



**City Council Regular Meeting
September 7, 2021
Council Chambers
31 Wakefield Street
6:30 PM**

Agenda

- 1. Call to Order**
- 2. Opening Prayer**
- 3. Pledge of Allegiance**
- 4. Roll Call**
- 5. Acceptance of Minutes**
 - 5.1 Regular City Council Meeting: August 3, 2021
consideration for approval P. 9**
- 6. Communications from the City Manager**
 - 6.1 City Manager's Report P. 27**
- 7. Communications from the Mayor**
- 8. Presentation of Petitions and Council Correspondence**
- 9. Nominations, Appointments, Resignations, and Elections**
 - 9.1 *Resignation:* Derek Peters, Police Commission Wards 3 and 4 *consideration for approval* P. 55**
 - 9.2 *Nomination:* Jon Batson, NHDES Local River Management Advisory Committee (Cocheco River) *consideration for approval* P. 57**
- 10. Reports of Committees**
 - 10.1 Codes and Ordinances Committee P. 59**

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City Clerk's Office

10.2 Community Development P. 89

10.2.1 Resolution to Amend the Community Development Block Grant (CDBG) Funds for Fiscal Year 2021 *first reading and consideration for adoption* P. 91

10.3 Fidelity Committee P. 97

10.3.1 *Committee recommendation:* In accordance with the Master Plan approved by the Tri-City Councils in 2019, to endorse the recommendation of the Fidelity Committee to find a permanent home for the resource trailers and to allow the Committee to approach the Salvation Army to apply for a variance for this purpose *consideration for approval* P. 98

10.4 Planning Board P. 105

10.4.1 Resolution Authorizing the Acceptance of a \$40,000.00 New Hampshire Division of Historical Resources CLG Grant by the City of Rochester and Supplemental Appropriation in Connection Therewith *first reading and consideration for adoption* P. 113

10.4.2 Resolution Authorizing Issuance of Building Permit(S) on a Portion of The Class VI Section of the So Called Two Rod Road Pursuant to RSA 674:41 I (C) *first reading and consideration for adoption* P. 125

10.5 Public Works P. 131

10.5.2 *Committee Recommendation:* To approve the Walnut Street sidewalks to be the next area for sidewalk reconstruction *consideration for approval* P. 134

10.5.3 *Committee Recommendation:* To approve the City Flag as submitted *consideration for*

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City Clerk's Office

approval P. 135

10.6 Redistricting Committee P. 139

11. Old Business

11.1 Amendment to Chapter 275 of the General Ordinances of the City of Rochester Related to the Dimensional Standards of Table 19-B *second reading and consideration for adoption* P. 141

12. Consent Calendar

13. New Business

13.1 Resolution Accepting NH Department of Environmental Services (NHDES) Grant, in Connection with 2022 Household Hazardous Waste Day and Authorizing City Manager to Enter Into a Contract with NHDES not to exceed \$14,206.00 *first reading and consideration for adoption* P. 149

13.2 Amendment to Chapter 254 of the General Ordinances of the City of Rochester Regarding Storage of Recreational Vehicles, Travel Trailers, Campers and Boats *first reading and refer to Codes & Ordinances Committee* P. 153

13.3 Resolution Authorizing Acceptance of \$1,296,285.00 of Additional State Education Adequacy Aid and Transfer of the same to the School Building Capital Reserve Fund *first reading and refer to public hearing Sept. 21, 2021* P. 155

13.4 Resolution Approving Tri-City Agreement with Community Action Partnership for Warming Center Staffing *first reading and consideration for adoption* P. 161

13.5 Resolution Authorizing \$20,000.00 Appropriation from the Economic Development Special Reserve Fund for Water Street Paving *first reading and consideration for adoption* P. 165

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City Clerk's Office

**13.6 Resolution Establishing Polling Places and Times for the
November 2, 2021 Municipal Election *first reading
and consideration for adoption* P. 171**

- 14. Other**
- 15. Non-Public/Non-Meeting**
- 16. Adjournment**

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City Clerk's Office

**Regular City Council Meeting
August 3, 2021
Council Chambers
6:30 PM**

COUNCILORS PRESENT

Councilor Abbott
Councilor Bogan
*Councilor Fitzpatrick
Councilor Gray
Councilor Hailey
Councilor Hamann
Councilor Hunt-Hawkins
Councilor Hutchinson
Councilor Jean
Councilor Lachapelle
Councilor Rice
Councilor Walker
Mayor Lauterborn

OTHERS PRESENT

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

COUNCILORS ABSENT/EXCUSED

Minutes

1. Call to Order

Mayor Lauterborn called the Regular City Council meeting to order at 6:30 PM.

2. Opening Prayer

Mayor Lauterborn called for a moment of silence.

3. Pledge of Allegiance

Mayor Lauterborn led the Pledge of Allegiance.

4. Roll Call

Kelly Walters, City Clerk, called the roll. All City Councilors were present. *Daniel Fitzpatrick was elected and sworn in to office (Ward 2/Seat

A) later in the meeting.

5. Acceptance of Minutes

5.1 City Council Regular City Council Meeting: July 6, 2021 *consideration for approval*

Councilor Lachapelle **MOVED** to **APPROVE** the July 6, 2021, Regular City Council meeting minutes. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

5.2 Special City Council Meeting: July 20, 2021

Councilor Lachapelle **MOVED** to **APPROVE** the July 20, 2021, Special City Council meeting minutes. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

6. Communications from the City Manager

6.1 City Manager's Report

The City Manager's report is as follows:

- Contracts and documents executed since last month:
 - Department of Public Works
 - Engineering services contract - Stantec
 - Lease renewals – Community Center
 - Wetlands monitoring agreement – GZA Geo Environmental Srvc
 - Scope of Services, Code Consulting – SFC Engineering
 - Scope of Services/Estimate – SUR
 - Change Order, River St Pump Station – Apex Construction
 - Scope of Services/Estimate (Woodman St. Area) - SUR
 - Technical assistance task order – Wright Pierce
 - Interconnection agreement, new DPW – Eversource Solar
- Economic Development
 - FY22 Annual Action Plan revised forms and certifications
 - FY22 CDBG contract addendum – Waypoint NH
 - FY22 CDBG contract addendum – SOS and My Friend's Place
 - FY22 Municipal contracts – COAST, Easter Seals, Cornerstone

- FY22 CDBG contract addendum – East Rochester library
- Lease – 13-17 Hanson Street
- Marketing contract – UNH Football yearbook
- FY22 CDBG Environmental Reviews – Housing Rehab/Public Facilities Activities
- Finance
 - Temporary Staffing agreement - Bonney Staffing
 - Audit engagement letter – Melanson Heath
- IT
 - Service agreement/documents – ATOM group IT audit
- Standard Reports:
 - Permission & Permits Issued -none
 - Personnel Action Report Summary

City Manager Cox informed the City Council that Katie Ambrose, Deputy City Manager, will be leading a discussion about the future plans for the Foley Community Center. He asked the City Councilors to reach out to the Deputy City Manager with any ideas/visions they may have for the center. He indicated that a more formal committee (with a few Councilors) would be formed later.

City Manager Cox gave recognition to the Department of Public Works for the work they accomplished at the front entrance of the Rochester Public Library. He said they really “spruced” up the area.

7. Communications from the Mayor

Mayor Lauterborn invited Councilor Lachapelle to make an announcement. Councilor Lachapelle announced the Annual City Softball Game is scheduled for August 14, 2021, at 10 AM at Riverside Park. All Rochester residents are welcome to attend/participate.

8. Presentation of Petitions and Council Correspondence

No discussion.

9. Nominations, Appointments, Resignations, and Elections

9.1 Mayoral appointment – Historic District Commission council representative

Mayor Lauterborn appointed Councilor Hainey to be the City Council Representative on the Historic District Commission. Councilor Walker seconded the appointment. The **MOTION CARRIED** by a unanimous voice vote.

9.2 City Council Vacancy

a. Election: City Council Ward 2, Seat A

Mayor Lauterborn explained the process involved with electing a new Councilor. She said at least one candidate must receive at least 7 votes in order to be elected to the vacant Council Seat. She indicated that after each round of voting occurs, the candidates with the lowest vote count shall be dropped off the list until there are only two candidates remaining. At that point, at least one candidate must still receive the required 7 votes to be elected.

Mayor Lauterborn indicated that whoever is elected this evening would serve until after the election results are finalized at the November Election.

Councilor Lachapelle nominated the following individuals to be elected to the vacant Ward 2 Seat A position: Taylor Poro, Arnold Bennett, Daniel Fitzpatrick, Amy Malone, and Steven Beaudoin. Councilor Rice seconded the nominations.

The first round of votes are as follows:

- Taylor Poro (2)
- Arnold Bennett (1)
- Daniel Fitzpatrick (5)
- Amy Malone (2)
- Steven Beaudoin (2)

The second round of votes are as follows:

- Taylor Poro (2)
- Daniel Fitzpatrick (5)
- Amy Malone (3)
- Steven Beaudoin (2)

The third/last round of votes are as follows:

- Daniel Fitzpatrick (8)
- Amy Malone (4)

b. Oath of Office: City Council Ward 2, Seat A

Mayor Lauterborn announced that Daniel Fitzpatrick has been elected to serve as the Councilor for the Ward 2 Seat A position. She congratulated Councilor Fitzpatrick and thanked all of the candidates for stepping forward. City Attorney O'Rourke administered the Oath of Office for Councilor Fitzpatrick.

Mayor Lauterborn appointed Councilor Fitzpatrick to the Codes and Ordinances Committee and the Community Development Committee.

9.3 School Board Vacancy**a. Election: School Board Ward 4, Seat A**

Mayor Lauterborn said the same process will be taken for the vacant Ward 4, Seat A School Board position.

Councilor Rice nominated Shane Downs and Catherine Stewart to serve on the vacant School Board position (Ward 4 Seat A). Mayor Lauterborn said if there are no other nominations the vote would proceed.

The results of the vote is as follows:

- Shane Downs (11)
- Catherine Stewart (2)

b. Oath of Office: School Board Ward 4, Seat A

Mayor Lauterborn announced that Shane Downs has been elected to serve on the School Board (Ward 4 Seat A). Attorney O'Rourke administered the Oath of Office. Mayor Lauterborn congratulated Mr. Downs and thanked both of the candidates for stepping forward.

10. Reports of Committees**10.1 Appointments Committee**

Councilor Bogan stated that there are two re-appointments and two new appointments. Councilor Bogan nominated all candidates. Councilor Rice seconded the motion. Councilor Hutchinson disclosed that he would recuse himself from voting for Matthew Winders because of a conflict of interest.

Mayor Lauterborn called for a vote on the three candidates below (removing Matthew Winders from the list). The **MOTION CARRIED** by a unanimous voice vote of 13 to 0 to elect Michael King, Meredith Lineweber, and Katie O'Connor, with terms as described below:

10.1.1 New Appointment: Michael King – Zoning Board of Adjustments, Regular Member, term to expire 1/2/2023 consideration for approval

~~**10.1.2 New Appointment: Matthew Winders – Zoning Board of Adjustments, Alternate member, term to expire 1/2/2022 consideration for approval**~~

10.1.3 Reappointment: Meredith Lineweber – Conservation Commission, Regular Member, term to expire 1/02/2024 consideration for approval

10.1.4 Reappointment: Katie O'Connor – Arts & Culture Commission, Regular Member, term to expire 7/01/2024 consideration for approval

Mayor Lauterborn called for a vote on the nomination of Matthew Winders by made by Councilor Bogan and seconded by Councilor Rice, with the terms as described below. The **MOTION CARRIED** by a unanimous voice vote of 12 to 0, with Councilor Hutchinson abstaining from the vote.

New Appointment: Matthew Winders – Zoning Board of Adjustments, Alternate member, term to expire 1/2/2022 consideration for approval

10.2 Finance Committee

10.2.1 Committee Recommendation: To approve the creation of the Library Patron Services Supervisor Position consideration for approval

Councilor Jean **MOVED** to **APPROVE** the Finance Committee recommendation as described above. Councilor Lachapelle seconded the motion. Councilor Rice asked if this action would have an impact on the budget. City Manager Cox replied that this is part of the re-organization of the Library and the salary is covered in its budget. The **MOTION CARRIED** by a unanimous voice vote.

10.2.2 Committee Recommendation: To approve the elimination of the position of Legal Assistant II *consideration for approval*

Councilor Walker **MOVED** to **APPROVE** the Finance Committee recommendation as described above. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.2.3 Committee Recommendation: To approve the amendments to the Non-Union Merit Plan & Non-Union Employee Handbook *consideration for approval*

Councilor Walker **MOVED** to **APPROVE** the Finance Committee recommendation as described above. Councilor Lachapelle seconded the motion.

Councilor Hailey asked whom would conduct the evaluation of non-union members. City Manager Cox replied that the Supervisors of the employee's Department would conduct these evaluations. He added that it is signed off by the director of such department. Councilor Hailey asked what is the range of the Merit Pay Plan. City Manager Cox explained that each employee must receive a mark of 70% or better on their evaluation in order to receive the pay increase. Councilor Hailey asked if they receive a combination of a merit and step increase. City Manager Cox said each year there is an adjustment to the COLA (Cost of Living Adjustment). He added that the employee would also receive the Merit increase, if applicable. Councilor Hailey asked if data was collected to make informed decisions on the evaluation or if the evaluations were based upon "opinion". City Manager Cox replied that the standard evaluation forms have a multitude of factors for information to be collected for each evaluation. The **MOTION CARRIED** by a unanimous voice vote.

10.3 Planning Board

10.3.1 Amendment to Chapter 275 of the General Ordinances of the City of Rochester Related

to the Dimensional Standards of Table 19-B
first reading and refer to public hearing

Councilor Walker **MOVED** to read Chapter 275 of the General Ordinances of the City of Rochester and to refer the matter to a Public Hearing. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Walker informed the City Council that this amendment is relative to restrictions for story-height of the buildings in the downtown commercial area. He said anything above five-stories in height would need to be considered a conditional use.

10.4 Public Safety

10.4.1 *Committee Recommendation:* To have a City Department, as determined by the City Manager, open and close the Squamanagonic fence daily *consideration for approval*

Councilor Hamann said he would like to make a motion about the Committee's recommendation; however, that motion may be amended after the City Manager gives a short presentation of the matter. Councilor Hamann **MOVED** to have a City Department, as determined by the City Manager, open and close the Squamanagonic Fence daily. Councilor Lachapelle seconded the motion.

City Manager Cox gave a detailed presentation about the existing gate (which is in disrepair). He proposed a new location for the gate. He suggested that rather than repairing the old gate, that a new gate be installed instead, moving it closer to the entrance (near the existing chain link fence) of the parking lot. This would allow folks wishing to play disc golf a small entrance and enough parking along the entrance road; however, it would prevent vehicles from gaining access to the park and staying overnight, which is currently a problem. The gate would be locked for 95% of the time and only be opened up for large events.

Councilor Lachapelle supported the City Manager's proposal. He said the abutters are likely to prefer this solution as well, since the existing gate is too close to Hansonville Road, which is problematic. He requested that the City decide on what times should be set for golfers and that signs be posted. He added that the park is used by many responsible disc golfers and they do a great job cleaning up, even after heavy rain storms. He hoped the City would mow the lawns and keep the park clean as well. He said signage

should include cleaning up after one's dog as well.

Councilor Lachapelle said there were concerns with where the existing gate has been placed and by leaving the gate there (and locked) would cause more problems. He felt that the City Manager came up with a good compromise. He hoped that any vehicles left overnight in the park would be investigated.

Councilor Lauterborn questioned if the goal was to keep vehicles out of the park, not people. City Manager Cox replied that is correct.

Councilor Rice gave reasons why he felt people may not read the signage and see the gate closed and go away. He supported the proposed change to the location of the gate; however, he is in favor of the original idea of having City staff open and close the gate on a daily basis.

Councilor Hainey asked what type of large events are held at this park. Councilor Lachapelle said there are disc golf tournaments and it could be utilized for other events by the girls/boys club possibly or even another type of event. Councilor Lachapelle indicated there will still be unwanted activity happening in the park; however, this will alleviate some of the traffic issues in the park in the evenings.

Councilor Hainey asked where one would go to seek a permit for an event. City Manager Cox replied requests would be vetted through the Recreation Department.

Councilor Hainey asked how many disc golfers are using the park on a regular basis. Councilor Lachapelle indicated that a handful of cars can be seen parked there on a regular basis.

Councilor Hainey asked if there would be adequate parking for those wishing to play disc golf. Councilor Lachapelle replied that there should be ample room unless a golf disc tournament is occurring, which they should have the gate open for such an event.

Chief Toussaint explained that the Police Officers have access to the park on Fridays during the year; however, it is not always utilized. It is currently also used in the month of November for the Police Department. The locked gate will not be a factor for the Police Department, since they do have their own key.

Councilor Gray said there seems to be plenty of room to create more than the proposed 14 parking spaces, if the need occurs eventually.

Councilor Lachapelle agreed that there could be a request for a CIP project in future years that might also include lighting, as long as abutters were properly notified. Councilor Lachapelle hoped to gain some feedback from the disc golfers too.

Councilor Hailey asked if the entrance way is plowed during the winter months. Chris Bowlen, Director of Recreation and Arena confirmed that the Department does plow to the gate in the winter months. He said that some people do use the park in the winter months for disc gold (when possible) and for snowshoeing.

Councilor Hailey asked if there could be a compromise to keep the gate locked in the winter months and opened/closed (by City staff) in the summer months. Mr. Bowlen replied that what the City Manager is proposing is the compromise. He said by moving the gate further down it allows for safer parking outside the gate and prevents City staff from traveling daily to the location to open/close the gate.

Councilor Hunt-Hawkins said the proposal is a great way to start and the City could always assess the functionality of this idea and revisit it later if needed.

Councilor Rice wished to know how much it would cost for this project and where the money would be withdrawn from prior to voting on such a proposal.

City Manager Cox said this is only at the discussion stages and no quotes had been sought as of yet; however, he assumed the cost could be covered through the Department of Public Works budget, and if not, it could likely be covered through contingency.

Councilor Rice was hesitant to spend money without approximate figures of the cost. Councilor Gray said it seems that it would be much smaller in price in comparison to assigning City Staff to open/close the gate on a daily basis.

Councilor Walker **MOVED** to **AMEND** the motion to accept the City Manager's proposal to install a secondary fence with a permanently locked gate (except for larger events) at the location of the existing chain link fence. To include a man-size opening, near the gate, to allow persons to access, but not vehicles. This would include grading and gravel to create more parking along the gravel entrance road. Councilor Gray seconded the motion. Councilor Rice requested that staff provide more information about the cost of the project. The **MOTION CARRIED** to **AMEND** the motion by a

unanimous voice vote. Mayor Lauterborn called for a vote on the main motion as amended. The **MOTION CARRIED** by a unanimous voice vote.

10.4.2 Committee Recommendation: To install a stop sign at the corner of Melanie and Janet Street at the discretion of DPW *consideration for approval*

Councilor Hamann **MOVED** to approve the Committee recommendation as indicated above. Councilor Lachapelle seconded the motion. Councilor Walker wished to confirm that the stop sign would be essentially stopping travelers on "Melanie" street. Councilor Hamann said that is correct. The **MOTION CARRIED** by a unanimous voice vote.

10.5 Public Works

10.5.1 Committee Recommendation: to approve the extension of the downtown decorative lighting use until 1:00 AM *consideration for approval*

Councilor Walker **MOVED** to approve the Committee's Recommendation as described above. Councilor Hunt-Hawkins seconded the motion. Councilor Rice said the downtown businesses are permitted to serve alcohol until 1:00 AM and it seems unfriendly to simply turn off the decorative lighting exactly at the same time.

Councilor Rice **MOVED** to **AMEND** the motion to extend the time from 1:00 PM to 1:30 PM. Councilor Bogan seconded the motion. Councilor Rice gave reasons why it makes sense to keep the additional lighting on while patrons are getting to their vehicles. Councilor Bogan agreed and said it is safer and friendlier. Councilor Walker said this is only decorative lighting and currently the lighting is only kept on to 10 PM and folks are safely walking to their vehicles at 1:00 AM when the restaurants close. Councilor Hunt-Hawkins agreed, however, she added that it is brighter lighting than what is supplied by the street lighting. Councilor Rice questioned if current businesses do close early because the lights turn off and it is not seen as friendly once the lights are cut off. Councilor Jean requested to move the vote on the question. The **MOTION CARRIED** to **AMEND** the motion by a 7 to 6 show-of-hands vote, *the voice vote was unclear*.

Mayor Lauterborn called for a vote on the motion as amended (to keep decorative lighting on until 1:30 AM). The **MOTION CARRIED** by a unanimous voice vote.

10.5.2 Committee Recommendation: to approve a street moratorium waiver for water service at 28 North Main Street *consideration for approval*

Councilor Walker **MOVED** to approve the Committee Recommendation as described above. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

11. Old Business

11.1 Resolution Authorizing Supplemental Appropriation to the Department of Public Works (DPW) Sewer CIP Fund in the Amount of \$200,000.00 for the Route 11 Pump Station Upgrade Project *second reading and consideration for adoption*

Councilor Lachapelle **MOVED** to read the resolution by title only for a second time. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Lauterborn read the resolution for the second time by title only as follows:

Resolution Authorizing Supplemental Appropriation to the Department of Public Works (DPW) Sewer CIP Fund in the Amount of \$200,000.00 for the Route 11 Pump Station Upgrade Project

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

That the amount of Two Hundred Thousand Dollars (\$200,000.00) is hereby appropriated as a supplemental appropriation to the DPW Sewer CIP Fund for the purpose of paying costs associated with the Route 11 Pump Station Upgrade Project. The funding for this supplemental appropriation shall be derived in its entirety from borrowing.

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 Two Hundred Thousand Dollars (\$200,000.00) 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 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 Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

12. Consent Calendar

Mayor Lauterborn reported that there is only one item under the Consent Calendar and it must be amended prior to its adoption, therefore it shall be removed.

12.1 Resolution authorizing the acceptance of Donations in an amount of \$900.00 to the City of Rochester in connection with the Riverwalk Committee Calendar Fundraiser first reading and consideration for adoption

Councilor Walker **MOVED** to read the resolution by title only. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Lauterborn read the resolution by title only as follows:

Resolution authorizing the acceptance of Donations in an amount of \$900.00 to the City of Rochester in connection with the Riverwalk Committee Calendar Fundraiser

Councilor Walker **MOVED** to **AMEND** the motion. He read from the revised resolution: The Mayor and City Council hereby accept two thousand five hundred dollars (\$2,500) in donations to the Riverwalk Committee Calendar Fundraiser and further authorize cash disbursements related to said fundraiser not to exceed six hundred and fifty dollars with the entirety of the cash disbursements to be derived from said donations. Councilor Jean seconded the motion. The motion as amended is as follows:

Revised:

Resolution Authorizing the Acceptance of Donations to the City of Rochester in connection with the Riverwalk

Committee Calendar Fundraiser *first reading and consideration for adoption*

Resolution Authorizing the Acceptance of Donations to the City of Rochester in connection with the Riverwalk Committee Calendar Fundraiser

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

The Mayor and City Council hereby accept Two Thousand Five Hundred Dollars (\$2,500.00) in donations to the Riverwalk Committee Calendar Fundraiser and further authorize cash disbursements related to said fundraiser not to exceed Six Hundred and Fifty dollars (\$650.00) with the entirety of the cash disbursements to be derived from said donations.

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

Councilor Rice **MOVED** to **ADOPT** the motion. Councilor Bogan seconded the motion. Councilor Walker gave a brief overview of past fundraisers. He confirmed that the money would remain in a non-lapsing account until funds are needed. The **MOTION CARRIED** by a unanimous voice vote.

13. New Business

13.1 Resolution for Supplemental Appropriation to the Conservation Fund for Fiscal Year 2020-2021 pursuant to the provisions of Section 7-64(c) of the General Ordinances of the City of Rochester *first reading and consideration for adoption*

Councilor Lachapelle **MOVED** to read the resolution by title only for a first time. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Lauterborn read the resolution for the second time by title only as follows:

RESOLUTION FOR SUPPLEMENTAL APPROPRIATION TO THE

**CONSERVATION FUND FOR FISCAL YEAR 2020-2021 IN THE AMOUNT
OF \$127,314.00 PURSUANT TO THE PROVISIONS OF
SECTION 7-64(c) OF THE GENERAL ORDINANCES
OF THE CITY OF ROCHESTER**

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

As a supplemental appropriation to the 2020-2021 fiscal year operating budget of the City of Rochester, the sum of One Hundred Twenty Seven Thousand Three Hundred Fourteen Dollars (\$127,314.00); from annual excess Land Use Change Tax funds for fiscal year 2020-2021 (account number to be designated/determined by the Finance Director) to the City of Rochester Conservation Fund (account number to be designated/determined by the Finance Director), the sums necessary to fund such supplemental appropriation to be drawn in their entirety from the aforesaid annual excess Land Use Change Tax revenues received during fiscal year 2020-2021.

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. The effective date of this Resolution shall be June 30, 2021.

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

13.2 Resolution Authorizing Acceptance and Appropriation of Victims of Crime Act (VOCA) Grant Award in an amount of \$25,836.00 for FY 2022 *first reading and consideration for adoption*

Councilor Lachapelle **MOVED** to read the resolution by title only for a first time. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Lauterborn read the resolution for the second time by title only as follows:

**RESOLUTION AUTHORIZING ACCEPTANCE AND APPROPRIATION OF
VICTIMS OF CRIME ACT (VOCA) GRANT AWARD
IN AN AMOUNT OF \$25,836.00 FOR FY 2022**

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

WHEREAS, that a Victims of Crime Act (VOCA) grant in the amount of Twenty-Five Thousand Eight Hundred and Thirty-Six Dollars (\$25,836.00) awarded to the City of Rochester's Legal Department is hereby accepted by the City of Rochester;

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

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

FURTHER, that the transfer of Six Thousand Four Hundred Fifty Nine Dollars (\$6,459.00) from the FY 2022 Legal Department Operating Budget to the non-lapsing Special Revenue fund stipulated above is hereby authorized;

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

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

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

14. Other

Councilor Hutchinson inquired if any movement has been made about choosing a location in Rochester for the laundry/shower trailers. City Manager Cox said the last update that he is aware of is that the trailers are up in operation on River Street in Dover, NH.

15. Non-Public/Non-Meeting

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

Councilor Rice **MOVED** to enter a Non-Public Session under Land, RSA 91-A:3,II (d) at 7:27 PM. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote. Councilors Rice, Walker, Hunt-Hawkins, Bogan, Lachapelle, Hamann, Fitzpatrick, Hainey, Abbott, Gray, Hutchinson, Jean, and Mayor Lauterborn voted in favor of the motion.

Councilor Rice **MOVED** to exit the Non-Public Session at 8:16 PM. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Rice **MOVED** to **SEAL** the minutes of the Non-Public Session because it is determined that the divulgence of this information would likely render a proposed action ineffective. Councilor Lachapelle seconded the motion. Councilors Hainey, Fitzpatrick, Rice, Walker, Hutchinson, Bogan, Lachapelle, Jean, Abbott, Hunt-Hawkins, Hamann, Gray, and Mayor Lauterborn voted in favor of the motion.

16. Adjournment

Mayor Lauterborn **ADJOURNED** the meeting at 8:17 PM.

Respectfully submitted,

Kelly Walters, CMC
City Clerk

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left blank...*

City Clerk's Office



City of Rochester, New Hampshire

OFFICE OF THE CITY MANAGER
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CITY MANAGER'S REPORT August 2021

Contracts and documents executed since last month:

- **City Clerk**
 - LHS Poll Pad trial agreement **P. 29**
- **Department of Public Works**
 - Unutil Gas easement deed and plan **P. 32**
 - NPDES Signature Authorization **P. 33.**
 - Onsite drug testing – CDL Drivers **P. 34**
 - Engineering services/Construction contract – Brown & Caldwell **P. 35**
 - Subscriber agreement – EPA NetDMR **P. 36**
 - Bid Award, Rt 11 Pump Station – Northeast Earth Mechanics **P. 37**
 - LED lighting project contract – Affinity Lighting **P. 38**
 - Scope of Service, Old Dover Rd Water Tie Over – SUR **P. 39**
 - Quote for furnishings & installations, new DPW – Office Resources **P. 40**
 - Scope of Services/Contract – Greenman-Pederson, Inc **P. 41**
 - Bid Award, Little Falls Bridge Turn Lane – G.W. Brooks & Son **P. 42**
 - Engineering Services Contract, Little Falls Bridge Rd – Hoyle, Tanner, and Assoc. **P. 43**
 - Design amendment task order, Rt 202 Water Main – Wright Pierce **P. 44**
 - Conceptual design task order, Fillmore Drive gravity sewer – Wright Pierce **P. 45**
 - Task order, hydraulic modeling assistance – Wright Pierce **P. 46**
 - Task order, Round Pond augmentation – Wright Pierce **P. 47**
 - Certificate of final completion, Portland St culvert – Integrity Earthworks, LLC **P. 48**
- **Economic Development**
 - FY 2022 CDBG Contracts – Waypoint NH Amendment **P. 49**
 - FY21 CDBG Request for Release of Funds – CAPSC **P. 50**
 - GRD Residential Study contract – Weston & Sampson **P. 51**
 - F22 CDBG Environmental Reviews – CAP Weatherization **P. 52**

The following standard reports have been enclosed:

- Permission & Permits Issued -none
- Personnel Action Report Summary **P. 53**

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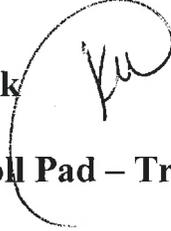
City Clerk's Office



City Clerk's Office
City Hall - First Floor
31 Wakefield Street, Room 105
ROCHESTER, NEW HAMPSHIRE 03867-1917
(603) 332-2130 - Fax (603) 509-1915
Web Site: <http://www.rochesternh.net>



INTEROFFIC MEMORANDUM

To: Blaine Cox, City Manager
From: Kelly Walters, City Clerk 
Date: August 23, 2021
Re: Signature Requested for Poll Pad – Trial Agreement

On August 19, 2021, I presented you with the Lease/Trial Poll Pad Agreement to sign, which had been presented at the August 17, 2021, City Council Workshop. As you are aware, the Rochester City Council took a Sense of Council to approve moving forward with this trial. Please let me know if you have any further questions.

SOFTWARE LICENSE AND SERVICE AGREEMENT
 THIS COMPUTER SOFTWARE AND DATABASE SERVICE AGREEMENT IS DATED: 07/07/2021

-BETWEEN-
 KNOWINK

Phone: 314-282-5465
 Email: pollpad@knowink.com
 Website: www.knowink.com

"The Licensor"

-AND-

LHS ASSOCIATES, INC.
 Phone: 978-683-0777
 Email: ma@lhsassociates.com
 Website: www.lhsassociates.com

"The Service Provider"

-AND-

"THE CUSTOMER"
 City Clerk's Office
 31 Wakefield Street
 Rochester, NH 03867

Number of Poll Pads Purchased:	18
Total Purchase Price Including Additional Products:	\$ 31,350.00
Annual Warranty Fee:	\$ 5,400.00
Start Date of Agreement:	TBD
End Date of Agreement:	TBD

THIS IS A COMPUTER SOFTWARE LICENSE AND SERVICE AGREEMENT. This Agreement shall be

1. ENGAGEMENT

- a) The Customer agrees to pay the Service Provider, as set forth above, a one-time installation and set up fee for the services provided to the Customer in setting up the Poll Pads and for initial training and site support.
- b) The Customer agrees to pay the Total Purchase Price and Annual Warranty Fee per Poll Pad delivered with the KNOW INK Poll Pad Software as set forth above.
- c) The Customer hereby agrees to engage the Service Provider to provide the Customer with services consisting of annual support, maintenance and software updates as the Customer & Service Provider may agree upon (the "Services"), and the Service Provider hereby agrees to provide said Services to the Customer.
- d) The Customer agrees to comply with the terms and conditions of this Agreement and agrees not to use the Software in any way beyond the scope of this Agreement.

2. TERM OF AGREEMENT

- a) The term of this Agreement will begin on the date of this Agreement and will continue in full force for the term period as specified above under "THE CUSTOMER" section of this Agreement and is subject to earlier termination as otherwise provided in this Agreement, with the said term being capable of extension by mutual written agreement of the parties.
- b) The Customer agrees to only use the software during the term of this Agreement and any renewals thereof.
- c) The Customer agrees to return the original and all existing copies of the Software within five (5) days after the termination of this Agreement.

3. PERFORMANCE

- a) The Service Provider agrees to provide annual support and maintenance to Customer's electronic Poll Pads and provide software updates and new releases, as necessary.

other than was is expressly stated herein.

11. SEVERABILITY

a) In the event any provision of this Agreement shall be invalid, illegal or unenforceable in any respect, such a provision shall be considered separate and severable from the remaining provisions of this Agreement, and the validity, legality or enforceability of any of the remaining provisions of this Agreement shall not be affected or impaired by such provision in any way.

12. TERMINATION OF THIS AGREEMENT

a) The Service Provider may terminate this Agreement at any time giving the Customer 90-days written notice. The Service Provider also retains the right to terminate this License, at any time, should the Customer violate any of the provisions set forth herein regarding the software's use.

13. GOVERNING LAW

a) It is the intention of the parties to this Agreement that this Agreement and the performance under this Agreement, and all suits and special proceedings under this Agreement, be construed in accordance with and governed, to the exclusion of the law of any other forum, by the laws of the State of Massachusetts. The Agreement is not binding until accepted by the Service Provider in writing by an officer at its office in Salem, NH.

IN WITNESS WHEREOF, the parties have duly executed this Service Agreement:

07/07/2021

CUSTOMER AUTHORIZED SIGNATURE:

Blair Cox

DATE: 8.19.2021

PRINT NAME & TITLE OF
AUTHORIZED SIGNER:

ACCEPTED BY LHS ASSOCIATES, INC.

AUTHORIZED SIGNATURE:

DATE:

PRINT NAME & TITLE OF
AUTHORIZED SIGNER:



City of Rochester, New Hampshire

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INTEROFFICE MEMORANDUM

TO: Blaine Cox, City Manager
FROM: Timothy S. Goldthwaite, PE, Assistant City Engineer
DATE: July 29, 2021
SUBJECT: Map 136 / Lots 76 &77 Unutil Gas Main Easement Deed and Plan

CC: Peter Nourse, PE DPW Director
Michael S. Bezanson, PE City Engineer
Terence O'Rourke, City Attorney

Attached please find (1) one copy of the Easement Deed and Plan with respect to the above referenced city parcels. One of the parcels is the DPW facility and the other is the ballfield adjacent the DPW facility. The 12" coated steel gas line that traverses the two referenced parcels and ties in the Old Dover Road gas line work also completed last year with a Unutil pressure regulating station currently being constructed at 770 Columbus Ave. The gas line work is important with regards to developing a modern gas distribution network with adequate capacity for providing reliable service to existing neighborhoods and undeveloped areas of the City.

If you have any questions, please give me a call.

Thank You

Timothy S. Goldthwaite

Timothy S. Goldthwaite, PE
Assistant City Engineer



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INTEROFFICE MEMORANDUM

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

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

DATE: July 27, 2021

SUBJECT: NPDES Signature Authorization
Chief Operator WWTP

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

Attached please find one copy of the NPDES Signature Authorization letter. This letter gives authorization for the Wastewater Treatment Plant Chief Operator, David Green, to have access and sign off Authority for the monthly monthly Discharge & Monitoirng Reporting. .

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

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



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INTEROFFICE MEMORANDUM

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

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

DATE: July 28, 2021

SUBJECT: Onsite Drug Testing of New England
CDL Random Pool – CDL Drivers

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

Attached please find one copy of contract for Onsite Drug Testing of New England, LLC contract for Random Selection Services. This company is providing management and testing of our Random CDL Drug Testing Program. This program is required for all Commercial Driver Licensing (CDL) per NHDOT.

Funding for this service is budgeted annually in the Highway General Fund and the Water and Sewer Fund account numbers below:

13010057-533004
51601057-533004
52602057-533004

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

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



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INTEROFFICE MEMORANDUM

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

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

DATE: July 26, 2021

SUBJECT: **Route 11 Sewer Pump Station Upgrade Engineering Services Construction Administration Contract**

CC: Peter Nourse, PE, Director of City Services

Attached is one (1) original Contract for Construction Phase Engineering Professional Services for the Route 11 Sewer Pump Station Upgrade project. This contract is between the City and Brown and Caldwell for construction administration, resident engineering and related services in the amount of \$128,942. The City intends to utilize a CWSRF Loan to fund the construction of this project; as such, as funds are paid related to this contract, NHDES disbursements will be requested (CS-330122-18). City-appropriated funds are available for this contract in the following account line:

- Sewer Fund CIP account line: 55026020-772000-20559

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 DPW for distribution. Thank you.

Signature _____

Katie Ambrose
Deputy City Manager/ Director of Finance & Administration

Attachment: Engineering Construction Phase Services Contract

09/02/2021



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INTEROFFICE MEMORANDUM

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

DATE: 8/3/2021

FROM: David Green, Chief Operator WWTF

SUBJECT: NPDES Signature Authorization
Chief Operator WWTF

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

Attached please find one copy of the EPA NetDMR Subscriber Agreement. This agreement gives authorization for the Wastewater Treatment Plant Chief Operator, David Green, to have access and sign off Authority for the monthly NPDES Discharge & Monitoring Reporting.

There was the same request last week accompanied by an authorization letter. EPA responded that an authorization letter is no longer acceptable – the attached NetDMR subscriber agreement is now required.

If you have any question, please call, if not please sign electronically and pass on to the City Manager for Signature (pg 3 of 4). Once completed please return document to me at the DPW for Distribution

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



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INTEROFFICE MEMORANDUM

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

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

DATE: August 9, 2021

SUBJECT: Recommendation to Award Bid #21-47
Route 11 Pump Station Upgrade Project

CC: Peter Nourse, PE, Director of City Services

Based upon a review of the bids received for the above referenced project, I am recommending Award of Bid #21-47 to Northeast Earth Mechanics, Inc. Our engineering consultant, Brown and Caldwell, have reviewed the bids received; Director Nourse has submitted to NHDES a Notice of Intent to Award (see attached); and, NHDES has issued Authorization to Award (see attached).

The total award is for \$1,140,400.00. This project is eligible for CWSRF funding (CWSRF Project Number CS-330122-18). Funds are available for this award in the following CIP account lines:

- Sewer Fund 55026020-772000-20559
- Supplemental Appropriation of \$200,000 approved 8/3/21

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 Notice of Award document should be returned to DPW for distribution.

Signature _____

Katie Ambrose

Deputy City Manager/ Director of Finance & Administration

Attachments: Notice of Award for Bid No. 21-47

Director Nourse's Notice of Intent to Award dated 6/17/21

NHDES Authorization to Award Contract dated 8/6/21



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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: August 10, 2021

SUBJECT: Affinity Lighting
Municipal Buildings LED Lighting Project
Amount \$284,383.50

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

LJC

Attached please find (1) one copy of the Affinity LED Lighting, LLC contract for signature. The scope of work includes LED lighting upgrades in the Police Station, both Fire Stations, the Library and the Revenue Office. The total cost is \$284,383.50. The incentives from Eversource are \$56,360.0. The annual savings in electrical is estimated at \$34,988.38. The estimated payback from annual saving is 6.5 years.

The funding for this project is available in the following B&G CIP Budget Account:

15011090—772000-22511 City Buildings LED Lighting Conversion

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

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



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INTEROFFICE MEMORANDUM

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

FROM: LISA J. CLARK, ADMINISTRATIVE SUPERVISOR

DATE: August 12, 2021

SUBJECT: SUR Construction
Old Dover Road – Water Tie Over
Amount \$106,211.45

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

Attached please find (1) one copy of the SUR Construction Company estimate/ scope of service for signature. This work is related to abandonment of the old 6” main and tie-ins of services and hydrants to the newer main on Old Dover Road. The pricing is per the Contracted Services Bid 21-35 good through 12/31/2022

The funds are available in the following Distribution Upgrade Accounts:

55016010-771000-20543 = \$19,241.11

55016010-771000-21525 = \$52069.94

55016010-771000-22546 = \$34,900.40

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

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



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INTEROFFICE MEMORANDUM

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

FROM: LISA J. CLARK, ADMINISTRATIVE SUPERVISOR

DATE: August 12, 2021

SUBJECT: Office Resources
New DPW Office Furnishings
Amount \$145,611.39

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

Attached please find (1) one copy of the Office Resources Quote for Furnishings and Installations at the New DPW Facility. The pricing for these furnishings is per RFP 21-33

The funds are available in the following Accounts:

15013010-772000-20584 = \$72,805.19

55016010-772000-20584 = \$36,403.10

55026020-772000-20584 = \$36,403.10

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

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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: August 12, 2021

SUBJECT: Greenman-Pedersen, Inc (GPI)
Design /Bidding Scope
Betts Road/Cross Rd Intersection Improvements
Amount \$68,000.00

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

Attached please find (1) one copy of GPI Scope of Services/Contract for Design and Bidding associated with the Betts Road/Cross Road Intersection Improvements Project. GPI was selected for CIP Infrastructure Projects per RFQ 21-19.

The funds for this project were budgeted and are available in the following account:

15013010-771000 - 22528 = \$68,000.00

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

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



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INTEROFFICE MEMORANDUM

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

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

DATE: August 25, 2021

SUBJECT: **Recommendation to Award Bid #22-01
Little Falls Bridge Road Right Turn Lane Project**

CC: Peter Nourse, PE, Director of City Services

Based upon a review of the bids received for the above referenced project, I am recommending Award of Bid #22-01 to G.W. Brooks & Son, Inc. Our engineering consultant, Hoyle, Tanner & Associates, Inc., have reviewed the bids received and submitted to the City a Recommendation of Award letter (see attached).

The total award is for \$106,755.00. Funds are available for this award in the following CIP account line:

- Public Works 15013010-771000-21517

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 Notice of Award document should be returned to DPW for distribution.

Signature _____

Katie Ambrose

Deputy City Manager/ Director of Finance & Administration

Attachments: Notice of Award for Bid No. 22-01

HTA Recommendation to Award letter dated 8/18/21



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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 *MJB*

DATE: August 25, 2021

SUBJECT: **Little Falls Bridge Road Right Turn Lane Project - Engineering Services Construction Phase Contract Amendment**

CC: Peter Nourse, PE, Director of City Services

Attached is one (1) original Contract Amendment for Construction Phase Engineering Professional Services for the Little Falls Bridge Road Right Turn Lane project. This contract is between the City and Hoyle, Tanner & Associates, Inc. for construction administration, resident engineering and related services in the amount of \$22,475.

Funds are available for this Contract Amendment in the following CIP account line:

- Public Works 15013010-771000-21517

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 Amendment should be returned to DPW for distribution. Thank you.

Signature _____

Katie Ambrose
Deputy City Manager/ Director of Finance & Administration

Attachment: HTA Engineering Construction Phase Services Contract Amendment



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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: August 30, 2021

SUBJECT: Wright Pierce – Task Order-Design Amendment
Rt. 202A Water Main extension & Storage Tank Project \$60,759.00
Highfields Water Main Extension \$58,471.00
Total Amount \$119,230.00

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

Attached please find (1) one copy of the Wright Pierce Task Order associated with the Rt. 202A Water Main Extension & Tank Project and the engineering (tasks 12-15) for the water line through Highfields Common Development. Wright Pierce Engineering was selected for CIP Infrastructure Projects per RFQ 21-19.

The funding for project is available in the following Accounts:

55016010-771000-19532 = \$60,759.00 Rt. 202A Water Main Ext & Tank Project
55016010-771000-22546 = \$58,471.00 Water Distribution Upgrades

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

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



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INTEROFFICE MEMORANDUM

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

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

DATE: August 30, 2021

SUBJECT: Wright Pierce – Task Order
Fillmore Drive Gravity Sewer - Conceptual Design Engineering
Amount \$5,000.00

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

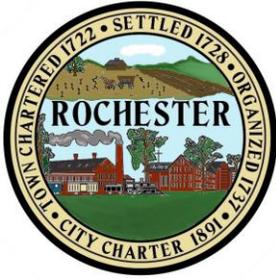
Attached please find (1) one copy of the Wright Pierce Task Order for Conceptual Design of Gravity Sewer on Fillmore Drive. Wright Pierce Engineering was selected for CIP Infrastructure Projects per RFQ 21-19.

The funding for project is available in the following Account:

55026020-771000-20548 = \$5,000.00

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

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



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INTEROFFICE MEMORANDUM

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

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

DATE: August 30, 2021

SUBJECT: Wright Pierce – Task Order
Hydraulic Modeling Assistance
Amount \$5,000.00

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

Attached please find (1) one copy of the Wright Pierce Task Order for hydraulic modeling assistance. Wright Pierce Engineering was selected for CIP Infrastructure Projects and WTP Assistance per RFQ 21-19.

The funding for hydraulic model assistance was budgeted in the following O&M Account:

51601057-533002 Engineering Services \$5,000.00

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

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



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INTEROFFICE MEMORANDUM

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

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

DATE: August 30, 2021

SUBJECT: Wright Pierce – Task Order
Round Pond Augmentation Project
Amount \$81,940.00

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

Attached please find (1) one copy of the Wright Pierce Task Order for engineering and survey services associated with the Round Pond Augmentation Project. Wright Pierce Engineering was selected for CIP Infrastructure Projects per RFQ 21-19.

The funds for this project were budgeted and are available in the following account:

55016010-771000-20541 = \$81,940.00

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

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



City of Rochester, New Hampshire

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INTEROFFICE MEMORANDUM

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

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

DATE: August 30, 2021

SUBJECT: **Certificate of Final Completion
Portland Street Twin Culvert Replacement Project (#21-11)**

CC: Peter Nourse, PE, Director of City Services

Attached please find one (1) original of the Certificate of Final Completion for the Portland Street Twin Culvert Replacement project, which has been submitted for the City's signature. The City's contractor, Integrity Earthworks, LLC, has achieved final completion of the project as of July 21, 2021. The City's consulting engineer, Hoyle, Tanner & Associates, Inc. (HTA), has certified that the contractor has achieved final completion and has submitted the attached Certificate of Final Completion for signature by the City of Rochester. I recommend that the City accepts and signs this Certificate of Final Completion, which initiates the one year guaranty period.

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

Signature _____

Katie Ambrose
Deputy City Manager/Director of Finance & Administration

Attachments: Certificate of Final Completion for Contract No. 21-11

Date: July 29, 2021

To: Blaine Cox
City Manager

From: Julian Long
Community Development Coordinator/Grants Manager

Re: FY 2022 CDBG Contracts – Waypoint NH Amendment

Please see attached the signed copy of the FY 2022 Community Development Block Grant (CDBG) the contract amendment between the city and Waypoint NH. The contract amendment corrects the project scope description for the approved project.

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

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

Date: August 11, 2021

To: Blaine Cox
City Manager

From: Julian Long
Community Development Coordinator/Grants Manager

Re: FY 2021 CDBG Request for Release of Funds – Community Action Partnership of
Strafford County

Please see attached the completed Request for Release of Funds for the Community Action Partnership of Strafford County's weatherization program. The City Council approved CDBG funding to this activity at the May 4, 2021 City Council meeting.

The Request for Release of Funds requires the signature and date 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.



MEMO

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

CC: Blaine Cox, City Manager

FROM: Michael Scala, Director of Economic Development

DATE: August 12, 2021

RE: Weston and Sampson GRD Residential Study

Katie:

The Department of Economic Development has been asked by the Planning Board to conduct a third-party review of the proposed ordinance allowing residential development within the Granite Ridge Development District (GRD).

Because of the specific nature of this study, and the time constraints associated with the multi-quote process, you have approved a waiver regarding the normal procurement process.

The waiver would allow Econ Dev to contract with Portsmouth-based Weston and Sampson to provide this review and study as requested by the Planning Board.

The attached Scope of Work details the services provided at a cost of \$12,320.

Please review the scope and execute the document at your earliest convenience.

Let me know if you have any questions.

Thank you

Katie Ambrose, Deputy City Manager

8/12/2021
Date

Finance Notes: Funding available in ED O&M Consulting Other – 11012351-534006

Date: August 27, 2021

To: Blaine Cox
City Manager

From: Julian Long
Community Development Coordinator/Grants Manager

Re: FY 2022 CDBG Environmental Reviews – CAP Weatherization
Environmental Reviews

Please see attached the completed FY 2022 Community Development Block Grant (CDBG) environmental review for the replacement of a water heater in a manufactured home in Briar Ridge Estates, insulation and replacement of windows and heating system in a manufactured home in the northern area of the city, and the insulation and roof replacement in a manufactured home located in East Rochester. The City Council approved funding to the CAP weatherization program at the May 4, 2021 City Council meeting.

The environmental reviews require 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.

DEPT	NAME	POSITION	# of Employees	FT	PT	SEASONAL/TEMP	NEW HIRE	REHIRE	RETIREMENT	SEPARATED	STEP (CBA)	COLA (CBA)	MERIT PAY ADJ	NU PAY ADJ	PAY ADJ	PROMOTION	OTHER	MISC. INFO
ALL		NON UNION	34	X	X													PLACEMENT OF NEW MERIT TRACK
DPW	JAY PALMER	MEDIUM EQUIPMENT OPERATOR	1	X			X							X				
DPW	THOMAS MARTINEAU	MEDIUM EQUIPMENT OPERATOR	1	X												X		LEO TO MEO
DPW	DAVID DESJARDIN	MEDIUM EQUIPMENT OPERATOR	1	X												X		LEO TO MEO
DPW	TYLER MADORE	MEDIUM EQUIPMENT OPERATOR	1	X												X		LEO TO MEO
DPW	PAUL MICHAUD	MEDIUM EQUIPMENT OPERATOR	1	X												X		LEO TO MEO
DPW	MICHELE GRANT	UTILITY BILLING ADMINISTRATOR	1	X									X					
DPW	CHRISTOPHER GOODWIN	LEAD WWTP MAINTENANCE	1	X						X								
DPW	ADAM JENNESS	PUMP STATION MAINTENANCE TECH	1	X											X			SEWER TREATMENT GRADE 2 CERTIFICATE
DPW	PATRICK SBRIZZA	PT GROUNDS LABORER	1		X		X											
DPW	KEITH HERSOM	LIGHT EQUIPMENT OPERATOR	1	X			X											
FINANCE	DAVID NALCHAJIAN	DEPUTY FINANCE DIRECTOR	1	X						X								
FINANCE	SUSAN HICKEY	DEPUTY FINANCE DIRECTOR	1	X			X											
IT	DENNIS SCHAFER	SYSTEMS ADMINISTRATOR	1	X							X							
LIBRARY	MIRANDA AVERY	LIBRARY PAGE	1		X					X								
LIBRARY	KATHERINE PARKER-WRIGHT	PATRON SERVICES SUPERVISOR	1	X												X		
POLICE	JEFFREY SLANKARD	PATROL OFFICER	1	X			X											
POLICE	ADAM GRANATOWSKI	PATROL OFFICER	1	X			X											
POLICE	SARAH LAZZAR	PATROL OFFICER	1	X			X											
POLICE	TOMAS VELASQUEZ	PATROL OFFICER	1	X			X											
POLICE	DANIEL LOUIS	PATROL OFFICER	1	X			X											
POLICE	ROBERT BURRELL	PATROL OFFICER	1	X			X											
POLICE	CARL ROOT	PATROL OFFICER	1	X							X							
POLICE	PATRICK FLATHERS	PATROL OFFICER	1	X							X							
POLICE	KEVEN MILLER	PATROL OFFICER	1	X							X							
POLICE	KYLE DANIE	PATROL OFFICER	1	X							X							
POLICE	THOMAS SEAGER	PATROL OFFICER	1	X							X							
POLICE	DONALD EMMERSON	CROSSING GUARD	1				X						X					
POLICE	CARL GOODWIN	CROSSING GUARD	1				X						X					
POLICE	DENNIS LABRECQUE	CROSSING GUARD	1				X						X					
POLICE	DOUGLAS COFFIN	CROSSING GUARD	1				X						X					
POLICE	WARREN HOUSER	EVIDENCE TECHNICIAN	1		X					X								
POLICE	SUZANNE PARADIS	ANIMAL CONTROL OFFICER	1	X							X							

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left blank...*

City Clerk's Office

July 8, 2021

RECEIVED
JUL 08 2021
OFFICE OF THE CHIEF
ROCHESTER POLICE DEPT

Derek J. Peters

118 Secretariat Estate unit 206

Rochester, NH 03867

Mayor, Caroline McCarley

Dear Mayor and City Council

It is with regret that I am writing to inform you of my decision to resign my position as Police Commissioner, effective July, 16 2021. Because I have move from Wards 3-4 to Wards 5-6.

I have enjoyed working with you and the Council, I appreciate the support that you have shown to the City's First Responders.

I Hope to be back after the next election.

As Section 23: Election of Police Commission, Reads

Each Police Commissioner shall be a resident and registered voter of one of the wards from which he is elected at the time he files his declaration of candidacy, at the time of his election, and throughout his term of office.

If a Commissioner moves his residence from the wards from which he was elected during his term of office, then his office shall be declared vacant, and the vacancy shall be filled as provided in Section 68 of this Charter.

Section 68 Charter Reads:

Vacancies occurring in any City Council, School Board, or Police Commission seat shall be filled until the next regular municipal election by the City Council's election, by majority vote, of some qualified person.

If I can be of any assistance, please don't hesitate to ask.

Best Regards,

Derek J. Peters

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left blank...*

City Clerk's Office



LOCAL RIVER MANAGEMENT ADVISORY COMMITTEE NOMINEE FORM



New Hampshire Rivers Management and Protection Program

RSA 483:8-a

Please complete both sides of this form and email to riversprogram@des.nh.gov. Please type "NOMINEE FORM" and nominee's name in the subject line. Forms can also be sent by mail to: Rivers Coordinator, NHDES, 29 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095. For questions, please contact the Rivers Coordinator at 271-2959.

Nominee Information

Nominee Name: JON BATSON		Date: 8-24-21
Street Address: 33 PROSPECT ST		
Town: ROCHESTER		ZIP Code: 03867
Phone (home): 603-335-5372	Phone (cell): 603-978-9480	Phone (work):
Email: JONTR@13@aol.com		

Nomination Information

Type of Appointment -	<input type="checkbox"/> New Appointment	<input checked="" type="checkbox"/> Reappointment
River Name: COCHECHEE RIVER		
Type of Representation -	Municipality:	Other:
Please state your interest(s) in serving on the Local River Management Advisory Committee:		
<input type="checkbox"/> Local Government	<input checked="" type="checkbox"/> Conservation	<input checked="" type="checkbox"/> Agriculture
<input type="checkbox"/> Business	<input checked="" type="checkbox"/> Recreation	<input type="checkbox"/> Riparian Landowners
<input type="checkbox"/> Other, please specify: _____		

Board of Selectmen or Authorized Signature(s) – REQUIRED (e-signature acceptable)

Name:	Title:
Name:	Title:
Name:	Title:
Note: By statute, the New Hampshire Rivers Management Advisory Committee appoints the Local River Management Advisory Committee (LAC) members for each Designated River from nominees submitted by the local governing bodies through which the Designated River flows (RSA 483:8-a).	

Additional Information

Please include a short description of your relevant background knowledge of local river-related issues or general river management and protection:

*Have served on regional conservation groups
education comm and chaired CRWC*

Most Local Advisory Committees engage in a variety of activities. Reviewing those activities listed below, please check those that are of most interest to you:

- Grant Writing
- Public Education
- Committee Administration
- Event Organization
- Public Relations
- Management Plan Preparation/Implementation
- Other, please specify:

Most Local Advisory Committees meet monthly. In some cases, they may meet more frequently to complete specific tasks, while in other cases your attendance may not be required at all meetings. Please check one of the boxes below to indicate your availability to attend regularly scheduled meetings:

- I can attend monthly meetings on most weeknights.
- I can attend monthly meetings only if scheduled on a specific weeknight.
- I can only attend a limited number of monthly meetings.
- I cannot attend monthly meetings, but am willing to complete tasks on behalf of the Committee.

For NHDES Office Use Only

LAC Member List and Contacts Database updated (date):
LAC Chair and Nominee have been contacted regarding nomination on (date):
RMPP Staff recommends appointment to the Rivers Management Advisory Committee -
<input type="checkbox"/> Approve RMPP staff: _____ Date: _____
Appointment confirmation sent to municipality and LAC Chair on (date):
Appointment letter and information packet sent on (date):

Codes and Ordinances Committee

Councilor Peter Lachapelle, Chair
Councilor Tom Abbott (absent)
Councilor Chris Rice (excused)
Councilor Laura Hainey
Councilor Daniel Fitzpatrick



Others Present

Terence O'Rourke, City Attorney
Lisa Stanley, Police Commissioner
Dave Camire, School Board member

CODES AND ORDINANCES COMMITTEE
Of the Rochester City Council
Thursday, August 5, 2021
Council Chambers
6:00 PM

Minutes

1. Call to Order

Chair Lachapelle called the Codes & Ordinances meeting to order at 6:00 PM

Deputy City Clerk Cassie Givara took a silent roll call. All Councilors were present except for Councilor Rice who was excused and Councilor Abbott who was absent. There was a quorum present.

2. Public Input

There was no one present in Council Chambers for public input.

3. Acceptance of the Minutes

3.1 May 6, 2021 *motion to approve*

Councilor Hainey **MOVED** to accept the minutes of the May 6, 2021 Codes & Ordinances Committee. Councilor Fitzpatrick seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

4. Discussion: Ethics Committee & Code

Chairman Lachapelle opened up the discussion for edits and corrections to the draft Code of Ethics which had been distributed in the packet as well as to the School Board and the Police Commission.

The following minor grammatical corrections were identified for correction:

- page 10, 6th paragraph down where the title reads “*Do no solicit political support from staff*” and should be changed to “Do not solicit.”
- Page 14, first paragraph, 2nd to last sentence which should be changed from “ability to work with staff and they public” should be changed to “staff and the public.”
- Page 15, under the title “Inappropriate Staff Behavior” the sentence which reads “These employees may be disciplines...” should read “...may be disciplined.”

Councilor Hainey inquired if the Code of Ethics was the correct place to outline repercussions for inappropriate staff behavior because it would likely be covered in the employee handbook or employee contracts. She stated that this document was intended for City Council, School Board, and Police Commission members as opposed to City staff and suggested that this entire section be removed. Dave Camire, School Board, suggested that the intent was to outline the reporting of inappropriate behavior by staff. Councilor Hainey **MOVED** to strike the last sentence in the paragraph as follows:

Inappropriate Staff Behavior

Council members should refer to the city manager any City staff or to the city attorney any City Attorney’s staff who do not follow proper conduct in their dealings with Council members, other City staff, or the public. ~~These employees may be disciplines in accordance with standard City procedures for such actions. (Please refer to the section on Council Conduct with City Staff for more details on interaction with Staff.)~~

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

There was discussion regarding changing the title of the above listed section to something indicating it was about the reporting of said inappropriate behavior. Councilor Fitzpatrick stated that the intention seemed to be to prevent having a Council or Board member confront staff behavior personally, but rather taking the proper channels through the City Manager or City Attorney to report and address the behavior. The Committee set aside the decision to return to later in the meeting.

Lisa Stanley, Police Commissioner, directed the Committee to page 3 of the document, bullet point 2 which states, in part, “Members shall comply with the laws of the nation, the State of New Hampshire and the City of Rochester in the performance of their public duties.” She questioned why this was only referencing public duties as opposed conduct both publicly and privately. She stated

that members of boards and commissions already sign an oath of office promising to carry out these duties and to maintain this conduct and it should not be restricted to their public conduct. Attorney O'Rourke stated that the verbiage in this subsection of the Code of Ethics is actually broader than what is contained in the oath of office. Commissioner Stanley suggested changing the passage as follows:

2. Comply with both the spirit and the letter of the Law and City Policy. Members shall comply with the laws of the nation, the State of New Hampshire and the City of Rochester. ~~in the performance of their public duties. These laws include, but are not limited to: the United States and New Hampshire constitutions; the Rochester City Charter; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.~~

Councilor Lachapelle **MOVED** to remove the sentence as listed above. Councilor Fitzpatrick seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Commissioner Stanley directed the committee to page 5, section 12 which reads:

12. Representation of Private Interests. In keeping with their role as stewards of the public interest, members shall not appear on behalf of the private interests of third parties before the Council or any board, commission or proceeding of the City, nor shall members of boards and commissions appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

Commissioner Stanley pointed out that on page 13 section 5 reads "However, they should be sensitive to the way their participation especially if it is on behalf of an individual, business or developer– could be viewed as unfairly affecting the process." which appears to directly conflict with the earlier passage on page 5. Attorney O'Rourke clarified that in section 12, "representing" referred to appearing as legal counsel or a paid consultant on behalf of a third party. The caution suggested on page 5, as listed above, refers to a Councilor or board member appearing as a private citizen in support of a particular project or group. Attorney O'Rourke suggested adding the verbiage "as a paid or retained representative" to section 12. Councilor Fitzpatrick **MOVED** to add the verbiage as follows:

"...In keeping with their role as stewards of the public interest, members shall not appear **as a paid or retained representative** on behalf of the private interests of third parties before the Council or any board, commission or proceeding of the City..."

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

Commissioner Stanley questioned section 14 on page 5 titled “Police role of Members” and asked if the word “police” was necessary. Councilor Lachapelle stated that in drafting this code, they had taken multiple examples from other communities and combined the relevant pieces to develop a document for Rochester’s needs. This process accounts for some of the items which remain to be addressed. Attorney O’Rourke said that the word “police” in this context refers to overseeing a role, not to the police department. He stated that it was a non-interference clause and could be changed to “Non-interference of members.” Councilor Fitzpatrick **MOVED** to change the title of section 14 on page 5 as follows:

14. Police Role ~~Non-interference~~ of Members.

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

Commissioner Stanley directed the committee to page 9, section 4 of the document in regards to non-routine requests requiring special effort. The document says these requests need to start with the City Manager, but Commissioner Stanley stated that the Police Commission would more likely go to the Chief and the School Board would report to the superintendent. Attorney O’Rourke said that verbiage could be added in a footnote referencing the appropriate party for each board to report. Councilor Lachapelle **MOVED** to update the footnote to reference this correct reporting information for each board. Councilor Fitzpatrick seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Commissioner Stanley referenced the first paragraph on page 10 titled “*Never publicly criticize an individual employee.*” She said she had discussed this with the City Manager and there was a reference to the City Attorney which should not be included because it relates to elected officials. A motion was not needed because this item was identified as needing to be changed from the beginning. It was updated as follows:

Never publicly criticize an individual employee

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

Commissioner Stanley said that same issue is contained on page 15 and that passage was additionally changed as follows:

~~Inappropriate~~ **Reporting Staff Behavior**

Council members should refer to the city manager any City staff **or to the city attorney any City Attorney’s staff** who do not follow proper conduct in their dealings with Council

~~members, other City staff, or the public. These employees may be disciplines in accordance with standard City procedures for such actions. (Please refer to the section on Council Conduct with City Staff for more details on interaction with Staff.)~~

Mr. Camire stated that the School Board has an attorney and questioned if this deletion would be relate to that attorney as well. Attorney O'Rourke said that in the case of the School Board, with the footnote referencing the proper reporting authorities, it would indicate that the School Board members should refer to the Superintendent. He stated he would update the footnote to state that any reference to City Council throughout the document also refers to School Board and Police Commission, and any reference to City Manager also refers to Superintendent and Chief of Police.

Commissioner Stanley pointed to the sections on page 11 which refer to public speaking at meetings and questioned whether this document was the proper place for this wording as opposed to how it already stands in the rules of order. City Attorney O'Rourke agreed that some of this could be removed, but recommended keeping the portion which reads "No qualified speaker will be turned away unless he or she exhibits inappropriate behavior" because this sentence refers to the conduct of board members in relation to their treatment of public speakers. Councilor Hainey said that this information is already covered in section 3(a) on page 10 Elected and Appointed Officials' Conduct with the Public. Commissioner Stanley suggested the sentence in question could be placed at the end of the "In Public Meetings" section of 3(a). Councilor Hainey suggested striking all of page 11 and the top of page 12 and moving the sentence "No qualified speaker will be turned away unless he or she exhibits inappropriate behavior" to the end of section 3(a) on page 10. Councilor Hainey **MOVED** to remove the top two paragraphs on page 11. After further discussion, the motion was amended to change the paragraphs as follows:

Be fair and equitable in allocating public hearing time to individual speakers.

~~The chair will determine and announce limits on speakers at the start of the public hearing process. Questions should not be asked for the express purpose of allowing one speaker to evade the time limit imposed on all others (e.g., "Was there something else you wanted to say?"). Generally, each speaker will be allocated three minutes with the applicants and appellants or their designated representatives allowed ten. If many speakers are anticipated, the chair may shorten the time limit and/or ask speakers to limit themselves to new information and points of view not already covered by previous speakers.~~

~~No qualified speaker will be turned away unless he or she exhibits inappropriate behavior. Each speaker may only speak once during the public hearing unless the chair requests additional clarification later in the process. After the close of the public hearing, no more public testimony will be accepted unless the chair reopens the public hearing for a limited and specific purpose.~~

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

Councilor Hainey **MOVED** to change the paragraph on page 11 titled "*Give the appearance of active listening*" to "*Be an active listener.*" Councilor Fitzpatrick seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

There was a discussion regarding the section on page 11 in regards to asking a public speaker for clarification. It was determined that this section was germane and should remain in the document.

Commissioner Stanley referred to the page 15, section C titled Sanctions and the paragraph regarding “Public Disruption.” She said it seemed to relate more to public conduct as opposed to the conduct of elected officials. Attorney O’Rourke agreed that this information is included in other places such as the Council Rules of order and could be removed from this ethics document. Councilor Lachapelle **MOVED** to remove the section on page 15 as follows:

C. SANCTIONS

Public Disruption

~~Members of the public who do not follow proper conduct after a warning in a public hearing may be barred from further testimony at that meeting or removed from the Council Chambers.~~

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

The last sentence on page 15 was changed as follows to correct an omitted word:

City Council members who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council, or **lose** committee assignments.

Commissioner Stanley suggested that the word “censure” as used in the sentence may need to be defined within the document. Council Lachapelle said that it is the prerogative of the chair to use their gavel to restore order and it is under the mayor’s authority to have a member removed. Attorney O’Rourke stated that censure is a formal statement of disapproval. It was decided that a definition of censure should be added to the “Glossary of terms” within the document.

Commissioner Stanley reference the sentence at the top of page 12 which refers to “Serious infractions of the Code of Ethics or Code of Conduct” and questioned to what “serious” refers. Attorney O’Rourke said the law does not define “serious” and cautioned against a definition due to the subjective nature of the term and what may be considered serious to various people or organizations. The sentence already references the City Charter and state RSA.

There was a brief discussion regarding the process to be taken when confronting behavior/infractions by board members and the steps which need to occur.

Commissioner Stanley referred to page 17 with the bullet points under “Principles of Proper Conduct.” She stated that she felt the list was juvenile and might better be purposed as a handout for new board members or as part of the statement of page 20 which members would be signing. Attorney O’Rourke said the wording was intended as aspirational principles that board members would be agreeing to. Councilor Lachapelle suggested moving this list to the Member Statement document on page 20. Councilor Fitzpatrick suggested changing the title to “Aspirational Principles” or “Aspirational Goals.” Councilor Hainey **MOVED** to change pages 17 and 18 as follows:

D. PRINCIPLES OF PROPER CONDUCT

Proper conduct IS...

- ~~Keeping promises~~
- ~~Being dependable~~
- ~~Building a solid reputation~~
- ~~Participating and being available~~
- ~~Demonstrating patience~~
- ~~Showing empathy~~
- ~~Holding onto ethical principles under stress~~
- ~~Listening attentively~~
- ~~Studying thoroughly~~
- ~~Keeping integrity intact~~
- ~~Overcoming discouragement~~
- ~~Going above and beyond, time and time again~~
- ~~Modeling a professional manner~~

Proper conduct IS NOT...

- ~~Showing antagonism or hostility~~
- ~~Deliberately lying or misleading~~
- ~~Speaking recklessly~~
- ~~Spreading rumors~~
- ~~Stirring up bad feelings, divisiveness~~
- ~~Acting in a self-righteous manner~~

It all comes down to respect

~~Respect for one another as individuals...respect for the validity of different opinions...respect for the democratic process...respect for the community that we serve~~

E. CHECKLIST FOR MONITORING CONDUCT

- ~~Will my decision/statement/action violate the trust, rights or good will of others?~~
- ~~What are my interior motives and the spirit behind my actions?~~
- ~~If I have to justify my conduct in public tomorrow, will I do so with pride or shame?~~
- ~~How would my conduct be evaluated by people whose integrity and character I respect?~~
- ~~Even if my conduct is not illegal or unethical, is it done at someone else's painful expense? Will it destroy their trust in me? Will it harm their reputation?~~
- ~~Is my conduct fair? Just? Morally right?~~
- ~~If I were on the receiving end of my conduct, would I approve and agree, or would I take offense?~~
- ~~Does my conduct give others reason to trust or distrust me?~~
- ~~Am I willing to take an ethical stand when it is called for? Am I willing to make my ethical beliefs public in a way that makes it clear what I stand for?~~
- ~~Do I exhibit the same conduct in my private life as I do in my public life?~~
- ~~Can I take legitimate pride in the way I conduct myself and the example I set?~~

Draft
City of Rochester

- ~~○ Do I listen and understand the views of others?~~
- ~~○ Do I question and confront different points of view in a constructive manner?~~
- ~~○ Do I work to resolve differences and come to mutual agreement?~~
- ~~○ Do I support others and show respect for their ideas?~~
- ~~○ Will my conduct cause public embarrassment to someone else?~~

Councilor Fitzpatrick seconded the motion. Attorney O'Rourke said that removing these sections would undermine the entire document; it is a code of ethics and conduct, with both ethics and conduct being defined earlier in the code. While ethics is covered throughout, removing this section removes the description of conduct. Councilor Hainey **WITHDREW** her motion. Councilor Fitzpatrick withdrew his second. The **MOTION CARRIED** by a unanimous voice vote.

Mr. Camire asked if there was a timeline on the document which dictates when it would need to be reviewed. Councilor Lachapelle said that it can be changed and nothing is set in stone at this stage. He suggested that every two years when the Codes committee reviews the rules of order, this Code of Ethics can be reviewed at the same time. Attorney O'Rourke clarified that this document would not be adopted as part of the City Ordinances. He stated that each board could potentially make reviews and changes to suit their needs independent from the other boards. Councilor Lachapelle stated that this could be added to the next Codes & Ordinances agenda to add to the Rules of Order that the Codes Committee will review the Code of Ethics.

It was discussed that any further minor grammatical changes could be sent directly to Attorney O'Rourke for correction.

Mr. Camire stated that the School Board was meeting the following week and they would have a discussion on the changes that had been made this evening and discuss any further changes to come back to the Codes Committee. Commissioner Stanley stated that the Police Commission was not meeting in September, but they would discuss the document at their next meeting and forward any further suggested changes.

The changes to the Code of Ethics document were kept in committee.

15. Other

No Discussion.

16. Adjournment

Chairman Lachapelle **ADJOURNED** the Codes & Ordinances Committee meeting at 7:20 PM.

Respectfully Submitted,

Cassie Givara, Deputy City Clerk

City of Rochester

Code of Ethics and Conduct

For ease of reference in the Code of Ethics and Conduct, the term "member" refers to any member of the Rochester City Council, Police Commission, School Board, or the City's board and commissions established by the City Charter, City Ordinance or Council policy, "City Council" shall refer to the Rochester City Council, Police Commission, School Board, or the City's board and commissions established by the City Charter, City Ordinance or Council policy, and "City Manager" shall refer to the Superintendent of Schools and the Chief of Police when appropriate.

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G. Implementation	
APPENDIX A – Model of Excellence Member Statement	

For ease of reference in the Code of Ethics and Conduct, the term "member" refers to any member of the Rochester City Council, Police Commission, School Board, or the City's board and commissions established by the City Charter, City Ordinance or Council policy, "City Council" shall refer to the Rochester City Council, Police Commission, School Board, or the City's board and commissions established by the City Charter, City Ordinance or Council policy, and "City Manager" shall refer to the Superintendent of Schools and the Chief of Police when appropriate.

Policy Purpose

The Rochester City Council has adopted a Code of Ethics and Conduct for members of the City Council and City's boards and commissions to assure public confidence in the integrity of local government and its effective and fair operation.

A. ETHICS

The citizens and businesses of Rochester are entitled to have fair, ethical and accountable local government which has earned the public's full confidence for integrity. In keeping with the City of Rochester Commitment to Excellence, the effective functioning of democratic government therefore requires that:

- public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government;
- public officials be independent, impartial and fair in their judgment and actions;
- public office be used for the public good, not for the personal gain; and
- public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Rochester City Council, Police Commission, and School Board have jointly adopted a Code of Ethics and Conduct for members of the City Council, Police Commission, School Board, and of the City's boards and commissions to assure public confidence in the integrity of local government and its effective and fair operation. The Ethics section of the City's Code of Ethics and Conduct provides guidance on ethical issues and questions of right and wrong.

1. Act in the Public Interest. Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of Rochester and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before them.
2. Comply with both the spirit and the letter of the Law and City Policy. Members shall comply with the laws of the nation, the State of New Hampshire and the City of Rochester. These laws include, but are not limited to: the United States and New Hampshire constitutions; the Rochester City Charter; laws pertaining to conflicts of interest, election

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campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.

3. **Conduct of Members.** The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, boards and commissions, the staff or public.
4. **Respect for Process.** Members shall perform their duties in accordance with the processes and rules of order established by each body governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions by City staff.
5. **Conduct of Public Meetings.** Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.
6. **Decisions Based on Merit.** Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.
7. **Communication.** Members shall publicly disclose substantive information that is relevant to a matter under consideration by the Council or boards and commissions, which they may have received from sources outside of the public decision-making process.
8. **Conflict of Interest.** In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest, or where they have an organizational responsibility or personal relationship which may give the appearance of a conflict of interest. In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts may exist.
9. **Gifts and Favors.** Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office, that are not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits

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which might compromise their independence of judgement or action or give the appearance of being compromised.

10. Confidential Information. Members shall respect the confidentiality of information concerning the property, personnel or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.
11. Use of Public Resources. Members shall not use public resources not available to the public in general, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.
12. Representation of Private Interests. In keeping with their role as stewards of the public interest, members shall not appear as a paid or retained representative on behalf of the private interests of third parties before the Council or any board, commission or proceeding of the City, nor shall members of boards and commissions appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.
13. Advocacy. Members shall represent the official policies or positions of the City Council, board or commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Rochester, nor will they allow the inference that they do. Council members and board and commission members have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention or display endorsements during Council meetings, board/commission meetings, or other official City meetings.
14. Non-Interference of Members. Members shall respect and adhere to the council-manager structure of Rochester City government as outlined by the Rochester City Charter. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, boards and commissions, and City staff. Except as provided by the City Charter, members therefore shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions.

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15. Independence of boards and commissions. Because of the value of the independent advice of boards and commissions to the public decision-making process, members of Council shall refrain from using their position to unduly influence the deliberations or outcomes of board and commission proceedings.
16. Positive Work Place Environment. Members shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to staff.

B. Conduct

The Conduct section of the City's Code of Ethics and Conduct is designed to describe the manner in which members should treat one another, City staff, constituents, and others they come into contact with in representing the City of Rochester.

The constant and consistent theme through all of the conduct guidelines is "respect." Members experience huge workloads and tremendous stress in making decisions that could impact thousands of lives. Despite these pressures, elected and appointed officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect for each individual through words and actions is the touchstone that can help guide members to do the right thing in even the most difficult situations.

1. Elected and Appointed Officials' Conduct with One Another

Elected and appointed officials are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even though individuals may "agree to disagree" on contentious issues.

1a. In Public Meetings

Use formal titles

Elected and appointed official should refer to one another formally during public meetings, such as Mayor, Deputy Mayor, Chair, Commissioner or Councilor followed by the individual's last name.

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Practice civility and decorum in discussion and debate

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, public officials to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.

Honor the role of the chair in maintaining order

It is the responsibility of the chair to keep the comments of members on track during public meetings. Members should honor efforts by the chair to focus discussion on current agenda items. If there is disagreement about the agenda or the chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.

Avoid personal comments that could offend other members

If a member is personally offended by the remarks of another member, the offended member should make notes of the actual words used and call for a "point of personal privilege" that challenged the other member to justify or apologize for the language used. The chair will maintain control of this discussion.

Demonstrate effective problem-solving approaches

Members have a public stage to show how individuals with disparate points of view can find common ground and seek compromise that benefits the community as a whole.

Outside of official board or commission meetings, individual board and commission members are not authorized to represent the City or their board or commission unless specifically designated by the Council or the board or commission to do so for a particular purpose. In private settings, board and commission members may communicate at any time and on any subject with individual members of the City Council, and may express to them individual viewpoints and opinions. In public, however, all members shall represent the official policies or positions of their board or commission, with the following exception. During a council public hearing on any item addressed by the board or commission, any member may speak under standard time limits, but shall indicate whether their testimony represents an official position (majority opinion) or a minority opinion of the board/commission to which they belong. The chair shall represent the majority view of the board or commission, but may report on any minority views as well, including his or her own. When an official board or commission position differs from staff's recommendation on a particular policy issue, then at the Mayor's discretion additional time may be provided to the chair of the board or commission (or his/her

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designee) to explain the position of the board/commission or to rebut statements made by staff or the public. If new information is brought to light during a public hearing which was not shared previously with the board or commission, the Mayor may allow the board or commission chair to respond. If the Council deems the new information sufficient to warrant additional study, then by majority vote Council may remand the issue back to the board or commission for further study prior to taking other action itself.

Individual opinions and positions may be expressed by board and commission members regarding items that have not come before the particular board/commission to which they belong. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Rochester, nor will they allow the inference that they do.

Although a board or commission may disagree with the final decision the Council makes, the board or commission shall not act in any manner contrary to the established policy adopted by the Council.

1(b). In Private Encounters

Continue respectful behavior in private

The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.

Be aware of the insecurity of written notes, voicemail messages, and E-mail

Technology allows words written or said without much forethought to be distributed wide and far. Would you feel comfortable to have this note faxed to other? How would you feel if this voicemail message were played on a speaker phone in a full office? What would happen if the E-mail message were forwarded to others? Written notes, voicemail messages and E-mail should be treated as potentially "public" communication.

Even private conversations can have a public presence

Elected and appointed officials are always on display – their actions, mannerisms, and language are monitored by people around them that they may not know. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, and casual comments between individuals before and after meetings noted.

2. Elected and Appointed Officials' Conduct with City Staff

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Governance of a City relies on the cooperative efforts of elected officials, who set policy, appointed officials who advise the elected, and City staff who implements and administers the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

Treat all staff as professionals

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

Member questions/inquiries to City staff

1. General. Council and board/commission communications with City staff should be limited to normal City business hours unless the circumstances warrant otherwise. Responses to Council questions posed outside of normal business hours should be expected no earlier than the next business day.
2. Routine Requests for Information and Inquires. Members may contact staff directly for information made readily available to the general public on a regular basis (e.g., "What are the library hours of operation?") Under these circumstances staff shall treat the member no differently than they would the general public, and the member shall not use their elected status to secure preferential treatment. The city manager does not need to be advised of such contacts.
3. Non-Routine Requests for Readily Available Information. Members may also contact staff directly for easily retrievable information not routinely requested by the general public so long as it does not require staff to discuss the issue or express an opinion (e.g., "How many traffic lights are there in the City?" or "Under what circumstances does the City lower its flags to half mast?").
4. Non-Routine Requests Requiring Special Effort. Any member request or inquiry that requires staff to compile information that is not readily available or easily retrievable and/or that requests staff to express an opinion (legal or otherwise) must be directed to the city manager¹ (e.g., "How many Study Issues completed over the past five years have required 500 or more hours of staff time?", or "What is the logic behind the City's sign ordinances affecting businesses along Route 11?"). The city manager shall be responsible for distributing

¹ In the case of the Police Commission directed to the Chief of Police and in the case of the School Board to the Superintendent.

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such requests to his/her staff for follow-up. Responses to such requests shall be copied to all Council members (if originating from a Council member), relevant board or commission members (if originating from a board or commission member), the city manager, and affected department directors.

5. Meeting Requests. Any member request for a meeting with staff must be directed to the city manager.

Do not disrupt City staff from their jobs

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

Never publicly criticize an individual employee

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

Do not get involved in administrative functions

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

Check with City staff on correspondence before taking actions

Before sending correspondence, Council members should check with City staff to see if an official City response has already been sent or is in progress.

Limit requests for staff support

Routine secretarial support will be provided to all Council members.

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Requests for additional support staff – even in high priority or emergency situations – should be made to the city manager who is responsible for allocating City resources in order to maintain a professional, well-run City government.

Do no solicit political support from staff

Elected and appointed officials should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

3. Elected and Appointed Officials' Conduct with the Public

3(a). In Public Meetings

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

Be welcoming to speakers and treat them with care and gentleness. While questions of clarification may be asked, the official's primary role during public testimony is to listen. No qualified speaker will be turned away unless he or she exhibits inappropriate behavior.

Be fair and equitable in allocating public hearing time to individual speakers.

The chair will determine and announce limits on speakers at the start of the public hearing process. Questions should not be asked for the express purpose of allowing one speaker to evade the time limit imposed on all others (e.g., "Was there something else you wanted to say?").

Be an Active Listener

It is disconcerting to speakers to have members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing around the room gives the appearance of disinterest. Be aware of facial expressions, especially those that could be interpreted as "smirking," disbelief, anger or boredom.

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Maintain an open mind

Members of the public deserve an opportunity to influence the thinking of elected and appointed officials. To express an opinion or pass judgment prior to the close of a public hearing casts doubt on a member's ability to conduct a fair review of the issue. This is particularly important when officials are serving in a quasi-judicial capacity.

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

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

If speakers become flustered or defensive by questions, it is the responsibility of the chair to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by members to the public testifying should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker. Members' personal opinions or inclinations about upcoming votes should not be revealed until after the public hearing is closed.

No personal attacks of any kind, under the circumstances

Members should be aware that their body language and tone of voice, as well as words they use, can appear to be intimidating or aggressive.

Follow parliamentary procedure in conducting public meetings

The city attorney serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. The chair, subject to the appeal of the full Council or board/commission makes final rulings on parliamentary procedure.

3(b). In Unofficial Settings*Make no promises on behalf of the Council, board/commission, or City*

Members will frequently be asked to explain a Council or board/commission action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. It is inappropriate to overtly or implicitly promise Council or board/commission action, or to promise City staff will do something specific (fix a pothole, remove a library book, plant new flowers in the median, etc.).

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Make no personal comments about other members

It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other members, their opinions and actions.

Remember that despite its impressive population figures, Rochester is a small town at heart
Members are constantly being observed by the community every day that they serve in office. Their behaviors and comments serve as models for proper deportment in the City of Rochester. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by members, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

4. Council Conduct with Other Public Agencies

Be clear about representing the City or personal interests

When representing the City, the Council members must support and advocate the official City position on an issue, not a personal viewpoint. Outside of official board or commission meetings, board and commission members are not authorized to represent the City or their board or commission unless specifically designated by the Council or the board commission to do so for a particular purpose.

When representing another organization whose position is different from the City, the Council members should withdraw from voting on the issue if it significantly impacts or it detrimental to the City's interest. Council members should be clear about which organizations they represent and inform the Mayor and Council of their involvement.

Correspondence also should be equally clear about representation

City letterhead may be used when the Council member is representing the City and the City's official position. A copy of official correspondence should be given to the City Manager to be filed with the Clerk's Office as part of the permanent public record.

City letterhead should not be used for non-City business nor for correspondence representing a dissenting point of view from an official Council position.

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5. Council Conduct with Boards and Commission

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

If attending a board or commission meeting, be careful to only express personal opinions

Council members may attend any board or commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation especially if it is on behalf of an individual, business or developer – could be viewed as unfairly affecting the process. Any public comments by a Council member at a board or commission meeting should be clearly made as an individual opinion and not a representation of the feelings of the entire City Council.

Limit contact with board and commission members to questions of clarification

It is inappropriate for a Council member to contact a board or commission member to lobby on behalf on an individual, business, or developer, and vice versa. It is acceptable for Council members to contact board or commission members in order to clarify a position taken by the board or commission.

Remember that boards and commission serve the community, not individual Council members

The City Council appoints individuals to serve on boards and commissions, and it is the responsibility of boards and commissions to follow policy established by the Council. But board and commission members do not report to individual Council members, nor should Council members feel they have the power or right to threaten board and commission members removal if they disagree about an issue. Appointment and re-appointment to a board or commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A board or commission appointment should not be used as a political "reward."

Be respectful of diverse opinions

A primary role of boards and commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Council members may have a closer working relationship with some individuals serving on boards and commissions, but must be fair and respectful of all citizens serving on boards and commissions.

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Keep political support away from public forums

Board and commission members may offer political support to a Council member, but not in a public forum while conducting official duties. Conversely, Council members may support board and commission members who are running for office, but not in an official forum in their capacity as a Council member.

6. Conduct with the Media

Board and commission members are not authorized to represent the City outside of official board/commission meetings unless specifically authorized to do so.

Council members are frequently contacted by the media for background and quotes.

The best advice for dealing with the media is to never go "off the record"

Most members of the media represent the highest levels of journalistic integrity and ethics, and can be trusted to keep their word. But one bad experience can be catastrophic. Words that are not said cannot be quoted.

The Mayor is the official spokesperson for the City on City positions

The Mayor is the designated representative of the Council to present and speak on the official City position. If an individual Council member is contacted by the media, the Council member should be clear about whether their comments represent the official City position or a personal viewpoint.

Choose words carefully and cautiously

Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.

C. SANCTIONS*Reporting Staff Behavior*

Council members should refer to the City Manager any City staff who do not follow proper conduct in their dealings with Council members, other City staff, or the public.

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Council members Behavior and Conduct

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

City Council members who intentionally and repeatedly do not follow proper conduct may be reprimanded by the presiding officer or formally censured by the Council, or lose committee assignments.

Serious infractions of the Code of Ethics or Code of Conduct could lead to other sanctions as deemed appropriate by Council, in compliance with the New Hampshire Revised Statutes Annotated and the City Charter.

Council members should point out to the offending Council member infractions of the Code of Ethics and Conduct. If the offenses continue, then the matter should be referred to the Mayor² ³in private. If the Mayor is the individual whose actions are being challenged, then the matter should be referred to the Deputy Mayor.

It is the responsibility of the Mayor to initiate action if a Council member's behavior may warrant sanction. If no action is taken by the Mayor, the alleged violation(s) can be brought up with the full Council in a public meeting.

Board and Commission Members Behavior and Conduct

Counseling, verbal reprimands, and written warnings may be administered by the Mayor to board and commission members failing to comply with City policy. These lower levels of sanctions shall be kept private to the degree allowed by law. Copies of all written reprimands administered by the Mayor shall be distributed in memo format to the chair of the respective board or commission, the city clerk, the city attorney, the city manager, and the City Council.

² In regards to the Police Commission and School Board, referrals must be made to the Chair of those respective bodies.

³ Any member may refer a violation to the City Attorney's Office if they feel a conflict exists with the Mayor, Deputy Mayor, Chair, or Vice Chair.

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Written reprimands administered by the Mayor shall not be included in packets for public meetings and shall not be publicized except as required under the Right to Know Law.

Any report addressing alleged misconduct by a board or commission member shall be routed through the Office of the City Attorney for review of whether any information is exempt from disclosure (subject to redaction) based on privacy interests authorized under the Right to Know Law.

When deemed warranted, the Mayor or majority of Council may call for an investigation of board or commission member conduct. Should the city manager or city attorney believe an investigation is warranted, they shall confer with the Mayor or Council. The Mayor or Council shall ask the city manager and/or the city attorney to investigate the allegation and report the findings.

The results of any such investigation shall be provided to the full Council in the form of a Report to Council, and shall be placed on the agenda of a noticed public meeting as "Information Only". Any such report shall be made public and distributed in accordance with normal procedures (i.e., hard copies to numerous public locations and posted online). Any report to Council addressing the investigation of board and commission members shall be routed through the Office of the City Attorney for review of whether any information is exempt from disclosure (subject to redaction) based on privacy interests authorized under the Right to Know Law.

It shall be the Mayor and/or the Council's responsibility to determine the next appropriate action. Any such action taken by Council (with the exception of "take no further action") shall be conducted at a noticed public hearing. These actions include, but are not limited to: discussing and counseling the individual on the violations; placing the matter on a future public hearing agenda to consider sanctions; forming a Council ad hoc subcommittee to review the allegation, the investigation and its findings, as well as to recommend sanction options for Council consideration.

D. ASPIRATIONAL PRINCIPLES OF PROPER CONDUCT

Proper conduct IS...

- Keeping promises
- Being dependable
- Building a solid reputation

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- Participating and being available
- Demonstrating patience
- Showing empathy
- Holding onto ethical principles under stress
- Listening attentively
- Studying thoroughly
- Keeping integrity intact
- Overcoming discouragement
- Going above and beyond, time and time again
- Modeling a professional manner

Proper conduct IS NOT...

- Showing antagonism or hostility
- Deliberately lying or misleading
- Speaking recklessly
- Spreading rumors
- Stirring up bad feelings, divisiveness
- Acting in a self-righteous manner

It all comes down to respect

Respect for one another as individuals...respect for the validity of different opinions...respect for the democratic process...respect for the community that we serve

E. CHECKLIST FOR MONITORING CONDUCT

- Will my decision/statement/action violate the trust, rights or good will of others?
- What are my interior motives and the spirit behind my actions?
- If I have to justify my conduct in public tomorrow, will I do so with pride or shame?
- How would my conduct be evaluated by people whose integrity and character I respect?
- Even if my conduct is not illegal or unethical, is it done at someone else's painful expense? Will it destroy their trust in me? Will it harm their reputation?
- Is my conduct fair? Just? Morally right?
- If I were on the receiving end of my conduct, would I approve and agree, or would I take offense?
- Does my conduct give others reason to trust or distrust me?

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- Am I willing to take an ethical stand when it is called for? Am I willing to make my ethical beliefs public in a way that makes it clear what I stand for?
- Do I exhibit the same conduct in my private life as I do in my public life?
- Can I take legitimate pride in the way I conduct myself and the example I set?
- Do I listen and understand the views of others?
- Do I question and confront different points of view in a constructive manner?
- Do I work to resolve differences and come to mutual agreement?
- Do I support others and show respect for their ideas?
- Will my conduct cause public embarrassment to someone else?

F. GLOSSARY OF TERMS

Attitude	The manner in which one shows one's dispositions, opinions, and feelings
Behavior	External appearance or action; manner of behaving; carriage of oneself
Censure	A formal statement of disapproval by a board administered to a Member
Civility	Politeness, consideration, courtesy
Conduct	The way one acts; personal behavior
Courtesy	Politeness connected with kindness
Decorum	Suitable; proper; good taste in behavior
Manners	A way of acting; a style, method, or form; the way in which things are done
Point of Order	An interruption of a meeting to question whether rules or bylaws are being broken, such as the speaker has strayed from the motion currently under consideration
Privilege	Fellow member considers offensive
Propriety	Conforming to acceptable standards of behavior
Protocol	The courtesies that are established as proper and correct
Reprimand	A public expression of disapproval administered to a Member by the presiding officer of a board
Respect	The act of noticing with attention; holding in esteem; courteous regard

G. IMPLEMENTATION

As an expression of the standards of conduct for members expected by the City, the Rochester Code of Ethics and Conduct is intended to be self-enforcing. It therefore becomes most effective

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when members are thoroughly familiar with it and embrace its provisions. For this reason, this document shall be included in the regular orientations for candidates for City Council, applicants to board and commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming they read and understood the City of Rochester Code of Ethics and Conduct. In addition, the Code of Ethics and Conduct shall be annually reviewed by the City Council, boards and commissions, and the City Council shall consider recommendations from boards and commission and update if necessary.

(Adopted:)

Lead Department: Office of the City Manager

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APPENDIX A – Model of Excellence Member Statement

MODEL OF EXCELLENCE

Rochester City Council, Boards and Commissions

MEMBER STATEMENT

As a member of the Rochester City Council or of a Rochester board or commission, I agree to uphold the Code of Ethics and Conduct for Elected and Appointed Officials adopted by the City and conduct myself by the following model of excellence. I will:

- Recognize the worth of individual members and appreciate their individual talents, perspectives, and contributions;
- Help create an atmosphere of respect and civility where individual members, City staff, and the public are free to express their ideas and work to their full potential;
- Conduct my personal and public affairs with honesty, integrity, fairness, and respect for others;
- Respect the dignity and privacy of individuals and organizations;
- Keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit;
- Avoid and discourage conduct which is divisive or harmful to the best interest of Rochester;
- Treat all people with whom I come in contact in any way I wish to be treated;

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

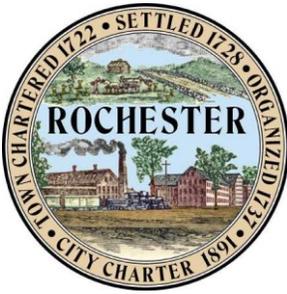
Signature

Date

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Name

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Rochester City Council

Community Development Committee

MEETING MINUTES

Donna Bogan, Chair
Daniel Fitzpatrick
Laura Hainey
Palana Hunt-Hawkins
T. J. Jean

Meeting Date:	Monday, August 16, 2021	
Members Present:	Donna Bogan Daniel Fitzpatrick Palana Hunt-Hawkins	Members Absent: Laura Hainey T. J. Jean
Guests/Staff:	Julian Long, Rochester Community Development Coordinator	

Council Bogan called the meeting to order at 6:03 p.m. Councilor Bogan made a motion to approve the June 21, 2021 committee meeting minutes, and Councilor Hunt-Hawkins seconded the motion. The motion passed unanimously.

PUBLIC INPUT	No public input was received.
ROCHESTER CHILD CARE CENTER FIRE DOORS PROJECT – Request for Additional Funding	<p>Mr. Long stated that the Rochester Child Care Center fire doors project, which was approved to receive FY 2021 Community Development Block Grant (CDBG) funding, did not factor in the necessity of Davis-Bacon Act minimum wage rates when providing project cost estimates. The child care center is requesting \$850 in additional funds to cover labor costs.</p> <p>Councilor Hunt-Hawkins asked if there are sufficient unallocated CDBG funds to provide the additional funding. Mr. Long replied that there are unexpended prior year funds that are available</p> <p>Motion was made by Councilor Bogan and seconded by Councilor Fitzpatrick to approve an additional \$850 in CDBG funds for the Rochester Child Care Center fire doors project. The motion passed unanimously.</p>
COMMUNITY DEVELOPMENT PROGRAM REPORT	Mr. Long provided a brief overview of recent CDBG program activity. This has included the cancellation of the My Friend's Place generator project, due to the necessity for electrical systems upgrades to occur first; the start of the Homeless Center for Strafford County's kitchen installation project; and the Job Opportunity Benefit loan program.
OTHER BUSINESS	There was no other business.

The meeting was adjourned at 6:07 p.m.

Next Meeting – Monday, September 20, 2021, at 6:00 p.m., Coheco Conference Room, City Hall Annex, 33 Wakefield St.
Topics – FY 2021 Consolidated Annual Performance and Evaluation Report, Community Development Program Report

DRAFT – CITY OF ROCHESTER FY 21 CDBG ACTION PLAN AMENDMENT

Resolution to Amend the Community Development Block Grant (CDBG) Funds for Fiscal Year 2021

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

WHEREAS, the City of Rochester has received additional requests for funding for Community Development Block Grant (CDBG) eligible projects and has unallocated prior year CDBG funds;

WHEREAS, the Mayor and City Council of the City of Rochester desire to program these additional funds into other worthwhile activities;

THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this resolution, hereby appropriate Eight Hundred Fifty Dollars (\$850.00) in unexpended prior year CDBG funds for the Rochester Child Care Center fire doors project.

FURTHER, that the funds necessary to fund the above appropriation shall be drawn in their entirety from the above-mentioned FY 2021 and prior fiscal year CDBG grant funds that the City of Rochester has received from the federal government.

FURTHER STILL, 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 accounts(s) as necessary to which said sums shall be recorded.

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left blank...*

City Clerk's Office



City of Rochester Formal Council Meeting

AGENDA BILL

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

AGENDA SUBJECT

COUNCIL ACTION ITEM <input type="checkbox"/>
INFORMATION ONLY <input type="checkbox"/>

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

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

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

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

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

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

LEGAL AUTHORITY

LEGAL AUTHORITY

SUMMARY STATEMENT

[Empty box for Summary Statement]

RECOMMENDED ACTION

[Empty box for Recommended Action]

AGENDA BILL - FUNDING RESOLUTION

EXHIBIT

Project Name:

Date:

Fiscal Year:

Fund (select):

GF Water Sewer Arena

CIP Water CIP Sewer CIP Arena CIP

Special Revenue

Fund Type: Lapsing

Non-Lapsing

Deauthorization

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

Appropriation

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

Revenue

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

DUNS #

CFDA #

Grant #

Grant Period: From
To

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

Reimbursement Request will be reduced

Funds will be returned

*Intentionally
left blank...*

City Clerk's Office



Fidelity Committee
of the
Tri-City Joint Mayors' Task Force on Homelessness
CAPSC
577 Central Avenue, Suite 10
Dover, NH 03820
August 12, 2021
6:00 PM

MAYORS

Mayor Elaine Lauterborn
 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: Susan Danforth, Connections for Health. Former Dover Mayor Karen Weston. Dave Balian, Dover Welfare. Jenny Holmes, Somersworth Mayor's designee. Ariel Hayes, Waypoint. Amy Malone, Waypoint. Milena Lugo, Waypoint. Ashley Desrochers, Strafford County Public Health Network. Emiliano Cabral, Rochester resident. Julian Long, Rochester Economic Development. Dave Carpenter, Dover Planning. Palana Hunt-Hawkins, Rochester City Council.

MINUTES

1. Call to Order

Chairman Hutchinson called the meeting to order at 6:03 PM. All members were present except for Barbara Holstein, who was excused.

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

It was asked if there was a resource which would let residents know of any upcoming opportunities for COVID vaccines. Ashley Desrochers stated that she had a spreadsheet which

could be distributed showing the vaccine sites throughout the State including locations, times, and sign up information. She also said her organization has the ability to request the State mobile vaccination van, and they can take requests to go to specific locations. There was a brief discussion regarding resources for vaccine hesitancy and overcoming that barrier. Ms. Desrochers stated that there were staff members of Public Health which are able to offer this service and give information, answer questions and allay fears.

3. Communications from the Mayors

There were no mayors present at the meeting.

4. Communications from the Chairs

Vice Chair Marsh reported that Somersworth has hired a new welfare director, Kristen LaPanne, who formerly worked for Community Action.

Chairman Hutchinson opened the floor for discussion on whether or not the Committee should continue meeting in person. He stated that with the most recent data on the Delta variant and the expected increase in cases as we move towards fall and winter, it may be a better option to return to remote meetings. Ms. Desrochers recommended at the very least offering a hybrid format if not returning to full remote meetings. She agreed that based on the data with COVID number and the increased infectiousness with the variant, it was safest to return to connecting remotely. It was agreed that with the given circumstances, it was best to return to Teams meetings for the near future. The next meeting was scheduled for a modified date and time: Thursday, September 16 at 5:30 PM.

4.1 Update: Planning Department(s) recommendation request

Vice Chair Marsh reviewed the request which had been made in December of 2020 from the Fidelity Committee to the Planning Departments of Dover, Rochester in Somersworth. The request had asked the departments to review their ordinances and determine if there were any barriers or challenges to affordable housing in the communities and to look into possible opportunities to develop this type of housing. The Vice Chair distributed the response letters from each of the Tri-City planning departments.

Chairman Hutchinson suggested that the Fidelity Committee could reach out to the directors of each of the Tri-City planning departments and extend an invitation to a future Fidelity Committee meeting to discuss ideas and recommendations.

5. Update: Homeless resource/service trailer location

Chairman Hutchinson gave an overview of this agenda item what had occurred so far at the Rochester City Council level, where the City administration had not been able to find a suitable location for these trailers. He stated that he was told Dover had found a location for the trailers and was comfortable keeping them there indefinitely.

Betsey Andrews Parker reported that Dover welfare has been working with the Salvation Army in order to locate the trailers on their Rochester Property. She stated that the Salvation Army had also offered staffing for the trailers as well as permanent hook-ups for the utilities, and it had seemed like the prior issues had been resolved and the project was moving forward. Ms. Andrews Parker said that the City of Rochester then informed her that the trailers could not be located on the Salvation Army property due to a “permitting issue.” Initially it was thought that this meant it was only a matter of applying for City building permits. She did not anticipate an issue with this because S.U.R. Construction had offered to donate their services to install the utilities, pour a permanent concrete slab, build fencing, winterize the trailers for year-round use, and to ensure code compliance. She stated that she then received a call from a Rochester official clarifying that it was not a matter of obtaining the proper permits, but rather that these resource trailers were not a permitted use in the area where they were being proposed; because the trailers were being considered the same as RVs or campers by the City code and could not be permanently hooked up to City utilities. She was told that the City would not issue a variance for the trailers. Ms. Weston stated that a camper or RV could be considered an auxiliary residence to a home, but a shower or laundry trailer was not comparable. She felt this should be allowed by variance.

Ms. Andrews Parker clarified that due to the work being donated by S.U.R., the trailers would have been out of public view behind a fence and they would not be an obstruction to businesses. She expressed frustration that the City of Rochester could not have worked more closely with the organizations involved to come up with a compromise or solution to move the trailer placement forward. She stated that the trailers are currently located at River Street in Dover, but the area will be under construction by the end of the summer and the trailers will again not have a usable location.

Dave Balian, Dover Welfare, reiterated that these trailers need to be located in an area with a sewer hookup, whether permanent or not, and a water line. He said that staff from at least ten agencies had been investigating and sourcing locations, but there had not been a large enough site found where the proper utilities were in place. He said that the Salvation Army had agreed to let their property be used. Mr. Balian said that he had corresponded back and forth with the Rochester City Manager and the intent seemed to be to move forward under the City Manager’s suggestion of using an emergency variance to get these trailers set up. Mr. Balian said he had done a site walk of the Salvation Army property with the Dover director of Public Works as well as the Rochester Director of City Services to develop a plan on how the project would work moving forward, and there was a plan set in place. Mr. Balian said there was even a nearby lot suggested as a possible alternative if the Salvation Army site could not be used.

Ms. Andrews Parker spoke about the red tape and road blocks she had run into with all three communities and how, although the public facing message was supportive of these types of services, there was not action to make these services available and the buck was being passed around without anything ever being accomplished. She expressed frustration with CAP receiving the majority of the blame and criticism for “not doing anything” or having these services in place and her consideration to not be involved with the Fidelity Committee anymore due to the lack of accountability and involvement from the three municipalities.

There was a discussion regarding the McConnell Center in Dover offering showers to the homeless population for \$1 each use without being supplied towels, soap, or toiletries. It was stated that those in the most desperate need in Rochester or Somersworth are not going to be able to go to Dover and afford the regular fee for this basic amenity; hence the importance of these mobile resource trailers which should be able to be moved within each of the communities for use by those in need.

Charlie Reynolds asked who in Rochester would have the authority to move the issue forward and take action to have these trailers installed. Chairman Hutchinson stated that the issue had been discussed briefly at the City Council level in Rochester, and then quickly dismissed upon the information that the trailers were now located in Dover. He said that the Fidelity Committee could potentially apply for a variance with the Rochester Zoning Board of Adjustments. Ms. Andrews Parker said that the reason it is so important to find a more permanent location for these resource trailers is because the asset of the warming center is not guaranteed after the current year. While Dover has the McConnell center and Somersworth has resources, Rochester needs to have resources in place. Mr. Balian stated that along with the shower and laundry trailers, there was a kitchen trailer. He said the Salvation Army had wanted to use all three trailers to enhance the programs and services they already had in place. They had wanted to use the kitchen trailer because they were no longer able to use their own kitchen due to code compliance.

There was a discussion regarding the capacity of the Committee to make recommendations to the respective City Councils and how to best go about that. Karen Weston confirmed that the Fidelity Committee is a recognized subcommittee of the Dover City Council and is thus able to make recommendations. She said that the earlier statement that Rochester had informed a social service agency that they would not receive a variance seemed like it was denied before being given the chance for the case to be presented.

Ms. Weston said that in her experience, these emergency allowances and variances are not difficult to have issued for these situations. She recommended the City of Rochester be approached about granting the variance to allow these trailers. Dina Gagnon suggested that the Rochester Fidelity members could approach the Zoning Board for the variance and the Fidelity Committee would draft a letter of support for that purpose. Ms. Weston suggested having the support of the Rochester City Council when going to the zoning board as well. She spoke about the importance of access to laundry and sanitation in order for the homeless population to gain employment and to find housing, which is a large part of the Master Plan accepted by all three councils. These resource trailers could be an important part of that process.

Vice Chair Marsh spoke about the importance of referencing the Master Plan, accepted by the City of Rochester, which does support these activities and services. There was a discussion on contacting Fosters and potentially doing a press release as well to alert the general public to this issue which they may not realize is occurring, and to garner additional support. A press release would further serve to let the public know that there *are* attempts being made to solve these problems and a great deal of work being done, but the lack of action and communication at the municipal level is what is stalling the process.

Ms. Weston asked if there were any members of the Committee who had appeared at Council meetings and spoken about this issue and shown support. She suggested the Fidelity members and contributors appear at the Rochester Council meetings to express support and to shed light on the issue. Ms. Gagnon agreed that often, organizations or even Councils are blamed for inaction, but the items in question were never brought forward by the administration for discussion to begin with. She suggested that not only the public, but the Council could stand to be better informed of the details so they can form an opinion and make a decision. Mr. Reynolds agreed that a recommendation needs to come from the Fidelity Committee, but simultaneously the media should be alerted and the information should be distributed to make it public, otherwise it will be more of the same inaction and nothing will ever move forward.

Ms. Andrews Parker said that the Committee should be approaching S.U.R. to apply for the variance along with the Salvation Army because of their offer to donate the necessary work to place these trailers, as well as their standing in the community. Ms. Andrews Parker said that she would have staff reach out to the Salvation Army contacts and S.U.R. to get the process started.

Ms. Andrews Parker said that the placement of the trailers had been kicked down the road for so long, that at this point the discussion would be for the following year because the trailers could not be used over the winter due to the pipes freezing. Ms. Weston estimated that the variance process of going through the Council and subcommittees would take a few months. She recommended including a summary of likely questions and information along with the letter of support to detail how the trailers would be cared for over the winter and additional information. Chairman Hutchinson suggested that the DPW could weigh-in on how these trailers could be winterized and maintained once they are in place. Ms. Andrews Parker shared an email from the shelter manager at CAP detailing the work which S.U.R. had offered, including winterizing the trailers for year-round use. The email also included indication that the Salvation Army was on board and ready to move ahead.

Ms. Desrocher suggested that the recommendation to Rochester's Council be that that they support the requests of the Fidelity Committee to meet the needs which fall under the Master Plan including, but not limited to, the suggested zoning variance. Dave Carpenter, Dover Planning, suggested adding language approving the Committee to approach the Salvation Army to encourage them to apply for the variance. Chairman Hutchinson said that the recommendation should reference that there is an emerging public health crisis which needs to be dealt with, regardless of whether or not the trailers are authorized on the Salvation Army property; however if the trailers are not authorized, then there needs to be other action taken per the Master Plan which the Council already accepted. Ms. Andrews Parker referenced Strategy 2, Section 1 of the Master Plan which states "Commit to review barriers and opportunities in zoning and planning" and spoke about the other actions contained within the strategy. She said that although affordable housing is the long-term goal, these resource trailers are a much smaller, more easily managed piece which could be handled in support of that goal.

There was discussion on the recommendation which should come from the Fidelity Committee and referencing the Master Plan within. Ms. Desrochers stated that it seems redundant to ask Council to support and stand behind the Master Plan which they already accepted and

agreed to support years ago. The necessary actions are already included in the Master Plan. Ms. Weston suggested that the recommendation be for Council to endorse the recommendation of the Fidelity Committee to find a permanent home for the resource trailers while also assuring both the Council and the public that there is no cost to the taxpayers or the City because the work is being entirely donated. Ms. Desrocher stated it should be noted that this recommendation is leveraging cost-free available and sustainable resources which can be used both short-term and long-term.

Chairman Hutchinson emphasized the importance of recognizing that a public health crisis exists, which has been compounded by COVID and emerging evictions, and these resource trailers are a way to assist with this crisis. Chairman Hutchinson **MOVED** to recommend to the full Rochester City Council that, in accordance with the Master Plan approved by the Tri-City Councils in 2018, to endorse the recommendation of the Fidelity Committee to find a permanent home for the resource trailers and to allow the Committee to approach the Salvation Army to apply for a variance for this purpose. Dina Gagnon seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Betsey Andrews Parker, Todd Marsh, Dina

6. Report from local Welfare

Mr. Balian stated that with the moratorium on evictions coming to an end, Dover Welfare has already seen an uptick in requests for housing assistance. He said that in the current housing market, there have been some instances where landlords have evicted existing tenants for the sole purpose of renovating and renting for more money. The Dover wait list for sheltering individuals is standing around 2 weeks at this point, with the wait for families being longer. He stated that in the past they had been able to shelter in other communities such as Laconia, but that area is at capacity now and welfare is having to look even further for options.

Mr. Balian expressed concern for the upcoming winter season; with a surge in COVID expected and the option of the Garrison Hotel not available for overflow, there will likely be an even greater capacity issue with local shelters than there is currently with no place to accommodate overflow. He stated that with only an extreme cold weather center available, there will be sheltering problems.

Ms. Andrews Parker echoed the sentiment that there have been increased evictions, often without legitimate cause or proper procedure. She cautioned against needless eviction processes because once there is an eviction on a person's record, it becomes increasingly more difficult for them to secure housing regardless of the reason for said eviction.

7. Regional data/statistics

Betsey Andrews Parker reported that CAP had submitted a proposal to run the warming center from the Monday after Thanksgiving until March 31, 2022. The proposal posited that the center would be open seven nights a week; 5 AM to 8 PM Monday through Friday and open 24-hours on the weekend. It was estimated that with staffing, supplies and logistics, it would cost approximately \$300,000 to run the center for this time period. Ms. Andrews Parker stated that this proposal had been rejected by Dover, Rochester and Somersworth. The new proposal was

based on an activation of 60 extreme weather emergency days with staff to support the openings. She stated there are still details to be worked out, but that is the current proposal and she would report back to the Committee when there were further details or approval. Ms. Andrews Parker reported that there are still volunteer shortages; there will be information forthcoming on trainings for those interested in volunteering. The warming center will have three paid staff members.

Councilor Hunt-Hawkins inquired which officials at the municipal level have the authority to approve these proposals. Ms. Andrews Parker stated that it was the EMDs from each community that are the points of contact in regards to the warming centers, and the City administrations would approve or deny the financing aspect. Ms. Andrews Parker outlined the costs for running area shelters and warming centers and emphasized the importance of finding a permanent home for a regional shelter since the current warming center option will not be available after this year. She clarified that the State will not fund warming centers, only permanent shelters, which makes gathering adequate funding more difficult.

Ms. Andrews Parkers stated that there needed to be a plan formulated on what a shelter in the area would look like, the costs associated, how these costs would be covered by the municipalities, and ongoing operation costs included so there can be a plan moving forward. This should be the focus of the next meeting.

Ms. Andrews Parker detailed the problems being encountered with GOFERR funds. She said that some of the COVID funding for housing is being converted to have fewer restrictions and it is a “free for all” situation. She said that CAP wanted to utilize some funding to hire housing navigators to assist with the process of finding and sustaining housing for clients. GOFERR informed them that it would not cover such an initiative, and rather just wanted increased enrollment numbers. Ms. Andrews Parker summarized some of the issues with the great amounts of paperwork and specific criteria GOFERR requires for these enrollments, which can be prohibitive, time intensive, and adds layers of frustration and red tape to an already stressful process.

8. Other

Vice Chair Marsh reported that the City of Somersworth has initiated the Hilltop Mental Health and Wellness Commission of which he is the Chair. He said this initiative is unique in that it's coming from the mayor and the policy makers, with the majority of members being made up of Council and School Board members, reaching out to the social service agencies as opposed to the other way around. He expressed optimism with this format and cited the Master Plan as a driving factor behind the formation of the commission.

9. Closing Public Input

Ashley Desrochers addressed the Committee in regards to a summer program through the Strafford Regional Planning Commission called “Promoting Outdoor Play” (POP).

10. Adjournment

DRAFT

09/02/2021
Fidelity Committee TCMF
August 12, 2021

Chairman Hutchinson **ADJOURNED** the Fidelity Committee meeting at 8:02 PM.

Respectfully Submitted,

Cassie Givara
Deputy City Clerk, Rochester

City of Rochester Planning Board
Monday August 2, 2021
City Hall Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on, 2021)

Members Present

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

Members Absent

Tim Fontneau, excused
Daniel Rines, excused

Alternate Members Present

Keith Fitts
Paul Giuliano
Donald Hamann
Lance Whitehill

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

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

Mr. Sylvain called the meeting to order at 7:00 p.m.

Crystal Galloway conducted roll call.

III. Seating of Alternates

Mr. Whitehill voted for Mr. Collopy
Mr. Giuliano voted for Mr. Rines

IV. Communications from the Chair

There were no communications from the Chair

V. Approval of Minutes

A motion was made by Mr. Walker and seconded by Ms. Dwyer to approve the July 19, 2021 meeting minutes. The motion carried unanimously by a roll call vote.

VI. Consent Agenda

A. Jeffrey Gudim, 131 Pickering Road

A motion was made by Mr. Walker and seconded by Mr. Sullivan to approve the consent agenda with all standard conditions. The motion carried unanimously.

VII. Continued Applications

A. Farmington Associate Properties, LLC, 68 Farmington Road

Ms. Saunders told the Board the applicant has requested a continuance to the September 13th meeting.

A motion was made by Mr. Walker and seconded by Ms. Dwyer to approve the continuance until September 13th. The motion carried unanimously by a roll call vote.

B. New England Gaming, LLC, 7 Milton Road

Richard Bedrosian explained that the lottery has full control over everything that he does pertaining to this project and that they have not yet finalized all of the rules. The rules are anticipated to be finalized in early September 2021. There are anticipated to be 200 HHR machines, 50 hybrid machines, and a mix of manually operated games, though the exact mix of said games and are still unknown. There will be between 25 – 45 employees, as there will be a lot of security and surveillance. The lottery will ultimately determine the surveillance. There will be constant auditing of the games. Multiple rooms will be needed such as: employee break room, cashier in a cage, surveillance room, etc. The exact number of rooms will be unknown until early September when the lottery decides. At this time, there are 72 charities included. 2 charities a day, as close to 365 as possible. Mr. Bedrosian cannot yet predict how much money charities will be making as the lottery is still deciding on revenue. There will be a food and beverage service for those playing, but no bar. At this time, it is anticipated that there will be 20,000 square feet of gaming space. This will allow each machine/game to be spread at least 6 feet apart if social distancing due to COVID were to occur again.

Ms. Saunders stated that this project will be located behind the existing Ocean State Job Lot, in the back half of what was previously K-Mart. This project has gone through a couple of TRG meetings already. There are no conditional use permits, waivers, and is not considered a development with regional impact. Planning Board recommended that the application be accepted as complete as there is sufficient information to allow the board to vote.

Mr. Walker made a motion to accept the application as complete seconded by Mr. Sullivan. The motion carried unanimously.

Ms. Saunders stated the recommended conditions of approval include items from the Department of Public Works regarding locations of existing sewers. As final layout of the game room is not completed at this time due to state laws not yet being finalized, the applicant will come back to the board with the final layout as a condition of approval. The Police Department reviewed the plan and added conditions regarding reviewing the security plan and the outside security cameras. There were also questions about existing pump station capacity that Public Works would like confirmation on. A condition of approval is being added in regards to the existing landscaping that needs to be spruced up by the property owner. The rest of the conditions are all standard conditions of approval.

Ms. Dwyer asked what the hours of operation would be to which Mr. Bedrosian replied that lotteries are permitted to be open from 11 AM to 1 AM.

Ms. Dwyer asked when last call for serving alcohol would be. Mr. Bedrosian stated that the lottery has not yet finalized a cut-off time, but that he does not anticipate serving alcohol after 10:00 PM. He stated they are not in the business of serving alcohol and will be very cognizant of how much is being served.

Ms. Dwyer asked if smoking will be permitted to which Mr. Bedrosian responded that it will not be permitted. Mr. Bedrosian stated that he is unsure how this will be addressed, whether it be a sign outside, or with a designated smoking area outside of the building away from the door.

Mr. Walker made a motion to approve with the conditions as stated in the staff recommendation, seconded by Ms. Dwyer. The motion carried unanimously.

VIII. New Applications

A. L.P. Gas Equipment, Inc., 111 Northcoast Drive

Ms. Saunders recommended that VIII A and VIII B be reviewed together as they are the same project that cross both properties. Ms. Saunders recommended that there be separate motions of approval at the end of reviewing.

Scott Lawler (Norway Plains) representing both L.P Gas Equipment and Ossipee Aggregate Corporation, explained that they are seeking approval for a fourth railroad track to be approved for staging of additional propane rail cars as they come in. The current facility does not operate as efficiently as they would like. They are currently relying on New England Northcoast to shuffle the rail cars for unloading of propane. The fourth rail will allow for more space for staging the rail cars and other preparatory work while awaiting unloading.

Mr. Lawler went on to explain that there is sufficient space between the third and fourth rail for an additional unloading rack, at a future date. In addition, a NHDES Wetlands Permit is required from Wetlands Board to allow impact of 2,000 square feet of wetlands. They are seeking a conditional use permit to allow 1,500 square feet of site work within wetland buffers.

The existing chain link fence will be shifted from where it currently exists to outside of the fourth rail, as well as installing a small sub-terrain bio retention system to account for storm water that will be generated due to change in land coverage. Norway Plains is currently working with the Department of Public Works to finalize the design approvals. Mr. Lawler stated that they will be installing erosion sedimentation controls around the perimeter during construction.

Ms. Saunders noted that the development went before the Conservation Commission June 23rd and they have recommended approval with no conditions. There are no waivers and it is not recommended that this be considered a development with regional impact. The Planning Department recommends that the applications be accepted as complete.

Mr. Walker made a motion to accept the applications as complete seconded by Ms. Dwyer. The motion carried unanimously.

Ms. Saunders went over the precedent conditions of approval which included conditions set forth by the Department of Public Works, including various plan modifications, test pit data, and soil boring data in the design of new rail. Public Works would also like storm water management design reports in accordance with the new chapter- Chapter 218 of the City Ordinance. DPW has discussed the storm water impacts at length with the engineer. It has been agreed to seek approval from the board tonight and move forward with more discussion regarding said impact based on some of the additional information that will be provided from the borings. There has also been a condition added that the Department of Public Works may get third-party review if required during construction. The remaining conditions are standard conditions of approval. Ms. Saunders recommends that the applications be approved.

Mr. May noted that this is the first time he has seen a request for laying new railroad tracks in all of his years on the Planning Board.

Mr. Sullivan asked if it were correct that the tracks dead-end at the back. Mr. Lawler responded that that was correct. He noted that all tracks end with a bumper, as the Spaulding Turnpike is located directly behind.

Mr. Sullivan asked if Northcoast owned the rail line and if they had to oversee the installation. Mr. Lawler said that Northcoast does own the rail line. He stated that this is part of a Tiger Grant issued to Northcoast that includes not only this project but a sizable project regarding improvements to the rail line down by Haven Hill Road.

Ms. Saunders asked that the Board vote on both agenda items for the conditions of approval as stated. It was noted that a Conditional use permit was needed for L.P. Gas Equipment.

Mr. Walker made a motion to approve the Conditional Use Permit for L.P Gas Equipment, seconded by Mr. Sullivan. The motion carried unanimously.

Mr. Walker made a motion to approve with the conditions as stated in the staff recommendation, seconded by Mr. Sullivan. The motion carried unanimously.

Mr. Walker made a motion to approve with the conditions as stated in the staff recommendation, seconded by Mr. Sullivan. The motion carried unanimously.

B. Ossipee Aggregates Corporation, 99&79 Northcoast Drive

VIII A and VIII B were reviewed together. See previous item.

C. 401 North Main Street, LLC, 0 North Main Street

Hannah Giovannucci, Civil Engineer from TF Moran, representing 401 North Main Street, LLC spoke regarding the project. Ms. Giovannucci is looking for site plan approval for a proposed auto dealership, as well as a Conditional Use Permit for the Conservation Overlay district. Ms. Giovannucci spoke to the history of the lot, as it was formerly the Rochester City Landfill which closed in 1962, an auto dealership, and a furniture store. In 1997, there was a lot of differential settlement which caused cracking to the building, allowing methane gas to leak into the building. In 1997 NHDES recognized the lot as a landfill and hazardous waste site. The proposed building will be a 1-story building with a 22,000 footprint. They will provide access, parking, storm water, etc. There are currently 2 access points which will be consolidating into one. Ms. Giovannucci stated that they are also requesting a 25% reduction of the required customer parking due to the nature of the property. She noted there will be no need for that much customer parking. In addition, they are requesting a waiver for the Cape Cod berm to allow turtle crossing to the river.

There will be landscaping throughout the site, with side buffers. Bow Hall Maples will be planted in the front, as they tend to grow upwards, obstructing little view of the cars. Ms. Giovannucci stated they are requesting 75 – 100 feet between the trees to allow vehicles to see while exiting to allow viewing from the street.

There is storm water on site. Currently the storm water is coming into the ground and seeping through the contaminated soil, further contaminating the ground water. The pavement will serve as a cap, as well as the cap for landscaping, which will be a two foot clean fill. This will collect the storm water, pretreat it while slowing it down, and let it sit before being released into the river. They are proposing to have an R-tank system which is kind of like egg crates that allow the storm water to collect in that area and an outlook control structure that slows the water down.

Ms. Giovannucci pointed to Parcel 6, on the map and noted that there is an existing head wall that is crumbling and deteriorating. They plan to connect to this, improve it, and incorporate erosion control. Ms. Giovannucci stated that the design of the project seeks to improve the area environmentally, as well as provide a wooded buffer.

Ms. Saunders noted that the Planning Department has been working with TF Moran for the past 6 months, noting that this is a very unusual project due to the land previously being Rochester City Landfill. Due to this factor, the developers cannot infiltrate the ground in any way. The Conditional Use Permit went before the Conservation Commission on June 23rd, 2021. The Commission recommended the plan be approved with two conditions. The first condition was for buffer plantings be added to landscape, which has been added to the plan. The second condition was to remove of, and properly dispose of any invasive species, that may be found. This has been added as a note to the plan.

Ms. Saunders stated that three waivers are being requested. The first is regarding landscaping. Although the request is to waive the entire section, landscaping will still very much be incorporated into the plan, and the applicant will be bound by it. The second waiver is regarding a 25% decrease in the number of customer parking spaces. Ms. Saunders noted that the developers are still providing many more parking spaces than required, however more are designated to cars sale and fewer to the customers. It was noted that if at any time the board finds the customer parking insufficient they can go back to the developers and request that the ratio be adjusted. The third waiver is regarding the sloped curbing, which no issue was found with. It is a private site, meaning a private plow will be used. The Conservation Commission liked how the sloped curb was to allow turtles to cross to the river. Ms. Saunders recommended that the application be accepted as complete.

Mr. Walker made a motion to accept the application as complete, seconded by Ms. Dwyer. Motion carried unanimously.

Ms. Saunders then went on to speak about the precedent conditions. She noted there was a lot of discussion at TRG regarding the location of the driveway, but it was ultimately decided to let this property and the next property development (plans already seen for second property) proceed with the proposed driveway in their proposals and any development across the street will simply need to take into account the existing conditions, which will now include these developments. DPW is fine with driveway location. However, there still needs to

be discussion about the connector drive between this dealership and the proposal next door. DPW wants to talk about moving that location a little more towards the road. This can be worked out in the future. 2nd, third, fourth conditions are about utilities. Last condition is about sidewalks. DPW would like to have the developer construct the sidewalks as on the plan, knowing that the next dealership will construct their own and then DPW would look at raising funds to connect the two to existing sidewalks to the north and south. Which would mean sidewalks from Dominos to The Ridge. Asked for copies of draft easements to be submitted and spill prevention control and countermeasure plan. And that applicant shall apply for a permit under the new Chapter 218. The rest are general precedent conditions of approval. It was noted that all of the Subsequent Conditions were all standard, with the exception of one. Condition number 7 addresses backflow prevention devices before the Certificate of Occupancy is issued. Ms. Saunders recommend approval with all conditions.

Mr. Sullivan posed a question regarding the settlement of the site. Ms. Giovannucci responded that site is experiencing differential settling due to the landfill compressing. Ms. Giovannucci went on to explain that there would be measures taken to limit the effect of the settlement on the site, including a low transfer platform and large piers, which would be driven 45 – 65 feet down. It was also noted that the entire parking lot would have geo-reinforcing fabric and that the engineers made sure that the design would accommodate any potential differential settling so that the storm water would still be collected and released.

Mr. Walker asked if service bays were included in the plan. Ms. Giovannucci explained that there have been movement areas designated and that most loading/unloading will take place before, or after business hours. These areas are around 27 to 30 feet wide, allowing cars to pass even if a truck were to be parked.

Mr. Walker asked if vehicle maintenance would be taking place on site. Mr. Sylvain and Ms. Giovannucci clarified for Mr. Walker that there will be vehicle service on site. Ms. Giovannucci pointed out the access point on the map.

Mr. May asked for clarification regarding the sidewalks. Ms. Saunders explained that the sidewalks will be built on each properties frontage by those developing the lots. The Department of Public Works believes they can then raise the money to fill in the gap between the two sidewalks.

Mr. Fitts suggested that a condition be added that the owner would have to return to the board for approval if the brand were to change, as this could potentially result in architectural changes.

Mr. Giuliano asked if the property across the street, 400 North Main, would be utilized as storage for vehicles. Ms. Giovannucci said that there are no plans to store vehicles there.

Ms. Dwyer asked if the methane had been completely mitigated. Ms. Giovannucci responded that Mike Dacey, Senior Associate/Senior Hydrogeologist & NH Office Manager, for Geolnsight, is designing a system that will be beneath the entire site, which will collect and release the methane.

Mr. Sylvain asked if the methane-system would be similar to those used at Dunkin Donuts. Mike Dacey stepped up to the podium and spoke about the methane gas mitigation system, stating that the design is similar to the one at Dunkin Donuts. It was noted that the system is designed to make sure the gas does not accumulate.

Mr. Sylvain asked what type of material will be used for stabilization that is being driven into the ground. Ms. Giovannucci responded that they would be using rammed aggregate piers that are cylindrical and expand. A cement-mortar material is then put on top of the piers, as well as an aggregate. After that a device is used to ram the piers into the ground so that they pack out the soil nearby, stabilizing it and providing a base.

Ms. Dwyer noted that it sounds similar to what is used to secure beach houses on the sandy soil.

Ms. Saunders noted that there was a suggestion that if the architecture changes due to a branding change, they owners come back for board approval.

Mr. Walker made a motion to accept the conditional use permit with the two conditions cited, seconded by Ms. Dwyer. The motion was approved unanimously.

Mr. Walker made a motion to approve the three waivers requested, seconded by Ms. Dwyer. The motion was approved unanimously.

Mr. Walker made a motion to approve the project with the conditions as stated in the staff recommendation, seconded by Ms. Dwyer. The motion was carried unanimously.

IX. Other Business

A. Planning Update

Ms. Saunders briefly discussed the parking study, to which Mr. Sylvain asked if there was data regarding a parking garage. Ms. Saunders responded that it was a consideration, but that it could be very costly. Several members felt that the parking study was weak on data and did not accurately reflect Rochester's parking needs, specifically as it pertained to accommodating current and future growth.

Mr. Sullivan asked who was in charge of moving this process along in terms of next steps. Ms. Saunders noted that if the Planning Board felt strongly enough, they could make a recommendation to City Council. She also stated that it was a difficult time to conduct such a study due to COVID, but that those who conducted the study recommended continuing to track performance of those spots that were looked at. Ms. Saunders said that the board could ask City Council for funding in order to do so.

Mr. Colopy suggested that a parking committee/commission be formed that would handle the oversight of parking for Rochester. Several members liked the idea of such a committee. Mr. Sullivan suggested that the first step should be the implementation of parking meters and the enforcement of said meters. Mr. Sullivan also noted that there could then be a discussion in regards to what would be done with the revenue from the meters. Mr. May noted that wayfinding signs could potentially be a beneficial tool in order to get people to park elsewhere, where there may be an overlooked space.

There was discussion about what next steps the Board should take. It was noted that Strafford Regional Planning Association could be a good resource in terms of getting "boots on the ground." It was decided that the Planning Board form a sub-committee for parking, composed of members from City Council, the Planning Board, and business owners prior to bringing recommendations to the City Manager.

Ms. Saunders stated that the first reading of the downtown height requirements would be read before City Council tomorrow night, Tuesday, 8/2/2021. It was noted that some developers have asked that the 15 feet setback be reduced to 10 feet. Mr. Sylvain noted that the setbacks could remain at 15 feet, as it is a maximum amount, and the developers could chose to build to only 10 feet. Ms. Saunders agreed with this statement.

Ms. Saunders addressed the SRPC appointments for Technical Advisory Committee, asking the board if they would like to keep the remaining appointments, Jim Campbell, Peter North, and Mike Bezanson .The board agreed that these individuals should continue to serve.

Ms. Saunders introduced Mia McFadden, the temporary Administrative Assistant for the Planning and Development Department.

B. Other

Ms. Saunders gave an update of the third party review inspections for Highfields. It was noted that Board members had before them a report on erosion control from third party engineer. Asked third party to review erosion control and implementation and construction regarding the storm water. Planning Department stated they had a great meeting with the investors the previous day. Hussey Hill Road pond has failed twice. Asking that the developer's engineers review to suggest structural changes as the existing ones do not appear to be holding up against the rainstorms we have endured. Ms. Saunders also stated that the asbuilts were requested, which the board has been asking for for quite some time. She stated there was a follow up meeting tomorrow, Tuesday, 8/2/2021, to review the status. Ms. Saunders will have an update for the board the following meeting.

Ms. Dwyer asked if they were still receiving Certificates of Occupancy. Ms. Saunders stated that the Planning Department is not giving Certificates of Occupancy until the conditions set in April have been met, including sending the asbuilts, finalizing the storm water system so that it is functioning, and relocating the piles of dirt away from the units, as requested.

Mr. Sylvain inquired as to whether building permits were still being issued. Ms. Saunders stated that they are not currently requesting building permits, though she believes there are only four/five building permits left to issue. Mr. Sylvain also inquired about the relocation of the dirt piles. Ms. Saunders stated she had been to the site the previous Friday and noted the piles were down to the 35 foot height limit, but had yet to be moved away from the units.

Mr. Sylvain asked for an update regarding the Cease and Desist. Ms. Saunders responded that no Cease and Desist has been issued as of yet. Ms. Dwyer asked what more needs to be done, or not been done before the Cease and Desist letter is issued. Mr. Walker stated that though the Cease and Desist letter is out of the board's hands, there is the option to revoke the building permits.

Mr. Sylvain and Ms. Dwyer discussed the site-walk that had recently occurred. Ms. Dwyer asked that Ms. Saunders send an update to the board after the follow-up meeting with the investors, rather than wait until the next Planning Board meeting. Ms. Saunders agreed to send an update by the beginning of the following week, at the latest.

X. Adjournment

A motion was made by Mr. Walker and seconded by Mr. Collopy to adjourn at 8:24 p.m. The motion carried unanimously by a roll call vote.

Respectfully submitted,

Crystal Galloway,
Planning Administrative Assistant II/Interim Planner I

and

Shanna B. Saunders,
Director of Planning & Development

**Resolution Authorizing the Acceptance of a \$40,000.00 New Hampshire Division of
Historical Resources CLG Grant by the City of Rochester and Supplemental
Appropriation in Connection Therewith**

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

That a Forty Thousand Dollar (\$40,000.00) New Hampshire Division of Historical Resources CLG Grant is hereby accepted by the City.

Further, the City Council authorizes a supplemental appropriation to the Planning Department in the amount of Forty Thousand Dollar (\$40,000.00) with the entirety of the supplemental appropriation being derived from said Grant.

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

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City Clerk's Office



City of Rochester Formal Council Meeting

AGENDA BILL

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

AGENDA SUBJECT

Proposed acceptance of CLG grant from the New Hampshire Division of Historical Resources in the amount of \$40,000.00.

COUNCIL ACTION ITEM
INFORMATION ONLY

FUNDING REQUIRED? YES NO
* IF YES ATTACH A FUNDING RESOLUTION FORM

RESOLUTION REQUIRED? YES NO

FUNDING RESOLUTION FORM? YES NO

AGENDA DATE	September 7, 2021	
DEPT. HEAD SIGNATURE	Shanna Saunders	
DATE SUBMITTED	August 20, 2021	
ATTACHMENTS YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	8

COMMITTEE SIGN-OFF

COMMITTEE	Historic District Commission
CHAIR PERSON	Molly Meulenbroek

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

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

LEGAL AUTHORITY

City Council

SUMMARY STATEMENT

Extension of the New Hampshire Division of Historic Resources grant in the amount of \$40,000 to document the Historic District. The first phase is to document and update boundaries. This grant's phase would be to document specific historic structures within the district. Public outreach materials will be created as a deliverable. There is no match required for the 2021 grant round.

RECOMMENDED ACTION

Consider for adoption.

PRESERVATION COMPANY

19 March 2021

Shanna Saunders, via email shanna.saunders@rochesternh.net
City of Rochester Planning & Development
33 Wakefield Street
Rochester, NH 03867

RE: *City of Rochester Historic Resources Survey – 2021 Grant*

Dear Shanna,

Here is our proposal for a 2021 grant to prepare 130 individual inventory update forms for the Rochester Historic District. This effort will supplement the 2020 grant to update the 1983 National Register of Historic Places nomination of the District.

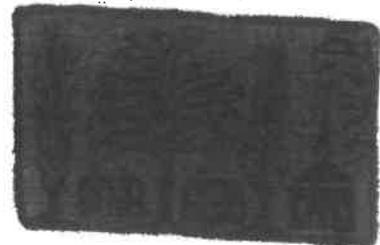
Respectfully submitted,



Lynne Emerson Monroe
LEM:tjh

Preservation Company
Sunny Knoll
5 Hobbs Road
Kensington, NH 03833
603-778-1799

PreservationCompany@comcast.net



www.PreservationCompany.com

City of Rochester Historic Resources Survey – 2021 Grant – page 2
19 March 2021

PROJECT UNDERSTANDING

The City of Rochester is requesting a CLG Grant to create individual “update forms” for all 130 properties in the Rochester Commercial and Industrial Historic District (National Register 1983)/Local Historic Overlay District surrounding Central Square. The effort will use as a model the form developed by the City of Somersworth for a similar update in 2007. This form (sample attached) is different than the standard NHDHR Individual Inventory Form, but it has been approved by NHDHR for this purpose. The “update form” emphasizes a list of Character-Defining Features (CDF) and changes to integrity since the original 1980 survey forms and 1983 NR Nomination, and includes photographs of all elevations of each building. These forms will be used by the City, property owners, and the Historic District Commission. The City plans to include these forms as PDF attachments to the city’s GIS database, their Google Earth Virtual Historic Map initiative, and also as a tool in their future outreach to property owners and potential investors as the basis of their Main Street/Downtown Revitalization initiative.

These forms will inform the writing of the update to the Historic District documentation, currently funded by a 2020 CLG grant to the City and under contract with Preservation Company (see attached proposal). The work for this project has not begun. Because the work associated with the two grants would be most efficiently performed simultaneously, the City is requesting that the deadline for the 20220 historic district grant, originally July 31, 2021, be extended to coincide with the second 2021 grant’s anticipated deadline of September 30, 2022. It is assumed, with field work beginning this Spring for both efforts, that both parts of the project would be completed well before that date.

The project will include input from and coordination with NHDHR, the City of Rochester’s Planning Department, and the Rochester Historic District Commission.



SCOPE OF WORK

The tasks for this project will include:

- Fieldwork and individual-form-level photography of each resource within the boundary of the district (buildings and open spaces). Photographs will be of all elevations and emphasize character-defining features.
- Research of historic photographs and recent changes to each resource including gathering any historic photographs not already included in the older surveys or already on the Virtual Historic Map
- The inventory, presented on individual forms (one for each property) shall include:
 - Identification of each property by address and tax parcel, approximate date of construction and the source for that date, style, architect and/or builder (if known), historic use, current use, property location map, and property site plan and photo key.
 - Photographs of each elevation of a building on each property, with a photo key(s).
 - An architectural features table for each property noting if the feature is character defining. The features will likely include structure, foundation, plan, additions, roof, chimneys, dormers, siding, trim, windows, doors, porches, other, outbuildings, and landscape. In addition, it will include setting, a summary of integrity, and significance (see attached Somersworth sample).
- In addition to the individual forms for each developed property, a form will be done on any open spaces in the Historic District.

Project Organization

For this project, Lynne Monroe will serve as Project Manager. Lynne Monroe and Reagan Ruedig will attend all meetings and complete the fieldwork. Laura Driemeyer and Kari Laprey will perform research and write the descriptions for each resource. Teresa Hill will coordinate the with the City on the GIS, database and photographs, as well as produce the forms.

Approach and Timeline

The following includes the approach and timeline for both contracts since the update forms will inform the Survey Report of the Historic District.

March 2021: Fieldwork will entail photography of the approximately 130 properties and the open spaces in the district.

April 2021-xx: After compiling the photographs, Preservation Company will draft the 130 individual “update forms” for the properties in the Historic District.

We will work closely with the City to assure that the information is incorporated smoothly into their ArcGIS software.

xx 2022: The finalized “update forms” will be given to the city.

City of Rochester Historic Resources Survey – 2021 Grant – page 4
19 March 2021

BID PROPOSAL

Preservation Company will complete the individual inventory on “update forms.” This work includes the labor for fieldwork, research, and production of the 130 survey forms. Hours estimated include travel time and preparation.

Grant 2: (note rates have changed since our 2020 Grant proposal)

Labor

<u>Category</u>	<u>Rate*</u>	<u>Hours</u>	<u>Total</u>
Principal	\$109.00	100.0	\$10,900.00
Project Manager	\$98.00	95.0	\$9,310.00
Architectural Historian II	\$87.00	150.0	\$13,050.00
Architectural Historian I	\$65.00	95.0	\$6,175.00
		<u>440.00</u>	
		Total Labor	\$39,435.00

*Includes direct rate plus overhead (98%) and profit (10%)

Costs

Direct expenses will be billed at cost; mileage to be reimbursed at 56 cents/mile

Mileage	300 miles	<u>\$168.00</u>
	Total Costs	\$168.00
	Total Project Estimate	\$39,603.00

QUALIFICATIONS

Professional Expertise

Preservation Company, with Principal Lynne Monroe, has been working on Historic Preservation in New Hampshire and the surrounding region for over 40 years. Consequently, they have extensive experience documenting and studying New Hampshire buildings and landscapes, ranging from individual resources to large town centers, agricultural districts, and town-wide surveys. The firm has proficiency with evaluating and successfully nominating complex historic districts to the National Register of Historic Places and completing NHDHR Historic District Area Forms. They have a proven ability to work with NHDHR on successful historic district evaluations, including databases, mapping and photography. They are familiar with the requirements of the review process and submittal expectations. In addition to meeting NHDHR requirements, Preservation Company has created additional documentation tools such as reports, databases, visual assessments, effects tables, GIS shapefiles and other products to meet the individual needs of particular projects. Everyone on the Preservation Company team is a 36 CFR 61 Historic Preservation professional. Preservation Company is listed as a certified woman-owned DBE in Maine, Massachusetts, New Hampshire, and Vermont. A complete project list and qualifications package can be accessed at www.preservationcompany.com.

Rochester Experience

Preservation Company has had extensive experience working in Rochester. While she was Director of Historic Preservation at the Strafford Rockingham Regional Council, Principal, Lynne Monroe directed the 1980 survey of downtown Rochester and the subsequent nomination of the Downtown Commercial and Industrial District to the National Register in 1983. Preservation Company completed a Town-wide Area Form for the entire City of Rochester in 2000 for NHDOT. They have surveyed a number of historic areas in the city of Rochester in relation to transportation projects. In 2005, they completed a Project Area Form for the area along Washington Street/Route 202, including the survey of a large neighborhood on the west side of the Cocheco River. Planned improvements to Route 125 in Rochester, Somersworth, and Dover included new inventory in the southern area of Rochester. The study for a proposed Exit 10 on the Spaulding Turnpike in 1995-2000 involved about 75 individual survey forms in three cities, including Rochester, and one town. They completed a historic district survey for Gonic Village and the two dams associated with the mills in 2004 and 2009, the Depot Road Historic District in 2000, and the Longview Acres Subdivision in 2011.

Other smaller projects in Rochester include:

Jenness Farm on Pickering Road NR Nomination, 2000
 Five Individual Inventory Forms on Pickering and Blackwater Roads, 2010
 Emily Cross House on South Main Street, Tax Act/NR, 2002
 Henderson Farm on Farmington Road, NH Historic Property Documentation, 2009
 Grassie-Dupont House on Rochester Hill Road, Inventory form, 2011
 Stone Arch Bridge, North Main Street, Rehabilitation Specifications, 2004
 Strafford Square Area Form and three individual forms, 540 Commercial Street, 2005
 Three Individual Forms for Salmon Falls and Whitehall Roads Improvement Project, 2013

City of Rochester Historic Resources Survey – 2021 Grant – page 6
19 March 2021

Experience Relative to this Project

Although they have updated other districts, the most pertinent effort relating to the project in Downtown Rochester was for the Town of Amherst in a similar effort to update the survey of the Amherst Village Historic District. This district was listed on the National Register in 1982 and became a locally regulated historic district around the same time, extending the boundaries beyond the NR district. Preservation Company designed a scope tailored specifically to gather the information and make it usable for the Historic District Commission. They performed fieldwork and took photographs of each property in the local historic district. They then created a table to include property information, construction date, form and style, and the description from the 1982 nomination form. The descriptions for each property were updated where necessary, and photographs were linked to each property so that the town could include all of the information in their GIS system used by the planning department.

Preservation Company compiled a report to describe the project, with an overview of the town's setting and history, and also provided a stand-alone document discussing the general forms and styles of historic buildings particularly found in Amherst. An updated Statement of Significance was provided for the local district, as well as a boundary discussion. The objective of the final product was to assist the town's Historic District Commission in their mission to protect and preserve Amherst's historic resources. A link to this report is on the Amherst Historic District Commission's site:

https://www.amherstnh.gov/sites/g/files/vyhlif4116/f/uploads/amherst_village_historic_district_survey_-_final_2019-09-11.pdf

Project Team

Lynne Monroe, Preservation Company Principal: Lynne has been working in historic preservation in New Hampshire since 1978. She earned a BFA from the University of Pennsylvania in 1971 and pursued Advanced Studies in Historic Preservation at Boston University from 1979 to 1983. Her early work in New Hampshire was for the Strafford-Rockingham Regional Council/Rockingham Regional Planning Commission. She directed the Historic Preservation Assistance Project from 1978-1983, providing preservation services to the 43 cities and towns in the seacoast region, developing survey methodologies and directing volunteer survey and planning efforts throughout the state. Lynne left the Planning Commission to establish and direct the New Hampshire Association of Historic District Commissions for which she wrote the standards for New Hampshire's Certified Local Government program. In 1983, Lynne established Preservation Company to offer a full range of planning services to public and private clients including developers, individual property owners, municipalities and state agencies. In 2008, she received the New Hampshire Preservation Alliance's Achievement Award for outstanding leadership in education, policy, planning, and technical services in historic preservation.

Laura Driemeyer, Architectural Historian, received her Ph.D. in American and New England Studies from Boston University in 2006. She received her master's in Art History from San Francisco State University in 1992 and a B.A. from Smith College. Prior to completing her Ph.D., Laura was the architectural historian for the Society for the Preservation of New England Antiquities (now known as Historic New England). Since joining Preservation Company, she has written multiple successful National Register nominations and HABS-level documentation reports for a range of building types, and prepared numerous NHDHR individual, project area, and historic district area survey forms for determinations of eligibility. She is a long-time member and former

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board member of the Vernacular Architecture Forum and is current president of the New England Chapter of the VAF, which she helped organize, and served as the Secretary for over ten years.

Reagan Ruedig, Historian, received a Master's of Science in Historic Preservation from The University of Pennsylvania in 2007. She received her Master's of Arts in Art History and Archaeology from The Institute of Fine Arts at New York University in 2004, and a Bachelor of Arts degree from Duke University. Prior to working for Preservation Company and moving to New Hampshire, she was an architectural conservator with Building Conservation Associates, Inc. in Dedham, Massachusetts, performing building condition surveys, materials analysis, and project management. She currently serves on the Board of Trustees at the Portsmouth Historical Society and is a member of the Portsmouth Historic District Commission.

Kari Laprey, Architectural Historian, received an M.A. in Preservation Studies from Boston University in 1991 and a B.A. in Anthropology from the University of Massachusetts at Amherst in 1987. Kari has been with Preservation Company since 1991 and serves as Senior Historian on major projects, directing fieldwork and research, and preparing National Register nominations and NHDHR townwide area forms and determinations of eligibility for individual structures and historic districts. She currently serves on the York Historic District Commission in York, Maine.

Teresa Hill, Production and Computer Services Manager, received a Bachelor of Science degree in Computer Science from Union College, Schenectady, New York, in 1984. After graduate studies at the University of New Hampshire, she worked with computers in various fields, including teaching, programming, graphic design, and interior design. She has been with Preservation Company since 1989. In addition to survey and research work, Teresa is a computer expert who designed the first computerized historic resources survey in the state of New Hampshire. She oversees production of forms, reports, photography, mapping, tables, databases, and other presentations of findings for both agency reviews and public hearings.

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CLIENT REFERENCES for Similar Projects

Gordon Leedy, Community Development Director, Town of Amherst

Simon Corson, Planner, Town of Amherst

Bill Rapf, Vice-Chairman, Amherst Historic District Commission

2 Main Street, Amherst NH

scorson@amherstnh.gov – (603) 673-6041

Preservation Company created an innovative method to the survey of the Amherst Village Historic District, designing a scope specifically to gather the information and make it usable for the Historic District Commission. They designed a table to include property information, construction date, form and style, and the description from the 1982 nomination form. The descriptions for each property were updated where necessary, and photographs were linked to them so that the town could include that information in their GIS system as used by the planning department. They also created a guide that discussed the specific forms and styles of the historic resources in Amherst for the understanding of the Commission and residents. [See link above]

Jill Edelmann, Cultural Resources Manager, NHDOT – Bureau of Environment

P.O. Box 483, Concord, NH 03302-0483

Jillian.Edelmann@dot.nh.gov – (603) 271-7968

Preservation Company has an had ongoing service contract with NHDOT since 1985 to prepare for Section 106 compliance, e.g., NHDHR survey forms, bridge documentations and interpretive signage. A Bethlehem Village Historic District Area Form was completed in 2016. In 2018, Preservation Company wrote a determination of eligibility for the Swanzey Civic Historic District. The Exit 4A Derry-Londonderry Project, ongoing since 1999, has been in the final stages of FEIS preparation and project development since 2016, requiring the reevaluation of many previously-surveyed properties and districts.

Jennifer Zorn, McFarland Johnson

53 Regional Drive, Concord, NH

JZorn@mjinc.com – (603) 225-2978 ext. 141

Preservation Company has completed NHDHR project area forms, district and inventory forms, for complex highway projects managed by the engineering firm of McFarland Johnson, including several districts and thirty individual inventory forms for the Bow-Concord I-93 Project in 2015-2018.

Mark Doperalski, State Archeologist, NHDHR (formerly of Eversource)

NHDHR, 19 Pillsbury Street, Concord NH 03301-3570

Mark.Doperalski@dncr.nh.gov – (603) 271-3483

Northern Pass Transmission Project, 2011-2018

CLIENT: Normandeau, 25 Nashua Road, Bedford, NH 03102

Seacoast Reliability Project, 2015-2018

CLIENT: PSNH dba Eversource Energy, 13 Legends Drive, Hooksett, NH 03106

Preservation Company was the primary preservation consultant for the transmission lines. An Assessment of Historic Properties Study was submitted to the NH Site Evaluation Committee in 2015 and subsequent phases of the project involved the writing and production of dozens of NHDHR individual and district/area inventory forms. The firm also provided input to the client on the state and federal preservation process and consulted on avoidance, minimization, and mitigation efforts.

RESOLUTION AUTHORIZING ISSUANCE
OF BUILDING PERMIT(S) ON A PORTION OF THE CLASS VI SECTION OF
THE SO CALLED TWO ROD ROAD PURSUANT TO RSA 674:41 I (C)

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

That in accordance with the provisions of RSA 674:41, I(c) (1), the Mayor and City Council hereby authorize the issuance of building permit(s) for construction of a project located off the Class VI portion of so called Two Rod Road, in said Rochester, NH. The current owner of the property which the project is to be located is Granite State Credit Union, and lots on which the construction is to occur are depicted on Rochester Tax Map 208, as Lot 4 and Lot 5. This approval is granted subject to the requirement that, prior to issuance of such building permit(s), compliance with the requirements of RSA 674:41, I (c) (3) is achieved. Furthermore, pursuant to the provisions of RSA 674:41 (c) (2), by authorizing the issuance of the above building permit(s), the City of Rochester neither assumes responsibility for maintenance of the aforesaid portion of the Two Rod Road on which the project is to be constructed, nor liability for any damages resulting from the use thereof, and that an acknowledgement, waiver and release of the City of such responsibility signed by the property owner(s), shall be recorded in Strafford Country Registry of Deeds prior to the issuance of any building permit(s) hereby authorized. If determined necessary by the City of Rochester a street sign shall be installed prior to the issuance of a certificate of occupancy.

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City Clerk's Office



City of Rochester Formal Council Meeting

AGENDA BILL

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

AGENDA SUBJECT

COUNCIL ACTION ITEM <input type="checkbox"/>
INFORMATION ONLY <input type="checkbox"/>

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

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

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

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

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

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

LEGAL AUTHORITY

LEGAL AUTHORITY

SUMMARY STATEMENT

RECOMMENDED ACTION

ACKNOWLEDGEMENT WAIVER AND RELEASE**PURSUANT TO R.S.A. 674:41****Class VI Road**

NOW COMES Granite State Credit Union, PO Box 6420 Manchester, NH 03101, and in accordance with the intent of R.S.A. 674:41, hereby issue this Acknowledgement, Waiver and Release for the purpose of inducing the City of Rochester to approve a site plan with respect to their property situate off Farmington Road/NH Route 11, Rochester, New Hampshire, the same taking access from Two Rod Road, a Class VI road, such property having no access from a Class VI or better highway, and in support of the same, state as follows:

1. Granite State Credit Union is, by virtue of a deed recorded at the Strafford County Registry of Deeds as Book 4933, Page 414, owner of a certain tract or parcel of land (hereinafter the "subject premises") situate on Farmington Road/NH Route 11 and Two Rod Road, so-called, in the City of Rochester, New Hampshire, shown as Lot 208, Map 4&5 on a site plan entitled, "*Proposed Credit Union Branch*" prepared for: Granite State Credit Union dated April 2021 by Norway Plains Associates, Inc.
2. Access to the subject premises is provided partially by Two Rod Road, a Class IV road within the meaning of R.S.A. 674:41, I.
3. That the Planning Board of the City of Rochester, voted on June 7, 2021 to authorize the site plan approval of land on the portion of Two Rod Road including the subject premises.
4. The said Granite State Credit Union, for themselves, their successors and assigns, hereby acknowledge and agree that the City of Rochester, by subdividing the subject premises, neither assumes responsibility for the maintenance of Two Rod Road, the aforesaid Class VI road, nor does the City of Rochester assume liability for any damages resulting for the use thereof. Granite State Credit Union, for themselves, their successors and assigns, hereby waive any and all rights to maintenance of the aforesaid Class VI road by the City of Rochester and release the City of Rochester from any responsibility for maintenance thereof and/or from liability for any resulting damage from the use of aforesaid Class VI road by the said Granite State Credit Union, their successors, assigns and others.
5. The said Granite State Credit Union acknowledge prior pulling a building permit with respect to the subject premises, they shall record this "Acknowledgment, Waiver and Release Pursuant to R.S.A. 674:41" in the Strafford Country Registry of Deeds.
6. That pursuant to the provisions of R.S.A. 674:41, I (c) (1), the City Council of the City of Rochester, after reviewing comment by the Planning Board of the City of Rochester, on [REDACTED] voted to authorize the issuance of the building permit for the erection of a 2985 square foot commercial building per the site plan shown as 150 Farmington Road, Lot 208 Map 4&5.

IN WITNESS WHEREOF, the said Granite State Credit Union have set their respective hands this ____ day of ____.

Granite State Credit Union

Witness

By:

Duly authorized

Before me:

Notary Public

Print name: _____

My Commission Expires: _____

Public Works and Buildings Committee
City Hall Council Chambers
Meeting Minutes
August 19, 2021

MEMBERS PRESENT

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

MEMBERS ABSENT

Councilor Chris Rice
Councilor Thomas Jean

OTHERS PRESENT

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

MINUTES

Councilor Walker called the Public Works and Building Committee to order at 7PM

1. Public Input

No public present.

2. Estes Road Paving Inquiry

Mr. Nourse discussed the poor condition of the pavement on Estes Road. He stated that the northern section between Rt. 202 and Rt. 202A is in the worst condition compared to the other section between Rt. 202 and Oak Street. Mr. Nourse explained that the conditions of the northern section of the road consist of a significant amount of ledge up to pavement and establishing proper drainage for the roadway would be very difficult and costly. He stated that some time ago he had obtained quotes to box out, establish drainage and completely reclaim and pave. The quote was in over \$2 million dollars. He explained that the typical appropriation for the Paving Rehab Program is \$1 Million dollars, and he stated there is usually some roll over from the preceding year. Mr. Nourse stated that he does not know what the exact roll-over from last year is yet so the Department ran the Pavement Conditions Index (PCI) anticipating \$1.25 million in funding. He stated that the northern part (the worst part) did come up for the list in year one. Mr. Nourse stated once the FY2021 Paving is completed and invoiced he anticipates bringing the proposed list of streets for FY22 funding to the Committee for a recommendation. Councilor Walker stated he was pleased and he would report that news to his constituent. Mr. Nourse also mention that running the PCI using the same \$1.25 million criteria, Howard Brook came up in year two, and the other section of Estes came up in year 3.

3. DPW Facility Update

Mr. Nourse discussed the Public Works Committee's request for an onsite meeting at 209 Chestnut Hill Road in late August and suggested it be scheduled for August 30, 2021. The Committee agreed on that date and set the time of 10AM. Mr. Nourse had current pictures displayed on the monitors showing the progress of construction. He stated that

construction is at 77% complete and the current remaining funding for construction contingency is at 75%. He stated that quality has not been compromised, but as construction proceeds we are adding, cutting and making changes that make sense. He stated that currently painting continues throughout facility, the radio tower for PD is up, solar panels are being placed on the roof, base paving and curb setting is underway, permanent power is in place and the furniture contract has been executed.

4. RT 11 Pump Station(PS) Upgrade Project

Mr. Nourse explained that this \$1.5 million dollar pump station upgrade project has been awarded for construction and will start up very soon. He stated that the pump stations are upgraded in a rotation program that is based on age. He mentioned that this one came up in the rotation a few years back due to the age and to safety concerns. He stated that there are 3-4 upgrade projects in various stages, conceptual, design and construction, at any given time. Mr. Nourse stated that this PS is located on a very small lot adjacent to Rochester Motor Sports and that it takes flow from the north (Walmart & Granite Ridge) and from the south. He stated the flow is pumped up to the area of Integrity Auto and that it then runs gravity to the River Street Pump Station. Mr. Nourse explained that he wanted to have a larger discussion on this pump stations capacity as it relates to recent discussions concerning the Granite Ridge Development at a recent Planning Board Meetings. He stated that 3-4 years ago when the conceptual design was developed for the upgrades the engineers used the 2019 Mayberry Report that detailed approximately 470 homes and retail office space to be developed. He stated that the design for upgrades was based on that report. Mr. Nourse stated that he had watched the Planning Board meeting recently and the draft mixed use ordinance indicated a possible residential ceiling of 1500 residential units. He stated his concerns for impacts of the increased load. Mr. Nourse explained that while that was just a number for discussion, he felt he should keep the Councilors informed of the limitations for capacity in the corridor. He explained that residential units produce much higher loads than office space and he explained that this pump station would not be able to handle the increased load of 1500 units. He mentioned that calculations are conservative and it may be able to handle 600 units but studies would need to be completed after upgrade project. Mr. Nourse stated that he wanted to be sure that the Council and Planning Board have this information moving forward. He stated that this PS Upgrade would not be in the rotation again for many years and that the size of its current location may not be accommodate a larger scale PS. Councilor Gray stated that he believed if the Developer needed additional capacity that would likely be at their expense. Councilor Walker asked if an additional PS was needed could it go elsewhere. Mr. Nourse stated that might be possible, and he doesn't rule out the possibility of doing that, but he just wanted to be sure that this was discussed in any discussions with the developer moving forward.

5. American Rescue Plan Act – Infrastructure Project Candidates

Mr. Nourse stated that the City is due to receive over \$6 million dollars in funding from this plan. He stated the City Manager has requested a priority list from the Departments. He stated that he is unsure of what vetting process and criteria will be used to determine the internal awards for projects but he wanted the Committee to be aware of the top 3 priority projects submitted by the DPW. He stated that a funding award of all or portions of the required projects would have savings impact to the water rate payers. The projects submitted are as follows:

- **The Cocheco Well Upgrade Project** – This is an approximate \$5,600,000 Project to upgrade the well treatment plant for treatment of Manganese. This will be a mandatory upgrade to the wellsite from EPA. Mr. Nourse stated that the EPA has found that the effects of Manganese can be harmful to a certain venerable section of the population and the treatment will be required. Also, the mixing of different water sources is valuable to City's water system overall, and the continued operation of this plant is important. See attached NHDES fact sheet.
- **The Round Pond Augmentation Project** – This project is to increase the capacity of Round Pond and is approximately a \$6,000,000 (six million dollars). It is anticipated that due to development the City will reach its capacity to provide water in 15- 20 years and the augmentation project will extend the capacity restrictions out past the foreseeable future.
- **WTP 20" Transmission Main Slip Lining** – This project to slip line the 20" transmission main from the WTP to Washington Street Booster Station is approximately \$2,000,000 (two million dollars). This is a cast iron main that was installed in the 1890 era is concern for anticipated breaks and leakage. If left in the CIP planning and budgeting process it will need to be done piece mealed over several years, with higher costs and possible emergency repairs due to breaks.

Mr Nourse stated in other related matters the State of NH has received about \$50,000,000 (fifty million dollars) and hopes to receive a total of \$300,00,000 (300 million) for Drinking Water (DWSRF) and Cleanwater (CWSRF) State Revolving Fund Loan Projects. He stated that the DWSRF has received 191 submissions totaling \$447,000,000 and 6 were from Rochester and CWSRF has received 153 submissions totaling \$527,000,000 and 8 were from Rochester. Mr. Nourse stated that the Drinking Water Trust Fund is also expecting addition funding, and there will be funds for the Congressionally Delegated Spending Program (CDS). He stated the DPW has submitted several projects to Congressmen Pappas and Senator Shaheen for the CDS Funding. Mr. Nourse noted that Congressmen Pappas did not select our projects for the CDS Funding, but did advance our Rt. 11 Safety & Capacity Improvement Project for the House Invests Bill in the amount of \$5.6 million. He stated that Senator Shaheen did approve two projects for submission for the CDS funding. Those were the Wastewater Treatment Plant Septage Receiving Facility for \$900,000 and the Colonial Pines Sewer Project for \$5,000,000. Mr. Nourse stated that Senator Shaheen also approved a submission from the Great Bay Municipal Alliance for Adaptive Management. The request was for \$2,000,000 to be use for eel grass and oyster restoration and monitoring. However, the approval was for \$1,000,000 as the monitoring could not be included.

Mr. Nourse stated that the DPW Staff is constantly monitoring these funding sources and trying to secure funding from the numerous source available at this time.

6. **Portland Street / Katie Lane Drainage**

Mr. Nourse stated that area of Portland Street that is being discussed is approximately 60 feet lower than Salmon Falls Road and there has been reported problems with water in the basements. He states that these homes were built in the 1980's and were built it what would be classified now as jurisdictional wetlands. Mr. Nourse state that in April members of this Committee and staff had met on site to assess the water situation and the

claim that the water problems had increased due to the building of Katie Lane homes in the mid 2000 era (2005). Since that time Staff had staked out the area of the wetlands, and that they found that the wetland delineation actually advance into many of the backyards. Mr. Nourse stated that some of the residents and City staff had recently met on site with the NHDES representatives to determine what could or could not be done in the area as the wetlands are protected areas. Mr. Nourse state that since the building of the Katie Lane retention pond the water problem has likely worsened. Mr. Nourse describe how the detention pond system was probably supposed to work and noted its apparent failure to do so. He stated that subject to NHDES approvals the City, in order to decrease the flow of water from the detention pond, is going to decrease the size of the current 18” pipe that is flowing at a high rate and use mulch sock logs to divert the water to the right of the wetlands away from the homes. Mr. Nourse stated that NHDES had approved that the ditch lines, behind the homes on Portland, could be re-established using hand tools, no equipment and that City could install some drain sumps/basins and gravity pipe to send the water to the closed drainage system on Portland Street. Mr. Nourse stated that funding may be needed and that he would let the Committee know once the NHDES permit is approve.

7. **Little Falls Bridge Road / Chestnut Hill Road Intersection Project**

Mr. Nourse stated this project to re-align the intersection and establish a right turn lane went out to bid. He stated that there were 3 bidders and that the lowest is GW Brooks & Sons from Ossipee with a bid of \$109,198.00. He stated that there are sufficient funds and we would be proceeding to construction that should start up in the fall.

8. **Colonial Pines Phase 3**

Mr. Nourse informed the Committee that this bidding process was completed. He stated that SUR Construction had won the bid for the approximate \$5.5 million project and that construction should start up again in the fall. He stated that approximately \$1.5 million of the project is for drainage and the other \$4 million would bring the availability of sewer to the estimated 70 homes in the project area. The Committee briefly discussed phase 4 and the need to do an additional solicitation letter to determine the need for sewer in the project area. He stated that previously we had a lower response from these residents and he suspect that is due to the fact that these homes are newer and therefore the septic systems are newer. He also stated that many homes are more than 100 feet from the where the main will be located. This means that they will not be required to tie in or get a waiver. These connections could be much more expensive than the phase 2 & 3 connections.

9. **FY2022 Sidewalk Improvements Program**

Mr. Nourse stated that the FY2022 Sidewalk appropriation will be used to finish up the Oak Street sidewalk. He stated that if there are remaining funds he would like the Committee’s recommendation as to what area to proceed to next. Mr. Nourse showed a graphic that delineated the poorest sidewalk conditions in the City. He explained that many of the sidewalks are part of other projects that are currently in the 5 year plans for construction. The Woodman / Myrtle, Strafford Square, Wakefield, Summer and Winter Street areas were noted for those plans. He stated that Railroad Ave ad Walnut Street were areas for consideration. Mr. Nourse recommended the Walnut Street sidewalks for the next area. He stated that it would be a good area as it ties into the Strafford Square Project and would finish up that area of town.

Councilor Hamann made a motion to recommend that the full City Council approve the Walnut Street sidewalks to be the next area for reconstruction of sidewalks. Councilor Gray seconded the motion. The motion passed unanimously.

10. **Other**

Strafford Square – Councilor Hamann asked about the water and sewer work scope changes in the project area. Mr. Nourse confirmed that the contractor did need to go further up North Main Street as there were unanticipated service tie-ins required

Update East Rochester Well Point – Drainage – Councilor Gray inquired about the status of this project. Mr. Nourse stated that they will be drilling for the well at 18 Grove Street this week and that this project is moving forward. He stated that the project was delayed due a delay on parts and pump. He stated it should be operational by mid-September.

Brock Street – Poor Pavement Paint – Councilor Walker asked if there was anything to be done about the smudged painting. He stated that it has not faded significantly. Mr. Nourse stated that the only thing that could be done is to paint the area black where the yellow lines have bled across the pavement. He and the Councilor agreed that would not improve the problem. Councilor Walker stated that the pavement is also in poor condition due to the Unitil cuts and he inquired about where it comes up in the pavement plan. Councilor Walker asked if the cuts were accounted for in the PCI program. Mr. Nourse stated that the cuts are not accounted for as the PCI is a product of a road conditions assessment done in 2016. He stated that the PCI is due to be updated this year. He said that he would like to have the same company do the road assessment, which consists of driving the roads with the equipment that documents the condition of all roads.

Tree City USA Proclamation – Mr. Nourse stated that the City of Rochester has been part of the Tree City USA Program for 20 years and he was asked to highlight that tonight. He state that in order to be part of this program the City must be demonstrate its Commitment to planting and maintaining the City Trees. He stated we do that and we go through a process of approval each year to remain a Tree City.

City Flag – Design Approval – Mr. Nourse stated that this came about as part of a conceptual idea to have the US Flag, the NH State Flag and the City of Rochester Flag hung prominently in the New DPW Facility vehicle storage bay area. He stated that he had seen the City Flag in Council Chambers. After some internal investigation he determined that there was only the one hand painted flag in existence and he was hoping to get approval of a City Flag. He showed the attached picture of the previous City Flag and with some suggested edits from the Public Works Committee, the staff submits the attached rendering for consideration as the City Flag.

Councilor Gray made a motion to recommend that the full City Council approve the City Flag as submitted. Councilor Hamann seconded the motion. The motion passed unanimously.

Councilor Hamann made a motion to adjourn at 8:04 PM. Councilor Walker seconded the motion. The motion passed unanimously.

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

ROCHESTER



NEW HAMPSHIRE

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City Clerk's Office



Redistricting Committee
City Manager's Office
August 31, 2021
6:30 PM

Members Present

Councilor Hamann
Councilor Jean
Deputy Mayor Walker, Chair

Others Present

Councilor Gray
Councilor Hainey
Councilor Rice

Minutes

1. Call to Order

Councilor Walker called the meeting to order.

2. Complete Questions/ Survey for the House Special Committee on Redistricting

The Committee discussed the reasons why they are seeking redistricting with the 2020 census data. The Committee determined that some of the wards are outside of an acceptable percentage range and must be adjusted.

3. Review census data/blocks

The Committee reviewed the current ward blocks; with the population of each falling within a .30% range of all other wards

- Ward 1: 5,280
- Ward 2: 5,440
- Ward 3: 5,804
- Ward 4: 5,498
- Ward 5: 5,360
- Ward 6: 5,110

The Committee reviewed the ward blocks and made adjustments to **Scenario 1**, which would bring the population percentage range to within .05% as follows:

- Ward 1: 5,387
- Ward 2: 5,388
- Ward 3: 5,390
- Ward 4: 5,498
- Ward 5: 5,419
- Ward 6: 5,410

The Committee began to work on another scenario; however, it became apparent that in order to prevent moving elected officials from their current wards and/or displacing ward polling locations, the census blocks were too large to work with and cannot be reduced. It was determined that approximately 900 voters are to be moved City-wide. The Committee agreed to move forward with **Scenario 1** and set the schedule as follows:

- October 5, 2021, First Reading, referral to Public Hearing
- October 19, 2021, Public Hearing
- November 3, 2021, Second Reading, consideration for adoption

4. Set a time for Next Meeting

The Committee has completed its task and there is no reason for a second meeting at this time.

5. Other

No discussion to report.

6. Adjournment

Councilor Jean **MOVED** to **ADJOURN** the meeting at 7:27 PM. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Kelly Walters, CMC
City Clerk

Amendment to Chapter 275 of the General Ordinances of the City of Rochester related to the Dimensional Standards of Table 19-B

THE CITY OF ROCHESTER ORDAINS:

That Chapter 275, Table 19-B of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as shown in **Exhibit A** attached to this Resolution (amendments highlighted in yellow).

These amendments shall take effect upon passage.

EXHIBIT A

ZONING
 275 Attachment 7
 City of Rochester
 Table 19-B Dimensional Standards - Commercial Districts
PROPOSED AMENDMENT

Commercial Zoning Districts	Lots			Setbacks			Standards			Notes and References	
	Minimum Lot Area (square feet)	Minimum Frontage (feet)	Minimum Lot Area / Dwelling Unit (square feet)	Maximum Lot Coverage	Minimum Front (feet)	Minimum Side (feet)	Minimum Rear (feet)	Maximum Height Building part 1 (feet)	Minimum Roof break setback (feet)		Maximum Height Building part 2 (feet)
Downtown Commercial (DC)	4,000	40	500		5	10	15	55	15	75	30
All Uses											

Request for Zoning Ordinance Amendment

Date: ___July 27, 2021___

The Planning Board, hereby recommends a proposed change in Chapter 275 – Attachment 7 Table 19-B Dimensional Standards – Commercial Districts, of the General Ordinances of the City of Rochester.

This was discussed at the July 19th Planning Board Meeting and at that meeting the Board voted to recommend the following amendment.

It is respectfully requested that the Honorable Mayor and City Council amend the above as follows:

(Note: Please give a completed description of the change requested; if a zoning change is proposed supply full legal description of the affected parcel or areas).

Proposed New Height Elevations in the Downtown Commercial District

In an effort to further incentivize growth and development of our Downtown Commercial District, the Planning Board is submitting a Zoning Ordinance Amendment to the City Council to change the height regulations for buildings in this zone. They are proposing the following:

Allow for a two-part, stepped height requirement whereas

The immediate street fronting building part is allowed a Maximum height of 55 feet changed from 5 stories.

And then add a roof break setback of 15 feet.

And then to allow the rear part of the building a Maximum height of 75 feet.

Adjust the minimum allowed height from 20 feet to 30 feet.

The Planning Board voted on July 19th to recommend to approve 55 feet, a 15 foot setback, and up to 75 feet for building height in the downtown commercial zone. The motion carried unanimously.



City of Rochester Formal Council Meeting

AGENDA BILL

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

AGENDA SUBJECT

COUNCIL ACTION ITEM <input type="checkbox"/>
INFORMATION ONLY <input type="checkbox"/>

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

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

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

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

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

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

LEGAL AUTHORITY

LEGAL AUTHORITY

SUMMARY STATEMENT

[Empty box for Summary Statement]

RECOMMENDED ACTION

[Empty box for Recommended Action]

ZONING

275 Attachment 7

City of Rochester

Table 19-B Dimensional Standards - Commercial Districts
[Amended 3-5-2019; 5-7-2019]

Commercial Zoning Districts	Lots				Setbacks				Standards				Standards, Notes and References
	Minimum Lot Area (square feet)	Minimum Frontage (feet)	Minimum Lot Area/Dwelling Unit (square feet)	Maximum Lot Coverage	Minimum Front (feet)	Maximum Front (feet)	Minimum Side (feet)	Minimum Rear (feet)	Maximum Number of Stories	Minimum Number of Stories	Maximum Height (feet)	Minimum Height (Feet)	
Downtown Commercial (DC)													
All uses	4,000	40	500	—	5	10	— ¹	15	5	2	—	20	See § 275-19.2E, Density rings
Office Commercial (OC)													
All uses	10,000	80	5,000 ²	75%	10	—	10 ¹	25	3	—	—	—	See Article 19, Dimensional Standards
Highway Commercial (HC)													
All uses	20,000	100	5,000/7,500 ²	85%	20	—	10 ¹	25	3	—	—	—	See Article 19, Dimensional Standards, and § 275-19.2E, Density rings
Granite Ridge (GR)													
All uses	—	50	—	—	—	—	—	—	—	—	—	—	

NOTES:

Note 1: For lots that adjoin a residential district, the side setback on the side adjoining the residential district shall be the larger of the required side setback in the subject commercial zone or the adjoining residential zone.

Note 2: For lots without both water and sewer, 10,000 square feet of lot area is required per additional dwelling unit beyond one.

Note 3: For multifamily dwellings/developments within the DC Zone, the minimum lot area per dwelling unit shall be 500 square feet.

Note 4: See Setbacks for DC Zone § 275-6.3C(2).

ZONING
 275 Attachment 7
 City of Rochester
 Table 19-B Dimensional Standards - Commercial Districts
PROPOSED AMENDMENT

	Lots				Setbacks				Standards				Notes and References
	Minimum Lot Area (square feet)	Minimum Frontage (feet)	Minimum Lot Area / Dwelling Unit (square feet)	Maximum Lot Coverage	Minimum Front (feet)	Maximum Front (feet)	Minimum Side (feet)	Minimum Rear (feet)	Maximum Height Building part 1 (feet)	Minimum Roof break stepback (feet)	Maximum Height Building part 2 (feet)	Minimum Height (feet)	
Commercial Zoning Districts													
Downtown Commercial (DC)													
All Uses	4,000	40	500		5	10	--	15	55	15	75	30	

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City Clerk's Office

Resolution Accepting
NH Department of Environmental Services (NHDES) Grant,
in Connection with 2022 Household Hazardous Waste Day
and Authorizing City Manager to Enter Into a
Contract with NHDES not to exceed \$14,206.00

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

That a NHDES Grant, in the amount not to exceed Fourteen Thousand Two Hundred Six Dollars (\$14,206.00) to the City of Rochester, for the purpose of hosting hazard mitigation, is hereby accepted by the City of Rochester. The associated revenue and expenses accounts have previously been approved by the Council in the Department of Public Works 2022 operating budget of the City of Rochester.

Additionally, the City Manager of the City of Rochester, be, and hereby is authorized to enter into a contract with the NHDES with respect to such grant and the conduct of the aforementioned 2022 Household Hazardous Waste Day.

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

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City Clerk's Office



City of Rochester Formal Council Meeting

AGENDA BILL

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

AGENDA SUBJECT

COUNCIL ACTION ITEM <input type="checkbox"/>
INFORMATION ONLY <input type="checkbox"/>

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

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

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

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

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

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

LEGAL AUTHORITY

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SUMMARY STATEMENT

[Empty box for Summary Statement]

RECOMMENDED ACTION

[Empty box for Recommended Action]

Amendment to Chapter 254 of the General Ordinances of the City of Rochester Regarding Storage of Recreational Vehicles, Travel Trailers, Campers and Boats

THE CITY OF ROCHESTER ORDAINS:

That Chapter 254 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows (additions in *italics*):

§ 254-28 Additional parking regulations.

D. Storage of recreational vehicles, travel trailers, campers and boats. Recreational vehicles, travel trailers, campers or boats shall be stored in a carport, enclosed building or rear yard area and shall not be located within 10 feet of the lot line. No such equipment shall be used for living, sleeping or housekeeping purposes.

The effective date of these amendments shall be upon passage.

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City Clerk's Office

Resolution Authorizing Acceptance of \$1,296,285.00 of Additional State Education Adequacy Aid and Transfer of the same to the School Building Capital Reserve Fund

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

That City hereby accepts One Million Two Hundred Ninety Six Thousand Two Hundred Eighty Five Dollars (\$1,296,285.00) in additional State Education Adequacy Aid from the State of New Hampshire.

Further, pursuant to New Hampshire RSA Chapter 34, that One Million Two Hundred Ninety Six Thousand Two Hundred Eighty Five Dollars (\$1,296,285.00) be, and hereby is, transferred to the School Building Capital Reserve Fund, which was created by the City Council by way of Resolution on December 15, 2015, with the funds being derived in their entirety from the aforementioned additional State Education Adequacy Aid.

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

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City Clerk's Office



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

AGENDA DATE	September 7, 2021		
DEPT. HEAD SIGNATURE			
DATE SUBMITTED	August 18, 2021		
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

DIRECTOR OF FINANCE APPROVAL	
SOURCE OF FUNDS	Additional Adequacy Aid
ACCOUNT NUMBER	
AMOUNT	
APPROPRIATION REQUIRED YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	

LEGAL AUTHORITY

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SUMMARY STATEMENT

The current FY2022 Adequacy Aid Budget for the School Department was estimated back in the fall of 2020. Since then, the Legislature authorized the DOE to review the Average Daily Membership (ADM) data (which is used to calculate a portion of the Adequacy aid) in SY 2019-2020 and SY 2020-2021 and select the greater of the two. Our ADM was higher in SY 19-20 which has resulted in an increase of \$1,305,361. There are only two ways to handle an increase in Education funding, let the increase go to reducing taxes or request a supplemental appropriation. We are requesting a Supplemental Appropriation and have the funds deposited into the School Building Fund.

RECOMMENDED ACTION

Approve Supplemental Appropriation and funding to be deposited into the School Building Fund.

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City Clerk's Office

Resolution Approving Tri-City Agreement with Community Action Partnership for Warming Center Staffing

WHEREAS: The City of Dover owns a facility that has been outfitted to function as an emergency cold weather warming center at 30 Willand Drive, Somersworth, N.H. (“Warming Center”) to be used as an Emergency Extreme Cold Weather Warming Center in the area to provide for the welfare of those in need and meets safety needs related to COVID-19; and

WHEREAS: The Tri-City Partnership, led by the Cities of Dover, Rochester and Somersworth seek to engage the Community Action Partnership of Strafford County (“CAP”) to operate the Warming Center on an as needed basis through the 2021 – 2022 winter season; and

WHEREAS: CAP has provided a budget for operating the Warming Center seeking funding of \$99,866.64 for the 2021-2022 winter season; and

WHEREAS: As part of the Agreement to Operate the Warming Center, the Cities of Dover and Rochester will provide up to \$49,433.50 each, based on monthly invoices, in support of CAP’s operations, and the City of Somersworth will provide municipal services as the host community.

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

The City Manager is hereby authorized to enter into an agreement with the Cities of Dover and Somersworth and the Community Action Partnership of Strafford County, for the staffing and operation of the center through this winter. The amount of this authorization shall be limited so as not to exceed available funding.

AND, FURTHER BE IT RESOLVED THAT:

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 accounts(s) as necessary to which said sums shall be recorded.

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City Clerk's Office



City of Rochester Formal Council Meeting

AGENDA BILL

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

AGENDA SUBJECT	
Willand Warming Center Funding	
AGENDA DATE	September 7, 2021
DEPT. HEAD SIGNATURE	
DATE SUBMITTED	August 26, 2021
ATTACHMENTS	Yes <input type="checkbox"/> No <input type="checkbox"/>

DEPARTMENT APPROVALS

CHIEF FINANCIAL OFFICER	
CITY MANAGER	

BUDGET INFORMATION

SOURCE OF FUNDS	FY22 O&M
SOURCE ACCOUNT NUMBER	\$20,000 14010051-589134 Emergency Homeless Services \$29,433.50 11080050-584000 Contingency
EXPENDITURE AMOUNT	\$49,433.50
APPROPRIATION REQUIRED	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

LEGAL AUTHORITY

Section 4 of the City Charter.

SUMMARY STATEMENT

The Community Action Partnership (CAP) of Strafford County and the Tri-City City Managers (Joyal, Belmore and I) have created an agreement for the operations of the Willand Warming Center for the 2021-2022 winter season. The plan calls for 3 full time staff supplemented by unpaid volunteers to cover overnights, handle donations, train volunteers, etc. and assumes 60 activation days during the operating period of November 29th through April 1st. The total cost estimated by CAP is \$99,866.64. Each of the three communities would share in providing the funding and/or services as detailed below.

Dover and Rochester would share funding up to \$49,433.50 each to engage CAP to provide staff and manage the operation of the emergency warming center during declared life-threatening cold weather events. Dover will continue to own and cover expenses for utilities and the maintenance needs of the grounds and building. The City of Somersworth will continue to provide municipal services as the host community for police, fire and ambulance response and continue to absorb the loss of property taxes on

the building & land.

As this facility is intended to serve as an emergency warming center, the facility will only be activated when a cold weather emergency has been declared by the three city Emergency Management Directors. The Emergency Management Directors will consult with each other and State officials to determine when an activation is necessary given forecasts of life-threatening weather conditions. One of the EMD's will serve as the point of contact with CAP to give advance notice of the need for an activation. When not activated, the three full time staff will be assigned and allocated to perform various activities in preparation for future activations. Should schedules further allow, it will be acceptable for them to be deployed to also assist with CAP's day center or other homeless services in our area.

RECOMMENDED ACTION

Adoption of the resolution.

Resolution Authorizing \$20,000.00 Appropriation from the Economic Development Special Reserve Fund for Water Street Paving

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

That, in accordance with §7-63 (A) (2), the amount of Twenty Thousand Dollars (\$20,000.00) is hereby appropriated from the Economic Development Special Reserve Fund to pay for the costs associated with paving portions of Water Street associated with the City's Development Agreement for the so-called Scenic/Salinger Project which is part of the economic revitalization of the City's historic downtown.

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. All projects will be assigned a unique account number for tracking and reported purposes.

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City Clerk's Office



City of Rochester Formal Council Meeting

AGENDA BILL

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

AGENDA SUBJECT

COUNCIL ACTION ITEM <input type="checkbox"/>
INFORMATION ONLY <input type="checkbox"/>

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

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

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

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

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

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

LEGAL AUTHORITY

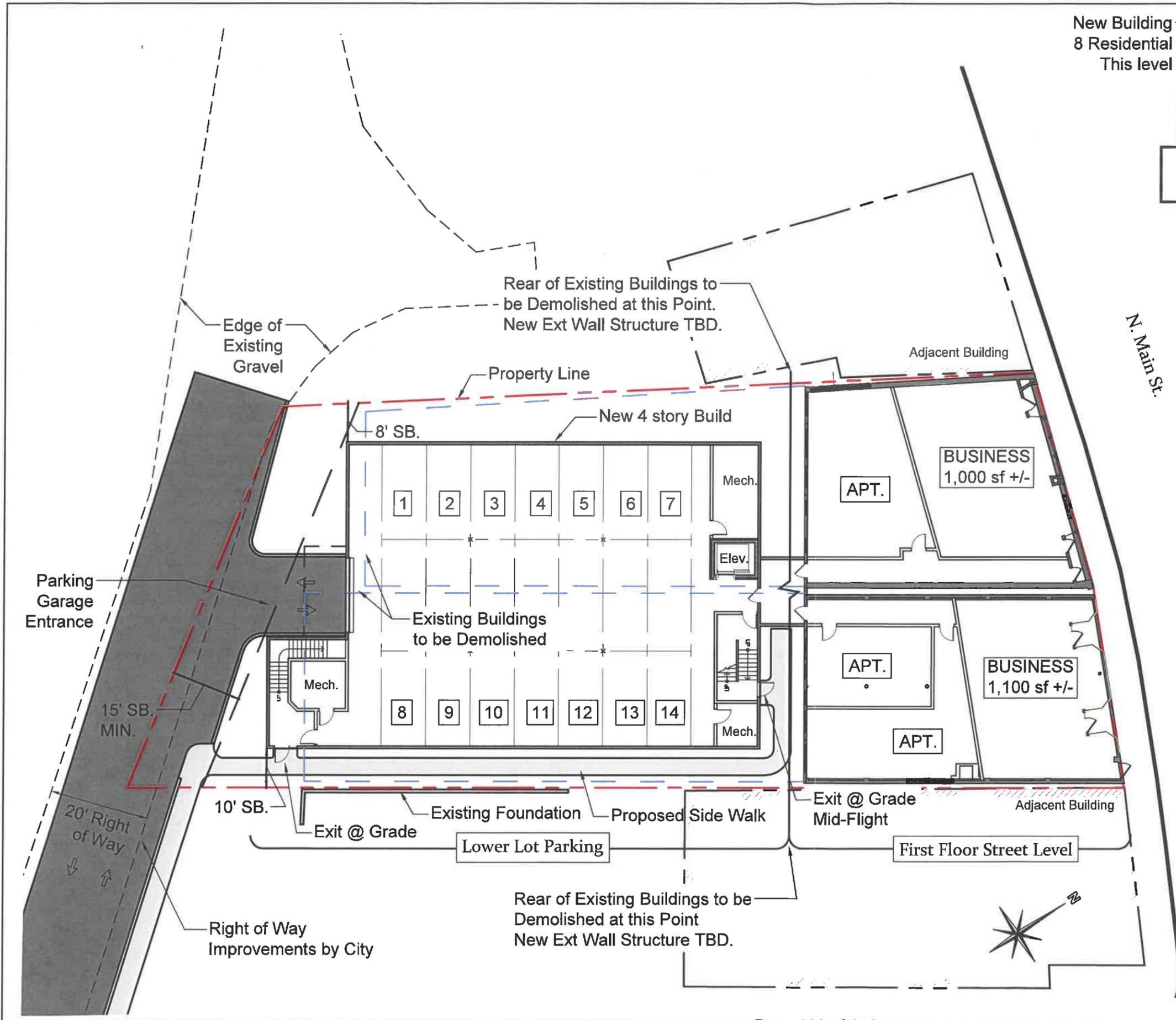
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SUMMARY STATEMENT

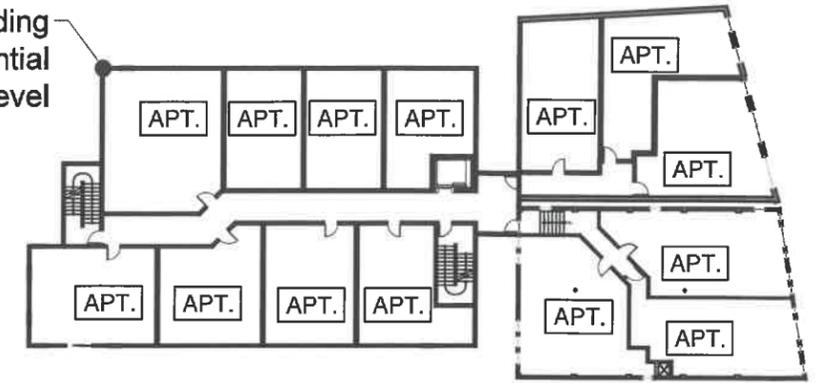
[Empty box for Summary Statement]

RECOMMENDED ACTION

[Empty box for Recommended Action]



New Building
8 Residential
This level



Typical Floor Plan Layout Level Two

Total Gross Foot Print:
44, 511 sf (To Exterior of Building Wall)

Total Net Leased Area
36,460 sf (Gross Tenant Area)

- New Building : 6,554 sf per level x4 = 26,216 + Parking Garage
- Scenic Theater Block : 2,465 sf per level x3 = 7,395 + Basement
- Salinger Block : 2,725 sf per level x4 = 10,900 + Basement

- 52 Apartments 400 to 800 sf (Avg. = 600 sf)
- 14 Onsite Parking Spaces
- Additional Parking @ Near by Municipal Lots



PROJECT SCENIC SALINGER BLOCK	
ADDRESS 10 N. MAIN ST. ROCHESTER NH, 03867	
Chinburg Properties, Inc 3 Penstock Way Newmarket, NH 03857	DATE: 1/23/2020
	SHEET 00

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City Clerk's Office

**Resolution Establishing Polling Places and Times for the
November 2, 2021 Municipal Election**

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

That the following polling places are hereby established for the City of Rochester for the upcoming November 2, 2021 Municipal Election.

- WARD 1: East Rochester Elementary School**
773 Portland Street, East Rochester

- WARD 2: Chamberlain Street School**
65 Chamberlain Street, Rochester

- WARD 3: Gonic Elementary School**
10 Railroad Avenue, Gonic

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

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

- WARD 6: Elks Lodge #1393**
295 Columbus Avenue, Rochester

Further, that in accordance with RSA 659:4, and Section 47 of the City Charter – All polling places shall be open from 8:00 A.M. to 7:00 P.M., on said Election Day. The Processing of Absentee Ballots shall begin at 10:00 AM on Election Day.