



**City of Rochester, NH  
Preamble for May 4, 2021 City Council Public Hearing  
Regular Meeting And  
Committee of the Whole Budget Workshop**

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

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

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

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

In addition to the above listed public access information, the City Council will be allowing the public to enter the Community Room and speak in person during the Public Input portion of this meeting. In an effort to adhere to CDC guidelines: enter only into the right side door on the Chestnut Hill Road entrance at the rear of the building and exit through the opposing door. Please adhere to 6-foot social distancing while inside. Hand sanitizer and facemasks will be available at the Community Room entrance. The public will be allowed to attend the meeting in-person. Please note, seating will be provided that is arranged such that 6-foot social distancing can be maintained.

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City Clerk's Office

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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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**City Council Public Hearing  
May 4, 2021  
Community Room  
James W. Foley Community Center  
150 Wakefield Street &  
Remotely via Microsoft Teams  
6:30 PM**

**Agenda**

- 1. Call To Order**
  - 2. Resolution Authorizing Certain Renumbering on Tebbetts Road  
P. 13**
  - 3. Adjournment**
- 

**City Council Regular Meeting  
May 4, 2021  
Community Room  
James W. Foley Community Center  
150 Wakefield Street &  
Remotely via Microsoft Teams  
*following the Public Hearing***

- 1. Call to Order**

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City Clerk's Office

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2. Opening Prayer
3. Pledge of Allegiance
4. Roll Call
5. Acceptance of Minutes
  - 5.1 Regular City Council Meeting: April 6, 2021 **consideration for approval** P. 19
6. Communications from the City Manager
  - 6.1 City Manager's Report P. 41
7. Communications from the Mayor
8. Presentation of Petitions and Council Correspondence
9. Nominations, Appointments, Resignations, and Elections
  - 9.1 **Resignation:** Douglas Lachance, Ward 1 Seat B City Council **consideration for approval** P. 65
10. Reports of Committees
  - 10.1 Codes & Ordinances Committee P. 67
    - 10.1.1 **Committee Recommendation:** to accept the amendments to Chapter 135 (Mobile Home Parks) of the City Ordinances as presented by City staff **consideration for approval** P. 69
    - 10.1.2 **Committee Recommendation:** to accept the amendments to Chapter 176 (Planning Board) of the City Ordinances as presented by City staff **consideration for approval** P. 70
  - 10.2 Fidelity Committee P. 89
  - 10.3 Finance Committee P. 95
    - 10.3.1 **Committee recommendation:** To approve

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City Clerk's Office

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**\$14,527 in unexpended FY20 and FY21 funds for Fire Department UTV *consideration for approval* P. 101**

**10.3.2 *Committee recommendation:* To approve the changes to the Granite Ridge developer's agreement *consideration for approval* P. 103**

**10.3.3 *Committee recommendation:* to approve the non-union classifications and compensation plan *consideration for approval* P. 143**

**10.4 Planning Board P. 149**

**10.5 Public Works P. 157**

**10.5.1 *Committee recommendation:* To authorize installation of solar powered RRFB (Rectangular Rapid Flashing Beacons) at the 105 North Main Street crosswalk and to delay the lighting change *consideration for approval* P. 158**

**10.6 Public Safety P. 175**

**10.6.1 *Committee recommendation:* To install a streetlights at the intersection of Chestnut Hill Road and Elmo Lane *consideration for approval* P. 177**

**10.6.2 *Committee recommendation:* To install a "hidden driveway" sign at the expense of the City near 201 Chestnut Hill Road *consideration for approval* P. 178**

**10.6.3 *Committee recommendation:* To install dash lines down Portland Street to delineate Portland Street as it rounds the corner *consideration for approval* P. 179**

**10.6.4 *Committee recommendation:* To recommend the removal of the "Deaf Person" sign on Willey Street *consideration for approval* P. 179**

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City Clerk's Office

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**10.6.5 Committee recommendation:** To make the intersection of Maple Street and Sylvain Street a 4-Way stop *consideration for approval* P. 180

**11. Old Business**

**11.1 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** *second reading and consideration for adoption* P. 183

**12. Consent Calendar**

**13. New Business**

**13.1 Resolution Deauthorizing Department of Public Works (DPW) CIP Sewer Fund Project Funding For Various Projects in the Amount of \$145,216.16 and Deauthorization of Bond Authority** *first reading and consideration for adoption* P. 187

**13.2 Resolution Deauthorizing Department of Public Works (DPW) CIP Water Fund Project Funding For Various Projects in the Amount of \$698,429.76 and Deauthorization of Bond Authority** *first reading and consideration for adoption* P. 189

**13.3 Resolution Authorizing the Department of Public Works (DPW) to Submit a Clean Water State Revolving Fund (CWSRF) Loan Application in an amount up to \$75,000.00** *first reading and consideration for adoption* P. 195

**13.4 Resolution for Supplemental Appropriation and Authorizing Borrowing Authority Pursuant to RSA 33:9 to the Department of Public Works (DPW) Sewer Capital Improvements Plan (CIP) Fund in the amount of \$500,000.00** *first reading and refer to public hearing* P. 199

**13.5 Resolution for Supplemental Appropriation of \$270,000 to Department of Public Works (DPW)-Sewer CIP Fund** *first reading and consideration for adoption* P. 205

**14. Other**

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City Clerk's Office

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## **15. Adjournment**

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**Committee of the Whole Budget Workshop  
May 4, 2021  
Community Room  
James W. Foley Community Center  
150 Wakefield Street &  
Remotely via Microsoft Teams  
*Immediately following the Regular meeting***

### **AGENDA**

- 1. Call to Order**
- 2. Public Input**
- 3. Budget Presentations:**
  - 3.1. Fire**
  - 3.2. Public Works, Public Buildings, Water, Sewer, Community Center**
  - 3.3. Economic Development**
  - 3.4. Information Technology**
- 4. Other**
- 5. Adjournment**

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City Clerk's Office

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**Resolution Authorizing Certain Renumbering on Tebbetts Road**

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

That the following addresses on Tebbetts Road will be renumbered as follows:

10 Tebbetts Road becomes 12 Tebbetts Road

12 Tebbetts Road becomes 14 Tebbetts Road

14 Tebbetts Road becomes 20 Tebbetts Road

36 Tebbetts Road becomes 46 Tebbetts Road

50 Tebbetts Road becomes 0 Tebbetts Road

42 Tebbetts Road becomes 56 Tebbetts Road

47 Tebbetts Road becomes 57 Tebbetts Road

44 Tebbetts Road becomes 58 Tebbetts Road

57 Tebbetts Road becomes 61 Tebbetts Road

53 Tebbetts Road becomes 63 Tebbetts Road

59 Tebbetts Road becomes 65 Tebbetts Road

70 Tebbetts Road becomes 76 Tebbetts Road

74 Tebbetts Road becomes 78 Tebbetts Road

76 Tebbetts Road becomes 82 Tebbetts Road

78 Tebbetts Road becomes 84 Tebbetts Road

81 Tebbetts Road becomes 91 Tebbetts Road

85 Tebbetts Road becomes 93 Tebbetts Road

86 Tebbetts Road becomes 94 Tebbetts Road

88 Tebbetts Road becomes 96 Tebbetts Road

87 Tebbetts Road becomes 97 Tebbetts Road

91 Tebbetts Road becomes 99 Tebbetts Road

94 Tebbetts Road becomes 100 Tebbetts Road

95 Tebbetts Road becomes 103 Tebbetts Road

97 Tebbetts Road becomes 105 Tebbetts Road

100 Tebbetts Road becomes 108 Tebbetts Road

106 Tebbetts Road becomes 116 Tebbetts Road

122 Tebbetts Road becomes 127 Tebbetts Road

125 Tebbetts Road becomes 131 Tebbetts Road

127 Tebbetts Road becomes 135 Tebbetts Road

131 Tebbetts Road becomes 137 Tebbetts Road

130 Tebbetts Road becomes 138 Tebbetts Road

133 Tebbetts Road becomes 143 Tebbetts Road

142 Tebbetts Road becomes 144 Tebbetts Road

141 Tebbetts Road becomes 155 Tebbetts Road

143 Tebbetts Road becomes 161 Tebbetts Road

145 Tebbetts Road becomes 165/173 Tebbetts Road

197 Tebbetts Road becomes 191 Tebbetts Road

These changes are made in order to be in compliance with the standards articulated by the National Emergency Number Association and RSA 231:133 and 133-a.



04/29/2021

## 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
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COUNCIL ACTION ITEM <input type="checkbox"/> INFORMATION ONLY <input type="checkbox"/>	FUNDING REQUIRED? YES <input type="checkbox"/> NO <input type="checkbox"/> * IF YES ATTACH A FUNDING RESOLUTION FORM
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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"/>
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AGENDA DATE			
DEPT. HEAD SIGNATURE			
DATE SUBMITTED			
ATTACHMENTS YES <input type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED		

#### COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

#### DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

#### FINANCE & BUDGET INFORMATION

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

#### LEGAL AUTHORITY

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**SUMMARY STATEMENT**

**RECOMMENDED ACTION**



# PLANNING & DEVELOPMENT DEPARTMENT

City Hall Annex – First Floor

33 Wakefield Street

Rochester, New Hampshire 03867-1917

(603) 335-1338 - Fax (603) 335-7585

Web Site: [www.rochesternh.net](http://www.rochesternh.net)

Planning & Zoning  
Conservation Commission  
Historic District Commission  
Arts & Culture Commission

March 8, 2021

## RE: Tebbetts Road Address Reassignment

Dear E-911 Committee:

This letter is to provide a draft address reassignment list for Tebbetts Road to the E-911 Committee for review and confirmation.

The draft addresses for all purposes (emergency services, mail, official records, etc) are:

Map Lot	Existing Address	Proposed Address Reassignment
0257-0060	2 TEBBETTS ROAD	
0257-0061	0 TEBBETTS ROAD	
0257-0043	0 TEBBETTS ROAD	
0257-0042	5 TEBBETTS ROAD	
0257-0066	0 TEBBETTS ROAD	
0257-0062	8 TEBBETTS ROAD	
0257-0063	10 TEBBETTS ROAD	12 TEBBETTS ROAD
0257-0064	12 TEBBETTS ROAD	14 TEBBETTS ROAD
0257-0065	14 TEBBETTS ROAD	20 TEBBETTS ROAD
0257-0066	0 TEBBETTS ROAD	
0253-0085	0 TEBBETTS ROAD	
0253-0086-0014	36 TEBBETTS ROAD	46 TEBBETTS ROAD
0253-0086	50 TEBBETTS ROAD	0 TEBBETTS ROAD
0253-0086-0013	42 TEBBETTS ROAD	56 TEBBETTS ROAD
0253-0082	47 TEBBETTS ROAD	57 TEBBETTS ROAD
0253-0087	44 TEBBETTS ROAD	58 TEBBETTS ROAD
0253-0081	57 TEBBETTS ROAD	61 TEBBETTS ROAD
0253-0080	53 TEBBETTS ROAD	63 TEBBETTS ROAD
0253-0079	59 TEBBETTS ROAD	65 TEBBETTS ROAD
0253-0008	70 TEBBETTS ROAD	76 TEBBETTS ROAD

Map Lot	Existing Address	Proposed Address Reassignment
0253-0009	74 TEBBETTS ROAD	78 TEBBETTS ROAD
0253-0047	0 TEBBETTS ROAD	
0253-0010	76 TEBBETTS ROAD	82 TEBBETTS ROAD
0253-0011	78 TEBBETTS ROAD	84 TEBBETTS ROAD
0253-0047-0001	81 TEBBETTS ROAD	91 TEBBETTS ROAD
0253-0047-0002	85 TEBBETTS ROAD	93 TEBBETTS ROAD
0253-0012	86 TEBBETTS ROAD	94 TEBBETTS ROAD
0253-0013	88 TEBBETTS ROAD	96 TEBBETTS ROAD
0253-0047-0003	87 TEBBETTS ROAD	97 TEBBETTS ROAD
0253-0047	91 TEBBETTS ROAD	99 TEBBETTS ROAD
0253-0014	94 TEBBETTS ROAD	100 TEBBETTS ROAD
0253-0047-0005	95 TEBBETTS ROAD	103 TEBBETTS ROAD
0253-0047-0006	97 TEBBETTS ROAD	105 TEBBETTS ROAD
0253-0047	0 TEBBETTS ROAD	
0253-0015	100 TEBBETTS ROAD	108 TEBBETTS ROAD
0253-0016	106 TEBBETTS ROAD	116 TEBBETTS ROAD
0253-0037	122 TEBBETTS ROAD	127 TEBBETTS ROAD
0253-0036	125 TEBBETTS ROAD	131 TEBBETTS ROAD
0253-0035	127 TEBBETTS ROAD	135 TEBBETTS ROAD
0253-0034	131 TEBBETTS ROAD	137 TEBBETTS ROAD
0253-0029	130 TEBBETTS ROAD	138 TEBBETTS ROAD
0253-0033	133 TEBBETTS ROAD	143 TEBBETTS ROAD
0244-0005	142 TEBBETTS ROAD	144 TEBBETTS ROAD
0244-0005-0006	NEW PARCEL	148 TEBBETTS ROAD
0244-0005-0005	NEW PARCEL	150 TEBBETTS ROAD
0243-0058	141 TEBBETTS ROAD	155 TEBBETTS ROAD
0243-0005-0004	NEW PARCEL	156 TEBBETTS ROAD
0244-0005-0003	NEW PARCEL	160 TEBBETTS ROAD
0243-0057	143 TEBBETTS ROAD	161 TEBBETTS ROAD
0244-0005-0002	NEW PARCEL	162 TEBBETTS ROAD
0243-0056	145 TEBBETTS ROAD	165/173 TEBBETTS ROAD (TWO DRIVEWAYS)
0244-0005-0001	178 TEBBETTS ROAD	
0243-0054	197 TEBBETTS ROAD	191 TEBBETTS ROAD

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

**COUNCILORS PRESENT**

Councilor Abbott  
Councilor Belken  
Councilor Bogan  
Councilor Gray  
Councilor Hailey  
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  
Mike Scala, Director of Economic  
Development

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

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

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

Phone number: 857-444-0744

Conference code: 843095

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

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



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

## **2. Roll Call**

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

## **3. Opening Prayer**

Mayor McCarley asked for a moment of silent reflection.

## **4. Pledge of Allegiance**

Mayor McCarley led the Council in the Pledge of Allegiance.

## **5. Acceptance of Minutes**

### **5.1 Regular City Council Meeting: March 2, 2021** ***consideration for approval***

Councilor Lachapelle **MOVED** to accept the minutes of the March 2, 2021 Regular City Council Meeting. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Walker, Belken, Rice, Lachance, Abbott, Hamann, Gray, Bogan, Lauterborn, Hainey, Lachapelle, Hutchinson, and Mayor McCarley all voting in favor.

### **5.2 City Council Special Meeting: March 16, 2021** ***consideration for approval***

Councilor Lachapelle **MOVED** to accept the minutes of the March 16, 2021 Special Meeting. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Belken, Gray, Hamann, Rice, Lauterborn, Hainey, Lachapelle, Hutchinson, Walker, Lachance, Abbott, Bogan, and Mayor McCarley all voting in favor.

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

City Manager Cox stated that the Tax Office is scheduled to be closed on April 22 and 23 for the move into their new location in the Community Center at 150 Wakefield Street. The tentative open date for the new location is April 26, 2021. City Manager Cox clarified that all online services would still be available during the closure dates and the drop-box in front of the 19 Wakefield Street

location would still be available.

City Manager Cox thanked City Departments and the Public Health Network for their efforts with the COVID-19 vaccination clinics in Rochester. Multiple City employees were fit in when extra doses were unused, and additional clinic was held which allowed over 100 City staff members to receive their vaccinations.

Councilor Rice referenced a memo from the Fire Chief in the City Manager's report which authorized fire department staff to participate in COVID-19 clinics. Councilor Rice asked if the money used to pay staff was reimbursable by the State. City Manager Cox confirmed that the City would be reimbursed these expenses.

Councilor Rice asked if there would be a drop-box for the Tax Collector's office placed at the new location at the Community Center. City Manager Cox stated that there had already been a drop box installed at the Wakefield Street entrance of the Community Center. Councilor Lauterborn inquired if the current drop box at 19 Wakefield Street would remain operational. Deputy City Manager Ambrose stated that the current drop box will remain open for a short time and will be checked regularly as residents become accustomed to the new location. Councilor Rice asked if there would be signage placed at the location of the old drop box when it is eventually moved to alert residents and give them contact information for troubleshooting. Deputy Manager Ambrose said that there is signage being placed in both locations while the transition is ongoing.

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

Contracts and documents executed since last month:

- **Building & Licensing Services**
  - Contract Revisions – OpenGov.
- **Department of Public Works**
  - Change Order – Colonial Pines Sewer Extension Phase 2
  - Certificate of Final Completion – Colonial Pines Phase 2
  - Master Service Agreements for Consulting Engineers
  - Additional Master Service agreement
- **Economic Development**
  - Victims of Crime Act Assistance Grant Application
- **Finance**
  - Kronos support services renewal
  - Quadiant Purchase & Meter Rental Agreement
  - Solar Power Purchase Agreement – ReVision Energy
- **Fire Department**
  - Certificate of Authority – COVID Vaccine clinics
  - Finance review & Final Purchasing Contract – Toyne

- **IT**
  - Additional database licenses – Interware
  - PatrolPC Replacement Batteries

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 Veteran’s Council Field of Honor**

Mayor McCarley reported that the Vouchers for Veterans program and the Veteran’s Council would be placing 500 flags at the Rochester Common for Memorial Day and having a small ceremony. She stated that those who wanted to donate a flag to honor a veteran could do so by going to [vouchersforveterans.org](http://vouchersforveterans.org). The flags can be ordered up until April 15.

### **7.2 Community Center Naming Ceremony**

Mayor McCarley announced that the decision had been made to rename the Rochester Community Center after journalist James Foley. The naming ceremony will be held on May 4 with details forthcoming.

Mayor McCarley briefly spoke about ongoing efforts and meetings in regards to legislation which is of concern to Rochester and thanked Senator Gray and Representative Charles Grassie for taking the time to meet and hear these concerns and bring them to their colleagues in Concord prior to voting.

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

### **8.1 Homeless Center of Strafford County – Building permit fee waiver request**

Mayor McCarley reported that the Homeless Center of Strafford County is building a new facility in Rochester and had requested a waiver on their building permit fees. She stated that this was a new circumstance to the Council since such a waiver had not been requested in the past by other non-profit agencies.

Councilor Lachance said that although he supports the Homeless Center and the work they do, allowing such a waiver would be a slippery slope. He stated that if the fee is waived once, other social service agencies are likely to request

similar waivers. Councilor Bogan agreed with Councilor Lachance's statement and stated that the City need to stay consistent with their permit process. Mayor McCarley agreed that allowing a waiver for one organization could cause problems down the road with additional waiver requests. She said that the City would continue to support this organization in any way they can, but authorizing this waiver would set a poor precedent.

Councilor Hainey agreed that allowing this waiver for the Homeless Center would open the door for churches and other non-profits to submit waiver requests. Councilor Lachance asked if there needed to be a motion to deny the waiver request. Mayor McCarley indicated that the Council did not need to take action if the decision was to deny; the City Manager would be in contact with the Homeless Center to inform them of Council's decision.

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

## **10. Reports of Committees**

### **10.1 Appointments Review Committee**

Councilor Bogan stated that the Appointment Committee had met on March 16 and had reviewed the following appointment and reappointments:

**10.1.1 New Appointment:** Samantha Merchant - Ward 2 Library Trustees, Regular Member, *term to expire 1/02/2023*

**10.1.2 Re-Appointment:** Kevin Sullivan – Conservation Commission, Regular Member, *term to expire 1/2/24*

**10.1.3 Re-Appointment:** Michael Kirwan – Conservation Commission, Regular Member, *term to expire 1/2/23*

**10.1.4 Re-Appointment:** James Hayden – Zoning Board of Adjustments, Regular Member, *term to expire 1/2/24*

**10.1.5 Re-Appointment:** Larry Spector – Zoning Board of Adjustments, Regular Member *term to expire 1/2/23*

**10.1.6 Re-Appointment: Marilyn Jones – Historic District Commission, Regular Member *term to expire 1/2/23***

**10.1.7 Re-Appointment: Matthew Winders – Historic District Commission, Elevate from Alternate to Regular Member *term to expire 1/2/24***

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

**10.2 Codes and Ordinances**

**10.2.1 Committee Recommendation: to accept the amendments to Chapter 22 (Amusements & Entertainment) of the City Ordinances as presented by City staff *consideration for approval***

Councilor Lachapelle **MOVED** to **APPROVE** the amendments to Chapter 22 as presented by City Staff. Councilor Walker seconded the motion. Councilor Lauterborn summarized the changes being made to the chapter. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Bogan, Abbott, Hainey, Walker, Hutchinson, Lachapelle, Rice, Gray, Lachance, Lauterborn, Belken, Hamann, and Mayor McCarley all voting in favor.

**10.2.2 Committee Recommendation: to accept the amendments to Chapter 110 (Junk & Secondhand Dealers) of the City Ordinances as presented by City staff *consideration for approval***

Councilor Lachapelle **MOVED** to **APPROVE** the amendments to Chapter 110 as presented by City Staff. Councilor Walker seconded the motion. Councilor Lauterborn summarized the changes being made to chapter 110. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Lachapelle, Rice, Gray, Hainey, Abbott, Bogan, Hutchinson, Lachance, Hamann, Lauterborn, Walker, Belken, and Mayor McCarley all voting in favor.

**10.2.3 Committee Recommendation: to accept the amendments to Chapter 162 (Pawnbrokers) of the City Ordinances as presented by City staff *consideration for approval***

Councilor Lachapelle **MOVED** to **APPROVE** the amendments to Chapter 162, Pawnbrokers, as presented by City Staff. Councilor Walker seconded the motion. Councilor Lauterborn summarized the changes being made to chapter 162. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Rice, walker, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Hailey, Abbott, Gray, Hutchinson, Lachance, and Mayor McCarley all voting in favor.

Councilor Lachapelle stated that Chapter 40, which is an ordinance from Building and Licensing services, was held in committee and would be discussed further at the May meeting. He stated that the minutes from the April 1<sup>st</sup> meeting will appear in the next month's City Council Packet. The next Codes and Ordinances meeting will be held Thursday, May 6, 6:00 PM.

### **10.3 Community Development Committee**

#### **10.3.1 Committee Recommendation: To revise the FY22 CDBG Housing Rehabilitation and Public Facilities funding recommendations to increase the original funding allocations *consideration for approval***

Councilor Lauterborn summarized the suggestions being made to revise the allocations to the CDBG funding. Councilor Lauterborn **MOVED** to **ACCEPT** the recommendations,. Councilor Belken seconded the motion. Councilor Belken expressed that she felt the Waypoint drop-in center would be a game changer for Rochester and said that she was pleased the City was able to give them this additional funding. Mayor McCarley agreed. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Walker, Belken, Rice, Lachance, Abbott, Hamann, Gray, Bogan, Lauterborn, Hailey, Lachapelle, Hutchinson, and Mayor McCarley all voting in favor.

#### **10.3.2 Committee Recommendation: To revise the FY22 CDBG Public Services funding recommendations *consideration for approval***

Councilor Lauterborn explained that the suggestion is to increase the allocation to Crossroads House to \$10,000 which is level-funding from last year, to increase My Friend's Place to \$10,834.70 which is slightly more than last year, and to add \$1000 to Strafford County Meals on Wheels bringing them to a total of \$3000. Councilor Lauterborn **MOVED** to **ACCEPT** the recommendations. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Belken, Gray, Hamann, Rice, Lauterborn, Hailey, Lachapelle, Hutchinson, Walker, Lachance, Abbott, Bogan, and Mayor McCarley all voting in favor.

Councilor Gray suggested that if there was CDBG funding un-allocated from the prior year, the City could potentially give funding to the Homeless Center of Strafford County. This donation could potentially be equal to the fee that the center is looking to have waived for their building permit fee. Councilor Gray stated that it is the City's obligation to provide housing and it is in the cities best financial interest to get this center finished to save money on transportation to other area shelters and centers and well as motel vouchers.

#### **10.4 Fidelity Committee**

Councilor Hutchinson reported that the Willand Warming Center would be closing for the season on March 31<sup>st</sup> and the Garrison Hotel Shelter would be closing for the season on April 15<sup>th</sup>. He stated that the Fidelity Committee would next be meeting on April 15<sup>th</sup> at 6:00 PM.

Councilor Belken asked if there had been a decision made on what would be done with the building which had housed the Willand Warming Center. Mayor McCarley stated that there is going to be a review of the data and numbers generated from this season at the Willand Center. She said that likely this property will be used for a similar function next winter as the Tri-cities continue to work on a collaborative plan for a more permanent 24/7 approach to homeless resources.

#### **10.5 Planning Board**

Councilor Walker reported that the Planning Board had met the night prior and summarized some of the business that they discussed. He said that the big discussion was the compliance hearing for Highfields Commons which lasted approximately two hours which was a contentious topic. There will be a site walk on April 7 to review the complaints and determine if they are now in compliance.

Councilor Lachapelle asked if the Planning Board had any further discussion on Impact Fees. Councilor Walker said that they had reduced the impact fees to zero and they were working on language to bring back to Council

#### **10.6 Public Works**

- 10.6.1 Committee Recommendation: To approve the use of \$30,000 from the Economic Development Fund for the Phase 2 Environmental Site Assessment of the 45 Old Dover property *motion to refer to Finance***

**Committee**

Councilor Walker said that there needs to be an environmental assessment of the 45 Old Dover Road site of the current Department of Public Works, which will be moving to a new location. The Department of Public Works has money in their budget to do the first phase of this assessment. Phase Two, which will require test sampling, will cost around \$30,000. The committee made a recommendation to approve the \$30,000 to come from contingency. This recommendation has been revised to come from the Economic Development fund. Councilor Walker **MOVED** to **APPROVE** the use of \$30,000 from the Economic Development fund for the Phase Two environmental assessment at 45 Old Dover Road. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Hamann, Walker, Hutchinson, Belken, Lachance, Abbott, Gray, Rice, Bogan, Hainey, Lachapelle, Lauterborn, and Mayor McCarley all voting in favor.

**10.6.2 Resolution Authorizing Supplemental Appropriation to the Department of Public Works (DPW) Water CIP Fund in the Amount of \$100,000.00 for the Water Street Water Line Extension Project *first reading and consideration for adoption***

Councilor Walker stated that the current waterline on north Main Street is too small to supply water to the updated Scenic/Salinger building. There needs to be a new waterline in the back of the building which will serve the lots on the rear side of this block. Councilor Walker **MOVED** to read the resolution for a first time by title only. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Bogan, Abbott, Hainey, Walker, Hutchinson, Lachapelle, Rice, Gray, Lachance, Lauterborn, Belken, Hamann, and Mayor McCarley all voting in favor. Councilor Walker read the resolution for the first time by title only as follows:

**Resolution Authorizing Supplemental Appropriation to the Department of Public Works (DPW) Water CIP Fund in the Amount of \$100,000.00 for the Water Street Water Line Extension Project**

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

That the amount of One Hundred Thousand Dollars (\$100,000.00) is hereby appropriated as a supplemental appropriation to the DPW Water CIP Fund for the purpose of paying costs associated with the Water Street Water Line



Extension Project. The funding for this supplemental appropriation shall be derived in its entirety from the Water Fund Retained Earnings Fund.

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

10.6.2.1 **Resolution Authorizing 10 Year Financing Agreements for the Water Street Water Extension Project Pursuant to §260-31 of the City Code *first reading and consideration for adoption***

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

**Resolution Authorizing 10 Year Financing Agreements for the Water Street Water Extension Project Pursuant to §260-31 of the City Code**

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

That pursuant to §260-31 of the City Code, the City Manager is hereby authorized to enter into Financing Agreements with Scenic Salinger, LLC and Ventina, LLC to pay the proportionate costs associated with the so-called Water Street Water Extension Project. The Financing Agreements shall be no more than Ten (10) years and shall be consistent with the provisions outlined in §260-31 of the City Code. Further, each entity named herein shall be liable for Fifty Percent (50%) of the total cost of the aforementioned Project.

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Lachapelle seconded the motion. Councilor Gray clarified that the reason for this water line extension is due to the water flow being insufficient for the renovated buildings, which will all have sprinklers installed throughout. He wanted it to be noted that the reason for this extension is health and safety of the future residents. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Walker, Belken, Rice, Abbott, Lachance, Gray, Hamann, Lauterborn, Bogan, Hainey, Lachapelle, Hutchinson, and Mayor McCarley all voting in favor.

Councilor Gray referenced a conversation he had with the City Manager in regards to the acceptance of minutes from committees. He stated that some committees approve their minutes and some do not. The City Manager was going to discuss this with the City Attorney to determine what process should be followed. Mayor McCarley said there is currently nothing in the Council rules of order which state that the minutes need to be approved, but agreed that the acceptance of the prior month's minutes should occur at the beginning of each committee meeting for consistency's sake and as a matter of good government. Councilor Walker stated that the reason he does not have the Public Works committee accept their prior month's minutes is because the City Council meeting takes place before hand in the schedule and all the action items from that committee meeting have already been voted on. He speculated this is also why the Finance Committee does not approve their minutes. Mayor McCarley stated that there are other discussions and items which are held in committee which may make it worthwhile for the minutes to be accepted. She stated that it could be a discussion to add this to the rules of order the next time it is revised, but suggested that each committee accept their minutes at their meetings through the end of the year.

## **11. Old Business**

### **11.1 Amendment To The Granite Ridge Development District (GRDD) Tax Increment Development Program & Financing Plan ("TIF Plan") Pursuant To RSA 162-K:9,IV *second reading and consideration for adoption***

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

for a second time by title only as follows:

**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.**

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Walker seconded the motion. Councilor Gray said that the way he understood the resolution, it would allow for residential development at the Granite Ridge. Mayor McCarley said this would allow for the possibility of residential development in the future, but it does not approve any specific development. The process would still need to be followed through the planning board and potentially the ZBA. She said that if/when a developer comes forward with a request for residential development, it will still go before the Planning Board process for approval. Councilor Lachance said that this decision would not

circumvent the Planning Board's authority, it simply amends the TIF plan to allow for funds to be used toward infrastructure improvements like water and sewer if residential units were approved in the area.

Councilor Gray stated that he felt the City Manager should look at the zoning requirements for this area and he felt that approving it would be indicate a "right" for people to build houses in the TIF district, not as either a conditional use nor as an exception. These are functions of the Planning Board and Zoning Board of Adjustments, of which this approval falls under neither.

Mike Scala, Director of Economic Development, gave a brief overview of the request. He stated that this would be a two part process; changing the TIF as well as amending the zoning to allow residential development in the area. Mark Sullivan, Deputy Finance Director, gave some background on the financing aspect of this request. He explained that authorizing this change to the TIF plan did not make residential development a permitted right, there is still a whole separate process to be followed with the zoning change and planning board authorization.

Councilor Abbott stated that although changing the TIF to allow this type of funding was an important step in the process, he was more interested in the potential zoning change and the concept for what would be allowed in the area. He said he would be open to development that would be a benefit to tax payers in the future, but was not interested in large, multi-unit residential developments. Director Scala said the vision for potential development is being explored now and it will be well planned and thought out before any decisions are made. 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 all voting in favor and Councilor Gray voting opposed.

#### **11.2 Amendment To Chapter 275 Of The General Ordinances Of The City Of Rochester Regarding The Location And Boundaries Of Zoning Districts *second reading and consideration for adoption***

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

Hainey, Hutchinson, Lachapelle, Rice, Lauterborn, Lachance, Hamann, Belken, and Mayor McCarley all voting in favor. Mayor McCarley read the resolution for a second time by title only as follows:

**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 part 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.**

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Walker seconded the motion. Councilor Hainey asked if this change in zoning had gone before the Zoning Board. Director Scala stated that it had been heard by the Zoning Board and had been approved unanimously. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Lachapelle, Rice, Hainey, Gray, Abbott, Bogan, Hutchinson, Lachance, Hamann, Walker, Lauterborn, Belken, and Mayor McCarley all voting in favor.

## **12. Consent Calendar**

No business on the consent calendar.

### **13. New Business**

#### **13.1 Resolution Authorizing Certain Renumbering on Tebbetts Road *first reading and refer to public hearing***

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

#### **Resolution Authorizing Certain Renumbering on Tebbetts Road**

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

That the following addresses on Tebbetts Road will be renumbered as follows:

10 Tebbetts Road becomes 12 Tebbetts Road  
12 Tebbetts Road becomes 14 Tebbetts Road  
14 Tebbetts Road becomes 20 Tebbetts Road  
36 Tebbetts Road becomes 46 Tebbetts Road  
50 Tebbetts Road becomes 0 Tebbetts Road  
42 Tebbetts Road becomes 56 Tebbetts Road  
47 Tebbetts Road becomes 57 Tebbetts Road  
44 Tebbetts Road becomes 58 Tebbetts Road  
57 Tebbetts Road becomes 61 Tebbetts Road  
53 Tebbetts Road becomes 63 Tebbetts Road  
59 Tebbetts Road becomes 65 Tebbetts Road  
70 Tebbetts Road becomes 76 Tebbetts Road  
74 Tebbetts Road becomes 78 Tebbetts Road

76 Tebbetts Road becomes 82 Tebbetts Road  
78 Tebbetts Road becomes 84 Tebbetts Road  
81 Tebbetts Road becomes 91 Tebbetts Road  
85 Tebbetts Road becomes 93 Tebbetts Road  
86 Tebbetts Road becomes 94 Tebbetts Road  
88 Tebbetts Road becomes 96 Tebbetts Road  
87 Tebbetts Road becomes 97 Tebbetts Road  
91 Tebbetts Road becomes 99 Tebbetts Road  
94 Tebbetts Road becomes 100 Tebbetts Road  
95 Tebbetts Road becomes 103 Tebbetts Road  
97 Tebbetts Road becomes 105 Tebbetts Road  
100 Tebbetts Road becomes 108 Tebbetts Road  
106 Tebbetts Road becomes 116 Tebbetts Road  
122 Tebbetts Road becomes 127 Tebbetts Road  
125 Tebbetts Road becomes 131 Tebbetts Road  
127 Tebbetts Road becomes 135 Tebbetts Road  
131 Tebbetts Road becomes 137 Tebbetts Road  
130 Tebbetts Road becomes 138 Tebbetts Road  
133 Tebbetts Road becomes 143 Tebbetts Road  
142 Tebbetts Road becomes 144 Tebbetts Road  
141 Tebbetts Road becomes 155 Tebbetts Road  
143 Tebbetts Road becomes 161 Tebbetts Road  
145 Tebbetts Road becomes 165/173 Tebbetts Road  
197 Tebbetts Road becomes 191 Tebbetts Road

These changes are made in order to be in compliance with the standards articulated by the National Emergency Number Association and RSA 231:133 and 133-a.

Councilor Lauterborn asked if the residents of Tebbetts Road who would be affected by the renumbering have been notified of the public hearing. Deputy Chief Wilder stated that notifications will be sent within the next few days to notify residents of the public hearing.

**13.2 Resolution Authorizing Acceptance of an Emergency Management Performance Grant and Supplemental Appropriation of \$18,000,00 in Connection Therewith *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 a unanimous roll call vote with Councilors Belken, Rice, Walker, Bogan, Lachapelle, Lauterborn, Hamann, Hainey, Abbott, Huthinson, Gray, Lachance, and Mayor McCarley all voting in favor. Mayor McCarley read the resolution by title only for a first time as follows:

**Resolution Authorizing Acceptance of an Emergency Management Performance Grant and Supplemental Appropriation of \$18,000.00 In Connection Therewith**

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

WHEREAS, that a New Hampshire Emergency Management Performance Grant in the for the purpose of updating the City's Continuity of Operations Plan (COOP) and the Emergency Operations Plan (EOP), which are both managed by the Emergency Management Director/Fire Chief, is awarded to the City of Rochester's Fire Department, and is hereby accepted by the City of Rochester;

WHEREAS, the City Council acknowledges that the total cost of this project will be Eighteen Thousand Dollars (\$18,000.00), in which the city will be responsible for a 50% match of Nine Thousand Dollars (\$9,000.00), which will be fulfilled through In-Kind contributions of various staff time necessary to the formulation of the COOP & EOP plans.

THEREFORE, the sum of Eighteen Thousand Dollars (\$18,000.00) is hereby appropriated for the purpose of carrying out the COOP & EOP updates, 50%



of said appropriation shall be derived from the Emergency Management Performance Grant, and 50% shall be derived from staff In-Kind contributions.

FURTHER, that the City Manager is authorized to enter into a grant agreement and to sign any other documents that are necessary to receive and administer the grant funds detailed above; and

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

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Walker seconded the motion. Councilor Rice stated that the way he understood the resolution is that the City is putting up \$9000.00 of in-kind contributions and receiving \$9000.00 cash; not receiving a full \$18,000.00. He asked for clarification on what the money will be used for and if it will be split between a consultant and City staff salary. City Manager Cox stated that the \$9000.00 "in-kind" will be staff time spent working on the project. Chief Klose confirmed that the City would be contracting the services of an outside consultant, of which there are only two in the State who handle both EOP and COOP plans. He reported that the City had chosen the services of the same consultant who did the first plan and has prior experience with the City. Councilor Rice inquired about the life span of the plan and the likelihood of the Fire Department needing to come back in a few years to ask for funding to update it again. Chief Klose stated that the average is 5 – 7 years. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Hamann, Gray, Belken, Lachapelle, Hainey, Lauterborn, Rice, Lachance, Walker, Hutchinson, Abbott, Bogan, and Mayor McCarley all voting in favor.

### **13.3 Discussion: Proposed Amendments to City Charter**

Councilor Rice stated that he is in favor of 4-year terms for Councilors, but questioned what provisions would be instated for councilors who wanted to run for mayor mid-term. He said that there needed to be language added for this specific circumstance. Councilor Walker said that this is the reason for a staggered term; so that a councilor could run for mayor without losing their council seat. Councilor Rice said that he felt this should not be the process and that if a mid-term councilor did want to run for mayor, they should give up their council seat which should then be decided on by the people of their ward. Councilor Walker clarified that if staggered terms were adopted and a mid-term councilor won the seat of mayor, their open council seat would be appointed by the City Council. Councilor Rice reiterated that he felt the people

of that councilor's ward should have a say in the person who represents them for the next two years. There was a discussion about the process of filling vacancies on council.

Councilor Lauterborn speculated that if a sitting councilor won the seat of mayor when there were still two years left on their term, there would need to be a Special Election to fill the remainder of their council term. Councilor Rice agreed that this would be a good process to follow, but said that there is no language in the charter which would direct this action and explain how the process works. Councilor Lauterborn said that she thought there might already be wording within the charter regarding extended vacancies. Attorney O'Rourke said there is no language in the charter dealing with extended council vacancies.

Councilor Gray said rather than staggered 4-year terms, he is in favor of having the two candidates who receive the highest number of votes fill both seats A and B rather than running for a specific seat. Councilor Hamann spoke in favor of 4-year staggered terms to avoid an entirely new council being elected and erasing any institutional memory held within the board.

Councilor Hainey referenced the section on removal of elected officials which states that the mayor and councilors can be removed for "cause" and lists several reasons. Councilor Hainey asked if "cause" was defined somewhere within the charter. Attorney O'Rourke said that the statute does not define cause and there is limited case law on the topic. He said the way the Supreme Court interprets this is that "cause" would need to relate to the ability to carry out job duties and the job itself. Councilor Hainey stated that the section only relates to removal of City councilors. Attorney O'Rourke answered that the State has not granted authority to the City Council to remove members of other elected boards. The School Board and Police Commission are governing bodies over which city council does not have authority. There was a discussion regarding State law and the removal of members of elected boards. It was stated that the School Board and Police Commission do not have provisions in place for the removal of members. Attorney O'Rourke speculated that the way the State law is written was for municipal charters, which the school board and police commission do not have. He said this is a hole in State legislation.

Councilor Lachance asked if any of these changes require a public hearing. Attorney O'Rourke confirmed that there is a public hearing required after the Council makes any changes and there would be additional hearings required if there are subsequent changes.

There was a discussion of the selectmen (election officials) being elected for 6-year terms.

Councilor Belken asked about section 5, Election of Councilors, and asked what had driven the conversation for change. Mayor McCarley said it has mainly been people who have served as elected officials. Councilor Walker and Councilor Lachapelle spoke about the history of staggered terms appearing on the municipal ballot and the turmoil resultant from prior elections introducing entirely new, inexperienced officials.

Councilor Walker asked what the next step would be in the process. Mayor McCarley said that the Council could make motions and take action this evening if there was consensus, or they could review further and come back at the workshop meeting for more discussion. Attorney O'Rourke said he would work on some language regarding extended vacancies and it can be discussed at the April workshop meeting.

#### **14. Other**

No Discussion.

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

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

Councilor Lauterborn **MOVED** to enter into a Non-Public Sessions under RSA 91-A:3, II(d) Land at 8:21 PM. Councilor Walker seconded the motion. The **MOTION CARRIED** by a 13 to 0 roll call vote with Councilors Hamann, Lauterborn, Bogan, Rice, Gray, Abbott, Lachance, Belken, Hutchinson, Hainey, Lachapelle, Walker and Mayor McCarley all voting in favor of the motion.

Councilor Lachapelle **MOVED** to exit the Non-Public Session at 10:03 PM. Councilor Walker seconded the motion. The **MOTION CARRIED** by a 13 to 0 roll call vote with Councilors Bogan, Abbott, Hainey, Walker, Hutchinson, Lachapelle, Rice, Gray, Lachance, Lauterborn, Hamann, Belken, and Mayor McCarley all voting in favor of the motion.

Councilor Lauterborn **MOVED** to seal the minutes for the Non-Public Session under Land, RSA 91-A:3, II (d) because disclosure could render the proposed action ineffective. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Lachapelle, Rice, Gray, Hainey, Abbott, Bogan, Hutchinson, Lachance, Hamann, Lauterborn, Walker, Belken, and Mayor McCarley all voting in favor of the motion.

**16. Adjournment**

Mayor McCarley **ADJOURNED** the Regular City Council Meeting at 10:06 PM.

Respectfully Submitted,

Cassie Givara  
Deputy City Clerk



# *City of Rochester, New Hampshire*

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

## **CITY MANAGER'S REPORT April 2021**

Contracts and documents executed since last month:

- **Department of Public Works**
  - Phase 1 ESA 45 Old Dover Rd – Weston & Sampson **P. 42**
  - Construction Contract Amendment WWTF - Brown and Caldwell **P. 43**
  - Task Order NHDOT Sound Wall – Underwood Engineers **P. 44**
  - Change Orders, New DPW facility – Hutter Construction **P. 45**
  - Forest Maintenance Agreement – William Day Jr & Sons **P. 46**
  - Task Order, Sewer System Master Plan – Weston & Sampson **P. 47**
  - Master Service Agreements Awards – Multiple engineers **P. 48**
  - Consolidated Communications Agreement – relocation of equipment **P. 49**
  - Engineering Agreement Amarosa Dr/Milton Rd – Hoyle, Tanner, and Assoc. **P. 50**
  - Change Order, Pavement & Highway Improvement Projects **P. 51**
  - Change Order, Sidewalk rehabilitation **P. 52**
- **Economic Development**
  - FY21 CDBG Environmental Review, CAP Weatherization **P. 53**
  - FY21 CDBG Environmental Review, CAP Weatherization **P. 54**
  - FY22 Rochester Housing Authority Environmental Review Statement **P. 55**
  - FY21 CDBG Lead Remediation Agreement **P. 56**
- **Finance**
  - Enrollment Agreement - ICMA **P. 57**
- **Fire Department**
  - Purchase contract, Aerial Platform Truck – Sutphen Corporation **P. 58**
- **IT**
  - PatrolPC tablet purchase **P. 59**
- **Planning**
  - Contract - Temporary planner coverage **P. 60**
- **Police**
  - MOA – Lease of K9 Gunner **P. 61**
  - Sale of Animal & Waiver of Liability Agreement **P. 62**

The following standard reports have been enclosed:

- Permission & Permits Issued -none
- Personnel Action Report Summary **P. 63**



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



04/29/2021

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## INTEROFFICE MEMORANDUM

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

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

**DATE:** March , 2021

**SUBJECT:** Weston & Sampson  
Phase 1 ESA - 45 Old Dover Road  
Amount \$3,800

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

---

Attached please find (1) one copy of the Weston and Sampson Scope of Service for the Phase 1 Environmental Site Assessment (ESA) regarding the property at 45 Old Dover Road. This is the site of the current Department of Public Works Building.

There are funds available in the O&M Highway General Fund Account as follows:

13010057-533000 Other Professional Services = \$3,800.00

If you have any question, please call, if not please pass on to the City Manager for signature on page 10. Please return document to me at the DPW for Distribution

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



# City of Rochester, New Hampshire

## PUBLIC WORKS DEPARTMENT

45 Old Dover Road • Rochester, NH 03867  
 (603) 332-4096 Fax (603) 335-4352  
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### INTEROFFICE MEMORANDUM

---

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

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

**DATE:** April 2, 2021

**SUBJECT:** **WWTF Biosolids Dewatering Facility and Carbon Building Construction Administration Contract – Amendment No. 1**

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

---

Attached is one (1) original Amendment No. 1 to the Engineering Construction Phase Contract for Professional Services for the Biosolids Dewatering Facility and Carbon Building project at the WWTF. This contract is between the City and Brown and Caldwell for construction administration, resident engineering, and related services in the amount of \$225,782.00, which is eligible for CWSRF funding (Loan No. CS-330122-15). Funds are available for this contract in the following account line:

- Sewer Fund CIP account line: 55026020-772000-20571

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

Signature \_\_\_\_\_

Katie Ambrose  
 Deputy City Manager/ Director of Finance & Administration

Attachment: Biosolids Dewatering Facility & Carbon Storage, CA Amend. #1



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## INTEROFFICE MEMORANDUM

---

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

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

**DATE:** April 2, 2021

**SUBJECT:** Underwood Engineers (UE) Task Order #1  
NHDOT Sound Wall Project/ City of Rochester Utility Assessment  
Amount \$16,200

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

---

Attached please find (1) one copy of the UE Task Order #1 for engineering services related to the NHDOT Spaulding Turnpike Sound Wall Project. As the new sound wall will be crossing City of Rochester water and sewer infrastructure UE will be conducting possible impact assessments that include reviews of record drawings, sub-soil investigation, geological information, and soil sampling.

The proposed work will be charged to the Water and Sewer O&M Accounts as follows:  
Engineering Service 51601057-533002 = \$4,400.00  
Engineering Service 51601073-533002 = 3,700.00  
Other Professional Services 52602074-533000 = \$8,100.00

If you have any question, please call, if not please pass on to the City Manager for signature on page 10. Please return document to me at the DPW for Distribution

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





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04/29/2021



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**INTEROFFICE MEMORANDUM**

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

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

**DATE:** April 1, 2021

**SUBJECT:** Hutter Construction – New DPW Facility  
Change Order #6 Completion Time change  
Change Order #7 Amount \$27,219.16

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

---

Attached please find one copy of Change Order #6 which is for a completion date time change. This change extends the contract completion date to 11/11/2021. Also attached is change order #7 in the amount of \$27,219.16. The changes included are for design & code change requirements to administration area and venting, steel columns to support sliding wall in muster / training room, electrical installations in existing storage barn, and a credit for electrical work for domestic booster pumps. The facility is more than 50% completed and currently has 77% of contingency remaining.

The Original Contract value	\$17,674,000.00
Previous Changes totaled	\$124,503.17
This Change amount	<u>\$27,219.16</u>
Adjusted Contract total	\$17,825,722.33

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

15013010-772000-18526 = \$13,609.58  
55016010-772000-18526 = \$6,804.79  
55026020-772000-18526 = \$6,804.79

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



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04/29/2021

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## INTEROFFICE MEMORANDUM

---

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

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

**DATE:** April 6, 2021

**SUBJECT:** Hanson Pines – William Day Jr. and Sons, Inc  
Forest Maintenance Agreement - \$2,000

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

---

Attached please find (1) one copy of forest maintenance agreement for William Day Jr. & Sons for work to be completed within Hanson Pines Park. Charles Moreno, Forester was contracted to manage the maintenance required to the trees within Hanson Pines Park. Mr. Day is being contracted to perform the tree removal as directed by Mr. Moreno. This agreement has been approved by the City Attorney in advance.

The Funds for this project were budgeted in the Buildings & Grounds O&M Account as follows

11090050-543000 – \$2000 Purchase Order is already completed (PO#5409)

If you have any question, please call, if not please pass on to the City Manager for signature. NOTE-Witness required. Please return document to me at the DPW for Distribution

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



# City of Rochester, New Hampshire

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## INTEROFFICE MEMORANDUM

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

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

**DATE:** April 14, 2021

**SUBJECT:** **Sewer System Master Plan  
Initial Consultant Task Order (2021-01)**

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

---

Attached is one (1) original Task Order 2021-01 for engineering services related to a Sewer System Master Plan. This contract is between the City and Weston & Sampson Engineers, Inc., and involves flow metering of certain delineated subareas of the City's sewer collection system in the amount of \$163,026.00. Funds are available for this contract in the following account line:

- Sewer Fund CIP account line: 55026020-776001-19545

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

Signature \_\_\_\_\_

Katie Ambrose

Deputy City Manager/ Director of Finance & Administration

Attachment: W&S Task Order 2021-01, Sewer System Master Plan Initial Scope



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04/29/2021



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## INTEROFFICE MEMORANDUM

---

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

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

**DATE:** April 20, 2021

**SUBJECT:** Professional Master Service Agreements for Consulting Engineers  
Awards Based on Request for Qualifications RFQ 21-19

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

---

Per NHDOT LPA Grant Funded Projects, State of NH SRF Projects and all State and Federal Grant Project guidelines, the City of Rochester must follow a Request for Qualifications process when selecting Consulting Engineers. The Department of Public Works has recently completed that process and has selected the following firms for engineering consulting work associated with Capital Improvement Projects. You have previously executed seven contracts. These are the eighth, ninth and tenth contracts of a total of 11 that will be executed

**Attached Agreements:**

Brown & Caldwell Engineers  
Fuss & Oneil Engineers  
Geosyntec Consultants

If you have any question, please call, if not please pass on to the City Manager for signature. Please return documents to me at the DPW for Distribution

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



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04/29/2021



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## INTEROFFICE MEMORANDUM

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

**FROM:** LISA J. CLARK, ADMINISTRATIVE & UTILITY BILLING SUPERVISOR *LJC*

**DATE:** April 23, 2021

**SUBJECT:** Consolidated Communications Agreement  
Strafford Square  
Property Map 121 Lot 306

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

---

Attached please find (1) one copy of the Consolidated Communications Agreement for the relocating the Consolidated equipment on to the City parcel referenced.

If you have any question, please call, if not please pass on to the City Manager for signature on page 10. Please return document to me at the DPW for Distribution

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



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## INTEROFFICE MEMORANDUM

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

**FROM:** LISA J. CLARK, ADMINISTRATIVE & UTILITY BILLING SUPERVISOR *LJC*

**DATE:** April 21, 2021

**SUBJECT:** Hoyle, Tanner & Associates, Engineers (HTA)  
Amarosa Drive Intersection Improvements  
Amount \$207,703.00

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

---

Attached please find (1) one copy of the HTA Agreement for engineering at the Amarosa Dr/ Milton Road /Salmon Falls Rd Intersection. HTA Associates was chosen based on the City of Rochester Engineers Request for Qualifications RFQ#21-19. Included in this scope of service is the Engineering Study, preliminary Design, Final Design, Right of way Phase and Bidding Phase services.

The proposed work will be charged to the General, Water and Sewer Fund CIP Accounts as follows:

General Fund Act #15013010-771000-21551 = \$200,000.0  
Sewer Fund Act#55026020-771000-21543 = \$3,851.50  
Water Fund Act#55016010-771000-21543 = \$3,851.50

If you have any question, please call, if not please pass on to the City Manager for signature on page 10. Please return document to me at the DPW for Distribution

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





# City of Rochester, New Hampshire

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### INTEROFFICE MEMORANDUM

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

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

**DATE:** April 20, 2021

**SUBJECT:** **Pavement & Highway Improvement Project (#19-31)  
 Change Order No. 2**

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

---

Attached is Change Order No. 2 for the Pavement & Highway Improvement project. The current contract with the City's paving contractor allows for contract extensions of up to three additional years. It is recommended to extend the contract with our current paving contractor by signing the attached change order document. This change order document adds FY21 pavement rehabilitation work previously approved by the City Council to the existing paving contract that was initially established for FY19 pavement rehabilitation and was extended to include FY20 pavement rehabilitation. To accommodate the additional paving work, the contract time is again extended by this Change Order; the new Substantial Completion date is June 30, 2022. The total net increased cost to the contract by this Change Order is \$1,876,884.06 and funds are available in the following account lines for this Change Order:

- General Fund CIP account line: 15013010-771000-20586
- General Fund CIP account line: 15013010-771000-21548
- Economic Development account line: 7023-21539 (Water St. \$20,000)

Katie - If you have any questions, please let me know. If not, please sign below and forward to the City Manager for signature. The signed original Change Order No. 2 should be returned to DPW for distribution. Thank you.

Signature \_\_\_\_\_

Katie Ambrose  
 Deputy City Manager/ Director of Finance & Administration

Attachment: Pavement & Highway Improvement, Change Order No. 2



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## INTEROFFICE MEMORANDUM

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

**FROM:** Timothy S. Goldthwaite, PE, Assistant City Engineer

**DATE:** April 20, 2021

**SUBJECT:** **FY21 Sidewalk Rehabilitation Work Change Order (#19-14)**  
**Portions of Cocheco Avenue and Oak Street**

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

Attached please find one (1) copy of Change Order #3 to the City's Sidewalk Rehabilitation Contract (#19-14), including the Street Section Schedule - Attachment "A" and the Bid Schedule Itemization - Attachment "B". This work is a continuation of the FY19 Sidewalk Rehabilitation Contract and includes FY21 sidewalk work along portions of Cocheco Avenue, Oak Street and two ADA tip downs at the intersection of Hillcrest Drive & Whitehall Rd. To accommodate the additional sidewalk work, the contract time is extended by this Change Order to November 30, 2021. The total net increased cost to the contract by this Change Order is \$265,532.00 and funds are available in the following account lines for this Change Order:

- FY20 General Fund CIP account line: 15013010-771000-20536 (\$20,522.95)
- FY21 General Fund CIP account line: 15013010-771000-21549 (\$245,009.05)

Katie - If you have any questions, please let me know. If not, please sign below and forward to the City Manager for signature. The signed original Change Order No. 3 should be returned to DPW for distribution.

Signature \_\_\_\_\_

Katie Ambrose  
 Deputy City Manager/ Director of Finance & Administration

Attachment: Sidewalk Rehabilitation Contract 19-14, Change Order No. 3 with Attachments

BUILDINGS AND GROUNDS · HIGHWAY · WATER · SEWER · ENGINEERING



Date: April 22, 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 weatherization retrofit and insulation of a stick-built home located in the southern region of the city, the weatherization retrofit and insulation of a manufactured home located in the northwestern region of the city, and the weatherization retrofit, furnace replacement, roof repair, and window replacement of a manufactured home located in the northwestern region of the city, under the Community Action Partnership of Strafford County's weatherization program (CAP weatherization program). The City Council approved funding to the CAP weatherization program at the May 5, 2020 City Council meeting.

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

Date: April 27, 2021

To: Blaine Cox  
City Manager

From: Julian Long  
Community Development Coordinator/Grants Manager

Re: FY 2021 CDBG Environmental Review – CAP Weatherization

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

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

Date: April 14, 2021

To: Blaine Cox  
City Manager

From: Julian Long  
Community Development Coordinator/Grants Manager

Re: FY 22 Rochester Housing Authority Environmental Review Statement

Please see attached the environmental review statement for the Rochester Housing Authority's planned repair and maintenance activities for FY 2022. As per 24 CFR 58, the City of Rochester is the responsible entity for conducting environmental reviews for the Rochester Housing Authority. The environmental review statement requires the signature of the City Manager as the City of Rochester authority.

The environmental review statement was prepared by the Community Development Coordinator with assistance from Rochester Housing Authority staff.

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

Date: April 13, 2021

To: Blaine Cox  
City Manager

From: Julian Long  
Community Development Coordinator/Grants Manager

Re: FY 2021 CDBG Lead Remediation Agreement

Please see attached the signed FY 2021 Community Development Block Grant (CDBG) agreement between the City of Rochester and a property owner working with New Hampshire Housing Finance Authority to remediate his property to remove lead-based paint hazards. City Council approved CDBG funding for these activities at the May 5, 2020 City Council meeting.

The contract requires the signature of the City Manager and date. The contract has been reviewed and approved by the Community Development Coordinator.

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



## *City of Rochester, New Hampshire*

Finance Office

31 Wakefield Street • Rochester, NH 03867-1917

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

MEMO

TO: Blaine Cox

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

DATE: April 14, 2021

RE: ICMA– Enrollment Agreement \$1,995.00

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In the enclosed link please find the enrollment agreement for 1 staff member to participate in the April cohort of ICMA's High Performance Leadership Academy. Sufficient funding for the \$1,995.00 is available in the Business Office Staff Development account 11060051-532001.

Feel free to let me know if you have any questions. If you concur, please sign electronically.

---

Katie Ambrose

Deputy City Manager/Director of Finance & Administration

Enclosures: ICMA Leadership Academy Enrollment Agreement

04/29/2021



## ROCHESTER FIRE DEPARTMENT

37 WAKEFIELD ST. ROCHESTER, NH 03867  
(603) 335-7545



# MEMO

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To: Katie Ambrose, Deputy City Manager/Director of Finance & Administration  
From: Tim Wilder, Assistant Fire Chief  
Date: Friday, April 2, 2021  
RE: Fire Aerial Platform Truck Contract Review and Purchase

---

Dear Katie,

This memo is to signify the Finance Departments review of the bid and final purchasing contract with Sutphen Corporation for the purchase of a new aerial platform truck with a purchase price of \$1,260,359.12.

Please let me know if there are any questions or concerns.

Thank you,

Tim Wilder  
Assistant Fire Chief

---

Deputy City Manager Signature

---

Date

Funding account 15012020-773150-21509



## *City of Rochester, New Hampshire*

Finance Office

31 Wakefield Street • Rochester, NH 03867-1917

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

MEMO

TO: Blaine Cox

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

DATE: April 13, 2021

RE: PatrolPC – Tablets \$8,059.62

---

Attached please find the proposal for PatrolPC tablets. PatrolPC is a sole source vendor and funding for the \$8,059.62 is available in IT's CIP Hardware Replacement account 15011020-773800-21502.

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

---

Katie Ambrose

Deputy City Manager/Director of Finance & Administration

Enclosures: PatrolPC Quote #QUO-3032



**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](http://www.rochesternh.net)**

**Planning Board**  
**Conservation Commission**  
**Historic District Commission**  
**Arts and Culture Commission**

# Memo

To: Katie Ambrose  
From: Shanna B. Saunders  
Date: April 1, 2021  
Re: Temporary planner coverage

This memo serves to ask permission to hire Liz Durfee on a temporary basis to help cover some plan review and other planning tasks while we search for a Planner I to replace Nicolette Womack who left in mid-March.

Ms. Durfee has worked for the City on a temporary basis before and helped to cover plan reviews and permit reviews such as Home Occupation and Signs. She last worked here in October and November of 2020.

Right now is the Planning Department's busy season as folks get ready for construction season. In addition, with COVID vaccinations up, more construction than usually is being proposed.

Ms. Durfee will be paid from the "Other Professional Services" line item which currently has \$18,440.



04/29/2021



## ROCHESTER POLICE DEPARTMENT

23 WAKEFIELD STREET  
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POLICE COMMISSION

DEREK J. PETERS  
*Chairman*  
DAVID R. STEVENS  
*Vice Chairman*  
LISA M. STANLEY  
*Commissioner*



To: City Manager Blaine Cox  
From: Chief Paul Toussaint   
Re: MOA with Keith MacKenzie – Lease of K9 Gunner  
Date: April 15, 2021

Blaine,

I am submitting the attached Memorandum of Agreement for your review and signature. The document was drafted by Attorney O'Rourke and will allow the Rochester Police Department to lease Keith MacKenzie's personally owned, certified tracking bloodhound to serve the citizens of Rochester.

MacKenzie's final day with the Rochester Police Department is 4/16/21 as he is retiring from law enforcement. We have selected MacKenzie's successor, Officer Dwayne Hatch, but do not have a replacement K9 at this point. MacKenzie has volunteered the use of his dog so that we might keep the program going until we can find a replacement for Gunner. The department will not be taking ownership of the dog and it will be returned to MacKenzie at the end of this agreement.

Thank you for your consideration of this matter.

04/29/2021



## ROCHESTER POLICE DEPARTMENT

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DAVID R. STEVENS  
*Vice Chairman*  
LISA M. STANLEY  
*Commissioner*



To: City Manager Blaine Cox  
From: Chief Paul Toussaint   
Re: Sale of an Animal and Waiver of Liability Agreement  
Date: April 15, 2021

Blaine,

I am submitting the attached Sale of an Animal and Waiver of Liability Agreement for your review and signature. The document was drafted by Attorney O'Rourke and will allow the Rochester Police Department to transfer ownership of the drug dog Phlirt to retiring Officer Keith MacKenzie.

Phlirt joined the department in 2012 and has lived with Officer MacKenzie since then. She is at the end of her useful service life and is ready to retire. This agreement will allow Phlirt to live out the remainder of her years with MacKenzie and his family.

Thank you for your consideration of this matter.

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City Clerk's Office

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**From:** Doug Lachance <[stumpcitycider@gmail.com](mailto:stumpcitycider@gmail.com)>  
**Sent:** Wednesday, April 14, 2021 9:12 AM  
**To:** Caroline McCarley <[caroline.mccarley@rochesternh.net](mailto:caroline.mccarley@rochesternh.net)>; Blaine Cox <[blaine.cox@rochesternh.net](mailto:blaine.cox@rochesternh.net)>  
**Subject:** Resignation

It is with great regret that I have decided to resign effective immediately from my post as Ward 1 City Councilor due to uncharged allegations reported by Foster's. Although I adamantly deny the allegations against me, or any inappropriate behavior for that matter, an ongoing investigation will do nothing but serve as a distraction to City business. I believe that under the circumstances, it will be in the best interest of the City of Rochester and my constituents for me to step down, so the City can move forward without any distractions. I thank all of you who supported me, and those who continue to show your support.

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City Clerk's Office

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**Codes and Ordinances Committee**

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



**Others Present**

Terence O'Rourke, City Attorney  
Jim Grant, Director BZLS  
Dave Walker, City Councilor

**CODES AND ORDINANCES COMMITTEE**

Of the Rochester City Council

**Thursday, April 1, 2021**

**31 Wakefield Street, Rochester, NH**

Meeting conducted remotely

**6:00 PM**

**Minutes**

**1. Call to Order**

Vice Chair Lauterborn called the Codes & Ordinances meeting to order at 6:00 PM and read the following preamble:

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

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

press 5\* to be recognized and unmuted)

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

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

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

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

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

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

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

## 2. Public Input

There was no one present in Council Chambers to speak and there was no written or voicemail correspondence received.

## 3. Acceptance of the Minutes

### 3.1 March 4, 2021 *motion to approve*

Councilor Lauterborn **MOVED** to **APPROVE** the minutes of the March 4, 2021 Codes & Ordinances Committee meeting. Councilor Abbott seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Rice, Lauterborn, Lachapelle, and Abbott all voting in favor.



Councilor Lachapelle announced that there would be no further discussion this evening on agenda item 6 regarding the Disorderly Residence ordinance. Councilor Hainey has been spearheading this item and, due to her absence, it will instead be discussed again at a future meeting.

#### 4. Code of Ordinances Review

##### 4.1 Building, Zoning, and Licensing Services

###### 4.1.1 Chapter 135: Mobile Home Parks (*Addendum A*)

Attorney O'Rourke stated that there were very simple changes being suggested to this chapter. Section 135-6 "Application for Approval" is recommended to be removed in its entirety. The City currently does not allow development of new mobile home parks, so there is no need for an application process. Councilor Rice asked if this would affect the building or additions/renovations to existing mobile homes. Jim Grant, Director of Building and Licensing Services, clarified that existing mobile homes could still go through the regular permitting process for such improvements.

Chairman Lachapelle asked if there were any additional changes to Chapter 135 from the Planning Department. Attorney O'Rourke stated that this single change was the only suggestion.

Councilor Lauterborn **MOVED** to recommend the amendment to Chapter 135 as presented by City Staff to the full Council. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Lauterborn, Abbott, Lachapelle, and Rice all voting in favor.

###### 4.1.2 Chapters 40: Building Construction & Property Maintenance, cont'd discussion

Director Jim Grant of Building and Licensing Services explained that he had a presentation dealing with the International Property Maintenance Code. He stated that the City is operating under the 2006 code, and he is suggesting making updates to the antiquated portions of the document to align with current practice and the 2015 code. Director Grant directed the committee to NH RSA 48-A regarding minimum housing standards. He stated that this is what the City would operate under if they do not adopt their own property maintenance code (which would be enforced in addition to the State RSA). Director Grant detailed the significant changes between the 2006 code and the 2015 code. He stated that the 2015 code gives greater detail and further explains the terms and conditions laid out in more general terms in the 2006 code.

Councilor Lachapelle inquired about the fee schedule in section 103.5, which is currently left blank in the code. He asked if the committee could come back in the future and make recommendations on these fees. Director Grant confirmed these fees could be added and adjusted in the future. He stated that there was a similar circumstance in section 112.4 "failure to comply" in which dollar amounts were left blank; these items, if not included in the code, would defer to the State RSA for "Citations." Mr. Grant further outlined the sections which had criteria which the City could choose to revise and populate with information to fit their needs and practices.

Councilor Lauterborn thanked Director Grant for addressing the conflicts between the building code and the City zoning ordinance and she inquired of Councilor Abbott if he felt the information as presented was sufficient for adoption. Councilor Abbott stated that he felt he needed more time to review the information which had presented and compare the changes and suggestions before a decision is made. Councilor Lauterborn inquired about the next step in the adoption process and whether or not this item needed to go to full Council, a public hearing, or both. Attorney O'Rourke clarified that this decision would not require a public hearing but rather could be voted on by full Council for adoption.

Councilor Walker asked to review a comparison between the 2006 and the 2015 code to see the suggested changes. It was discussed that this documentation would be distributed to the full Council for review. Councilor Abbott expressed concern with the way some of the code was written and potential problems which could arise from its adoption as written. Director Grant suggested meeting with Councilor Abbott to review the code and identify the conflicts and issues which should be revised.

Councilor Lachapelle suggested that Chapter 40 and the International Property Maintenance Code be kept in committee and discussed at the May meeting. Councilor Abbott stated that he would prefer to adopt this as housing standards as opposed to a building code in order to remove it from the zoning ordinance entirely. Councilor Abbott stated that the code needed to be reviewed more thoroughly to determine how it would be enforced and interpreted as written, and to revise it as needed to fit Rochester's needs. Director Grant agreed that there was opportunity to revise the codes and the wording to suit Rochester, but emphasized the importance of these codes to help the community to be more vibrant, especially in the downtown area and more challenged areas.

## 4.2 Planning

### 4.2.1 Chapter 135: Mobile Home Parks

No additional amendments beyond what was discussed previously in the meeting.

### 4.2.2 Chapter 176: Planning Board (*Addendum B*)

Attorney O'Rourke directed the committee to section 176-9(E) which allows for the planning board to accept gifts for the exercise of its functions. It is recommended that this section be removed in its entirety. Councilor Abbott **MOVED** to recommend the amendment to Chapter 176 as presented by City Staff to the full Council. Councilor Rice seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Rice, Lachapelle, Abbott, and Lauterborn all voting in favor.

## 5. **Discussion:** Ethics Committee & Code

Councilor Lachapelle stated that he felt the committee should focus on whether or not to direct the City Attorney and City staff to draft a Code of Ethics specific to Rochester to bring back to the committee for review, and then a final decision by the full Council. He said that he did not

feel that the Codes & Ordinances Committee should be working on what would be contained within the Code of Ethics or the exact wording.

Councilor Lauterborn suggested forming a working group of Councilors, Police Commission, School Board members, and City staff along with the City Attorney to develop the wording for this code. Attorney O'Rourke agreed with Councilor Lauterborn that a working group would be the way to proceed. He stated that his role was to advise and ensure that any code developed is legally defensible; the elected officials to which the code would apply should have a direct hand in drafting the code.

Councilor Abbott cautioned against arbitrarily placing members on an ethics committee without the time or qualifications to make judgements and decisions which could affect someone's reputation and career. Councilor Walker also emphasized the need to keep the process fair and to avoid making it political. He agreed that there should be a working group to develop the wording for this code, and suggested that at the very least, the City charter could be amended to make the ethics wording apply to all boards and commissions and allow for the removal of members.

Councilor Lachapelle stated that he would reach out to the City Attorney and Councilor Hutchinson, who had spearheaded this discussion, in order to put together a working group to develop some language to come back to the Codes & Ordinances committee. Councilor Lauterborn addressed Councilor Abbott's prior comments and clarified that at this stage, she is not suggesting actually forming an ethics commission and choosing members to serve, but rather forming a working group to prepare the wording for a code of ethics to potentially be approved by City Council. An Ethics Commission could potentially be formed after a code is approved, if Council so chooses. Councilor Rice agreed that this working group would be to develop the framework for an ethics commission; their role, responsibilities, and authority and the criteria under which they would operate.

It was decided that if there was information available at that time, a brief update would be presented at the next Codes & Ordinances Committee meeting regarding the forming of a working group and the work performed thus far.

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

It was reiterated that this discussion would be brought forward again at a future meeting in which Councilor Hainey is available for an update.

**7. Other**

Councilor Lachapelle stated that the Codes & Ordinances Committee would next meet on May 6, 2021 at 6:00 PM. The committee will further discuss Chapter 40 as well as Chapter 218 (Stormwater Management) as requested by Director of City Services Peter Nourse.

**8. Adjournment**

Councilor Lachapelle **ADJOURNED** the Codes & Ordinances Committee meeting at 7:10 PM.

Respectfully Submitted,

Cassie Givara  
Deputy City Clerk

**Amendments to Chapter 135 of the General Ordinances of the City of Rochester**

THE CITY OF ROCHESTER ORDAINS:

That Chapter 135 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 135

### Mobile Home Parks

**[HISTORY: Adopted by the City of Rochester 6-6-1995 as Ch. 43 of the 1995 Code. Amendments noted where applicable.]**

**GENERAL REFERENCES**

Zoning — See Ch. 275.

**§ 135-1 Purpose and intent.**  
**[Amended 2-3-2015]**

The purpose of this chapter is to establish minimum standards for the construction in and maintenance of mobile home parks existing (as of April 22, 2014) in the City of Rochester. The intent of this chapter is that mobile home parks existing (as of April 22, 2014) shall provide a healthful, safe, pleasant, and attractive residential atmosphere for their occupants, while at the same time being compatible with existing and anticipated future development in the surrounding areas.

**§ 135-2 Authority.**

This chapter is adopted by the Rochester City Council in accordance with the provisions of New Hampshire RSA 47:17.

**§ 135-3 Definitions.**

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

**ACCESSORY BUILDING OR STRUCTURE**

A subordinate building or structure which is an addition to or supplements the facilities provided by a mobile home, such as an awning, cabana, storage structure, carport, porch, fence, skirting, windbreak, or screened room.

**BUILDING**

A roofed structure erected for permanent use.

**COMMON AREA**

An area or space designed for joint use by residents of a mobile home park, principally for recreation purposes.

**DENSITY**

The number of mobile home lots per acre of gross land area in a mobile home park.

**GARAGE**

A building for the shelter of automotive vehicles.

#### **GROSS LAND AREA**

The total land area included within the perimeter boundaries of a mobile home park.

#### **LIVING UNIT**

A residential unit providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking and sanitation.

#### **LOT AREA**

The total horizontal land area within the boundaries of a lot, exclusive of any land area designated for street purposes, and reserved for exclusive use of the occupants of a mobile home.

#### **LOT LINE**

The line identifying a lot boundary.

#### **MANUFACTURED HOUSING**

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

[Amended 2-3-2015; at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

#### **MOBILE HOME**

A form of manufactured housing which conforms with the definition of "manufactured housing" above.

#### **MOBILE HOME LOT**

A parcel of land for the placement of a mobile home and for the exclusive use of its occupants.

#### **MOBILE HOME PARK**

Any parcel of land under single or common ownership or control which contains, or is designed, laid out, or adapted to accommodate, two or more mobile homes. The term "mobile home park" shall not be construed to apply to premises used solely for storage or display of mobile homes.

#### **MOBILE HOME SUBDIVISION**

An approved subdivision of two or more lots designed to be occupied by mobile homes only and where the lots will be sold rather than rented or leased.

#### **PARK ROAD**

A private road within the boundaries of a mobile home park which is owned and maintained by the mobile home park owner, and which provides vehicular access to mobile home lots.

#### **PERMANENT BUILDING**

Any building except a mobile home or a mobile home accessory building or structure.

**PUBLIC SYSTEM**

A water or sewage system which is owned and operated by a local government authority or by an established public utility which is adequately controlled by a governmental authority.

**STORAGE BUILDING**

A building located on a mobile home lot which is designed and used solely for the storage and use of personal equipment and possessions of the occupants of the mobile home on that lot.

**STREET**

A public highway as defined in RSA 229:1, except a Class VI or discontinued highway, or a private road within a subdivision as platted and recorded in the Strafford County Registry of Deeds, including the full width of the right-of-way.

**YARD**

An unoccupied space open to the sky on a mobile home lot.

**§ 135-4 General requirements.****A. Location and access.**

- (1) Mobile home parks shall be permitted only within the area defined as an Agricultural Zone by Chapter 275, Zoning, of the City Code.
- (2) Mobile home parks shall be located with access onto a publicly maintained Class V or better street.
- (3) Since mobile home parks are a relatively intensive form of residential development, the soil characteristics of a site proposed for mobile home park development shall be adequate to support that development.

**B. Density.** The number of mobile home lots in a mobile home park shall not exceed 2.9 per acre of gross land area contained within the mobile home park.**C. Setbacks.**

- (1) The minimum distance between any mobile home and mobile home park boundary line shall be 50 feet.
- (2) Minimum setbacks on mobile home lots shall be: front yard, 20 feet; side and rear yards, 15 feet.
- (3) There shall be a minimum of 30 feet clearance between mobile homes on adjoining lots. No mobile home shall be located closer than 30 feet to any community building within the park.

**D. Screening and landscaping.**

- (1) A twenty-foot buffer strip shall be maintained along all public streets and along all mobile home park boundaries which abut a residential area. No part of this buffer strip shall be included within the boundaries of individual mobile home lots or within common areas. Within this twenty-foot buffer strip, a dense visual screen of shrubs or trees shall be planted, at least four feet high at the time of planting, of a type that will form a year-round screen at least six feet high within three years. Where existing natural growth or topography can provide the required screening, it may be utilized to fulfill all or part of this

requirement.

- (2) Lawn and ground cover shall be provided where needed to prevent erosion of slopes and on other areas to obtain usable yards.
- (a) Trees, shrubs, and vines shall be required to the extent needed to provide for:
  - [1] Screening of objectionable views;
  - [2] Adequate shade; and
  - [3] A suitable setting for mobile homes and other facilities.
- (b) During the development of any mobile home park, that portion of said park used, occupied, and/or made available for use and occupation of mobile homes shall be subject to these standards.

E. Construction.

- (1) The provisions of this chapter and of the building regulations of the City of Rochester shall apply to all construction, alterations, repairs and additions to mobile homes and structures within a mobile home park unless otherwise modified herein.
- (2) The skirting of mobile homes is permitted to achieve better heating, but skirting shall not provide a harborage for rodents, nor create a fire hazard. Skirting, cabanas, awnings, porches, or other additions shall not be attached to a mobile home unless they are approved by the Director of Building, Zoning, and Licensing Services.
- (3) All piping from outside fuel storage tanks or liquefied petroleum gas cylinders to a mobile home shall be copper or other acceptable metallic tubing mechanically connected and shall be permanently installed and securely fastened in place. All liquefied petroleum gas cylinders shall be securely fastened in place and shall not be located inside or beneath a mobile home or within five feet of a mobile home exit. Racks to hold liquefied petroleum gas cylinders shall be of a design which will prevent tipping or accidental overturning. All oil tanks shall not be located inside or beneath a mobile home. If a mobile home is provided with a full basement, fuel storage tanks may be located within the basement. All outside installed oil tanks shall have a foundation made of concrete or masonry. Tank foundations shall be designed to minimize the possibility of uneven settling of the tank and to minimize corrosion in any part of the tank resting on the foundation. Oil tanks shall be screened by adequate shrubs or fencing.
- (4) Liquefied petroleum gas for cooking purposes shall not be used on individual mobile home lots unless the containers are properly connected. Liquefied petroleum gas cylinders shall be securely fastened in place and shall be adequately protected from the weather.
- (5) The storage of firewood, coal, coke, other fuels and/or equipment shall be done in a manner so as not to constitute a fire hazard.
- (6) Only one single-story storage building may be installed on any one mobile home lot. The maximum size shall not exceed 12 feet by 14 feet by 10 feet wall height. Roofs shall be either pre-finished metal,

**Commented [1]:** Editor's Note: Throughout this chapter, references to the Code Enforcement Department were amended to the Building, Zoning, and Licensing Services Department 10-15-2013.



fiberglass, or shingles. The exterior shall be of a permanent building material. Plans must be approved by the Director of Building, Zoning, and Licensing Services and a building permit obtained prior to erection on the mobile home lot.

- F. Board of Health requirements. All mobile home parks shall be located in areas free from marshes, swamps, stagnant pools, or other potential breeding places for insects or rodents.
- G. Fire protection.
  - (1) The mobile home park area shall be subject to the rules and regulations of the City of Rochester Fire Department.
  - (2) Mobile home park areas shall be kept free of litter, residential solid waste, and other flammable materials. **[3-5-2019]**
  - (3) Where a municipal water system is available to a mobile home park, standard City fire hydrants shall be spaced not more than 500 feet apart within the boundaries of the park. **[Amended 3-7-2000]**
  - (4) Fires shall be made only in stoves and other equipment intended for such purposes. No open fires shall be permitted except in specified areas approved by the Rochester Fire Department.
  - (5) The City of Rochester Fire Department may take whatever additional measures for adequate fire and safety conditions as it feels are necessary for each mobile home park.
- H. Refuse disposal.
  - (1) The storage, collection, and disposal of refuse in mobile home parks shall be managed so as to create no health hazards, rodent harborage, insect breeding areas, accident hazards, or air pollution.
  - (2) Racks or holders shall be provided for all refuse containers. Such container racks or holders shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them.
  - (3) All garbage and residential solid waste shall be collected at least once weekly only from a location(s) designated by the Health Officer. Mobile home park owners shall be responsible for seeing that garbage and residential solid waste are deposited at the collection location(s). **[3-5-2019]**
- I. Pets. No owner or person in charge of a dog, cat, or other pet animal shall permit it to run at large or to commit any nuisance within the limits of any mobile home park (pursuant to RSA 466:30-a).
- J. Management.
  - (1) Any person responsible for the operation of a mobile home park shall maintain a current register of all mobile homes located within the mobile home park and their owners. Such register shall be available for inspection to/by City officials.
  - (2) Said register shall contain pertinent information to properly identify the mobile home, location, and owners of each mobile home in the mobile home park, including the dates of arrival and the dates of

departure of any mobile home which has arrived or departed within the past year.

- (3) According to the provisions of RSA 73:16-a, the owner of a mobile home park shall be responsible for filing with the City Assessor's office an inventory (description) of all mobile homes which locate in a park within 15 days of their arrival. Also under the provisions of RSA 73:16-a, the owner of a mobile home park may be held responsible for the payment of taxes due on individual mobile homes located within the park which have not been paid by their owners.
- (4) The management of a mobile home park shall assume responsibility for maintaining in good repair all buildings, streets, walks, sanitary facilities and utilities within the park and shall take such action as is necessary to eject from the grounds any person who willfully or maliciously fails to comply with these and other applicable regulations.

**§ 135-5 Design standards.**  
**[Amended 2-3-2015; 3-5-2019]**

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

**A. Mobile home lots.**

- (1) Each mobile home lot shall contain a minimum of 10,000 square feet in area and shall have minimum frontage of 75 feet on a park road.
- (2) No mobile home with accessory buildings, garage, structures, storage building and paved parking spaces shall occupy in excess of 35% of a mobile home lot.

**B. Park roads.**

- (1) Mobile home park roads shall provide safe and convenient vehicular access from abutting public streets to all mobile home lots and community facilities. Driveway access to all mobile home lots shall be only from park roads, with no driveway access permitted directly from City streets.
- (2) Roads shall be adapted to topography, shall have suitable alignment and gradient for traffic safety, and shall have a properly designed storm drainage system. Except as herein modified, the design standards for minor streets in the Agricultural Zone contained in the Rochester Subdivision Regulations shall apply to the design of mobile home park roads.
- (3) Roads shall have a minimum right-of-way width of 40 feet and a minimum paved width of 22 feet. Roadway pavement shall be in accordance with the standards for minor streets in the Agricultural Zone contained in the Rochester Subdivision Regulations.
- (4) Road systems shall be developed with consideration given to the reasonable movement and placement of mobile homes on individual lots.
- (5) All mobile home parks shall be graded to ensure proper drainage. The drainage system shall take into consideration not only proper channelizing of stormwater within the mobile home park but minimization

of adverse effects on surrounding property and public streets.

C. Parking.

- (1) Two off-street parking spaces shall be provided for each mobile home lot. Each parking space shall be paved and graded to provide drainage away from the mobile home in conformance with the overall drainage plan for the mobile home park.
- (2) Each off-street parking space shall have a minimum width of nine feet and a minimum length of 18 feet.
- (3) Garages shall be permitted, provided that they are either directly attached to a mobile home or separated by a distance of at least 10 feet. Garages shall also conform to the setback provisions in § ~~135-4C~~(2).

D. Common area.

- (1) At least 7% of the gross land area in a mobile home park shall be reserved as a common area for recreation and other open space purposes.
- (2) Each mobile home park shall provide at least one common area restricted to the use and enjoyment of the residents of the park. No single common area shall contain less than 15,000 square feet. Where more than one area is provided, the areas shall be spaced and located in the mobile home park in such a manner that will provide maximum usefulness for park residents.
- (3) All equipment contained in recreational areas within common areas shall be kept in good repair. Common areas shall be kept free of all debris.
- (4) The land included within common areas shall be of such character that it is capable of supporting recreational use and shall not include land with poor drainage, excessive slope, or land which is subject to flooding.
- (5) Common areas shall be separated from park roadways, City streets, and parking spaces by an adequate fence.

E. Water supply.

- (1) A water supply meeting current New Hampshire Department of Environmental Services drinking water standards shall be provided to each mobile home lot in a mobile home park.
- (2) The design and construction (including materials) of the water supply system, whether public or private, for a mobile home park shall comply with the New Hampshire Department of Environmental Services Design Standards for Small Public Water Systems and with all requirements and regulations of the City of Rochester.
- (3) Where a public water system exists within 200 feet of any boundary of a mobile home park, all lots within the park shall be connected to the public system, unless such connection is specifically denied by the City. Where a public water system is not available, any other source of water must be approved by the New Hampshire Department of Environmental Services.

- (4) All water piping shall be constructed and maintained in accordance with state and local law; the water piping system shall not be connected with nonpotable or questionable water supplies.
- (5) Individual water service connections which are provided for direct use by mobile homes shall be so constructed that they will not be damaged by the parking of mobile homes.
- (6) A mobile home park water system shall be adequate to provide 20 pounds per square inch of pressure at all mobile home lots.

F. Sewage disposal.

- (1) Where a public sewage system exists within 200 feet of any boundary of a mobile home park, all lots within the park shall be connected to the public system, unless such connection is specifically denied by the City.
- (2) Where a public sewage system is not available, the sewage disposal system for all mobile home lots in the mobile home park shall be approved by the New Hampshire Department of Environmental Services.
- (3) Each mobile home shall be provided with sewer connections which comply with all statutory requirements and regulations of the State of New Hampshire and appropriate agencies of the State of New Hampshire and the City of Rochester.
- (4) The design and construction (including materials) of the sewage disposal system, whether public or private, for a mobile home park shall comply with all statutory requirements and regulations of the New Hampshire Department of Environmental Services and the City of Rochester.

G. Electricity.

- (1) A secured electrical outlet supplying 220 volts shall be provided for each mobile home lot. This installation shall comply with all applicable state and local electrical codes and ordinances. Such electrical outlets shall be weatherproof.
- (2) All power lines within a mobile home park shall be underground and shall be laid with sufficient cover to prevent damage from traffic.

H. Telephone system. Where telephone service to mobile home lots is provided, the distribution system shall be underground and shall be in general conformance with the placement of the electrical distribution system.

I. Cable television system. Where cable television service to mobile home lots is provided, the distribution system shall be underground and shall be in general conformance with the placement of the electrical system.

~~§ 135-6 Application for approval.~~

~~A. Procedure.~~

- ~~(1) Before formal submission of a plan for a new mobile home park, a developer proposing construction of a mobile home park may first meet with the Planning Board to informally discuss the project.~~

- ~~(2) A formal application for construction of a new mobile home park shall be submitted to the Rochester Planning Board. In reviewing the application, the Board shall follow the procedures and standards for the review of a major subdivision as spelled out in Section 2.3 of the Rochester Subdivision Regulations.~~
- ~~(3) The Board shall submit the application to the Commissioner of the Rochester Department of Public Works for review of all road and utility plans which are a part of the proposed mobile home park.~~
- ~~B. Submission requirements. The application for approval of a mobile home park plan shall be prepared in accordance with the standards and requirements contained in Section 4 of the Rochester Subdivision Regulations. The application shall include all those items listed in said Section 4.~~

#### § 135-7 Licensing.

##### A. General provisions.

- (1) It shall be unlawful for any person to operate or maintain a mobile home park within the limits of the City of Rochester unless he/she holds a valid license issued by the Director of Building, Zoning, and Licensing Services in the name of such person for the specific mobile home park.
- (2) Licenses shall be issued annually, and each license shall be in effect for a period of one year beginning January 1 of each year.
- (3) An application for an initial mobile home park license shall be filed with the Director of the Building, Zoning, and Licensing Services Department. The application shall be in writing, signed by the applicant, and shall include the following:
  - (a) The name and address of the person making the application.
  - (b) The location and legal description of the mobile home park.
  - (c) Plans and specifications of all improvements, buildings, streets, recreational areas, walks, sewer, water, and other facilities constructed or to be constructed within the park.
  - (d) The area and dimensions of the tract of land whereon the park is located.
  - (e) Written approval of the following City of Rochester officials indicating that the mobile home park complies with the requirements of this chapter:
    - [1] Planning Board.
    - [2] Commissioner of Public Works.
    - [3] Fire Chief.
    - [4] Health Officer.
    - [5] Police Chief.

[6] Zoning Administrator. **[Amended 3-5-2019]**

[7] City Manager.

- (f) Such further information as may be requested by the Director of the Building, Zoning, and Licensing Services Department to enable him/her to determine if the park complies with the provisions of this chapter and all other applicable legal requirements.
- (4) The application and five copies of all accompanying plans and specifications shall be filed with the Director of the Building, Zoning, and Licensing Services Department; two of said copies shall be filed with the Planning Office.

B. Issuance of license.

- (1) The Director of the Building, Zoning, and Licensing Services Department shall inspect the application and plans and specifications.
- (2) If the mobile home park is in compliance with all of the provisions of this chapter and all other applicable ordinances, statutes, and regulations, the Director of the Building, Zoning, and Licensing Services Department shall approve the application; provided, however, that if the Director of the Building, Zoning, and Licensing Services Department does not act to approve or deny within 90 days of receipt of the application, the application shall be automatically approved.

C. Renewal of license.

- (1) Application for the renewal of a license shall be made in writing on or before the first day of November of each year to the Director of the Building, Zoning, and Licensing Services Department by the holder of the license and shall contain the following:
  - (a) Any change in the information submitted since the time the original license was issued or the latest renewal granted.
  - (b) Copies of as-built plans for any and all sections of a mobile home park developed during the year in which application for renewal is made.
  - (c) Such other information as the Director of the Building, Zoning, and Licensing Services Department may require.
- (2) All mobile home parks in existence upon the effective date of this chapter shall within six months thereafter comply with the requirements of this chapter, except that the Director of the Building, Zoning, and Licensing Services Department, upon application of a park operator, may waive such requirements that require prohibitive reconstruction costs if such waiver does not alter the health and sanitation requirements herein provided.
- (3) At his/her discretion, the Director of the Building, Zoning, and Licensing Services Department may issue a conditional license renewal, subject to the license holder complying with certain conditions as determined by the Director of the Building, Zoning, and Licensing Services Department. In such a case,

the Director of the Building, Zoning, and Licensing Services Department shall list the specific conditions upon which the renewal is based and set a time for compliance with these conditions. Costs associated with enforcement of owner compliance with said specific conditions requiring correction shall be assessed by the Director of the Building, Zoning, and Licensing Services Department. If not in compliance, twenty-five dollars (\$25.) per inspection shall be assessed; said charge shall be in addition to any other penalty.

- (4) If the Director of the Building, Zoning, and Licensing Services Department does not act on an application for the renewal of a license by December 31, it shall automatically be approved.
- (5) Not more than four annual license renewals shall be issued for an approved mobile home park in which no substantial development has taken place.

D. Responsibility of the license holder.

- (1) The license certificate shall be conspicuously posted in the office of, or on the premises of, the mobile home park at all times.
- (2) A license shall be transferable after the holder of a valid license gives notice in writing to the Director of the Building, Zoning, and Licensing Services Department 15 days prior to any proposed sale, transfer, gift, or other disposition of interest or control of any mobile home park. Such notice shall include the name and address of the person succeeding to the ownership or control of such mobile home park.

§ 135-8 **Administration and enforcement.**

- A. Enforcement. Upon determination by the Director of the Building, Zoning, and Licensing Services Department that a violation of this chapter has occurred, he/she shall initiate enforcement procedures. If necessary, the Director of the Building, Zoning, and Licensing Services Department shall refer the matter to the City Solicitor for appropriate legal action.
- B. Inspection. The Director of the Building, Zoning, and Licensing Services Department, Police Chief, Health Officer, Fire Chief, Commissioner of Public Works, the Zoning Administrator, and other agents of the City as certified by the City Manager are hereby authorized to make periodic and reasonable inspections to determine the condition of mobile home parks within the City of Rochester and to determine if the requirements of this chapter are being observed. **[Amended 3-5-2019]**
- C. Violations and penalties; revocation of license.
  - (1) A violation of, or violation from, the terms and conditions of this chapter and/or the conditions of the license to operate or maintain a mobile home park by the holder thereof or his/her agent shall be cause for the revocation of said license. Such revocation shall be made at the discretion of the Director of the Building, Zoning, and Licensing Services Department.
  - (2) After revocation of the license has been ordered by the Director of the Building, Zoning, and Licensing Services Department, additional violations shall result in a fine not exceeding one thousand dollars (\$1,000.) in accordance with the provisions of RSA 47:17. This provision shall be in effect even should an appeal be taken from the Director's revocation order. **[Amended 3-5-2019]**

D. Appeals.

- (1) Any party whose application for approval of a mobile home park plan has been denied may appeal the decision of the Planning Board to the Superior Court in accordance with the provisions of RSA 677:15.
- (2) Any party whose application for a license has been denied or whose license has been revoked may appeal the decision of the Director of the Building, Zoning, and Licensing Services Department to the Zoning Board of Adjustment in accordance with the provisions of RSA 674:33.

E. Conflict with other ordinances. In any case where a portion of this chapter is found to be in conflict with the provisions of any zoning, building, fire, safety, or health ordinance or code of the State of New Hampshire or City of Rochester existing on the effective date of this chapter, the provisions which, in the judgment of the Planning Board, establish the higher standard for the promotion and protection of the health and safety of the people shall prevail.

F. Saving clause. If any section, subsection, paragraph, sentence, clause or phrase of this chapter should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this chapter, which shall remain in full force and effect, and to this end the provisions of this chapter are hereby declared to be severable.



THE CITY OF ROCHESTER ORDAINS:

That Chapter 176 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 176

# Planning Board

**[HISTORY: Adopted by the City of Rochester 6-6-1995 as Ch. 41 of the 1995 Code. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Zoning — See Ch. 275.

#### § 176-1 **Creation and composition.**

That there be created hereby a City Planning Board, to consist of nine members and up to five alternates appointed in accordance with the provisions of § 7-28 of the Code of the City of Rochester.

#### § 176-2 **Compensation; holding other municipal offices.**

All members of the Planning Board shall serve without compensation. Appointed members shall not hold any other municipal office except that:

- A. One such appointed member may be a member of the Zoning Board of Adjustment.
- B. Either one appointed or one ex officio member may be a member of the Conservation Commission, if one exists in the City, in accord with RSA 36-A:3.
- C. Either one appointed or one ex officio member may be a member of the Historic District Commission, if one exists in the City, in accord with RSA 674:46-a. **[Amended 3-5-2019]**

#### § 176-3 **Terms of office.**

The terms of ex officio members shall correspond to their respective official tenures, except that the term of the administrative official selected by the City Manager shall terminate with the term of the City Manager selecting him/her. The term of each appointed member shall be three years, except that the respective terms of the members first appointed shall be staggered.

#### § 176-4 **Removal of members.**

Members of the Planning Board selected by the Council may, after a public hearing, be removed by the Council for inefficiency, neglect of duty or misfeasance in office. The City Manager may remove the administrative official and/or designee appointed by him/her without cause. The Council shall file with the City Clerk a written statement of reasons for such removal.

#### § 176-5 **Vacancies.**

Vacancies in the membership of the Planning Board occurring otherwise than through the expiration of term shall be filled for the duration of the unexpired term by the Mayor and Council in accordance with the provisions of Section 74 of the Rochester City Charter in the case of members selected or appointed by them, and by the Council in the case of the Councilor member.

#### § 176-6 **Organization.**

The Planning Board shall elect its Chairperson from amongst the appointed members and create and fill such other offices as it may deem necessary for its work. The term of the Chairperson shall be one year, with eligibility for reelection. The Planning Board shall hold at least one regular meeting in each month and shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be public.

#### § 176-7 **Staff and finances.**

The Planning Board may appoint such employees as it may deem necessary for its work, whose appointment, promotion, demotion and removal shall be subject to the same provisions of law as govern other corresponding civil employees of the City. The Planning Board may also contract with the City planners, engineers, architects and other consultants for such services as it may require. The expenditures of the Planning Board, exclusive of gifts, shall be within the amounts appropriated for the purpose by the Council.

#### § 176-8 **Master Plan.**

It shall be the function and duty of the Planning Board to make and to perfect from time to time, so far as funds appropriated by the Council for such purpose will permit, a Master Plan for the development of the City. Such Master Plan, with the accompanying necessary maps, plats, charts and descriptive matter, shall be designed with the intention of showing as fully as is possible and practicable the Planning Board's recommendations for the desirable development of the territory legally and logically within the scope of its planning jurisdiction, including, on that basis, among other things, the general location, character and extent of streets, bridges, waterways, waterfronts, boulevards, parkways, roadways in streets and parks, playgrounds, squares, aviation fields, and other public ways, places, grounds and open spaces; sites for public buildings and other public property; routes of railroads, omnibuses and other forms of public transportation; and the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, light, heat, sanitation, transportation, communication, power and other purposes; also the acceptance, removal, relocation, widening, narrowing, vacating, abandonment, change of use of, or extension of any of the foregoing ways, grounds, places, open spaces, buildings, properties, utilities or terminals and other planning features, as well as a zoning plan for the control of the height, area, bulk, location and use of private and public structures, buildings and premises and population density; the general character, layout and extent of any community center; and any other matter permitted by RSA 36 of the laws of the State of New Hampshire.

- A. Preparation of Master Plan. In the course of the preparation of such Master Plan, the Planning Board may make careful and comprehensive surveys and studies of existing conditions and of data and information relative to the probable future growth of the City. The Master Plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the City, which will, in accordance with existing and probable future needs, best promote health, safety, morals, order, convenience, prosperity, or the general welfare as well as efficiency and economy in the process of development, including, among other things, adequate provisions for traffic, the promotion of safety from fire and other damages, adequate provision for light and air, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements.
- B. Adoption and amendment. The Planning Board may adopt the Master Plan as a whole by a single resolution or may, by successive resolutions, adopt successive parts of the plan, said parts corresponding with major geographical sections or divisions of the City, or with functional subdivisions of the subject matter of the plan, and may adopt any amendment or extension thereof or addition thereto. Such Master

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Plan shall be a public record, but its purpose and effect shall be solely to aid the Planning Board in the performance of its duties. The adoption of the Master Plan or any amendment thereto shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the Planning Board. The resolution shall refer expressly to the maps, descriptive matter and other matters intended by the Planning Board to form the whole or part of the plan, and the action taken shall be recorded on the adopted plan or part thereof adopted, by the identifying signature of the Chairperson or Secretary of the Planning Board, and a copy of the plan or part thereof shall be certified to the Council.

**§ 176-9 Miscellaneous duties.**

- A. The Planning Board shall have power to promote public interest in, and understanding of, the Master Plan and of any Official Map of the City which may hereafter be established by the Council, and to that end may publish and distribute copies of the Master Plan, or of such Official Map, or of any report, and may employ such other means of publicity and education as it may deem advisable.
- B. Members of the Planning Board, when duly authorized by said Planning Board, may attend city planning conferences or meetings of city planning institutes or hearings upon pending city planning legislation, and the Planning Board may, by resolution, spread upon its minutes, pay the reasonable traveling expenses incident to such attendance.
- C. The Planning Board shall have authority to make such investigations, maps and reports and recommendations in connection therewith, relating to the planning and development of the City, as seems desirable to do.
- D. The Planning Board may, from time to time, report and recommend to the appropriate public officials and public agencies programs for the development of the City, for the erection of public structures and improvements and for the financing thereof. It shall be part of the Planning Board's duties to consult and advise with public officials and agencies, public utility companies, civic, educational, professional, research and other organizations, and with citizens with relation to the protecting or carrying out of the Master Plan, and to make recommendations relating to the development of the City.
- ~~E. The Planning Board shall have the right to accept and use gifts for the exercise of its functions.~~
- F. All public officials shall, upon request, furnish to the Planning Board, within a reasonable period of time, such available information as it may properly require for its work.
- G. The Planning Board, its members, officers, and employees, in the performance of their functions, are authorized to enter upon any land and make such examinations and surveys as are reasonably necessary and place and maintain necessary monuments and marks thereon.
- H. In general, the Planning Board shall have such powers as may be necessary to enable it to fulfill its functions, promote municipal planning, or carry out the purposes hereof, provided the total expenditures of said Board shall not exceed the appropriation for its expenses.

**§ 176-10 Zoning Commission.**

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

The Planning Board shall act as a Zoning Commission, to recommend to the Council the boundaries of the various original districts provided for in RSA 674, and appropriate regulations to be enforced therein. The

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Planning Board shall make a preliminary report and hold public hearings thereon before submitting its final report to the Council.



**Fidelity Committee  
of the  
Tri-City Joint Mayors' Task Force on Homelessness  
Remote Meeting Via Microsoft Teams  
April 15, 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.** Lindsey Williams, Dover Council. Julian Long, Rochester Economic Development. Karen Weston, Dover.

**MINUTES**

**1. Call to Order**

Vice Chair Todd Marsh informally called the meeting to order at 6:07 PM. It was determined that there was not a quorum present and the Chairman was not present at the time. Those gathered decided to hold an informal session and discuss updates. The preamble appeared with the agenda as follows:

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.

There was not a formal roll call taken. The following members were present: Barbara Holstein, Charlie Reynolds, Vice Chair Todd Marsh, Chairman Jeremy Hutchinson (6:12 PM). Betsey Andrews Parker and Dina Ganon were excused.

**2. Public Input (3-minute maximum and/or submit a statement)**

There was no public input received and

**3. Communications from the Mayors**

Vice Chair Marsh reported that Mayor Hilliard had passed along some information he wanted discussed in the absence of the 3 mayors from the meeting. He stated that the Mayors had participated in a meeting on the prior Monday at Somersworth City Hall; including emergency services, welfare directors, and the Tri-city managers. There was an appreciation expressed for the great deal of work and effort which had gone into the Willand warming center, but acknowledgment that winter would come again soon and plans needed to be made. There was a verbal consensus to maintain the warming center for next winter with the desire to expand seasonal services to 7-nights as opposed to only opening for emergency weather situations. The consensus was that this warming center should continue for one more year with a plan to reassess.

**4. Communications from the Chairs**

Chairman Hutchinson reported that the Assistant Director of NH Homeland Security who is also the Emergency Manager for the State of NH had contacted him with interest in the Fidelity Committee. He said he is looking to potentially get involved and see if there is a way he can help in the future.

Vice Chair Marsh said he had continued to participate in the Governor's State Planning Committee as a member of the housing instability and homeless systems subgroup as well as the Homeless systems action and supportive services subgroup. He spoke briefly about the work being

done. He said a recurring theme is supportive housing support, including flexibility with use of Medicaid funds to pay for this service. He spoke of not only providing means to people needing this support, but the capacity to deliver these services. He said they are looking at a system wide-approach to supportive housing. Although there are services available to assist financially, there needs to be services to maintain support once people are in housing.

## **5. Update from local welfare**

Vice Chair Marsh said that requests for financial assistance have been much slower than anticipated. He surmised that this is due to a combination of the Government stimulus checks, increased unemployment wages, and other government COVID relief funds. He stated that local welfare has actually seen cancelled appointments when clients no longer need the services. Dave Balian, Dover welfare, agreed that this has been the case State-wide.

Mr. Balian stated that at the Willand Center, they performed an informal assessment of the needs of each client coming in. There was a day program set up at CAP to assist with these individual needs and provide services. Due to this program, a lot of pressure was taken off local welfare and some clients were actually taken out of the system because they no longer needed welfare assistance.

Mr. Balian referenced a grant of \$1 million which had been received for use with operations at the Willand center. The total cost to open and operate was around \$763,000. With the remaining funds, they purchased a trailer which contains 3 bathrooms and 3 showers, a laundry trailer with 6 washers and dryers, and a full kitchen trailer. He reported that one of the issues they ran into was that the lines freeze in cold weather unless the trailers are run constantly which was not cost effective. There was a portable generator purchased to run these trailers as well. Mr. Balian said he has been tasked with trying to find uses for these trailers. He has approached SOS, Waypoint, Tri-City Coop and other organizations to get ideas for these resources. They intend to find a spot to locate these trailers with access to water and sewer hookup and run the trailers several times a week; however, they are not committed to leaving them in one spot and are open to suggestions on alternate uses throughout the Tri-Cities.

Chairman Hutchinson asked how the trailers would need to be transported and hauled. Mr. Balian said there is a ball hitch on each trailer, but a truck would be needed to haul them from location to location. Mr. Balian said there may be funds available to pay for operations of these trailers and there has been interest shown for those willing to staff the trailers. He gave specifics on the interior of the kitchen trailer and stated that it has its own standalone generator as well as its own fresh water tank and gray water tank. All 3 trailers have propane tanks for heating water and other operations.

Chairman Hutchinson spoke about the potential of having a rotational schedule for the trailers to travel between the Tri-Cities and doing a trial program to see how it works and how often the trailers are utilized. There was a discussion regarding using the kitchen trailer for meal programs and mobile feeding. Mr. Balian stated that the kitchen trailer has already been reviewed by the health inspector and is in full compliance; all that would be needed is staff with Safe Serve licenses.

The trailer discussion will be placed on the next agenda for further update and discussion.

**6. Discussion: Seasons-end wrap up and future plans – Willand Warming Center and Garrison Shelter**

The discussion was delayed for this meeting. It will be revisited at a future meeting where Betsey Andrews Parker is present and can give an update.

**7. Discussion: Tenant screening and selection [Click Here](#)**

Julian Long, Rochester Economic Development, referenced the report which looks at tenant screening practices primarily in Minnesota in the Twin Cities area. He clarified that the report is applicable to the rest of the country as well due to the criteria being used by landlords being fairly universal.

Mr. Long discussed some of the common issues faced by tenants in finding housing; many landlords are looking for tenants whose monthly income equals 3 times their monthly rent. Lower income families are often paying 40%-50% of their income. He also stated that landlords sometimes require review of tenant rental history which may include evictions from the distant past or the start of eviction proceedings which were never completed. Landlords may also require credit and criminal history, which may not always have relevance to whether or not the individual would be a good tenant. The report also mentioned racial disparities and the reasoning these may come into play.

Mr. Long discussed some potential recommendations included in the report, such as “ban the box” (removing the question from rental applications which asks if the applicant has a criminal records). In lieu of entirely removing the question, it may be adjusted to narrow the criteria to only contain convictions from after a certain time period or to remove misdemeanors. Mr. Long said that there is a recommendation for landlords to have more transparency in the process so those looking to rent will have a better idea of whether or not they qualify before they apply. Have landlords consider mitigating circumstances ahead of time. Having people have co-signers on leases if there are issues in their rental history. Increasing landlord and tenant outreach and education. Finally there was a recommendation to consider lowering requirements for income levels to accommodate for lower income households, who while they may not make 3 times the income compared to monthly rent does not indicate that they will not make rent a priority.

Chairman Hutchinson asked for ideas on how the committee could take these recommendations and turn them into actionable items. Vice Chair Marsh said that for an initial step, he recommended public awareness campaigns in regards to tenant rights. He reported that it is not uncommon for clients to come into welfare and state that they have been kicked out of their apartments; however upon further investigation, welfare discovers the client has not received any formal notice, been given a proper timeline, or gone to court. The tenant is not properly educated on their rights. Mr. Marsh also spoke about the issue of transparency in renting. He referenced the large amounts of money which clients need to spend on rental application fees without any guarantee of outcome, which can put them in a position where they are short on funds for other



necessities. Perhaps with increased transparency, money could be saved with not applying for some of these apartments where they would not qualify.

Mr. Marsh suggested perhaps there can be a report to the tri-city councils in regards to tenant rights and landlord education and potentially a press release from the Fidelity Committee with bullet points and further information. He asked if Mr. Long could generate some bullet points to be considered and bring a more structured proposal which the committee can discuss and work toward a press release. Mr. Balian suggested the members and contributors trying to think of information and bullet points which they think should be known and what is needed that the public may not be aware of.

The item was moved forward to the May meeting of the Fidelity Committee for further discussion.

## **8. Regional data/statistics**

Mr. Balian reviewed the data gathered from the Garrison Shelter, which closed as of April 15. The data was broken down to what it cost to operate, including meals, for a total of \$236,000. The day program data was included as well, in which 110 unique individuals showed up to receive assistance. For the Warming center, they served 90 individuals over the times in which they were open for a total of 299 total bed nights. Mr. Balian emphasized the immeasurable amount of money which was saved and the number of lives which were potentially saved by having the Garrison and Willand center open. Many of the clients were able to receive medical care and assistance services which headed off problems before they progressed.

Chairman Hutchinson suggested that there be a wrap-up report of the Garrison Shelter and Willand Warming center to be presented to the Tri-City councils. Vice Chair Marsh agreed that this data would be beneficial for those providing the services as well for future budgeting and funding purposes.

## **9. Other**

No discussion.

## **10. Closing Public Input**

Karen Weston, Dover, asked about the earlier discussion of keeping the Willand warming center open 7-days a week in the future and whether or not it would be a 24-hour facility. Mr. Balian said that it would be an overnight center, likely opening 5 PM and closing the following morning. Ms. Weston asked what would be proposed for more long-term sheltering where the Garrison Shelter would not be open again. Mr. Balian said that the Garrison was only open due to COVID restrictions on other shelters which made it impossible to have the density they had previously had, and to remove the strain on other local shelters. He said that currently there is no long-term plan beyond the warming center and it would be discussed further as the year progresses. Vice Chair Marsh agreed that a more permanent solution is on the radar and would be in future

discussions. Ms. Weston emphasized the importance of not losing focus on this ultimate goal of a permanent shelter, especially when there is funding and grant money available and while the need is still present and the situation still fresh on everyone's mind.

Ms. Weston asked if there were any plans for the summer for cooling centers for the homeless population. Mr. Balian said it had not been discussed at length, but it is on the radar and it will be determined in the near future.

## **11. Adjournment**

Chairman Hutchinson **ADJOURNED** the Fidelity Committee meeting at 7:21 PM.

Respectfully submitted,

Cassie Givara  
Deputy City Clerk, Rochester

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## Finance Committee

## Meeting Minutes

Meeting Information

Date: April 13, 2021

Time: 6:30 P.M.

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

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

**City staff present:** City Manager Blaine Cox, Deputy City Manager Katie Ambrose, Deputy Finance Director Mark Sullivan. Chief Assessor Jonathan Rice. Deputy Fire Chief Tim Wilder. City Attorney Terence O'Rourke.

**Others present:** Ray Barnett, resident. Carol Granfield, MRI.

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.

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Deputy City Clerk Cassie Givara took the roll call. The following Councilors were present in Council Chambers: Councilor Bogan, Council Gray, Councilor Hamann, Councilor Lauterborn, Councilor Walker, and Mayor McCarley.

## 2. **Acceptance of Minutes**

Councilor Gray **MOVED** to **ACCEPT** the minutes of the March 9<sup>th</sup> Finance Committee meeting. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Hamann, Bogan, Walker, Gray, Lauterborn and Mayor McCarley all voting in favor.

## 3. **Public Input**

Ray Barnett, resident, addressed the committee in regards to city staff salaries and merit pay increases. Mr. Barnett also requested that the elderly exemption be placed on the May Finance Committee update for an update.

## 4. **Unfinished Business-None**

No discussion.

## 5. **New Business**

### 5.1.1 **Assessing Vision 8 Software Conversion Update**

Chief Assessor Jonathan Rice gave a brief summary of the ongoing software conversion. He stated that they had started the process 10 months ago, converting from Patriot to Vision 8. The first stage of the conversion process went smoothly with the transition of data to one software to the other. Ms. Rice reported that in the final stages they have run into some issues with data not transferring over as well as they had hoped. He stated that they have tried over the course of the past several months to go live with the software both internally and to the public, but they have not wanted to share inaccurate values and cause confusion and further issues. Mr. Rice said that staff is working on cleaning up this data and in preparation for the first issue tax bills, new data is being collected; with this taken into consideration, he says they should have values and a product ready to be shared both internally and publically by the end of the month.

Councilor Walker asked for clarifications on the issues assessing had encountered with the software conversion. Mr. Rice said that the depreciation for out buildings in the new software doesn't work the same way as it did in Patriot. The department has had to manually adjust these values to make sure they are in line with the previous values. He reported that they have added a conversion factor in order to manually adjust these values to better reflect what had been in the prior software. Mr. Rice also mentioned several tables which have not transferred into Vision 8 or don't operate the same way in the new system. Conversion factors have been added to these

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as well to standardize the numbers.

Councilor Walker asked if the sketches came over to the new software adequately. Mr. Rice said that the sketches came over clean; however he did reference a conversion factor which had to be added to account for unfinished area which had not been reflected in the prior software, but is contained within Vision 8.

### **5.1.2 Fire Department Utility Terrain Vehicle (UTV) Purchase Request.**

Deputy Chief Tim Wilder addressed the committee regarding the reasoning behind this request. He gave a summary of the types of rescue situations which the Rochester Fire Department encounters. He said that this particular piece of equipment would give the department an opportunity to move people from hard to access locations. Deputy Chief Wilder reported an increase in outdoor activities resulting in injuries further into the woods, on trails, and away from roadways. He said a UTV would be beneficial in these situations. He showed the committee an example of the type of vehicle the department is proposing.

Deputy Chief Wilder addressed the Committee in regards to the perception that when equipment such as this UTV or the swift water rescue boats are purchased, they are used more for mutual aid in other communities than they are used in Rochester. He stated that this has not been the case; In fact, in the past several years when the department has responded to a technical rescue situation or injury incurred from snow-related activity, Rochester has called in the Milton Fire Department for use of their UTV. This has happened 9 times in the past 3 years. He spoke about Rochester becoming dependent on other municipalities for use of resources which Rochester doesn't have in-house. Deputy Chief Wilder also reported that calling on mutual aid from Milton increases response times due to the wait time in getting the UTV from one community to another.

Councilor Hamann asked if any equipment comes standard on the UTV. Deputy Chief Wilder stated that the equipment does not come standard and would be separate purchases over the next year or so, which would be handled under the "other equipment" line item in their budget. There was a discussion regarding the uses for the vehicle and where it would be stored. Deputy Chief Wilder said that the Fire Department has a technical rescue trailer in which this UTV would be stored, ready for immediate deployment as needed. Councilor Walker inquired about the potential that this UTV would be used primarily for mutual aid. Deputy Chief Wilder stated that multiple neighboring communities already have similar equipment and Rochester is currently the community reliant on these others.

Councilor Gray inquired if the Rochester Fire Department would consider meeting with neighboring fire departments to compile a list of equipment needed for each municipality and develop a mutual purchase agreement. He suggested that there needed to be a county-wide emergency plan which would benefit all the communities to avoid certain communities spending large amounts on items which will primarily be used for mutual aid.

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Mayor McCarley clarified that the cost of this UTV would be coming from surplus funds from prior years' fire budget and asked the total cost for the vehicle. Deputy Finance Director Mark Sullivan stated that the cost is \$14,527. He clarified that the funding is coming from two previously approved capital improvements projects for technical rescue.

Councilor Gray **MOVED** to recommend to full council the approval of the unexpended CIP funds for the purchase of the UTV. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a 5-1 roll call vote with Councilors Lauterborn, Gray, Hamann, Bogan, and Mayor McCarley voting in favor and Councilor Walker voting opposed.

### 5.1.3 Granite Ridge Development District-Phase II Developers Agreement

Attorney O'Rourke reminded the Committee that Phase II of the Granite Ridge development was going to be the "entertainment" portion with a movie theater, family entertainment center, restaurants, etc. Due to COVID setbacks with these industries, a new financial schedule was proposed which would separate Phase II into two separate phases; 2A and 2B. Phase 2A will remain the planned infrastructure improvements. He said that Waterstone is still committed to Phase 2B, although they are not able to commit to a particular timeline. Attorney O'Rourke said this phasing will not increase the city's financial obligation and given the timeline, the City may be able to cash fund the infrastructure improvements as opposed to bonding. He stated that the huge majority of the agreement remains the same as when it was originally approved; the changes only involve splitting the second phase into two more financially manageable pieces.

Councilor Lauterborn **MOVED** to recommend to full Council that they approve changes to the Granite Ridge developer's agreement. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Bogan, Gray, Hamann, Lauterborn, Walker, and Mayor McCarley all voting in favor.

### 5.1.4 Non-Union: Salary Study by Municipal Resources Inc. (MRI), Classification & Compensation Plan.

Finance Director Ambrose introduced Carol Granfield, MRI. Ms. Granfield gave a summary of the salary market review which they conducted of 27 non-union positions. She stated that the last time these positions had been reviewed was in 2014. The updated report was initiated in September of 2020 and submitted to the City in January 2021. She stated that the market data report contains data from six comparable communities. Although Dover and Somersworth were included in the original data, they were not included in the final analysis due to Somersworth being smaller and having a different form of government, and Dover's data was not available due to their analysis also being underway at the time. The Communities which were used in the analysis were the same as were used in 2014 and are also the same communities

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utilized in data for union negotiations.

Ms. Granfield explained how the pay plan was developed. She said that the City was looking to use a step system as opposed to an open range. She stated that the proposed step system provides more continuity and consistency with the pay plan currently used for union positions. She reported that based on the data in the executive summary, the cost projected was \$62,690, which includes placing eligible employees on a step where they would receive at least 1% increase for implementation. It also includes recommendations for reclassification of 15 positions. Ms. Granfield said that since the report was submitted in January, the City has continued to review and make adjustments, such as excluding the police positions.

Councilor Lauterborn said she did not agree with the communities that the report chose to compare to Rochester and the exclusion of Dover, Rochester's nearest and most comparable neighbor. She also referenced the 15 positions suggested for reclassification and how they have all been recommended for a higher grade with not even one being recommended for a lower level. Ms. Granfield stated that when the data from Dover was originally included, it did not affect the outcome of the final report or recommendations. Ms. Granfield said that in the past, they have recommended a lower pay grade for reclassified positions if the analysis supported that adjustment; however, the salary data did not support this recommendation for any of these positions.

Diane Hoyt, Director of HR, said that the initial study had included 9 police positions, but following discussions with the police commission, they decided to remain with the 0%-4% merit, so the police staff is not included in the data supplied. The final total after removing the police personnel and adding track advancement, is \$78,827 which is a 4.21% overall increase. She stated that the merit adjustment would reduce this percentage. Ms. Hoyt referenced several positions listed in the data which have been crossed out due to the positions not being funded for many years.

Councilor Walker asked if any of the reclassifications are union positions. Ms. Hoyt clarified that all the positions in the data are non-union.

Councilor Walker **MOVED** to recommend to full council to approve the MRI classifications and compensation plan. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Hamann, Bogan, Walker, Gray, Lauterborn, and Mayor McCarley all voting in favor.

## Reports from Finance & Administration

### **52** Monthly Financial Report Summaries March 31, 2021,

#### **5.2.1** (a) March 31, 2021 Revenues

#### 5.2.1 (b) March 31, 2021 Expenses

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Mark Sullivan, Deputy Finance Director, reported that revenues continue to be strong in most areas. Overall expenses are trending to budget. Areas of concerns are police and fire overtime, but even with those increases, the City is still at the same percentage of General Fund as this time last year.

Mayor McCarley inquired about the Welfare Assistance line and why it continues to be underspent year after year. She asked if this was due in large part to the CARES funds and COVID assistance which has been coming from the State. Mr. Sullivan stated that it is his understanding that it is the CARES fund money, additional unemployment funding, as well as the delays in landlords executing eviction notices. City Manager Cox said that this is the case throughout the State of NH, not just the City of Rochester.

**6. Other**

No Discussion.

**7. Adjournment**

Councilor Walker **MOVED** to **ADJOURN** the Finance Committee meeting at 7:24 PM. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Gray, Walker, Lauterborn, Hamann, Bogan, and Mayor McCarley all voting in favor.

Respectfully Submitted,

Cassie Givara  
Deputy City Clerk



# FINANCE COMMITTEE

## Agenda Item

04/29/2021

**Agenda Item Name:** Fire Department Utility Terrain Vehicle (UTV) Purchase

**Date Submitted:** April 5, 2021

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

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

**Meeting Date Requested:** April 13, 2021

**Issue Summary Statement:** Fire Department is seeking to purchase a 2021 Kawasaki Utility Terrain Vehicle (UTV). The source of funds Fire is requesting to use are surplus amounts in the Technical and Rescue Equipment CIP projects. Requesting \$5,699 from FY20, and \$8,828 from FY21, total \$14,527. A requisition for the purchase was submitted to Finance on 3/22/21. Finance has placed a hold on the requisition pending discussion with Finance Committee. Reason being the use of funds for a UTV is not clearly identified as being part of the FY20 or FY21 Technical & Rescue Equipment CIP projects. Also need confirmation if additional equipment and accessory items will be necessary.

Fire Department will be present to explain details and why this purchase is warranted. As well their quote solicitation process.

**Recommended Action:** Approve, or Deny, based on Fire Department's testimony.

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City Clerk's Office

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04/29/2021

**SECOND AMENDED AND RESTATED DEVELOPMENT AGREEMENT**  
**BETWEEN THE CITY OF ROCHESTER, NEW HAMPSHIRE**  
**AND**  
**FARMINGTON ASSOCIATES PROPERTIES, LLC**  
**AND**  
**FARMINGTON ASSOCIATES PROPERTIES GROUND TENANT, LLC**

**THIS AMENDED AND RESTATED AGREEMENT**, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2021, by and between the **CITY OF ROCHESTER**, a New Hampshire municipal corporation (hereinafter referred to as the "City"), with a place of business, and mailing address, at 31 Wakefield Street, Rochester, New Hampshire 03867, **FARMINGTON ASSOCIATES PROPERTIES, LLC** and **FARMINGTON ASSOCIATES PROPERTIES GROUND TENANT, LLC**, with a place of business c/o Waterstone Properties Group, Inc., with a mailing address of 117 Kendrick Street, Needham, Massachusetts 02494 (hereinafter "Waterstone"), (the entities referred to in this paragraph are sometimes hereinafter collectively referred to as the "Parties"), as follows:

**RECITALS:**

**WHEREAS**, on December 3, 2015, Farmington Associates Properties, LLC and Waterstone Properties Group, Inc. and the City entered into a certain Development Agreement as amended by a First Amendment to Development Agreement dated March, 2016 and by an Addendum dated November 15, 2016 (the "**Development Agreement**") relating to the development of certain property located at the Project Premises, as shown on Exhibit A. Farmington Associates Properties, LLC has since ground leased the Project Premises to Farmington Associates Properties Ground Tenant, LLC. Since the time of execution of the Development Agreement, Waterstone has decided to re-design the development plan for the Project Premises, as provided herein. This re-design of the Project Premises necessitates a revision of the Development Agreement, all as provided herein.

**WHEREAS**, Waterstone received site plan approval on or around December 15, 2015, from the City of Rochester Planning Board (hereinafter the "Planning Board"), and additional site plan approvals on or around December 31, 2017, as the same have been extended through December 7, 2021, and anticipates the construction of a commercial development buildings consisting of approximately one hundred and fifteen thousand square feet (115,000 sq. ft.) of commercial and retail space, a district public recreational park, and a district public parking lot with appurtenant

04/29/2021

roadways, parking lots, drainage structures and other on-site and off-site public and private infrastructure improvements, for office, retail entertainment, and other permitted uses (hereinafter the "**Project**"), the same to be located on land currently owned by Waterstone, situated on NH Route 11 in Rochester, New Hampshire (the "**Project Premises**"); all as more particularly shown and/or described in/on the plans, documents, and representations made by Waterstone, in connection with its Project application and presentations made to the Planning Board in conjunction with the obtaining of Waterstone's aforementioned site plan review approvals, as the same will be revised and resubmitted for approval as provided in this Agreement; and

**WHEREAS**, the Project has undergone a redesign by Waterstone, which needs to be resubmitted to the Planning Board for approval. In addition, the parties have agreed to split the Project into two construction phases. Phase IIa is shown on the plans attached hereto as Exhibit A to this Agreement (the "Phase IIa Plan"), and a preliminary plan for Phase IIb of the Project is shown on the plans attached hereto as Exhibit A\_ (the "Phase IIb Plan"). It is the intent of the parties to proceed with the design of Phase IIa of the Project and to begin submission of the Phase IIa Plan to the Rochester Planning Board in early 2021, and to defer a more complete design of the Phase IIb Plan until the summer of 2021 in order for both parties to work on Phase IIa prior to consideration of Phase IIb. It is also the intent of the parties to commence construction and funding of Phase IIa prior to Phase IIb, and to allocate portions of the TIF Bonds, or cash flows from TIF Bonds, of the City to Phase IIa or Phase IIb, all as provided in this Agreement.

**WHEREAS**, as a result of the decision to phase the Project into Phase IIa and Phase IIb, the parties require the amendment and restatement of the Development Agreement, to include provisions regarding funding for off-site public infrastructure improvements (hereinafter the "**Off-Site Public Infrastructure Improvements**"), and on-site public improvements to benefit the public (hereinafter the "**On-Site Public Improvements**"), (collectively the Off-Site Public Infrastructure Improvements and the On-Site Public Improvements are hereinafter referred to as the "**Public Infrastructure Improvements**"), as well as provisions relating to the timing of development of the respective phases, the coordination of such matters, and other issues of needed and/or necessary cooperation and coordination between the City and Waterstone, and/or with other governmental agencies and/or private entities, such as the State and/or federal government departments or agencies and/or private utilities and the like, in order for Waterstone to develop the Project as approved by the Planning Board; and

**WHEREAS**, the City is desirous of having Waterstone develop the Project in Rochester, and to have Waterstone's prospective Project tenants locate in Rochester, as it will result in the creation of approximately 300 construction jobs and approximately 200 permanent full/part time jobs in the City, will significantly expand the City's tax base, and will also result in significant expansion of, and contribution to, substantially enhanced Public Infrastructure Improvements, and, therefore, the City and Waterstone have agreed to cooperate to bring about the creation of such Public Infrastructure Improvements, including the improvements required by the Planning Board,

and/or by the New Hampshire, Department of Transportation (hereinafter "**NHDOT**") and/or other governmental agencies having jurisdiction over the Project, or aspects thereof; and

**WHEREAS**, in conjunction with the upcoming Planning Board site plan review I of Phase IIa of the Project, various traffic studies, including the 2015 traffic study prepared by Stephen G. Pernaw & Company, Inc. on behalf of Waterstone and a November, 2019 traffic study and and August, 2020 addendum to the November, 2019 traffic study also prepared by Stephen G. Pernaw & Company, Inc. on behalf of Waterstone, will be used to evaluate and assess the traffic impacts and access requirements associated with the Project, and the traffic studies will be reviewed by the City's and/or its traffic consultants/representatives, and NH DOT, and will be made available for review by the City Planning Department and the Planning Board; and

**WHEREAS**, it is the intent of the City and Waterstone to execute this Development Agreement for the purpose of identifying, providing for the creation of, and allocating responsibility for the costs of, and payment for, the Public Infrastructure Improvements required, or to be required, by the City, the State and the Planning Board's site plan review for the Project, as well as establishing, and providing for, a viable financing mechanism for such Public Infrastructure Improvements, and the maintenance thereof, including the creation and implementation of payment and payment guaranty mechanisms for the same; and

**WHEREAS**, given the importance of the coordination of the construction of the Project with the availability of a viable financing mechanism to pay the cost of providing the Public Infrastructure Improvements designed and intended and/or required to complement the Project, it is the intent of the parties to establish a schedule for the timely completion of both phases of the Public Infrastructure Improvements and implementation of the necessary and/or required financing mechanisms so as to permit the simultaneous, or near simultaneous, construction of the Project and of the Public Infrastructure Improvements contemplated/required for each phase of the Project in order to permit Waterstone to occupy the Project in a timely manner; and if necessary to allow Waterstone to assist the City with Public Infrastructure Improvements, at the City's or other available funding mechanisms and/or entities expense, in order to allow occupancy in a timely manner, provided that the City consents, in advance, to the allocation of such expense to the City or such other available mechanism and/or entity; and

**WHEREAS**, the City, by a resolution of the Mayor and City Council (hereinafter, the "City Council") on June 17, 2014, has established the so-called Granite Ridge Development District, a New Hampshire Chapter 162-K tax increment financing district, and adopted the "**Granite Ridge Development District: Tax Increment Development Program & Financing Plan**";

and

**WHEREAS**, given the establishment of the Granite Ridge Development District and the adoption of the “Granite Ridge Development District: Tax Increment Development Program & Financing Plan” as amended, Waterstone has agreed to undertake the Project, as to be phased herein, and to guarantee the payment of a new so-called tax increment financing bond or bonds (the “TIF Bond”) but not any payments should the City decide to fund its obligations utilizing cash flows of existing TIF Bonds, to be issued by the City with respect to the Public Infrastructure Improvements associated with the Project, in a principal amount of no more than \$7,430,000.00 as more particularly set forth and detailed herein;

**NOW, THEREFORE**, in consideration of the mutual covenants and agreements contained herein, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

## **1. Public Infrastructure Improvements**

1.1 The term “**Public Infrastructure Improvements**” as used in this Development Agreement includes the construction of public improvements, on and off the Project Premises, which are being constructed in conjunction with the Project and which are more particularly described and/or referred to in Section 1.2 below and/or contemplated on **Exhibit B-1** hereto for Phase IIa and Exhibit B-2 for Phase IIb, whether such improvements are to be constructed: (a) on City owned/controlled property not part of the Project Premises; or (b) on-site at the Project Premises or (c) on neighboring premises over which Waterstone has easement access rights, but which involve an improvement that is anticipated and intended to be transferred to the City (by deed, easement and/or other legal conveyance instrument) upon the completion and acceptance by the Rochester City Council of such transfer document(s), or over which the City will have non-exclusive access rights with Waterstone (such as shared access or parking areas); or (d) New Hampshire Department of Transportation (NHDOT) owned/controlled rights-of-way as they related to off-site improvements stipulated in any NHDOT driveway permit issued for the Project. The term “**On-Site Public Infrastructure Improvement(s)**” as it is used in this Development Agreement is intended to refer specifically to public infrastructure improvement(s) being constructed on the Project Premises, until such portion of the Project Premises on which the public infrastructure improvement(s) being constructed is completed, and is transferred to, and accepted by, the City as contemplated in the preceding sentence.

1.2 The construction of Public Infrastructure Improvements referred to in this Development Agreement include, but are not limited to, the following, whether such costs are incurred prior to, or after, the issuance of the TIF Bond(s):

- (a) Public Infrastructure Improvements Design/Construction Responsibilities with all design work to be performed by the City and paid for out of the TIF Bonds or Granite Ridge Development District (GRDD) TIF cash reserve:

- i. All design and engineering costs associated with the Public Infrastructure Improvements, including the Rt. 11 improvements to meet NHDOT specifications (cross-sections at certain intervals, etc.);
- ii. Preparation of a NHDES sewer connection permit with associated cross sections as needed, (as well as any state permit required for extension of City services);
- iii. Design of any improvements to the water system required to increase pressure as needed (note that this excludes looping a water line if needed);
- iv. Design of any improvements to the sewage pump station required;
- v. A contribution to the NHDES Alteration of Terrain (“AOT”) permit, proportional to the City’s disturbance;
- vii. Engineer’s preparation of bid ready, construction drawings and specifications, to the extent required for competitive construction bidding;
- viii. Design engineer’s limited, part time construction oversight and so-called “stamp of approval” at project completion of the work within the proposed right of way that will be acquired by the City (the “**City ROW**”), beyond City staff involvement;
- ix. Engineer’s assistance and advice on any unforeseen change orders, and the like;
- x. Cost of site preparation and physical roadway improvements within the proposed City ROW;
- xi. Cost of water and sewer main lines within the proposed City ROW – stubs to property lines will be the responsibility of the developer per City Ordinance;
- xii. Cost of underground electric improvements within the ROW;
- xiii. Cost of landscaping within the ROW;
- xiv. Cost of lighting within the ROW;
- xiv. Cost of COAST bus/trolley stop construction;
- xv. Cost of site preparation, accessibility (pedestrian and vehicular) and finishing of the municipal parking lot;
- xvi. Cost of site preparation, accessibility (pedestrian and vehicular) and finishing of the public recreation park;

- xvii. Cost of creating and improving walking and bike trails;
- xviii. A contribution to the overall drainage improvements that is proportional to the City's disturbance;
- ixx. Cost of physical improvements along Route 11;
- xx. Cost of water and/or sewer service improvements required to service the Granite Ridge Development District area.

1.3 The Parties hereto understand and agree that the total amount of the TIF Bond(s) for Public Infrastructure Improvements (as defined below herein), shall not exceed Seven Million Four Hundred and Thirty Thousand (\$7,430,000.00) Dollars, but may be less than such sum should the City instead fund its obligations using a portion of cash flows from existing cumulative retained cash reserves. To the extent that the cost of Public Infrastructure Improvements (as defined below herein) exceeds Seven Million Four Hundred and Thirty Thousand (\$7,430,000.00) Dollars, Waterstone shall be solely responsible for all said excess costs and/or expenses except as otherwise specifically provided for in this Development Agreement. To the extent that the City funds any portion of Phase IIa or Phase IIb using cash flows from existing TIF Bonds, Waterstone will not have any obligation to guarantee such cash flow payments, but will still have the obligation to guarantee payments that relate to TIF Bonds issued after the date of this Development Agreement. It is currently the expectation of the City to use cash flows from existing TIF Bonds to fulfill its obligations relating to Phase IIa, to the extent feasible, in which event Waterstone shall have no obligation to guarantee repayment of such expenditures. The City will keep Waterstone advised of what payment mechanism it is utilizing for each phase, and to what extent, and the parties shall memorialize such payment schedule in a written agreement so that the parties can update the Guaranty Agreement to reflect what payments are, and are not, to be guaranteed. The Parties further agree that in interpreting this Development Agreement the Parties, and any other reviewing authority, including a court, or courts, of competent jurisdiction, shall apply the provisions of this paragraph as the overriding principle reflecting the extent of the City's obligation to provide financing for the cost of Public Infrastructure Improvements for the Project provided for in this Development Agreement. The parties agree to allocate Five Million and 00/100\_(\$5,000,000.00) Dollars to Phase IIa of the Project and Two Million, Four Hundred Thousand and 00/100 (\$2,400,000.00) to Phase IIb of the Project. If the parties wish to change the allocation of funds to the Project, they shall amend this Second Amended and Restated Development Agreement to provide for such reallocation.

## **2. Waterstone Obligations.**

2.1 Waterstone will perform, or cause to be performed, all of the building design, engineering and construction to be located on the Project Premises (with the exception of the Off-Site Public Infrastructure Improvements constructed by, or on behalf of, the City on a portion(s)



of the Project Premises to be conveyed, or otherwise transferred, to the City pursuant to the Planning Board's anticipated approval and this Development Agreement for use in connection with the Off-Site Public Infrastructure Improvements referenced in Section 1.2. Except as expressly indicated otherwise in this Development Agreement, Waterstone will determine the design and specifications of the buildings and appurtenances. All building design, engineering and construction by Waterstone shall be done in accordance with all applicable laws and regulations, federal, state and local governing including, but not limited to, compliance with all building codes, planning ordinances, regulations and zoning ordinances, regulations and any other applicable legal requirements of the City.

2.2 The buildings to be constructed by Waterstone in connection with Phase IIa of the Project should have an estimated value when completed of approximately Two Million (\$2,000,000.00) Dollars, at a minimum, and shall include buildings not to exceed an aggregate size/area of approximately 10,300 sq. ft. , and the buildings to be constructed by Waterstone in connection with Phase IIb of the Project should have an estimated value when completed of approximately Twenty Five Million (\$25,000,000.00\_\_\_\_) Dollars, at a minimum, and shall include buildings not to exceed an aggregate size/area of approximately 110,000 sq. ft. Waterstone shall provide the City with all design plans for the buildings and on-site Project Premises utilities and any existing surveys or plans it currently has for the buildings and any other appurtenances related to the remainder of the Project Premises. The City, however, shall have no design control over the design plans for the buildings and on-site Project Premises utilities, except to the extent provided for in Section 2.1 above.

2.3 It is anticipated that construction of the building(s) to be located on Phase IIa of the Project Premises shall be substantially completed on or about October, 2022 , subject to the provisions of Section 5.2 hereof. In the event that economic conditions dictate either additional phasing of the Project by Waterstone or an extension of the development schedule set forth herein (see **Exhibit C-1 and Exhibit C-2** attached hereto), Waterstone may seek, and the City shall not unreasonably decline to grant, extensions of time for substantial construction completion for a period of up to, but not to exceed 48 months with respect to the completion of each phase of the Project. Provided, however, that, any such delay shall not, in any way, delay and/or abrogate, to any extent, Waterstone's obligations with respect to the payment of the TIF Bond(s), including, but not limited to, the obligations provided for in Section 2.14 hereof.

2.4 Waterstone agrees to use commercially reasonable efforts to accomplish its design, engineering and construction obligations under this Development Agreement in accordance with the Development Schedule for each Project phase attached hereto as **Exhibit C-1 and Exhibit C-2** (and as defined in Section 5.1 hereof), provided, however, time for the performance thereof shall be extended by a period equal to an act of God, war, civil commotion, fire or other casualty, labor difficulties, shortages of energy, labor, materials or equipment, government regulations, or other

causes beyond Waterstone's control whether such time be designated by a fixed date, a fixed time (as further defined in Section 5.2 hereof), or a reasonable time, provided, further, in the event that the City has not completed the On-Site Public Infrastructure Improvements for each phase of the Project (as defined in Section 1 herein) by the conclusion of the time period set forth in **Exhibit C-1 and Exhibit C-2 for each phase of the Project**, Waterstone's time for performance shall be extended for a reasonable period of time taking into account winter conditions and the difficulty of commencing, prosecution and completing construction during winter months (if applicable).

2.5 Waterstone shall undertake, and shall, subject to applicable government approvals and regulations, be solely responsible for, the design, development, permitting and construction of all required Non-Public On-Site Improvements and construction of all service connections to all Public Infrastructure Improvements (as well as the payment of all connection fees related thereto), which the City will bring to the property line of, or other appropriate and/or agreed upon areas within, the Project Premises, at locations and elevations agreed to by the Parties.

2.6 Except for the financing contemplated herein, Waterstone shall be responsible for securing any other financing required for the Project. To the extent that any re-financing shall involve a mortgage, lien and/or another encumbrance(s) on the Project Premises, or any portion or product thereof, which contains terms and/or conditions which are not generally commercially utilized (such as, but not limited to, a contemporaneous pledge of rents as collected), any such financing agreement(s) shall, prior to its/their execution, be on terms and conditions reasonably acceptable by the City and shall be approved/or rejected in writing by the City within five (5) business days of the City's receipt of the same, provided that if no action is taken on the request during such period the non-action shall be deemed to be an approval. Any financing agreement(s) shall specifically provide that such mortgage, lien and/or similar encumbrance(s) shall be subject, but not subordinate, to the provisions of this Development Agreement, and the holder of such security shall execute an acknowledgment of such fact in a recordable writing approved in advance by the City.

2.7 Waterstone and its consultants, contractors, agents, and representatives shall coordinate the design of On-site Infrastructure Improvements for the Project by Waterstone with the Public Infrastructure Improvements as undertaken by the City. Such coordination shall include, but not be limited to, attending meetings as well as providing copies of plans/designs to the City in both hard and electronic (in an AutoCAD format reasonably acceptable to the City) copies.

2.8 Waterstone's obligations hereunder are subject to the following condition:

- a. The City performing its obligations in accordance with the terms of this Development Agreement, including, but not limited to, those set forth in Article 3, below.

2.9 All documents, except financial documents not related to the Project Premises, of Waterstone relating to the design, engineering and construction of the Project shall be made available at the offices of Waterstone, for the review and copying by the City upon reasonable request. In the case where Waterstone has committed an Event of Default as defined in 7.2 of this Development Agreement, the City shall be entitled to access Waterstone's financial documents in the manner provided for in the preceding sentence.

2.10 Waterstone shall use commercially reasonable efforts to create, by itself, and/or in conjunction with its prospective tenants, cause to be created, approximately 200 full/part time jobs at the Project Premises. Waterstone shall annually report to the City and the Department of Business and Economic Development Affairs as to the number of employees utilizing the Project Premises and providing a general description of the job classifications, so long as the TIF Bond(s), related to the Project Premises, remain(s) outstanding. Due to the nature of leasing, the City acknowledges that Waterstone cannot require any tenants to maintain a minimum number of employees at any given time, as Waterstone does not control the hiring practices of such tenants, and that the job creation is dependent upon leases being executed.

2.11 Subject to the provisions of Section 5.2 hereof, in the event Waterstone ceases operations with respect to the Project (which shall be defined as "performing no work on the Project for a period of 180 consecutive days"), and/or ceases operations prior to completion of the Project, and/or ceases operations at the Project Premises (which shall be defined as: not having substantially completed the construction of the Project"), before the satisfaction of the TIF Bond(s) (as defined in Section 2.12 below), Waterstone shall, prior to the next TIF Bond payment (but in no event less than within two hundred seventy (270) days thereof: pay to the City all such amounts as are necessary to pay-off and retire the TIF Bond(s); and (ii) pay to the City such amounts as are necessary to pay-off and retire any un-bonded payment obligations incurred by the City in connection with the Off-Site Public Infrastructure Improvements.

2.12 As used in this Development Agreement the term "**TIF Bond(s)**" shall mean a bond(s) and/or other borrowing and or funding vehicle utilized by the City (whether acting directly on its own, or through the Granite Ridge TIF District), in a total amount not to exceed approximately Seven Million Four Hundred and Thirty Thousand (\$7,430,000.00) Dollars, the proceeds of which shall be used for the purpose of paying City costs and/or expenses associated with the Public Infrastructure Improvements, and which is/are intended by the Parties to this Development Agreement to be repaid to the City based on a repayment and amortization schedule of ten (10) years. The repayment of interest and principal on the TIF Bonds shall be made from

both the tax increment financing taxes on the Project Premises and tax increment financing taxes on the entire Granite Ridge Development District, including the cumulative net surplus of the Granite Ridge Development District, in accordance with the TIF Plan as authorized and governed by the provisions of RSA Chapter 162-K (RSA Chapter 162-K). For the purposes of this Development Agreement the term “TIF Bond(s)” shall include expenses paid at any time by the City (or such expenses which the City becomes obligated to pay), with respect to the Public Improvements, whether bonded or not. The City will notify and keep Waterstone informed as to the timing of the bond financing.

2.13 Waterstone and the City acknowledge and agree that the viability of this Development Agreement and the Project are dependent upon the construction of the Public Infrastructure Improvements provided for in Section 1.2 above, and the financing and maintenance of such improvements through the utilization of a tax increment financing (“TIF”) mechanism for the so-called Granite Ridge Development District. The TIF is authorized and regulated by the provisions of Chapter 162-K of the New Hampshire Revised Statutes Annotated, as the “Granite Ridge Development District: Tax Increment Development Program & Financing Plan” (the “**TIF Plan**”), which was adopted by the City on June 17, 2014. It is the expectation and intent of the Parties that a TIF mechanism, implemented in accordance with the provisions of NH RSA Chapter 162-K, shall be placed, from the issuance of the initial TIF Bond(s) until the retirement of such TIF Bond(s) as a result of such bonds having been paid in full. In consideration of the foregoing, and the fact that this Development Agreement is designed and intended to enable Waterstone to construct, and ultimately operate, a substantial retail development on the Project Premises, Waterstone agrees as follows:

- a. Waterstone shall, in a timely manner, pay all real property taxes assessed on the Project Premises while all or any portion of the thereof is owned by Waterstone or any related and/or associated entity;
- b. Waterstone shall enter into a Second Amendment to Guaranty Agreement (the “Guaranty Agreement”) in favor of the City, in the form set forth in **Exhibit D** hereto, pursuant to which Waterstone will guaranty any payments due on the TIF Bond(s), and certain Maintenance Costs (as defined in Section 2.13 (c) below), to the City, in the event that the tax increment financing taxes contemplated in Section 2.12 above are insufficient to satisfy the payments due with respect to the TIF Bond(s) from the City, and shall further agree to amend the existing Escrow Agreement (the “Escrow Agreement”) with the City and Waterstone Rochester, LLC (an affiliate of Farmington Associates Properties, LLC) to allow the City to access those funds. The amended Escrow Agreement shall provide security for the Guaranty to the City provided for herein, as well as for Waterstone’s obligations made in the Development Agreement. The Guaranty Agreement and the Escrow Agreement shall contain commercially

reasonable terms and otherwise be in form and substance reasonably acceptable to the City and to Waterstone;

- c. Upon the completion of the Public Infrastructure Improvements, Waterstone agrees to guaranty annual maintenance costs contained in the annual Granite Ridge Development District TIF budget, to the extent, but only to the extent, that such costs exceed the total tax increment revenues received by the TIF District from the RSA Chapter 162-K tax increment for such budget year, plus any designated TIF District budget reserves available to fund such excess costs (the “**Maintenance Costs**”);
- d. The parties agree that in order to implement the Guaranty Agreement and the amendment of the existing Escrow Agreement provided for in Sections 2.14(b) and (c) the Guaranty Agreement and the amended Escrow Agreement provided for in Section 2.14 (b) shall come into existence (by the same having been fully executed), prior to the issuance of the initial TIF Bond(s), on the signing of this Second Amended and Restated Development Agreement, and both such agreements shall remain in existence throughout the duration of the Development Agreement, subject to the provisions of Section 2.14 below.

2.14 Waterstone shall, at a time mutually agreed upon by the Parties, after the completion of the Public Infrastructure Improvements on the Project Premises (for purposes of this Section 2.14, the term “completion” shall mean the completion of the Public Infrastructure Improvements themselves plus a reasonable period of operation of any or all such Public Infrastructure components to assure their/its proper construction and/or operation), with respect to Phase IIa in no event later than December 31, ~~2022~~, and with respect to Phase IIb in no event later than December 31, 2024, offer/tender to the City a deed(s) or other appropriate legal instrument(s) in order to transfer title to the land and/or interest in land on which the Public Infrastructure Improvements are located, and/or such other necessary components required to support or otherwise operate and/or maintain the use and/or functionality of the Public Infrastructure Improvements to be transferred. Waterstone agrees, at its sole expense, to maintain and to pay the Maintenance Costs of the On-Site Public Infrastructure Improvements on the Project Premises eighteen (18) months after completion of each respective Project phase. Notwithstanding the foregoing, once tax revenues for the TIF District begin to generate increment in excess of the payment of annual expenses, Waterstone shall be reimbursed for any payments made by Waterstone from the Escrow Agreement, the Guaranty Agreement and Maintenance Agreement.

2.15. Waterstone shall immediately proceed to redesign Phase IIa of the Project as shown generally on Exhibit A to this Lease. Waterstone shall, no later than February 23, 2021 with respect to Phase IIa, submit the redesign of Phase IIa for TRG review and immediately after such review, shall submit such reviewed plans to the Planning Board no later than March 23, 2021 for a planned April 2, 2021 TRG meeting and May 3, 2021 Planning Board meeting. . Waterstone

will thereafter diligently pursue approval of the Phase IIa plans with the Planning Board and will consult with town departments on a regular basis concerning such redesigned plans. Waterstone will also continue to seek a decision from DOT on the driveway permit application for Phase IIa, but shall keep the City fully informed of such efforts. Waterstone also agrees to pay impact fees for the redesigned Phase IIa project, but reserves the right to review and negotiate the amount of such impact fees. No impact fees are currently being charged as of the date of this Agreement.

2.16 The parties agree that Waterstone shall proceed to redesign Phase IIb of the Project and submit such redesign for TRG review no later twelve months after Phase IIa approvals have issued and filed with the City Clerk. The parties understand that, due to the variables relating to Phase IIb, and to the COVID crisis, Waterstone may, or may not, be able to submit plans by such date. If an amendment of such date is warranted, the parties will amend the required submission date. Once redesigned, Waterstone will thereafter diligently pursue approval of the Phase IIb plans with the Planning Board and will consult with relevant City staff on a regular basis concerning such redesigned plans.

### **3. City of Rochester Obligations.**

3.1 The City shall issue Tax Increment Financing bonds (the “**TIF Bond(s)**”) as contemplated by RSA Chapter 162-K, based on a ten (10) year amortization period (the “**TIF Bond**” and/or the “**TIF Bonds**”), as described in Section 2.13 hereof, in the amount and for the Public Infrastructure Improvements set forth and agreed to by the Parties in Section 1.2 and/or reflected on **Exhibit B**, for the purposes of paying for costs of Public Infrastructure Improvements contemplated by the Project, provided, however, that the Parties agree that the total amount of the TIF Bond(s) for both phases shall not exceed Seven Million Four Hundred and Thirty Thousand (\$7,430,000.00) Dollars. Failure to issue the TIF Bonds shall not, however, affect the City’s underlying obligation to pay for the cost of the Public Infrastructure Improvements. To the extent that the cost of Public Improvements exceeds Seven Million Four Hundred and Thirty Thousand (\$7,430,000.00) Dollars, Waterstone shall be solely responsible for said excess costs and expenses. The City agrees that it shall design and construct the Public Infrastructure Improvements in accordance with pertinent City rules, regulations and design standards. Exhibit B-1 and Exhibit B-2 represent the parties’ best estimate of the costs of Project Infrastructure Improvements with respect to each phase of the Project, as of the date of signing this Agreement. The Parties acknowledge that such cost estimate may change over time. Therefore, the Parties agree that they shall have the ability to reallocate project costs between/among the individual line items and the contingency line item for related costs, unforeseen costs or budget overruns, and between phases of the Project.

3.2 The construction of the Public Infrastructure Improvements by, or on behalf of, the City shall be subject to the following:

- a. All design and engineering costs associated with the Public Infrastructure Improvements;
- b. The City obtaining all permits and approval needed by the City for the obligations accepted by the City in this Development Agreement.
- c. The City shall provide Waterstone, for their review, approval and recommendations, which approval shall not be unreasonably withheld, a copy of the plan, design and schedule for the Public Infrastructure Improvements, which shall be completed on or before June 1, 2021<sup>1</sup> with respect to Phase IIa of the Project and June 1, 2023 with respect to Phase IIb of the Project.
- d. Before undertaking any construction of the Public Infrastructure Improvements, the City shall provide Waterstone, for their review copies of all bids and quotes from contractors for the Public Infrastructure Improvements.
- e. The Public Infrastructure Improvements will be substantially completed on or before , with base pavement by October 1, 2021 and finished pavement by June 1, 2022<sup>2</sup> for Phase IIa of the Project and June 1, 2023 with respect to Phase IIb of the Project (subject to the provisions of **Exhibit C-1 and Exhibit C-2**).

3.3 The City shall require a municipal bidding process for the completion of the within delineated Public Infrastructure Improvements to be financed by the TIF Bond.

3.4 The City's obligation to proceed with the Public Infrastructure Improvements shall be subject to the following contingencies, the failure to satisfy any one of which shall give the City the right to withdraw from this Development Agreement, after which withdrawal the City shall have no further obligations under this Development Agreement, to wit:

- a. The City (subject to the provisions of the Development Schedule set forth in **Exhibit C-1 and Exhibit C-2**) shall have no obligation to perform

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<sup>1</sup> Date is dependent on timely approvals from NHDOT.

<sup>2</sup> Date is dependent on timely approvals from NHDOT.

improvements unless Waterstone performs all of the obligations applicable to it contained in Sections 2.1 through 2.15 of the within Development Agreement in a timely fashion with respect to each applicable phase of the Project, as provided herein and subject to the provisions contained herein.

3.5 The City and its consultants, contractors, agents, and representatives shall coordinate the design of On-Site Public Infrastructure Improvements as defined in Section 1.1 with the on-site improvements as undertaken by Waterstone, including, but not limited to where the Public Infrastructure Improvements enter the Project Premises and the elevations thereof. Such coordination shall include, but not be limited to, attending meetings as well as providing copies of plans/designs in both hard copy and electronic (in an AutoCAD format acceptable to Waterstone) copy.

3.6 To the extent appropriate and/or required by law, the City has and will comply with the provisions of RSA 162-K, including, but not limited to, the reporting requirements set forth in RSA 162-K:11.

#### **4. Financing Provisions.**

4.1 The City has approved, and will continue to cooperate in the implementation of, a development plan under RSA Chapter 162-K for the so-called Granite Ridge Development District of which the Project Premises is a part.

4.2 In accordance with the provisions of Chapter 162-K, the annual tax increment created as a result of the TIF Plan will, to the extent available, be utilized to pay the annual costs of the TIF Bond(s), and to the extent available, to pay other permissible expenses relative to the so called Granite Ridge Development District, including the Maintenance Costs, as described in Section 2.14 (c) herein. If the annual tax increment is not available, such unavailability shall not affect the City's underlying obligation to pay for the cost of the Public Infrastructure Improvements.

4.3 Upon payment of the TIF Bond(s) in full this Development Agreement shall terminate, except for any obligations that expressly survive the repayment of the TIF Bond(s).

4.4 Notwithstanding any other provision hereof:



- a. Prior to executing any loan documents, agreements, instruments or contracts evidencing or with respect to the TIF Bonds (the “**TIF Bond Documents**”), the City shall provide to Waterstone, for its review copies of the TIF Bond(s) Documents.
- b. The City shall provide to Waterstone the actual results of the sale of the bonds.

## **5. Development Schedule.**

5.1 Attached to this Development Agreement is a Development Schedule for each phase of the Project (Exhibit C-1 and Exhibit C-2 being collectively referred to as the “**Development Schedule**”) showing the anticipated date and sequence of various elements of the Project that are to be completed by the respective Parties as set forth herein. The Parties acknowledge that the Development Schedule is a complex schedule requiring the coordinated efforts of multiple parties and is dependent in many instances on the actions or approvals of third parties. The Parties agree to use diligent efforts and to cooperate with each other in undertaking their respective responsibilities under this Agreement, including, but not limited to, those events listed on the Development Schedule. It is further understood by the Parties that the Development Schedule (**Exhibit C-1 and Exhibit C-2**) may require adjustment based upon economic conditions, site constraints, actions of third parties, and circumstances beyond the control of Waterstone or the City. Any such adjustment(s) shall be reviewed and agreed upon by the Parties hereto. Consent to such Development Schedule adjustment shall not be unreasonably withheld.

5.2 Expressly subject to the provisions of Section 2.4 above, for the purposes of any of the provisions of this Agreement, the Parties shall not be considered in breach or default of its/their respective obligations hereunder in the event of unavoidable delay in the performance of such obligations due to causes beyond its control and without its fault or negligence, including but not restricted to, acts of God, or of the public enemy, acts of the other party, fires, floods or other casualties, epidemics, quarantine restrictions, labor disputes, litigations (including, without limitation, any appeal of any approval needed either for the TIF Bond(s) (including the appropriation vote or any permit or approval needed for the Project), freight embargoes, undue and unanticipated economic conditions and unusually severe weather or delays of contractors and subcontractors due to such causes; it being the purpose and intent of this provision that in the event of the occurrence of any such enforced delay, the time or times for performance of the obligations of such party shall be extended for the period of the enforced delay, provided, that the party seeking the benefit of the provisions of this section shall, within thirty (30) days after the beginning of any such enforced delay, have first notified the other party thereof in writing stating the cause or causes thereof and requested an extension for the period of the enforced delay. In calculating the length

of the delay, the City and Waterstone shall consider not only actual work stoppages, but also any consequential delays resulting from such stoppage as well.

## **6. Representations and Warranties.**

6.1 Representations and Warranties of City. The City hereby represents and warrants that:

6.1.1 The execution and delivery of this Development Agreement and the performance of the City's obligations hereunder have been duly authorized by such municipal action as necessary, and this Development Agreement constitutes the legal, valid and binding agreement of the City, enforceable against the City in accordance with its terms subject only to the conditions set out in this Development Agreement.

6.1.2 There is no action, suit or proceeding, at law or in equity, or official investigation before or by any court or governmental authority, pending or to the best of the City's knowledge threatened against the City, wherein an unfavorable decision, ruling or finding would materially adversely affect the performance by the City of its obligations hereunder or the performance by the City of its obligations under the transactions contemplated hereby, or which, in any way, questions or may adversely affect the validity or enforceability of this Development Agreement, or any other agreement or instrument entered into by the City in connection with the transactions contemplated hereby.

6.1.3 The City has complied, and will continue to comply, where and to the extent necessary, with the provisions of RSA Chapter 162-K.

6.1.4 If required by Waterstone or its lender(s), the City shall provide Waterstone with a legal counsel's opinion, in a form acceptable to Waterstone, with respect to the matters described in this section.

6.2 Representations and Warranties of Waterstone. Waterstone hereby represents and warrants to the best of its knowledge and belief that:

6.2.1 Farmington Associates Properties, LLC. is a limited liability company, duly organized, validly existing and in good standing under the laws of the State of Delaware, the state of its formation, with all requisite authority to own its property and assets and to conduct its business as presently conducted or proposed to be conducted, and is duly qualified or authorized to transact business and in good

standing under the laws of the State of New Hampshire. **Farmington Associates Properties Ground Tenant, LLC** is a limited liability company, duly organized, validly existing and in good standing under the laws of the state of Delaware, the state of its formation, with all requisite authority to own its property and assets and to conduct its business as presently conducted or proposed to be conducted, and is duly qualified or authorized to transact business and in good standing under the laws of the State of New Hampshire.

- 6.2.2 Waterstone has the power and authority to execute, deliver and carry out the terms and provisions of this Development Agreement and all necessary action has been taken to authorize the execution, delivery and performance by it of this Development Agreement. This Development Agreement will, upon execution and delivery thereof by Waterstone, constitute valid, legal and binding obligations of Waterstone enforceable in accordance with the respective terms thereof.
- 6.2.3 Neither the execution or delivery by Waterstone of this Development Agreement, the performance by Waterstone of its obligations in connection with the transactions contemplated hereby, nor the fulfillment by Waterstone of the terms or conditions hereof conflicts with, violates or results in a breach of any constitution, law or governmental regulation applicable to Waterstone, or conflicts with, violates or result in a breach of any term or condition of any judgment or decree, to which Waterstone is a party or by which Waterstone or any of its properties or assets are bound, or constitutes a default there under.
- 6.2.4 There is no action, suit or proceeding, at law or in equity, or official investigation before or by any court or governmental authority, pending or to the best of Waterstone's knowledge threatened against Waterstone, its principal(s), affiliate(s), or entities controlled by its principal(s), wherein an unfavorable decision, ruling or finding would materially adversely affect the performance by Waterstone of its obligations hereunder or the performance by Waterstone of its obligations under the transactions contemplated hereby, or which, in any way, questions or may adversely materially affect the validity or enforceability of this Development Agreement or any other agreement or instrument entered into by Waterstone in connection with the transactions contemplated hereby.
- 6.2.5 Waterstone and Farmington shall provide certification from their respective corporate secretary or manager, as the case may be, indicating that the signatory to the within Development Agreement has obtained all necessary corporate authority to execute and perform the terms of the within Development Agreement.
- 6.2.6 If required by the City, Waterstone shall provide the City with a legal counsel's opinion, in a form acceptable to the City, with respect to the matters described in this section.

## **7. Defaults and Remedies.**

7.1 Events of Default by City. Any one or more of the following shall constitute an “Event of Default” of the City.

7.1.1 Any representation or warranty made by the City shall prove incorrect or untrue in any material respect when made and have a material adverse effect on Waterstone or its rights under this Development Agreement;

7.1.2 The City shall fail or refuse to fulfill any of its material obligations under this Development Agreement, (unless such failure or refusal is caused by the acts or omissions of Waterstone, or its servants or agents) including, without limitation, the failure by the City to undertake or complete the Public Infrastructure Improvements or to complete any of its obligations within the time frames established by the Development Schedule attached hereto as Exhibit C-1 and Exhibit C-2 unless such timeframes have been extended and mutually agreed upon by the City and Waterstone pursuant to this Development Agreement;

Provided, however, that no such failure shall constitute an Event of Default unless and until:

7.1.3 Waterstone has given written notice to the City stating that in its opinion a particular default exists that will, unless corrected, constitute a material breach of this Development Agreement or any related agreement on the part of the City and that such default will, in the opinion of Waterstone, give Waterstone a right to exercise its remedies pursuant to Section 8.1 unless such default is corrected within a reasonable period of time not to exceed ninety (90) days; and

7.2 Events of Default by Waterstone. Any one or more of the following shall constitute an “Event of Default” of Waterstone:

7.2.1 Waterstone shall fail to pay any amount due with respect to the TIF Bond(s) and/or to complete the improvements to be constructed by it contemplated in this Development Agreement and such failure is not otherwise excused or extended under this Development Agreement;

7.2.2 Any representation or warranty made herein by Waterstone shall prove to be incorrect or untrue in any material respect when made and has a material adverse effect on the City or its rights under this Development Agreement; or

- 7.2.3 Waterstone fails or refuses to fulfill any of its material obligations under this Development Agreement (unless such failure or refusal is caused by the acts or omissions of the City, or its servants or agents) including, without limitation, the failure by Waterstone to complete any of its obligations within the time frames established by the Development Schedule attached hereto as Exhibit C-1 and Exhibit C-2 as such timeframes may be extended pursuant to this Development Agreement; or
- 7.2.4 Waterstone (through the date of the completion of the Project and compliance with the terms of this Development Agreement, including responsibilities per Article 2) shall suffer the following:
- 7.2.4.1 commencement by Waterstone (or any of such term's component entities) of a voluntary case under Title 11 of the United States Code as from time to time in effect, or by its authorizing, by appropriate proceedings of its board of directors, partners, members, or other governing body, the commencement of such a voluntary case;
  - 7.2.4.2 by its seeking relief as a debtor under any applicable law, other than said Title 11, of any jurisdiction relating to the liquidation or reorganization of debtors or to the modification or alteration of the rights of creditors, or by its consenting to or acquiescing in such relief;
  - 7.2.4.3 by the entry of an order by a court of competent jurisdiction (a) finding it to be bankrupt or insolvent, (b) ordering or approving its liquidation, reorganization or any modification or alteration of the rights of its creditors, or (c) assuming custody of, or appointing a receiver or other custodian for all or a substantial part of its property;
  - 7.2.4.4 by an assignment for the benefit of its creditors, or admission in writing of its inability to pay its debts generally as they become due, or consent to the appointment of a receiver or liquidator or trustee or assignee in bankruptcy or insolvency of it or of a major part of its property.

Provided however, that the foregoing shall not be deemed to constitute an Event of Default with respect to Waterstone if the debtor in possession, trustee, receiver, custodian, liquidator, agent or other party exercising control over the assets of the Party, affirms this Development Agreement without modification and within a reasonable period of time and provides evidence satisfactory to the City, in the City's sole discretion, of the capacity to

continue the performance of Waterstone's obligations under this Development Agreement and to cure, in a timely manner, all breaches thereunder.

7.2.5 Once site work at the Project Premises has commenced, Waterstone has ceased active and substantial construction of the Project for a period of ninety (90) days, excluding winter shut down periods or except as provided by the Development Schedule attached hereto as Exhibit C, unless such timeframes have been extended and mutually agreed upon by the City and Waterstone pursuant to this Development Agreement (see Section 2.3 hereof).

7.2.6 None of 7.2.1 through 7.2.5 shall constitute an Event of Default unless and until:

7.2.6.1 The City has given written notice to Waterstone stating that, in its opinion, a particular default or defaults exist that will, unless corrected, constitute a material breach of this Development Agreement on the part of Waterstone and that such default or defaults will, in the opinion of the City, give the City a right to exercise its remedies pursuant to Section 8.2 unless such default is corrected within a reasonable period of time not to exceed ninety (90) days from the receipt of such notice..

## **8. Consequences of Defaults.**

8.1 **Consequences of Events of Default by the City.** Upon the occurrence of an Event of Default by the City, Waterstone may proceed by appropriate proceedings, judicial, administrative or otherwise at law or in equity or otherwise to protect and enforce or recover its rights or damages to which it may be entitled to enforce performance by the City. Said proceeding is to be brought in the Strafford County Superior Court, and Waterstone may take any action and incur any expense necessary to cure or avoid any default and Waterstone may recover from the City, and the City shall pay to reimburse Waterstone, for all expenses so incurred or that must be paid by Waterstone.

8.1.2 In the event the cure by the City delays work by Waterstone, Waterstone's obligations under the Development Schedule may be extended for the period of delay taking into account winter conditions and the difficulty of commencing, prosecution and completing construction during winter months (if applicable).

8.2 **Consequences of Events of Default by Waterstone.** In the event of an event of default by Waterstone, the City may proceed by appropriate proceedings, judicial, administrative or otherwise in law or in equity to protect and enforce their rights to recover any actual damages to which they may be entitled and to enforce performance by Waterstone. Said proceedings to be brought in the Strafford County Superior Court and the City may take any action and incur any expense necessary to cure or avoid any default and the City may recover from Waterstone, and Waterstone shall pay to reimburse the City for all expenses so incurred or that must be paid by the City.

8.2.2 In the event the cure by the Waterstone delays work by the City, the City's obligations under the Development Schedule may be extended for the period of delay taking into account winter conditions and the difficulty of commencing, prosecution and completing construction during winter months (if applicable).

## **9. Further Assurances/Cooperation.**

9.1 City staff shall attend all Zoning Board of Adjustment, Conservation Commission, and Planning Board meetings or public hearings concerning each phase of the Project. City staff shall also provide guidance with respect to the preparation of pertinent Zoning and Planning Board applications, as required. However, Waterstone shall be solely responsible for preparing and filing said applications, as well as paying all application fees associated therewith.

9.2 The Parties recognize and acknowledge that there are issues regarding the operation and maintenance of the Public Infrastructure Improvements during and particularly after their completion pursuant to the terms of this Development Agreement. These issues include, but are not limited to, maintenance of the Public Infrastructure Improvements, and the operation of the drainage system contemplated by such improvements. The Parties, therefore, mutually agree, to negotiate, approve and execute agreements, with reasonable provisions, relative to:

1. Maintenance issues with respect to Public Infrastructure Improvements, including, but not limited to, responsibilities with respect thereto; and
2. Drainage issues related to the Public Infrastructure Improvements designed to deal with drainage, including, but not limited to, (1) responsibilities with respect thereto; and (2) rules and/or regulations regarding drainage, etc.

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9.3 In accordance with the provisions of Chapter 162-K of the New Hampshire Revised Statutes Annotated and the provisions of Section D.7 of the Granite Ridge Development District: Tax Increment Development Program & Financing Plan, adopted by the City on June 17, 2014 (the "TIF Plan"), the Parties agree that, except as otherwise provided for herein, the annual Maintenance Costs for the Public Infrastructure Improvements shall be paid by the TIF District Administrator from the so-called tax increment, to the extent of the availability of such tax increment funds after the payment of amounts due on the TIF Bond(s).

## **10. General Provisions.**

101 This Development Agreement shall be governed and construed in accordance with the laws of the State of New Hampshire.

10.2 If any term or provision of this Development Agreement is held to be invalid or unenforceable, to any extent, the remainder of this Development Agreement shall continue to be fully valid and enforceable.

10.3 Notices, demands, consents, approvals or other instruments required or permitted by this Development Agreement shall be in writing and shall be executed by the party or an officer, agent, attorney of the party, and shall be deemed to have been effective as to the date of actual delivery, if delivered personally, or as of the third day from and including the date on which it is mailed by registered or certified mail, return receipt requested, with postage prepaid as follows:

To Waterstone:

Farmington Associates Properties, LLC and  
Farmington Associates Properties Ground Tenant,  
LLC  
Attn: Josh Levy  
117 Kendrick Street  
Needham, MA 02494

To City:

City Manager  
City of Rochester  
31 Wakefield Street  
Rochester, NH 03867

With a copy to:

City of Rochester  
Attn: Finance Director  
31 Wakefield Street



Rochester, NH 03867

10.4 Time is of the essence with regard to this Development Agreement.

10.5 This Development Agreement shall be binding upon and inure to the benefit of the Parties hereto, and their respective successors and assigns. This Development Agreement may be assigned by Waterstone to an entity that is a subsidiary or affiliate of Waterstone. Except as permitted herein, neither this Development Agreement nor any of the rights, interests or obligations of this Development Agreement may be assigned or delegated by any party without the prior written consent of the other parties.

10.6 Waterstone shall not pledge or assign this Development Agreement or any documents relating thereto as security for any financing without the prior written consent of the City except that Waterstone may finance and secure the construction of the building(s) or other improvements on the Project Premises and may pledge or assign this Development Agreement and any documents relating thereto in connection with such financing, but may not otherwise pledge or assign this Development Agreement or any documents relating thereto as security for any financing without the prior written of the City, which consent may not be unreasonably withheld or delayed; provided, however, in the event of said financing pledge and/or assignment, the obligations of Waterstone shall not be relieved or diminished.

10.7 The Parties anticipate that the obligations set forth herein will be further described in other agreements and/or deeds or leases as agreed to by the Parties. The Parties agree to cooperate in good faith with regard to each and every aspect required for the completion of construction, operation and financing contemplated by this Development Agreement. The Parties recognize, however, that the land use regulatory authorities of the City and the State must perform their responsibilities in accordance with the law governing that performance and consequently are not obligated in any way by this Development Agreement. The Parties agree to further negotiate in good faith and to enter into such other and further agreements as may be necessary to implement any aspect of design, engineering, or construction contemplated under this Development Agreement.

10.8 Waterstone submits to the jurisdiction of the courts of the State of New Hampshire and the courts from which an appeal from such trial venue may be taken or other relief may be sought for purposes of any action or proceeding arising out of this Development Agreement or any related agreement. All legal actions taken by the Parties shall be commenced in Strafford County New Hampshire Superior Court.

10.9 Unless expressly stated otherwise in this Development Agreement, whenever a party's consent or approval is required under this Development Agreement, or whenever a party shall have the right to give an instruction or request another party to act or to refrain from acting under this Development Agreement, or whenever a party must act or perform before another party may act or perform under this Development

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Agreement, such consent, approval, or instruction, request, act or performance shall be reasonably made or done, or shall not be unreasonably withheld, delayed, or conditioned, as the case may be.

10.10 The execution of this Development Agreement does not preempt or supersede the review process or powers of any City or other governmental Board, Committee, Commission, or Department, or excuse Waterstone from the requirement to apply for and receive all necessary permits and approvals from all applicable City or other governmental Boards, Committees, Commissions, or Departments.

10.11 In the event that any of the terms or provisions of this Development Agreement are declared invalid or unenforceable by any Court of competent jurisdiction or any Federal or State Government Agency having jurisdiction over the subject matter of this Development Agreement, the remaining terms and provisions that are not effected thereby shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have set their hands this \_\_\_\_ day of \_\_\_\_\_, 2021.

**CITY OF ROCHESTER**

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Blaine Cox, City Manager  
Duly authorized

**FARMINGTON ASSOCIATES PROPERTIES, LLC**

DocuSigned by:  
*Rachael Pauly*  
678443350B8E454...  
\_\_\_\_\_  
Witness

DocuSigned by:  
*Josh Levy*  
By: \_\_\_\_\_  
B30A7622DC39478...  
Joshua Levy, Manager  
Duly authorized

**FARMINGTON ASSOCIATES PROPERTIES  
GROUND TENANT, LLC**

DocuSigned by:  
*Rachael Pauly*  
678443350B8E454...  
\_\_\_\_\_  
Witness

DocuSigned by:  
*Josh Levy*  
By: \_\_\_\_\_  
B30A7622DC39478...  
Joshua Levy, Manager  
Duly authorized

04/29/2021

04/29/2021

**Exhibit A**  
**Plans Showing Each Phase of the Project**



**Proposed  
Ridgeside  
Development  
Phase-II**

Farmington  
Associates, LLC

68 Farmington Road  
(Route 11)  
Rochester, NH

NAME	DATE	DESCRIPTION
PROJECT NO		WISDOM 808
DATE	DATE	WISDOM 808
DRAWN BY	DATE	WISDOM 808
CHECKED	DATE	WISDOM 808
APPROVED	DATE	WISDOM 808
PLANS SHOWING EACH PHASE OF THE PROJECT		
SCALE	AS SHOWN	
EXHIBIT A		

EXHIBIT A



### Proposed Ridgeside Development Phase-II

Farmington  
Associates, LLC

568 Farmington Road  
(Route 11)  
Rochester, NH

[illegible]

PLANS SHOWING EACH  
PHASE OF THE PROJECT

9/20/2021

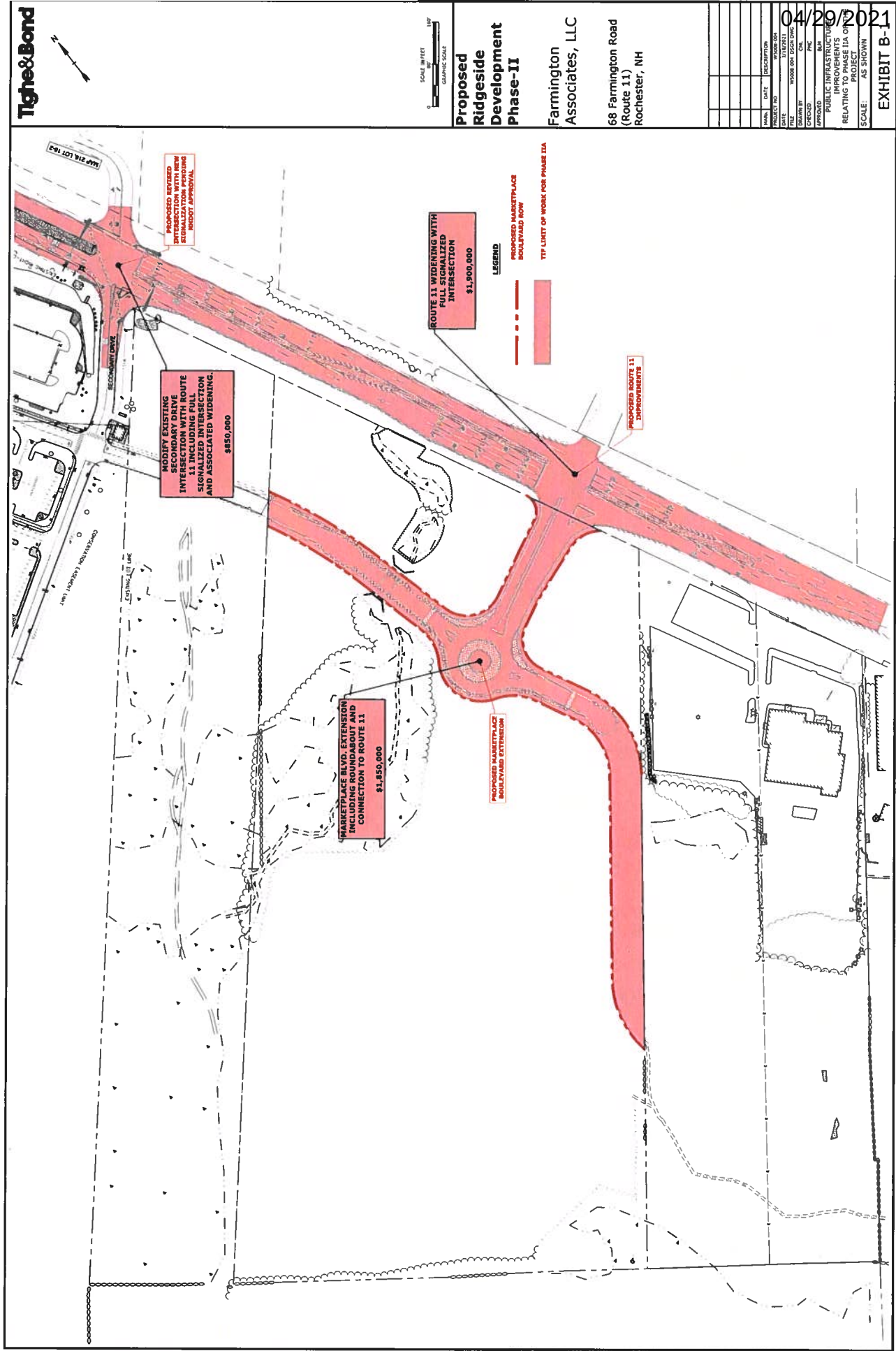
SCALE: AS SHOWN

EXHIBIT A-1

21  
EXHIBIT A

04/29/2021

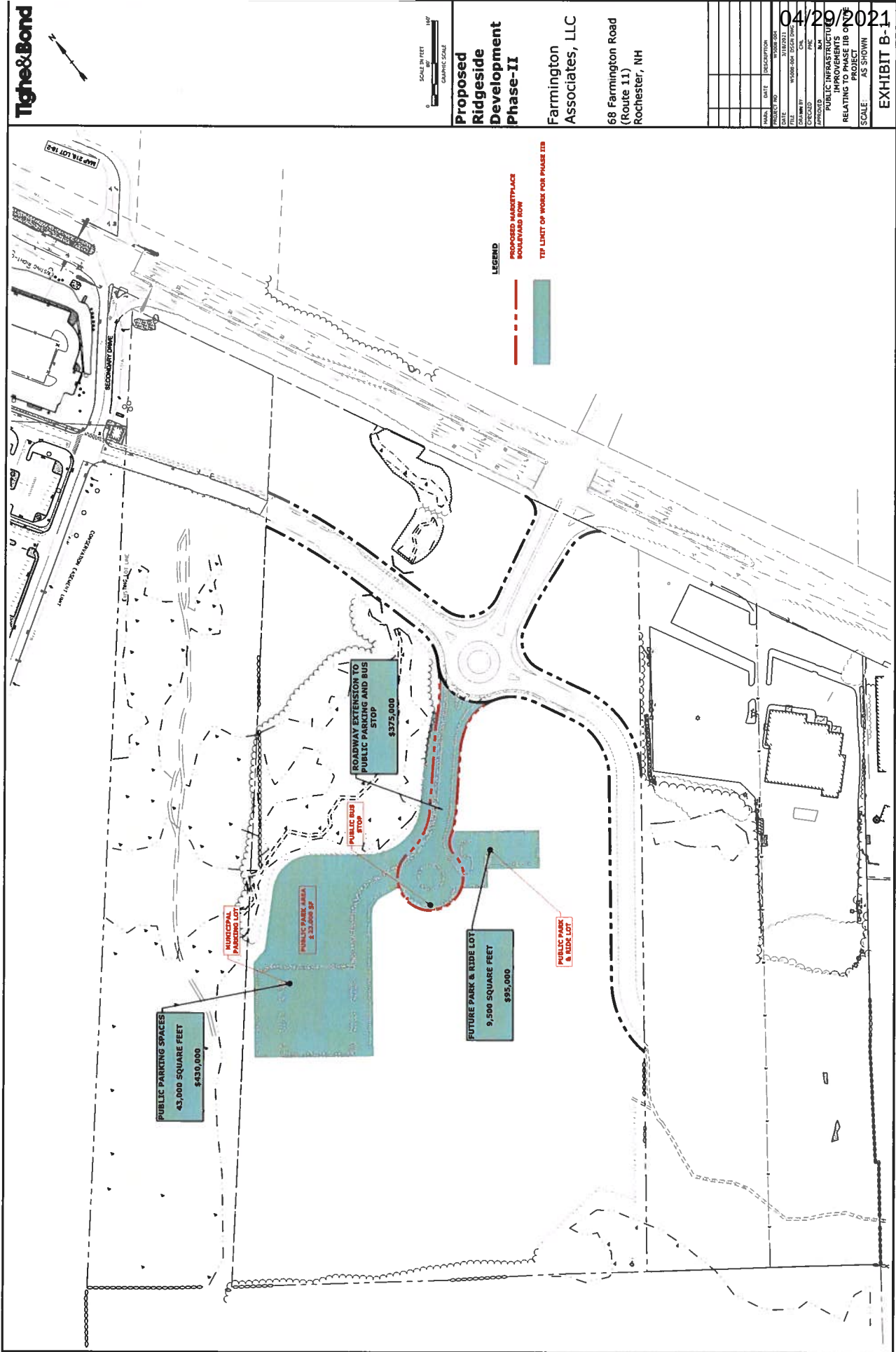
**Exhibit B-1**  
**Public Infrastructure Improvements**  
**Relating to Phase IIa of the Project**





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**Exhibit B-1**  
**Public Infrastructure Improvements**  
**Relating to Phase IIb of the Project**



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**Exhibit C-1**  
**Development Schedule**  
**For Phase IIa of the Project**

Exhibit C-1 Rochester Ridge Development Schedule for Phase Ila of the Project (2/9/21, revised 3.18.21)

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Task	Jan21	Feb	Mar	Apr	May	Jun	July	Aug	Sept	Oct	Nov	Dec	Jan22	Feb	Mar	Apr	May	Jun	July	Aug
Resolve Market Basket drive/DOT permit					(1)															
Revised TIF and Development Agreement					(2)															
TRG and Planning Board TIF approvals						(3)														
Design and permit of 3 outparcels- Rt 11						(3)														
DPW releases HTA for Boulevard Design					(4)															
HTA design and permitting of TIF items							(5)													
Bidding of TIF package by City																				
City Construction of TIF items																				
Ph 2 site design/permitting-middle																				
Outparcel pad construction and delivery																				
Outparcel building construction																				
Middle site pad prep and delivery																				

3.18.21 revisions shown in red

1. Spoke with DOT on 3/16/21-Concord reviewing, no date provided for completion of review
2. Assume City Council has to vote on this in April
3. Approvals in process
4. Assume DPW releases HTA when Council approves Development Agreement and DOT permit received in April

04/29/2021

**Exhibit C-2**  
**Development Schedule**  
**For Phase IIb of the Project**

04/29/2021

Exhibit C-2 Rochester Ridge Development Schedule for Phase IIb of the Project (4.12.21)

DRAFT

Task	Jan22	Feb	Mar	Apr	May	Jun	July	Aug	Sept	Oct	Nov
Design and permit of City Park/parking lots											
Bidding of City Park/parking lots by City											
City Construction of City Park/parking lots											

04/29/2021

**Exhibit D**  
**Second Amendment to Guaranty Agreement**

04/29/2021

## SECOND AMENDMENT TO GUARANTY

This SECOND AMENDMENT TO GUARANTY is dated as of \_\_\_\_\_, 2021 and is by and between Farmington Associates Properties, LLC, Farmington Associates Properties Ground Tenant, LLC and (collectively, "Waterstone") and The City of Rochester, New Hampshire (the "City").

Reference is made to the following facts:

- A. On December 3, 2015, Farmington Associates Properties LLC and Waterstone Retail Development, Inc. and the City entered into that certain Development Agreement related to the development of the Project Premises, as such term was defined in the Development Agreement; and
- B. Farmington Associates Properties LLC has ground leased the Premises to Farmington Associates Properties Ground Tenant, LLC, and
- C. In connection with such Development Agreement, on December 3, 2015, Farmington Associates Properties, LLC and Waterstone Retail Development, Inc. executed in favor of the City that certain Guaranty of certain obligations (the "Guaranty"), as set forth in the Guaranty.
- D. On August, 2018 the parties further amended the Guaranty.
- E. The parties are now further amending and restating the Amended and Restated Development Agreement, and wish to have the Guaranty ratified and confirmed with respect to the Second Amended and Restated Development Agreement.

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants contained herein, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

- 1. Reference is made to the Second Amended and Restated Development Agreement between the parties of even date herewith.
- 2. All references in the Guaranty to the "Agreement" are hereby amended to be the Second Amended and Restated Development Agreement. Terms not defined herein but defined in the Second Amended and Restated Development Agreement shall have the meanings provided in the Second Amended and Restated Development Agreement.
- 3. Except as specifically provided below, Waterstone hereby accepts, ratifies and confirms all obligations undertaken by Waterstone under the Guaranty, with respect to the Second Amended and Restated Development Agreement.
- 4. The Second Amended and Restated Development Agreement provides that Waterstone shall not be obligated to make any payments pursuant to the Guaranty that relate to any payments made by the City from cash flows from existing TIF Bonds relating to Phase IIa or Phase IIb. As provided in the Second Amended and Restated Development Agreement



04/29/2021

Waterstone's guaranty obligations only relate to newly issued TIF Bonds relating to Phase IIa or Phase IIb.


Executed as a sealed instrument under seal as of the \_\_\_ day of February, 2021.


**CITY OF ROCHESTER, NEW HAMPSHIRE**

\_\_\_\_\_  
Witness


By: \_\_\_\_\_  
Blaine Cox, City Manager  
Duly authorized


**FARMINGTON ASSOCIATES  
PROPERTIES, LLC**

DocuSigned by:  
  
678443350B8E454...  
\_\_\_\_\_  
Witness

DocuSigned by:  
  
By: \_\_\_\_\_  
B30A7622DC39478...  
Joshua Levy, Manager  
Duly authorized

**FARMINGTON ASSOCIATES PROPERTIES  
GROUND TENANT, LLC**

DocuSigned by:  
  
678443350B8E454...  
\_\_\_\_\_  
Witness

DocuSigned by:  
  
By: \_\_\_\_\_  
B30A7622DC39478...  
Joshua Levy, Manager  
Duly authorized

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left blank...*

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City Clerk's Office

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04/29/2021

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

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

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

#### COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

#### DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

#### FINANCE & BUDGET INFORMATION

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

#### LEGAL AUTHORITY

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**SUMMARY STATEMENT**

**RECOMMENDED ACTION**

Grade	FY21 MIN	FY21 MAX	Proposed	PROP MIN	PROP MAX	CLASSIFICATION
<b>1</b>	11.13	14.74	<b>1</b>	11.13	14.99	Library Page
<b>2</b>	14.47	19.14	<b>3</b>	14.22	19.16	Community Center Attendant
<b>3</b>	15.63	20.68	<b>4</b>	15.64	21.07	Custodian (part-time)
<b>4</b>	16.88	22.33	<b>6</b>	18.92	25.49	Legal Assistant I
<b>5</b>	18.23	24.12				Lead Custodian (inactive position)
<b>6</b>	19.69	26.07	<b>8</b>	22.06	29.72	Legal Assistant II
<b>6</b>	19.69	26.07	<b>8</b>	22.06	29.72	Victim/Witness Advocate
<b>7</b>	21.27	28.14				Financial Analyst (inactive position)
<b>7</b>	21.27	28.14	<b>8</b>	22.06	29.72	Library Emerging Technologies Specialist
<b>7</b>	21.27	28.14	<b>9</b>	23.38	31.52	Payroll/Human Resource Specialist
<b>8</b>	22.97	30.38	<b>9</b>	23.38	31.52	Executive Secretary
<b>9</b>	24.80	32.79	<b>10</b>	24.78	33.39	Accountant I
<b>9</b>	24.80	32.79	<b>10</b>	24.78	33.39	Executive Assistant
<b>10</b>	26.78	35.42				Senior Executive Assistant (inactive position)
<b>10</b>	26.78	35.42	<b>11</b>	26.76	36.08	Public Information & Community Engagement Manager
<b>11</b>	28.92	38.25				DPW Operations Manager (inactive position)
<b>11</b>	28.92	38.25	<b>12</b>	29.97	40.38	Accountant II
<b>11</b>	28.92	38.25	<b>11</b>	26.76	36.08	Assistant Director of Economic Development
<b>12</b>	31.23	41.32	<b>13</b>	33.57	45.25	Solutions Architect
<b>13</b>	33.73	44.60	<b>14</b>	36.26	48.86	Deputy Chief Information Officer (CIO)
<b>13</b>	33.73	44.60	<b>13</b>	33.57	45.25	Lieutenant Prosecutor (inactive position)
<b>13</b>	33.73	44.60	<b>13</b>	33.73	44.60	Police Lieutenant
<b>13</b>	33.73	44.60				Police Prosecuting Attorney (inactive)
<b>14</b>	36.43	48.18	<b>15</b>	39.16	52.79	Human Resource Manager
<b>14</b>	36.43	48.18	<b>14</b>	36.26	48.86	Deputy Finance Director/Deputy Treasurer
<b>14</b>	36.43	48.18	<b>14</b>	36.43	48.18	Police Captain
<b>15</b>	39.34	52.04	<b>16</b>	42.29	56.99	Deputy City Attorney
<b>16</b>	42.49	56.21	<b>17</b>	45.67	61.56	Chief Information Officer (CIO)
	42.49	56.21	<b>16</b>	42.49	56.21	Deputy Police Chief
<b>17</b>	45.89	60.71	<b>17</b>	45.67	61.56	Director of Finance (inactive position)
<b>18</b>	49.55	65.54	<b>18</b>	49.32	66.46	Fire Chief
<b>18</b>	49.55	65.54	<b>18</b>	49.55	65.54	Chief of Police
<b>18</b>	49.55	65.54	<b>18</b>	49.32	66.46	City Attorney
<b>18</b>	49.55	65.54	<b>18</b>	49.32	66.46	Deputy City Manager - Community Development (inactive)
<b>18</b>	49.55	65.54	<b>18</b>	49.32	66.46	Deputy City Manager - Finance & Administration
<b>19</b>	53.48	70.79				

Beginning Hry Rate=	11.13
Percent between steps=	2.75

**FY22 Plan**

GRADE	1	2	3	4	5	6	7	8	9	10	11	12
1	11.13	11.44	11.75	12.07	12.40	12.74	13.09	13.45	13.82	14.20	14.59	14.99
2	12.58	12.93	13.29	13.66	14.04	14.43	14.83	15.24	15.66	16.09	16.53	16.98
3	14.22	14.61	15.01	15.42	15.84	16.28	16.73	17.19	17.66	18.15	18.65	19.16
4	15.64	16.07	16.51	16.96	17.43	17.91	18.40	18.91	19.43	19.96	20.51	21.07
5	17.20	17.67	18.16	18.66	19.17	19.70	20.24	20.80	21.37	21.96	22.56	23.18
6	18.92	19.44	19.97	20.52	21.08	21.66	22.26	22.87	23.50	24.15	24.81	25.49
7	20.81	21.38	21.97	22.57	23.19	23.83	24.49	25.16	25.85	26.56	27.29	28.04
8	22.06	22.67	23.29	23.93	24.59	25.27	25.96	26.67	27.40	28.15	28.92	29.72
9	23.38	24.02	24.68	25.36	26.06	26.78	27.52	28.28	29.06	29.86	30.68	31.52
10	24.78	25.46	26.16	26.88	27.62	28.38	29.16	29.96	30.78	31.63	32.50	33.39
11	26.76	27.50	28.26	29.04	29.84	30.66	31.50	32.37	33.26	34.17	35.11	36.08
12	29.97	30.79	31.64	32.51	33.40	34.32	35.26	36.23	37.23	38.25	39.30	40.38
13	33.57	34.49	35.44	36.41	37.41	38.44	39.50	40.59	41.71	42.86	44.04	45.25
14	36.26	37.26	38.28	39.33	40.41	41.52	42.66	43.83	45.04	46.28	47.55	48.86
15	39.16	40.24	41.35	42.49	43.66	44.86	46.09	47.36	48.66	50.00	51.38	52.79
16	42.29	43.45	44.64	45.87	47.13	48.43	49.76	51.13	52.54	53.98	55.46	56.99
17	45.67	46.93	48.22	49.55	50.91	52.31	53.75	55.23	56.75	58.31	59.91	61.56
18	49.32	50.68	52.07	53.50	54.97	56.48	58.03	59.63	61.27	62.95	64.68	66.46

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
Accountant I	24.80 32.79			26.11 32.54	24.81 35.19	19.73 31.74	28.28 36.00		4 4	26.65 35.39	19.73 36.00	25.46 33.87	24.73 33.87	0.3% -3.3%
Accountant II	28.92 38.25	24.00 34.79	30.19 39.32	32.54 40.55		27.47 44.39	29.53 37.62		5 5	30.19 40.55	24.00 44.39	29.53 39.32	28.75 39.33	0.6% -2.8%
Chief Information Officer	42.49 56.21	41.34 58.40	39.56 51.47	50.54 62.98	33.74 47.43	46.97 61.83			5 5	46.97 61.83	33.74 62.98	41.34 58.40	42.43 56.42	0.1% -0.4%
Chief of Police	49.55 65.54	45.64 62.90	51.36 66.77	49.51 61.70	43.57 60.35	75.41 75.41	57.18 72.85		6 6	55.73 71.33	43.57 75.41	50.44 64.84	53.78 66.66	-8.5% -1.7%
City Attorney	49.55 65.54	50.38 67.74		57.28 71.38		51.65 67.86	49.50 63.07		4 4	53.06 68.74	49.50 71.38	51.02 67.80	52.20 67.51	-5.4% -3.0%
Community Center Attendant	14.47 19.14	9.18 10.76					12.25 12.50		2 2	11.48 12.07	9.18 12.50	10.72 11.63	10.72 11.63	26.0% 39.2%
Custodian	15.63 20.68	13.95 20.13	17.71 22.45	16.50 19.64	15.66 22.51	12.89 20.73	18.95 22.06		6 6	17.41 22.35	12.89 22.51	16.08 21.39	15.94 21.25	-2.0% -2.8%
Deputy Chief Information Officer	33.73 44.60	33.94 49.14	33.10 43.02	44.29 55.19	21.28 30.32	32.46 42.73	35.83 45.65		6 6	35.36 48.27	21.28 55.19	33.52 44.34	33.48 44.34	0.7% 0.6%
Deputy City Attorney	39.34 52.04					46.97 61.83	43.48 55.40		2 2	46.10 60.22	43.48 61.83	45.23 58.62	45.23 58.62	-15.0% -12.6%
Deputy City Manager - Finance & Administration	49.55 65.54	55.59 72.95	48.92 63.58		43.57 60.83		57.18 72.85		4 4	55.99 72.88	43.57 72.95	52.26 68.22	51.32 67.55	-3.6% -3.1%
Deputy Finance Director/Deputy Treasurer	36.43 48.18	41.34 58.40			33.74 47.43	34.37 45.24	41.43 52.78		4 4	41.36 54.19	33.74 58.40	37.86 50.11	37.72 50.96	-3.5% -5.8%
Deputy Police Chief	42.49 56.21	41.34 58.40			39.33 55.07		47.15 60.07		3 3	44.25 59.24	39.33 60.07	41.34 58.40	42.61 57.85	-0.3% -2.9%
Director of City Services	49.55 65.54	45.64 62.90	51.36 66.77	49.51 61.70	43.57 60.83	53.46 70.38	51.86 66.08		6 6	51.74 66.60	43.57 70.38	50.44 64.49	49.23 64.78	0.6% 1.2%
Executive Assistant	24.80 32.79	22.85 34.79	26.50 34.46		22.40 31.86	22.91 30.16	29.53 37.82		5 5	26.50 34.79	22.40 37.82	22.91 34.46	24.84 33.82	-0.2% -3.1%
Executive Secretary	22.97 30.38		25.17 32.70	26.11 32.54	21.28 30.32		26.81 34.16		4 4	26.29 33.07	21.28 34.16	25.64 32.62	24.84 32.43	-8.2% -6.7%
Fire Chief	49.55 65.54	45.64 62.90	51.36 66.77	49.51 61.70	43.57 60.83	53.46 70.38	54.45 69.38		6 6	52.94 68.73	43.57 70.38	50.44 64.84	49.67 65.33	-0.2% 0.3%
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%
Legal Assistant I	16.88 22.33		18.65 25.70		17.21 24.25	21.00 27.64	17.33 22.18		4 4	19.24 26.19	17.21 27.64	17.99 24.98	18.55 24.94	-9.9% -11.7%
Legal Assistant II	19.69 26.07	25.21 36.59		26.11 32.54		21.00 27.64	20.10 24.01		4 4	25.44 33.55	20.10 36.59	23.11 30.09	23.11 30.20	-17.3% -15.8%
Library Emerging Technologies Specialist	21.27 28.14		20.85 27.19			20.22 26.91	17.33 22.18		3 3	20.54 27.05	17.33 27.19	20.22 26.91	19.47 25.43	8.5% 9.6%
Library Page	11.13 14.74	13.93 20.13	10.50 13.69			10.39 10.39	9.00 9.00		4 4	11.36 15.30	9.00 20.13	10.45 12.04	10.96 13.30	1.6% 9.8%
Specialist	21.27 28.14	22.85 34.79	23.24 30.23		20.22 28.85	22.91 30.16	29.53 37.62		5 5	23.24 34.79	20.22 37.62	22.91 30.23	23.75 32.33	-11.7% -14.9%
Police Captain	36.43 48.18	38.04 49.25	46.98 61.09	43.39 54.07	46.72 46.72	61.20 61.20	47.17 50.08		6 6	47.12 59.34	38.04 61.20	46.85 52.08	47.25 53.74	-29.7% -11.5%
Police Lieutenant	33.73 44.60	31.41 40.98	44.04 47.64	35.89 45.16	41.46 41.46	51.89 51.89	43.22 45.88		6 6	43.84 47.20	31.41 51.89	42.34 45.52	41.32 45.50	-22.5% -2.0%
Public Information & Community Engagement Manager	26.78 35.42	26.50 38.39				22.91 30.16	29.53 36.89		3 3	28.02 37.64	22.91 38.39	26.50 36.89	26.31 35.15	1.7% 0.8%
Solutions Architect	31.23 41.32	30.72 44.52		37.14 46.28		34.37 45.24	35.83 45.65		4 4	36.16 45.81		35.10 45.45	34.52 45.42	-10.5% -9.9%
Victim/Witness Advocate	19.69 26.07	19.65 28.47				21.99 33.44	22.19 28.27		3 3	22.09 30.96	19.65 33.44	21.99 28.47	21.28 30.06	-8.1% -15.3%

POSITION	STATUS	GRAD E	BIWEEKLY HRS	HOURLY RATE	FY21 ANNUAL SALARY	PROP GRADE	PROP STEP	PROP HRLY	7/2021 ANNUAL	EST COST	7/1/2021 % inc		FY22 STEP	ST \$	W/TRACK ANNUAL	FY22 COMBINED COST	
EXECUTIVE SECRETRY	PR	9	80	25.00	52,000	9	4	25.36	52,749	749	1.4%		5	26.06	54,205	1,355.47	
SYSTEMS SOLUTIONS ARCHITECT	FR	12	EXEMPT	32.69	68,000	12	5	33.40	69,472	1,472	2.2%		6	34.32	71,386	2,428.80	
GROUNDWORKER (CUSTODIAN)	PR	3	50	15.75	20,475	4	2	16.07	20,891	416	2.0%		3	16.51	21,463	797.33	
GROUNDWORKER (CUSTODIAN)	PR	3	50	15.80	20,540	4	2	16.07	20,891	351	1.7%		3	16.51	21,463	398.67	
LIBRARY PAGE	PR	1	30	14.74	11,497	1	12	14.99	11,692	195	1.7%		12	14.99	11,692	195.00	
LIBRARY PAGE	PR	1	30	11.38	8,876	1	3	11.75	9,165	289	3.3%		4	12.07	9,415	455.00	
LIBRARY PAGE	PR	1	30	11.62	9,064	1	3	11.75	9,165	101	1.1%		4	12.07	9,415	184.60	
CUSTODIAN PT	PR	3	40	17.19	17,878	4	5	17.43	18,127	250	1.4%		6	17.91	18,626	540.80	
CUSTODIAN PT	PR	3	56	16.19	23,573	4	3	16.51	24,039	466	2.0%		4	16.96	24,694	902.72	
CUSTODIAN PT	PR	3	40	16.50	17,160	4	4	16.96	17,638	478	2.8%		5	17.43	18,127	885.73	
LEGAL ASSISTANT I	FR	4	80	20.00	41,600	6	4	20.52	42,682	1,082	2.6%		5	21.08	43,846	2,246.40	
LEGAL ASSISTANT II	FR	6	80	24.70	51,376	8	6	25.27	52,562	1,186	2.3%		7	25.96	53,997	2,501.20	
VICTIM/WITNESS ADVOCATE	FR	6	80	19.69	40,955	8	1	22.06	45,885	4,930	12.0%		1	22.06	45,885	4,929.60	
EMERGING TECH SPECIALIST	PR	7	50	22.00	28,600	8	2	22.67	29,471	871	3.0%		3	23.29	30,277	1,139.67	
PR/HR SPECIALIST	FR	7	80	24.50	50,960	9	4	25.36	52,749	1,789	3.5%		5	26.06	54,205	2,516.80	
EXEC SECRETARY	FR	8	80	27.62	57,450	9	8	28.28	58,822	1,373	2.4%		9	29.06	60,445	2,454.40	
EXEC SECRETARY	FR	8	80	24.52	51,000	9	4	25.36	52,749	1,749	3.4%		5	26.06	54,205	2,598.13	
EXECUTIVE SECRETARY	FR	9	80	27.60	57,408	9	8	28.28	58,822	1,414	2.5%		9	29.06	60,445	1,820.00	
ACCOUNTANT I	FR	9A	EXEMPT	32.65	67,907	10	12	33.39	69,451	1,544	2.3%		12	33.39	69,451	1,544.20	
ACCOUNTANT I	PR	9A	EXEMPT	25.00	52,000	10	2	25.46	52,957	957	1.8%		3	26.16	54,413	1,806.13	
PUBLIC INFORMATION MANAGER	FR	10	EXEMPT	31.25	65,000	11	8	32.37	67,330	2,330	3.6%		9	33.26	69,181	4,026.53	
ACCOUNTANT II	FR	11	EXEMPT	33.89	70,500	12	6	34.32	71,386	886	1.3%		7	35.26	73,341	1,048.53	
DEPUTY CHIEF INFORMATION OFFIC	FR	13	EXEMPT	39.42	82,000	14	5	40.41	84,053	2,053	2.5%		6	41.52	86,362	3,592.00	
DEP FINANCE DIRECTOR	FR	14	EXEMPT	42.81	89,046	14	8	43.83	91,166	2,121	2.4%		9	45.04	93,683	2,750.08	
DEP FINANCE DIRECTOR	FR	14	EXEMPT	40.87	85,000	14	6	41.52	86,362	1,362	1.6%		7	42.66	88,733	1,559.20	
HUMAN RESOURCE MGR	FR	14	EXEMPT	41.31	85,915	15	4	42.49	88,379	2,465	2.9%		5	43.66	90,813	3,072.92	
DEPUTY CITY ATTORNEY	FR	15	EXEMPT	41.77	86,892	16	1	42.29	87,963	1,071	1.2%		2	43.45	90,376	3,484.14	
CHIEF INFORMATION OFFICER	FR	16	EXEMPT	52.15	108,465	17	7	53.75	111,800	3,335	3.1%		8	55.23	114,878	6,157.36	
CITY ATTORNEY	FR	18	EXEMPT	52.01	108,171	18	4	53.50	111,280	3,109	2.9%		5	54.97	114,338	4,128.53	
DEP C MGR/DIR OF FIN & ADMIN	FR	18	EXEMPT	50.38	104,798	18	3	52.07	108,306	3,508	3.3%		4	53.50	111,280	6,482.40	
DIR OF CITY SERVICES	FR	18	EXEMPT	58.42	121,510	18	8	59.63	124,030	2,520	2.1%		9	61.27	127,442	5,363.10	
FIRE CHIEF	FR	18	EXEMPT	56.74	118,014	18	7	58.03	120,702	2,688	2.3%		8	59.63	124,030	5,461.71	
TOTAL ANNUAL WAGES					1,873,627												78,827.16
4.21%																	



**City of Rochester Planning Board**  
**Monday April 5, 2021**  
**Virtual Meeting**  
**31 Wakefield Street, Rochester, NH 03867**  
*(These minutes were approved on April 19, 2021)*

**Members Present**

Nel Sylvain, *Chair*  
Mark Collopy, *Vice Chair*  
Peter Bruckner  
A. Terese Dwyer  
Tim Fontneau – arrived at 7:05pm  
Robert May  
Mark Sullivan  
Daniel Rines  
Dave Walker

**Members 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.)

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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](mailto: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. 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. Fontneau until his arrival at 7:05pm.

### 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 March 22, 2021 meeting minutes. The motion carried unanimously by a roll call vote.*

### VI. Compliance Hearing

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

Mr. Giuliano recused himself.

Ms. Saunders explained this has been an ongoing compliance and erosion control issue. She said part of the compliance issues include stockpiles and erosion control of the stockpiles, winter stabilization plan, the access road needing to be complete before CO #6 is released, issues with the sites of 119 Fillmore, 123 Fillmore, and 8, 14, and 16 Eisenhower.

Ms. Saunders said the City has been working with Mr. Strickler since December when the first round of CO's were requested. She said staff has met with him and the engineers on January 5<sup>th</sup>, January 12<sup>th</sup>, January 28<sup>th</sup>, February 2<sup>nd</sup>, and February 15<sup>th</sup> to try to reach compliance. Ms. Saunders said staff has also contacted the Department of Environmental Services who had reached out because of concerns.

Ms. Saunders told the Board that Public Works is at the site in addition to the mentioned meetings; adding this is only one of 13 active developments plus 24 CIP projects going on that DPW conducts site visits at.

Ms. Saunders said staff recommendation under State Statute 676:12 V giving Mr. Strickler four weeks to come into compliance, with no issuance of CO's during that time, and during that time the developer will work with the City to get a Clerk of the Works, and the PB can conduct a site walk.

Chris Strickler of SDJ Development said staff is representing him a very bad light and it's unfair. He said they pay Stoney Ridge \$1,500 to \$2,000 a month to conduct site inspections, adding the site is in the best condition it's been in in a long time.

Mr. Strickler told the Board all the drainage is working properly, lots 119, 10, and 14 don't have any issues with drainage.

Mr. Strickler said holding CO's is unjustified, and he said he believes they are in full compliance.

Ms. Saunders read the following letter addressed to the Board:

Hello,

I would like to convey a message to the Rochester Planning Board. I am the Realtor representing the buyer for 8 Eisenhower Drive as well as his spouse.

We have been under contract since July 2020 and were set to close on 10/01/2020. There have obviously been delays but the house was finished weeks ago. The house received its final inspection and passed.

Shanna sent me the letter the city addressed to Chris Strickler of SDJ Development. I have also read his response to the city. According to the information I have it appears to be somewhat confusing as to the disconnect between the developer and the city.

We would like to convey the hardships the delay is causing our family. We understand there is more work to be done regarding the drainage issue; however, it is our understanding this work was to be done soon. The project is bonded as well.

Since Covid, my husband has been working remote (like many). However, our current residence is not suited for this. We have also recently had our fourth child but had planned to have already moved in time for her arrival. Our house is small and does not accommodate a family of six and a full-time working father (not to mention I also work out of the home).

Another very important issue for us is our rate lock. We are currently locked in at 2.375% and just did a 30 day extension (\$1800). This extension is up this Friday, April 9th. We do not know if we can extend this and for how long (every 7 days is another \$500). The extra money this will cost our family over the life of our loan is tremendous. We are willing to close knowing the developer has more site work to finish.

We ask the developer and city to resolve this issue as soon as possible. The hardship this is causing our family is great-both financially and causing our daily life many struggles. We ask you please consider granting the CO for our property.

Thank you,  
Melissa Spaulding, REALTOR®  
Better Homes and Gardens The Masiello Group  
2 Center Street, Suite B, Exeter, NH 03833

Michael Heinemann, in-person public attendee, said he's under agreement to purchase 13 Eisenhower Drive but has been living at Holmewood Suites in Dover. He said in December his family relocated to New England for a job, he was promised a closing date of January 14<sup>th</sup> by Mr. Strickler. Mr. Heinemann said he's been living in a hotel since then. He asked the Board to issue to the CO's.

Ms. Saunders told the Board the City did not receive the request for a CO until March 16<sup>th</sup>, making it clear the City hasn't been holding up the CO since January.

Ms. Dwyer said she drove through Highfield Commons over the weekend. She said she got out at a few places and had some concerns about a few things. She said sections of the silt fence on 119 Fillmore are not up properly and not holding properly. She going down Fillmore around lots 321 and 326 where she saw the silt fence was not stable enough, there were tears. Ms. Dwyer went on to say she spoke to the homeowner at 119 Fillmore, on the Eisenhower side. They do not own the entire side of the lot and there is a lot of erosion that has already happened.

Mr. Sullivan asked if the March 30<sup>th</sup> letter was based on an inspection that Public Works conducted. Ms. Saunders explained the March 24<sup>th</sup> pictures in the letter were from a Planning Department site visit but an inspection report was not yet put together. Mr. Sullivan asked when the last time Public Works conducted a site inspection. Assistant City Engineer Tim Goldthwaite told the Board it would have been around March 9<sup>th</sup>; adding they are only able to get there two to three times a month. He said there is quite a bit of work that happens that Public Works does not see. Mr. Goldthwaite said they do try to get there after rain events or a heavy thaw or in response to a complaint.

Mr. Sylvain said over a number of years the Board has discussed the stockpiles. He asked when some of the stockpile will be removed. Mr. Strickler explained the stockpile on the right, which is part of the existing conditions plan has shrunk by half to two-thirds. He said there is a fair amount of material that occupies three lots, which has been matted. Mr. Strickler went on to say they are in the process of engineering phase III and the material is needed to fill the proposed road. He said the stockpile at the end of the road is designated for phase IC, and the stockpile on the left is loam which he said will be processed this month. Mr. Sylvain said there is now a berm going toward Walnut Street behind all the houses. Mr. Strickler said the berm is going to eventually run parallel to Eisenhower all the way up.

Mr. Sylvain said we the Board and a developer make an agreement, both sides need to make sure it's adhered too.

Mr. Fontneau said he feels the Board needs to take some type of action ASAP in order to get the two homeowners into their homes.

Chief Planner Seth Creighton told the Board there is a note on the existing conditions plan as well as the approval that says the stockpile in question is to be moved from the current location to a higher location. He said that has not happened and is one of the reasons they are out of compliance.

Ms. Dwyer said the Board, Staff, and the developer need to work together and be proactive.

*A motion was made by Mr. Sylvain and seconded by Ms. Dwyer to approve the Certificate of Occupancy for only 8 and 13 and are to be issued by Wednesday afternoon. No other CO's are to be issued. The motion carried unanimously by a roll call vote.*

The Board discussed and set a site walk for Thursday April 15<sup>th</sup> at 5:30pm with Public Works and the Planning Department.

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## VII. Consent Agenda

### A. David & Janet Kondrup, 64 & 66 Lowell Street

Ms. Saunders told the Board the square footage and frontage of each lot meets requirements per its zone. She said staff recommends the Board accept the application as complete, and approve the application.

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

## **VIII. New Applications**

### **A. Marybeth & David Walker and Norman Roberge, 30 & 54 Brock Street**

Mr. Walker recused himself. Mr. Sylvain appointed Mr. Hamann to vote in Mr. Walkers place.

Joel Runnals of Norway Plains Associates presented the lot line revision plan. He explained there is a right-of-way for the waterline to connect to the Fairgrounds and a drainage easement.

Ms. Saunders said the applicant is requesting a waiver from Subdivision Regulations 4.2.6 and 4.2.8 regarding topo and wetlands.

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

Ms. Saunders reviewed the conditions of approval.

*A motion was made by Mr. Collopy and seconded by Mr. May to close the public hearing. The motion carried unanimously by a roll call vote.*

*A motion was made by Mr. Collopy and seconded by Mr. May to approve the waiver request and application with conditions set forth. The motion carried unanimously by a roll call vote.*

### **B. Meredith Walters, 43 Betts Road**

Mr. Runnals explained the proposed subdivision is to build a single family residential home with a driveway, well, and septic system that will have frontage on Cross Road.

Mr. Runnals said they are requesting a waiver from delineating the entire 25 acre parcel.

Ms. Saunders said Staff recommends the application be accepted as complete.

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

Ms. Saunders went over the conditions of approval.

Mr. Sylvain opened the public hearing. No one from the public was present to speak; he brought the discussion back to the Board.

*A motion was made by Mr. Collopy and seconded by Mr. Walker to close the public hearing. The motion carried unanimously by a roll call vote.*

*A motion was made by Mr. Walker and seconded by Ms. Dwyer to approve the 2-lot subdivision and waiver request with the conditions set forth. The motion carried unanimously by a roll call vote.*

### **C. Laperle Family Revocable Trust, 60 Haven Hill Road**

Scott Lawler of Norway Plains Associates explained the proposed 5-lot subdivision with new road. He said the parcel is approximately 25.6 acres which is mostly wooded and has a large wetland complex that cuts through about one third of it.

Mr. Lawler said the proposed lots are between 1.4 to 1.7 acre lots with the remaining land being conveyed to the single lot at the end of the cul-de-sac.

He went on to say there will be open and closed drainage systems throughout the development and the plans depict drainage easements throughout.

Mr. Lawler said each lot will have individual well and septic systems and as required by the Fire Department the homes will be required to provide some means for fire suppression.

Mr. Lawler said they have met with the Conservation Commission for a Conditional Use Permit for jurisdictional wetlands as they are proposing to have approximately 2,100 square feet of direct wetlands impact and another 520 square feet of temporary wetlands impacts in order to remove and replace an existing culvert.

Ms. Saunders said Staff suggest approving the Conditional Use Permit. She said the Conservation Commission accepted the application for the impacts to the wetland buffers due to the proposed installation of the above ground stormwater system.

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

Ms. Saunders reviewed the conditions of approval.

Mr. Sylvain opened the public hearing. No one from the public was present to speak; he brought the discussion back to the Board.

*A motion was made by Mr. Walker and seconded by Mr. Collopy to close the public hearing. The motion carried unanimously by a roll call vote.*

Mr. Fontneau said proposed lot 10-13 doesn't look like it has very much buildable area. Mr. Lawler explained the lot meets the City's requirements of 3,000 square feet outside of the building setbacks and wetland buffers. He said there is ample room for a building and septic system without impacting the buffers.

Mr. Collopy clarified the Eversource easement, saying should there be an issue in the future Eversource has the right to access the poles. Mr. Lawler explained they have discussed the design with Eversource and they found having the easement placed within the cul-de-sac was the best location.

*A motion was made by Mr. Walker and seconded by Mr. Collopy to approve the Conditional Use Permit. The motion carried unanimously by a roll call vote.*

*A motion was made by Mr. Walker and seconded by Mr. Collopy to approve the 5-lot subdivision with the conditions set forth. The motion carried unanimously.*

### **D. Granite State Credit Union, 148 & 150 Farmington Road – Concept Review**

Mr. Lawler presented the preliminary site plan. He explained there are currently two residential properties with a shared driveway. Mr. Lawler went on to explain they are proposing to construct a 3,000 square foot bank branch with three drive-up isles, one being an ATM. He said they are proposing driveway access for the site onto Route 11 as well as Two Rod Road.

Mr. Lawler explained the stormwater for the development will be collected in a series of catch basins then discharged into a treatment swale which will then flow into an infiltration basin.

Mr. Sylvain asked where the location of the dumpster and snow storage are proposed. Mr. Lawler explained the locations on the plan.

Mr. Walker asked when a traffic light will be warranted for Two Rod Road because he is very concerned about exiting left onto Route 11. Mr. Lawler said the applicant has a traffic engineer who will have a full traffic report with the impacts this project will have. He went on to say in his experience he doesn't feel this addition will be enough to trigger the need for a light.

Mr. Walker stated his concern for having both access points being able to exit onto Route 11. He suggested making the direct access to Route 11 a right turn only. Mr. Lawler acknowledged that NHDOT recently upgraded that section to include a center turn lane.

Mr. Collopy agreed, and added it's a 50 mph zone and even though there's a center turn lane it can still be very dangerous.

Mr. Sylvain opened the public hearing. No one from the public was present to speak; he brought the discussion back to the Board.

### **E. EFI Express, LLC, 0 Tebbetts Road**

Brain Pratt of Fuss & O'Neil presented the site plan to construct two 6,000 square foot buildings for a high performance automotive facility. He explained they will have a 625 foot driveway which they designed to have the least wetland impact.

Mr. Pratt explained they will have a collection of deep sunk catch basins for stormwater and a number of infiltration basins and a bio retention pond.

Mr. Pratt said they are requesting a waiver to reduce the parking requirements. He went on to talk about the driveway width, saying TRG wanted a 20 foot driveway rather than 24 foot that was proposed. He said 20 feet is too narrow but they are willing to do 22 feet.

Mr. Pratt said the Conservation Commission was concerned about fluids they may have on site. He explained there will not be large amounts of fluids on site, it will just be five gallon or quart sized containers due to the nature of specialty vehicle they work on. They have a spill control plan and will have a spill kit on site.

Ms. Saunders told the Board there is an additional RV parking area with hook-ups on site, for race team RVs. She went on to explain the applicant will be going before the Zoning Board for the proposed security apartment because it exceeds the 800 square feet that is allowed.

Ms. Saunders said there is a conditional use permit for the wetlands impact, as well as two waivers. She said staff recommends approving the conditional use permit because the Conservation Commission reviewed it and recommends approval.

Ms. Saunders said staff supports the parking waiver request because there will be additional parking inside the building; the second waiver is for not submitting the signage design yet which staff supports as well.

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

Ms. Saunders reviewed the conditions of approval.

Mr. Collopy asked if they only work on race cars or if someone can take their stock car and have it upgraded to high performance, street legal. Marc Swanson of EFI Express said they service both. He said they don't condone unlawful activity on the streets.

Mr. Fontneau said he is concerned with noise that will come from the site. He asked if the buildings will be sound proofed. Mr. Swanson said they will have sound suppressors on the Dyno bay. Mr. Pratt added the buildings have been placed to shield residential homes to the south from the parking lot and the maintenance bays have been pointed to the north facing the highway.

Mr. Walker asked how high the roof will be. Mr. Pratt said it will be 18 feet 9 inches and slopes to 14 feet on the narrow side.

Ms. Dwyer said she's not comfortable giving approval to a project the Board hasn't seen architectural renderings for.

Mr. May asked for clarification on the issue with the driveway width. Ms. Saunders said it is in relation to the MS 4 permit, the Department of Public Works brought up the issue regarding reduction to impervious surface.

Mr. Sylvain opened the public hearing. No one from the public was present to speak; he brought the discussion back to the Board.

*A motion was made by Mr. Walker and seconded by Mr. Collopy to continue the application to the May 3, 2021 meeting to gather more information on the driveway width and to get architectural and building elevation renderings. The motion carried unanimously by a roll call vote.*

## **IX. Other Business**

### **A. Planning Update**

Ms. Saunders did not have an update for the Board.

### **B. Other**

There was a brief discussion regarding motions.

## **X. Adjournment**

*A motion was made by Dwyer and seconded by Mr. Walker to adjourn at 9:51 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 Works and Buildings Committee**  
**City Hall Council Chambers & Virtual**  
**Meeting Minutes**  
**April 15, 2021**

**MEMBERS PRESENT**

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

**OTHERS PRESENT**

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

**MINUTES**

**Councilor Walker read the following statement:**

Good Evening, as Chairperson of the Public Works Committee, I am declaring that an emergency exists and I am invoking the provisions of RSA 91-A:2, III (b). Federal, state, and local officials have determined that gatherings of 10 or more people pose a substantial risk to our community in its continuing efforts to combat the spread of COVID-19. In concurring with their determination, I also find that this meeting is imperative to the continued operation of City government and services, which are vital to public safety and confidence during this emergency. As such, this meeting 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](mailto:lisa.clark@rochesternh.net) (*must be received no later than 4:00 pm of meeting date*)
- **Voicemail:** 603-335-7572 (*must be received no later than 12:00 pm on said meeting date in order to be transcribed*)

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

In addition to the above listed public access information, **the City Council will be allowing the public to enter Council Chambers and speak in person during the Public Input portion of this meeting.** In an effort to adhere to CDC guidelines: enter only at the front

Wakefield Street entrance and exit on the side closest to the police department and adhere to 6-foot social distancing while inside. Hand sanitizer and facemasks will be available at the Wakefield Street entrance. Participants will be admitted into Council Chambers one at a time to speak, and will exit directly thereafter. Please note; the seating in Council Chambers will not be available for the public during meetings.

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

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

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

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

The roll call:

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

## 1. **Public Input**

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

## 2. **Crosswalk 105 North Main Street**

Mr. Nourse displayed the crosswalk project area on the monitors. He stated that the project to install a Rectangular Rapid Flashing Beacon (RRFB) Pedestrian Crosswalk System had gone out to bid with no responding bidders. He stated that the Department is looking to complete the project with our Contracted Services Vendor and that they had provided an estimate of \$73,500 for the project. Mr. Nourse stated that he had also discussed this with the City’s traffic signal maintenance contractor, and he stated that both contractors have suggested that this is difficult project. He stated that there are two key elements to the project. The first is to install rapidly flashing beacons, either hard wired or solar, and the second is to install the lighting to illuminate the crosswalk per the current Federal Highway standards. Mr. Nourse stated that the electrical work is approximately \$38,000 and is about equal to the remaining appropriation for this project. He stated that in house staff cannot complete the work. Mr. Nourse presented options to consider to complete the safety improvements as planned. He stated that to go with the hardwired RRFB and the planned street light relocations & modifications the estimate from our Contracted Services vendor would be about \$75,000 and would require a supplemental appropriation of approximately \$37,000, or the City could go to go solar

power for the RRFB with a cost savings of approximately \$10,000. He stated that if the Committee wants to continue with the project as originally planned he would recommend the hardwired option. Mr. Nourse presented 3 other options for consideration that would not require additional funding. Option 1 is for solar powered RRFB's and leave the lighting as is. He stated that NHDOT encourages but does not require that the lighting be upgraded or moved for existing crosswalk improvements. Option 2 is to move the street lights to better illuminate the crosswalk and install signage that was previously removed. The removed signs were displayed on the monitors. Mr. Nourse explained that in 2017 a pavement markings and crosswalk study was completed in the downtown and that study recommended approximately 38 signs for installation. The Council and the DPW agreed to put up some of the recommended signs, but later decided to remove them. Mr. Nourse stated that Option 3 would be to install a sign with a solar powered flashing border and not do anything with the lighting. Councilor Walker stated that it was a full Council decision to install the RRFB's and he suggested going with the solar powered option.

***Councilor Gray made a motion to recommend the full City Council authorize Option 1 to install the solar powered RRFB and to delay the lighting change. Councilor Hamann seconded the motion.*** The roll call:

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

### **3. DPW Facility Update**

Mr. Nourse displayed pictures of the new facility in progress. He stated that roof is completed over the vehicle storage, shops and administration areas. He stated that the window installations and the sheet rock is in progress. Slabs and radiant floor heating is in progress in the shop spaces, the rough mechanical, electrical and plumbing is progressing with necessary inspections as required. He stated the furnishing bid is being evaluated and meetings with vendors are scheduled for the week of 4/26/2021. Mr. Nourse stated that the project is approximately 55% completed and the contingency is at approximately 77% remaining. Councilor Rice asked if a plow structure for display at the site had been located. Mr. Nourse stated that he has found a vendor in Limerick ME that has several of the older v-plows and he will be making a visit to that location soon. Old DPW - Mr. Nourse stated that the City Council had authorized the use of Economic Development funds for the Phase 2 Environmental Site Assessment at the 45 Old Dover Road property. Since that approval he has been made aware of a Brownfields Grant that may cover the cost of both Phase 1 & 2. Mr. Nourse stated that he plans to get the Phase 1 Assessment completed with existing funds and then use the grant funds for the more costly Phase 2 Assessment. He stated that the grant may not cover some of the site investigation if associated with some petroleum hazards. The plan is to use the grant for allowable expenses and to use the Economic Development Funds for the remainder. Councilor Walker inquired about the time frame of the investigation. Mr. Nourse stated that Phase 2 would be during the summer 2021.

### **4. DPW Engineering Division Staffing Structure**

Mr. Nourse stated that included in the City Manager's Proposed FY2022 Budget is a new Assistant City Engineer Position. He stated that there are currently two Assistant City Engineer's and that the request is for a third one. Mr. Nourse stated that he would like to inform the Committee of the need for this position. He discussed and read a memo outlining functions and responsibilities for the City Engineer and for the Assistant City Engineers. He displayed letters of support from both Economic Development and from the Planning Department as well as a work flow chart. (See Attachments). Mr. Nourse discussed the increase in responsibilities due to the new Wastewater NPDES & MS4 Permits as well as the significant increase in private development and economic development demands on staff. Councilor Walker stated that he and others understand the requests. He stated his support for the requested position and suggested an additional part-time position for site inspections of private development. Councilor Hamann requested that the Director send the Committee copies of the presented slides. Councilor Gray stated that this position would be evaluated with all other financial impacts during the budgetary process and stated that he was unsure of what he can support until then. Councilor Rice agreed that the need is definitely there and he agreed that we would have to look at the numbers during the budgetary process. Councilor Hamann voiced his support for the position stating that his understanding of the MS4 and other EPA impacts alone would justify the full time position and he agreed that the part-time position for private development inspections is necessary as well. The Committee suggested that Mr. Nourse complete a write up for the part-time position and submit it to the City Manager for discussions during the budget process.

#### 5. **Other**

**Linscott Court** – Councilor Gray stated that he had been contacted by the Grace Community Church in regards to the City turning over ownership of the City Street to their use. He stated that he had informed them that he would not be supporting this as he believes there may be future need for the street should the old Ben Franklin sight be re-developed and due to the City's utility infrastructure locate in the roadway. Councilor Rice stated he is neither in favor nor not in favor at this time. He stated that this probably should be discussed at the full City Council level and there is no haste to make a decision. Councilor Hamann stated that there are both above and below ground utilities that would require easements. Councilor Walker stated that due to the locations of City's infrastructure he was not in favor at this time. Councilor Gray stated that he would suggest to the Pastor that he watch this meeting video to get a sense of the City Council concerns regarding the issue.

**Isabella Lane** – Councilor Rice stated that he had received a call from a resident on Isabella Lane regarding an up tick in trucks hauling fill into an area on this street. Her concern was in regards to wetlands and someone dumping fill. He stated that he had referred the resident to planning and DPW.

**Katie Lane** – Councilor Hamann asked if there was any further word on the drainage concern that was discussed at the site walk off Katie Lane. Mr. Nourse stated that he had walked the site with the contracted service contractor and reviewed the area. Mr. Nourse stated that he had issued a purchase order this week for the wetland delineation survey. He stated once this is completed we should be able to see what may be able to be done in the area. Councilor Hamann asked that the Director keep the abutters aware of what is being done.

**Household Hazardous Waste Day** – Mr. Nourse informed the Committee that the Household Hazardous Waste Day Event is scheduled May 1, 2021 from 8:30AM to 12:30PM.

**Strafford Square Utility Relocation Project** – Mr. Nourse informed the Committee that there are 2 prequalified bidders for this project and that the bids are scheduled for opening on May 6, 2021.

**Hydrant Flushing** - Mr. Nourse stated that hydrant flushing will begin on April 29, 2021. He stated that this program will be running for several weeks and anyone experiencing water quality or water pressure issues should call the DPW at 332-4096.

**Rt. 11 Roadway** – Mr. Nourse stated that Strafford Regional Planning Policy Committee carried a vote to include the Rt.11 Capacity Project in the 10 year plan. This would make construction possible at the tail end of the plan, possibly 2030-2031.

**TAP Grant Portland Street Sidewalks** - The project submitted for 6500 feet of sidewalk on Portland Street has received a score of 2 out of 3 at the Strafford Regional Planning Technical Review Committee and it will go to the Policy Committee tomorrow, and then on to NHDOT.

**Community Development Program** – Mr. Nourse stated he had met with the Congressional Delegation in regards to the Community Development Program and he presented the projects as discussed at last month's meeting. The Congressional website should be populated with the 10 projects they are supporting soon. He will let the Committee know what Rochester Projects may have made the list once it is published.

**Construction Cost Prices** – Mr. Nourse stated that he has mentioned previously and is mentioning now that the Construction Cost Index is escalating and that he expects a spike in construction cost. He stated that there are several large projects going to bid this spring and summer and he stated his concern for the budgets.

**Spaulding Turnpike Sound Wall** – Mr. Nourse reminded the Committee of the NHDOT construction project to build sound walls along the Turnpike in the area of the toll booth. He stated that the City is completing an assessment to ensure that this will not cause issues with the City water and sewer in the area.

**State Aid Grants (SAG)** – These grants are for Clean Water Infrastructure Projects and the City has about eight projects that receive about \$150,000 per year from this program. He stated that NH House Bill 2 indicates a lack of funding for the program and a return to delayed and deferred status. This would mean no new projects would be funded and current funding to be suspended. The review also stated that the State Aid Bridge Project annual \$1.6 million increase would not be funded.

**New Facility Site Walk** - Councilor Walker asked for a scheduled site walk for visit for the new facility. The Committee decided on Tuesday May 4, 2021 at 4PM

*Councilor Hamann made a motion to adjourn at 7:56 pm. Councilor Gray seconded the motion.*

The roll call:

<b>Councilor Rice</b>	<b>Ward 5</b>	<b>Yes</b>
<b>Councilor Hamann</b>	<b>Ward 5</b>	<b>Yes</b>
<b>Councilor Gray</b>	<b>Ward 6</b>	<b>Yes</b>
<b>Councilor Walker</b>	<b>Ward 4</b>	<b>Yes</b>



## City of Rochester, New Hampshire

PUBLIC WORKS DEPARTMENT

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Fax (603) 335-4352

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### MEMORANDUM

---

**TO:** Peter Nourse, PE - Director

**FROM:** Tim Goldthwaite, PE – Assistant City Engineer  
Dana Webber, PE - Assistant City Engineer

**DATE:** March 1, 2021

**SUBJECT:** Private Development Inspections

**CC:** File

---

We have developed this memorandum to summarize the duties of the Assistant City Engineers and describe our limitations with respect to field inspections and observation of private development construction.

The Assistant City Engineers support the planning and economic development department through the Technical Review Group (TRG) process and construction site inspections. On a monthly basis, from the application process, review and approval through to construction and occupancy, we can spend 25% to 50% of our time on duties related to private development, depending on the current level of planning department applications, permit applications, CO requests and active construction work.

The smaller developments and site plan modifications are typically inspected once a month unless there are known activities. The larger developments entail networks of roads and underground infrastructure that may be constructed over a period of several weeks or months. Infrastructure may be installed and backfilled daily without inspection. On these types of projects, the City **attempts** to visit the site at least once per week during the active construction season and **attempts** to be present at the following milestones:

- water main installation, bedding and backfill and compaction
- sewer forcemain and gravity sewer installation, bedding, backfill and compaction
- drainage pipe installation, bedding, backfill and compaction
- water meter vault installation, if applicable
- sewer pump station installation, testing and start-up, if applicable
- water and sewer line testing
- roadway sub-base materials and compaction



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- grading prior to binder course
- curb installation inspection prior to binder course
- sewer manhole inspection and testing
- catch basin and drain manhole inspection
- stormwater management BMPs construction
- liner installation for ponds, swales and gravel wetlands
- material layers in biofilters and infiltration basins
- erosion and sedimentation controls (ESC) installation – prior to excavation
- maintenance of ESC during construction
- post-rain event inspection of ESC and stormwater management
- stockpile management inspection
- winter conditions preparation and compliance
- inspection of binder course, curbing, sidewalks, grading and drainage prior to final paving

Due to workload and constantly varying priorities, the Assistant City Engineers are unable to inspect private development projects to extent required to ensure conformance with City standards. For instance, a Contractor may spend a week installing water main but only a small portion is inspected over a few hours. ***Likely less than 20% of all buried infrastructure is inspected.*** In some cases, daily visits would be warranted to ensure Contractor's work is satisfactory. On subdivision projects that will be accepted as City streets, the developer should be required to fund a Clerk of the Works to ensure that the road, stormwater best management practices and associated utility infrastructure is constructed in accordance with the approved plans.

After-the-fact inspections can lead to work needing to be redone or problems arising after the development is complete and accepted by the City. Sites are prioritized by the degree of complexity, activity, confidence in the contractor and known problems with contractor's work. Occasionally residents or City personnel will identify concerns and these projects will be inspected more frequently, taking time away from other inspections of active construction.

The Assistant City Engineers also review and issue DPW permits that may require a pre-approval site visit or follow-up inspection. These include:

- Stormwater/Drainage permit
- Excavation permits
- Water connection permit
- Sewer connection permit



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- Sewer assessment fee review
- Driveway/Curb Cut permit
- Demolition Permit
- Sidewalk Obstruction permit

In particular, excavation permits should be followed with inspection of the finished trench patch, curb and sidewalk repair, restoration of grading and other surface repair to ensure City right-of-way and infrastructure have been returned to pre-excavation condition. Other than water and sewer connection permits which are inspected by DPW-Utilities Department personnel, the Assistant City Engineers rarely have time to inspect other DPW permits.

In addition to duties that support permitting, planning department and economic development, the Assistant City Engineers support the City Engineer with capital improvement project development and implementation. The capital improvement projects are in various stages of planning, design and construction. Duties provided include records research, meetings, site visits, permitting and design document review, communication and coordination with consultants, contractors, residents, other departments and state agencies.

The following capital improvement projects and infrastructure programs are in various stages and are supported by Dana:

- Woodman Area Improvements
- Route 202A Water Tank and Water Main Extension
- Wakefield Street Improvements
- River Street Pump Station
- Route 11 Pump Station
- Tara Estates Pump Station
- Residuals Management – Attenuation Tank
- Residuals Management – WTP Residuals Flowmeter Manhole
- Sewer System Master Plan
- I/I Identification and Elimination
- Wastewater Pump Station Remote Monitoring Upgrade
- Round Pond Augmentation
- Watershed Management

The following capital improvement projects and infrastructure programs are in various stages and are supported by Tim:





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- Strafford Square Roundabout
- Colonial Pines Phases 3 (Phases 1 and 2 completed)
- Yearly City Paving program
- Yearly City Sidewalk reconstruction program
- Comcast city wide street build-out including downtown.
- Yearly Unitil city wide gas line infrastructure build-out
- Water Connection Backflow-Prevention device permitting
- Granite Ridge – Phase 2 development
- Shaw Drive- Granite State Business Park water main loop.
- City MS4 permit program
- Rochester Neck Road realignment project (complete).

### Additional duties of the Assistant City Engineers:

- Respond to resident calls and concerns
- Assist with City records research for utility companies, developers, contractors, engineering consulting firms and private residents.
- Water/Sewer connection licensing of Contractors
- Project surety review for site and subdivision projects
- Certificate of Occupancy review

In conclusion, additional support may be necessary to ensure appropriate level of infrastructure inspection while continuing to perform all the other duties of the Assistant City Engineers. In addition, we understand that stormwater and wastewater regulations are expected to significantly increase the inspection and reporting duties that may be assigned to Assistant City Engineer position.



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

Peter Nourse  
Director of City Services  
Department of Public Works  
City of Rochester, New Hampshire  
45 Old Dover Road  
Rochester, NH 03867

March 22, 2021

**Re: Public Works FY 2022 request for Assistant Engineer**

Director Nourse:

The Department of Economic Development is expressing its support for your request for an Assistant City Engineer.

For the continued growth of the City's business base, and to continue to make Rochester a business destination, we will require infrastructure that is readily available, readily expandable and of the highest quality.

History has shown that a lack of resources for construction inspection has resulted in infrastructure problems that the City must remedy once such infrastructure is accepted by the City. It is paramount that good roadways, as well as sewer and water services, be ensured to promote continued economic growth within the City.

We continue to see consistent inquiries into the potential development opportunities within Rochester. To be competitive with our neighboring communities the City will require readily available or readily expandable infrastructure.

The City needs your department to be resourceful, flexible, and innovative to ensure the infrastructure needs of our current and future businesses.

For the above reasons, the Department of Economic Development supports your request for a new Assistant Engineer.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Scala", written over a horizontal line.

Michael Scala  
Director, Economic and Community Development



**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](http://www.rochesternh.net)

Planning Board  
Conservation Commission  
Historic District Commission  
Arts and Culture Commission

March 22, 2021

Peter Nourse  
Director of City Services  
Department of Public Works  
City of Rochester, New Hampshire  
45 Old Dover Road  
Rochester, NH 03867-3445

**Re: Public Works FY 2022 request for an Assistant Engineer**

Dear Peter,

This letter serves to exemplify the Planning and Development Department's support for the Public Works Department's request for an Assistant City Engineer position.

Private development is on a steep rise in Rochester. It is critical to the quality of life of the residents and businesses of our growing community that public infrastructure be designed and built to the highest industry standards. Limited City construction inspection resources over the years have resulted in private development infrastructure issues in the City, issues of which the City and its new residents must deal with long-term. Substandard infrastructure such as pavement, sidewalks and utilities result in a long-term issues for the City. It is critical that quality construction be assured. Now more than ever, we need additional resources for these important inspectional services.

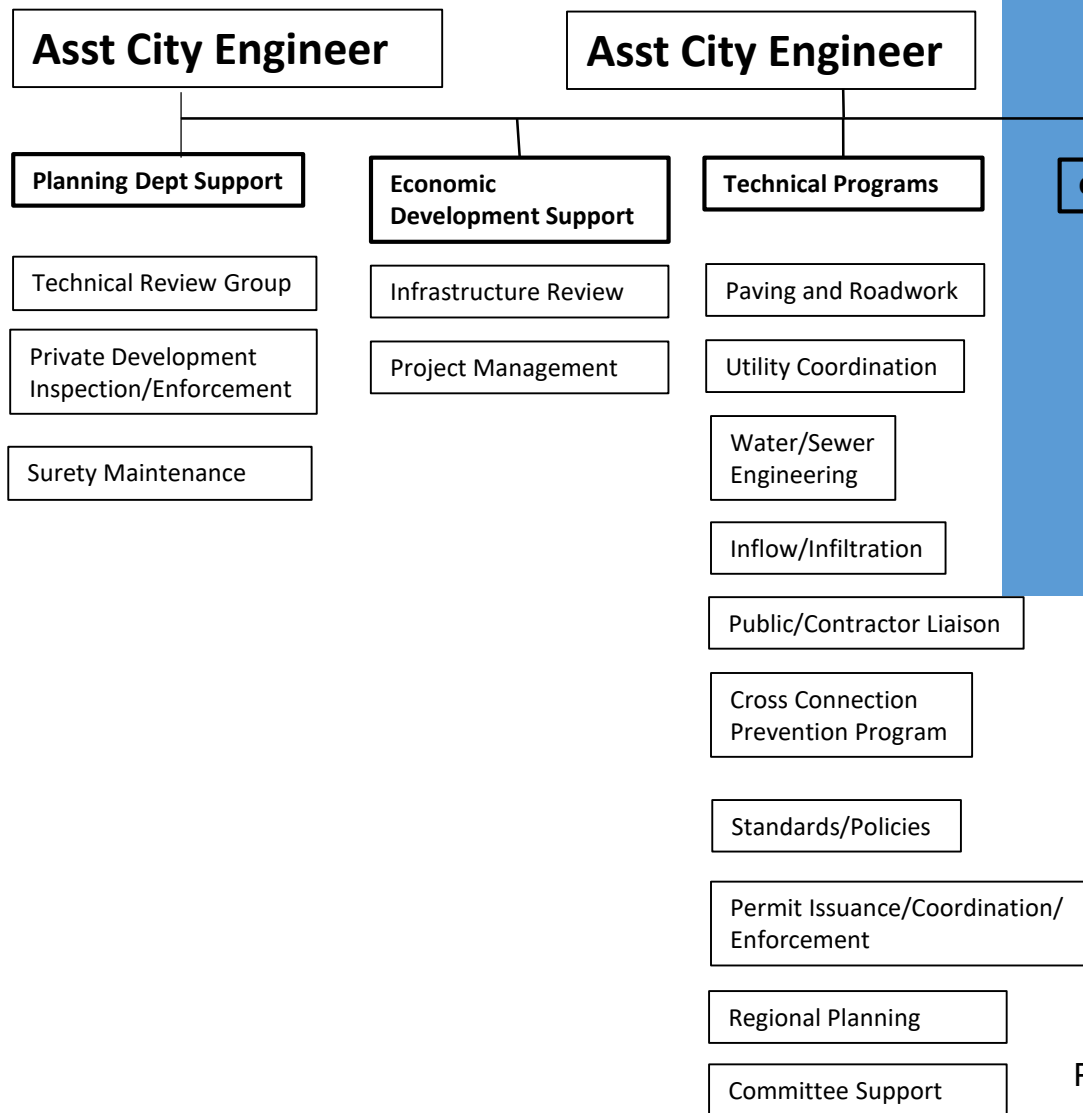
We anticipate a continued rise in development and although by statute, the City may require private developers to retain construction surveillance resources, such programs, across many projects must be overseen and coordinated at City staff level. We believe that if such services are performed by the City, with City Staff, we are assured that construction practices are observed with no bias towards the developer, and in the best interest of the City.

For those reasons we urge you approve the requested funding for this Assistant Engineer position.

Sincerely,

  
Shanna B. Saunders  
Director, Planning and Development

# DPW Engineering Division: current alignment of functional duty areas



City Engineer

Capital Program

CIP Project Management

7 of 8 Pages - Attachment to  
PWC Meeting 4/15/2021  
04/29/2021

Environmental Compliance

Agency Liaison: EPA, NHDES, etc.

EPA Nitrogen  
General Permit  
Compliance

EPA Phosphorus  
Permit  
Compliance

EPA MS4  
Stormwater Permit  
Compliance

Remediation/  
Monitoring  
Projects

Great Bay Ambient Monitoring Programs

CIP  
Stormwater  
Engineering

Plant Upgrades/ Engineering Management

Non-Point Source Nutrient Reduction Programs Execution and  
Compliance

Monitoring and Reporting

Asst City Engineer

Planning Dept Support

Technical Review Group

Private Development  
Inspection/Enforcement

Surety Maintenance

Economic  
Development Support

Infrastructure Review

Project Management

Technical Programs

Paving and Roadwork

Utility Coordination

Water/Sewer  
Engineering

Inflow/Infiltration

Public/Contractor Liaison

Cross Connection  
Prevention Program

Standards/Policies

Permit Issuance/Coordination/  
Enforcement

Regional Planning

Committee Support

Functional areas shaded are directly executed by the City Engineer. City Engineer has oversight of the duties directly beneath the Assistant City Engineers.

# DPW Engineering Division: proposed alignment of functional duty areas

City Engineer

Capital Program

Public Safety  
Committee

Engineering  
Consultant  
Management

8 of 8 Pages - Attachment to  
PWC Meeting 4/15/2021

04/29/2021

Emergent, Hi-  
Profile Econ  
Development  
Projects

Asset  
Management  
Program

Interagency/Inter  
departmental  
Coordination

Asst City Engineer

Asst City Engineer

CIP Project Management

**Asst City Engineer - NEW**

Technical Programs

Paving and Roadwork

Utility Coordination

Water/Sewer  
Engineering

Inflow/Infiltration

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Cross Connection  
Prevention Program

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CIP  
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Engineering

Plant Upgrades/ Engineering Management

Non-Point Source Nutrient Reduction Programs Execution and  
Compliance

Monitoring, Tracking and Reporting

New Assistant City Engineer's primary focus  
will be Environmental Compliance and  
assisting other Assistant City Engineers with  
Planning Dept support and other duties as  
assigned.

Presented to Public Works Committee 2021

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



# City of Rochester, New Hampshire

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## MEMORANDUM

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**TO:** Peter Nourse, PE - Director

**FROM:** Tim Goldthwaite, PE – Assistant City Engineer  
Dana Webber, PE - Assistant City Engineer

**DATE:** March 1, 2021

**SUBJECT:** Private Development Inspections

**CC:** File

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**Public Safety Committee  
Meeting Minutes  
April 21, 2021  
6:00 PM  
Council Chambers  
Meeting Conducted Remotely**

**Members Present**

Councilor Don Hamann, Chair  
Councilor Palana Belken  
Councilor Peter Lachapelle  
Councilor Chris Rice

**Members Absent**

Councilor Jeremy Hutchinson

**Others Present**

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

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

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

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

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

**In addition to the above listed public access information, the City Council will be**

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

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

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

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

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

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

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

## 1. Public Input

There was no members of the public present.

## 2. Nottingham Lane-Speeding Issue-Requesting Speed Limit Sign (kept in Committee)

Councilor Hamann summarized the issue. Deputy Chief Boudreau sent an email to the councilors regarding Nottingham Lane speeding issues and attached a few videos that a resident had taken with the speeding problems. The speed trailer was placed on Nottingham Lane back in 2019 and the average speed was well below the 30 mph. The speeding issue seems to be associated with a couple of residents. He stated he spoke with one of the residents and the neighborhood would like the speed limit lowered to 25 mph. Councilor Hamann said he really doesn’t want to start a precedent with lowering the speed limits. Councilor

Lachapelle said one of the reasons this was held over was so they could look into the site plan to see if a speed limit sign was in the site plan specifications for this area. He stated he does not want to start a precedent on the dead ends, cul-de-sacs as other will want the same. Councilor Rice does not want to set a precedent. He stated if all the cul-de-sacs are reduced to 20 or 25 mph, they may be doing 15 mph but in this environment it might look faster, and he suggested this would put an added work load onto the Police Department and Patrol Officers. Councilor Hamann stated that he he lives on a cul-de-sac and there are kids on it. He stated that the Police are keeping an eye on this and in the future if it becomes an issue it can be revisited and the citizens and if needed the residents could pay for the sign cost. Councilor Hamann asked how much a "speed limit" sign would cost. Mr. Bezanson said he didn't know the exact cost but would be under \$100.00. Councilor Rice said this item should be removed from the committee and turned over to the Police Department as they are the experts.

### **3. Streetlight Request Intersection of Chestnut Hill Road & Elmo Lane (kept in Committee)**

Councilor Hamann summarized the issue. Mr. Bezanson said that this was kept in committee from the last meeting to get the cost for installing the pole and cobra head light install. He further stated that there is a pole at the intersection already. Mr. Bezanson stated that he received the cost estimate from Eversource and it is really a 2 step process; first the cobra and wiring will cost about \$200 this particular pole has the right powering cable, if it wasn't it would be extra, and second the LED fixture that the City provides. He stated that there are different wattages, usually the City uses 25 or 60 watt bulbs, occasionally 40 and 100. They range between \$100 and \$150 so the full cost is estimated at \$500.00. Councilor Rice asked if the streetlight policy was 3 poles in between each of the lights. Mr. Bezanson said yes, it is 3 poles between lights and at intersections. He stated that this policy had been in effect for many years. Councilor Rice asked if anyone has talked to the people in the house on the corner about the light being installed to see if they wanted one. Councilor Hamann said he hasn't heard anyone complain about a streetlight being installed. Councilor Lachapelle asked if this City Street or a Class 6 road. Mr. Bezanson said yes it is a Class 6 road which is owned by the City but unmaintained. Councilor Lachapelle asked Mr. Bezanson what would be your recommendation. Mr. Bezanson said it is an intersection and the policy is silent on Class VI Roads. He stated he could recommend a light in this location. ***Councilor Rice made a motion to recommend DPW install a streetlight at the intersection of Chestnut Hill Road and Elmo Lane. The motion was seconded by Councilor Belken.*** Councilor Lachapelle asked if the motion was for the requestor to pay for the streetlight or the City. Councilor Rice stated it was for the City to pay.

#### ***A Roll Call vote was taken on the motion***

<b>Councilor Lachapelle</b>	<b>Ward 3 Yes</b>
<b>Councilor Rice</b>	<b>Ward 5 Yes</b>
<b>Councilor Belken</b>	<b>Ward 2 Yes</b>
<b>Councilor Hamann</b>	<b>Ward 5 Yes</b>

#### 4. Near 201 Chestnut Hill Road-Signage Request-“Blind Driveway” & “Deer Crossing” Signs or Similar Signage

Councilor Hamann summarize the issue of the Blind Driveway sign & Dear Crossing request. Councilor Hamann stated that he had not been out to the location. He further stated that “Blind Driveway” signs are typically are paid for by the requestor. Councilor Rice stated that there is an existing blind driveway prior to the curve near the new DPW Facility on Chestnut Hill Road. He stated that the driveway does sneak up on you. Councilor Rice said he is not in favor of removing that “Blind Driveway” sign. Councilor Hamann asked if there was one in the other direction and stated he did not think one was needed coming the other way. Mr. Bezanson said Councilor Rice was correct there is a sign out there. He also said that similar to the “Children at Play” sign the MUTCD doesn’t provide a warning sign example for a blind driveway, but many states set their own standard. He further stated that the preferred text for this type of signage is “Hidden Driveway”. Mr. Bezanson stated that prior to installing this type of sign every effort to clear the appropriate sight distance should be made and all appropriate speed limit signs should be installed. He stated that speed is not a reason to install a “Hidden Driveway” sign. Mr. Bezanson stated he is recommending the sign be re-installed as a “Hidden Driveway” sign as there is limited sight lines at the location and he recommends that the cost be paid by the City as there was a previous sign that was struck by a vehicle and removed. Councilor Rice said that in the last 6 months he has had 3 complaints for speeding on Chestnut Hill Road. He stated he had discussed this with the Chief as he is concerned that when the new DPW Facility is up and running there will be Police getting fuel at the new facility so there will be more Police patrol on the road. Councilor Rice asked if there was a plan to have the speed trailer out there in the interim. Deputy Chief Boudreau said Chestnut Hill Road has always been an issue with speeding. He stated that they can put the speed trailer out and will try to get more Police to spend time on the upper end by the connector. ***Councilor Hamann made a motion to recommend installing a “Hidden Driveway” sign at the expense of the City Chestnut Hill Road. The motion was seconded by Councilor Lachapelle. A Roll Call vote was taken on the motion.***

Councilor Lachapelle	Ward 3 Yes
Councilor Rice	Ward 5 Yes
Councilor Belken	Ward 2 Yes
Councilor Hamann	Ward 5 Yes

#### 5. Portland Street-Safety Concerns Near Curve, Portland, Pearl and Cocheco Avenue

Councilor Hamann summarized the issue stating that he believed this was the area of the triangle area of East Rochester. Mr. Bezanson that the traffic is coming from the south where there is a lot of pavement width he thinks the motorist are losing where the edge of the road is supposed to be and end up on the sidewalk. Councilor Hamann suggested striping it. Mr. Bezanson said maybe a dash line

where the edge of the road way is. Councilor Rice asked Mr. Bezanson if a "Slow Intersection Ahead" is a recognized sign according to the MUCTD. Mr. Bezanson said yes it is a typical orange diamond sign. Councilor Lachapelle asked Mr. Bezanson if there was any plans for reconstruction for this area. Mr. Bezanson there is not a plan in the CIP. He stated he does not know if there has been any significant crashes in the area. He said he was going to bring this up under "Other" as it may be an area to consider for a road safety audit if this meets the criteria. Councilor Rice asked if it was possible to close one entrance off Portland Street, since there is 3 legs to Cocheco Avenue. Councilor Hamann asked if there were any driveways in the area, it is just the Old Fire Station. Councilor Hamann said as a starting point to put the dash lines in there. ***Councilor Lachapelle made a motion to recommend installing dash lines down Portland Street to delineate Portland Street as it rounds the corner. Councilor Rice seconded the motion. A Roll Call Vote was taken on the motion.***

Councilor Belken	Ward 2 Yes
Councilor Rice	Ward 5 Yes
Councilor Lachapelle	Ward 3 Yes
Councilor Hamann	Ward 5 Yes

#### 6. Willey Street-Removal of "Deaf Person" Sign

Councilor Hamann summarized the issue. The deaf person has not lived on Willey Street for about 15 years and a resident would like the sign removed. ***Councilor Lachapelle made a motion to recommend the removal of the "Deaf Person" sign on Willey Street. The motion was seconded by Councilor Rice. A Roll Call vote was taken.***

Councilor Belken	Ward 2 Yes
Councilor Lachapelle	Ward 3 Yes
Councilor Rice	Ward 5 Yes
Councilor Hamann	Ward 5 Yes

#### 7. E911 Update

Fire Marshall Wilder said that there are a handful of lots from a recent subdivision off from Tebbetts Road that were not numbered as of yet as there was not a way to do it with an understood consistency. He stated that the E911 Committee has been working on renumbering that road. The project is in the process of going to City Council and Public Hearing.

#### 8. Emergency Management Update

No information was giving on this.

#### 9. Covid-19 Statistics Update

Councilor Hamann summarized the issue and stated that in general people have been good about wearing mask. Councilor Rice asked the Deputy Chief Boudreau

if there has been a spike with people requiring masked inside their buildings, and asked if the PD has had to field any of those calls. Deputy Chief Boudreau said there has not been a spike in calls. If a business calls and they have asked someone to leave, it is criminal trespass and is handled in that manner, He stated there has been no arrest people and he stated that the public has been pretty compliant with masks when required.

## 10. Other

### **Maple Street and Sylvain Street-Stop Sign Request**

A request came in for a "Stop" sign at the intersection of Maple and Sylvain Street. Councilor Rice said he is not opposed to a stop sign on Sylvain as you approach the intersection heading toward Washington. He stated the house on the corner does impede line of site, and he suggested it could be made a 4 Way stop. Councilor Hamann mentioned there are several 4 Way stops in the area and he noted that he hadn't seen any problems since Maple was made a one way street.

***Councilor Rice made a recommendation to make the Intersection of Maple Street and Sylvain a 4 Way Stop. The motion was seconded by Councilor Lachapelle.*** Chief Boudreau suggested a 3 or 4 Way stop. Mr. Bezanson stated concern to keep the traffic moving in the school zone. Councilor Hamann said that most vehicles go to Sylvain Street and out to Washington. He said the biggest back up is in the afternoon as they are sitting in a line waiting for kids, the morning is just dropping off the children and moves quickly.

***A Roll Call vote was taken on the motion.***

<b>Councilor Belken</b>	<b>Ward 2 Yes</b>
<b>Councilor Hamann</b>	<b>Ward 5 Yes</b>
<b>Councilor Rice</b>	<b>Ward 5 Yes</b>
<b>Councilor Lachapelle</b>	<b>Ward 3 Yes</b>

### **Trinity Circle-School Bus Stop**

Councilor Lachapelle said he talked to a resident in the area, and he was told that the school bus is no longer going into Trinity Circle. He stated a safety issue for the kids near Flagg Road, which is a busy street and the kids are raising havoc on this nearby resident's property. Councilor Lachapelle also mentioned the privacy fence that is near Trinity Circle is starting to fall apart and he asked if it is on the City or the Developer to repair. Mr. Bezanson stated he would look into it. Councilor Hamann thought maybe the school board should be contacted about the bus. Councilor Lachapelle stated he would follow up with School Department.

### **Road Safety Audit**

Mr. Bezanson said there are 2 opportunities for Road Safety Audits offered by NHDOT. The first deadline is June 1, 2021 and the annual deadline is December 1, 2021. Any intersection that has history in the last 10 years of significant serious injury crashes or fatalities. Mr. Bezanson told the committee if they had any intersections in mind to let him know. He said the most recent one was completed at the Old Dover Road and Tebbetts Road intersection.



### **North Main Street Beacon**

Mr. Bezanson said that the North Main Street Beacon was brought up for discussion during the Public Works Committee (PWC) meeting held on 4/15/2021. The project to install this beacon had gone out to bid and there were no bidders. The City had requested a quote from our Contracted Services Company and the price was significantly over budget. Mr. Bezanson stated that there is a solar powered beacon that is within budget and the PWC has recommended installing this option. Councilor Haman stated that this decision was based on the cost and he stated it can be revisited with the Gap Project that is just a couple years out. Councilor Lachapelle stated he was in favor of the North Main beacon and light moving as planned and he is still for it, but he believes if you lose 1 parking spot going out of town toward Strafford Square it would improve the line of sight. Councilor Hamann said the lights are in the wrong place illuminate the crosswalk. Councilor Lachapelle stated again that using LED and losing 1 parking spot will make a significant difference and he will bring it up at the full City Council Meeting. Councilor Rice reiterated that the cost of moving the LED is what prohibited the project as planned with the current funding level.

### **MUCTD Standard**

Mr. Bezanson said this the Manual on Uniform Traffic Control Devices sets the standard for signs and line striping on roadways. He stated that it has been adopted as the standard for NH and it is used nationwide. It was last updated in 2009 with some revisions in 2012. Mr. Bezanson stated that there are some revisions currently proposed, those are out for public comment right now. He stated that currently there are no time frames for compliance; meaning that changes are made as they come up or as you are making roadway improvements. He stated that they are looking at mandatory 5 year compliance timeframes for low clearance areas and high-profile grade crossings. He said the low clearance may pertain to the railroad bridge on Haven Hill Road and he did not believe we had any high-profile crossings. Mr. Bezanson stated the issues for the 5 year mandatory compliance is for traffic signals at grade crossings (railroad crossings). He said the City definitely has one of these at Summer and Columbus intersection and maybe one at the Wakefield Street and Chestnut Hill Road Intersection and the possibly the Columbus Avenue and Portland Street Intersection. Mr. Bezanson stated that the comment period ends 5/15/2021 and he did not plan on making any comments. Councilor Rice asked if there were already plans for upgrades at the rail crossing on Haven Hill Road. Mr. Bezanson he was not aware of any. He also stated that the MUTCD 5 year compliance deadlines would only be for signage updates. Councilor Lachapelle suggest that the City look at the Whitehall Road rail crossing. Councilor Rice suggested looking at the one on Cross Road and Betts Road. Deputy Chief Boudreau mention the Franklin Street crossing.

### **Speed Trailer**

Deputy Chief Boudreau said he has started a list of where they will place the speed trailer. If the committee has any to add they can email him. He also state that last fall Councilor Rice mentioned putting something on the website about this. Deputy

Chief if working with Matt Wyatt to get this done.

**Councilor Hamann adjourned the meeting at 7:12 PM**

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

**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 Sixty Eight Thousand Eight Hundred Ninety Eight Dollars (\$268,898.00) 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	\$ 53,779.60
Public Service Agencies	\$ 40,334.70
Housing/Public Facilities/Infrastructure	\$ 174,783.70
<b>Total</b>	<b>\$ 268,898 .00</b>

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.

IV. Further, that Ten Thousand Six Hundred One Dollars and Sixteen Cents (\$10,601.16) in prior year unexpended Community Development Block Grant Funds be appropriated for use in the FY 2022 Action Plan for housing rehabilitation and public facilities activities.

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 Sixty Eight Thousand Eight Hundred Ninety Eight Dollars (\$268,898.00) 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.



04/29/2021

## 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
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COUNCIL ACTION ITEM <input type="checkbox"/> INFORMATION ONLY <input type="checkbox"/>	FUNDING REQUIRED? YES <input type="checkbox"/> NO <input type="checkbox"/> * IF YES ATTACH A FUNDING RESOLUTION FORM
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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"/>
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AGENDA DATE			
DEPT. HEAD SIGNATURE			
DATE SUBMITTED			
ATTACHMENTS YES <input type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED		

#### COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

#### DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

#### FINANCE & BUDGET INFORMATION

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

#### LEGAL AUTHORITY

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**SUMMARY STATEMENT**

**RECOMMENDED ACTION**

**Resolution Deauthorizing Department of Public Works (DPW) CIP Sewer Fund Project  
Funding For Various Projects in the Amount of \$145,216.16 and Deauthorization of Bond  
Authority**

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

That One Hundred Forty Five Thousand Two Hundred Sixteen and 16/100 Dollars (\$145,216.16) costs associated with various completed projects consistent with **Exhibit A**.

Further, as part of the overall deauthorization, in accordance with RSA 33:9, the City withdraws bond authority in the amount of Thirteen Thousand Six Hundred Sixty Eight and 98/100 Dollars (\$13,668.98).

Further, the amount of One Hundred Thirty One Thousand Five Hundred Forty Seven and 18/100 Dollars (\$131,547.18) in cash funding shall be returned to the Sewer Operating Fund (5002) Retained Earnings.

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

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**Resolution Deauthorizing Department of Public Works (DPW) CIP Water Fund Project  
Funding For Various Projects in the Amount of \$698,429.76 and Deauthorization of Bond  
Authority**

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

That Six Hundred Ninety Eighty Thousand Four Hundred Twenty Nine and 76/100 Dollars (\$698,429.76) costs associated with various completed projects consistent with **Exhibit A**.

Further, as part of the overall deauthorization, in accordance with RSA 33:9, the City withdraws bond authority in the amount of Six Hundred Fifty Thousand Seventy Four and 39/100 Dollars (\$650,074.39).

Further, the amount of Forty Eight Thousand Three Hundred Fifty Five and 37/100 Dollars (\$48,355.37) in cash funding shall be returned to the Water Operating Fund (5001) Retained Earnings.

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

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04/29/2021

## 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
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COUNCIL ACTION ITEM <input type="checkbox"/> INFORMATION ONLY <input type="checkbox"/>	FUNDING REQUIRED? YES <input type="checkbox"/> NO <input type="checkbox"/> * IF YES ATTACH A FUNDING RESOLUTION FORM
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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"/>
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AGENDA DATE		
DEPT. HEAD SIGNATURE		
DATE SUBMITTED		
ATTACHMENTS YES <input type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	

#### COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

#### DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

#### FINANCE & BUDGET INFORMATION

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

#### LEGAL AUTHORITY

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**SUMMARY STATEMENT**

**RECOMMENDED ACTION**

**CIP FUND 5501 PROJECTS READY FOR DE-AUTHORIZATION**  
**December 1, 2020 City Council Meeting**

Account Number	Project Name	Revised Budget	Expended	Deauthorize			Total De-authorization	Previously Bonded/borrowed	To Be Bonded	Comment
				Cash	Bond/borrow					
55016010--772000-16537	Pump Station Maint Upgrades	\$ 300,000.00	\$ 54,150.00		\$ 245,850.00		\$ 245,850.00		\$ 54,150.00	Project Completed
55016010-772000-16539	Water Treatment Plant Security	\$ 30,000.00	\$ 9,702.00	\$ 20,298.00			\$ 20,298.00			Project Completed
55016010-771000-17523	Franklin Adams Improvements	\$1,000,000.00	\$ 707,905.41		\$ 292,094.59		\$ 292,094.59	\$ 543,662.13	\$ 164,243.28	<b>Prev Bonded \$543,662.13</b>
55016010-772000-17539	Water Treatment Controls	\$ 200,000.00	\$ 195,069.78		\$ 4,930.22		\$ 4,930.22		\$ 195,069.78	Project Completed
55016010-772000-18568	WTP Low Lift Pump Station	\$ 111,823.00	\$ 98,781.67		\$ 13,041.33		\$ 13,041.33	\$ 98,781.67	\$ -	Completed SRF Project
55016010-771000-19526	Actuated Sludge Valves	\$ 35,000.00	\$ 23,607.77	\$ 11,392.23			\$ 11,392.23			Completed Project
55016010-771000-19536	WTP Pavement Rehabilitation	\$ 100,000.00	\$ 93,334.86	\$ 6,665.14			\$ 6,665.14			Completed Project
55016010-771000-20540	Regency Court Water Main	\$ 320,000.00	\$ 225,841.75		\$ 94,158.25		\$ 94,158.25		\$ 225,841.75	Completed Project
55016010-772000-20631	Clearwell & Intake Inspection	\$ 1,000.00	\$ -	\$ 10,000.00			\$ 10,000.00			Completed Project
				\$ 48,355.37	\$ 650,074.39	\$ -	\$ 698,429.76		\$ 639,304.81	

**CIP SEWER FUND PROJECTS READY FOR DE-AUTHORIZATION**  
**May 5,2021 Regular City Council Meeting**

Account Number	Project Name	Revised	Expended	Deauthorize			Total	Previously Bonded or borrowed	To Be Bonded	Comment
		Budget		Cash	Bond/borrow	Grant other	De-authorization			
55026020-772000-17547	WWTF Valve Automation	\$ 315,000.00	\$ 301,331.02		\$13,668.98		\$ 13,668.98		\$ 301,331.02	Completed Project
55026020-772000-18535	Intermediate Lift Pump Replace	\$ 70,000.00		\$ 70,000.00			\$ 70,000.00		\$ -	Funds Not Required
55026020-773150-18541	WWTP Ultraviolet Disinfection	\$ 16,500.00	\$ 13,730.20	\$ 2,769.80			\$ 2,769.80		\$ -	Completed Project
55026020-772000-19540	WWTP Ultraviolet Disinfection	\$ 17,500.00	\$ -	\$ 17,500.00			\$ 17,500.00		\$ -	Funds Not Required
55026020-772000-19547	WWTP Generator Main Blower	\$ 75,000.00	\$ 62,032.62	\$ 12,967.38			\$ 12,967.38		\$ -	Completed Project
55026020-771000-20622	Pickering Ponds Dam Evaluation	\$ 8,000.00	\$ -	\$ 8,000.00			\$ 8,000.00		\$ -	Funds not Required
55026020-772000-20623	UV Disinfection Sytem Evaluation	\$ 10,000.00	\$ -	\$ 10,000.00			\$ 10,000.00			Funds Not Required
55026020-772000-20626	New Garage Doors	\$ 20,000.00	\$ 9,690.00	\$ 10,310.00			\$ 10,310.00			Completed Project
				\$ 131,547.18	\$13,668.98	\$ -	\$ 145,216.16		\$ 301,331.02	

**Resolution Authorizing the Department of Public Works (DPW) to Submit a Clean Water State Revolving Fund (CWSRF) Loan Application in an amount up to \$75,000.00**

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

That DPW is hereby authorized to submit a formal application to the CWSRF Loan Program in an amount up to Seventy Five Thousand Dollars (\$75,000.00) to cover engineer cost associated with the Sewer System Master Plan Project. The Load Program comes with One Hundred Percent (100%) principal forgiveness.

Further, the Mayor and City Council hereby authorize the City Manager, Deputy City Manager and/or the Finance & Administration Director to act as the City's representative for all CWSRF Loan/Grant documentation and for contract execution.

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City Clerk's Office

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04/29/2021

## 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
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COUNCIL ACTION ITEM <input type="checkbox"/> INFORMATION ONLY <input type="checkbox"/>	FUNDING REQUIRED? YES <input type="checkbox"/> NO <input type="checkbox"/> * IF YES ATTACH A FUNDING RESOLUTION FORM
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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"/>
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AGENDA DATE			
DEPT. HEAD SIGNATURE			
DATE SUBMITTED			
ATTACHMENTS YES <input type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED		

#### COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

#### DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

#### FINANCE & BUDGET INFORMATION

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

#### LEGAL AUTHORITY

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**SUMMARY STATEMENT**

**RECOMMENDED ACTION**

**Resolution for Supplemental Appropriation and Authorizing Borrowing Authority**  
**Pursuant to RSA 33:9 to the Department of Public Works (DPW) Sewer Capital**  
**Improvements Plan (CIP) Fund in the amount of \$500,000.00**

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

That the Mayor and City Council of the City of Rochester hereby appropriate Five Hundred Thousand Dollars (\$500,000.00) to the Sewer CIP Fund.

In accordance with the provisions of RSA 33:9, the City Treasurer, with the approval of the City Manager, be, and hereby are authorized to borrow the sum of Five Hundred Thousand Dollars (\$500,000.00) through the issuance of bonds and/or notes, and/or through other legal form(s), such borrowing to be on such terms and conditions as the said Treasurer and City Manager may deem to be in the best interest of the City of Rochester. Such borrowing is authorized subject to compliance with the provisions of RSA 33:9 and Section 45 of the Rochester City Charter to the extent required, necessary and/or appropriate

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

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City Clerk's Office

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04/29/2021

## 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
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COUNCIL ACTION ITEM <input type="checkbox"/> INFORMATION ONLY <input type="checkbox"/>	FUNDING REQUIRED? YES <input type="checkbox"/> NO <input type="checkbox"/> * IF YES ATTACH A FUNDING RESOLUTION FORM
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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"/>
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AGENDA DATE			
DEPT. HEAD SIGNATURE			
DATE SUBMITTED			
ATTACHMENTS YES <input type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED		

#### COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

#### DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

#### FINANCE & BUDGET INFORMATION

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

#### LEGAL AUTHORITY

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**SUMMARY STATEMENT**

**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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*Intentionally  
left blank...*

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City Clerk's Office

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**Resolution for Supplemental Appropriation of \$270,000 to Department of Public Works  
(DPW) Sewer CIP Fund**

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

That the Mayor and City Council of the City of Rochester hereby appropriate an amount not to exceed Two Hundred Seventy Thousand Dollars (\$270,000.00) to the Sewer CIP Fund for the purpose of paying costs associated with the Piscataqua Regional Estuary Partnership (PREP) agreement with the Cities of Dover, Portsmouth and Rochester, NH and for costs associated with the negotiated agreement with Conservation Law Foundation (CLF) with the same cities, both agreements related to the NPDES permit, and further;

The City of Rochester, Department of Public Works in accordance with the provisions of the PREP agreement and CLF Agreement shall act as the fiscal agent for the Municipal Alliance for Adaptive Management. The source of funds related to carrying out the activities of PREP shall be derived from City of Dover, NH, Seventy Five Thousand Dollars (\$75,000), City of Portsmouth, NH Seventy Five Thousand Dollars (\$75,000), and City of Rochester's Sewer Fund Retained Earnings Seventy Five Thousand Dollars (\$75,000). The source of funds related to carrying out the activities of related to CLF shall be derived from City of Dover, NH, Fifteen Thousand Dollars (\$15,000), City of Portsmouth, NH Fifteen Thousand Dollars (\$15,000), and City of Rochester's Sewer Fund Retained Earnings Fifteen Thousand Dollars (\$15,000).

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.



04/29/2021

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