lachance stated that the memo was drafted before the numbers for full time salaries were determined and reiterated that the memo contained fixed costs and increases of which the City does not control.

Councilor Lachance said it had been stated that the school budget would increase by \$5.8 million in the upcoming budget. Councilor Lachance clarified that \$4 million of this amount was from a State of NH grant for the CTE center; the local tax burden is increased by only \$1.8 million.

Councilor Lachance said that it had been stated that Sig Sauer was getting a far better deal from the City of Rochester than they were from Epping. Councilor Lachance stated that the project in Epping is merely a \$12,000 facility upgrade which would result in a \$50,000 per year increase as opposed to the \$1.5 million - \$2.8 million referenced. This amount was a projected economic benefit from increased salaries and increased revenues; not a known figure.

Mayor McCarley announced that the Willand Drive warming center is open currently and will remain open for the next several nights. There are very cold temperatures anticipated for early in the upcoming week, and the center is still looking for volunteers. They are also looking for bath and hygiene products for the clients as well as laundry supplies as there are washers and dryers on the premises.

7. **Adjournment**

Mayor McCarley **ADJOURNED** the Finance Committee meeting at 7:40 PM.

Respectfully Submitted,

Cassie Givara
Deputy City Clerk

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City Clerk's Office

**Personnel Advisory Board
January 28, 2021 – 4:00PM
Via MS TEAMS**

Members present:

Joanne Sylvain
David Dubois

Members absent:

Thomas J. Jean

Others Present:

Blaine Cox, City Manager
Kathryn Ambrose, Deputy City Manager

Review and recommendation of pay grade adjustment per MRI Market Study.

1. Human Resource Manager – David Dubois **moved** to recommend pay grade change from 14 to 15. Joanne Sylvain **seconded** the motion. The **motion carried** by a unanimous vote.

Meeting adjourned at 4:15 PM.

Position Title	FY21 Rochester	Concord	Derry	Keene	Merrimack	Nashua	Portsmouth		Comp Data Points	75th percentile of Market	Comp Lo-Hi Range	Comp Median	Comp Average	% Rochester Higher/Lower than Comp Ave
Human Resource Manager	36.43 48.18	41.34 58.40	42.76 56.58	46.28 57.67	33.74 47.43	30.56 40.21	47.94 61.08		6 6	45.40 58.22	30.56 61.08	42.05 57.13	40.44 53.56	-11.0% -11.2%

Non Union Classification Schedule

Grade	Position Title
1	Library Page
2	Community Center Attendant
3	Custodian (part-time)
4	Legal Assistant I
5	Lead Custodian (inactive position)
6	Legal Assistant II
6	Victim/Witness Advocate
7	Financial Analyst (inactive position)
7	Library Emerging Technologies Specialist
7	Payroll/Human Resource Specialist
8	Executive Secretary
9	Accountant I
9	Executive Assistant
10	Senior Executive Assistant
10	Public Information & Community Engagement Manager
11	DPW Operations Manager (inactive position)
11	Accountant II
12	No positions in this grade.
13	Lieutenant Prosecutor
13	Police Lieutenant
13	Police Prosecuting Attorney (inactive)
14	Deputy Finance Director/Deputy Treasurer
14	Police Captain
14 15	Human Resource Manager
15	Deputy City Attorney
16	Chief Information Officer (CIO)
16	Deputy Police Chief
17	Director of Finance (inactive position)
18	Fire Chief
18	Chief of Police
18	City Attorney
18	Deputy City Manager - Community Development (inactive)
18	Deputy City Manager - Finance & Administration
18	Director of City Services
19	No positions in this grade

Non-Union Pay Plan

Full and Part-time regular employees

Grade	FY21 ANNUAL			
	Min	Max	Min	Max
1	11.13	14.74	23,159	31,137
2	14.47	19.14	30,107	40,447
3	15.63	20.68	32,517	43,699
4	16.88	22.33	35,114	47,185
5	18.23	24.12	37,921	50,974
6	19.69	26.07	40,962	55,091
7	21.27	28.14	44,237	59,466
8	22.97	30.38	47,769	64,192
9	24.80	32.79	51,582	69,291
10	26.78	35.42	55,700	74,836
11	28.92	38.25	60,144	80,824
12	31.23	41.32	64,964	87,304
13	33.73	44.60	70,157	94,252
14	36.43	48.18	75,771	101,808
15	39.34	52.04	81,830	109,972
16	42.49	56.21	88,379	118,768
17	45.89	60.71	95,445	128,289
18	49.55	65.54	103,071	138,489
19	53.48	70.79	111,306	149,577



02/25/2021

City of Rochester Formal Council Meeting**AGENDA BILL****NOTE: Agenda Bills are due by 10 AM on the Monday the week before the City Council Meeting.**

AGENDA SUBJECT

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

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

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

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

LEGAL AUTHORITY

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SUMMARY STATEMENT

RECOMMENDED ACTION

City of Rochester Planning Board
Monday February 1, 2021
Virtual Meeting
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on February 22, 2021)

Members Present

Nel Sylvain, *Chair*
Mark Collopy, *Vice Chair*
Peter Bruckner
A. Terese Dwyer
Tim Fontneau
Robert May
Mark Sullivan
Dave Walker

Members Absent

Daniel Rines, absent

Alternate Members Present

Paul Giuliano
Donald Hamann
Lance Whitehill

Staff: Shanna B. Saunders, *Director of Planning & Development*
Crystal Galloway, *Planning Administrative Assistant II*

(These are the legal minutes of the meeting and are in the format of an overview of the meeting. A recording of the meeting will be on file in the City clerk's office for reference purposes. It may be copied for a fee.)

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

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

Providing public access to the meeting by telephone: At this time, I also welcome members of the public accessing this meeting remotely. Even though this meeting is being conducted in a unique manner under unusual circumstances, the usual rules of conduct and decorum apply. Any person found to be disrupting this meeting will be asked to cease the disruption. Should the disruptive behavior continue thereafter, that person will be removed from this meeting. The public can call **857-444-0744** and use conference code **843095**. Some meetings will allow live public input, however you must have pre-registered online, otherwise, the meeting will be set to allow the public to "listen-in" only, and there will be no public comment taken during the meeting.

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

Public Access Troubleshooting: If any member of the public has difficulty accessing the meeting by phone, please email crystal.galloway@rochesternh.net.

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

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

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

III. Seating of Alternates

Mr. Whitehill voted in place of Mr. Rines.

IV. Communications from the Chair

There was no communications from the Chair.

V. Approval of Minutes

A motion was made by Mr. Walker and seconded by Mr. Collopy to approve the January 25, 2021 meeting minutes. The motion carried unanimously by a roll call vote.

VI. Discussion to expand the Downtown Commercial zone to include a parcel at 13 Sawyer Avenue

Michael Scala, Director of Economic Development explained the City owns the parcel at 13 Sawyer Avenue that currently has a pump station on it. Mr. Scala said a developer saw the parcel after talking with staff and is interested in developing it for multi-family housing. Mr. Scala explained the issue is it is currently zoned R2 which allows for multi-family housing however, it is in the 5,000 square foot density ring which would only allow for about 26 units. Mr. Scala said this developer is looking to add 85 to 90 units and in order to do that the parcel would need to be rezoned downtown commercial to fall under the special downtown overlay district.

Ms. Saunders explained most of the surrounding parcels around the front are downtown commercial. She said it goes along with the plans the city has for South Main Street and the Planning Department supports the change.

Mr. Sylvain asked if the developer is proposing townhouses or condos or will it be an apartment complex. Mr. Scala said the current plan is for 80 to 90 units in one building. Mr. Sylvain asked if there will be a commercial component on the first floor. Mr. Scala explained parcels on Sawyer Avenue does not require a commercial use.

Ms. Dwyer asked what type of apartments are they proposing and if our roads can handle that many units. Mr. Scala said they are proposing one bedroom units, he believes there is sufficient water with the pump station on site but they won't know anything concrete until the developer does more tests. Ms. Saunders reminded the Board if this moves forward the developer will need to go before the Board with full engineered plans.

Mr. Fontneau said the Board needs to keep in mind there are parcels to the rear and sides that are zoned R2.

Mr. Collopy said he is concerned with unintended consequences to legal ramifications to deny certain projects because the parcel has been rezoned.

Mr. Bruckner what the setbacks are that might impact the abutting properties that are zoned R2. Ms. Saunders explained in the downtown commercial district there is a build to line of five feet for all commercial buildings and a build to zone of 5 feet to 10 feet for all noncommercial buildings. She said the intent is to create a streetscape in the downtown zone.

Mr. May said the Board needs to be careful of spot zoning, not so much with this parcel as rezoning justifies itself with proximity to downtown commercial zones.

Mr. Sullivan said it's important to note that the city owns this parcel and will have control of what gets developed.

Mr. Whitehill asked what the height restrictions are for the R2 and downtown commercial zones are. Mr. Scala said it is a five story maximum and a two story minimum.

VII. Consent Agenda

A. Burns, Raber/Brooks, City of Rochester, 1 & 3 Walnut Street & 184 North Main Street

B. Decoeur Realty Trust, Lawrence Boudreau & City of Rochester, 168 North Main Street

Ms. Saunders explained these are two minor lot line revisions that are needed to support the Strafford Square round-about.

C. New Style Homes, Hayes Hill Road

Ms. Saunders explained this development falls under the 5 year exemption for impact fees. She said staff recommends approval of the consent agenda.

A motion was made by Mr. Walker and seconded by Mr. Collopy to approve the consent agenda with conditions as stated. The motion carried unanimously by a roll call vote.

VIII. New Applications

A. EIP Communications II, LLC, 156 Lowell Street

Attorney Brian Grossman presented the application to construct a wireless communication facility. He said they have received a Special Exception from the Zoning Board to allow the tower.

Mr. Grossman went on to explain this tower would help close a coverage gap for A T & T along the Spaulding Turnpike, Rochester Hill Road, and Lowell Street.

Mr. Grossman said they are proposing to construct up to 150 foot tower with a six foot lightening rod within a 50' x 50' compound. He went on to explain it will be a monopole design, galvanized steel grey that is non-reflective.

Mr. Grossman said the pole will be 156 feet from the nearest property line and after construction there will only be traffic one to two times a month.

Mr. Grossman said they are requesting two waivers, the first is for monumentation, it's a large parcel and some of the monumentation doesn't exist, and the second is for stormwater, they ask that they be able to provide the stormwater information at a later time.

Mr. Sylvain opened the public hearing.

Ms. Saunders read the following:

Board members,

My name is Scott Thorp. I live at 156 Lowell Street. Once again I come before you to oppose the proposed placement of a cellular communication tower at 156a Lowell Street. My property is located directly between Lowell Street and where the proposed tower is to be built. My house and land were subdivided from the larger lot owned by Mr. Casavant. My backyard continues into an open field which looks at the spot where the tower will be. When I purchased the house from Mr. Casavant we talked about the views and the only thing I would ever see from my backyard would be the house he planned on building. I noticed in the submitted package the tower is moved back a bit. It will still be extremely visible from my backyard. While I appreciate it has moved back some I feel the tower could still go back more. One of the base criteria for an exemption is the proposed use not being obnoxious to the neighborhood. I am the neighbor that will have the most direct view and feel the site will be obnoxious. When this project was proposed in 2014 many asked about placing the tower components on an existing tower somewhere in the city. One suggestion was located near the corner of Lowell and Tibbetts Road. This was not allowed as I believe that tower was used for aviation purposes. Since then the tower has been removed. Consideration should be given to that site as the access road, utilities and lot preparation possibly currently exist in good condition. I also reviewed the zoning board of adjustment notice of decision case number 2014-05 dated 9/11/2014. In summary it states the exception was approved with stipulations. Those listed are for the setback of the tower and underground utility lines. An effort has been made to move the tower back but not enough. The underground utilities are required and listed in the subdivision plan from when the property was subdivided. For these reasons I again oppose the project.

Thank you,
Scott Thorp

There was no one else from the public who wished to speak; Mr. Sylvain brought the discussion back to the Board.

Ms. Saunders said staff recommends the Board find the application complete. She said staff further recommends the Board grant the waiver for monumentation.

Ms. Saunders told the Board Staff does not recommend approval of waiver two for stormwater. She said Public Works has concerns and asked that certain conditions be met.

A motion was made by Mr. Walker and seconded by Mr. Collopy to accept the application as complete. The motion carried unanimously by a roll call vote.

Ms. Saunders said Staff recommends the Board approve the application with conditions set forth.

Mr. Grossman said they asked for the stormwater waiver so they could move forward and they are happy to supply the items Public Works is asking for as a condition of approval.

Mr. Bruckner suggested the applicant talk to Pease to accelerate the FAA approval as he does not believe there will be an issue with the tower and air traffic.

A motion was made by Mr. Walker and seconded by Mr. Collopy to approve waiver request for monumentation. The motion carried unanimously by a roll call vote.

A motion was made by Mr. Walker and seconded by Mr. Collopy to deny waiver request for stormwater. The motion carried unanimously by roll call vote.

A motion was made by Mr. Walker and seconded by Mr. Collopy to approve the site plan with the conditions stated. The motion carried unanimously by a roll call vote.

IX. Other Business

Ms. Saunders told the Board she heard back from both the Fire Department and the Police Department regarding any ordinance changes. She said the Fire Department had an ordinance change regarding nuisance alarms. The Police Department didn't have any ordinance changes but said if the Board ever has any questions to reach out and they would be happy to attend a meeting.

Ms. Saunders informed the Board there will be lead paint training. She said Planning and Economic Development have been working together to reach out to the multi-family property owners to alert them about the dangers of lead paint. NH Housing has money available to help multi-family property owners that provide housing to low to moderate income residents to help mitigate and take care of the lead paint. Ms. Saunders said there will be a workshop on childhood lead poisoning on Monday February 8th.

Ms. Saunders told the Board the City received a letter from the Mayors Joint Taskforce on Homelessness, they are asking the City of Rochester, Dover and Somersworth identify existing and potential Planning and Zoning related barriers to achieving creating affordable housing for all. Also identifying Planning and Zoning related opportunities to achieve affordable housing and provide their findings to the Fidelity by June 30, 2021.

Mr. Walker said he received a letter from a constituent who is building a home down the street from her current home is was told she has to pay impact fees. Mr. Walker said there needs to be a change to the ordinance to allow a waiver for single family homes.

Ms. Saunders explained the purpose of the impact fee is to pay for the impact of the new square footage that is being added. Mr. Walker said the school impact is nothing and city impact is minimal since the family is only moving down the street. He said the ordinance was not intended for single family homes, it was intended for large developments.

There was a brief discussion regarding waiving impact fees for the larger developments but a single family lot is made to pay.

Ms. Saunders explained the waivers for the larger developments is only for a few years, they are for the developments that were in the five year exemption. She said the five year vesting rule will end and all new development will be charged the impact fees.

Mr. Sylvain said when the Board looked at impact fees originally, the Board did not vote on the criteria or the ordinance, they only voted on the fees. He said the Board did not have the ordinance or criteria before them to review to make a true decision.

Mr. Hamann reminded the Board that any developer to get approval now is subject to the impact fees. He said the only developers getting waivers now are the ones that already had approvals and started development before the impact fee ordinance was implemented.

Mr. Giuliano reminded the Board the City Attorney told them it is well within its right to suspend the collection of impact fees. He said it might be a good time to do that so the Board and the Council have enough information to make a better decision about how to levy impact fees.

Mr. Sylvain asked Mr. Walker to bring this discussion up at the next City Council meeting.

X. Adjournment

A motion was made by Mr. Walker and seconded by Mr. Collopy to adjourn at 8:22 p.m. The motion carried unanimously by a roll call vote.

Respectfully submitted,

Crystal Galloway,
Planning Administrative Assistant II

and

Shanna B. Saunders,
Director of Planning & Development

City of Rochester Planning Board
Monday February 22, 2021
Virtual Meeting

(These minutes were approved on, 2021)

Members Present

Nel Sylvain, *Chair*
Mark Collopy, *Vice Chair*
Peter Bruckner
Tim Fontneau
Robert May
Daniel Rines
Mark Sullivan
David Walker

Members Absent

Terry Dwyer, excused
Lance Whitehill, excused

Alternate Members Present

Donald Hamann
Paul Giuliano

Staff: Shanna B. Saunders, *Director of Planning & Development*
Crystal Galloway, *Planning Administrative Assistant II*

(These are the legal minutes of the meeting and are in the format of an overview of the meeting. A recording of the meeting will be on file in the City clerk's office for reference purposes. It may be copied for a fee.)

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

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

Providing public access to the meeting by telephone: At this time, I also welcome members of the public accessing this meeting remotely. Even though this meeting is being conducted in a unique manner under unusual circumstances, the usual rules of conduct and decorum apply. Any person found to be disrupting this meeting will be asked to cease the disruption. Should the disruptive behavior continue thereafter, that person will be removed from this meeting. The public can call **857-444-0744** and use conference code **843095**. Some meetings will allow live public input, however you must have pre-registered online, otherwise, the meeting will be set to allow the public to "listen-in" only, and there will be no public comment taken during the meeting. (Please note: In order to notify the meeting host that you would like to speak, press 5* to be recognized and unmuted)

Public Access Troubleshooting: If any member of the public has difficulty accessing the meeting by phone, please email crystal.galloway@rochesternh.net.

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

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

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

III. Seating of Alternates

Mr. Giuliano voted in place of Ms. Dwyer.

IV. Communications from the Chair

There were no communications from the Chair.

V. Opening Discussion/Comments

A. Public Comment

There was no one present on the line from the public to speak nor did anyone submit any written correspondence ahead of the meeting.

B. Discussion of general planning issues

There were no issues to be discussed.

VI. Approval of minutes

A motion was made by Mr. Walker and seconded by Mr. Collopy to approve the February 1, 2021 meeting minutes. The motion carried unanimously by a roll call vote.

VII. SDJ Development of Rochester, LLC, Fillmore Boulevard/Eisenhower Drive

Mr. Giuliano recused himself from voting on this application due to a conflict of interest.

Chris Strickler of SDJ Development of Rochester, LLC explained in 2010 when they received approval for the PUD setbacks were not imposed however, with each phase approval those setbacks would be imposed. Mr. Strickler said in 2011 when they went back to the Board to ask what type of setbacks they would like to see the developer received a notice of decision requiring the houses have a 7' front setback. He said there are 32 houses in phase 1A that have all been set that way. Mr. Strickler said in 2018 when they received approval for phase 1B there wasn't a requirement in the notice of decision as to how the houses were to be set. He said

the issue arose when an appraiser for 24 Eisenhower Drive raised the question of the setbacks. Mr. Strickler said they went before the Zoning Board and was granted an Equitable Waiver but said the wording regarding setbacks is not as clear as it could be, so they are back before the Board to get the issue cleared up. Mr. Strickler said they are requesting to continue setting the houses the way they have been since 2010 in order to keep a unified look to the development.

Ms. Saunders told the Board there is a recorded plan for the current phase 1B shows the underlying setbacks when what should be in place are the PUD setbacks. She said because the recorded plan has the default setbacks is what now takes precedents.

Ms. Saunders explained the second request is for an increase to the disturbed area. She said as the project has progressed and the pace at which the houses are being sold the developer has gone outside of the approved clearing area. Ms. Saunders said as staff has worked through erosion control issues with the developer, he is working with the State to update the AoT permit. Ms. Saunders said the developer needs to request approval from the Board to update the limits of disturbance as well.

Mr. Fontneau asked for clarification regarding the color coded plan the Board received in their packets. Ms. Saunders explained the plan shows Eisenhower Drive with pink and green shaded areas. She said the new area is the red hatched area which depict the new increase limits of clearing. Mr. Strickler said NHDES is willing to let them add the area to the approval that was applied for in June.

Mr. Collopy asked if the surety for the development is up to date. Ms. Saunders said yes, the developer has updated all surety bonds.

A motion was made by Mr. Collopy and seconded by Mr. Walker to approve the modification to increase the front setbacks and to increase the limits of disturbance with the conditions set forth. The motion carried unanimously by a roll call vote.

VIII. Release of surety for Trinity Conservation, LLC, Map 259 Lots 36 &37 in the amount of \$87,379.18

Ms. Saunders explained Trinity Circle is substantially complete, the only remaining items left are one drainage pond is not at the correct elevation, the playground, and a pavilion. She said the City will retain some of the surety to cover those items. Ms. Saunders said Public Works and the Planning Department has signed off and recommend releasing the requested surety.

Mr. Sullivan said he has an issue releasing any surety because there have been issues in the past with this development. Mr. Sullivan went on to question the amounts on the construction cost estimate worksheet, saying he is reluctant to release anything until the site is 100 percent completed. Ms. Saunders explained the worksheet is completed by the developer and submitted to the City. She went on to say Staff doesn't agree with the percentages and there are numerous emails going back and forth between Staff and the developer. She said the final number was amended on the worksheet however, the rest of the percentages was not amended.

Mr. Giuliano asked if the road will be accepted by the City and if so, is the road in condition to be accepted. Ms. Saunders said Public Works has said it is.

Mr. Sylvain asked if the remaining \$44,000 would be enough for the City to complete the work correctly. Ms. Saunders told the Board she relies on Public Works for the cost of construction. She said the development is 100 percent occupied, people have been living there for many years, and almost all of the infrastructure is in. Ms. Saunders said there are a few missing items such as hoods on the catch basins, the pond is at a different elevation than it needs to be, the playground needs to be put in, and there is one path that is not finished. Mr. Sylvain said he isn't comfortable giving the developer \$87,000 back when some of the remaining work could be costly, leaving only \$44,000 for the City to complete the work.

Mr. Fontneau said he agreed with Mr. Sullivan, there have been some significant issues with surety and this project in particular.

A motion was made by Mr. Walker and seconded by Mr. Collopy to deny the release of surety in the amount of \$87,379.18. The motion carried unanimously by a roll call vote.

IX. Review of January 2021 Surety and Inspections

Ms. Saunders reviewed the list of inspection completed for the month of January and surety with the Board. She explained there are three sureties that will be expiring soon. Two are for the Village at Clark Brook which they are currently working on completing a draw down request, and the other is for Waste Management who has promised to get an extension before the bond expires on March 15th.

X. Discussion regarding amendment to Minor Site Review process

Ms. Saunders explained currently how the Site Plan Regulations are written it states any change of use must go to a Minor Site Review. She told the Board other communities allow administrative approval for smaller businesses under 10,000 square feet with indoor changes only and/or accessory uses up to 2,000 square feet. Ms. Saunders explained there would still be review from other departments and their comments would be put into the notice of decision as conditions of approval.

Mr. Fontneau expressed concern about what zones this change would affect because of home occupations. Ms. Saunders explained any Home Occupation 2 or 3 would automatically go to a Minor Site Review. Mr. Fontneau spoke about condominium conversions, saying it's only a change in ownership not a change in the site plan that the City had no jurisdiction over. He asked if the law has changed or if it's just a different interpretation. Ms. Saunders said because it is simply a change of ownership you can't hold a condo conversion to the same standards that you would hold a new site plan to. She further explained the law says they have to go through the Planning Board process even though they're not changing the site plan.

Mr. Walker explained in the past administrative decisions were abused a bit. He said the arrangement the Board had with Mr. Campbell was if the Planning Department deemed an administrative decision he would email the Board to ask for feedback to see if anyone objected.

Ms. Saunders said if the Board isn't comfortable with 10,000 square feet Staff could drop it down. She went on to say there is some language in the Special Downtown Review section she can add regarding notifying the Board.

Mr. Sullivan asked that an appeal process be added.

Ms. Saunders said she will work on a new draft for the next meeting.

XI. Discussion regarding Impact Fees

Ms. Saunders explained after speaking with the City Attorney there was discussion about doing partial impact fees. She said she and Mr. Sylvain discussed lowering the fees by 40 percent of the proportional share of municipality capital improvement costs. Ms. Saunders used the 9 Nature Lane waiver request as an example saying under the existing impact fee schedule he would pay \$4,507, under the proposed fee schedule it would be \$1,803. She explained the other amendment she made was regarding manufactured homes, saying impact

fees are imposed on new development and shall not include the replacement of an existing manufactured home of the same size within six months of the older home being removed. Ms. Saunders further explained if the manufactured home is larger than the one that was removed an impact fee will be imposed. Ms. Saunders went on to say no impact fee would be imposed for the reconstruction of any structure that's been destroyed by fire, or natural disaster where there is no change in size, density or type of use.

Mr. Walker asked where the amendment is that he emailed to her and the City Manager. Ms. Saunders said they spoke with legal counsel and it is not something they can do in house so the thought process was to reduce by 40 percent it may address the concern. Mr. Walker said that wasn't acceptable, and asked who authorized the 40 percent reduction. Ms. Saunders said she brought a potential change to the Board for discussion.

Mr. Fontneau said with regard to replacement of a manufactured home it should be one year instead of six months. He then asked if his 2,000 square foot home burned down and he replaced it with a 2,500 square foot home would he be charged for the full 2,500 square feet or just 500 square feet. Ms. Saunders said the impact fee would be on the 500 square foot increase.

There was a brief discussion regarding additions being under new development in the impact fee ordinance. Ms. Saunders suggested the Board change the language.

Mr. Sylvain asked all Board Members to review the ordinance, write down the changes they would like to see and submit them to the Planning Department so there can be another discussion at the March workshop meeting.

Mr. Fontneau asked if the five year exemption would reset for the developments if the Board were to set the impact fees to \$0 now then start up again in March. Ms. Saunders said she would check with legal counsel but she believes the answer is no because the Board isn't repealing the ordinance, they are just setting the fees to \$0.

Mr. Bruckner suggested calling it a moratorium for a fixed amount of time and would be a better way to proceed.

A motion was made by Mr. Bruckner to allow a moratorium of six months. No one seconded the motion, the motion failed.

Mr. Hamann expressed his reluctance on doing anything until the Board gets an opinion from legal counsel.

Mr. Giuliano pointed out the city has about 30,000 residents now, he said you can't get to 40,000 without development and square footage which is going to have an impact.

A motion was made by Mr. Walker and seconded by Mr. Fontneau to set the impact fees to \$0. The motion carried by a 5 to 4 in favor roll call vote.

XII. Other Business

A. Update from Planning Staff

Ms. Saunders didn't have an update for the Board.

B. Other

Mr. Walker said he would like to see the current building height go from four stories to six or seven in order to attract more development in the downtown. Ms. Saunders said she would work on a draft amendment and bring it to the Board for review in April.

Mr. Sullivan told the Board the FY 22 Capital Improvement Budget draft book is ready and he will be sending those out to the Board this week.

XIII. Adjournment

A motion was made by Mr. Walker and seconded by Mr. Collopy to adjourn at 8:23 p.m. The motion carried unanimously by a roll call vote.

Respectfully submitted,

Crystal Galloway,
Planning Administrative Assistant II

and

Shanna B. Saunders,
Director of Planning & Development

**Public Safety Committee
Meeting Minutes
February 17, 2021
6:00 PM
Council Chambers
Meeting Conducted Remotely**

Members Present

Councilor Peter Lachapelle, Vice Chair
Councilor Palana Belken
Councilor Jeremy Hutchinson
Councilor Chris Rice

Members Absent

Councilor Don Hamann (excused)

Others Present

Michael Bezanson, PE, City Engineer
Dan Camara, GIS Asset Mgmt. Tech.
Deputy Chief Gary Boudreau, PD
Mark Klose, Fire Chief
Brian Brown, Crossing Guard
Tony Harland, 24 Nottingham Lane
Sarah Giberson, 34 Nottingham Lane
Micha Proulx, 28 Nottingham Lane

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

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

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

- Mail: Public Safety Committee, Rochester DPW 45 Old Dover Road
Rochester, NH 03867 (*must be received at least three full days prior to the anticipated meeting date*)**

- Email: laura.miller@rochesternh.net (must be received no later than 4:00 pm of meeting date)
- Voicemail: 603-335-7569 (must be received no later than 12:00 pm on said meeting date in order to be transcribed)

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

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

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

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

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

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

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Councilor Peter Lachapelle	Ward 3 Present
Councilor Jeremy Hutchinson	Ward 1 Present
Councilor Chris Rice	Ward 5 Present
Councilor Palana Belken	Ward 2 Present
Councilor Don Hamann	Ward 5 Absent

1. Public Input

Brain Brown the crossing guard for Chamberlain and Franklin Street was present to discuss the issue with vehicles blocking the intersection, making it dangerous for children, and blocking emergency vehicles from proceeding through the intersection. He is requesting "Do Not Block" intersection signs.

2. Nottingham Lane-Speeding Issue-Requesting Speed Limit Sign

Tom Harland of 24 Nottingham Lane was at Council Chambers to discuss the issue of speeding on Nottingham Lane; there is no speed limit sign and they would like the speed limit lowered if possible. Sarah Giberson sent an email stating her concern with a neighbor and her newly licensed son that drive fast down the road. They have been asked several times to slow down and the police have been called regarding the issue. She said that they have been asked several times to slow down for the safety of the 20 plus children that play outside at the dead end cul-de-sac. The 11 neighbors signed a petition requesting a speed limit sign and lower speed. Micha Proulx said this has been going on for a while and the police have been called, she said the neighbor does not care she has no young kids and just wants to get home. The speed trailer was put out but it is large and she will slow when she sees it. Councilor Lachapelle asked if Ms. Proulx if there was any street markings at the beginning of the Nottingham Lane like a "Dead End" sign and Ms. Proulx said there was not. Mr. Harland asked if the speed limit could be under 30 mph and some signage. Deputy Chief Boudreau said this was brought up back in 2019 Public Safety Committee by Councilor Hutchinson, the speed trailer was out on Nottingham Lane back in 2019. Councilor Rice said something needs to be done for the neighborhood. Councilor Lachapelle said they don't usually post "Speed Limit" signs on dead end roads such as this because it would open up the issue for many streets throughout the City. He stated that posting a sign isn't going to slow people down; police presence is going to help. Deputy Chief Boudreau said there are some open complaints in the area; officers are investigating those complaints. He said that he will check with the Planning Department to see if any signs were requested on the site plan. This was Kept in Committee until Deputy Chief Boudreau can check with Planning on the site plans for this area. Councilor Rice stated that if the teenage boy is speeding on Nottingham Lane he is probably speeding on other streets and if he is under 21 will lose is license when caught.

3. Airport Drive Traffic Control Concerns

Councilor Lachapelle summarized the issue. Deputy Chief Boudreau and DPW resolved the issue and talked to both construction companies and they will talk to the employees.

4. Streetlight Request Intersection of Chestnut Hill Road and Elmo Lane

Councilor Lachapelle summarized the issue. Councilor Rice believed that the issue was raised by a resident of Elmo Lane and that a streetlight was requested as there is a T-intersection and currently no streetlight. Mr. Bezanson said the nearest streetlight is 2 poles to the north. Elmo Lane is a Class 6 Road. Councilor Lachapelle asked Mr. Bezanson his recommendation. Mr. Bezanson said there

are 2 driveways, a business, and another structure that is accessed by Elmo Lane. Class 6 means the road is not maintained by the City, but Elmo Lane is a City street. Councilor Rice stated that the terrain is hilly and windy and asked if the current streetlight two poles to the north could be moved to this intersection. Councilor Lachapelle did not recommend moving an existing streetlight. Councilor Rice asked Mr. Bezanson how much it would cost for a new streetlight. This was Kept in Committee and Mr. Bezanson will get back to the Committee with a cost estimate for streetlight installation.

5. E911 Update

Councilor Lachapelle summarized the issue. There was no update as the E911 Committee has not met recently.

6. Emergency Management Update

Councilor Lachapelle summarized the issue. Chief Klose said that Rochester was hit pretty hard with the ice storm. The Reservoir Water Treatment Plant lost power from the storm and was running on generator power, but it is now back up and running normally; it took a specialized crew from Eversource to make the repairs at the Plant. The Willand Drive Warming Center in Somersworth will be open until Friday, but will close on Saturday and Sunday as temperatures will be warmer.

7. Covid-19 Statistics Update

Councilor Lachapelle summarized the issue. Chief Klose said there are 100 people on the COVID-19 list for the City of Rochester, 17 of them are juveniles ages 4-17. He stated that the State has stopped giving out a lot of information and he also said he was at a COVID-19 testing facility watching for an hour and no one entered to be tested. Stacey Price from the Housing Authority has been working with DHHS and the first shots for the residents were given last week. Next week the Housing Authority will be going door-to-door for each apartment offering shots.

8. Other







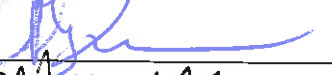
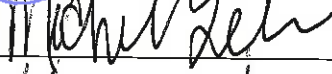
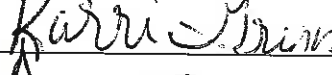


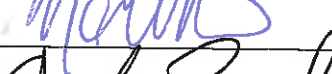

There were no other agenda items for discussion.

Councilor Lachapelle adjourned the meeting at 6:37 PM.

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

Petition to Lower Speed - Nottingham Lane

Petition summary and background	Request to lower speed limit and enforce with signage
Action petitioned for	Ward 1: Nottingham Lane East Rochester 03868

Printed Name	Signature	Address	Comment	Date
Douglas Smith		13 Nottingham Lane		2-17/21
Richard & Laurie Verville		14 Nottingham Lane		2/17/21
Susan Williams		19 Nottingham Lane		2/17/21
Darrin & Melissa Maggy		20 Nottingham Lane		2/17/21
Zeke & Amanda Lapierre		23 Nottingham Lane		2/17/21
Tony & Laura Harland		24 Nottingham Lane		2/17/21
Christopher & Micha Proulx		28 Nottingham Lane		2/17/21
Tyler & Michelle Lebs		29 Nottingham Lane		2/17/21
Bradley & Karri Grinnell		33 Nottingham Lane		2/17/21
Gonzalo Tapia & Sarah Giberson		34 Nottingham Lane		2/17/21
Sarah & Matthew Haberkorn		37 Nottingham Lane		2/17/21
Josh Beal & Amber Smith		45 Nottingham Lane		2/17/21

February 17, 2021

Dear Safety Committee,

Our street, Nottingham Lane is in the Ward 1 district. The road contains 12 single family homes and is just outside of the Rochester city limits. There is presently no posted speed limit sign. Our street is a non through way, straight and relatively short distance with a grass filled common area inside the roundabout at the very end of the cul-de-sac.

Although there are some instances where drivers who are unfamiliar with the street drive to fast, our main concern lies with one neighbor and her newly licensed teenage son regarding the speed in which they are driving. This has been an ongoing concern for a few years. They have both been asked numerous times by street residents to slow their speed to an appropriate level based on the surroundings. Unfortunately, the police have been called several times due to her lack of cooperation and common sense.

The driving poses a great danger to the residents and twenty plus young children (under 10) who live and play here.

We would collectively like to address the issue as the warmer weather approaches and before it escalates further or results in a tragedy. Please consider our request to add an appropriate speed limit, possibly 15mph based on size of street and demographics of the residents and enforce it with the appropriate signage.

Attached we have signatures from each of the other 11 households all in agreement that this matter should be addressed and is of great concern.

Sincerely,

Sarah Giberson

Public Works and Buildings Committee
City Hall Council Chambers
Meeting Minutes
February 18, 2021

MEMBERS PRESENT

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

OTHERS PRESENT

Peter C. Nourse PE, Director of City Service
Daniel Camara, GIS / Asset Management
Richard Davee, Wright Pierce Engineers

MINUTES

Councilor Walker read the following statement:

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

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

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

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

(Addendum).

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

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

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

The roll call:

<i>Councilor Rice</i>	<i>Ward 5</i>	<i>Present</i>
<i>Councilor Lachance</i>	<i>Ward 1</i>	<i>Present</i>
<i>Councilor Hamann</i>	<i>Ward 5</i>	<i>Present</i>
<i>Councilor Gray</i>	<i>Ward 6</i>	<i>Present</i>
<i>Councilor Walker</i>	<i>Ward 4</i>	<i>Present</i>

1. **Public Input**

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

2. **DPW Facility Update**

Mr. Nourse stated that the facility is at 49% complete and contingency is still at 79% remaining. He stated the interior walls are all framed, plumbing, hvac, and electrical are all roughed in, the masonry knee wall is nearly completed and all steel has been delivered to site. Mr. Nourse stated that the flooring and other interior color finishes have been selected and the office furniture is going out for bid in the coming week. He stated that the current expected occupancy date is mid November 2021. Councilor Walker asked for another tour of the facility. Mr. Nourse suggested mid-March. Councilor Rice suggested 8:30-9am. Mr. Nourse stated he would get back to them with a proposed date.

3. **Rt 11 Safety & Capacity Improvements**

Mr. Nourse summarized the safety and capacity issues regarding the Rt11 Corridor from the exit 15 Spaulding interchange to the Farmington town line. He discussed traffic counts and crash data. He stated that He, Councilor Gray, local business owners, and others had advocated for the needed improvements at the State of NH GACIT Hearings and Mr. Nourse stated that he and Mayor McCarley had advocated for improvements with Executive Councilor Warrington. Mr. Nourse described 3 segments of the road with separate needs for improvements and stated that the approximate 3000 foot segment from the interchange to Country Tire, was the segment to be addressed first. He stated that within this area there are two phases to the improvements. The first being "Safety" which would include a traffic light at Nashoba Drive, turn lanes and sidewalks from the traffic light east to the interchange at a cost of approximately \$3.2 million. The second phase would address "Capacity" adding multilane roadway from the new traffic light improvements east to the interchange at a cost of \$2.8 million. Mr. Nourse stated currently there is a TIF funded \$25K Study of the area in progress, but no other funds are appropriated by the City or the State of NH. He stated that the City has been able to swap out the Rt125/Lowell St 2 million dollar project for this Rt 11 Project in the States 10 year plan that plan is for engineering in 2023 and construction in 2026. He stated that State of NH's \$2 Million could be used toward the Safety project on Route 11. Mr. Nourse explained that both the Safety project and the Capacity project have been reviewed by NHDOT and Strafford regional planning and both projects rate high in the initial regional planning rankings. He stated that if the Capacity project was added to the 10 year plan it would be at the tail end, which would be in the year 2031. Mr. Nourse stated that he has placed the funding that includes the additional funds needed to complete the Safety project in the FY2023 and 2026 CIP.

Councilor Lachance asked if roundabouts were appropriate for the RT11 Corridor. Mr. Nourse stated that he did not believe the State of NH would consider roundabouts as their concern is to keep the mainline traffic on Route 11 moving. He stated that traffic signals can be timed to do that.

4. **General Ordinance Update**

Mr. Nourse stated that the Department of Public Works has been tasked with reviewing ordinances that pertain to our divisions, and to work with the Codes and Ordinance Committee on any necessary updates. Mr. Nourse stated that the Department has the Chapter 218 for Stormwater and Erosion Control, Chapter 260 for Water, Chapter 200 for Sewer, Chapter 210 Solid Waste and Chapter 223 Streets and Sidewalks. He stated that the first 3 of this list are very complex and require extensive review. Mr. Nourse stated that he has been in contact with the Codes & Ordinance Committee Chair and was given an extended schedule to complete this process. He stated that once internal review was completed he would have the City's Environmental Attorneys review them as well. Mr. Nourse stated that the Department is currently working on Chapter 218 as that is required per the MS4 permit to be completed by June 2021. Mr. Nourse stated that the Water and Sewer Ordinance will require a significant amount of time as they need to be compared with current practices and internal policies to ensure that they are consistent. An example quoted by Mr. Nourse in regards to Sewer impact fees and the lack of similar water fees should be looked at. He stated that there will be much more information to follow as the Department completes this process.

5. Other

745 Portland Street, David LeClair Drainage Concern – Councilor Gray started the discussion regarding the LeClair property at 745 Portland Street. Mr. Nourse stated that he had received pictures of the property earlier in the day regarding water and possible Portland Street and Katie Lane drainage entering Mr. LeClaire's property. Mr. Nourse stated that Mr. LeClaire believes that he has experienced higher water table and more run off onto his property since the development of Katie Lane. Mr. Nourse stated he had been out to the property and that he noted that the drainage and pond structure associated with Katie Lane seem to be working as designed. He noted that between Katie Lane and Mr. LeClaire's property there is a large wetland on the City owned parcel. Councilors Walker and Lachance suggested that this issue be held in Committee until the spring, when a walk of the property during the wet season could be conducted.

#5 Vinewood Vacant Lot - Mr. Nourse stated at the last meeting there was an inquiry about a sewer stub at this lot in this Colonial Pines Phase 2 project. He stated that yes, a sewer stub was installed and that it is current practice to stub off all vacant lots with in a sewer extension or rehabilitation project.

New Lead and Copper Rule – Mr. Nourse stated that at last meeting he thought he would be discussing this new mandate this month with the Committee, but it has been put on hold for further review at the Federal and State level and that he will be bringing it to the Committee when it has been further vetted and clarified by NHDES.

North Main Street Rectangular Flashing Beacon Project – Mr. Nours stated that this project is out to bid and scheduled to open 3/18/2021. He stated he would update the Committee next month with those results.

NH Department of Health and Human Services (DHHS) Lease Ext Request – Mr. Nourse stated that he had received a request from DHHS for a 2 year extension on their lease at the Community Center. He stated that the current lease expires 4/30/2022 and they would like to extend through 4/30/2024. Mr. Nourse stated that this is the fifth 2 year extension. He explained that prior to the last extension the State of NH went out to bid for proposals to accommodate their rental needs as required by their procedures. He stated the City opted to not participate in the process as their need would require \$500,000 in upgrades to the Community Center space. He stated that they were considering a significant increase in staffing as they were moving other regional operations to this location. They were requiring additional space, reconfiguration of the entire space plus significant safety upgrades that included bullet proof walls and glass in the newly designed access area. He stated that during their RFP Process DHHS had found a suitable space but did not come through and the City Council granted a two year extension for them to start the process again. At this time, due to the Covid-19 Pandemic, they have been unable to complete that process and they are requesting another 2 year extension. The Committee's discussion centered on the long term goals for the Community Center and the vision for the Community and other possible uses for that space. The also discussed the rental fees in regards to the buildings finances and debated whether this should be discussed at the Finance Committee or by the Full City Council.

Councilor Hamann made a motion to recommend this discussion be had by the full City Council., Councilor Lachance seconded the motion.

Roll Call Vote

Councilor Rice Ward 5 Present

<i>Councilor Lachance</i>	<i>Ward 1</i>	<i>Present</i>
<i>Councilor Hamann</i>	<i>Ward 5</i>	<i>Present</i>
<i>Councilor Gray</i>	<i>Ward 6</i>	<i>Present</i>
<i>Councilor Walker</i>	<i>Ward 4</i>	<i>Present</i>

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

Councilor Walker made a motion at 8:06 PM to go into non-public session. Councilor Rice seconded the motion.

A Roll Call Vote was taken:

<i>Councilor Rice</i>	<i>Ward 5</i>	<i>Yes</i>
<i>Councilor Lachance</i>	<i>Ward 1</i>	<i>Yes</i>
<i>Councilor Hamann</i>	<i>Ward 5</i>	<i>Yes</i>
<i>Councilor Gray</i>	<i>Ward 6</i>	<i>Yes</i>
<i>Councilor Walker</i>	<i>Ward 4</i>	<i>Yes</i>

Councilor Rice made a motion at 8:30 PM to leave Non-Public Session. The motion was seconded by Councilor Hamann.

A Roll Call Vote was taken:

<i>Councilor Rice</i>	<i>Ward 5</i>	<i>Yes</i>
<i>Councilor Lachance</i>	<i>Ward 1</i>	<i>Yes</i>
<i>Councilor Hamann</i>	<i>Ward 5</i>	<i>Yes</i>
<i>Councilor Gray</i>	<i>Ward 6</i>	<i>Yes</i>
<i>Councilor Walker</i>	<i>Ward 4</i>	<i>Yes</i>

Councilor Lachance made a motion to seal the minutes indefinitely because it was determined that divulgence of this information likely would adversely affect the reputation of a person other than a board member and / or may render a proposed action ineffective during land & contract negotiations. The motion was seconded by Councilor Hamann.

A Roll Call Vote was taken:

<i>Councilor Rice</i>	<i>Ward 5</i>	<i>Yes</i>
<i>Councilor Lachance</i>	<i>Ward 1</i>	<i>Yes</i>
<i>Councilor Hamann</i>	<i>Ward 5</i>	<i>Yes</i>
<i>Councilor Gray</i>	<i>Ward 6</i>	<i>Yes</i>
<i>Councilor Walker</i>	<i>Ward 4</i>	<i>Yes</i>

Councilor Hamann made a motion to adjourn at 8:42 pm. Councilor Lachance seconded the motion.

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

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City Clerk's Office

**Amendments to Chapter 275 of the General Ordinances of the City of Rochester regarding
Murals**

THE CITY OF ROCHESTER ORDAINS:

That Chapter 275 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows

Purpose:

The City of Rochester understands the importance of adopting regulations for murals on private property and public property. The regulations for murals were formulated as a means to continue visual aesthetic while allowing for creative expression in appropriate locations and with sensitivity to the Historic Downtown nature of permitted areas. The established review criteria provide guidance concerning the compatibility and appropriateness of theme, location, design, placement, massing, scale, and materials of mural art with no intrusion into the artistic expression or the content of work.

Definitions

Vandalism: Any unpermitted writings, drawings, or other material posted on a public or private property. Typically this is unlawfully placed on property not owned by the person posting the material.

Mural: Any permitted art painted or applied directly on a building, structure, fence, or object within the public view that is located on public or private property.

Historic Wall Graphics: includes any graphic shown to be at least 60 years old that is recognized as distinctly important in the social science of history that records, studies, and explains the character and significance of past human activities in Rochester.

Sign: For definitions of numerous sign types see Article 29, Signage.

Zones where Murals are Permitted:

Murals are permitted by Conditional Use Permit in the following districts: Neighborhood Mixed Use, Downtown Commercial District, Office Commercial, Highway Commercial, and Granite Ridge Development District.

Approval for Murals:

A) General Requirements

The City of Rochester exempts public art, including murals, that are located outside the Historic Overlay District from Article 29: Sign Ordinance. However murals must be permitted and approved, per the process below.

Murals that include trademarks service marks, or other markings, colors, or patterns identifying or associated with business, profession, trade, occupation, may be permitted if it is shown that they are historic wall graphics on private property. Otherwise such will be considered commercial applications and shall be considered signs.

All applications shall include the property owner's signature indicating their approval of the submission of the application and of the mural.

All applications shall include a description of the artist's qualifications.

All application shall include a long-term maintenance plan.

Any mural without approval may be considered vandalism or a sign and enforced accordingly.

Rotating murals in which an applicant plans to apply more than one mural to the same wall within a year period require approval for each submission.

B) Murals on Public Property

Applicants shall submit a Public Art Install Application for review and approval by the City Council.

C) Murals on Private Property that is visible from the Public Right-of-Way:

- 1) Applicants shall submit a Public Art Install Application for review and approval by Arts and Culture Commission.
- 2) Once the Arts and Culture Commission has approved the install the applicant must check if they are in the Historic Overlay District. Any mural located within the Historic Overlay District that is visible from the public right-of-way shall be reviewed by the Historic District Commission and must comply with the Department of Secretary Interiors Standards for treatment for historic masonry buildings.
- 3) Once HDC approval is obtained the applicant shall apply for a Permit from the Planning Board.

Review Criteria:

A) Location

1. The mural complements and enhances the building.
2. The mural does not cover or detract from significant or character defining architectural features.
3. The mural enhances and complements the surround neighborhood.
4. The treatment and application of murals located on properties within the Historic District Overlay follows the National Parks Services Department of Secretary Interiors Standards for Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings Technical Preservation Services. The mural enhances the building or wall and is incorporated architecturally into the character of the Historic District.

5. Murals that are mounted onto buildings are done so in a way that prevents damage from moisture and condensation behind the attached panel. The hanging or anchoring of murals should be reversible.
6. The mural does not cover over the exterior surfaces of any building opening such as windows, doors and vents. This excludes any City sanctioned event that may involve temporary window paintings.

B) Design

1. Preparation to substrate must be identified and condition must also be addressed including surface conditions, fragility, permeability, and porosity.
2. The scale of the mural is appropriate for the building. Murals located on the primary street façade shall not exceed more than 25% of the area of façade of which the mural is located.
3. The mural enhances the surrounding neighborhood.
4. The mural is an original design.
5. The name, logo, or other indicator of the sponsor of the mural or the mural artist shall be discreetly displayed and shall not exceed 5% of the overall design.
6. Materials are of superior quality and intended for exterior use.
7. Use of reflective, neon, or fluorescent paints is limited.
8. Permanent installations have a weatherproof and vandalism resistant coating.
9. The mural contains no defamation, incitement, obscenity, illegal content, or images of child pornography. Obscene matter is that which the average resident of the City, applying community standards, would find, taken as a whole, appeals to a prurient interest and lacks serious literary, artistic, political, or scientific value.

Maintenance:

1. The maintenance of the mural is the responsibility of the property owner. In the case of murals on public property, maintenance shall be the responsibility of the organization that commissioned the mural.
2. The long-term maintenance plan must be prepared and include a plan for periodic touch up or repainting condition of the surface must be inspected.
3. The mural must be properly maintained to ensure that material failure, such as peeling paint, is corrected and vandalism is removed promptly in accordance with the Property Maintenance Code.
4. A long term maintenance plan for periodic touch up or repainting is required with submission.
5. Rotating murals (in which an applicant plans to apply more than one mural to the same wall within a year period) requires approval for each submission.

Enforcement

1. When an official interpretation is deemed necessary, the Zoning Administrator will determine if a proposal is a mural or sign. This decision may be appealed by the Zoning Board of Adjustment.

Amendments effective upon passage.

**Resolution Authorizing Approval to Submit a Notice of Intent to Obtain Coverage Under
the Great Bay Total Nitrogen Permit**

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

WHEREAS: The City of Rochester owns and operates a Wastewater Treatment Facility (also known as “WWTF”); and

WHEREAS: Rochester’s Wastewater Treatment Facility is subject to Environmental Protection Agency (EPA) regulation pursuant to the Clean Water Act, 33 U.S.C. § 1251 et seq.; and

WHEREAS: On November 24, 2020, EPA Region 1 issued the final National Pollutant Discharge Elimination System (NPDES) Great Bay Total Nitrogen Permit for Wastewater Treatment Facilities in New Hampshire NPDES General Permit NHG58A000 (“General Permit”) with an effective date of February 1, 2021; and

WHEREAS: The General Permit provides for effluent limitations at WWTFs, as well as an ongoing opportunity for permittees to study and work with regulators toward scientific monitoring and study of Great Bay, implementation of stormwater best-management-practices, development of nitrogen source reduction strategies, and eventual nutrient load capacity determinations; and

WHEREAS: The General Permit allows for facilities covered by this General Permit to opt into coverage by submitting a Notice of Intent to EPA no later than April 1, 2021; and

WHEREAS: Rochester is in the final stages of negotiating an Administrative Order on Consent (AOC) with EPA Region 1 allowing for interim effluent limitations and monitoring requirements pursuant to the General Permit.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL
THAT:

The City Manager and/or Rochester WWTF plant supervisor are authorized to sign a Notice of Intent, submit same, and take all necessary steps to obtain coverage for the City of Rochester and its WWTF pursuant to the General Permit issued by the EPA Region 1, in accordance with applicable requirements, conditioned upon finalizing the AOC with EPA Region 1.

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City Clerk's Office



02/25/2021

City of Rochester Formal Council Meeting

AGENDA BILL

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

AGENDA SUBJECT

Notice of Intent to Obtain Coverage under the Great Bay Total Nitrogen General Permit

COUNCIL ACTION ITEM ☒
INFORMATION ONLY ☐

FUNDING REQUIRED? YES ☐ NO ☒
* IF YES ATTACH A FUNDING RESOLUTION FORM

RESOLUTION REQUIRED? YES ☒ NO ☐

FUNDING RESOLUTION FORM? YES ☐ NO ☒

AGENDA DATE	March 2, 2021	
DEPT. HEAD SIGNATURE	Terence O'Rourke, City Attorney	
DATE SUBMITTED	February 22, 2021	
ATTACHMENTS YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

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

LEGAL AUTHORITY

Section 19 of the City Charter and Federal Clean Water Act, as amended (33 U.S.C. 1251 et seq.)

SUMMARY STATEMENT

In January 2020 the EPA first issued a draft of the Total Nitrogen General Permit. Over the ensuing months, Rochester and other communities submitted extensive comments on the draft, and worked with regulators to try and improve the permit to achieve an innovative permit that represents an important step forward on water quality, while also respecting needs of the communities.

In November 2020, the EPA issued the final Total Nitrogen General Permit. The final permit contained many features of the draft permit, but also contained several important improvements. With respect to treatment plants, the final permit adopted a seasonal nitrogen limit and removed the original plant optimization requirement (though optimization could still factor into Rochester's future efforts to reduce nitrogen).

Additionally, the final permit also replaced the original non-point-source reductions in the draft permit with the joint development of an adaptive management process. The final permit invites permittees to submit a proposed Adaptive Management Plan in the summer of 2021. That plan involves proposals for future monitoring ambient water quality, tracking total nitrogen additions and reductions, creating a nitrogen source reductions plan, determining a load based threshold, and participating in the science affecting the future of permits and regulations on the Great Bay Estuary. This adaptive management process is an important feature of the final permit and determining a reasonable, science-based approach to future nitrogen limits, while at the same time achieving nitrogen source reductions that will reduce other pollutants reaching Great Bay by, for example, stormwater runoff.

Opting into the final permit and submitting an adaptive management plan will necessarily involve continuing, annual financial commitments of permittees, including Rochester, in support of tasks such as nitrogen source reductions, ongoing ambient monitoring of Great Bay, ongoing scientific study in relation to that monitoring, and an eventual Total Maximum Daily Load ("TMDL") study for Great Bay.

The City Council Approved a Resolution at the February 16, 2021 Special Meeting to enter into a Intermunicipal Agreement to carry out the adaptive management plan obligations.

RECOMMENDED ACTION

Vote to Authorize the City Manager or the Wastewater Treatment Plant Operator to sign necessary paperwork to effect the City's opt-in to the NPDES General Permit.

Resolution Deauthorizing \$3,650.45 from the Rochester Police Department Ballistic Vest Grant

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

That Three Thousand Six Hundred Fifty and 45/100 Dollars (\$3,650.45) of funds previously appropriated to the Rochester Police Department as part of a Ballistic Vest Grant is hereby deauthorized. The City will reduce its reimbursement request to the Department of Justice under Ballistic Vest Grant by the amount deauthorized herein.

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

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City Clerk's Office



02/25/2021

City of Rochester Formal Council Meeting

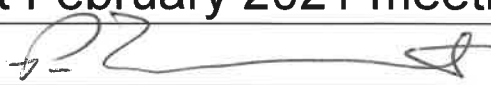
AGENDA BILL

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

AGENDA SUBJECT

Seeking permission from Council to de-authorize \$3,650.45 from the 2018 Vest Grant Fund 2018-BU-BX-18092564.

COUNCIL ACTION ITEM ☒
INFORMATION ONLY ☐FUNDING REQUIRED? YES ☐ NO ☒
* IF YES ATTACH A FUNDING RESOLUTION FORMRESOLUTION REQUIRED? YES ☒ NO ☐FUNDING RESOLUTION FORM? YES ☒ NO ☐

AGENDA DATE	Next February 2021 meeting	
DEPT. HEAD SIGNATURE		
DATE SUBMITTED	1/28/21	
ATTACHMENTS YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

FINANCE OFFICE APPROVAL	
SOURCE OF FUNDS	Federal JAG Grant
ACCOUNT NUMBER	Fund 61142019 Project 19566
AMOUNT	\$3,650.45
APPROPRIATION REQUIRED YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	

LEGAL AUTHORITY

Council action required.

SUMMARY STATEMENT

Requesting to de-authorize \$3,650.45 for vest funds we didn't spend. Staffing shortages due to vacant positions.

RECOMMENDED ACTION

De-authorize funds in the amount of \$3,650.45.

AGENDA BILL - FUNDING RESOLUTION

EXHIBIT

Project Name: Date: Fiscal Year:

Fund (select):

GF Water Sewer Arena CIP Water CIP Sewer CIP Arena CIP Special Revenue Fund Type: Lapsing Non-Lapsing

Deauthorization

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

Appropriation

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

Revenue

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

DUNS # CFDA # Grant # Grant Period: From
To

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

Reimbursement Request will be reduced Funds will be returned

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City Clerk's Office

**Amendment to the Granite Ridge Development District (GRDD) Tax Increment
Development Program & Financing Plan (“TIF Plan”) Pursuant to RSA 162-K:9, IV**

THE CITY OF ROCHESTER ORDAINS:

WHEREAS, the 2014 Adopted GRDD TIF Plan was crafted to rely on retail and office space development to generate tax increment for the GRDD;

WHEREAS, the original GRDD TIF concept planned for the development of retail and office space as the main drivers for incremental assessment within the TIF, but market trends over the last several years has seen the demand for office and retail rental space decline at an accelerated rate;

WHEREAS, these economic shifts, amid other more recent influences, are reshaping the traditional approach to retail and office space development; and

WHEREAS, it is acknowledged that increasing diversity is necessary to assure tax incremental revenues remain at adequate levels in order to carry out the development plans of the GRDD.

THEREFORE, the Mayor and City Council of Rochester ordain that mixed use commercial and residential developments, and associated public parks, parking lots, open spaces, and recreational opportunities is recognized as allowable development activities within the GRDD TIF Plan and the GRDD TIF Plan is hereby amended to allow the same.

The effective date of these amendments shall be upon passage.

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City Clerk's Office



02/25/2021

City of Rochester Formal Council Meeting

AGENDA BILL

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

AGENDA SUBJECT

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

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

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

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

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

LEGAL AUTHORITY

--

SUMMARY STATEMENT

RECOMMENDED ACTION



City of Rochester, New Hampshire
 Office of Economic & Community Development
 33 Wakefield Street, Rochester, NH 03867
 (603) 335-7522, www.rochesteredc.com

2/23/2021

Amendment to the Granite Ridge Development District Tax Increment Development Program & Financing Plan (TIF Plan)

The GRDD TIF-Plan was adopted in 2014 and does not reflect current real estate and market trends. Economic Development is requesting an amendment to the TIF-Plan that would allow for the development of mixed use commercial and residential developments and associated public parks, parking lots, open spaces, and recreational opportunities as.

Why amend?

Market Shift - Office

- No new office builds in Rochester since 2013
- 22% of workforce is expected to work from home by 2025
- Due to a shift to a remote workforce, NYC is currently experiencing office re-lease rates of 50% as opposed to 90%
- Prior to Covid, companies had already starting shifting to a hybrid work model – now they are letting more employees work remotely fulltime.
- Original plan for office space at the GRDD was based on CLD traffic count requirements not actual market demand

Market Shift - Housing

- Rochester currently has a 1.6% overall rental vacancy (.6% rate for 2BR)
- “Healthy” vacancy rate is between 5- 6%
- NH has the highest rate of millennial in-migration in the Northeast
- Millennials are more apt to rent than buy
- The trends call for smaller more efficient (500-800 sf. units) in close proximity to entertainment and services

Economic

- To increase the amount of discretionary income flows into the local economy
- To attract businesses - employers look for a healthy housing market when analyzing expansion plans
- To attract investment
- To attract businesses to the downtown and surrounding community
- To improve the financial health and stability of the GRDD-TIF



City of Rochester, New Hampshire
Office of Economic & Community Development
33 Wakefield Street, Rochester, NH 03867
(603) 335-7522, www.rochesteredc.com

Recommendation from the GRDD Advisory Board 2020 Draft Report (November 30, 2020)

1. 'Creating a more multi use district by adding permitting housing as an allowed use in the district. The Advisory Board reviewed the "GRDD Potential for Apartments as Secondary Use" report by Bruce Mayberry and recommends adding a residential component to the district. This would include updating the TIF Plan and Developers Agreement.'

More letters of support are included at the end of this packet.



February 4, 2021

Dear Mayor McCarley and Rochester City Councilors,

I am writing to support an adjustment to the zoning along RT 11 to allow for housing.

As you may be aware, my family has owned businesses in Rochester dating back to 1976. Over that time, we have witnessed and experienced many economic ups and downs in our own business, as well as those endured by very own city.

In the past decade or so, Rochester has taken great strides in proving to the surrounding communities that we can think “outside the box” and be leaders in creating solid long-term employment opportunities with good paying jobs. We have also facilitated the construction and growth of what’s known as “The Ridge,” which has attracted people from all directions. Much of this has been accomplished with incentives for businesses that no other community in our area ever thought of before now.

It is time to take the “next step.”

There is no doubt that the past year of pandemic has changed a lot of retail and consumer buying habits. Online shopping has become much more popular. We need to ensure that the “brick and mortar” that we already invested in continues to thrive. We also need housing to accommodate the employment growth that we experienced, and the two go hand in hand.

We need to update Rte 11 zoning for housing ***as soon as possible***, in order to keep our momentum going and protect our investments. Our new workforce, which includes millennials, empty nesters, and professionals, are looking for market rate apartments in proximity to established shopping and dining. A change in zoning would accomplish all of the above.

- According to the 2020 Residential Rental Market Survey, administered by the University of New Hampshire Survey Center, “(market rate)” rental housing units survey show that there is still a high demand for apartments, a tight supply, and a low vacancy rate, making it a challenging market for NH renters,” particularly in Strafford and Rockingham counties. Further, “to sustain NH’s economy, additional housing is needed to support our labor force.
- According to a recent study, about 20,000 more housing units are needed to meet current demand and stabilize the market.”

As a business owner or as a citizen, we are all invested in Rochester. Let’s protect that investment.

Thank you in advance for the consideration and action to move Rochester forward.

Ron Poulin
Owner

02/25/2021



City of Rochester, New Hampshire
Office of Economic & Community Development
33 Wakefield Street, Rochester, NH 03867
(603) 335-7522, www.rochesterredc.com

January 27, 2021

Ms. Caroline McCarley
Mayor
City of Rochester
31 Wakefield Street
Rochester, NH 03867

Re: Amendment to the Granite Ridge Development District TIF to Allow for the
Development of Residential Housing

Dear Mayor McCarley:

The Rochester Economic Development Commission (REDC) is submitting this letter in support of amending the Granite Ridge Development District (GRDD) Tax Increment Finance Plan (TIF) to allow for the development of residential housing.

The commonly accepted value for a “healthy” residential vacancy rate is around 5-6%. According to the most recent analysis by the Workforce Housing Coalition of the Greater Seacoast, Rochester’s vacancy rate calculates to 1.6%. These numbers take into account all sizes and levels of housing.

The REDC recognizes that this housing deficit is detrimental to both employees wishing to live close to work, and employers interested in hiring local. The addition of housing to the GRDD TIF will not only assist in reducing the housing deficit but will increase the overall strength and vitality of the GRDD TIF District.

The REDC is supportive of the addition of any housing units on any level, and feels that the addition of residential to the GRDD TIF would only serve to benefit the overall economic health and stability of the city.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan D. Shapleigh", written in a cursive style.

Jonathan Shapleigh
Chairman, REDC



Rochester Main Street Program is a non-profit, volunteer organization devoted to the preservation, growth, and vitality of downtown Rochester.

Participate - Volunteer - Donate

February 1, 2021

Ms. Caroline McCarley
Mayor
City of Rochester
31 Wakefield Street
Rochester, NH 03867

Re: Amendment to the Granite Ridge Development District TIF to Allow for the Development of Residential Housing

Dear Mayor McCarley:

Rochester Main Street is submitting this letter in support of amending the Granite Ridge Development District (GRDD) Tax Increment Finance Plan (TIF) to allow for the development of residential housing.

After reviewing the plan, RMS feels that any residential housing in the GRDD will certainly benefit downtown businesses and have little to no ill effects on future sales volume or vacancy rates. We believe that increasing residency anywhere in the area is a win-win for the city.

Sincerely,

Michael Guillette
President
Rochester Main Street



Mark R. Farrell
Director of Manufacturing Operations
20 Industrial Way,
Rochester NH 03867
Phone: 603-834-6850
Email: mfarrell@laars.com
Website: www.laars.com

February 4, 2021

Dear Mayor McCarley and Rochester City Councilors,

I am writing to support an adjustment to the zoning along RT 11 to allow for housing.

As a business owner, having housing stock available to current employees and for the future workforce is crucial to LAARS's company's growth. By updating the RT 11 zoning for housing, it reflects the active and growing housing demand, which includes millennials, empty nesters, and professionals. This is advantageous for Rochester and LAARS.

Additionally, with the changes to the retail and consumer buying habits prior to the pandemic where there is an increase of shopping online, the pandemic only increases this pressure. By expanding RT 11 to have mixed use spaces, including available market rate apartments, in proximity to established shopping and dining, supports the continued success of the retail centers, and protects Rochester's investment in these developments.

- According to the [2020 Residential Rental Market Survey](#), administered by the University of New Hampshire Survey Center, "(market rate)" rental housing units survey show that there is still a high demand for apartments, a tight supply, and a low vacancy rate, making it a challenging market for NH renters," particularly in Strafford and Rockingham counties.
- Further, "to sustain NH's economy, additional housing is needed to support our labor force. According to a recent study, about 20,000 more housing units are needed to meet current demand and stabilize the market."

Thank you in advance for the consideration and action to move Rochester forward as we all strive to grow together.

Sincerely,

Mark R. Farrell



City of Rochester, New Hampshire

Granite Ridge Development District

Tax Increment Development Program & Financing Plan

Date Prepared: May 6, 2014

Date Adopted: June 17, 2014

A. Introduction and Objectives

Tax increment financing (TIF), authorized by New Hampshire RSA 162-K may be used to provide municipal incentives for economic development. Tax increment financing allows property taxes derived from growth in assessed valuation within a TIF district to be retained to pay for public improvements made within the district that encourage new businesses and industries to locate there. Cities and towns in northern New England use the TIF mechanism to compete with financial incentives offered in other regions of the United States. TIF districts are limited in duration, generally by the time required to amortize bonded debt and the recovery of other municipal costs incurred in creating the TIF district and providing public infrastructure.

1. History of Granite Ridge Development District (GRDD)

Well thought out and planned commercial districts benefit the community and landowners within the district in many ways. The Granite Ridge Development District was first studied in 1998 and was included in Rochester's Land Use Master Plan and Transportation Master Plans at the turn of the century. The plan to attract significant commercial investment was further enhanced in the Economic Development Master Plan, completed and implemented in 2006. An early report of the TIF build-out potential was completed by Bruce Mayberry in September 2006. CLD was selected in 2008 to provide further analysis on wetlands and land capacity, and potential infrastructure needs to support the anticipated development. The Buxton Company provided a comprehensive retail analysis, leakage report and prospects for attraction in a study completed the same year.

Rochester has clearly stated benefits identified as maximized tax revenue, minimized infrastructure burden, efficient and easy to navigate roads, and minimized traffic impacts. A specific zoning district ordinance for the Granite Ridge Development District (GRDD) was approved in April 2010, to support and enhance the city's goals and objectives. The city completed an application for the District to become a New Hampshire Economic Revitalization Zone in 2013, which was approved by the Department of Resources and Economic Development.

2. Objectives of Granite Ridge Development District TIF Program

The objectives of the Tax Increment Financing Program are to:

- Stimulate significant opportunities for business creation and expansion within the District.
- Enhance employment and earnings opportunities for area residents.
- Stimulate increases in the commercial tax base within the City, reducing and/or stabilizing the residential tax burden.
- Minimize infrastructure cost to the City through efficient planning for the district as a whole.
- Maximize the developable areas on individual parcels within the district through flexible requirements.
- Manage traffic impacts to NH Route 11 through implementation of a public connector road between development and parcels, and shared intersections and driveways.

These objectives will be achieved by improving water, sewer and highway infrastructure, and by developing a public shared access connector road on the North-east side of NH Route 11. The proposed improvements are more specifically defined in Section III.

The conceptual TIF District has been evaluated along the NH Route 11 corridor with respect to its potential build-out and the incremental valuation and tax revenue that it might generate. The most recent analysis was completed by CLD Consulting Engineers and included a thorough analysis of build-out potential and infrastructure requirements.

All or a portion of incremental tax revenues generated from increased assessed valuation within a TIF may be captured to recover the City's investment in infrastructure development costs.

3. Development Potential of Granite Ridge Development District

The CLD Report of 2009 was used to estimate the amount of land in Granite Ridge that is available to be developed based on current Land Use Regulations. In the study of land areas the primary limitations to development are wetlands and steep slopes. These areas were mapped as part of the report.

- The GRDD was surveyed by a wetland scientist, who determined where the wetlands are based on current definitions of wetlands. A 50-foot buffer was added around the wetlands per local and state regulations.
- The areas of the district where the slopes are too steep (greater than 15%) for building were determined from topographic data. The wetlands (including the 50-foot buffer) and the steep slopes were plotted on the corridor base map of the area.

A summary of estimates of the type and size of development that would be supported based on these estimates is approximately 1.6 million square feet of combined retail and other commercial or office uses.

Table 1: Granite Ridge Development Potential

Comparison Factor	
Gross Land Area (Acres)	913.09
Building Floor Area	
Existing	594,316
Growth Potential	1,615,904
Buildout Total	2,210,220
Taxable Assessed Value	
Existing	\$62,326,773.00
Growth Potential	\$362,419,005.00
Buildout Total	\$424,745,778.00
Annual Property Tax Yield (1)	
Existing	\$1,642,993.74
Growth Potential (Increment)	\$9,553,364.97
Buildout Total	\$11,196,298.71

(1) Computed at total 2013 tax rate of \$26.36 per thousand assessed value

4. Public Benefits of Granite Ridge TIF District Program

The construction of new commercial and hospitality business facilities promotes the long-term growth, stability and diversity of employment and the City's taxable valuation. Long term growth in commercial and industrial valuation ultimately supports higher quality services at a lower tax expense to residential uses. The Granite Ridge Development District TIF Program is expected to provide a number of public benefits, including:

- 1) Enhancing the efficiency of land use and encouraging development consistent with the City's Master Plan and its Economic Development Strategy;
- 2) Concentrating new economic development in desired areas through the efficient use of public infrastructure;
- 3) Stabilizing or expanding the City's employment base and resident access to new employment opportunities;
- 4) Encouraging the creation of diverse economic opportunities and improving the standard of living for residents;
- 5) Providing for long-term growth in the City's non-residential property valuation;
- 6) Diversifying the property tax base to enable Rochester to continue providing quality municipal services and facilities for residents; and
- 7) Supporting general growth and prosperity of the City and the general welfare of its citizens.

B. Description of the Granite Ridge Development District Tax Increment Financing Program Area

1. District Boundaries

The Development District includes 71 properties indicated in a map of the area labeled Map A, and followed by a spreadsheet labeled Table 2. It encompasses land between Exit 15 of the Spaulding Turnpike, along the NH Route 11 Corridor to the Farmington town line. As indicated in Table 2, the proposed TIF District contains 913.09 acres, which represents 3.18% of the total land area in the City of Rochester (28,688.05 acres). The total assessed value of taxable property in the proposed district is \$62,326,773 or 3.04% of the total assessed value of taxable property in the City (\$2,048,617,212). Thus the district complies with the size standards of RSA 162-K:5 as amended.

2. District Characteristics

The TIF District as defined contains significant parcels with vacant developable land, and those estimated as most likely to benefit from investment in public infrastructure. The gross land area includes 913.09 acres with a current taxable valuation of about \$62.327 million. In some cases, the vacant land parcels within the TIF is valued under current use provisions. This would mean a substantial increment in value would be created upon conversion of this land from current use status as it develops. The development district contains approximately 594,316 sq ft gross floor area in existing buildings, including some residential uses.

**Table 2: Granite State Business Park TIF District Parcels
Estimate of Original Assessed Valuation (Baseline) ¹**

Estimate of Original Assessed Valuation (Baseline)

Updated: January 2014

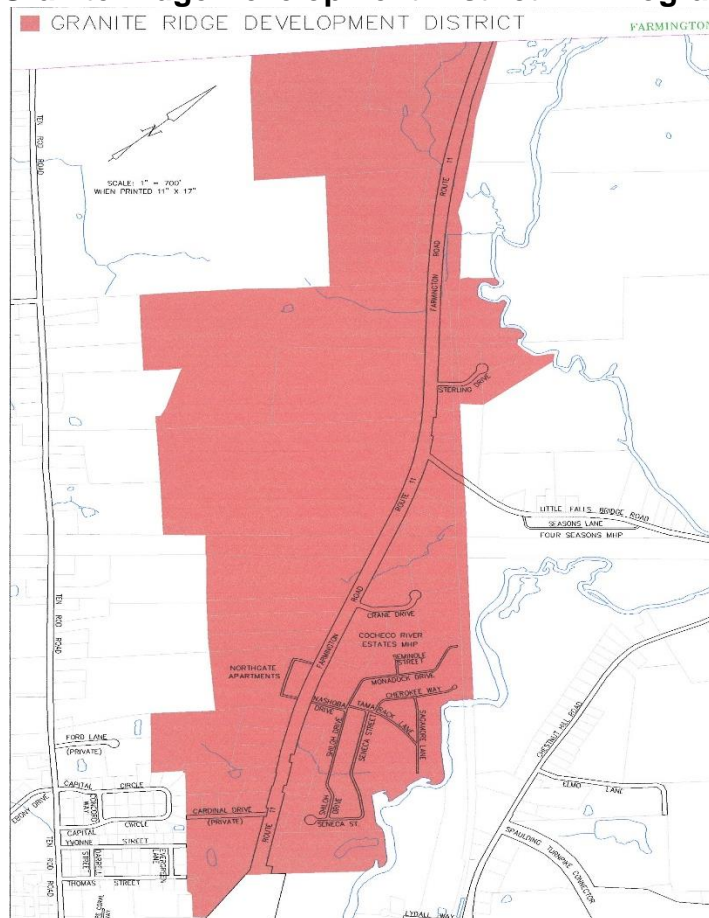
Parcel ID (PID)	Acres	Total Baseline Assessment	Other
0208-0001-0000	77.06	\$ 1,062,671.00	Partial CU
0208-0001-0001	34.18	\$ 13,838,300.00	
0208-0001-0002	5.44	\$ 291,600.00	
0208-0002-0000	32.00	\$ 1,736.00	CU
0208-0004-0000	1.30	\$ 155,200.00	
0208-0005-0000	0.63	\$ 144,300.00	
0208-0006-0000	1.05	\$ 328,200.00	
0208-0006-0001	0.94	\$ 392,800.00	

0208-0007-0000	1.33	\$ 348,100.00	
0208-0008-0000	60.00	\$ 2,423,333.00	Partial CU
0208-0008-0001	11.61	\$ 467,400.00	Partial CU
0208-0009-0000	4.30	\$ 915,900.00	
0208-0010-0000	1.02	\$ 712,800.00	
0208-0011-0000	4.00	\$ 394,100.00	
0208-0012-0000	75.00	\$ 177,580.00	
0208-0013-0000	16.09	\$ 118,061.00	CU
0208-0014-0000	165.49	\$ 2,623,500.00	Exempt
0208-0015-0000	0.29	\$ 46,800.00	Exempt
0208-0016-0000	1.66	\$ 234,900.00	
0208-0017-0000	8.90	\$ 233,100.00	
0208-0018-0000	1.65	\$ 234,700.00	
0208-0018-0001	2.08	\$ 241,200.00	
0208-0018-0002	2.88	\$ 1,638,700.00	
0208-0018-0003	5.02	\$ 285,300.00	
0208-0018-003A	0.64	\$ -	
0208-0019-0000	1.16	\$ 520,100.00	
0208-0019-0001	1.25	\$ 990,400.00	
0208-0019-0002	0.57	\$ 554,500.00	
0209-0001-0000	1.70	\$ 297,500.00	
0216-0001-0000	3.20	\$ 728,900.00	
0216-0002-0000	2.60	\$ 455,200.00	
0216-0003-0000	2.90	\$ 197,200.00	
0216-0004-0000	17.10	\$ 4,763,500.00	
0216-0005-0000	1.24	\$ 674,000.00	
0216-0006-0000	5.62	\$ 1,515,200.00	
0216-0007-0000	7.60	\$ 390,500.00	
0216-0008-0000	6.30	\$ 680,500.00	
0216-0009-0000	20.00	\$ 668.00	CU
0216-0010-0000	21.00	\$ 485,700.00	
0216-0011-0000	85.00	\$ 469,715.00	Partial CU
0216-0012-0000	1.89	\$ 187,900.00	
0216-0013-0000	11.80	\$ 39,700.00	Exempt
0216-0017-0000	12.00	\$ 40,300.00	Exempt
0216-0018-0000	3.50	\$ 1,565,400.00	
0216-0018-0001	2.75	\$ 769,400.00	
0216-0018-0002	3.60	\$ 2,675,200.00	
0216-0019-0000	4.50	\$ 303,800.00	
0216-0020-0000	6.09	\$ 1,979,800.00	
0216-0021-0000	4.80	\$ 259,500.00	
0216-0022-0000	5.30	\$ 267,000.00	
0216-0023-0000	3.16	\$ 257,400.00	
0216-0024-0000	4.01	\$ 1,562,700.00	
0216-0025-0000	2.60	\$ 1,339,100.00	
0216-0026-0000	68.00	\$ 4,745,600.00	
0216-0027-0000	3.40	\$ 11,900.00	
0216-0028-0000	1.70	\$ 1,136,300.00	

0216-0028-0001	0.10	\$ 181,500.00	Exempt
0216-0029-0000	2.15	\$ 366,800.00	
0221-0154-0000	20.80	\$ 235,095.00	Partial CU
0221-0156-0000	1.20	\$ 186,800.00	
0221-0157-0000	1.20	\$ 60,700.00	
0221-0158-0000	1.30	\$ 157,200.00	
0221-0159-0000	2.45	\$ 246,800.00	
0221-0160-0000	1.32	\$ 159,800.00	
0221-0162-0000	6.40	\$ 160,100.00	
0221-0163-0000	15.00	\$ 309,414.00	
0221-0164-0000	1.16	\$ 862,900.00	
0221-0165-0000	1.70	\$ 855,100.00	
0221-0166-0000	1.10	\$ 530,500.00	
0221-0167-0000	0.30	\$ 254,000.00	
0221-0168-0000	14.00	\$ 172,200.00	
0221-0169-0000	12.01	\$ 384,300.00	Exempt
0208-0001-A000	0.00	\$ 28,700.00	
	913.09	\$ 62,326,773.00	

CU = Current Use Property

Map A: Granite Ridge Development District TIF Program:



3. Compliance with Statutory Limits on TIF Land Area and Valuation

Table 3 compares baseline conditions in the GSBP TIF district to statutory limitations on taxable valuation and acreage allowed within the City. New Hampshire RSA 162-K:5 sets the maximum allowable base valuation of any individual TIF district, at not more than eight percent (8%) of the City's taxable value, and limits gross land area within a TIF to not more than five percent (5%) of the City's land area. Maximum base valuation for a single TIF district in Rochester is \$160.47 million (as of 2012) and maximum land area allowable in an individual district is 1,434 acres. Both the valuation and acreage of the Granite Ridge Development TIF District are well within statutory limits.

Table 3: Compliance with Statutory Limits of RSA 162K

Comparison Factor for Statutory TIF Limitations RSA 162-K:5	Taxable Valuation	Land Area in Acres
City Total 2011	\$2,048,617,212	28,688.05
Maximum Allowable - Individual TIF District <i>(8% of Taxable Value; 5% of Acreage)</i>	\$163,889,377	1,434.40
Granite Ridge Development District TIF Baseline <i>As Percent of City Total</i>	\$62,326,773 3.04%	913.09 3.18%
Maximum Cumulative TIFs Allowable <i>(16% of Taxable Value; 10% of Acreage)</i>	\$327,778,754	2,868.81
Granite Ridge Development District TIF	\$ 62,326,773	913.09
Granite State Business Park RSA 162k:5 TIF	\$ 13,413,792	335.26
Granite State Business Park RSA 205 TIF	\$ 24,169,200	56.45
Total Cumulative District Values 2013 <i>As Percent of City Total</i>	\$ 99,909,765 4.87%	1,304.80 4.55%

C. Proposed Development Activities

The City's principal activities in developing the Granite Ridge Development District may include land acquisition and assembly, public infrastructure development, maintenance and administration of the commercial district, marketing and promotion, negotiation of development agreements.

1. Acquisition of Land, Easements and Rights of Way

The City of Rochester proposes to encourage commercial development within the Granite Ridge Development District. It is anticipated that the development and public improvements will occur over two decades, taking advantage of economic cycles and developer and retailer interests. The public infrastructure has been divided in to roughly ten (10) sections.

a. Relocation and Displacement

The City intends to acquire all property through negotiated purchases. It does not anticipate the need to relocate persons, families, or businesses due to publicly financed acquisition or

development activity within the Granite Ridge Development District TIF District. Any proposals for the involuntary displacement of persons or businesses would require an amendment to this TIF Development Program.

b. Property Disposition & Reuse of Private Property

The City may convey all or a portion of property it acquires within the TIF District to private developers under the terms of specific development agreements designed to promote the objectives of the Development Program. The terms of purchase and sale agreements or development agreements pertaining to properties transferred by the City must be approved by the City Council.

2. Environmental Remediation of City-Owned Sites

While there is no anticipated need for the remediation of contaminated sites to be acquired by the City within the TIF District, the City of Rochester may undertake environmental cleanup, remediation or monitoring of municipally owned real estate it owns within the District. The City shall have the authority to accept grants from the federal government, State of New Hampshire, or other entities, to finance remediation activities. Should a need arise for the environmental remediation within property owned by the City in the District, the City may use tax increment revenues for that purpose.

3. Public Facilities to be Constructed

a. Initial Infrastructure Projects

The City's initial capital investment in public infrastructure within the TIF District includes the following elements, which center on improvements necessary to enable development of the Granite Ridge Development District:

- Water & Sewer System Improvements
- Intersection Improvements – City Streets with NH Route 11
- Shared Access Points – City Streets: Two Rod Road, Marketplace Way, Crane Drive, Cinema Way, Healing Way, others as necessary
- Connector Road – Granite Ridge Boulevard
- Administration – administrative infrastructure, hardware & software, to increase the city's capacity to administer construction projects, developments and ongoing activity within the TIF District.
- Potential improvements Rails-to-Trails Pathway: Rochester to Farmington
- Possible Protection Areas, Environmental Controls
- Connections to Public Transportation and Alternative Transportation
- Adherence to Construction Standards
- Maintenance of Public Streets and Public Areas

Table 4. Estimated Cost of Public Improvements

Updated May 2014 Severino & Rochester Public Works

Public Improvements - North Section	
1. Intersection F - (Healing Way)	\$ 1,115,000.00
2. Sewer Pump Station & Sewer Improvements to T.L.	\$ 1,814,128.00
<i>Subtotal</i>	\$ 2,929,128.00
<i>Engineering 20%</i>	\$ 585,825.60
<i>Contingency 20%</i>	\$ 702,990.72
<i>Permitting & Mitigation</i>	
TOTAL	\$ 4,217,944.32
Public Improvements - Central Section	
3. Frontage Road & Signals - Wal Mart to Two Rod Road	\$ 2,015,000.00
4. Severino Estimate - Access Roads to Boulevard & Intersection Little Falls Bridge Road	\$ 814,675.00
5. Severino Estimate - Frontage Road (Granite Ridge Boulevard) and Wetland Basin	\$ 1,500,440.25
6. Sewer & Water Improvements	\$ 1,000,000.00
7. Access C/ Crane Dr & Farmington Rd	\$ 1,900,000.00
<i>Subtotal</i>	\$ 7,230,115.25
<i>Engineering 20%</i>	\$ 1,446,023.05
<i>Contingency 20%</i>	\$ 1,735,227.66
<i>Permitting & Mitigation</i>	\$ 500,000.00
TOTAL	\$ 10,911,365.96
Public Improvements - Southern Section	
8. Frontage Road & Interior Intersections	\$ 2,150,000.00
9. Access B/ Nashoba Dr & Farmington Rd	\$ 1,530,000.00
10. Access A & Farmington Road	\$ 1,010,000.00
<i>Subtotal</i>	\$ 2,540,000.00
<i>Engineering 20%</i>	\$ 508,000.00
<i>Contingency 20%</i>	\$ 609,600.00
<i>Permitting & Mitigation</i>	
TOTAL	\$ 3,657,600.00

b. Other Public Costs

While the initial plan for infrastructure development centers on the above elements, additional projects to extend or improve public utilities and roadways may also be undertaken within the Granite Ridge Development District in the future, including but not limited to:

1. Further extension of public roadways and street lighting
2. Extension of water, sewer and underground services.
3. Sidewalks, bus shelters or other amenities for public use.
4. Intermodal transportation facilities
5. Other as recommended by the Advisory Board and Approved by the City Council

The Development Plan does not envision the creation of public open space by the City within the Granite Ridge Development District TIF Program, since the intent is to maximize the development potential on each site. However, reservations of land for public open space or conservation may be established outside the GRDD as conditions of Planning Board approval during the site plan approval process, and/or donated or offered by individual developments.

4. Gas and Electric Utilities

Natural gas service is not currently provided to the Granite Ridge Development District. Unil staff are aware of the development and may see more revenue potential in the future. They have policies which regulate extending service lines to provide service to new development sites.

Public Service Company of New Hampshire (PSNH) is the provider of electric service to the Granite Ridge Development District. The city has had very favorable discussions with their engineering and economic development staff.

The City may enter into such contracts and agreements as are necessary to enable the installation of electric service within the TIF District, cable and telephone, natural gas or other common services, and to provide for appropriate easements for the installation and maintenance of these facilities.

5. Environment Controls

Private property within the District shall be developed or redeveloped in accordance with the goals, objectives, and standards set by the following City documents, as amended:

1. Rochester Master Plan and Economic Development Strategic Plan;
2. Zoning ordinances;
3. Special zoning overlay provisions relative to the Aquifer Protection District
4. Subdivision regulations;
5. Site plan review regulations;
6. Building and life safety codes;
7. All applicable state and federal laws pertaining to abatement of hazardous materials or environmental contamination.

In addition to applicable public regulations, other pertinent limits on development may be defined by the terms of development agreements between the City and individual private parties.

D. Tax Increment Financing Plan

1. Objective

The objective of the Financing Plan is to provide funds for the construction of public improvements, to offset the net public cost of organizational and administrative expenses incurred in developing and maintaining the Granite Ridge Development District. The City intends to use the property tax revenue derived from captured (incremental) assessed valuation within the Granite Ridge Development District to fund public infrastructure and to reimburse the City for other expenditures relative to maintenance and administration.

2. Land Acquisition Costs

It is anticipated that land necessary to provide public infrastructure will be provided as "in kind" contribution from developers and property owners. Should land acquisition occur, this will be considered an expense eligible for reimbursement from tax increment revenues, but subordinate to the use of incremental revenues to pay debt service on bonds for public infrastructure.

3. Sale of City-Owned Real Estate within the TIF District

As part of the Development Program, the City may convey individual properties to private entities for the purposes of development consistent with the purposes of the District. Net revenues generated from the sale of these parcels shall be used to reimburse the City's Economic Development Fund for its prior investments in land acquisition.

4. Cost of Public Improvements

The City anticipates approaching public improvements over the course multiple years of the development of the Granite Ridge Development District. Bonding will occur in increments as infrastructure improvements are planned and necessary.

Public Improvements - 2014-2015 Anticipated	
4. Severino Estimate - Access Roads to Boulevard & Intersection Little Falls Bridge Road	\$ 814,675.00
5. Severino Estimate - Frontage Road (Granite Ridge Boulevard)	\$ 1,500,440.25
6. Sewer & Water Improvements	\$ 1,000,000.00
<i>Subtotal</i>	\$ 3,315,115.25
<i>Engineering 20%</i>	\$ 663,023.05
<i>Contingency 20%</i>	\$ 795,627.66
<i>Permitting & Mitigation</i>	\$ 225,984.04
TOTAL	\$ 4,999,750.00

5. Revenue Potential from Captured Assessed Valuation in District

a. Annual TIF District Revenues

TIF revenues will be generated by property taxes levied on the captured assessed valuation within the District after the date of its creation. Long term projections of buildout of the Granite Ridge Development District indicate the following annual tax revenue potential generated by 100% retention of captured assessed value.

Table 5: Projection of Assessed Valuation for Known Development

Tax Rate for 2013 is \$26.36 per Thousand of Valuation

Revised 5/6/14

Est. New Construction	Estimated New Assessed Value	Estimated Incremental Revenue
16,100 ft2	\$ 1,100,000	\$ 28,996
120,000 ft2	\$ 6,000,000	\$ 158,160
150,000 ft2	\$ 12,000,000	\$ 316,320
150,000 ft2	\$ 12,000,000	\$ 316,320
50,000 ft2	\$ 4,000,000	\$ 105,440
Cumulative Est. Revenue		\$ 925,236

The above revenue estimates rely on assumptions that include anticipated near-term development commitments, and a large commercial development coming online in the Central Phase in August 2015, as well as additional commercial activity on a related parcel during the same window. The portion of captured assessed valuation required to be retained for TIF expenses may change over time depending on the actual pace and character of new development within the TIF, actual valuations assigned to TIF properties, and property tax rate.

Table 6. Estimates of Future Development

Northern Section	<i>Through 2030</i>	Value	
Acres - 375.05	Est. Future Construction - 325,000 ft2	Increment	\$ 21,953,864
Central Section	<i>Through 2020</i>	Value	
Acres - 339.89	Est. Future Construction - 850,000 ft2	Increment	\$ 61,093,494
Southern Section	<i>Through 2030</i>	Value	
Acres - 184.93	Est. Future Construction - 653,100 ft2	Increment -	\$ 53,821,000

b. Annual Allocation of Captured Value

Where annual tax increment revenues from the Granite Ridge Development District, together with unexpended balances of such revenues from prior years exceed the amount necessary for annual debt service payments, the balance may be used to offset other approved costs for prior expenditures for land acquisition or TIF development costs, to fund public improvements within the District, to create reserve funds set aside for future improvements, or for the operation and maintenance of public infrastructure. The priority for use of incremental TIF revenues shall be:

1. Bonded debt service, if any;
2. Repayment of past expenditures for funds drawn from the Economic Development Fund, if any;
3. The recovery of initial costs for land capability analysis, cost estimates and proposals, legal and consulting fees pertinent to the creation or development of the District;
4. Funding of capital reserve accounts or other improvement funds designated for upgrade or replacement of water, sewer, roads, traffic safety, or storm water drainage facilities.

5. Approved operating costs for public infrastructure within the TIF District.

c. Impact of TIF District on Related Taxing Jurisdictions

In accordance with RSA 162-K10, tax revenues generated by the original assessed value (base value) of the TIF District will continue to accrue to the City's general fund, as well as to the Rochester School District, Stafford County, and the State of New Hampshire.

The captured assessed valuation that is created and retained within the District to fund TIF expenses is not included as part of the taxable valuation of the City when computing property tax rates. While all or a portion of captured assessed valuation may be retained by the District to fund internal public improvement costs for a period of time, the original taxable valuation within and outside the TIF remain available to all taxing jurisdictions. Consequently the assessed valuation and revenue base available to all taxing jurisdictions is not diminished as a result of forming the District.

During the operation of the TIF District, tax revenue from captured valuation that are not required to fund eligible expenses of the TIF Development Program will become available to all tax jurisdictions. Upon expiration of the TIF District, all incremental valuation that has been created within the TIF becomes available property tax revenues for the City's general fund and to all other taxing jurisdictions.

The estimated impact of tax increment financing on the assessed values of all other taxing jurisdictions within the City of Rochester is minimal, since:

- The proposed district contains 3.04% of the total assessed value of the City.
- The proposed improvements are designed to encourage commercial investment and lessen the residential tax burden. The effects of additional commercial development will benefit all taxing jurisdictions (municipal, school and county) in the long term since the proposed improvements will enable the commercial tax base to increase at a faster rate than could otherwise be achieved.
- Current Use Penalty will be collected in the same proportion and not be negatively affected by the TIF District. The possibility exists for faster-than-average development rates and faster-than-average collections of current use fees by the City.

6. Reimbursement of Previous City Expenditures

The City has invested in the predevelopment and planning of the Granite Ridge Development District in the form of legal and consulting costs for TIF District development, land capability analysis, environmental review of land capability, development potential, and estimates of infrastructure development costs. Prior investment by the City that is directly related to TIF land acquisition and public infrastructure development, planning and development-related consulting and legal costs shall be eligible to be reimbursed from TIF incremental revenues. The recovery of these past expenditures will be subordinate to the principal use of incremental revenues to fund current year debt service payments for infrastructure costs, and must be reviewed for eligibility by the Finance Director and City Attorney.

7. Operation and Maintenance

The City will be responsible for the operation and maintenance of all public facilities, including the cost of winter and summer maintenance of roads, bridges and street lighting, and the operation and maintenance of storm drains and catch basins, public water and public sewer utilities. The cost of public water and sewer operations are offset by connection and user charges to individual properties served by these systems.

The Rochester Department of Public Works will complete an estimated budget of the proportional cost of operation and maintenance of road and drainage facilities to be budgeted against the incremental revenues of the TIF District, and to be borne by the incremental revenues of the TIF District while it is in operation. Budget estimates and actual expense will be reported to the District Administrator as requested, and be subject to the recommendations of the TIF Advisory Board. The Public Works Department and the City Manager may determine to contract for these services.

The City will own and maintain public improvements of water, sewer and road systems once accepted as meeting City standards. The planning, design and construction of all public improvements will be done with participation and approval of the City's Public Works Commissioner, or the City Engineer as assigned, to insure quality of capital improvements and minimal incremental maintenance costs.

The City may also establish capital reserve accounts for the replacement or upgrades of public infrastructure within the District using TIF incremental revenues.

Development Agreements

The City will establish Development Agreements with property owners and/or real estate developers prior to public improvements occurring in the Granite Ridge Development District.

Goals of the City in these Agreements will be:

- Contributions for the public infrastructure improvements.
- Adherence to the Granite Ridge Development Construction & Design Standards
- Participation in management and administration of the District
- Maximize development and commercial tax base
- Establish financial guarantees should development fall short of projections and adequate increment to meet bond payments is not collected.

Benefits to the Property Owners/Tenants:

- Significant investment in Public Infrastructure by the City.
- Use of the City's credit and bonding ability.
- Guarantee of quality standards in development and construction.
- City-owned infrastructure and maintenance.

E. District Administration

1. Administrator

The administrator of the Granite Ridge Development TIF District shall be the City Manager or designee, who shall make an annual financial report to the City Council.

§ 162-K:11 Annual Report.

The municipality's annual report shall contain a financial report for any development district in the municipality. The report shall include at least the following information: the amount and source of revenue of the district; the amount and purpose of expenditures, the amount of principal and interest on any outstanding bonded indebtedness, the original assessed value of the district, the captured assessed value retained by the district, the tax increments received and any additional information necessary to demonstrate compliance with the tax increment financing plan.

2. Advisory Board

In accordance with RSA 162-K: 14, the City Council shall pass a resolution which shall create an Advisory Board for the Granite Ridge Development District. A majority of the Advisory Board shall be owners or occupants of real property within or adjacent to the District. The same resolution shall incorporate provisions of 162-K: 14 and stipulate the powers and authority of the Advisory Board. The purpose of the Advisory Board shall be to review the policies and actions of the district administrator in the planning, construction and implementation of the Development Program and the operation of the District after the program is completed.

The Advisory Board shall have 30 days to appeal any decision of the district administrator to the City Council for review and appropriate action. The Advisory Board shall meet either as determined by the chair of the Board or the Mayor or the City Manager to examine operation and maintenance of the TIF District.

§ 162-K:14 Advisory Board.

I. The legislative body of the municipality shall create an advisory board for each development district. The board shall consist of such number of members appointed or elected as determined by the legislative body. A majority of members shall be owners or occupants of real property within or adjacent to the development district. In a substantially residential development district, however, the board shall consist solely of owners or occupants of real property within or adjacent to the district.

II. The advisory board shall advise the governing body and district administrator on planning, construction and implementation of the development program and on maintenance and operation of the district after the program has been completed.

III. The governing body shall by resolution delineate the respective powers and duties of the advisory board and the planning staff or agency. The resolution shall establish reasonable time limits for consultation by the advisory board on the phases of the development program, and provide a mechanism for appealing to the governing body for a final decision when conflicts arise between the advisory board and the planning staff or agency, regarding the development program in its initial and subsequent stages.

The Advisory Board shall consist of five (5) members, two (2) of which members shall be the Chair or Designee of the Rochester Economic Development Commission and a designee of the Mayor. RSA 162-K:4 requires that a majority of the Advisory Board members be owners or occupants of real property within the district. Three (3) members who represent owners or occupants of the TIF District shall be appointed for a term of three (3) years with vacancies being filled by the City Council for any unexpired terms. The initial appointments will have staggered term expirations. Should the owner or occupant status of an appointed Advisory Board member change, the member will resign from the position on the Board.

The City Manager or designee will serve as District Administrator and will be an ex-officio member of the Advisory Board.

The Granite Ridge Development TIF District Advisory Board shall perform the following functions:

- (1) Meet annually or as scheduled by the District Administrator, not more than quarterly.
- (2) Review compliance with the adopted Granite Ridge TIF District Financing and Development Plan.
- (3) Review the Annual Report with the financial data as required by RSA 162-K:11, and make a report to the Rochester City Council.
- (4) Review and consult with the District Administrator regarding maintenance, operations, construction and development within the TIF District.
- (5) Make recommendations to the City Council in the event of changes to legislation, or should modification to the TIF District Financing and Development Plan be suggested.

3. Amendments

Amendments to the boundaries of the TIF District, the Development Program or Financing Plan shall be undertaken in accordance with the public hearing process set forth within RSA 162-K:4, including its requirements for reasonable notification to the Rochester School District and Strafford County, in accordance with RSA 162-K:9.

4. Duration of Program

The Granite Ridge Development Tax Increment Financing District will remain in existence until all eligible public expenditures of the District have been repaid through tax increment revenues, the debt service retired and exit strategies implemented for ongoing care and maintenance of public infrastructure.

Amendment to Chapter 275 of the General Ordinances of the City of Rochester
Regarding the Location and Boundaries of Zoning Districts

THE CITY OF ROCHESTER ORDAINS:

WHEREAS, Chapter 275-1.10 establishes that the location and boundaries of zoning districts within the City of Rochester are established as shown on a map titled, "City of Rochester Zoning Map."

WHEREAS, Chapter 275-1.10 further declares that the City of Rochester Zoning Map is incorporated by reference as party of Chapter 275 of the General Ordinances of Rochester regarding zoning.

WHEREAS, the Mayor and City Council of Rochester desire to amend the City of Rochester Zoning Map to convert the property located at 13 Sawyer Avenue to the Downtown Commercial Zone.

THEREFORE, the Mayor and City Council of Rochester ordain that the property located at 13 Sawyer Avenue shall be converted to Downtown Commercial Zone in accordance with the Attached Exhibit. (Exhibit A).

The effective date of these amendments shall be upon passage.

*Intentionally
left blank...*

City Clerk's Office



02/25/2021

City of Rochester Formal Council Meeting

AGENDA BILL

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

AGENDA SUBJECT

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

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

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

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

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

LEGAL AUTHORITY

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SUMMARY STATEMENT

RECOMMENDED ACTION

MEMO

TO: Mayor Caroline McCarley

CC: Kelly Walters, City Clerk, Cassie Givara, Deputy City Clerk

FROM: Michael Scala, Director of Economic Development

DATE: February 22, 2021

RE: Expansion of the Downtown Commercial (DC) zone to include 13 Sawyer Avenue (0125-0088)

Mayor McCarley:

The Department of Economic Development is requesting a Zoning Map Amendment that would rezone 13 Sawyer Avenue (0125-0088) from Residential-2 (R2) to Downtown Commercial District (DC).

13 Sawyer is a city-owned, 3-acre parcel zoned as R2 that abuts the DC at both 11 Sawyer Avenue (0125-0089) and 15 Sawyer Avenue (0125-0087). Those two lots, as well as 161 South Main (0125-0085), 7 Sawyer Avenue (0125-0090), and 17 Sawyer Avenue (0125-0086) combine to make up the "Care Pharmacy" parcels.

The goal behind the rezone is to create a group of lots, with a combined area of over six acres, primed for both commercial and residential redevelopment. This action would follow with both the recommendations of the Downtown Masterplan and the objectives listed for the Downtown Commercial District (§ 275-6.3).

Thank you,

Michael Scala
Director of Economic Development



Planning and Development
Conservation Commission
Historic District Commission
Arts and Culture Commission

Planning & Development Department
City Hall - Second Floor
31 Wakefield Street
ROCHESTER, NEW HAMPSHIRE 03867-1917
(603) 335-1338 - Fax (603) 335-7585
Web Site: <http://www.rochesternh.net>

PROCEDURES FOR AMENDING THE ZONING ORDINANCE (CHAPTER 42)

1. **Procedure.** The procedure for amending this chapter is specified in RSA 675:2 and 675:7. Amendments to this Zoning Ordinance may be initiated by any citizen, the Planning Board, the City Council, the Mayor, the City Manager, or any department or other City board or commission in accordance with this chapter. The chronological steps for enacting zoning amendments are as follows:

A. **Petition Form.** A blank petition form is obtained from the Planning Department.

B. **Submission.** The petition is completed and returned to the City Clerk's office along with a fee of \$100.00 and any other pertinent materials. In the case of text amendments (See subsection 2, below) the petition shall include specific proposed language.

The fee is not charged, and the formal petition form need not be used, for amendments initiated by any board, commission, department, or other City official acting in an official capacity.

C. The City Clerk's office forwards a copy of the petition to the Planning Department.

D. **Deadline.** See RSA 675:2 and 675:7.

E. **Council Consideration.** The petition is placed on the City Council agenda for consideration. At its discretion, the Council may deny the petition at this stage. If acceptable, it is sent to the City Attorney to place it into legal form. .

At the discretion of the City Manager, this step may be skipped and the petition may be sent directly to the City Attorney to place into legal form.

F. **Legal Form.** The City Attorney places the petition into legal form.

G. **First Reading.** City Council holds first reading on the petition. At its discretion the Council may deny the petition at this stage. When a petition is denied at any stage, the Council may elect to initiate an alternative amendment or to request that the Planning Board formulate an alternative amendment.

H. **Planning Board Recommendation.** The Planning Board makes a formal recommendation on the petition. The board must make its recommendation within 45 days of first reading. At its discretion, the City Council may extend this timeframe up to an additional 30 days.

If the Planning Board recommends against a zoning amendment, a 2/3 vote of the City Council shall be required to adopt the amendment. If the Planning Board does not submit a recommendation within 45 days

of first reading (or as may be extended by the City Council) or if it does not make a recommendation, then it shall be deemed a favorable recommendation for the purpose of this paragraph herein. Where the Planning Board initiates an amendment, the proposal shall not be sent to the board for a recommendation.

- I. Public Hearing. A public hearing is held, either by the full City Council or by a subcommittee of the City Council. The public notice must be placed in a newspaper of general circulation at least 10 days prior to the public hearing and it must be posted in at least 2 public locations. The full text of the proposed amendment need not be included in the notice if an adequate statement describing the proposal is included. *
- J. Second Reading. Second reading is held and the amendment is either adopted or denied. Any proposed amendment shall require a majority affirmative vote of Council members present in order to pass except where the Planning Board has recommended denial (as discussed above). The City Council shall take final action on any petition within 120 days of first reading (except in the case of protest petitions; See Subsection 3, below).

The Council may make minor changes to the proposed amendment at second reading/adoption, provided the amendment remains substantially the same as that which was advertised for the public hearing.

- K. Filing. A copy of any approved zoning amendments is placed on file with the City Clerk for public inspection. A copy is also sent to the New Hampshire Office of Energy and Planning.
- 2. Types of Amendments. There are two types of zoning amendments as follows. The procedure for amendments is the same except where noted.
 - A. Map amendment (also called a "rezoning"), where the zoning district for a lot, parcel, multiple lots, or a part of a lot is changed.
 - B. Text amendment where written language in this chapter is changed.

3. Protest Petition.

- A. In accordance with RSA 675:5, adoption of an amendment that is the subject of a protest petition shall require a favorable vote of 2/3 of all the members of the City Council present and voting. In order to qualify as a protest petition, a protest against a proposed map amendment must be signed by either:
 - i. The owners of 20% of the gross land area included in the proposed change; or
 - ii. The owners of 20% of the land area situated within 100 feet immediately adjacent to the land contained in the proposed change or land across a road from the land contained in the proposed change.
- B. The address of the subject property must be included on the petition and the property owners signing the petition must identify themselves on the petition by name and address so that the City Clerk may identify them as interested and affected parties.
- C. The protest petition must be submitted to the City Clerk at least 7 days prior to the date at which second reading is scheduled. Copies of the protest petition will be distributed to City Council members.
- D. Any individual protest petition may apply to only one proposed zoning amendment. Separate protest petitions must be submitted for multiple amendments.
- E. In the case of a protest petition, the City Council shall act within 120 days of the date of first reading.

* The City Clerk's Office will notify the petitioner of the Public Hearing

Petition for Zoning Ordinance Amendment

Date: 1/19/2021

The fillings of this petition and payment of the required fees, hereby propose a change in Chapter 42, Section 275 - 15.1, of the General Ordinances of the City of Rochester.

It is respectfully requested that the Honorable Mayor and City Council amend the above as follows:

(Note: Please give a completed description of the change requested; if a zoning change is proposed supply full legal description of the affected parcel or areas).

13 Sawyer Avenue is a 3.0 acre, city-owned parcel (lot # 0125-0088-0000 /Book 1359 Pg.587) abutted by 11 (0125-0087-0000) Sawyer Avenue and 15 (0125-0089-0000) Sawyer Avenue. Both 11 and 15 are located within the Downtown Commercial zoning district.

The Department of Economic Development is requesting the incorporation of 13 Sawyer Avenue into the Downtown Commercial District.

(Please see attached memo for the reasoning associated with this request)

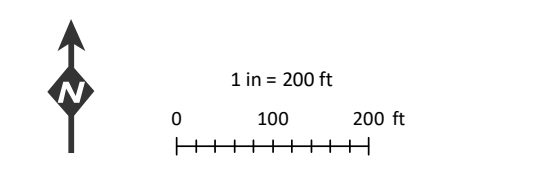
Each petitioner must supply, printed name, signature, street address, and Map and Lot Number.

	<i>Printed Name</i>	<i>Signature</i>	<i>Street Address</i>	<i>Map & Lot Number</i>
1	Michael Scala		13 Sawyer Avenue	0125-0088
2				
3				
4				
5				
6				
7				
8				
9				
10				

Proposed Zoning Change 13 Sawyer Ave

Legend

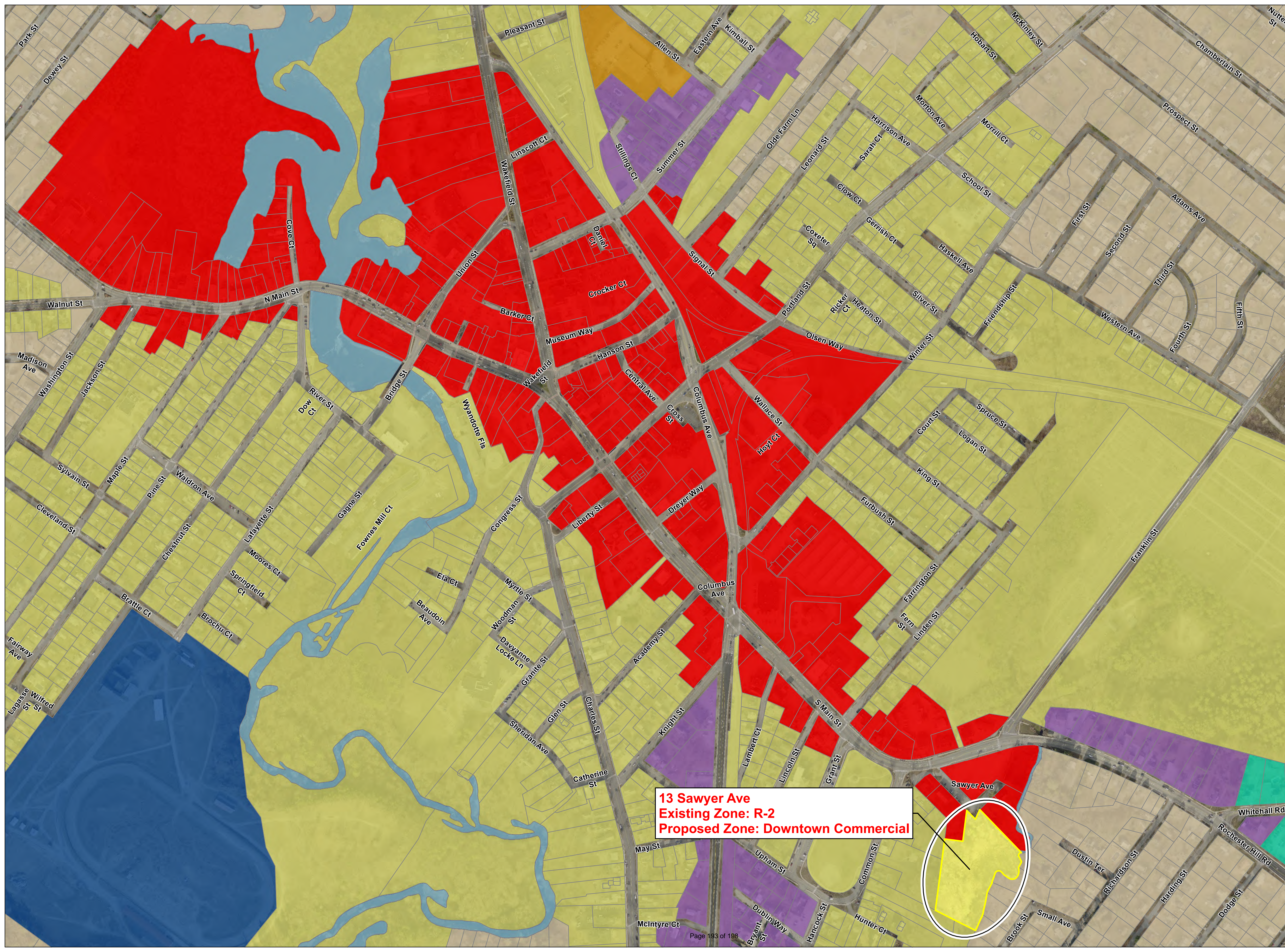
- Tax Parcels
- Zoning Districts**
 - Agricultural
 - Residential - 1
 - Residential - 2
 - Neighborhood Mixed Use
 - Downtown Commercial
 - Office Commercial
 - General Industrial
 - Hospital Special
 - Water



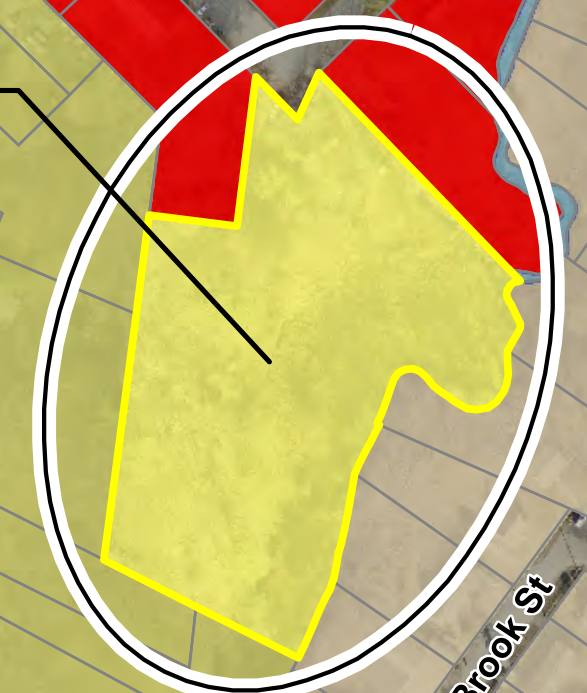
Data Sources
City of Rochester - Parcels (2020)
NHDOT - Roads (2020)
Pictometry - Imagery (2020)
ArcGIS Online - Inset Base (2021)



This map is intended for planning purposes only.
All features shown should be considered approximate.
Map created by: DC, City of Rochester, NH
Date: 2/22/2021



13 Sawyer Ave
Existing Zone: R-2
Proposed Zone: Downtown Commercial



02/25/2021



City of Rochester, New Hampshire
Office of Economic & Community Development
33 Wakefield Street, Rochester, NH 03867
(603) 335-7522, www.rochesterredc.com

January 27, 2021

Mr. Lionel "Nel" Sylvain
Chair
Rochester Planning Board
33 Wakefield Street
Rochester, NH 03867

Re: Rezoning of 13 Sawyer Avenue to Downtown Commercial

Dear Chairman Sylvain:

The Rochester Economic Development Commission (REDC) is submitting this letter in support of the proposed rezoning of 13 Sawyer Avenue from Residential-2 to Downtown Commercial (DC). The REDC understands adding 13 Sawyer to the DC may allow for the future residential development of the site.

The commonly accepted value for a "healthy" residential vacancy rate is between 5-6%. The most recent analysis from the Workforce Housing Coalition of the Greater Seacoast places Rochester's at 1.6%. These numbers take into account all sizes and levels of housing. The REDC recognizes that this housing deficit is detrimental to both employees wishing to live close to work, and employers interested in hiring local.

REDC is supportive of the addition of housing units on any level, and feels that benefits such as the proximity to downtown, public transportation, and area employers, position the property as a prime location for residential development.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Shapleigh", is written over a horizontal line.

Jonathan Shapleigh
Chairman, REDC



Rochester Main Street Program is a non-profit, volunteer organization devoted to the preservation, growth, and vitality of downtown Rochester.

Participate - Volunteer - Donate

Feb 1, 2021

Mr. Lionel "Nel" Sylvain
Chair
Rochester Planning Board
33 Wakefield Street
Rochester, NH 03867

Re: Rezoning of 13 Sawyer Avenue to Downtown Commercial

Dear Chairman Sylvain:

Rochester Main Street (RMS) is submitting this letter in support of the proposed rezoning of 13 Sawyer Avenue from Residential-2 to Downtown Commercial (DC).

RMS understands adding 13 Sawyer to the DC would allow for the possible development of either that lot, or as part of the redevelopment plan for Care Pharmacy. This property is adjacent to the DC zone and a rezone to include 13 Sawyer makes sense as and would serve as a useful development tool.

RMS recognizes that the current vacancy rate of 1.6% in Rochester is making it difficult for people to relocate to the city, and this rezone could allow for the construction of additional housing in the area.

RMS feels that this rezone is a great step in promoting development within the downtown district and supporting the businesses within.

Michael Guillette
President
Rochester Main Street

*Intentionally
left blank...*

City Clerk's Office



02/25/2021

City of Rochester Formal Council Meeting

AGENDA BILL

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

AGENDA SUBJECT

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

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

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

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

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

LEGAL AUTHORITY

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SUMMARY STATEMENT

RECOMMENDED ACTION