



**City Council Regular Meeting
June 1, 2021
Council Chambers
31 Wakefield Street
6:30 PM**

- 1. Call to Order**
- 2. Opening Prayer**
- 3. Pledge of Allegiance**
- 4. Roll Call**
- 5. Acceptance of Minutes**
 - 5.1 City Council Special Meeting: April 27, 2021 *consideration for approval* P. 9**
 - 5.2 Regular City Council Meeting: May 4, 2021 *consideration for approval* P. 17**
- 6. Communications from the City Manager**
 - 6.1 City Manager's Report P . 53**
- 7. Communications from the Mayor**
- 8. Presentation of Petitions and Council Correspondence**
- 9. Nominations, Appointments, Resignations, and Elections**
 - 9.1 *Resignation:* Taylor Poro, Zoning Board of Adjustments *consideration for approval* P. 69**
 - 9.2 *Election:* City Council Ward 1, Seat B P. 71**
- 10. Reports of Committees**
 - 10.1 Appointments Committee P. 75**

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City Clerk's Office

10.1.1 New Appointment: Alec Taliaferro – Historic District Commission, Regular Member, *term to expire 1/2/2022 consideration for approval*

10.1.2 New Appointment: Keith Fitts – Planning Board, Alternate member, *term to expire 1/2/2022 consideration for approval*

10.1.3 New Appointment: Matthew Winders – Trustees of the Trust Fund, Regular Member, *term to expire 1/02/2024 consideration for approval*

10.2 Codes & Ordinances Committee P. 77

10.2.1 Committee Recommendation: to accept the amendments to Chapter 40 (Building Construction & Property Maintenance) of the City Ordinances as presented by City staff *consideration for approval* P. 82

10.2.2 Committee Recommendation: to accept the amendments to Chapter 218 (Stormwater Management and Erosion Control) of the City Ordinances as presented by City staff *consideration for approval* P. 89

10.3 Planning Board P. 115

10.4 Public Works P. 121

10.4.1 Resolution Authorizing the Application for and Acceptance of a State of New Hampshire Department of Environmental Services (NHDES) Clean Water State Revolving Fund (CWSRF) Loan for the Tara Estates Pump Station Upgrade Construction Project in the Amount of up to \$1,325,000.00 first reading and consideration for adoption P. 125

10.4.2 Committee Recommendation: to authorize an exception to the pavement moratorium at 10

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City Clerk's Office

Norway Plains Road with the developer following DPW requirements for pavement patch ***consideration for approval*** P. 121

10.5 Public Safety P. 129

10.5.1 Committee recommendation: To remove one parking spot near the crosswalk on North Main Street ***consideration for approval*** P. 131

11. Old Business

11.1 Resolution Approving Fiscal Year 2021 – 2022 Operating Budget for the City of Rochester *second reading and consideration for adoption* P. 135

11.2 Resolution Authorizing and Approving Fiscal Year 2021 – 2022 Capital Budget for the City of Rochester and Authorizing Borrowing in Connection Therewith *second reading and consideration for adoption* P. 139

11.3 Resolution Authorizing Certain Renumbering on Tebbetts Road *second reading and consideration for adoption* P. 143

11.4 Resolution for Supplemental Appropriation and Authorizing Borrowing Authority Pursuant to RSA 33:9 to the Department of Public Works (DPW) Sewer Capital Improvements Plan (CIP) Fund in the amount of \$500,000.00 *second reading and consideration for adoption* P. 149

12. Consent Calendar

13. New Business

13.1 Resolution Authorizing the Increase of Donations to the City of Rochester Library by \$5,000 and Supplemental Appropriation in Connection Therewith *first reading and consideration for adoption* P. 155

13.2 Resolution Approving Cost Items Associated with Proposed City of Rochester Multi-Year Collective

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City Clerk's Office

Bargaining Agreement and Associated cost items with International Association of Firefighters Local 1451 *first reading and consideration for adoption* P. 159

13.3 Resolution Authorizing the Acceptance of FEMA Reimbursements of \$34,178.35 to the City of Rochester for Covid-19 Expenses *first reading and consideration for adoption* P. 165

13.4 Resolution Authorizing Placement of Proposed Charter Amendments on the November, 2021 Municipal Ballot in Accordance with RSA 49-B:5 *first reading and refer to public hearing* P. 181

13.5 Resolution Deauthorizing Rochester School Department CIP Fund Project Funding For Various Projects in the Amount of \$472,703.60 and Changing of Funding Source for Other Projects *first reading and consideration for adoption* P. 187

14. Other

15. Non-Public/Non-Meeting

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

16. Adjournment

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City Clerk's Office

**City Council Special Meeting
April 27, 2021
Council Chambers
31 Wakefield Street and
Remotely via Microsoft Teams
6:30 PM**

COUNCILORS PRESENT

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

OTHERS PRESENT

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

COUNCILORS EXCUSED/ABSENT

Councilor Bogan
Councilor Lachance

Minutes

1. Call to Order

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

Good Evening, as Chairperson of the (City Council, Planning Board, Police Commission, ZBA, etc), I am declaring that an emergency exists and I am invoking the provisions of RSA 91-A:2, III (b). Federal, state, and local officials have determined that gatherings of 10 or more people pose a substantial risk to our community in its continuing efforts to combat the spread of COVID-19. In concurring with their determination, I also find that this meeting is imperative to the continued operation of City government and

services, which are vital to public safety and confidence during this emergency. As such, this meeting will be conducted without a quorum of this body physically present in the same location.

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

Phone number: 857-444-0744

Conference code: 843095

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

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

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

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

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

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

Deputy City Clerk Cassie Givara took the roll call. The following Councilors were present in the Community Room: Councilors Belken, Gray Hamann, Rice, Walker, Lauterborn and Mayor McCarley. The following Councilors were connecting remotely and indicated that they were alone in the location from which they were connecting: Councilors Abbott, Hainey, Hutchinson, and Lachapelle. Councilors Bogan and Lachance were excused.

2. Resolution Approving the 2021-2022 Operating Budget for the City of Rochester

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

Resolution Approving Fiscal Year 2021-2022 Operating Budget for the City of Rochester

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

That a twelve (12) month operating budget for the City of Rochester be, and hereby is, approved and appropriated for the period beginning July 1, 2021 and ending June 30, 2022 in the amounts and for the purposes more particularly set forth in the City of Rochester, Proposed Budget, Fiscal Year 2022 (July 1, 2021 - June 30, 2022), as amended, the provisions of which

are incorporated herein by reference thereto by attached **Exhibit A**.

This budget may be reconsidered before the tax rate is set if City, School and/or County revenues are changed by the State of New Hampshire or by the Federal Government. The budget appropriations contained in this Resolution are predicated upon projected revenues as more particularly set forth in the City of Rochester, Proposed Budget, Fiscal Year 2022 (July 1, 2021 - June 30, 2022), as amended, the provisions of which are incorporated herein by reference thereto.

Mayor McCarley announced that the Public Hearing would be held on May 25, 2021.

3. Resolution Authorizing and Approving the 2021-2022 Capital Improvements Budget for the City of Rochester and Authorizing Borrowing in Connection Therewith

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

Resolution Authorizing and Approving Fiscal Year 2021-2022 Capital Budget for the City of Rochester and Authorizing Borrowing in connection therewith

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

That the capital budget for the City of Rochester for fiscal year 2021-2022 (July 1, 2021 to June 30, 2022) in the total amount specified in **Exhibit A** annexed hereto, be, and hereby is, authorized and appropriated, and, in accordance with the provisions of RSA 33:9, the City Treasurer, with the approval of the City Manager, is hereby authorized to arrange borrowing to finance a portion of said capital budget appropriation as identified on **Exhibit A** annexed hereto.

The aforementioned borrowing is authorized subject to compliance with the provisions of RSA 33:9 and Section 45 of the Rochester City Charter. The useful lives of the capital projects for which borrowing is authorized by this resolution shall be more particularly set forth in the "City of Rochester, New Hampshire, Proposed CIP Budget, Fiscal Year 2022 (July 1, 2021 – June

City of Rochester
Draft

05/27/2021
City Council Special Meeting
April 27, 2021

30, 2022), as amended.

4. Adjournment

Mayor McCarley **ADJOURNED** the Special City Council Meeting at 6:37 PM.

Respectfully Submitted,

Cassie Givara
Deputy City Clerk

PROPOSED 2021-2022 OPERATING BUDGET-EXHIBIT A**OPERATING BUDGET SUMMARY****Proposed Appropriations:**

City	\$	36,916,125
County Tax	\$	6,921,341
Overlay	\$	350,000
Estimated Veteran's Credits	\$	706,525
School	\$	68,610,769
School Federal Grants	\$	3,470,000
School Lunch	\$	1,900,000
School State Property Tax	\$	4,928,157
City Grants & Special Revenues	\$	70,000
Tax Incremental Financing Districts	\$	1,197,912
Water Fund	\$	6,889,755
Sewer Fund	\$	8,231,998
Arena Special Revenue Fund	\$	433,212
Community Center	\$	920,523
Total Appropriations	\$	141,546,317

Proposed Revenues:

City	\$	11,726,001
Use of Fund Balance	\$	2,786,000
School	\$	33,726,925
School Federal Grants	\$	3,470,000
School Lunch	\$	1,900,000
City Grants and Donations	\$	70,000
Tax Incremental Financing Districts	\$	1,197,912
Water Fund	\$	6,889,755
Sewer Fund	\$	8,231,998
Arena Special Revenue Fund	\$	433,212
Community Center	\$	920,523
Amount to be Raised by Taxes *	\$	70,193,991
Total Revenues	\$	141,546,317

PROPOSED 2021-2022 CAPITAL BUDGETS-EXHIBIT A**CAPITAL BUDGET SUMMARY****Proposed Capital Appropriations:**

City	\$ 7,587,000
School	\$ 1,423,000
Water Fund	\$ 1,235,000
Sewer Fund	\$ 2,881,000
Arena	\$ 80,000
Community Center	\$ 305,000
Total Appropriations	\$ 13,511,000

Source of Revenues**General Fund**

Bonding and/or other Borrowing	\$ 5,954,000
Operating Budget	\$ 3,414,000
Other Sources	\$ 27,000
Subtotal General Fund Revenues	\$ 9,395,000

Enterprise Funds & Tax Incremental Financing Districts

Bonding and/or other Borrowing	\$ 3,895,000
Operating Budget	\$ 221,000
Subtotal Enterprise Funds & Tax Incremental Financing Revenues	\$ 4,116,000

Total Revenues	\$ 13,511,000
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City Clerk's Office

**Regular City Council Meeting
May 4, 2021
Community Center
150 Wakefield Street &
Remotely via Microsoft Teams
6:30 PM**

COUNCILORS PRESENT

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

OTHERS PRESENT

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

COUNCILORS ABSENT/EXCUSED

Councilor Hailey
Councilor Lachance

Minutes

1. Call To Order

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

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

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

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

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

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

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

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

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

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

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

City Clerk Kelly Walters took the roll call. All Councilors were present and indicated that they were alone in the location from which they were connecting remotely except for Councilor Hainey who had been excused and Councilor

Lachance who recently submitted a resignation.

2. Opening Prayer

Mayor McCarley led a moment of silent reflection.

3. Pledge of Allegiance

Mayor McCarley led the Council in the Pledge of Allegiance.

4. Roll Call

The roll call was taken at the time the Preamble was read.

5. Acceptance of Minutes

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

Councilor Walker **MOVED** to **ACCEPT** the minutes of the April 6, 2021 City Council Regular meeting. Councilor Hamann seconded the motion. The **MOTION CARRIED** to accept the minutes by a roll call vote of 11 – 0 with Councilors Rice, Walker, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Abbott, Gray, Hutchinson, and Mayor McCarley all voting in favor.

6. Communications from the City Manager

6.1 City Manager's Report

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

Contracts and documents executed since last month:

- **Department of Public Works**
 - Phase 1 ESA 45 Old Dover Rd – Weston & Sampson
 - Construction Contract Amendment WWTF - Brown and Caldwell
 - Task Order NHDOT Sound Wall – Underwood Engineers
 - Change Orders, New DPW facility – Hutter Construction
 - Forest Maintenance Agreement – William Day Jr & Sons
 - Task Order, Sewer System Master Plan – Weston & Sampson
 - Master Service Agreements Awards – Multiple engineers
 - Consolidated Communications Agreement – relocation of equipment

- Engineering Agreement Amarosa Dr/Milton Rd – Hoyle, Tanner, and Assoc.
- Change Order, Pavement & Highway Improvement Projects
- Change Order, Sidewalk rehabilitation
- **Economic Development**
 - FY21 CDBG Environmental Review, CAP Weatherization
 - FY21 CDBG Environmental Review, CAP Weatherization
 - FY22 Rochester Housing Authority Environmental Review Statement
 - FY21 CDBG Lead Remediation Agreement
- **Finance**
 - Enrollment Agreement - ICMA
- **Fire Department**
 - Purchase contract, Aerial Platform Truck – Sutphen Corporation
- **IT**
 - PatrolPC tablet purchase
- **Planning**
 - Temporary Staff Coverage
- **Police**
 - MOA – Lease of K9 Gunner
 - Sale of Animal & Waiver of Liability Agreement

The following standard reports have been enclosed:

- Permission & Permits Issued -none
- Personnel Action Report Summary

7. Communications from the Mayor

Mayor McCarley announced that the Veterans Association has planned an event at the Common which is called the "Field of Honor". The last day to order a flag for this event is May 15, 2021.

8. Presentation of Petitions and Council Correspondence

No Discussion.

9. Nominations, Appointments, Resignations, and Elections

9.1 Resignation: Douglas Lachance, Ward 1, Seat B *consideration for approval*

Mayor McCarley announced that she received a letter of resignation from Douglas Lachance, Ward 1, Seat B. Councilor Walker **MOVED** to **ACCEPT** the

resignation. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** to accept the resignation by a roll call vote of 11 – 0 with Councilors Rice, Walker, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Abbott, Gray, Hutchinson, and Mayor McCarley all voting in favor.

Mayor McCarley announced the vacancy of the Ward 1 Seat B City Council seat and invited any interested registered voters from Ward 1 to submit an application (Statement of Interest). She said candidates could address (briefly) the full City Council at the May Workshop. The City Council would anticipate voting to fill this vacancy at the Regular Meeting in June. Councilor Rice asked if there would be a deadline for candidates to submit a Statement of Interest. Mayor McCarley replied that it would not be necessary and the City Council could potentially review all applications prior to a final vote at the meeting in June.

10. Reports of Committee

10.1 Codes and Ordinance Committee

10.1.1 Committee Recommendation: to accept the amendments to Chapter 135 (Mobile Home Parks) of the City Ordinances as presented by City staff Mobile Home Parks *consideration for approval*

Councilor Lachapelle said this request was made from City staff in order to delete Section 135.6 from the Ordinances since the City no longer allows the development of new Mobile Home Parks in the City (See Addendum A). Councilor Walker seconded the motion. The **MOTION CARRIED** by a 10 to 1 roll call vote with Councilors Lachapelle, Rice, Abbott, Bogan, Hutchinson, Hamann, Lauterborn, Walker, Belken, and Mayor McCarley voting in favor of the motion. Councilor Gray voted against the motion.

10.1.2 Committee Recommendation: to accept the amendments to Chapter 176 (Planning Board) of the City Ordinances as presented by City staff *consideration for approval*

Councilor Lachapelle **MOVED** to **APPROVE** the Amendment (See Addendum B). Councilor Lauterborn seconded the motion. The City Council briefly discussed the matter. The **MOTION CARRIED** by a 11 to 0 roll call vote with Councilors Hamann, Walker, Hutchinson, Belken, Abbott, Gray, Rice, Bogan, Lachapelle, Lauterborn, and Mayor McCarley voted in favor of the motion.

Councilor Lachapelle said the Codes and Ordinances Committee meeting is scheduled this Thursday evening at 6:00 PM via Teams.

Councilor Gray asked if it is an appropriate time to discuss an email (sent by Councilor Gray) about a potential City Charter change. He requested the matter be referred to the Codes and Ordinance Committee for further review. Mayor McCarley said this topic could wait until "other"; however, it also could be taken up now. She suggested that it would be a good idea to have all the City Charter Amendments (language) settled for all proposed Amendments ready in time for the June Workshop. She said it would be anticipated that the City Council would vote on such proposed amendments at the Regular Meeting in June.

Councilor Gray addressed the City Council about a proposed amendment he is bringing forth regarding the mechanism in which we calculate assessed taxable value for certain types of property transfers; including tax exempt property, the TIF organization, and/or 79-E properties. He has another issue with the Host Agreement Fees; however, that discussion could take place as part of the budget discussions.

Councilor Lauterborn wished to receive clarification about who benefits from the proposed change in which Councilor Gray is referring to and who would lose because of this change. Councilor Gray said the Tax rate in Rochester would be allowed to be raised, he said if the City never sees the money coming into the City (as new construction) it is never added to the amount you can use for the tax calculation (how much more you can raise the taxes). Mark Sullivan, Deputy Finance Director, gave a real-time example: He said in FY 21 that the Frisbie HCA became taxable, he said what happened in that year is that there was \$80,000,000 of new assessed value that went to the overall assessed net valuations, which had a lowering effect on the tax rate of seventy-two cents. He said if it was re-classed with the new construction calculation it would have provided another \$860,000 in tax cap surplus for the City and \$1,132,000 for the school department. The net effect of that action would have been an increase of seventy-two cents in that particular year.

Councilor Rice said it seems that this basically covered large non-profit areas of the City and questioned how many other properties are exempt at this time that would equal such a substantial amount on the tax base. City Manager Cox said he did not have that answer on hand; however, it is fairly rare that an exempt property is converted to taxable property.

Councilor Lachapelle commented that he understood Councilor Gray's

concerns; however, a larger concern is the State shifting costs onto the cities. He encourage Senator Gray to be proactive on this burden to the local taxpayers.

Councilor Walker wished to clarify if this example of what happened with the Frisbie properties was a one-time event and that the following year that money would be included in the tax cap calculations. Mr. Sullivan briefly explained the particulars of the situation. City Manager Cox said this is a complex issue and it would be best to have the discussion at the Workshop.

10.2 Fidelity Committee

Councilor Hutchinson said there are no action items this evening. He said there will be a meeting next Thursday via Teams. He added that the Committee is seeking a plan to include in the mission a way to remedy some of the heat injuries folks endure in the extreme weather in the summer time. More information will be forthcoming.

10.3 Finance Committee

Mayor McCarley wished to make one correction to the Finance Committee meeting minutes which is that she voted “no” on the Fire Department’s request for the UTV.

1031 Committee recommendation: To approve \$14,527 in unexpended FY20 and FY21 funds for Fire Department UTV *consideration for approval*

Councilor Rice **MOVED** to **APPROVE** the Committee’s recommendation to approve the \$14,527 in unexpended FY20 and FY21 funds for the Fire Department UTV purchase. Councilor Belken seconded the motion. Councilor Lauterborn indicated that she did in fact vote in favor of this expenditure at the Committee level; however, she has since changed her mind and therefor will be voting no on this request. Councilor Walker announced that he would be voting no as well. He said this is a want rather than a need. Councilor Rice requested more information from the Department about the reasons they have made this request. Deputy Chief Wilder replied that this is definitely a resource that is needed in the event of tragic events that happen off road. He said currently, the City of Rochester relies on other communities’ equipment for such calls.

Councilor Hutchinson requested information about the use of such a vehicle. Mr. Wilder said there was an incident which occurred two weeks ago and the City of Rochester requested two UTV’s from other communities. He

said the City had the need for such a vehicle about nine times over a two and half year span of time. Councilor Lachapelle supported the motion. He shared a story of a time such a vehicle was needed at the Waste Management walking trails. Councilor Rice asked if the amount of money requested would include a trailer to protect the equipment. Mr. Wilder replied that the City currently has a trailer in which this vehicle would be stored. Councilor Gray **MOVED** to **TABLE** the motion. Councilor Walker seconded the motion. Council briefly discussed the motion. The **MOTION FAILED** to **TABLE** the motion by a roll call vote of 2 – 9 with Councilors Walker and Gray, voting in favor of the motion. Councilors Hamann, Hutchinson, Belken, Abbott, Rice, Bogan, Lachapelle, Lauterborn and Mayor McCarley voted against the motion.

Mayor McCarley called for the motion to adopt. The **MOTION CARRIED** by a roll call vote of 7 - 4 with Councilors Rice, Belken, Bogan, Lachapelle, Hamann, Abbott, and Hutchinson voting in favor of the motion. Councilors Walker, Lauterborn, Gray, and Mayor McCarley voted against the motion.

1032 **Committee recommendation: To approve the changes to the Granite Ridge developer's agreement *consideration for approval***

Councilor Walker **MOVED** to **APPROVE** the changes to the Granite Ridge Developer's Agreement. Councilor Lachapelle seconded the motion. City Attorney O'Rourke said Phase II of the Ridge Development is the entertainment development phase. He gave reasons why this will be broken down into Phase II – A and Phase II – B. He said no additional funding is being authorized. He said the benefit of splitting this project up between two phases is that when funding the project through the TIF in increments the City could avoid funding the project through bonding. Councilor Rice questioned if this would extend the contract. City Attorney O'Rourke said there is a new timeframe to work with since the unavoidable delays that Covid-19 caused. The **MOTION CARRIED** by an 11 – 0 roll call with Councilors Rice, Walker, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Abbott, Gray, Hutchinson, and Mayor McCarley

1033 **Committee recommendation: to approve the non-union classifications and compensation plan *consideration for approval***

Councilor Walker **MOVED** to **APPROVE** the non-union classification and compensation plan. Councilor Hamann seconded the motion. The **MOTION CARRIED** by an 11 to 0 roll call with Councilors Lachapelle, Rice, Gray, Abbott, Bogan, Hutchinson, Hamann, Lauterborn, Walker, Belken, and Mayor McCarley voting in favor of the motion.

10.4 Planning Board

Councilor Walker said there are no action items this evening. He said the Planning Board reviewed some of the FY 22 CIP Development projects.

10.5 Public Works

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

Councilor Walker said there is one action item this evening. He **MOVED** to authorize the installation of Solar Powered RRFB at the 105 North Main Street Crosswalk and to delay the "lighting change" to a later date. He indicated that there were no bids during the open bidding process. As a result of that happening the Commissioner has requested that the installation of solar powered RRFB be completed now, internally, and that the "lighting change" part of the project be delayed for now. Councilor Lachapelle seconded the motion.

Councilor Lachapelle supported the motion; however, he added that by eliminating one parking spot on the North East side of the street, which is the same side of the street as the parking lot, it would alleviate some of the vision restrictions. He added that this is a safety issue and this is the least expensive option to immediately improve the situation. He **MOVED** to **AMEND** the motion to eliminate that one specific parking spot. Councilor Belken seconded the motion. She spoke in favor of the motion. Councilors Rice, Walker, Gray, and Lauterborn spoke against this amendment and said that the amendment should be sent back to Committee for further review. The **MOTION** to **AMEND FAILED** by a roll call vote of 5 - 6 with Councilors Hutchinson, Belken, Abbott, Bogan, Lachapelle voting in favor of the motion. Councilors Hamann, Walker, Gray, Rice, Lauterborn and Mayor McCarley voted against the motion.

Mayor McCarley called for a vote on the main motion without the amendment. The **MOTION CARRIED** by a roll call vote of 11 - 0 with Councilors Belken, Abbott, Rice, Gray, Bogan, Lachapelle, Lauterborn, Hamann, Walker, Hutchinson, and Mayor McCarley voting in favor of the motion.

Mayor McCarley requested that Councilor Lachapelle's request to remove one parking spot be added to the Public Safety Committee Agenda.

10.6 Public Safety

1061 Committee recommendation: To install a streetlights at the intersection of Chestnut Hill Road and Elmo Lane consideration for approval

Councilor Hamann **MOVED** to **APPROVE** the Committee recommendation to install streetlights at the intersection of Chestnut Hill Road and Elmo Lane. He said this request meets the City's guidelines for such requests. Councilor Walker seconded the motion. The **MOTION CARRIED** by an 11 – 0 roll call vote with Councilors Hamann, Walker, Hutchinson, Belken, Abbott, Gray, Rice, Bogan, Lachapelle, Lauterborn, and Mayor McCarley voting in favor of the motion.

1062 Committee recommendation: To install a "hidden driveway" sign at the expense of the City near 201 Chestnut Hill Road consideration for approval

Councilor Hamann **MOVED** to **APPROVE** the Committee recommendation to install a "hidden driveway" sign, at the expense of the City, near 201 Chestnut Hill Road. Councilor Rice seconded the motion. Councilor Hamann said that the previous "blind drive" sign had been removed due to a motor vehicle accident. He added that the verbiage has since been changed from "blind driveway" to "hidden driveway". The **MOTION CARRIED** by an 11 – 0 roll call vote with Councilors Rice, Walker, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Abbott, Gray, Hutchinson, and Mayor McCarley voting in favor of the motion.

1063 Committee recommendation: To install dash lines down Portland Street to delineate Portland Street as it rounds the corner consideration for approval

Councilor Hamann summarized the issue for this request on Portland Street. He **MOVED** to **APPROVE** the Committee's recommendation to install dash lines down Portland Street in order to delineate Portland Street as it rounds the corner near Cochecho Avenue in East Rochester. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by an 11 – 0 roll call with Councilors Walker, Rice, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Abbott, Gray, Hutchinson, and Mayor McCarley voted in favor of the motion.

1064 Committee recommendation: To recommend the removal of the "Deaf Person" sign on Willey Street consideration for approval

Councilor Hamann summarized the issue for this request on Willey Street. He **MOVED** to **APPROVE** the Committee's recommendation to remove the "deaf person" sign on Willey Street. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by an 11 – 0 roll call with Councilors Lachapelle, Rice, Gray, Abbott, Bogan, Hutchinson, Hamann, Lauterborn, Walker, Belken, and Mayor McCarley voted in favor of the motion.

1065 Committee recommendation: To make the intersection of Maple Street and Sylvain Street a 4-Way stop consideration for approval

Councilor Hamann summarized the issue for this request on Maple Street/Sylvain Street. He **MOVED** to **APPROVE** the Committee's recommendation to make the intersection of Maple Street and Sylvain Street a 4-Way stop. Councilor Lachapelle seconded the motion. Councilor Hamann said this was presented as a safety issue and that a child was supposedly hit in this area just a few weeks ago. He said the next street over already has a 4-Way stop in place. The City Council briefly discussed the issue. The **MOTION CARRIED** by an 11 – 0 roll call with Councilors Hamann, Walker, Hutchinson, Belken, Abbott, Gray, Rice, Bogan, Lachapelle, Lauterborn, and Mayor McCarley voted in favor of the motion.

11. Old Business

11.1 Resolution Adopting a FY 2022 Rochester CDBG "Action Plan for the City Of Rochester, N.H." and Approving and Appropriating the FY 2022 Community Development Budget for the City Of Rochester second reading and consideration for adoption

Councilor Lachapelle **MOVED** to read the resolution for a second time by title only. Councilor Walker seconded the motion. The **MOTION CARRIED** by an 11 – 0 roll call vote with Councilors Walker, Hutchinson, Hamann, Belken, Abbott, Gray, Rice, Bogan, Lachapelle, Lauterborn, and Mayor McCarley voted in favor of the motion. Mayor McCarley read the resolution for the second time by title only.

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

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

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

II. Further, that a twelve (12) month Community Development Block Grant budget for the Office of Economic and Community Development for the City of Rochester in the total amount of Two Hundred Sixty Eight Thousand Eight Hundred Ninety Eight Dollars (\$268,898.00) be, and hereby is, approved and appropriated for fiscal year 2022 (July 1, 2021—June 30, 2022). Included in said approval and appropriation are expenditures set forth in the one-year action plan of the Office of Economic & Community Development for the City of Rochester for the Community Development Block Grant program, in the following categories and amounts:

Administration and Planning	\$53,779.60
Public Service Agencies	\$40,334.70
Housing/Public Facilities/Infrastructure	\$174,783.70
Total	\$ 268,898.00

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

IV. Further, that Ten Thousand Six Hundred One Dollars and Sixteen Cents (\$10,601.16) in prior year unexpended Community Development Block Grant Funds be appropriated for use in the FY 2022 Action Plan for housing rehabilitation and public facilities activities.

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

The sums necessary to fund the above appropriation in the amount of Two Hundred Sixty Eight Thousand Eight Hundred Ninety Eight Dollars (\$268,898.00) shall be drawn in their entirety from the above-mentioned FY 2022 Community Development Block Grant from the federal government to the City of Rochester. The Finance Director is hereby authorized to create such line item accounts as shall be necessary to implement this Resolution.

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

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Walker seconded the motion. The **MOTION CARRIED** by an 11 – 0 roll call vote with Councilors, Hamann, Walker, Hutchinson, Belken, Abbott, Gray, Rice, Bogan, Lauterborn, Lachapelle, and Mayor McCarley voted in favor of the motion.

12. Consent Calendar

No discussion.

13. New Business

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

Councilor Lachapelle **MOVED** to read the resolution for a first time by title only. Councilor Walker seconded the motion. The **MOTION CARRIED** by an 11 – 0 roll call vote with Councilors Rice, Walker, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Abbott, Gray, Hutchinson, and Mayor McCarley voted in favor of the motion. Mayor McCarley read the resolution for the first time by title only.

Resolution Deauthorizing Department of Public Works (DPW) CIP Sewer Fund Project Funding For Various Projects in the Amount of \$145,216.16 and Deauthorization of Bond Authority

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

That One Hundred Forty Five Thousand Two Hundred Sixteen and 16/100 Dollars (\$145,216.16) costs associated with various completed projects consistent with **Exhibit A**.

Further, as part of the overall deauthorization, in accordance with RSA 33:9, the City withdraws bond authority in the amount of Thirteen Thousand Six Hundred Sixty Eight and 98/100 Dollars (\$13,668.98).

Further, the amount of One Hundred Thirty One Thousand Five Hundred Forty Seven and 18/100 Dollars (\$131,547.18) in cash funding shall be returned to the Sewer Operating Fund (5002) Retained Earnings.

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

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Walker seconded the motion. The **MOTION CARRIED** by an 11 – 0 roll call vote with Councilors, Bogan, Rice, Walker, Belken, Lachapelle, Abbott, Hamann, Lauterborn, Hutchinson, Gray, and Mayor McCarley voted in favor of the motion.

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

Councilor Lachapelle **MOVED** to read the resolution for a first time by title only. Councilor Walker seconded the motion. The **MOTION CARRIED** by an 11 – 0 roll call vote with Councilors Lauterborn, Abbott, Gray, Hutchinson, Rice, Walker, Belken, Bogan, Lachapelle, Hamann, and Mayor McCarley voted in favor of the motion. Mayor McCarley read the resolution for the first time by title only.

Resolution Deauthorizing Department of Public Works (DPW) CIP Water Fund Project Funding For Various Projects in the Amount of \$698,429.76 and Deauthorization of Bond Authority

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

That Six Hundred Ninety Eighty Thousand Four Hundred Twenty Nine and 76/100 Dollars (\$698,429.76) costs associated with various completed projects consistent with **Exhibit A**.

Further, as part of the overall deauthorization, in accordance with RSA 33:9, the City withdraws bond authority in the amount of Six Hundred Fifty Thousand Seventy Four and 39/100 Dollars (\$650,074.39).

Further, the amount of Forty Eight Thousand Three Hundred Fifty Five and 37/100 Dollars (\$48,355.37) in cash funding shall be returned to the Water Operating Fund (5001) Retained Earnings.

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

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Walker seconded the motion. The **MOTION CARRIED** by an 11 – 0 roll call vote with Councilors, Rice, Belken, Lachapelle, Bogan, Walker, Hamann, Lauterborn, Abbott, Gray, Hutchinson, and Mayor McCarley voted in favor of the motion.

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

Councilor Lachapelle **MOVED** to read the resolution for a first time by title only. Councilor Walker seconded the motion. The **MOTION CARRIED** by an 11 – 0 roll call vote with Councilors Gray, Abbott, Lachapelle, Rice, Bogan, Hutchinson, Hamann, Lauterborn, Walker, Belken, and Mayor McCarley voted in favor of the motion. Mayor McCarley read the resolution for the first time by title only.

Resolution Authorizing the Department of Public Works (DPW) to Submit a Clean Water State Revolving Fund (CWSRF) Loan Application in an amount up to \$75,000.00

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

That DPW is hereby authorized to submit a formal application to the CWSRF Loan Program in an amount up to Seventy Five Thousand Dollars (\$75,000.00) to cover engineer cost associated with the Sewer System Master Plan Project. The Load Program comes with One Hundred Percent (100%) principal forgiveness.

Further, the Mayor and City Council hereby authorize the City Manager, Deputy City Manager and/or the Finance & Administration Director to act as the City's representative for all CWSRF Loan/Grant documentation and for contract execution.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Walker seconded the motion. Councilor Walker requested more information about the resolution for the public's sake. Commissioner Nourse said this is written up as a loan; however, it is essentially a grant because it is 100% principal forgiveness, which is what the State offers for planning initiatives. He said this will be used as part of the Inflow and Infiltration (I/I) Project. The **MOTION CARRIED** by an 11 – 0 roll call vote with Councilors Lachapelle, Rice, Gray, Abbott, Bogan, Hutchinson, Lauterborn, Belken, Walker, Hamann, and Mayor McCarley voted in favor of the motion.

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

Councilor Lachapelle **MOVED** to read the resolution for a first time by title only and refer the matter to a public hearing. Councilor Walker seconded the motion. The **MOTION CARRIED** by an 11 – 0 roll call vote with Councilors Lauterborn, Hamann, Walker, Hutchinson, Belken, Abbott, Gray, Rice, Bogan, Lachapelle, and Mayor McCarley voted in favor of the motion. Mayor McCarley read the resolution for the first time by title only.

Resolution for Supplemental Appropriation and Authorizing Borrowing Authority Pursuant to RSA 33:9 to the Department of Public Works (DPW) Sewer Capital Improvements Plan (CIP) Fund in the amount of \$500,000.00

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

That the Mayor and City Council of the City of Rochester hereby appropriate Five Hundred Thousand Dollars (\$500,000.00) to the Sewer CIP Fund.

In accordance with the provisions of RSA 33:9, the City Treasurer, with the approval of the City Manager, be, and hereby are authorized to borrow the sum of Five Hundred Thousand Dollars (\$500,000.00) through the issuance of bonds and/or notes, and/or through other legal form(s), such borrowing to be on such terms and conditions as the said Treasurer and City Manager may deem to be in the best interest of the City of Rochester. Such borrowing is authorized subject to compliance with the provisions of RSA 33:9 and Section 45 of the Rochester City Charter to the extent required, necessary and/or appropriate

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

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

Councilor Lachapelle **MOVED** to read the resolution for a first time by title only. Councilor Walker seconded the motion. The **MOTION CARRIED** by an 11 – 0 roll call vote with Councilors Abbott, Bogan, Lachapelle, Lauterborn, Hamann, Walker, Belken, Hutchinson, Gray, Rice, and Mayor McCarley voted in favor of the motion. Mayor McCarley read the resolution for the first time by title only.

Resolution for Supplemental Appropriation of \$270,000 to Department of Public Works (DPW) Sewer CIP Fund

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

That the Mayor and City Council of the City of Rochester hereby appropriate an amount not to exceed Two Hundred Seventy Thousand Dollars (\$270,000.00) to the Sewer CIP Fund for the purpose of paying costs associated with the Piscataqua Regional Estuary Partnership (PREP) agreement with the Cities of Dover, Portsmouth and Rochester, NH and for costs associated with the negotiated agreement with Conservation Law Foundation (CLF) with the same cities, both agreements related to the NPDES permit, and further;

The City of Rochester, Department of Public Works in accordance with the provisions of the PREP agreement and CLF Agreement shall act as the fiscal agent for the Municipal Alliance for Adaptive Management. The source of funds related to carrying out the activities of PREP shall be derived from City of Dover, NH, Seventy Five Thousand Dollars (\$75,000), City of Portsmouth, NH Seventy Five Thousand Dollars (\$75,000), and City of Rochester's Sewer Fund Retained Earnings Seventy Five Thousand Dollars (\$75,000). The source of funds related to carrying out the activities of related to CLF shall be derived from City of Dover, NH, Fifteen Thousand Dollars (\$15,000), City of Portsmouth, NH Fifteen Thousand Dollars (\$15,000), and City of Rochester's Sewer Fund Retained Earnings Fifteen Thousand Dollars (\$15,000).

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

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Walker seconded the motion. Councilor Hutchinson questioned why this is not held for the current budget process. Attorney O'Rourke gave a brief overview of the legalities of the matter and said this is the amount that is needed for the current fiscal year. The **MOTION CARRIED** by an 11 – 0 roll call vote with Councilors Hutchinson, Abbott, Gray, Rice, Bogan, Lachapelle, Lauterborn, Hamann, Walker, Belken, and Mayor McCarley voted in favor of the motion.

14. Other

No discussion.

15. Adjournment

Mayor McCarley **ADJOURNED** the Regular City Council meeting at 8:55 PM.

Respectfully submitted,

Kelly Walters, CMC
City Clerk

Addendum A - Adopted as Proposed

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

THE CITY OF ROCHESTER ORDAINS:

That Chapter 135 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows (deletions ~~struck out~~ additions in **RED**):

Chapter 135

Mobile Home Parks

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

GENERAL REFERENCES

Zoning — See Ch. 275.

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

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

§ 135-2 Authority.

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

§ 135-3 Definitions.

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

ACCESSORY BUILDING OR STRUCTURE

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

BUILDING

A roofed structure erected for permanent use.

COMMON AREA

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

DENSITY

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

GARAGE

A building for the shelter of automotive vehicles.

GROSS LAND AREA

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

LIVING UNIT

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

LOT AREA

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

LOT LINE

The line identifying a lot boundary.

MANUFACTURED HOUSING

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

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

MOBILE HOME

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

MOBILE HOME LOT

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

MOBILE HOME PARK

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

MOBILE HOME SUBDIVISION

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

PARK ROAD

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

PERMANENT BUILDING

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

PUBLIC SYSTEM

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

STORAGE BUILDING

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

STREET

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

YARD

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

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

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

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

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

D. Screening and landscaping.

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

requirement.

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

E. Construction.

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

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

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

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

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

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

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

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

A. Mobile home lots.

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

B. Park roads.

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

of adverse effects on surrounding property and public streets.

C. Parking.

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

D. Common area.

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

E. Water supply.

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

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

F. Sewage disposal.

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

G. Electricity.

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

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

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

~~§ 135-6 Application for approval.~~

~~A. Procedure.~~

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

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

§ 135-7 Licensing.

A. General provisions.

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

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

[7] City Manager.

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

B. Issuance of license.

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

C. Renewal of license.

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

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

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

D. Responsibility of the license holder.

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

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

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

D. Appeals.

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

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

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

Amendments to Chapter 176 of the General Ordinances of the City of Rochester

THE CITY OF ROCHESTER ORDAINS:

That Chapter 176 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows (deletions ~~struck out~~ additions in **RED**):

Chapter 176

Planning Board

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

GENERAL REFERENCES

Zoning — See Ch. 275.

§ 176-1 **Creation and composition.**

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

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

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

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

§ 176-3 **Terms of office.**

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

§ 176-4 **Removal of members.**

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

§ 176-5 **Vacancies.**

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

§ 176-6 **Organization.**

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

§ 176-7 **Staff and finances.**

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

§ 176-8 **Master Plan.**

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

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

05/27/2021

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

§ 176-9 Miscellaneous duties.

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

§ 176-10 Zoning Commission.

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

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

05/27/2021
Planning Board shall make a preliminary report and hold public hearings thereon before submitting its final report to the Council.

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City Clerk's Office



City of Rochester, New Hampshire

OFFICE OF THE CITY MANAGER

31 Wakefield Street • Rochester, NH 03867

(603) 332-1167

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CITY MANAGER'S REPORT

May 2021

Contracts and documents executed since last month:

- **Department of Public Works**
 - Work Agreement, Forestry Services - Charles Moreno **P. 55**
 - Impact Study Agreement – Eversource **P. 56**
 - Right of Entry – Prep Partners **P. 57**
 - Certificate of Completion, River Street Pump Station – Apex Const. **P. 58**
 - Roadway Easement – Eversource **P. 59**
- **Economic Development**
 - FY22 Annual Action Plan forms and certifications **P. 60**
 - FY22 CDBG contract – My Friend's Place **P. 61**
 - FY21 CDBG CAP Weatherization **P. 62**
 - FY21 CDBG Environmental Review – Public Service Agency Activities **P. 63**
 - FY22 CDBG contracts – CASA, Waypoint, CAP, Dover Adult Learning **P. 64**
 - FY22 CDBG contracts – SHARE fund, HAVEN, Crossroads **P. 65**
- **IT**
 - Systems Engineering – Disaster Recovery Solutions bid **P. 66**
- **Planning**
 - CLG Grant **P. 67**

The following standard reports have been enclosed:

- Permission & Permits Issued -none
- Personnel Action Report Summary **P. 68**

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City Clerk's Office



City of Rochester, New Hampshire
PUBLIC WORKS DEPARTMENT
45 Old Dover Road • Rochester, NH 03867
(603) 332-4096
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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: May 6, 2021

SUBJECT: Hanson Pines – Charles Moreno
Professional Forestry Services \$4,000.00

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

Attached please find (1) one copy of Professional Work Agreement for Charles Moreno, Forester in the amount of \$4,000.00. Mr. Moreno was originally contracted to manage the maintenance required to the trees within Hanson Pines Park and that work was completed by William Day & Sons. This work agreement is for additional work necessary to establish the regeneration of opening in the forest to enable the growth of white pine seedlings. The work entails removal of dense beech saplings, removal of post-harvest slash and natural deadfall, both for fire safety and aesthetic purposes, and work to update the existing forest management plan.

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

11090050-543000 – \$4000

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

PUBLIC WORKS DEPARTMENT

45 Old Dover Road • Rochester, NH 03867

(603) 332-4096

Fax (603) 335-4352

www.rochesternh.net

INTEROFFICE MEMORANDUM

TO: Blaine Cox, City Manager
Katie Ambrose, Deputy City Manager
FROM: Peter C. Nourse, Director of City Services
DATE: May 13, 2021
SUBJECT: Eversource System Impact Study Agreement
CC: Terence O'Rourke, City Attorney

Your signature is requested on the attached impact study agreement. This is an agreement required for the City to send solar generated power at the new DPW site at 209 Chestnut Hill Rd. to the Eversource grid. Eversource must assess this impact with a Distribution System Impact Study.

The cost estimate for the study supplied by Eversource is \$7500.

Funding for this amount from the new DPW facility project accounts as follows:

\$3750 (50%) General:	15013010-772000-18526
\$1875 (25%) Water:	55016010
\$1875 (25%) Sewer:	55026020

Enclosed:

1. Eversource System Impact Study Agreement



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

INTEROFFICE MEMORANDUM

TO: Blaine Cox, City Manager
FROM: Timothy S. Goldthwaite, PE, Assistant City Engineer
DATE: May 25, 2021
SUBJECT: Prep Partners_Right-of-Entry
CC: Terence O'Rourke, City Attorney

Attached please find (1) one copy of a right-of-entry document for the Prep Partners property. This document allows the City to enter private property for the purpose of water shut-off due to non-payment of their water utility bill. The water/fire service for this property had to be revised significantly (i.e. upsized from 8-inch to 12-inch) due to comment from their Fire Engineer. Due to the increase in cost of the overall water service, the property owner desired to save money by eliminating the dedicated domestic line and shut-off at the property line and instead place the domestic valve immediately outside the building. There is a 12-inch valve at the property for the overall service to the property that would shut-off both fire and domestic should the need arise, such as a water line break on the property or non-compliance with backflow prevention device permitting for both fire and domestic devices.

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

Thank You

Timothy S. Goldthwaite

Timothy S. Goldthwaite, PE
Assistant City Engineer



City of Rochester, New Hampshire
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INTEROFFICE MEMORANDUM

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

FROM: LISA CLARK, ADMINISTRATIVE SUPERVISOR *LJC*

DATE: May 11, 2021

SUBJECT: Apex Construction
River Street Pump Station Project
Certificate of Substantial Completion 4-13-2021

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

Attached please find (1) one copy of the Certificate of Substantial Completion for Apex Construction Company in regards to the River Street Pump Station Project. The project was substantially complete on April 13, 2021.

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

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



City of Rochester, New Hampshire
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INTEROFFICE MEMORANDUM

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

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

DATE: April 23, 2021

SUBJECT: Eversource Energy Agreement
Little Falls Bridge Rd / Chestnut Hill Road Intersection Improvements
Property Map 209 Lot 35 = \$2,816.00

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

Attached please find (1) one copy of the Eversource Energy Permanent Roadway Easement document. This easement give the City of Rochester a permanent roadway easement on Eversource property to accommodate the Little Falls Bridge Road / Chestnut Hill Road Intersection Improvements Project. The negotiated fee is \$2,816.000.

If you have any question, please call, I will schedule a signing and notarizing of the document with the City Manager.

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

Date: May 4, 2021

To: Blaine Cox
City Manager

From: Julian Long
Community Development Coordinator/Grants Manager

Re: FY 2022 Annual Action Plan Forms and Certifications

Please see attached the SF-424 forms and CDBG certifications for the CDBG Annual Action Plan for FY 2022 (HUD Program Year 2021). This plan was approved by the City Council at the May 4, 2021 City Council meeting, and these forms are required by the U.S. Department of Housing and Urban Development to be submitted with the plans. The SF-424 applications and the certifications require the handwritten signature of the City Manager as the City of Rochester authority.

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

Date: May 24, 2021

To: Blaine Cox
City Manager

From: Julian Long
Community Development Coordinator/Grants Manager

Re: FY 2022 CDBG Contracts – My Friend’s Place

Please see attached the signed copy of the FY 2022 Community Development Block Grant (CDBG) contract between the City of Rochester and My Friend’s Place. City Council approved funding for this activity at the May 4, 2021 City Council meeting.

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: May 3, 2021

To: Blaine Cox
City Manager

From: Julian Long
Community Development Coordinator/Grants Manager

Re: FY 2021 CDBG Environmental Review – CAP Weatherization

Please see attached the completed FY 2021 Community Development Block Grant (CDBG) environmental review for the full weatherization retrofit and heating system replacements in two manufactured homes, located in the northwest region of the city, and in a stick-built home located in East Rochester, under the Community Action Partnership of Strafford County's weatherization program (CAP weatherization program). The City Council approved funding to the CAP weatherization program at the May 5, 2020 City Council meeting.

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

Date: May 7, 2021

To: Blaine Cox
City Manager

From: Julian Long
Community Development Coordinator/Grants Manager

Re: FY 2022 CDBG Environmental Reviews – Public Service Agency
Activities

Please see attached the completed FY 2022 Community Development Block Grant (CDBG) environmental reviews for:

- FY 2022 administration and planning activities
- FY 2022 public service activities
- FY 2022 economic development activities

The City Council approved funding to these activities 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.

Date: May 17, 2021

To: Blaine Cox
City Manager

From: Julian Long
Community Development Coordinator/Grants Manager

Re: FY 2022 CDBG Contracts – Dover Adult Learning Center, CASA of NH, Strafford CAP, and Waypoint NH

Please see attached the signed copy of the FY 2022 Community Development Block Grant (CDBG) contract between the City of Rochester and Dover Adult Learning Center, the city and Court Appointed Special Advocates of New Hampshire, the city and Community Action Partnership of Strafford County, and the city and Waypoint NH. City Council approved funding for these activities at the May 4, 2021 City Council meeting.

The contracts require the signature of the City Manager and the signature of a witness. The contracts have been reviewed and approved by the Community Development Coordinator.

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

Date: May 20, 2021

To: Blaine Cox
City Manager

From: Julian Long
Community Development Coordinator/Grants Manager

Re: FY 2022 CDBG Contracts – SHARE Fund, HAVEN, Cross Roads House

Please see attached the signed copy of the FY 2022 Community Development Block Grant (CDBG) contract between the City of Rochester and the SHARE Fund, the city and HAVEN, and the city and Cross Roads House. City Council approved funding for these activities at the May 4, 2021 City Council meeting.

The contracts require the signature of the City Manager and the signature of a witness. The contracts have been reviewed and approved by the Community Development Coordinator.

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



City of Rochester, New Hampshire

INFORMATION TECHNOLOGY SERVICES

31 Wakefield St • Rochester, NH 03867

www.rochesternh.net

INTEROFFICE MEMORANDUM

TO: Blaine City Manager
Katie Ambrose, Finance Director

FROM: Sonja Gonzalez, Chief Information Officer

DATE: May 3, 2021

SUBJECT: Systems Engineering – Disaster Recovery Solution Bid 21-31 -
\$171,873

CC:

Blaine will be receiving an electronic signature request for the Disaster Recovery Solution Bid 21-31 proposal.

There is sufficient funding in the IT CIP Network Upgrade Expansion account 15011020-773800-19501.

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

Signature_____

Katie Ambrose, Finance Director



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

Planning Board
Conservation Commission
Historic District Commission
Arts and Culture Commission

Memo

To: Blaine Cox, City Manager
From: Shanna B. Saunders
Date: May 27, 2021
Re: NH DNCR Certified Local Government Grant 2021

The Planning and Development Department is pleased to announce our intent to apply to the NH Division of Natural and Cultural Resources (NH DNCR) for their Certified Local Government Grant Program 2021.

The City has already received a 2020 Grant from the same entity to review the boundaries of our historic district and update our 1983 listing before the National Register of Historic Places. The National Register designation applies no more restrictions to these properties but does highlight the historic nature and provide funding opportunities to the City for preservation of historic resources in the district.

The City is applying in 2021, at the urging of the NH DNCR to expand the scope for the review to include full documentation of each historic structure and design of a "Historic Property Card" for each property to highlight the age and historic features of the property. I personally have seen these "Historic Property Cards" used in other communities and they are fantastic tools to hand out to property owners and investors that plan to renovate structures in the district. It creates a sense of pride in the history of the structures in the district.

This is a \$40,000 grant and there is no City match required. The grant recipients will be announced in June and the grant must be completed by July 2022.

[illegible]

From: Taylor Poro
Sent: Monday, May 24, 2021 12:13 PM
To: Shanna Saunders <shanna.saunders@rochesternh.net>
Subject: Monday meeting and ZBA

Hello Shanna,

I'm not going to be able to attend the meeting tonight, due to a conflict with another meeting. Also, recently I received a promotion at work and it's impacted my available time. It wasn't an issue during the zoom meetings, but with a return to in person, I don't think I'm going to be able to continue making the meetings, so I'm submitting my resignation. Thank you for the opportunity to serve.

Taylor Poro

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

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City Clerk's Office



05/27/2021

City of Rochester, New Hampshire
OFFICE OF THE CITY CLERK
31 Wakefield Street • Rochester, NH 03867
FAX (603) 509-1915 PHONE (603) 332-2130

RECEIVED

MAY 07 2021

CITY CLERK'S OFFICE
ROCHESTER, NH

STATEMENT OF INTEREST
BOARD AND COMMISSION MEMBERSHIP

POSITION DESIRED: CITY COUNCIL WARD 1, SEAT 13

NEW ☒ RE-APPOINTMENT ☐ REGULAR ☐ ALTERNATE ☐

NAME: THOMAS J. JEAN

STREET ADDRESS: 51 ANDERSON LANE

ZIP 03867

TELEPHONE: (H) 332-8876 ^{CEL} (W) 603-833-1566 E-MAIL TJJJEAN14@METROCAST.NET

REGISTERED VOTER: (CIRCLE ONE) YES ☒ NO ☐ WARD 1

Statement of Interest/Experience/Background/Qualifications, Etc. (This section need not be completed, but any information provided will be given to all City Councilors and will be available for public inspection). (Additional sheets/information may be attached, if desired; please do not write on the back of this form.)

14 YEARS AS CHAIRMAN OF THE SUPERVISORS OF THE CHECKLIST

6 YEARS AS MAYOR (2010-2016)

2 YEARS AS AT LARGE SCHOOL BOARD MEMBER

2 YEARS AS ZONING BOARD MEMBER

If this is an application for reappointment to a position, please list all training sessions you have attended relative to your appointed position.

I understand that: (1) this application will be presented to the Rochester City Council only for the position specified above and not for subsequent vacancies on the same board; (2) the Mayor and/or City Council may nominate someone who has not filed a similar application; and (3) this application will be available for public inspection.

I certify that I am 18 years of age or older. Thomas J. Jean

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City Clerk's Office



05/27/2021

RECEIVED

MAY 14 2021

CITY CLERK'S OFFICE
ROCHESTER, NH

City of Rochester, New Hampshire
OFFICE OF THE CITY CLERK
31 Wakefield Street • Rochester, NH 03867
FAX (603) 509-1915 PHONE (603) 332-2130

**STATEMENT OF INTEREST
BOARD AND COMMISSION MEMBERSHIP**

POSITION DESIRED: Ward 1 City Council Seat

NEW ☒ RE-APPOINTMENT _____ REGULAR _____ ALTERNATE _____

NAME: Collin Coppinger

STREET ADDRESS: 2 Abbott Street

ZIP 03868

TELEPHONE:(H) _____ (W) 6039886367 **E-MAIL** collin.coppinger@yahoo.com

REGISTERED VOTER: (CIRCLE ONE) ☒ YES _____ NO _____ **WARD** 1

Statement of Interest/Experience/Background/Qualifications, Etc. (This section need not be completed, but any information provided will be given to all City Councilors and will be available for public inspection). (Additional sheets/information may be attached, if desired; please do not write on the back of this form.)

I have lived in Rochester for just over
a year now and I'm proud to call this city
my home. I've had a strong desire to
serve via public office for a while now.
If appointed I'd strive to listen, learn, and lead.

If this is an application for reappointment to a position, please list all training sessions you have attended relative to your appointed position.

I understand that: (1) this application will be presented to the Rochester City Council only for the position specified above and not for subsequent vacancies on the same board; (2) the Mayor and/or City Council may nominate someone who has not filed a similar application; and (3) this application will be available for public inspection.

I certify that I am 18 years of age or older: Collin Coppinger

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City Clerk's Office

APPOINTMENTS REVIEW COMMITTEE MINUTES

MAY 18, 2021

In Attendance: Councilors Abbott, Bogan, Gray, Hailey and Hutchinson

Meeting was called to order at 5:30PM.

Alec Taliaferro – Historic District Commission – new, regular member, term to expire 1/02/2022.

He is a Spaulding High grad who is very interested in the history of Rochester and would like to serve his City.

A motion to recommend to the full council was made by Councilor Hutchinson, second by Councilor Hailey. Motion passed.

Matthew Winders – Trustee of the Trust Fund – new, regular member, term to expire 1/02/2024.

He is very involved with the growth of the city. He is interested in this committee because he likes the mission and funding process. Matt is also an active member of the Historic District Commission. It was requested that we check with the city attorney to make sure there wasn't a conflict of interest serving on both. We were advised that he is good to serve on both committees.

A motion to recommend to the full council was made by Councilor Hailey, second by Councilor Abbott. Motion passes.

Keith Fitts – Planning Board, new, alternate member, term to expire 1/02/2022.

He is a new resident to Rochester. With a background in IT and real estate, he feels he would be an asset to the city as well as his neighborhood. He has watched several meetings to get an idea of what the board is about. The City Clerk's office will contact him to register to vote.

A motion to recommend to the full council was made by Councilor Gray, second by Councilor Hutchinson. Motion passes.

Meeting adjourned at 6:00PM.

Respectfully submitted by,

Councilor Donna Bogan

Committee Chair

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City Clerk's Office

Codes and Ordinances Committee

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



Others Present

Terence O'Rourke, City Attorney
Jim Grant, Director BLS
Peter Nourse, Director of City Services
Renee Bourdeau, Geosyntec Consultants

CODES AND ORDINANCES COMMITTEE

Of the Rochester City Council

Thursday, May 6, 2021

31 Wakefield Street, Rochester, NH

Meeting conducted remotely

6:00 PM

Minutes

1. Call to Order

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

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

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

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

- **Voicemail** 603-330-7107 (*must be received no later than 12:00 pm on said meeting date in order to be transcribed*)

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

In addition to the above listed methods, the Committee will be allowing the public to enter City Hall and speak via video conferencing software for the Public Input portion of the agenda. Please approach the laptop on the podium in Council Chambers if you wish to speak

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

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

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

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

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

2. Public Input

There was no correspondence received for public input and there was no one present to speak.

3. Acceptance of the Minutes

3.1 April 1, 2021 *motion to approve*

Councilor Lauterborn **MOVED** to approve the minutes of the April 1, 2021 Codes & Ordinances Committee meeting. Councilor Abbott seconded the motion. The **MOTION CARRIED** by a 4 – 0 roll call vote with Councilors Hailey, Lauterborn, Lachapelle, and Abbott all voting in favor.

4. Code of Ordinances Review

4.1 Building, Zoning, and Licensing Services

4.1.1 Chapters 40: Building Construction & Property Maintenance

Jim Grant, Director of Building and Licensing, reiterated that the purpose of these discussion and bringing the ordinance to the Codes Committee is to update the 2006 International Property Maintenance Code to the more recent 2015 Code.

Councilor Abbott stated that there are three parts of the code in particular which he felt needed to be addressed; 304.11, 305.11, and 306.11. He explained that these portions refer to unsafe or dangerous buildings which are to a point where occupancy would no longer be permitted; his concern is that the language contained is very specific and, if adopted, would take precedence over the general code. Councilor Abbott gave some details on where this language and specific requirements could cause problems. He said that these portions continuously refer back to either the International Building Code or the existing building code. The existing building code would only come into play when a property owner wants to make a repair, which would then trigger these specific requirements.

Director Grant responded that he felt some of the verbiage in the newer code made more sense, but if these individual portions were a sticking point it might be best to just remove them and still enforce the requirements under the general code.

Councilor Abbott stated that under the general code, some of the burden of proof is on the City/inspector to prove what is unsafe, whereas in the International Property Maintenance Code the language is much more specific. He stated that he would prefer to amend the Code to remove these particular sections referenced.

Councilor Abbott **MOVED** to delete in their entirety sections 304.11, 305.11, and 306.11. Councilor Hailey seconded the motion. The **MOTION CARRIED** by a 4 – 0 roll call vote with Councilors Lauterborn, Abbott, Lachapelle, and Hailey all voting in favor.

Councilor Abbott referenced section 102.3 which references other codes which are applicable and need to be updated to the current fire code. Councilor Abbott **MOVED** to amend section 102.3 to bring the reference code to compliance with the State adopted building code and fire codes. Councilor Hailey seconded the motion. The **MOTION CARRIED** by a 4 – 0 roll call vote with Councilors Lachapelle, Abbott, Hailey, and Lauterborn all voting in favor.

Councilor Abbott inquired about the means of appeal; whether the City would follow the method laid out by RSA 48A or if there should be a board put together to perform this function under the property maintenance code. Director Grant stated that the current method is an appeal of administrative decision and ZBA. Councilor Abbott suggested that if there is going to be a fee for appeals, if the board overturns a decision then the petitioner should get their money back. There was discussion on what a new board would consist of and criteria for its members. Attorney O'Rourke said that the ZBA is the current means of appeals; when reviewing statements of interest which come in for new ZBA members, the applications can be reviewed to see if any of them would be qualified for a position on this new appeals board. Attorney O'Rourke cautioned that it is already difficult to fill vacant positions on existing City boards let alone a newly formed board which would require specific criteria. Councilor Abbott asked if the City would be able to adopt one of the appeals methods as contained in the housing standards as opposed to the ZBA. Attorney O'Rourke said he would look into the options.

Councilor Abbott **MOVED** to recommend the amendments to Chapter 40 the full Council. Councilor Hainey seconded the motion. The **MOTION CARRIED** by a 4 – 0 roll call vote with Councilors Lachapelle, Hainey, Lauterborn, and Abbott all voting in favor.

4.2 Department of Public Works

4.2.1 Chapter 218: Stormwater Management & Erosion Control

Chairman Lachapelle said this information was heard by the Planning Board the previous month and supported unanimously. He stated that the changes proposed are dictated by State law.

Peter Nourse, Director of City Services, stated that he wanted to update the revisions to chapter 218 which are required to be implemented under State law. Director Nourse gave an overview of the MS4 permit, its history and scope, and the requirements included. He stated that there were several differences between the 2017 permit and the revised 2020 permit, including regulations for nitrogen discharge which had not been included in the earlier permit.

Renee Bourdeau, Geosyntec Consultants stormwater engineer, gave a presentation highlighting what is contained in chapter 218 and the revisions being made.

Councilor Hainey asked about the slide which referenced “using low impact development techniques” and asked for an example. Ms. Bourdeau said this refers to maintaining natural drainage patterns on site, making the smallest disturbance on site as possible by leaving trees and foliage in place. In essence, the idea is to maintain current conditions as much as possible while the area is being developed.

Councilor Abbott asked about what the changes would be for the average small home builder, for a single family home. Director Nourse said the trigger levels were left at 5,000 sqf and 20,000 sqf which would exclude most small home owners. The storm water construction requirements are enhanced, but these smaller developments would not be subject to the enhanced regulations. Ms. Bourdeau agreed that this doesn’t change much for a single-family home owner.

Councilor Abbott **MOVED** to recommend the amendments to Chapter 218 to full City Council. Councilor Hainey seconded the motion. The **MOTION CARRIED** by a 4 – 0 roll call vote with Councilors Abbott, Lauterborn, Lachapelle, and Hainey all voting in favor.

There was a discussion about what DPW chapters should be included for the next Codes and Ordinances Committee agenda. Director Nourse said that the water and sewer ordinances are complex and would possibly take multiple meetings in order to discuss all the suggested changes. Staff is currently still working on the amendments and may need another month before they are ready to be presented. The water ordinance was scheduled for August 5 Codes & Ordinances Committee.

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

Chairman Lachapelle stated that there had been a first session of the working group to develop the structure and mission of an ethics committee. City Attorney O’Rourke will be drafting

some Rochester-specific language after which another session or two will follow to further refine the committee. He stated that the working group would come back to the Codes & Ordinances committee once their work was complete within the next 2-3 weeks before finally going to full Council for a vote.

Councilor Lauterborn asked who was in the working group. Chairman Lachapelle stated that the group is made up of himself, Councilor Hutchinson, Councilor Belken, Councilor Walker, school board member Matt Pappas, school board member David Camire, and Police Commissioner Derek Peters.

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

Councilor Hainey stated that she did not have anything new to report and asked that this item be removed from the agenda for future meetings.

7. Other

Chairman Lachapelle announced that the meeting for June would be cancelled and opened the floor for discussion on whether or not to hold a meeting in July. The consensus of the Committee was to postpone any Codes meetings until August 5, 2021 at 6:00 PM.

8. Adjournment

Chairman Lachapelle **ADJOURNED** the Codes & Ordinances Committee meeting at 6:57 PM.

Respectfully Submitted,

Cassie Givara
Deputy City Clerk

Amendments to Chapter 40 of the General Ordinances of the City of Rochester

THE CITY OF ROCHESTER ORDAINS:

That Chapter 40 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows (deletions ~~struck out~~ additions in **RED**):

Chapter 40

Building Construction and Property Maintenance

[HISTORY: Adopted by the City of Rochester 6-6-1995 as Ch. 40 of the 1995 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Fires and fire safety — See Ch. **75**.

Health and sanitation — See Ch. **94**.

Nuisances — See Ch. **149**.

Sewers — See Ch. **200**.

Stormwater management and erosion control — See Ch. **218**.

Water — See Ch. **260**.

Zoning — See Ch. **275**.

§ 40-1 Statutory authority.

The provisions of New Hampshire Revised Statutes Annotated Chapter 673, as amended, pertaining to an inspector of buildings, building plans, regulations, and appeal are hereby adopted.

§ 40-2 Building Code Board of Appeals.

The power of a Building Code Board of Appeals in Chapter 673 of the New Hampshire Revised Statutes Annotated shall be vested in the Rochester Zoning Board of Adjustment.

§ 40-3 Recognition and adoption of State Building Code and State Fire Code.

[Amended 4-19-2005]

The City of Rochester hereby recognizes that the State Building Code under RSA 155-A and the State Fire Code under RSA 153 are applicable within the City of Rochester and for enforcement purposes adopts the provisions of the same.

§ 40-4 Department of Building, Zoning, and Licensing Services.

[Amended 4-19-2005; 10-15-2013]

For enforcement purposes by the City of Rochester, all references in the State Building Code under RSA 155-A, or in any applicable successor code, to the "department of building safety" shall be deemed to refer to the Department of Building, Zoning, and Licensing Services for the City of Rochester, and all duties as defined therein, including those imposed upon the "Building Official," shall be assumed by said Director of the Building, Zoning, and Licensing Services Department, along with the right to enforce the same.

§ 40-5 Adoption of other codes.

[Amended 4-19-2005; 9-4-2007; 5-18-2010; 10-15-2013]

- A. Pursuant to the provisions of RSA 42:8, 47:17, 47:22, 674:51 and 674:51-a and any other State law delegating authority to do so, there are hereby adopted by the City of Rochester for the purpose of establishing rules and regulations, including the issuance of permits for the construction, alteration, removal, demolition, equipment, location, maintenance, use and occupancy of buildings and structures, installation of plumbing, use of concrete, masonry, metal, iron and wood, and other building material, the installation of electric wiring, and fire protection incident thereto and for the prevention of fires, the following codes:
- (1) International Property Maintenance Code (2006 2015 edition), published by the International Code Council, Inc., Copyright 2006 2015 with the following additions and deletions:

Section 101.1. Insert: [City of Rochester]

Section 304.14. Insert: [May 15th to September 1st]

Section 602.3. Insert: [September 1st to May 15th]

Section 602.4. Insert: [September 1st to May 15th]

[A] 102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the ~~International Building Code, International Existing Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code~~ and NFPA-70 State Fire Code as defined in RSA 153:1, VI-a and the State Building Code as defined in RSA 155-A:1, IV. Nothing in this code shall be construed to cancel, modify or set aside any provision of ~~the International Zoning Code~~ Rochester Zoning Ordinances contained in Chapter 275.

[A] 112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of ~~not less than [AMOUNT] dollars or more than [AMOUNT] dollars~~ in accordance with RSA 676:17.

Delete sections 103.5, 302.4, 304.1.1, 305.1.1, & 306.1.1

- (2) International Existing Building Code, as codified at RSA ~~453~~ 155-A. [Amended 8-6-2019]
- B. Three copies of each of the aforesaid codes have been and are now on file in the office of the City Clerk of the City of Rochester and three copies of such codes are filed with the Department of Building, Zoning, and Licensing Services for the City of Rochester. Such codes are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this section shall take effect, the provisions thereof shall be controlling on the construction of all buildings and other structures within the corporate limits of the City of Rochester. There are annexed to such of the aforesaid codes, as filed in the office of the City Clerk and the Department of Building, Zoning, and Licensing Services, as set forth below, the following exhibits setting forth the insertions in, deletions from, exceptions to and/or changes in such codes, which insertions, deletions, exceptions and/or changes are adopted as part

of the aforementioned codes:

- (1) ~~Exhibit A, Statement dated September 4, 2007, of insertions in, deletions from, exceptions to and changes in the International Property Maintenance Code (2006 edition) by the City of Rochester, New Hampshire.~~
- (2) Exhibit A, Statement dated January 4, 2011, of insertions in, deletions from, exceptions to and changes in the International Existing Building Code (2009 edition) by the City of Rochester, New Hampshire.

§ 40-6 Life Safety Code.

[Amended 4-19-2005; 8-6-2019]

The duties defined in and the enforcement of the Life Safety Code, as codified at RSA 153 or any applicable successor code, shall be assumed by the Fire Chief of the City of Rochester or his/her authorized representative.

§ 40-7 Electrical Code and Property Maintenance Code.

[Amended 4-19-2005; 9-4-2007; 10-15-2013; 8-6-2019]

The duties defined in and the enforcement of the NEC 2005, National Electrical Code, as codified by RSA 155-A, and the International Property Maintenance Code (2006 2015 edition), or any applicable successor codes, shall be assumed by the Director of Building, Zoning, and Licensing Services or his/her authorized representative.

§ 40-8 Plumbing Code.

[Amended 4-19-2005; 9-4-2007; 10-15-2013; 3-5-2019; 8-6-2019]

The duties defined in and the enforcement of the International Plumbing Code, as codified at RSA 155-A, or any applicable successor code, shall be assumed by the Director of Building, Zoning, and Licensing Services, or his/her authorized representative, except as otherwise provided in Chapter 200, Sewers, of the Code of the City of Rochester where the same are defined as the duties of the Commissioner of Public Works, with inspections to be done by the Director of Building, Zoning, and Licensing Services or an authorized member of the Division of Water Supply Works or Division of Sewage and Waste Treatment Works.

§ 40-9 Regulation of construction storage yards.

Any individual or entity engaged in excavation, development, construction, building, and/or similar project within the City and involving the outside storage of construction and/or related equipment and/or materials shall forthwith cease to store such equipment and/or materials upon the premises involving such excavation, development, construction, building and/or similar project upon the expiration of the building permit or other similar authorization for such project, or upon the written notification by the City Engineer that such project has been completed, whichever event shall first occur. Upon removal of such equipment and/or material upon the completion of a project, the land disturbed by such storage shall be returned to its original state.

§ 40-10 Right of entry.

[Amended 10-15-2013]

The Director of Building, Zoning, and Licensing Services, the Fire Chief, or their authorized representatives in the discharge of their official duties and upon proper identification shall have authority to enter any building, structures, or premises at any reasonable hour.

§ 40-11 Definitions.

Where the word "municipality" is used in any code adopted herein, it shall be deemed to mean the City of

Rochester. Where the words "corporate counsel" or "legal representative" are used in any code adopted herein, they shall be deemed to refer to the Rochester City Solicitor.

§ 40-12 Violations and penalties.

- A. Any person who shall violate any provisions of any code adopted herein, or fail to comply therewith or with any requirements thereof, or who shall erect, construct, alter, or repair or has erected, constructed, altered, or repaired a building or structure or portion thereof in violation of a detailed statement or plan submitted and approved thereunder, or of a permit or certificate issued thereunder, shall be punishable by a civil penalty of two hundred seventy-five dollars (\$275.) for the first offense and five hundred fifty dollars (\$550.) for subsequent offenses, for each day that such violation is found by a court to continue after the conviction date or after the date on which the violator receives written notice from the City that he/she is in violation thereof, whichever date is earlier. Each day that a violation continues shall be a separate offense. The owner of a building or structure or portion thereof or of the premises where anything in violation of any code adopted herein shall be placed or shall exist, and an architect, building contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of such violation, shall be guilty of a separate offense and upon conviction thereof shall be punishable by a civil penalty of two hundred seventy-five dollars (\$275.) for the first offense and five hundred fifty dollars (\$550.) for subsequent offenses, for each day that such violation is found by a court to continue after the conviction date or after the date on which the violator receives written notice from the City that he/she is in violation thereof, whichever date is earlier. Each day that a violation continues shall be a separate offense. **[Amended 4-5-2016; 3-5-2019]**
- B. The imposition of the penalties herein prescribed shall not preclude the City Solicitor from instituting an appropriate action or procedure to prevent any unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, or to restrain, correct or abate a violation or to prevent the occupancy of a building, structure, or premises, or portion thereof, or of the premises, or to prevent an illegal act, conduct, business or use in or about the premises.

~~§ 40-13 Fire limits established.~~
~~**[Amended 3-5-2019]**~~

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

§ 40-14 More restrictive provisions to apply.

When the provisions of any codes adopted herein cover essentially the same subject matter, the more restrictive provisions shall apply.

§ 40-15 Permits.

- A. Permits shall be obtained from the Director of Building, Zoning, and Licensing Services for the construction, alteration, removal, demolition, or repair of any foundation, footing, building or structure or for the installation of plumbing, use of concrete, masonry, metal, iron and wood, and other building material, the installation of electric wiring, and fire protection incident thereto for the prevention of fires, including but not limited to swimming pools, signs, and fences, except that no permit shall be required for painting, papering, laying floors, or upkeep in maintenance of any structure. Separate permits shall be required for building, electrical, plumbing, mechanical, fire protection, and demolition.

Commented [1]: Editor's Note: See Ch. 275, Zoning. Original § 40.14, Access to basements, which immediately followed this section, was repealed 9-6-2011.

Prior to the issuance of a foundation or building permit by the Director of Building, Zoning, and Licensing Services, the applicant for such permit shall file with the Department of the Building, Zoning, and Licensing Services a foundation certification plan bearing the stamp of a New Hampshire licensed land surveyor and containing a statement from such surveyor to the effect that the proposed building or structure complies with all applicable building or structure setback requirements and that no portion of the new building or structure is located within any of the setback areas required by law. The requirement for a foundation certification plan may be waived, in writing, by the Director of Building, Zoning, and Licensing Services if, in the discretion of the Director of Building, Zoning, and Licensing Services there are reasonable grounds to conclude that the preparation and submission of a foundation certification plan is unnecessary to ensure that the new building or structure does not violate any required setback. **[Amended 6-15-1999; 6-15-2004; 10-15-2013]**

- (1) The following fees shall be charged for said permits, based upon the estimated cost of construction as presented to the Director of Building, Zoning, and Licensing Services upon application forms provided by him/her: on proposed work, the fee of nine dollars (\$9.) per one thousand dollars (\$1,000.) of estimated cost of work, or any portion thereof, with a minimum fee of ten dollars (\$10.), in addition to an application fee of ten dollars (\$10.) for each permit. The following permits shall be a charged only the minimum permit fee of ten dollars (\$10.), in addition to an application fee of ten dollars (\$10.) for each permit: **[Amended 10-1-2019]**
 - (a) Fences.
 - (b) Roofing (re-shingling only).
 - (c) Siding.
 - (d) Sheds under 200 square feet.
 - (e) Window Replacements.
- (2) Each building permit shall expire 12 months from the date of issuance unless renewed by the Director of Building, Zoning, and Licensing Services prior to the expiration date. Any renewal shall require reapplication and payment of required fees based on the remaining work to be done. The Director of Building, Zoning, and Licensing Services may issue no building permit until such other permits or approvals as may be required by any code, other ordinances, or state statutes have been acquired.
- (3) ~~A separate permit shall be required for staging, scaffolding, platforms, or other similar equipment to be erected on private property that is to be erected for a period exceeding 30 days. Said permit shall expire 12 months from the date of issue and all equipment shall be removed upon said expiration or upon completion of the work, whichever comes first. The fee for said permit shall be five dollars (\$5.). The City reserves the right to revoke, deny, or not reissue said permit if work required is not being actively pursued in a timely or otherwise reasonable manner.~~
- (4) Fees for building permits shall be waived for an honorably discharged veteran or an active duty, National Guard or reserve member of the United States Armed Forces who plans to construct or have constructed for himself/herself a home or appurtenance to a home already owned by him/her for exclusive occupancy by himself/herself and his/her immediate family. **[Amended 1-12-2016]**

- (5) Permits issued to or for the City of Rochester are exempt from the above fees.
- B. The estimated cost of construction for purposes of Subsection A of this section shall be calculated on the following basis: **[Amended 9-4-2007; 1-4-2011]**
- (1) For contract work, new buildings and newly constructed additions, the building permit fee shall be based on the greater of all contract/construction costs associated with the total construction project or the cost of construction as determined using the latest "Building Valuation Data" as published periodically by the International Code Council. When construction costs are determined using the "Building Valuation Data" as published by the International Code Council, such costs shall be multiplied by a modification factor of 0.60. Construction costs shall include, but not be limited to, pile driving, foundations, structural and nonstructural framing, interior finish (as regulated by this chapter), fire protection systems and any other work which would render the building complete and ready for occupancy. **[Amended 3-5-2019]**
 - (2) For non-contract work, not covered under Subsection B(1), such as when a homeowner furnishes his/her own or has furnished free labor but purchases the materials, the fee shall be based on the actual cost of all materials with a multiplier of two applied. For example, total materials of five thousand dollars (\$5,000.): $\$5,000 \times 2 = \$10,000$. The permit fee would therefore be ninety dollars (\$90.) (or $10.0 \times \$9$). If, in the opinion of the Building Official, the cost of construction is underestimated on the application, the permit shall be denied, unless the applicant can show detailed documentation to meet the approval of the Building Official. Final building permit cost of construction shall be approved by the Building Official.
 - (3) Any person who is found to have demolished, constructed, altered, removed, or changed the use of a building or structure without the benefit of a building, electrical, plumbing, mechanical, fire protection or demolition permit shall, ~~upon application for said permit(s),~~ **before issuing the permits,** be assessed a permit fee of twice the normal rate outlined in Subsection A of this section or twenty-five dollars (\$25.), whichever is greater. Example: Cost of materials = \$15,392; Labor = Self; Permit Fee = $16.0 \times \$9 \times 2$ (self labor) $\times 2$ (added fee) = \$576.
 - (4) In the case of a revocation of a permit or abandonment or discontinuance of a building project, the portion of the work actually completed shall be computed and any excess fee for the uncompleted work shall be returned to the permit holder upon written request. All plan examination and permit processing fees and all penalties that have been imposed on the permit holder under the requirements of this chapter shall first be collected. The permit processing fee shall be 10% of the building permit application fee with a minimum fee of ten dollars (\$10.). **[Amended 3-5-2019]**

§ 40-16 Prospective application.

Nothing in this chapter or in the codes hereby adopted shall be construed to affect any suit or proceeding now pending in any court or any rights acquired or liability incurred, nor any causes of action accrued or existing, under any act or ordinance repealed hereby, nor shall any right or remedy of any character be lost, impaired, or affected by this chapter. This chapter shall have prospective application only.

§ 40-17 Severability.

The invalidity of any section or provision of this chapter or of the codes hereby adopted shall not invalidate any other sections or provisions thereof.

§ 40-18 Cleanup of construction sites.
[Amended 2-4-1997; 10-15-2013]

Within 30 days of the issuance of a certificate of occupancy or, in the case of a project which is terminated or delayed indefinitely, within 30 days of appropriate notification by the Director of Building, Zoning, and Licensing Services, the land at any construction site must be reclaimed. Such reclamation includes removal of all vehicles, equipment, materials, and temporary structures related to the construction project and restoration of any disturbed land to a grassed, planted, or otherwise erosion-free condition.

Amendments effective upon passage.

Chapter 218

STORMWATER MANAGEMENT AND EROSION CONTROL

§ 218-1. Purpose and objectives	§ 218-10. Post-construction stormwater management design standards
§ 218-2. Authority; when effective	§ 218-11. Installation, construction, maintenance and inspection requirements and responsibility
§ 218-3. Jurisdiction	§ 218-12. As-built plans and certification
§ 218-4. Severability	§ 218-13. Other required permits
§ 218-5. Amendments	§ 218-14. Illicit discharge and connection
§ 218-6. Definitions and abbreviations	§ 218-15. Waivers
§ 218-7. Applicability	§ 218-16. Enforcement and penalties
§ 218-8. Application; plan review and approval	
§ 218-9. Construction site erosion control design standards	

(HISTORY: Adopted by the City of Rochester 6-6-1995 as Ch. 50 of the 1995 Code. Amendments noted where applicable.)

§ 218-1. Purpose and objectives

- A. This chapter provides for the health, safety, and general welfare of the citizens of the City of Rochester through the regulation of discharges into the City's stormwater drainage system, water bodies, streams, and wetlands in a manner compliant with the requirements of state and federal law, including the provisions of the Clean Water Act governing discharges from municipal separate storm sewer systems (MS4s), as amended. The objectives are as follows:
- (1) Prohibit unpermitted discharges.
 - (2) Set forth the legal authority and procedures to carry out all inspection, monitoring, and enforcement activities necessary to ensure compliance with this chapter and applicable state and federal laws.
 - (3) Establish design, construction, and post-construction standards for stormwater drainage systems to improve stormwater management, minimize future costs to the City, protect the integrity of the City's water resources, reduce pollution of water bodies, and be compliant with other local, state, and federal regulations. These standards shall be used as part of any Site Plan and Subdivision review processes governing new construction, redevelopment, or any land disturbance activity as well as in the issuance of a stormwater, driveway, or building permits where applicable for any land disturbances.
- B. The provisions and standards of this chapter are implemented for the following purposes:
- (1) Managing stormwater runoff to protect water quality and quantity

- (2) Reducing pollutant contributions to a waterbody that is or may become impaired
- (3) Improving water quality of stormwater runoff discharged to drainage systems, surface water bodies, or wetlands
- (4) Taking preventative measures to avoid increasing stormwater runoff volumes and peak flow rates onto adjacent property more than existing stormwater runoff volumes and peak flow rates under current developed or undeveloped conditions

§ 218-2. Authority; when effective

- A. Authority is based on the following New Hampshire statutes that enable local regulation of stormwater as a component of zoning and land use:
 - (1) RSA 674:16 – Grant of Power
 - (2) RSA 674:17 – Purposes of Zoning Ordinances
 - (3) RSA 674:21 – Innovative Land Use Controls
 - (4) RSA 674:36 – Subdivision Regulations
 - (5) RSA 674:44 – Site Plan Review Regulations
- B. Additional Authority for Regulation of Stormwater Discharge
 - (1) RSA 149-I:6 provides municipal authority to regulate stormwater, independent of land use regulations.
- C. This chapter is adopted pursuant to the authority vested in the following:
 - (1) The City Council pursuant to RSA 47:13, 47:17, 38:26, 149-I:3 and 149:1:6 **(Amended at time of adoption of Code [see Ch. 1, General Provisions, Art. II])**
 - (2) The Planning Board pursuant to RSA 674:35, 674:36, 674:44 and 155-E:11
 - (3) The Building, Zoning, and Licensing Services Department pursuant to RSA 147:1 and 147:14.1 **(Amended at time of adoption of Code [see Ch. 1, General Provisions, Art. II])**
- D. This chapter shall become effective upon adoption by the City of Rochester City Council, in accordance with the statutory sections identified above.

§ 218-3. Jurisdiction

- A. This chapter shall pertain to all land within the boundaries of the City of Rochester, New Hampshire.
- B. In any case where a provision of this chapter is found to be in conflict with a provision of any other ordinance, regulation, code, or covenant in effect in the City of Rochester or with any state statute, with particular reference to New Hampshire RSA 676:14, 674:16 and 674:17 and the relevant subsections therein, the provision which is the more restrictive shall prevail.

§ 218-4. Severability

The invalidity of any section, subsection, paragraph, sentence, clause, phrase, or word of this chapter shall not be held to invalidate any other section, subsection, paragraph, sentence, clause, phrase, or word of this chapter.

§ 218-5. Amendments

This chapter may be amended by the approval of the several boards or entities identified in § 218-2 Authority; when effective above, provided that each such agency complies with any applicable statutory or local procedures governing its authority to adopt such ordinance. Amendments to zoning aspects shall be approved by City Council.

§ 218-6. Definitions and abbreviations

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

BEST MANAGEMENT PRACTICE (BMP) — A proven or accepted structural, nonstructural, or vegetative measures, maintenance procedures, and other management practices, the application of which reduces or prevents discharges of pollutants, erosion, sediment, or peak storm discharges to improve the quality of stormwater runoff.

BUFFER — A designated protected area along a watercourse or wetland where development is restricted or prohibited. See the City's Conservation Overlay District Ordinance, Article XII(c) for specific details on buffer setbacks and permitted uses within buffers.

CITY — The City of Rochester, New Hampshire.

CITY ENGINEER — Intended to refer to and identify the City Engineer or his/her designee or any qualified engineering consultant which the City Council, City Manager, Planning Board, Building, Zoning, and Licensing Services Department, Commissioner of Public Works, or their designee(s) engage(s) for the purpose of reviewing any application or plan submitted in accordance with this chapter or determining compliance herewith, when, in their judgment, such review is appropriate or necessary in order to ensure compliance with this chapter or determine if the provisions hereof have been violated. **(Amended at time of adoption of Code [see Ch. 1, General Provisions, Art. II])**

CONTIGUOUS — Land sharing a common border.

CRITICAL AREAS —

Land disturbance of any size where any one of the following applies:

- 1) Within a designated Buffer as defined in the City's Conservation Overlay District Ordinance, Article XII(c).
- 2) Within 50 feet of a watercourse or a stream not identified in the City's Conservation Overlay District Ordinance
- 3) Within a 100-year floodplain identified on the most current effective Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map
- 4) Land disturbance exceeding 2,000 square feet in highly erodible soils

- 5) Land disturbance containing slope greater than 25%

CRITICAL HABITAT — Habitat needed to support recovery of listed species. When a species is listed under the Endangered Species Act, the State of New Hampshire Fish and Game is required to determine whether there are areas that meet the definition of critical habitat. These are defined as:

- 1) Specific areas within the geographical area occupied by the species at the time of listing that contain physical or biological features essential to conservation of the species and that may require special management considerations or protection; and
- 2) Specific areas outside the geographical area occupied by the species if the agency determines that the area itself is essential for conservation.

DEPARTMENT OF PUBLIC WORKS (DPW) — The term “DPW” when used in this chapter to designate the reviewing, approval, or enforcement authority hereunder, is intended to refer to and identify the City Engineer or any qualified professional engineering consultant which the City Council, City Administrator, Planning Board, Department of Building, Zoning and Licensing Services, DPW Director, or designees engage(s) for the purpose of reviewing any application or plan submitted in accordance with this chapter or determining compliance herewith.

DEVELOPMENT — Any construction or land disturbance or grading activities other than for agricultural and silvicultural practices. (See also New Development and Redevelopment below)

DISCONNECTED IMPERVIOUS COVER — The portion of impervious cover that is not hydraulically connected to a receiving body of surface water by means of continuous paved surfaces, gutters, drainage pipes or other conventional conveyance. Impervious cover that is treated by Low-Impact Development (LID), as defined in this chapter, is a disconnected impervious cover.

EFFECTIVE IMPERVIOUS COVER — The portion of impervious cover area that is hydraulically connected to the receiving body of surface water by means of continuous paved surfaces, gutters, drainage pipes or other conventional conveyance. Effective impervious cover is the area resulting from impervious cover minus disconnected impervious cover minus treated area.

ENVIRONMENTAL PROTECTION AGENCY (EPA) — The federal agency of the United States responsible for implementing the Clean Water Act, including the National Pollutant Discharge Elimination System (NPDES) program.

HIGHLY ERODIBLE SOILS — Any soil with an erodibility class (K factor) greater than or equal to 0.43 in any layer as found in Table 3-1 of the *Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire* (August 1992 or as updated).

EROSION — The detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

FILTRATION — The process of physically or chemically removing pollutants from stormwater runoff. Filtration includes practices that capture and store stormwater runoff and pass it through a filtering media such as sand, organic material, or the native soil for pollutant removal. Stormwater filters are primarily water quality control devices designed to remove particulate pollutants and, to a lesser degree, bacteria, and nutrients.

GROUNDWATER RECHARGE — The process by which water seeps into the ground and eventually replenishes groundwater aquifers and surface waters such as lakes, streams, and the oceans. Groundwater recharge maintains flow in streams and wetlands and preserves water table levels that

support drinking water supplies.

GROUNDWATER RECHARGE VOLUME (GRV) — Volume of stormwater runoff to be infiltrated as calculated in accordance with New Hampshire Code Admin. R. Part Env-Wq 1504.12.

IMPERVIOUS COVER — Those surfaces that cannot effectively infiltrate rainfall consisting of surfaces such as building rooftops, pavement, sidewalks, driveways, compacted gravel (e.g., dense graded aggregate [with fines] used in walkways, driveways, and parking lots).

INFILTRATION — The process of stormwater runoff percolating into the ground (subsurface materials), including stormwater treatment practices designed to capture stormwater runoff and infiltrate it into the ground over a period of days.

LAND DISTURBANCE — Action to alter the existing vegetation and/or underlying soil of a site, such as clearing, grading, site preparation (e.g., excavating, cutting, and filling), soil compaction, and movement and stockpiling of topsoil.”

LARGER PLAN OF DEVELOPMENT — A project in which different parts of a property or properties that are under a common plan of development are either planned to be developed or are developed in geographical or time-based phases.

LOW-IMPACT DEVELOPMENT (LID) — LID is a site planning and design strategy intended to maintain or replicate predevelopment hydrology through the use of site planning, source control, and small-scale practices integrated throughout the site to prevent, infiltrate, and manage stormwater runoff as close to its source as possible. Examples of LID strategies are pervious pavement, rain gardens, green roofs, bioretention basins and swales, filtration trenches, and other functionally similar BMPs located near the stormwater runoff source.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) — A federal permit program administered by the EPA governing stormwater discharges under Section 402 of the Clean Water Act.

NEW DEVELOPMENT — Any construction, land disturbance, or improvement of a site or structure with less than 40% existing impervious cover, as described in § 218-10 Post-construction stormwater management. Calculated by dividing the total existing impervious cover by the size of the site and convert to a percentage.

NOTICE OF INTENT (NOI) — Document to apply for coverage under the EPA's construction general permit for stormwater discharges from construction activities.

NOTICE OF TERMINATION (NOT) — Document to end coverage of a construction activity under the EPA's construction general permit.

PROJECT AREA — Area within the subdivision or site plan boundaries plus any areas with associated off-site improvements.

POLLUTANT — Sediments, total suspended solids (TSS), phosphorus, nitrogen, metals, pathogens, floatable debris, thermal impacts, and oil and other petroleum products. Pollutant also means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. This term does not mean water, gas, other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil or gas production and disposed of in a well, if the well is used either to facilitate production or for disposal purposes is approved by authority of the State of New Hampshire and if the State determines that such injection or disposal will not result in the degradation of ground

or surface water resources.

POLLUTANT LOAD — An estimated amount of pollutants that is discharged to a receiving waterbody typically measured in units of concentration or mass per time (i.e. concentration (mg/L) or mass (lbs./day)) on an average annual basis.

QUALIFIED PROFESSIONAL — A person knowledgeable in the principles and practice of stormwater management and erosion and sedimentation control, including a Certified Professional in Erosion and Sediment Control (CPESC), a Certified Professional in Storm Water Quality (CPSWQ) or a licensed Professional Engineer (PE).

RETENTION — The amount of precipitation on a drainage area that does not escape as stormwater runoff. It can be expressed as the difference between total precipitation and the sum of the total stormwater runoff, total evaporation, and total infiltration from an area.

REDEVELOPMENT — Any construction, land disturbance, or improvement on a site that has 40% or more of existing impervious cover area, as described in § 218-10 Post-construction stormwater management. Calculated by dividing the total existing impervious cover area by the parcel size area and convert to a percentage.

SEDIMENT — Solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

SEWAGE — Domestic and industrial wastewater generated by a community and conveyed in sanitary sewer pipes to treatment facilities.

SITE — A parcel or right-of way area where construction activities are proposed including but not limited to the creation of new impervious cover and improvement of existing impervious cover

STABILIZED — When the soil erosion rate approaches that of undisturbed soils. Soils which are disturbed will be considered stabilized when one of the following is achieved:

- a. A minimum of 85% vegetative cover has been established.
- b. A minimum of 3 inches of nonerosive material such as stone or riprap has been installed.
- c. Erosion control blankets have been installed in accordance with Env-Wq 1506.03.

STEEP SLOPE — Slopes greater than 25 percent.

STORMWATER MANAGEMENT AND EROSION CONTROL PLAN (SMECP) — A plan required by the City which outlines project features, proposed temporary and permanent erosion control features, maintenance schedules and practices, and design basis used to establish temporary and permanent stormwater design features.

STORMWATER PERMIT (SWP) — A permit issued by the City of Rochester per the requirements outlined in this chapter.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP) — A plan required by the Environmental Protection Agency (EPA) that clearly describes appropriate pollution control measures and includes a description of all pollution control measures (e.g., BMPs) that will be implemented as part of the construction activity to control pollutants in stormwater discharges and describes the interim and permanent stabilization practices for the site.

STORMWATER RUNOFF — The water from precipitation that is not absorbed, evaporated, retained, or otherwise stored within the contributing drainage area.

STREAM — Areas of flowing water occurring for sufficient time to develop and maintain defined channels, but which may not flow during dry portions of the year. This includes all perennial and intermittent streams located on U.S. Geological Survey Maps.

TREATED AREA — The area of impervious cover from which stormwater runoff is treated by a stormwater BMP or LID as per the requirements of this chapter.

WATERCOURSE — Any body of water flowing in an identifiable channel or course at least six months of the year.

WATER QUALITY VOLUME (WQV) — Volume of stormwater runoff to be retained or treated as calculated in accordance with New Hampshire Code Admin. R. Part Env-Wq 1504.10.

§ 218-7. Applicability (Amended at time of adoption of Code [see Ch. 1, General Provisions, Art. II])

This chapter shall apply to any action that will hinder, alter, add to, or modify the existing stormwater flow, drainage, and/or related infrastructure and any discharges into the stormwater drainage system, water bodies, watercourse, streams, and wetlands within the City of Rochester

A. Requirement for Stormwater Permit (SWP).

Except as permitted by this chapter, no person shall alter land or engage in any activity which causes or contributes to stormwater runoff discharge without first having obtained a Stormwater Permit (SWP) from DPW for the activities listed in (1) and (2) below. Activities exempt from this chapter are described in Section § 218-7, Part B.

- (1) Any land disturbance activity within a Critical Area
- (2) Any land disturbance activity more than 5,000 square feet

Nothing in this chapter shall be a defense from noncompliance associated with a stricter standard set forth in a federal NPDES permit requirement and/or imposed under the New Hampshire Department of Environmental Services (NHDES) programs.

B. Exemptions

The following allowed activities listed in (1) through (7) below are exempt from the requirements of this chapter.

- (1) Small projects that will result in less than 5,000 square feet of land disturbance and are located outside of Critical Areas, provided that minimum erosion control measures are applied (refer to § 218-9 Construction site erosion control design standards).
- (2) Normal maintenance and improvement of land in agricultural use provided in the *Manual of Best Management Practices (BMP's) for Agriculture in New Hampshire* as established by the New Hampshire Department of Agriculture, Markets and Food dated June 2011, or as amended.
- (3) Maintenance of existing landscaping, gardens, or lawn areas.
- (4) The construction of any fence that will not alter existing terrain or drainage patterns.

- (5) Construction of utilities (gas, water, sewer, electric, telephone, storm drainage, etc.), disturbing less than 20,000 contiguous square feet, within the limits of an existing paved roadway that will not increase impervious area, or permanently change drainage patterns, and where construction trenches are stabilized at the end of each working day.
- (6) Disturbance solely related to maintenance and improvement of an existing street or road unless an increase in impervious area is proposed and the disturbance is greater than 20,000 square feet. This exemption applies for roadway projects that do not disturb highly erodible soils (e.g., reclaim and pave, resurfacing, milling).
- (7) Emergency repairs to any stormwater management facility or practice that poses a threat to public health or safety, or as deemed necessary by the Department of Building, Zoning and Licensing Services and DPW.

C. Requirement for Stormwater Management and Erosion Control Plan

Proposed projects meeting one or more of the following conditions listed below shall also, as part of the SWP application, submit a Stormwater Management and Erosion Control Plan (SMECP) to the DPW.

- (1) A cumulative land disturbance exceeding 20,000 square feet, whether the project is or is not part of a larger plan of development.
- (2) A subdivision of four or more lots (i.e., Major Subdivision).
- (3) Phasing of three or more contiguous lots per year of an existing or proposed subdivision.
- (4) Construction of utilities (gas, water, sewer, electric, drainage, telephone, etc.) requiring contiguous land disturbance of greater than 20,000 square feet.
- (5) Any land disturbance activity within a Critical Area.

§ 218-8. Application submittal and approval requirements

A. Stormwater Permit

For projects that require a Stormwater Permit as listed under § 218-7 Applicability, Part A and are not otherwise listed as exempt under § 218-7 Applicability Part B, applicants shall submit a completed SWP application¹ to the DPW or through the City's Online Permit Center on the City's website².

At a minimum, the Applicant shall include the following in the SWP application:

- (1) A description of the proposed construction erosion and sediment controls which meet § 218-9 Construction Site Erosion Control Design Standards.
- (2) A description of the proposed post-construction stormwater management measures which meet § 218-10, Part B. Additional post-construction stormwater management controls may be required, at the discretion of the DPW.

¹

https://www.rochesternh.net/sites/g/files/vyhlf1131/f/file/stormwater_management_erosion_control_permit_application_3-27-15.pdf

² <https://rochesternh.viewpointcloud.com/>

B. Stormwater Management and Erosion Control Plan

For projects that require a SMECP as listed under § 218-7 Applicability, Part C and are not otherwise listed as exempt under § 218-7 Applicability, Part B, applicants shall submit at a minimum a SMECP to the DPW the items listed in (1) and (2) below. Additional requirements may be requested by the DPW, at its discretion.

If a project requires submission of a SWPPP under federal law, the applicant may completely incorporate SMECP requirements into the SWPPP and request that the SWPPP cover both the SWPPP and SMECP requirements.

(1) Narrative Stormwater Management and Erosion Control Report (Report)

The Report shall contain the following items:

- (a) Description of construction period and earth movement schedule, including anticipated project start and completion dates, sequence and duration of grading and construction activities, and sequence and timing of installation and/or application of soil erosion and sediment control measures as well as sequence for final stabilization of the project site.
- (b) Description of the on-site and adjacent wetlands, streams, water bodies, or other natural resources; including the date and methods used to identify/delineate these resources; a description of any buffer setbacks that may apply, steep slopes, critical habitat, critical areas, existing vegetation, and 100-year floodplain limits and whether any downstream water bodies are listed as impaired and their impairment according to NHDES's most recent 303(d) list.
- (c) Description of existing drainage patterns, receiving water bodies, or drainage infrastructure and soil types (as described in § 218-8.B(2)(g), below).
- (d) Description of BMP and LID measures that were considered and are proposed to limit the development footprint, preserve existing vegetation, and mimic existing hydrology to the extent feasible. Describe BMP and LID measures that were considered but determined not to be feasible.
- (e) Description of proposed changes in impervious cover and any changes in pre- and post-development drainage patterns.
- (f) Description of the methods, calculations, and proposed measures to demonstrate how the proposed project meets:
 - (i) Construction site erosion control design standards (§ 218-9).
 - (ii) Post-construction stormwater management design standards (§ 218-10).
- (g) Description of the following procedures:
 - (i) Limit and/or optimize the use of deicing materials and minimize off-site increases in chloride levels in adjacent surface and groundwater.
 - (ii) Control waste such as discarded building materials, concrete

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washout, chemicals, litter, and sanitary waste during the construction process that may cause adverse impacts to water quality.

- (h) An Inspection and Maintenance Plan consistent with § 218-11 Installation, construction, maintenance, and inspection requirements
- (i) Copies of pertinent state and federal permits (as referenced in § 218-13 Other required permits)
- (j) Any other specific study, calculation, or investigation as requested by the City
- (k) Certification by a Qualified Professional.

(2) Site Development Plan

The Site Development Plan shall meet the qualifications as outlined in the Site Plan or Subdivision Regulations. The following items are specific to this chapter:

- (a) Project limit or boundary
- (b) Critical Areas
- (c) Limits of surface waters, wetlands, and drainage patterns, including direction of flow of stormwater runoff using arrows, within the project area and 200 feet outside of project boundary
- (d) Limits of watershed delineation any off-site and upstream areas contributing flow to shared drainage channels and/or infrastructure.
- (e) Limits and type of existing vegetation (including invasive species)
- (f) Extent of 100-year floodplain boundaries, if published or determined.
- (g) Soils
 - (i) Areas of poorly and very poorly drained soils and areas proposed to be filled
 - (ii) Soils information for proposed land disturbance from a National Cooperative Soil Survey soil series map (web based or hard copy) or a High Intensity Soil Map of the site, prepared in accordance with Society of Soil Scientists of Northern New England Special Publication No. 1
 - (iii) Highly erodible soils shall be determined by soil series
- (h) Earth Disturbance
 - (i) Limits and areas of soil disturbance
 - (ii) Areas of cut and fill
- (i) Erosion and Sediment Control
 - (i) Location of perimeter controls
 - (ii) Locations of earth stockpiles
 - (iii) Locations of equipment storage and staging
 - (iv) Locations of proposed construction and vehicle or equipment fueling areas
 - (v) Locations of waste disposal facilities for solid waste, construction debris, sanitary waste, concrete washout, and a plan for stump disposal

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- (vi) Methods of site stabilization
- (j) Location of temporary and permanent snow management areas
- (k) The location, elevation, and size of all existing and proposed stormwater infrastructure and control measures (e.g., catch basins, drywells, drainage ditches, retention ponds)

C. Plan review and approval

- (1) The Planning Board, Building, Zoning, and Licensing Services Department, and Director of DPW, or designees, may, if in their judgment deem it necessary or helpful to assist in their review of the SMECP, require it be reviewed by a third-party registered Professional Engineer or other professional consultant acceptable to them, the cost of which shall be borne by the applicant.

This review cost would be in addition to applicant borne costs associated with site inspections and water quality monitoring (as applicable), to ensure sensitive resources are adequately protected where proposed projects are deemed to pose a higher risk of potential impacts due to factors, including but not limited to the project size, location, duration and history of the contractor's performance.

- (2) The DPW or other agency having jurisdiction shall indicate approval of the SMECP, as filed, if it complies with the requirements and objectives of this chapter. As applicable, such approval shall be a component of Site Plan or Subdivision approval.
- (3) Final SMECP approval shall be contingent upon collection of any required fees or escrow amounts related to technical review of the SWP prepared under this chapter.

D. Preconstruction meeting

- (1) The applicant and the applicant's engineer (or technical representative) may be required to schedule and attend a mandatory preconstruction meeting with DPW prior to commencement of construction. All required documents to be recorded, escrow deposits and bonding shall be in place prior to the scheduled meeting. Three copies of the SMECP (including the SWPPP and NOI, if required), up-to-date construction schedule, and associated construction documents shall be provided at that time. The SMECP shall bear the seal and signature of the New Hampshire Registered Professional Engineer preparing the documents. The SMECP may be combined with the SWPPP, if labeled as both and meeting the requirements of both. Prior to commencement of construction, the Department of Planning and Development will confirm that the documents submitted meet the conditions of Planning Board approval. An appropriate notation will be made on the official construction set used by the Code Enforcement and DPW. (Note: Preconstruction conferences will typically not be required for construction of one single-family home or one residential duplex, not part of a larger plan of construction.)
- (2) The Department of Planning and Development and DPW reserve the right to prepare and request the applicant's acknowledgement of a preconstruction checklist.

§ 218-9. Construction site erosion control design standards

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A. Temporary construction stormwater management design

The following design standards shall be applied in Planning for stormwater management and erosion control as related to construction.

(Note: These standards are in addition to requirements that may be found in other sections of the Site Plan, Subdivision, and other land use regulations or ordinances. These standards are also in addition to requirements set forth in the NH Small MS4 NPDES General Permit, NPDES General Permit for Discharges from Construction Activities, NHDES Wetlands Permits [RSA 482-A] and the NHDES Alteration of Terrain Rules [RSA 485-A:17]).

- (1) All measures in the plan shall meet, as a minimum, the BMPs set forth in the *New Hampshire Stormwater Manual, Volume 3* (2008 or as updated) A copy of the *New Hampshire Stormwater Manual* is available from the NHDES website at:

<https://www.des.nh.gov/water/stormwater>

Note: The manuals and website links in this section are provided for information and are subject to change. The most current version of the manual and link reference should be used by the applicant.

- (2) Erosion and sediment control measures shall be installed prior to any soil disturbance and shall be reviewed and approved by DPW prior to any land disturbance.
- (3) Whenever practical, natural vegetation shall be maintained, protected, or supplemented. Stripping of vegetation shall be done in a manner that minimizes soil erosion. Natural buffers shall be maintained.
- (4) The area of disturbance shall be kept to a minimum and be limited to an area only large enough to accommodate construction activities for a particular construction phase.
- (5) Measures shall be taken to control erosion within the project area. Sediment in stormwater runoff shall be trapped and retained within the project area. Wetland areas and surface waters shall be protected from sediment. Soil disturbance shall be avoided within established buffer setbacks as defined and consistent with the provisions included in the Conservation Overlay District (Zoning Ordinance § 275-12).
- (6) Off-site surface water and stormwater runoff shall be diverted away from areas of land disturbance where feasible or implement measures to convey stormwater through the project area without causing erosion of sediment shall be included. Integrity of downstream drainage systems shall be maintained.
- (7) Perimeter Controls
 - (a) Install sediment controls along any perimeter areas of the site that will receive stormwater runoff.
 - (b) Perimeter controls shall not be placed within wetland areas, stream channels, or wetland buffers.
- (8) Stabilization
 - (a) In areas where final grading has not occurred, temporary stabilization measures should be in place within 5 calendar days for exposed soil areas that are within 100 feet of a surface waterbody or a wetland and no more than 14 calendar days for all other areas. Permanent stabilization should be

- in place within 3 calendar days following completion of final grading of exposed soil areas.
- (b) Stabilization measures shall be provided with the submission for any disturbance on slopes equal to or steeper than 3H:1V.
 - (c) Specify permanent and temporary erosion and sedimentation control measures, seeding mixtures and rates, types of sod, methods of seedbed preparation, expected seeding dates (or limitations on seeding timeframes), type and rate of lime and fertilizer application, and type and quantity of mulching for temporary and permanent control facilities.
- (9) Winter Construction
- (a) For construction during the winter season, an additional erosion and sedimentation control plan and timeline shall be submitted by September 1 to the DPW.
 - (b) Additional temporary stabilization shall be deployed for the winter season consistent with *New Hampshire Stormwater Manual* guidelines for land disturbance that are not permanently stabilized by October 1 or implemented per the discretion of DPW.
 - (c) Active construction areas should be limited to the area necessary to gain access and sustain planned improvements that will be completed during the winter season.
- (10) Sediment Basins and Traps
- (a) Use of temporary sediment basins should avoid any additional vegetation clearing or site disturbance not otherwise needed for post-construction. Sediment basin locations shall be reviewed by DPW prior to construction and shall consider the potential for off-site impacts, including public safety, especially as it relates to sediment movement or sediment basin failure, and alternative sediment controls approved by DPW shall be used where site limitations preclude a safe design.
- (11) Waste Control
- (a) Procedures shall be implemented to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste during the construction process that may cause adverse impacts to water quality.
- (12) Inspection Schedule
- (a) All temporary erosion and sediment control measures shall be maintained in functioning condition until final site stabilization is accomplished. A proposed inspection schedule, in accordance with the guidelines of the *New Hampshire Stormwater Manual*, or NPDES General Permit for Discharges from Construction Activities shall be included in the submittal.
- (13) Removal of temporary controls
- (a) All temporary erosion and sediment control measures shall be removed after the site is stabilized unless the measures are intended to be left in place and approved by DPW on a case-by-case basis. Trapped sediment and other disturbed soil areas resulting from the removal of temporary measures shall

be permanently stabilized within three (3) calendar days unless conditions dictate otherwise.

§ 218-10. Post-construction stormwater management design standards

The following design standards shall be applied for post-construction stormwater management.

(Note: These standards are in addition to requirements that may be found in other sections of the Site Plan, Subdivision, and other land use regulations or ordinances. These standards are also in addition to requirements set forth in the NH Small MS4 NPDES General Permit, NPDES General Permit for Discharges from Construction Activities, NHDES Wetlands Permits [RSA 482-A], and the NHDES Alteration of Terrain Rules [RSA 485-A:17]).

A. Design Guidelines

- (1) All proposed stormwater treatment practices and measures shall be appropriately selected, designed, installed, and maintained in accordance with manufacturers' specifications and performance specifications in the *New Hampshire Stormwater Manual, Volume 2* (2008 or as updated), a copy of which is available from the NHDES website at:
<https://www.des.nh.gov/water/stormwater>
- (2) Innovative stormwater practice design standards that have been demonstrated to have treatment benefits in accordance with the purpose and objectives of this chapter may be accepted at the discretion of the DPW and may include techniques or practices in use and accepted by other jurisdictions (e.g., state agencies, municipalities, EPA). This may include proprietary and nonproprietary allowing for the continued advancement of the practice.
- (3) Annual pollutant removal from structural and nonstructural BMPs shall be calculated using methods consistent with the following:
 - (a) Attachment 3 to Appendix F of the 2017 New Hampshire Small MS4 General Permit (as modified Jan. 6, 2021), the Stormwater BMP Performance Analysis for EPA Region 1, or other tools provided by EPA Region 1 consistent with these resources.
 - (b) If the specified EPA Region 1 tools do not provide annual pollutant load removal performance data for planned or installed BMP types, the *New Hampshire Stormwater Manual, Volume 2* (2008 or as updated) BMP design guidance or performance standards may be used.
- (4) Design storm depths shall be based on local rainfall amounts using the extreme precipitation table provided by the Northeast Regional Climate Center located at <http://precip.eas.cornell.edu/>.
- (5) The design of the stormwater drainage system shall provide for the discharge of stormwater without flooding or functional impairment to streets, adjacent properties, downstream properties, soils, or vegetation.
- (6) Stormwater management systems designed to treat stormwater runoff generated from new development and redevelopment sites discharging to water bodies that are water quality limited due to nitrogen or their tributaries without an approved total maximum daily load (as listed on the most current version of the NHDES 303(d) list) shall additionally optimize stormwater treatment practices for nitrogen

removal.

B. Low-Impact Development (LID) Design Strategies

- (1) LID site planning and design strategies shall be used to the maximum extent practicable for both New Development and Redevelopment projects to reduce the discharge of stormwater runoff volume, protect water quality, and maintain predevelopment site hydrology. LID techniques include preserving existing vegetation, reducing impervious footprint, disconnecting impervious area, and using enhanced stormwater BMPs (such as raingardens, bioretention, tree box filters and similar stormwater practices) in landscaped areas. Applicants shall document why LID strategies are not feasible if not used to manage stormwater, and such documentation shall be approved by DPW during review of the stormwater management system.
- (2) Whenever practicable, native site vegetation shall be maintained, protected, or supplemented. Any stripping of vegetation shall be done in a manner that minimizes soil erosion.

C. Stormwater Management Design Standards for New Development

For proposed projects that meet the definition of New Development or meet the requirements for a SMECP (§ 218-7 Applicability, Part C), the following standards shall be met:

- (1) Pollutant Discharge Minimization Requirements
 - (a) Stormwater runoff from the total post-construction impervious area shall be treated on the development site to achieve at least 80% removal of the average annual load of Total Suspended Solids (TSS) AND 50% removal of both Total Phosphorus (TP) and Total Nitrogen (TN) using appropriate stormwater treatment measures and pollutant removal calculation methods consistent with this chapter.
 - (b) Stormwater runoff shall not be discharged to municipal drainage systems or privately owned drainage systems (whether enclosed or open drainage) or to surface water bodies and wetlands, unless it meets the minimum pollutant discharge requirements in (a) above or is from a vegetated area conveyed as sheet flow.
 - (c) Stormwater treatment practices shall be designed for the water quality volume (WQV) or water quality flow (WQF), as applicable, calculated in accordance with Env-Wq 1504.10 and Env-Wq 1504.11, respectively.
 - (d) No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, noxiousness, toxicity, or temperature that may run off, seep, percolate, or wash into surface water or groundwater so as to contaminate, pollute, harm, impair, or not meet water quality standards of such waters.
 - (e) All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials shall meet the regulations of NHDES, including those involving underground storage tanks, aboveground storage tanks, hazardous waste, and required BMPs for groundwater protection (Env-Wq 401).

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- (f) The physical, biological, and chemical integrity of the receiving waters shall not be degraded by the stormwater runoff from the development site.
- (2) Groundwater Recharge Requirements
 - (a) Measures shall be taken to protect groundwater resources by reducing the post-development stormwater runoff volume by infiltrating the Groundwater Recharge Volume (GRV) according to the following ratios of Hydrologic Soil Group (HSG) type versus infiltration rate multiplier: HSG-A: 1.0; HSG-B: 0.75; HSG-C: 0.4; HSG-D: 0.15.
 - (b) For sites where infiltration is limited or not practical, the applicant shall demonstrate that the stormwater volume discharged from the site will not cause adverse impacts to downstream properties, infrastructure, aquatic habitat, or water quality degradation in downstream water bodies.
- (3) Peak Stormwater Runoff and Volume Control Requirements
 - (a) Measures shall be taken to control the post-development peak rate of stormwater runoff and volume so that it does not exceed the pre-development peak rate of stormwater runoff and volume for the 2-year, 10-year, and 25-year, 24-hour design storm.
 - (b) Runoff shall not be discharged to surface water bodies or wetlands more than volumes discharged under existing conditions (developed condition or undeveloped condition).
 - (c) If an increase in post-development peak rate or volume is anticipated due to site constraints that limit the ability to implement LID measures, the applicant shall demonstrate that the project will not cause adverse impacts to downstream properties, infrastructure, aquatic habitat or water quality degradation in downstream water bodies.
- (4) Flooding Impacts
 - (a) Where proposed changes are anticipated within mapped limits of the 100-year floodplain, provide hydrologic and hydraulic analysis to show no net increase in flood elevations for the 100-year flood.
- D. Stormwater Management Design Standards for Redevelopment
 - (1) For sites meeting the definition of a Redevelopment site, the project shall meet one of the following stormwater treatment standards:
 - (a) Implement measures on-site that result in disconnection or treatment of at least 30% of the existing impervious cover and 50% of the additional proposed impervious cover and pavement areas preferably using infiltration or filtration practices.
 - (b) Implement other LID techniques on-site to the maximum extent practicable to provide treatment for at least 50% of the entire site area.
 - (c) Provide off-site mitigation if (a) or (b), above, cannot be met due to site constraints. Off-site mitigation shall be equivalent to no less than the total area of impervious cover or site area not treated on-site in accordance with (a) or (b) above.
 - (i) An approved off-site location shall be identified, the specific

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management measures identified, and an implementation schedule developed in accordance with Planning Board approval. The applicant shall also demonstrate that there are no downstream drainage or flooding impacts because of not providing on-site management for large storm events.

- (ii) Off-site mitigation must be implemented within the same United States Geological Survey HUC10 or smaller watershed, within the project's drainage area or within the drainage area of the receiving waterbody. To comply with local watershed objectives the mitigation site should be in the same watershed as the development and impact/benefit the same receiving water.

E. Stormwater Treatment Practice Selection and Specifications

- (1) Existing surface waters including lakes, ponds, rivers, perennial and intermittent streams, and wetlands (including vernal pools) shall be protected by the minimum buffer setbacks as specified in the Conservation Overlay District Zoning Ordinance. Stormwater management BMPs shall be located outside the specified buffer zone unless otherwise approved by the Planning Board. Alternatives to stream and wetland crossings that eliminate or minimize environmental impacts shall be considered whenever possible. When necessary, as determined by the Planning Board or their representative, stream and wetland crossings shall comply with state stream crossing rules (Env-Wt 900), as appropriate, and, the recommended design standards to minimize impacts to flow and enhance animal passage (see the University of New Hampshire's *New Hampshire Stream Crossing Guidelines* (May 2009, as updated) available from the NHDES website at:
<http://des.nh.gov/organization/divisions/water/wetlands/documents/nh-stream-crossings.pdf>
- (2) Selection of stormwater treatment practices shall consider the use pervious parking surfaces as an alternative to impervious asphalt or concrete for general and overflow parking areas. Pervious pavement shall be appropriately sited and designed for traffic and vehicle loading conditions. Pervious pavement shall be maintained, and a Post-Construction Inspection and Maintenance Agreement prepared in accordance with § 218-11.C.
- (3) Selection and design of stormwater treatment and infiltration practices shall follow guidance in the *New Hampshire Stormwater Manual Volume 2* (2008 or as updated). Design considerations shall include the following, as appropriate:
 - (a) Where practical, the use of natural, vegetated filtration and/or infiltration BMPs or subsurface gravel wetlands for water quality treatment is preferred.
 - (b) Infiltration BMPs shall be in locations with the highest permeability on the site. If these areas are needed for other use, documentation shall be provided to DPW detailing the reasons the infiltration BMPs are located outside the highest permeability area and that the permeability of the soil is sufficient for the intended use.
 - (c) All infiltration areas shall be designed to drain within a maximum of 72 hours for water quality and flood control.

- (d) BMP design shall account for frozen ground conditions when the devices may not function at their optimal design.
- (e) For sites where infiltration is limited due to existing soil conditions and increases in post-development stormwater runoff volumes are expected, the applicant shall demonstrate with supporting calculations that the increased stormwater volume to be discharged will not cause adverse impacts to downstream properties, infrastructure, aquatic habitat or water quality degradation in downstream water bodies.
- (f) All vegetated stormwater management systems shall be planted with native plants appropriate for the site conditions: grasses, shrubs, trees and/or other native plants in sufficient numbers and density to prevent soil erosion and to achieve the water quality treatment requirements of this section.
- (4) The design of the stormwater treatment systems shall account for upstream and upgradient stormwater runoff that flows onto, over, or through the site to be developed or redeveloped and provide for this contribution of stormwater runoff.
- (5) Stormwater runoff shall be directed into recessed vegetated and landscape areas designed for treatment and/or filtration to minimize effective impervious cover and reduce the need for irrigation systems.
- (6) Access for maintenance of stormwater facilities shall be provided as part of the design. Access easements may be required.
- (7) Deicing material storage areas shall be located under cover and loading, and offloading areas shall be designed and maintained such that untreated stormwater runoff is not discharged to receiving waters. Snow storage areas shall be located such that no direct untreated discharges to receiving waters are possible from the storage site. Stormwater runoff from snow and deicing storage areas shall enter treatment areas as specified above before being discharged to receiving waters or allowed to infiltrate into the groundwater. See NHDES guidance facts sheet on storage and management of deicing materials, a copy of which is available on the NHDES website at:
<https://www4.des.state.nh.us/nh-ms4/wp-content/uploads/2020/11/Salt-Storage.pdf>

F. Stormwater Drainage System Specifications

- (1) Drainage design should follow the design guidelines contained in the *Manual on Drainage Design for Highways*, as published by the State of New Hampshire Department of Transportation or the *New Hampshire Stream Crossing Guidelines*, as published by the University of New Hampshire.
- (2) Design criteria
 - (a) All closed drainage systems shall be sized for the 25-year, 24-hour storm frequency. All drainage pipes larger than 48 inches shall be designed to accommodate a 50-year, 24-hour storm frequency event.
 - (b) All drainage culverts shall be sized in accordance with the *New Hampshire Stream Crossing Guidelines*. Calculations should also be provided to demonstrate that the proposed culvert can safely convey the 25-year, 24-

hour storm frequency for culverts with an opening equivalent to a pipe diameter less than 48 inches. For culvert openings equivalent to a pipe diameter greater than 48 inches, calculations should be provided for the 50-year, 24-hour storm frequency.

- (c) If the project will affect drainage flow to an existing roadway culvert or if a detention or retention area is proposed, a minimum of a 25-year storm shall be used to evaluate potential off-site effects. If a state-owned or -maintained culvert is affected by the development, State of New Hampshire Department of Transportation (NHDOT) guidelines shall be used for evaluation of the culvert. Written approval from the NHDOT shall be submitted before final approval is granted.
- (d) All slopes equal to or steeper than 2:1 adjacent to a public right-of-way shall have stabilization details provided with the submission.
- (e) Proposed riprap within a public right-of-way shall be placed a minimum of 12 inches deep.
- (2) Velocities
 - (c) For open channel systems (e.g., swales), velocities less than 10 feet per second are required prior to entering a swale. Maximum design velocity within the swale shall be 1.0 foot per second during passage of the 25-year, 24-hour storm.
 - (d) For closed drainage systems, a minimum velocity of 2 feet per second is required. Velocities of greater than 10 feet per second may be allowed, at the discretion of DPW.
- (3) Access for maintenance of stormwater facilities shall be included as part of the design, where necessary. Access easements may be required.

§ 218-11. Installation, construction, maintenance and inspection requirements and responsibility

A. Requirements

- (1) Site development shall not begin before the SMECP has been reviewed and approved by the City and if applicable, all Planning Board conditions have been fulfilled. BMPs shall be installed as designed and scheduled as a condition of final approval of the SMECP. In cases where a SWPPP is provided to comply with the EPA Construction General Permit, the SWPPP contents can be used to fulfill components of the SMECP in the final review and approval of the SMECP. In addition, site development shall not begin until a NOI has been acknowledged by the EPA (if applicable).
- (2) The DPW or Department of Planning and Development may require a bond or other security with surety conditions in an amount satisfactory to the City, providing for the actual construction, installation, and removal of such measures within a period specified by the City and expressed in the bond or the security.
- (3) The Department of Planning and Development, DPW, or Office of Code

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Enforcement may require the owner or his/her authorized agent to deposit in escrow with the City an amount of money sufficient to cover the City's cost for inspection and any professional assistance required for site compliance and monitoring.

- (4) The owner of record of the property shall record the Notice of Decision and a Stormwater Inspection and Maintenance Agreement at the Registry of Deeds. The Stormwater Inspection and Maintenance Agreement shall include a Maintenance and Inspection Plan meeting all requirements in Part E(1), below.

B. Responsibility

(1) Responsible Parties During Construction

(a) Commercial and Industrial Development and/or Redevelopment

The owner, and owner's legally designated representative (if any) shall all hold responsibility for implementing the SMECP. This includes but is not limited to the installation, construction, inspection, and maintenance of all stormwater management and erosion control measures required by the provisions of this chapter.

(b) Residential Development and Redevelopment

The owner is responsible for implementing the SMECP. Excluding any post-development requirements of plan implementation, there are two ways for the City to consider an owner to be removed as the responsible party (the owner may also be required to comply with other regulating entities' additional requirements):

- (i) The owner completes the project in a manner satisfactory to the City and if a NOI has been filed for the project, the NOI permittee files a Notice of Termination (NOT) with the EPA in accordance with the terms of the federal requirements.
- (ii) The owner passes legal responsibility for the SMECP to another competent party. In the case of a new subdivision where lots may be transferred to a different entity for construction of the buildings, it is the owner's responsibility to ensure that the owner has a legal basis to require compliance by the new entity.

(c) Individual Homeowner Development

The homeowner or a homeowner who has taken control of a subdivided property bears responsibility for compliance with the approved SMECP. If the homeowner is contracting building services to another person or entity, the homeowner may choose to pass legal responsibility of compliance to the contracted entity. If the responsibility is not passed, the homeowner remains the responsible party and shall comply with the terms of the original SMECP.

(2) Responsible Parties - Post-construction / Long -term maintenance.

Long-term maintenance of approved stormwater practices shall be ensured through the Stormwater Inspection and Maintenance Plan as described in Part D(1), below. Responsibility for implementing the Inspection and Maintenance Plan is as follows:

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(a) Commercial and Industrial Development and/or Redevelopment

The owner, and owner's legally designated representative (if any) shall all hold responsibility for implementing the Maintenance and Inspection Plan. The responsible party(ies) may contract with one or more third parties to conduct the inspection and maintenance activities but shall remain responsible for ensuring long-term effectiveness and maintaining records as required by Part D(1), below.

(b) Residential Development and/or Redevelopment

For residential development and/or redevelopment where a homeowners' association will not be established, the individual homeowners share joint and several liability for implementing the Maintenance and Inspection Plan. For residential developments where a homeowners' association will be established the following applies:

- (i) The homeowners' association shall assume responsibility and be specified as such in the documentation that establishes the association.
- (ii) If the homeowners' association is dissolved or discontinued, the individual homeowners share joint and several liability for maintenance and inspection activities.

The responsible party(ies) may contract with one or more third parties to conduct the inspection and maintenance activities but shall remain responsible for ensuring long-term effectiveness and maintaining records as required by Part D(1), below.

C. Post-Construction Inspection and Maintenance

- (1) The Stormwater Inspection and Maintenance Agreement shall include an Inspection and Maintenance Plan for post-construction monitoring of stormwater BMPs to ensure long-term performance and functionality, including the following:
 - (a) Details of each BMP, including a plan showing the location of each BMP
 - (b) Name of responsible party for inspections and maintenance
 - (c) Proposed schedule of inspection frequency consistent with the *New Hampshire Stormwater Manual*
 - (d) Inspection checklist and photo documentation requirements
 - (e) A sample log to document each inspection and maintenance activity
 - (f) A sample deicing log to track amount and type of deicing materials applied to the site
 - (g) Description of maintenance response actions, including actions to be taken if invasive species begin to grow in the BMPs
 - (h) Documentation of how reports will be completed, submittal and retention procedures, and contingency plans if future maintenance is required
- (2) The owner of record of the property shall record the approved Stormwater Inspection and Maintenance Agreement at the Registry of Deeds.

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- (3) Inspections shall be conducted by a third party, Qualified Professional.
- (4) Responsible party(ies) shall remain responsible for ensuring long-term effectiveness and maintaining records as required by the Inspection and Maintenance Plan.
- (5) Inspections of the post-construction BMPs shall be conducted at the frequency specified in the Inspection and Maintenance Plan. Copies of inspection reports shall be made available upon request to DPW.

D. Providing Site Access for Maintenance and Inspection

Municipal staff or their designated agent shall have site access to complete routine inspections to ensure compliance with the approved SMECP. Such access shall be implied with the issuance of a SWP and/or as indicated in development approvals. Such inspections shall be conducted at a time agreed upon with the owner of record. If permission to inspect is denied by the landowner, it shall be deemed a violation.

Municipal staff or their designated agent reserve the right to secure an administrative inspection warrant from the district or superior court under RSA 595-B Administrative Inspection Warrants. Expenses associated with inspections shall be the responsibility of the property owner.

E. Notification for Spills or Other Non-Stormwater Discharges

As soon as any owner, owner's agent, or designated person responsible for a facility, site, activity, or operation has information of any known or suspected release of pollutants or non-stormwater discharges which are resulting or may result in illicit discharges or pollutants discharging into stormwater, the municipal storm drain system, State waters, or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release to minimize the effects of the discharge. If said individual is not competent to assess, contain, or clean up, that person shall immediately notify another competent individual or firm. If the substance poses an immediate health or safety concern (emergency situation), the City of Rochester Emergency Services shall immediately be notified, and then notification shall be made to the City of Rochester Office of Building, Zoning and Licensing Services, and the DPW. Notifying the City of Rochester does not preclude, supersede, or provide any liability coverage for any federal- or state-required notifications related to material spills. In nonemergency situations, notification should be made as soon as possible; however, no later than the next business day following an event.

§ 218-12. As-built plans and certification

As-built plans shall be provided for all projects which require a SMECP. As-builts shall be provided in the format outlined in the Site Plan or Subdivision Regulations.

§ 218-13. Other required permits

In addition to local approval, copies of the following permits shall be required if applicable:

- A. Alteration of Terrain Permit. RSA 485-A:17 requires a permit from NHDES for "*any person proposing to significantly alter the characteristic of the terrain, in such a manner as to impede natural runoff or create an unnatural runoff.*" Regulations require this permit for any project involving more than 100,000 contiguous square feet of disturbance or

50,000 contiguous square feet in the protected shoreland.

- B. EPA Construction General Permit for Stormwater Discharges associated with Construction Activity under the NPDES Program. A permit issued by EPA or by the State under authority delegated pursuant to 33 U.S.C. § 1342(b) that authorizes the discharge of pollutants to waters of the United States. For a cumulative disturbance of one acre or more of land that EPA considers "construction activity," which includes but is not limited to clearing, grading, excavation, and other activities that expose soil typically related to landscaping, demolition, and construction of structures and roads, a federal permit will be required. Consult EPA for specific rules. This EPA permit is in addition to any State or local permit required. To apply, the entity or individual responsible for construction site operations shall file a NOI with the EPA at least seven (7) days prior to initiating work. Discharge is authorized when the application status is listed as "authorized" in the EPA public NOI database or when the applicant receives an EPA authorization letter by mail.
- C. Wetlands permit. RSA 482-A requires a permit from the NHDES for any person desiring to *"excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state."*

§ 218-14. Illicit discharge and connection

- A. Prohibition of Illegal Discharges
 - (1) No person shall allow or cause to be allowed any discharge into the municipal storm drain system or watercourses that is not composed entirely of stormwater, or any stormwater containing any pollutants that cause or contribute to a violation of applicable water quality standards. The commencement, conduct, or continuance of any such discharge is prohibited except as follows:
 - (a) Water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, uncontaminated groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioner condensate, springs, individual resident car washing, material riparian habitat or wetland flows, dechlorinated swimming pool water (less than 1 part per million [ppm] chlorine), firefighting activities, street wash waters and residential building wash waters without detergents or other pollutants, and any other water source not containing pollutants.
 - (b) Discharges specified in writing by the City and other governing bodies as being necessary to protect public health and safety.
 - (c) Dye testing is an allowable discharge but requires written and verbal notification to DPW at least 10 days prior to testing. DPW reserves the right to require additional information prior to testing and such information shall be provided at least 2 business days prior to testing.
 - (d) In the event the City determines that any of the above discharges is causing or contributing to the violation of any applicable water quality standards, the City may order the discharger to immediately cease such discharge.
 - (2) Any non-stormwater discharge permitted under an NPDES stormwater discharge, waiver, or Consent Order issued to the discharger and administered under the authority of the EPA, provided that the discharger is in full

218:23

compliance with all requirements of the permit, waiver or order and other applicable laws and regulations, and, provided that written approval has been granted for any discharge to the storm sewer system.

B. Prohibition of Illicit Connections

- (1) An illicit connection is any connection to the municipal storm drain system that is not composed entirely of stormwater or contains a discharge that is prohibited in Part A(1)(a), above.
- (2) The construction, use, maintenance, or continued existence of illicit connections to the storm drain system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

C. Watercourse Protection

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly restrict the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

§ 218-15. Waivers

A. Conditions for Granting of Waivers

The Planning Board or DPW may waive any provision of these regulations herein where the board or DPW finds that:

- (1) Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of these regulations; or
- (2) Specific circumstances relative to the SMECP or the conditions of the land in the SMECP indicate that the waiver will properly carry out the spirit and intent of these regulations.

The basis for any waiver granted by the Planning Board shall be recorded in the minutes of the board or DPW shall record with the conditions in the permit.

§ 218-16. Enforcement and penalties

- A.** The Department of Building, Zoning and Licensing Services, DPW Director, City Engineer, Planning Board, or their designee, and subject to the provisions below, shall have the authority to enforce all aspects of this chapter. In that regard, said official(s) shall be empowered hereby to invoke all statutory enforcement prerogatives that may be applicable to the purported violation as it relates to any plan submitted hereunder or activity regulated hereby. By way of illustration and not by way of limitation, it is contemplated that the following statutory enforcement prerogatives would apply:

Type of Proposal	Applicable Board or Authority	Applicable Enforcement Statute
Site Plan & Subdivision Proposals	Planning Board	RSA 676:15, 16, 17, 17-a, & 17-b
Proposals affecting single existing tracts	Building, Zoning and Licensing, Planning Board	RSA 147:9RSA 676:17, RSA 673:1(V), and RSA 676
Proposals affecting existing public roads or public stormwater systems in place	City Council or DPW	RSA 47:17, RSA 25:9-V-a.
Proposals affecting any water/sewer infrastructure in place	City Council or DPW	RSA 38:26, II, and RSA 149-I:6,III
Proposals involving Earth Material Removal Permits or other mining activities regulated by RSA 155-E	Planning Board	RSA 155-E:10

- B. The Department of Building, Zoning and Licensing Services, DPW Director, Health Officer, or their designee is authorized by means of this chapter to take any action to enforce this chapter and to act on behalf of the various boards or agencies identified above. It is intended that said Department of Building, Zoning and Licensing Services, DPW Director, Health Officer, or their designee shall have the authority to seek individual specific remedies, including, where appropriate, suspension or revocation of any permit or approval issued hereunder, additional monitoring, injunctive relief, the issuance of Notices of Violation, the pursuit of civil and/or criminal sanctions, or, without limitation, any other sanction as authorized by applicable law, regulation or statute. Nothing herein shall be interpreted to limit or otherwise curtail any statutory authority which the City is entitled to exercise independent of this chapter.
- C. Nothing in this section is intended to limit in any way the Department of Building, Zoning and Licensing Services, DPW Director, Health Officer, or their designee from exercising any authority that state law allows them to exercise on behalf of any state agency which has preemptive or concurrent jurisdiction over any conduct that would be considered a violation of this chapter.
- D. Notwithstanding anything to the contrary, nothing herein is deemed to affect the enforcement discretion of the City under applicable law.

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City Clerk's Office

City of Rochester Planning Board
Monday May 3, 2021
City Hall Council Chambers/Virtual
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on, 2021)

Members Present

Nel Sylvain, *Chair*
Mark Collopy, *Vice Chair – arrived at 7:50pm*
Peter Bruckner
A. Terese Dwyer
Tim Fontneau
Robert May
Mark Sullivan
Dave Walker

Members Absent

Daniel Rines, excused

Alternate Members Present

Paul Giuliano
Donald Hamann
Lance Whitehill

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

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

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

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

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

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

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

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

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

III. Seating of Alternates

Mr. Whitehill voted in place of Mr. Rines.

IV. Communications from the Chair

Mr. Sylvain moved item IX Review of Fiscal Year 2022 CIP to discuss.

Ms. Saunders explained the items that dealt with future development. She said there are upgrades to Route 11 as well as the pump station. Economic Development projects include demolishing to 11 Barker Court, the Union Street parking lot redesign, and the Congress Street parking expansion that was part of the Chinburg project. Ms. Saunders said the Planning Department is asking for a Downtown Traffic Study consultant, Master Plan Chapter updates for Natural Resources, Cultural Resources, and Land Use Chapter. She went on to say the Fire Department is requesting station three in the north end of the city and station four in the south end of the city.

Ms. Saunders said Public Works has some intersection improvements coming up, including Old Dover and Tebbetts Road, and the round-a-bout at Strafford Square.

Lastly, Ms. Saunders said the Recreation Department is asking to expand the arena property.

Mr. May said he would like to see more sidewalk and pedestrian path construction. Mr. Walker said it's in the budget for \$150,000 to go towards this year's sidewalks the City plans to expand.

V. Approval of Minutes

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

VI. Consent Agenda

A. Mark Phillips and Timothy & Amy O'Connell, 106&104 England Road

Ms. Saunders informed the Board the applicant has withdrawn the application.

VII. Continued Applications

A. EFI Express, LLC, 0 Tebbetts Road

Ms. Saunders explained the Board's packet includes information from the Fire Department and Department of Public Works stating both are okay with the width of the proposed driveway of 22 feet. She went on to say the applicant has submitted architectural plans.

Ms. Saunders said Staff recommends approval of the application. She said all the conditions of approval are standard conditions with the exception of requiring a spill kit be on site.

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

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

Mr. Bruckner said the plans are very sketchy and inadequate. He said he understands the building may not be seen much from the street however, he considers the plans totally inadequate and will vote against it for that reason.

There was some discussion of the level of detail on the architectural plans that were provided to the Board. Marc Swanson, owner of the business explained his architect had been on vacation for the last month so he did his best to make some edits to the imagery. He said there will probably be some transom windows along the top of the wall structure to get some additional light into the building. He further explained there are not a lot of windows on the storage building because of security concerns for the building. Project Designer Robin Lunderlick explained when they did the architecture for the apartment and office end of the building that's where there is detailing and windows.

Mr. Fontneau said the Board is used to seeing architectural drawings that reflect what is going to be built.

Ms. Dwyer said at the last meeting it was made clear the Board needed to see the exact renderings of what the buildings are going to look like.

A motion was made by Mr. Walker and seconded by Mr. Bruckner to continue the application to the June 7, 2021 meeting to allow further time for for detailed architectural renderings to be completed. The motion carried unanimously by a roll call vote.

VIII. New Applications

A. Waste Management of NH, 176 Rochester Neck Road

Ms. Saunders explained the site plan amendment to allow a container storage area. She said it replaces a project that was for a 16,000 square foot transfer station building and associated pavement.

Ms. Saunders told the Board staff recommends the application be accepted as complete.

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

Ms. Saunders said staff recommends the application be approved. She said the property is in current use so staff will need some information regarding that. Ms. Saunders went on to explain most of the conditions of approval are standard though Public Works is asking for information for the stormwater permit.

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

A motion was made by Mr. Walker and seconded by Mr. Bruckner to close the public hearing and approve the amendment application with the conditions stated. The motion carried unanimously by a roll call vote.

B. Waste Management of NH, 176 Rochester Neck Road

Ms. Saunders explained the site plan amendment application for a temporary soil stockpile area. She said staff recommends the application be accepted as complete.

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

Ms. Saunders said staff recommends approval with standard conditions.

Mr. Sylvain asked what the height of the stockpiles will be. Anne Reichert of Waste Management explained it will be upwards of 40 feet. Mr. Sylvain said the Board set a standard of 35 feet. Ms. Saunders explained the board set the height at the allowable maximum height in the zone, the max height in the Industrial zone is 55 feet, so this application is all set.

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

A motion was made by Mr. Walker and seconded by Mr. Fontneau to close the public hearing and approve the amendment application with the conditions stated. The motion carried unanimously by a roll call vote.

C. Chesley Hill Partners, LLC, 233 Washington Street

Ms. Saunders told the Board the applicant has withdrawn the application.

D. Fownes Mill Development, LLC, 64 River Street

Scott Lawler of Norway Plains Associates explained the site plan amendment to revert back to 51 non age restricted units from 80 age restricted units. He said the applicant is also looking to have the approval of a footbridge over the Cocheco River removed because it doesn't appear that the riverwalk is going to move forward. Lastly, Mr. Lawler explained there are minor landscaping changes in phase two.

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

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

Ms. Saunders said staff recommends approval of the amendment application with one plan modification and standard conditions. She said staff had some concern over the landscape plan but the applicant worked with them to address the concerns.

Mr. Walker asked if the footbridge is on the latest plan. Mr. Lawler said it has been crossed out in red on the plan submitted. Mr. Walker said he would like to see the footbridge remain because the riverwalk is going

forward. Mr. Lawler said that staff has recommended a memorandum of understanding that a spot for the footbridge be reserved for the future.

A motion was made by Mr. Walker and seconded by Mr. Bruckner to close the public hearing and approve the amendment with the conditions stated, including some sort of language or MOU reserving the footbridge location for future Riverwalk use. The motion carried by an 8 – 1 roll call vote. Ms. Dwyer opposed.

E. Thomas & Diane Aubert, 36 Cross Road

Ms. Saunders explained the applicant has asked for the application to be continued to July 12th.

A motion was made by Mr. Walker and seconded by Mr. Fontneau to continue the application to the July 12, 2021 meeting as requested by the applicant. The motion carried unanimously by a roll call vote.

F and G. NM Cook Development, LLC, 21 Farmington Road

Christopher Berry of Berry Surveying and Engineering presented the site plan and subdivision plan to construct a bank with drive-thru teller and ATM. He said all structures on site will be demolished and the existing driveway will be re-aligned to be more in line with the VW dealership across the street.

Mr. Berry said the proposal is to construct a 2,000+/- square foot bank with two drive up windows and a drive up ATM at the back of the building. He explained the locations of the dumpster and snow storage as well as went over the landscaping and lighting plan. Mr. Berry went on to explain the site has been designed to be compliant with the City's Stormwater Management ordinance.

Ms. Saunders told the Board NHDOT has jurisdiction over Route 11 but Staff has asked the applicant for updates during discussion. She said Staff suggested parking be moved to the side and rear of the building instead of in the front as proposed.

Ms. Saunders said Staff recommends approving the application and went over the conditions of approval.

A motion was made by Mr. Walk and seconded by Mr. Bruckner to accept the subdivision and site plan applications as complete. The motion carried unanimously by a roll call vote.

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

A motion was made by Mr. Walker and seconded by Mr. Bruckner to close the public hearing on the subdivision and site plan. The motion carried unanimously by a roll call vote.

Mr. Berry said parking at the front of the site meets the regulations and currently all other businesses along Route 11 have parking at the front of the sites.

Mr. Fontneau asked why the subdivision is shaped the way it is. Mr. Berry explained it is for connectivity between the multiple businesses the applicant owns in the area.

Mr. Walker said he agrees with the applicant in regards to parking in the front of the property.

Mr. Sylvain asked if there are any trees proposed that could affect line-of-sight. Mr. Berry said there are not.

A motion was made by Mr. Walker and seconded by Mr. Bruckner to approve the subdivision application with the conditions stated. The motion carried unanimously by a roll call vote.

A motion was made by Mr. Walker and seconded by Mr. Bruckner to approve the site plan, conditional use permit, and waiver request with the conditions stated except condition #6. The motion carried by a 7 -1 roll call vote. Mr. May opposed.

H. JRS, LLC, 14 Wadleigh Road

Ms. Saunders told the Board the applicant has requested a continuance to the June 7th meeting.

A motion was made by Mr. Walker and seconded by Mr. Fontneau to continue the application to the June 7, 2021 meeting as requested by the applicant. The motion carried unanimously by a roll call vote.

I. Farmington Associate Properties, LLC, 68 Farmington Road

Ms. Saunders told the Board the applicant has requested a continuance to the June 7th meeting.

A motion was made by Mr. Walker and seconded by Mr. Fontneau to continue the application to the June 7, 2021 meeting as requested by the applicant. The motion carried unanimously by a roll call vote.

X. Other Business

A. Planning Update

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

B. Other

Mr. Sylvain asked staff to check the dumpsters at Peppers Landing because there's no screening.

XI. Adjournment

A motion was made by Mr. Walker and seconded by Mr. Bruckner to adjourn at 8:38 p.m. The motion carried unanimously by a roll call vote.

Respectfully submitted,

Crystal Galloway,
Planning Administrative Assistant II

and

Shanna B. Saunders,
Director of Planning & Development

Public Works and Buildings Committee
City Hall Council Chambers & Virtual
Meeting Minutes
May 20, 2021

MEMBERS PRESENT

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

MEMBERS ABSENT

Councilor Chris Rice

OTHERS PRESENT

Mayor Caroline McCarley
Peter C. Nourse PE, Director of City Service
Daniel Camara, GIS / Asset Management
David Azarian, Attorney Roadrunner LLC - 10 Norway Plains Road
Brian Russel – Roadrunner Realestate, LLC 10 Norway Plains Road

MINUTES

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

1. Public Input

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

2. 10 Norway Plains Road- Pavement Moratorium Exception Request

Mr. Azarian introduced himself and Mr. Russel as representatives for Roadrunner LLC in regards to the property at 10 Norway Plains Road. He stated that have a home under agreement and the building permit for that property requires that the home be connected to water and sewer. He stated that in order to connect the water and sewer they will need to cut the pavement on Norway Plains Road. Mr. Azarian explained that the road is currently under a pavement moratorium and will require a waiver from the City Council. Mr. Nourse stated that the road moratorium is in place until September of 2024. He stated that the sewer line is in the middle of the roadway and the water is on the far side of the road. Mr. Nourse requested that if the Committee makes a recommendation to grant the exception, he would like it be contingent on pavement repairs as directed and approved by the Department of Public Works (DPW). Mr. Azarian and Mr. Russel stated that they would abide by any restoration requirements set by the DPW.

Councilor Gray made a motion to recommend an exception to the moratorium for 10 Norway Plains Road. The exception is contingent on repairs to pavement as directed by the DPW. The motion was seconded by Councilor Hamann. The motion passed unanimously.

3. Household Hazardous Waste Day

Mr. Nourse stated that this is an annual event put on by the Rochester DPW. He stated that the event is held at the Waste Management Facility and services Rochester and 9 other Communities. He explained the event is funded in part by an NHDES Grant and the remaining cost are split per capita by the 10 Communities that participate. Mr. Nourse listed the Communities as Rochester, Somersworth, Barrington, Northwood, Strafford, Farmington, New Durham, Wakefield, Middleton and Milton. He stated that the 2020 event hosted 355 cars and this year's event was 512. Ms. Clark explained that this event was extremely successful with no lines and no waiting. She stated that the cost was as expected and that the vendor that collected all of the hazardous waste did an excellent job and that they were very professional.

4. Strafford Square Round a bout Utilities Relocation Project Update

Mr. Nourse stated that this is the first phase of a two phase construction project. This phase will include the undergrounding of aerial utilities, preparation drainage work for the next phase and it will include water and sewer work. The next phase is the construction of the round a bout. This work is expected to begin in late June and to go through May of 2022. Due to the high profile and high complexity of the work the City initiated a prequalification process and received qualification packages from three companies. Two of those companies met the criteria and were prequalified. Mr. Nourse stated that both companies submitted bids and the results were very close. He explained that the engineers' estimate for the project was \$1,802,712 and the low bid was \$2,941,595. He stated that the other bid was \$2,997,150, the difference between the two is \$55,555 and the low bid was \$1,138,833 over the engineer's estimated project cost. Mr. Nourse stated that the funding is available for the project and he noted that he may need additional funding for the next phase due to the escalating construction costs index.

5. DPW Facility Update

Mr. Nourse displayed photos of the facility on the monitor and stated that the project is at 57% complete and has an approximate 75% remaining in contingency. He stated that roof is going on, siding is being hung on the storage area, electricians are running wiring, sheet rock is up and painted is some of the administrative space and is being hung in the shop and vehicle storage area. Mr. Nourse stated that after significant efforts and careful consideration the furniture contract has been awarded. He stated that staff toured a number of facilities and met with five consultants. The selected firm works with a vendor that manufactures the furniture on site is Leominster MA. Councilor Walker asked when to schedule the next tour of the facility. The Committee settled on June 21, 2021 at 10AM.

DPW - 45 Old Dover Road – Mr. Nourse stated that the Environmental Site Assessment (ESA) Phase 1 has been completed. He noted that the assessment reported many known Recommended Environmental Conditions (REC), which are documented releases of hazardous material on the site. Mr. Nourse explained that over the course of the summer Strafford Regional Planning Commission will be doing the Phase 2 ESA with funding from a Brownfields Grant. He stated that work will consist of site inspections and will likely

include borings and monitoring wells. He stated that once the Phase 2 work is completed staff will have a better idea on how to market the property. Councilor Walker asked when that would be completed. Mr. Nourse stated he expected by late summer.

6. **Other**

Summer Street Sidewalk – Councilor Walker asked for Mr. Nourse’s recommendation for repairs needed. Mr. Nourse stated that this sidewalk is in poor shape and this resident has made a complaint previously. Councilor Walker asked if repairs could be made to the concrete. Mr. Nourse explained that the best that could be done would be some asphalt patches. Councilor Walker stated that the resident had seen an elderly person fall in the area. Mr. Nourse stated that they would make the best possible repair.

Portland Street/ Drainage - Mr. Nourse stated that the wetland delineation survey has been completed. He is expecting an engineered plan and a cost proposal from our Construction Services Contractor and he will report that to the Committee next month.

East Rochester / Pearl Street Dewatering – Mr. Nourse stated that the purchase order has been issued to the contractor, parts have been ordered and that he anticipates start up around the 4th of July.

7. Non Public – RSA 91-A:3II (c)

Councilor Walker made a motion at 7:20pm to go into non public session and noted RSA 91-A:3II (c). Councilor Hamann seconded the motion.

A Roll call vote was taken

Councilor Hamann Yes

Councilor Gray Yes

Councilor Walker Yes

Councilor Gray made a motion to reconvene 7:54 and seal the minutes indefinitely due to adversely affecting reputation. Councilor Hamann seconded the motion.

A roll call vote was taken

Councilor Gray

Councilor Hamann

Councilor Walker

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

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

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City Clerk's Office

**Resolution Authorizing the Application for and Acceptance of a State of New Hampshire
Department of Environmental Services (NHDES) Clean Water State Revolving Fund
(CWSRF) Loan for the Tara Estates Pump Station Upgrade Construction Project in the
Amount of up to \$1,325,000.00**

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

That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, authorize the Department of Public Works to submit a grant application in the amount of up to One Million Three Hundred Twenty Five Thousand Dollars (\$1,325,000.00) to the NHDES CWSRF Loan program in order to finance the Tara Estates Pump Station Upgrade Construction Project.

It is further resolved that the Mayor and City Council of the City of Rochester, by adoption of this Resolution, accept the loan amount of up to One Million Three Hundred Twenty Five Thousand Dollars (\$1,325,000.00) from the NHDES CWSRF Loan program.

Further, the Mayor and City Council of the City of Rochester, by adoption of this Resolution authorize the City Manager and/or the Finance Director to act as the City's representative(s) for the execution of all documents necessary to complete the application to the CWSRF, process disbursements and execute loan documents associated with CWSRF.

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

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City Clerk's Office



05/27/2021

City of Rochester Formal Council Meeting

AGENDA BILL

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

AGENDA SUBJECT

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

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

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

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

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

LEGAL AUTHORITY

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SUMMARY STATEMENT

RECOMMENDED ACTION

**Public Safety Committee
Meeting Minutes
May 19, 2021
6:00 PM
Council Chambers
Meeting Conducted Remotely**

Members Present

Councilor Don Hamann, Chair
Councilor Peter Lachapelle, Vice-chair
Councilor Palana Belken
Councilor Chris Rice

Members Absent

Councilor Jeremy Hutchinson

Others Present

Michael Bezanson, PE, City Engineer
Gary Boudreau, Deputy Police Chief
Tim Wilder, Assistant Fire Chief
Dan Camara, GIS Asset Mgmt. Tech

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

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

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

- **Mail: Public Safety Committee, Rochester DPW 45 Old Dover Road Rochester, NH 03867 (*must be received at least three full days prior to the anticipated meeting date*)**
- **Email: laura.miller@rochesternh.net (*must be received no later than 4:00 pm of meeting date*)**
- **Voicemail: 603-335-7569 (*must be received no later than 12:00 pm on said meeting date in order to be transcribed*)**

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

corresponding meeting packet (Addendum).

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

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

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

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

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

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

1. Approve Minutes from April 21, 2021 Public Safety Meeting

Councilor Lachapelle made a motion to approve the minutes from April 21, 2021. The motion was seconded by Councilor Rice. **A Roll Call vote was taken on the motion.**

Councilor Belken	Ward 2 Yes
Councilor Rice	Ward 5 Yes
Councilor Lachapelle	Ward 3 Yes
Councilor Hamann	Ward 5 Yes

2. Public Input

There was no members of the public present.

3. Crosswalk Request Linscott Court Apartments across Columbus Avenue

Councilor Hamann summarized the issue. Deputy Chief Boudreau said currently there are crosswalks north of Linscott Apartments at the Columbus Avenue/Wakefield Street intersection. There are also crosswalks at the Columbus Avenue/Summer Street intersection, but the sidewalk on the Linscott Apartments side of the road does not formally extend to this intersection. There is no crosswalk to cross Columbus Avenue at Linscott Court; however, there is a paved ramp to the roadway that looks like it might have been meant for a crosswalk (there is a small asphalt bump in the area). The residents use services offered across the street, and there is no crosswalk right there, so they are crossing illegally. Councilor Lachapelle made a motion to place a crosswalk at the location in question. Councilor Hamann asked to hold off on the motion so Mr. Bezanson could add to the discussion. Mr. Bezanson said there is a project that will start soon at the intersection of Columbus and Summer Street; they will be looking at sidewalk connections in the area. They will include a review of the potential for a crosswalk at this location. Councilor Lachapelle asked Mr. Bezanson if they needed a curb cut in the area. Mr. Bezanson said yes that it had to be ADA compliant; it is not as simple as painting a crosswalk. Councilor Lachapelle retracted his current motion. Councilor Rice asked the timeline of the project. Mr. Bezanson said there is some funding now and that they are hoping to define the full scope of work with an engineering consultant as early as next month. This was kept in committee and Mr. Bezanson will bring back information next month regarding the progress of the scope of work and design.

4. Janet Street and Elizabeth Street-Speed Limit Signs, Reduced Speed or Children at Play signs

Councilor Hamann summarized the issue. He stated that Janet Street is in a neighborhood and probably shouldn't have a "speed limit" sign installed. He states that "Children At Play" signs are not recognized standard signs. There are portable signs that the City has allowed residents to place along the side of the roadway in the past at their own expense. Mr. Bezanson reiterated that the Councilor is correct; "Children At Play" signs are not recognized sign by the MUTCD. Councilor Lachapelle said that if they put one here that every dead end and no outlet would want one throughout the City. Councilor Hamann said he would reach out to the person that requested this and tell them that they could buy a sign on their own for their property. Councilor Rice offered to reach out to them and Councilor Hamann accepted the offer.

5. North Main Street Removal of One Parking Spot at Crosswalk by Bridge

Councilor Hamman summarized the issue. Councilor Rice said he might have misunderstood which parking spot was proposed for removal. After checking the area, he realized that if a box truck were parked in the parking space just after the crosswalk heading toward downtown, motorists driving out of downtown cannot see people entering the crosswalk from the left or south side. Councilor Lachapelle agreed that this is the parking space being proposed for removal and reiterated that you cannot see anyone entering the crosswalk when a large vehicle is parked there. **Councilor Lachapelle made a motion to remove the one parking spot**

near the crosswalk on North Main Street. The motion was seconded by Councilor Rice. A Roll Call vote was taken on the motion.

Councilor Belken	Ward 2 Yes
Councilor Rice	Ward 5 Yes
Councilor Lachapelle	Ward 3 Yes
Councilor Hamann	Ward 5 Yes

6. E911 Update

Councilor Hamann summarized the issue. Assistant Fire Chief Wilder said they are continuing with the Tebbetts Road renumbering; it went to Public Hearing and there was a procedural issue. There will be another Public Hearing for this; then it will go to full City Council for approval. Councilor Rice wanted to know the timeline for the next streets they will be working on. Assistant Fire Chief Wilder said that, going forward with the E911 Committee, there will be a more proactive approach to addressing street renumbering issues.

7. Emergency Management Update

There was no update this month.

8. Covid-19 Statistics Update

Assistant Fire Chief Wilder said there was no update. The City of Rochester is working on updating the City's Covid-19 policy and that should be done in the next week or so.

9. Other

Speed Limit Sign Trinity Circle

Councilor Hamann said there was a request for a "speed limit" sign on Trinity Circle. Councilor Lachapelle asked if there was any information about the request. Councilor Hamann asked how big the street was. Councilor Lachapelle said there is one road in and out. Councilor Hamann will call the requestor and explain the City policy on "speed limit" signs.

Fence on Flagg Road

Councilor Lachapelle asked if Mr. Bezanson had a chance to look at the site plan regarding who is responsible for repairing the fence. Mr. Bezanson said that the installation of the fence was part of the site plan approval for the Trinity Circle development; however, now that the fence is installed it has become the property of the owners of 127 Flagg Road and it is now up to them to repair or take down the fence as they wish at this point. The City has taken ownership of the Trinity Circle road and right-of-way.

Speeding on Sampson Road

Councilor Lachapelle said that when you take a right from Route 202A onto Sampson Road, Sampson Road begins as a little curvy then straightens out to Four Rod Road.

There have been a couple of complaints from residents in the condos on the road regarding speed along that straight stretch. Councilor Lachapelle asked if the speed trailer could be placed on Sampson Road and maybe some directed patrol. Deputy Chief Boudreau said it could be placed there as early as tomorrow.

Speed Trailer Question

Councilor Hamann asked Deputy Chief Boudreau if the speed trailer was ever placed in the direction towards Farmington. Deputy Chief Boudreau said people like to go faster down hill into town then out of town.

Speed Trailer Updates

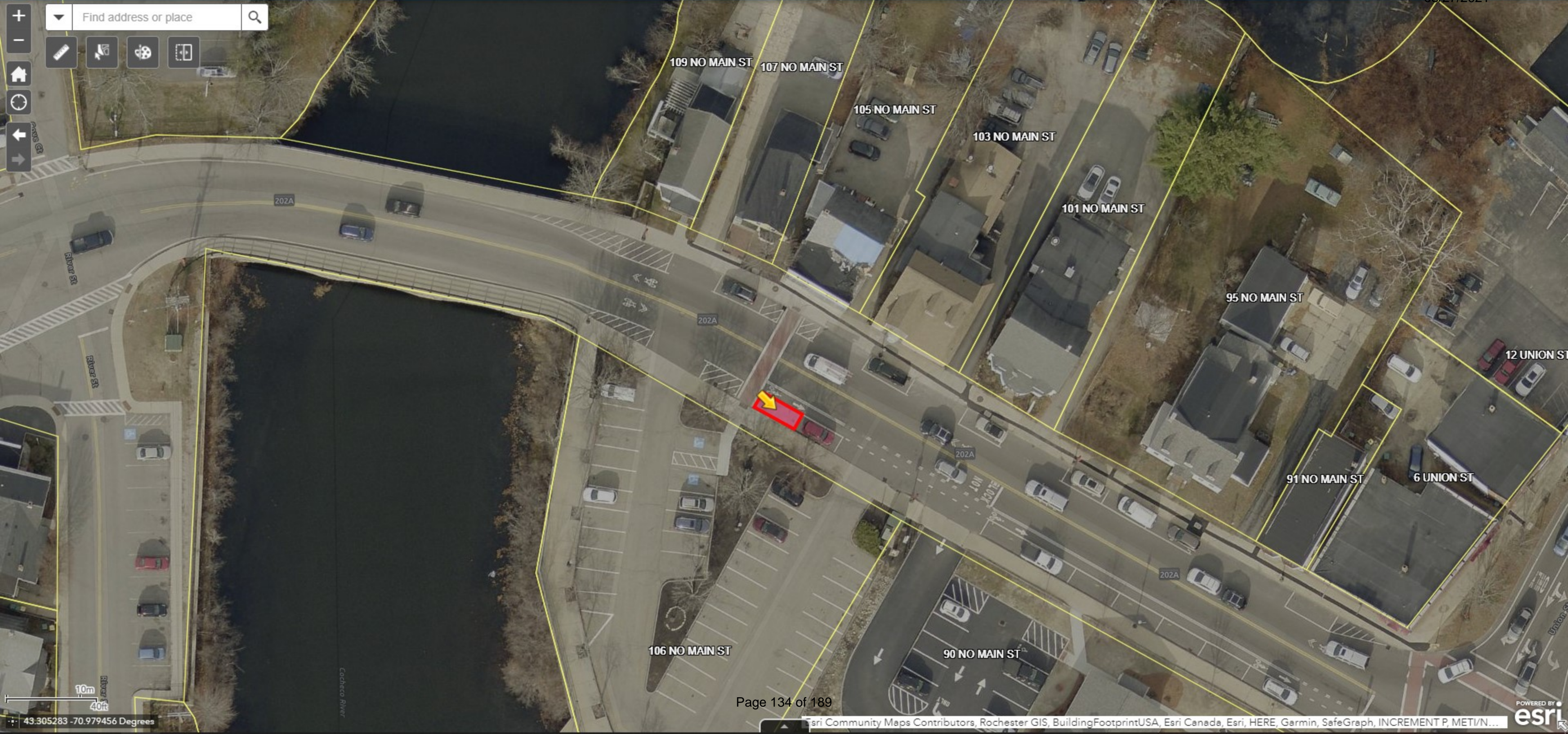
Deputy Chief Boudreau said the speed trailer was placed downtown by the Square, but the data will not download. If it cannot be pulled, the trailer will be placed downtown again. Deputy Chief Boudreau said the speed trailer is currently on Ten Rod Road and has been in place since May 13, 2021. There is an average of 2,838 cars a day coming into town with the average speed being 40 mph; the 50 percent was 40 mph and the 85 percent 45 mph. There were high speeds throughout the 24 hours, but the highest was from 4 am to 8 am timeframe. Councilor Rice asked Deputy Chief Boudreau if the data was going to be placed on the web site. Deputy Chief Boudreau is still working on it and will be sending the information to Matt Wyatt, but wanted to bring it to this Committee first. Deputy Chief Boudreau said the speed trailer was placed on Charles Street in the area of Woodman Square and Granite Street for a little over a week and the average speed was 23 mph. It was also placed on Flagg Road and the average speed was 25 mph; it was placed towards the beginning of the road by Cemetery Road where the complaint of speeding was.

Striping Plan on Old Milton Road

Mr. Bezanson wanted to follow-up on an issue that was discussed by the Committee toward the end of 2020 regarding safety concerns along Old Milton Road near the Dunkin Donuts. DPW has discussed a striping plan for the Old Milton Road right-of-way in this area including double yellow lines, edge lines, and crosshatch markings near the driveways to better define travel lanes and driveways near the Dunkin drive-thru lane. The Dunkin owners are in agreement with the plan and DPW will be moving forward with the striping in the coming weeks. The plan is to have the DPW's striping contractor paint the long lines; the other markings will be completed with an in-house crew.

Councilor Hamann adjourned the meeting at 6:39 PM.

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



**Resolution Approving Fiscal Year 2021-2022 Operating Budget for the
City of Rochester**

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

That a twelve (12) month operating budget for the City of Rochester be, and hereby is, approved and appropriated for the period beginning July 1, 2021 and ending June 30, 2022 in the amounts and for the purposes more particularly set forth in the City of Rochester, Proposed Budget, Fiscal Year 2022 (July 1, 2021 - June 30, 2022), as amended, the provisions of which are incorporated herein by reference thereto by attached **Exhibit A**.

This budget may be reconsidered before the tax rate is set if City, School and/or County revenues are changed by the State of New Hampshire or by the Federal Government. The budget appropriations contained in this Resolution are predicated upon projected revenues as more particularly set forth in the City of Rochester, Proposed Budget, Fiscal Year 2022 (July 1, 2021 - June 30, 2022), as amended, the provisions of which are incorporated herein by reference thereto.

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City Clerk's Office

PROPOSED 2021-2022 OPERATING BUDGET-EXHIBIT A**OPERATING BUDGET SUMMARY**

Appropriations:	Proposed	Adopted	Change
City	\$ 36,916,125	\$ 37,028,625	\$ 112,500
County Tax	\$ 6,921,341	\$ 6,921,341	\$ -
Overlay	\$ 350,000	\$ 350,000	\$ -
Estimated Veteran's Credits	\$ 706,525	\$ 706,525	\$ -
School	\$ 68,610,769	\$ 68,644,384	\$ 33,615
School Federal Grants	\$ 3,470,000	\$ 3,470,000	\$ -
School Lunch	\$ 1,900,000	\$ 1,900,000	\$ -
School State Property Tax	\$ 4,928,157	\$ 4,928,157	\$ -
City Grants & Special Revenues	\$ 70,000	\$ 70,000	\$ -
Tax Incremental Financing Districts	\$ 1,197,912	\$ 1,197,912	\$ -
Water Fund	\$ 6,889,755	\$ 7,058,755	\$ 169,000
Sewer Fund	\$ 8,231,998	\$ 8,231,998	\$ -
Arena Special Revenue Fund	\$ 433,212	\$ 433,212	\$ -
Community Center	\$ 920,523	\$ 920,523	\$ -
Economic Development Fund	\$ -	\$ -	\$ -
Sub Total	\$ 141,546,317	\$ 141,861,432	\$ 315,115
Revenues:			
City	\$ 11,726,001	\$ 11,838,501	\$ 112,500
Use of Fund Balance	\$ 2,786,000	\$ 2,786,000	\$ -
School	\$ 33,726,925	\$ 33,726,925	\$ -
School Federal Grants	\$ 3,470,000	\$ 3,470,000	\$ -
School Lunch	\$ 1,900,000	\$ 1,900,000	\$ -
City Grants and Donations	\$ 70,000	\$ 70,000	\$ -
Tax Incremental Financing Districts	\$ 1,197,912	\$ 1,197,912	\$ -
Water Fund	\$ 6,889,755	\$ 7,058,755	\$ 169,000
Sewer Fund	\$ 8,231,998	\$ 8,231,998	\$ -
Arena Special Revenue Fund	\$ 433,212	\$ 433,212	\$ -
Community Center	\$ 920,523	\$ 920,523	\$ -
Amount to be Raised by Taxes *	\$ 70,193,991	\$ 70,227,606	\$ 33,615
Sub Total	\$ 141,546,317	\$ 141,861,432	\$ 315,115

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City Clerk's Office

Resolution Authorizing and Approving Fiscal Year 2021-2022 Capital Budget for the City of Rochester and Authorizing Borrowing in connection therewith

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

That the capital budget for the City of Rochester for fiscal year 2021-2022 (July 1, 2021 to June 30, 2022) in the total amount specified in **Exhibit A** annexed hereto, be, and hereby is, authorized and appropriated, and, in accordance with the provisions of RSA 33:9, the City Treasurer, with the approval of the City Manager, is hereby authorized to arrange borrowing to finance a portion of said capital budget appropriation as identified on **Exhibit A** annexed hereto.

The aforementioned borrowing is authorized subject to compliance with the provisions of RSA 33:9 and Section 45 of the Rochester City Charter. The useful lives of the capital projects for which borrowing is authorized by this resolution shall be more particularly set forth in the "City of Rochester, New Hampshire, Proposed CIP Budget, Fiscal Year 2022 (July 1, 2021 – June 30, 2022), as amended.

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City Clerk's Office

CAPITAL BUDGET SUMMARY

	<u>Proposed</u>	<u>Adopted</u>	<u>Change</u>
Capital Appropriations:			
City	\$ 7,587,000	\$7,566,184	\$ (20,816)
School	\$ 1,423,000	\$1,423,000	\$ -
Water Works	\$ 1,235,000	\$ 2,379,000	\$ 1,144,000
Sewer Works	\$ 2,881,000	\$ 2,381,000	\$ (500,000)
Arena	\$ 80,000	\$ 80,000	\$ -
Community Center	\$ 305,000	\$ 305,000	\$ -
Tax Incremental Financing Districts	\$ -	\$ -	\$ -
Total Appropriations	\$ 13,511,000	\$ 14,134,184	\$ 623,184
Source of Revenues			
General Fund			
Bonding and/or other Borrowing	\$ 5,954,000	\$5,954,000	\$0
Operating Budget	\$ 3,414,000	\$3,393,184	(\$20,816)
Other Sources	\$ 27,000	\$ 27,000	\$0
Subtotal General Fund Revenues	\$ 9,395,000	\$ 9,374,184	(\$20,816)
Enterprise Funds & Tax Incremental Financing			
Bonding and/or other Borrowing	\$ 3,895,000	\$ 4,370,000	\$475,000
Operating Budget	\$ 221,000	\$ 390,000	\$169,000
Subtotal Enterprise Funds & Tax Incremental Financing	\$ 4,116,000	\$ 4,760,000	\$644,000
Total Revenues	\$ 13,511,000	\$ 14,134,184	\$ 623,184

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City Clerk's Office

Resolution Authorizing Certain Renumbering on Tebbetts Road

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

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

10 Tebbetts Road becomes 12 Tebbetts Road

12 Tebbetts Road becomes 14 Tebbetts Road

14 Tebbetts Road becomes 20 Tebbetts Road

36 Tebbetts Road becomes 46 Tebbetts Road

50 Tebbetts Road becomes 0 Tebbetts Road

42 Tebbetts Road becomes 56 Tebbetts Road

47 Tebbetts Road becomes 57 Tebbetts Road

44 Tebbetts Road becomes 58 Tebbetts Road

57 Tebbetts Road becomes 61 Tebbetts Road

53 Tebbetts Road becomes 63 Tebbetts Road

59 Tebbetts Road becomes 65 Tebbetts Road

70 Tebbetts Road becomes 76 Tebbetts Road

74 Tebbetts Road becomes 78 Tebbetts Road

76 Tebbetts Road becomes 82 Tebbetts Road

78 Tebbetts Road becomes 84 Tebbetts Road

81 Tebbetts Road becomes 91 Tebbetts Road

85 Tebbetts Road becomes 93 Tebbetts Road

86 Tebbetts Road becomes 94 Tebbetts Road

88 Tebbetts Road becomes 96 Tebbetts Road

87 Tebbetts Road becomes 97 Tebbetts Road

91 Tebbetts Road becomes 99 Tebbetts Road

94 Tebbetts Road becomes 100 Tebbetts Road

95 Tebbetts Road becomes 103 Tebbetts Road

97 Tebbetts Road becomes 105 Tebbetts Road

100 Tebbetts Road becomes 108 Tebbetts Road

106 Tebbetts Road becomes 116 Tebbetts Road

122 Tebbetts Road becomes 127 Tebbetts Road

125 Tebbetts Road becomes 131 Tebbetts Road

127 Tebbetts Road becomes 135 Tebbetts Road

131 Tebbetts Road becomes 137 Tebbetts Road

130 Tebbetts Road becomes 138 Tebbetts Road

133 Tebbetts Road becomes 143 Tebbetts Road

142 Tebbetts Road becomes 144 Tebbetts Road

141 Tebbetts Road becomes 155 Tebbetts Road

143 Tebbetts Road becomes 161 Tebbetts Road

145 Tebbetts Road becomes 165/173 Tebbetts Road

197 Tebbetts Road becomes 191 Tebbetts Road

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



PLANNING & DEVELOPMENT DEPARTMENT

City Hall Annex – First Floor

33 Wakefield Street

Rochester, New Hampshire 03867-1917

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

Web Site: www.rochesternh.net

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

March 8, 2021

RE: Tebbetts Road Address Reassignment

Dear E-911 Committee:

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

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

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

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



05/27/2021

City of Rochester Formal Council Meeting

AGENDA BILL

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

AGENDA SUBJECT

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

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

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

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

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

LEGAL AUTHORITY

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SUMMARY STATEMENT

RECOMMENDED ACTION

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

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

That the Mayor and City Council of the City of Rochester hereby appropriate Five Hundred Thousand Dollars (\$500,000.00) to the Sewer CIP Fund.

In accordance with the provisions of RSA 33:9, the City Treasurer, with the approval of the City Manager, be, and hereby are authorized to borrow the sum of Five Hundred Thousand Dollars (\$500,000.00) through the issuance of bonds and/or notes, and/or through other legal form(s), such borrowing to be on such terms and conditions as the said Treasurer and City Manager may deem to be in the best interest of the City of Rochester. Such borrowing is authorized subject to compliance with the provisions of RSA 33:9 and Section 45 of the Rochester City Charter to the extent required, necessary and/or appropriate

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

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City Clerk's Office



05/27/2021

City of Rochester Formal Council Meeting

AGENDA BILL

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

AGENDA SUBJECT

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

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

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

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

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

LEGAL AUTHORITY

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SUMMARY STATEMENT

RECOMMENDED ACTION

AGENDA BILL - FUNDING RESOLUTION

EXHIBIT

Project Name: Date: Fiscal Year:

Fund (select):

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

Deauthorization

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

Appropriation

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

Revenue

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

DUNS # CFDA # Grant # Grant Period: From
To

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

Reimbursement Request will be reduced Funds will be returned

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City Clerk's Office

**Resolution Authorizing the Increase of Donations to the City of Rochester Library by
\$5,000 and Supplemental Appropriation in Connection Therewith**

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

The Mayor and City Council authorize a supplemental appropriation to the FY21 Library operating budget in the amount of Five Thousand Dollars (\$5,000.00) with the entirety of the supplemental appropriation being derived from donations received by the Library. Expenditures can only occur to the extent donations are received.

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



05/27/2021

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

AGENDA SUBJECT LIBRARY DONATIONS	
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 type="checkbox"/> NO <input type="checkbox"/>

AGENDA DATE	June 1, 2021		
DEPT. HEAD SIGNATURE	Marie Lejeune		
DATE SUBMITTED	5/25/21		
ATTACHMENTS YES <input type="checkbox"/> NO X <input checked="" type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED		

COMMITTEE SIGN-OFF

COMMITTEE- N/A	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

FINANCE OFFICE APPROVAL	Mark Sullivan
SOURCE OF FUNDS	Library Donations
ACCOUNT NUMBER	Multi-Year To Be Determined
AMOUNT	\$5,000
APPROPRIATION REQUIRED YES x <input type="checkbox"/> NO <input type="checkbox"/>	YES

LEGAL AUTHORITY

City Council

SUMMARY STATEMENT

The Library is seeing increased donations. The FY21 budget appropriated \$1,000 for donations, and Library has already received an additional supplemental appropriation of \$1,000, and has exceeded the \$2,000. The request is to increase the Library Donations by \$5,000 and set up in a non-lapsing multi-year account.

RECOMMENDED ACTION

Council Approval Recommended

RESOLUTION APPROVING PROPOSED
CITY OF ROCHESTER MULTI-YEAR COLLECTIVE BARGAINING AGREEMENT
AND ASSOCIATED COST ITEMS WITH INTERNATIONAL ASSOCIATION OF
FIREFIGHTERS LOCAL 1451

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

That pursuant to, and in accordance with, the provisions of Chapter 273-A of the New Hampshire Revised Statutes Annotated, the multi-year collective bargaining agreement and associated cost items between the City of Rochester and the INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS (IAFF) Local 1451 Bargaining Unit, covering the period July 1, 2021 to June 30, 2023, as set forth in the proposed contract, and as more particularly detailed on the attached “**EXHIBIT A: IAFF LOCAL 1451 – JULY 2021**,” which includes a summary financial analysis of the annual costs of the contract to the City provided by the Rochester Director of Finance, is hereby approved. The provision of funds necessary to fund the aforementioned, and hereby approved, collective bargaining agreement "cost items" in the first year of the agreement will be contained in the Fiscal Year 2022 operating budget of the City.

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City Clerk's Office

Exhibit A: IAFF LOCAL 1451 - JULY 2021

City Health Contribution	80/20	80/20	80/20
	SOS \$20/40 RX 10/20/45 DED \$1000/3000	SOS \$20/40 RX 10/20/45 DED \$1000/3000	SOS \$20/40 RX 10/20/45 DED \$1000/3000
Health Plan			
Projected Health Increase		4.6%	5.0%
	Current FY21	FY22	FY23
Wages			
Base Wage	2,035,234	2,144,163	2,209,264
Educational Incentive	22,600	19,900	16,300
On-call incentive	5,000	-	-
Total Wages	2,062,834	2,164,063	2,225,564
Dollar Change		101,229	61,501
% Change		4.91%	2.84%
Benefits			
Medicare	29,911	31,379	32,271
Health Insurance	387,568	405,274	425,537
Opt Out	21,000	21,000	21,000
Dental	6,900	6,900	6,900
Total Rollups	445,379	464,553	485,708
Dollar Change		19,173	21,155
% Change		4.30%	4.55%
Totals			
Total Wages Benefits & Rollups	2,508,213	2,628,615	2,711,272
Dollar Change		120,402	82,657
% Change		4.80%	3.14%

40 Total Employees - 100% full-time



05/27/2021

City of Rochester Formal Council Meeting

AGENDA BILL

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

AGENDA SUBJECT

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

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

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

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

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

LEGAL AUTHORITY

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SUMMARY STATEMENT

RECOMMENDED ACTION

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City Clerk's Office

**Resolution Authorizing the Acceptance of FEMA Reimbursements of \$34,178.35 to
the City of Rochester for Covid-19 Expenses**

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

The Mayor and City Council authorize the acceptance of a FEMA reimbursement of Thirty Four Thousand One Hundred Seventy Eight Dollars & Thirty Five cents (\$34,178.35) for expenditures related to Covid-19 emergency protective measures for the period of March 1, 2020 through November 9, 2020. These funds will be recorded into the General Fund as a miscellaneous/reimbursement revenue.

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



05/27/2021

City of Rochester Formal Council Meeting

AGENDA BILL

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

AGENDA SUBJECT

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

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

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

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

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

LEGAL AUTHORITY

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SUMMARY STATEMENT

RECOMMENDED ACTION



State of New Hampshire Department of Safety

Robert L. Quinn, Commissioner
Richard C. Bailey, Jr., Assistant Commissioner
Eddie Edwards, Assistant Commissioner

Homeland Security and Emergency Management

Jennifer L. Harper, Director
Grant M. Nichols, Assistant Director

05/27/2021



April 21, 2021

City of Rochester
31 Wakefield St.
Rochester, NH 03867

On April 3, 2020 FEMA declared a Major Disaster (FEMA-4516-DR-NH) for the State of New Hampshire due to COVID-19 which began on January 20, 2020 and is currently ongoing. This authorized the Public Assistance Grant Program (CFDA # 97.036) for eligible applicants within all New Hampshire counties. The City of Rochester currently has one project under this disaster that has been deemed eligible for reimbursement. A check or direct deposit to your financial account will be sent ***separately*** for **\$34,178.35**, representing the federal share of the total approved eligible costs of your awarded projects.

This project is being paid out at a 100% Federal cost share in accordance with the presidential memorandums [“Memorandum to Extend Federal Support to Governors’ Use of the National Guard to Respond to COVID-19 and to Increase Reimbursement and Other Assistance Provided to States”](#) issued on January 21, 2021, and [“Memorandum on Maximizing Assistance from the Federal Emergency Management Agency”](#) issued on February 2, 2021. The federal share of this project will cover project costs entirely—there is no non-federal cost share associated with this project.

Included in this correspondence are the following documents for your files:

- **Award Summary Sheet**
- **Project Report:**
 - **PW 118 – Grants Portal Project 142061**

Required Forms:

Click the link(s) below to complete additional required documentation.

- [**Project Certification and Completion Report**](#)

Additionally, you must complete the Federal Funding Accountability and Transparency Act (FFATA) paperwork within **14 calendar days** of receipt of this award letter.

- [**Federal Funding Accountability and Transparency Act \(FFATA\)**](#)

Required Subrecipient Risk Assessment and Monitoring:

Federal law requires that the State of New Hampshire complete a risk assessment and subrecipient monitoring for all entities that receive Federal funds. At this time, the City of Rochester is considered a low risk Subrecipient. A Subrecipient's risk is based on previous performance in the Public Assistance grant, results of previous audits, staff turnover, project complexity, and cost within the current disaster.

Subrecipients with a low risk require no additional monitoring.

If there are any questions, please contact Vanesa Urango, Assistant Chief of Public Assistance, for assistance at (603) 223-3602 or Vanesa.E.Urango@dos.nh.gov. All correspondence should be directed to this office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jennifer L. Harper", with a long horizontal flourish extending to the right.

Jennifer L. Harper
Director



**New Hampshire Department of Safety
Division of Homeland Security and Emergency Management**

Public Assistance - CFDA #97.036

Award Summary Sheet

Subrecipient Summary			
Disaster	FEMA-4516-DR-NH	Funding Code	12320000-500574
Subrecipient	City of Rochester	Activity Code	23DR4516PA
Vendor Code	177467-B002	Total Payment	\$34,178.35

EMMIE PW #118 v0 Grants Portal Project #142061			
Type of Work	Emergency	Work Category	B - Emergency Protective Measures
% Cost Share*	100%	CRC Net Cost	\$34,178.35
Invoice Number	4516PA2021P118	Federal Share	\$34,178.35
Type of Project	Small	Period of Performance (POP)**	1/20/2020 - 4/2/2021

*Please reference the following presidential memorandums for more information about the increase to a 100% Federal cost share for DR 4516:

- ["Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID-19 and to Increase Reimbursement and Other Assistance Provided to States"](#) issued January 21, 2021
- ["Memorandum on Maximizing Assistance from the Federal Emergency Management Agency"](#) issued February 2, 2021

**The POP start date is based on the incident start date, not the declaration date. Additionally, the POP end date for DR 4516 is currently open ended due to the ongoing nature of the pandemic. The end date reported above aligns with the most recent bulk POP update from FEMA and may be before the work was completed. No action is required and an extension request is not necessary at this time. In the event that this circumstance changes, the PA staff at HSEM will contact the Subrecipient.

Award Information

The information below is listed as a requirement of 2 C.F.R. § 200.331. The remaining information required by this law is located within the award cover letter and/or tables shown above.

- 2 C.F.R. § 200.331(a)(1)(iii) – Federal Award Identification Number (FAIN): 4516DRNHP00000001
- 2 C.F.R. § 200.331(a)(1)(xii) – R&D Grant: This award is not a research and development grant.
- 2 C.F.R. § 200.331(a)(1)(xiii) – Indirect Costs: N/A
- 2 C.F.R. § 200.331(a)(6) – Terms and Conditions of Subaward Closeout:
 - Project Certification and Completion (PC&C) Report: This [online report](#) is completed through the HSEM Resource Center for each project and confirms that the work is completed and all Federal dollars associated with the grant award have been spent on eligible items. A link to the report is included in your Public Assistance Award email.
 - Federal Funding Accountability and Transparency Act (FFATA) Form: This [online form](#) is completed through the HSEM Resource Center for each project that has a total Federal share of \$25,000 or more. A link to the form is included in your Public Assistance Award email, if applicable.
 - Quarterly Progress Report (QPR): This [online report](#) is required quarterly for all large and Category Z projects and provides a status update on the project(s). Subrecipients who are required to complete this report will be notified each quarter that it is due.
 - Quarterly Subrecipient Monitoring Reports: This [online report](#) is required quarterly for any Subrecipient that is considered to be medium or high risk in the Public Assistance Program. A Subrecipient's risk is based on previous performance in the Public Assistance grant, results of previous audits, staff turnover, and project complexity and cost within the current disaster. Subrecipients who are required to complete this report will be notified each quarter that it is due.
 - Reimbursement Requests: Any Subrecipient who has a large project with work left to be completed and/or a Category Z project must submit a reimbursement request to receive Federal funds after the project is obligated. A link to this [online form](#) will be provided as needed.
 - Record Retention: All Subrecipient's are required to maintain any and all documentation related to the project(s) completed using FEMA funds for a period of three years from the date of disaster closeout. Record retention dates will be provided by the State of New Hampshire as disasters are formally closed.
 - Reporting: Per 2 C.F.R. 200.343(f) and 200.329, Subrecipients are required to report any real or personal property purchased using federal grant dollars on an annual basis for a period of three years, after which reporting will be required every five years.

Department of Homeland Security Federal Emergency Management Agency

General Info

Project #	142061	PW #	118	Project Type	Work Completed / Fully Documented
Project Category	B - Emergency Protective Measures			Applicant	Rochester, City of (017-65140-00)
Project Title	Rochester Cat B March-May 2020			Event	4516DR-NH (4516DR)
Project Size	Small			Declaration Date	4/3/2020
Activity Completion Date	10/03/2020			Incident Start Date	1/20/2020
Process Step	Obligated			Incident End Date	Ongoing

Damage Description and Dimensions

The Disaster # 4516DR, which occurred between **01/20/2020** and **Ongoing**, caused:

Damage # 388738; Emergency Protective Measures (Damage for Project [142061] Rochester Cat B March-May 2020)

During the incident period of 1/20/2020 through Ongoing, COVID-19 created an immediate threat to the health and safety of the general public requiring emergency response and protective measures.

- Provided Emergency Protective Services for EOC personnel performing COVID related duties at EOC at City of Rochester from 3/1/2020 to 11/9/2020.
- Provided Emergency Protective Services for purchased and distributed PPE to first responders and EOC personnel at City of Rochester from 3/1/2020 to 11/9/2020.
- Provided Emergency Protective Services for purchased and distributed cleaning and disinfecting supplies for first responders at City of Rochester from 3/1/2020 to 11/9/2020.
- Provided Emergency Protective Services for purchased and distributed supplies for the EOC operation at City of Rochester from 3/1/2020 to 11/9/2020.
- Provided Emergency Protective Services for providing temporary shower for housing insecure residents at City of Rochester from 3/1/2020 to 11/9/2020.

Final Scope

388738 Damage for Project [142061] Rochester Cat B March-May 2020

In response to the COVID-19 Public Health Emergency, the applicant utilized force account labor and materials in taking the Emergency Protective Measures of City of Rochester.

Cost share for this version is 75%. All work and costs in this project fall between 3/1/2020 and 11/09/2020.

COVID-19 Streamlined Application Disclosures:

FEMA will not approve PA funding that duplicates funding or assistance provided by another Federal agency, including the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, CARES Act, and the United States Department of Agriculture.

FEMA will only reimburse for food purchase and distribution that is necessary to protect the health and safety of communities in response to the COVID-19 Public Health Emergency.

FEMA will only reimburse for PPE/medical supplies and equipment provided to and used by Applicants and essential workers as necessary to prevent the spread of infection as directed by public health officials, not to exceed the duration of the HHS Public Health Emergency Declaration for COVID-19.

Under the COVID-19 Declarations, eligible emergency medical care costs are eligible for the duration of the Public Health Emergency, as determined by HHS.

City of Rochester

- A. Provided emergency protective services for EOC personnel working overtime while tasked with planning and logistical operations in response to COVID at the town's Emergency Operations Center located at 37 Wakefield Street, Rochester, NH, built in 1904 (43.30502, -70.97605) through force account labor.
- B. Provided emergency protective services for police, fire, ambulance, and EOC staff by purchasing and distributing PPE items including but not limited to gloves, gowns, coveralls, various masks, thermometers, and safety glasses due to suspected or confirmed cases of COVID 19 causing immediate threat to the health and public safety through force account materials.
- C. Provided emergency protective services for EOC by purchasing and distributing supplies including but not limited to printer labels, PPE items, cleaning supplies and meals for staff performing COVID related duties through force account materials.
- D. Provided emergency protective services for police, fire and EOC personnel by purchasing and distributing interior surface cleaning and disinfecting supplies including but not limited to Lysol, wipes, sanitizer, disinfecting sprayer, and cleaners due to suspected or confirmed cases of COVID 19 causing immediate threat to the health and public safety through force account materials. Disinfection was performed by spraying EPA approved disinfectant and wiping of human contact surfaces on facilities interior, i.e. non-invasive and does not constitute decontamination.
- E. Provided emergency protective services for the housing insecure residents by providing a temporary public shower at 23 Wakefield Street, Rochester, NH, built in 2004 (43.30519, -70.97484) to allow for proper sanitary conditions to prevent the spread of COVID through force account materials.

- 1. Force Account Labor Overtime: 2 Laborers; 274.95 hours: \$14,611.06
- 2. Force Account Materials: \$19,567.29

Work Completed Total: **\$34,178.35**

Project Notes:

- 1. Scope and cost were developed based on applicant cost summaries and certification included in the Schedule EZ – Small Project Estimate.
- 2. Costs associated with this project have been validated. See attachment: *CRC COVID-19 Summary Workbook*

3. Total project cost of \$34,178.35 differs from Streamlined Project Application claimed total by \$.06 in force account labor due to rounding.
4. Disposition of Purchased Supplies: Applicant must calculate the current fair market value of any unused residual supplies (including materials) that FEMA funded for any of its projects and determine the aggregate total. Applicant must provide the current fair market value if the aggregate total of unused residual supplies is greater than \$5,000. FEMA reduces eligible funding by this amount. See PAPPG V3.1 2018 page 29.
5. Disposition of Purchased Equipment: Applicant must provide the current fair market for any items that have a current fair market value of \$5,000 or more. FEMA reduces eligible funding by this amount. See PAPPG V3.1 2018 page 29.

Cost

Code	Quantity	Unit	Total Cost	Section
9007 (Labor)	1.00	Lump Sum	\$14,611.06	Completed
9009 (Material)	1.00	Lump Sum	\$19,567.29	Completed

CRC Gross Cost \$34,178.35

Total Insurance Reductions \$0.00

CRC Net Cost \$34,178.35

Federal Share (100.00%) \$34,178.35

Non-Federal Share (0.00%) \$0.00

Award Information**Version Information**

Version #	Eligibility Status	Current Location	Bundle Number	Project Amount	Cost Share	Federal Share Obligated	Date Obligated
0	Eligible	Awarded	PA-01-NH-4516-PW-00118(101)	\$34,178.35	100 %	\$34,178.35	3/24/2021

Drawdown History

EMMIE Drawdown Status As of Date	Obligation Number	Expenditure Number	Expended Date	Expended Amount
No Records				

Subgrant Conditions

- As described in Title 2 Code of Federal Regulations (C.F.R.) § 200.333, financial records, supporting documents, statistical records and all other non-Federal entity records pertinent to a Federal award must be retained for a period of three (3) years from the date of submission of the final expenditure report or, for Federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, respectively, as reported to the Federal awarding agency or pass-through entity in the case of a subrecipient. Federal awarding agencies and pass-through entities must not impose any other record retention requirements upon non-Federal entities. Exceptions are stated in 2 C.F.R. §200.333(a) – (f)(1) and (2). All records relative to this project are subject to examination and audit by the State, FEMA and the Comptroller General of the United States and must reflect work related to disaster-specific costs.
- The Recipient must submit its certification of the subrecipient's completion of all of its small projects and compliance with all environmental and historic preservation requirements within 180 days of the applicant's completion of its last small project, or the latest approved deadline, whichever is sooner.
- When any individual item of equipment purchased with PA funding is no longer needed, or a residual inventory of unused supplies exceeding \$5,000 remains, the subrecipient must follow the disposition requirements in Title 2 Code of Federal Regulations (C.F.R.) § 200.313-314.
- The terms of the FEMA-State Agreement are incorporated by reference into this project under the Public Assistance award and the applicant must comply with all applicable laws, regulations, policy, and guidance. This includes, among others, the Robert T. Stafford Disaster Relief and Emergency Assistance Act; Title 44 of the Code of Federal Regulations; FEMA Policy No. 104-009-2, Public Assistance Program and Policy Guide; and other applicable FEMA policy and guidance.
- The DHS Standard Terms and Conditions in effect as of the declaration date of this emergency declarations or major disaster, as applicable, are incorporated by reference into this project under the Public Assistance grant, which flow down from the Recipient to subrecipients unless a particular term or condition indicates otherwise.
- The Uniform Administrative Requirements, Cost Principles, and Audit Requirements set forth at Title 2 Code of Federal Regulations (C.F.R.) Part 200 apply to this project award under the Public Assistance grant, which flow down from the Recipient to all subrecipients unless a particular section of 2 C.F.R. Part 200, the FEMA-State Agreement, or the terms and conditions of this project award indicate otherwise. See 2 C.F.R. §§ 200.101 and 110.
- The subrecipient must submit a written request through the Recipient to FEMA before it makes a change to the approved scope of work in this project. If the subrecipient commences work associated with a change before FEMA approves the change, it will jeopardize financial assistance for this project. See FEMA Policy No. 104-009-2, Public Assistance Program and Policy Guide.
- Pursuant to section 312 of the Stafford Act, 42 U.S.C. 5155, FEMA is prohibited from providing financial assistance to any entity that receives assistance from another program, insurance, or any other source for the same work. The subrecipient agrees to repay all duplicated assistance to FEMA if they receive assistance for the same work from another Federal agency, insurance, or any other source. If an subrecipient receives funding from another federal program for the same purpose, it must notify FEMA through the Recipient and return any duplicated funding.

Insurance

Additional Information

02/12/2021

Per the Deduction Section of the Streamlined Application, the Applicant is confirming that they do not have insurance for the activities identified in Section II of the Streamline Application Project worksheet. Further, Section II of the Streamlined Application Project, the Applicant has confirmed that a reasonable effort to recover insurance proceeds that they are entitled to receive from their insurer(s) has been taken.

This declaration is specific for the cost associated with the actions taken to protect the public health and safety of the general

population from the COVID-19 Pandemic. No insurance proceeds are anticipated for these costs.

If in the event any part or all costs are paid by an insurance policy, a duplication of benefits from insurance will occur. Applicant must notify grantee and FEMA of such recoveries and the Sub-Grant award amount must be reduced by actual insurance proceeds.

FEMA requires the Applicant to take reasonable efforts to pursue claims to recover insurance proceeds that it is entitled to receive from its insurer(s). In the event that any insurance proceeds are received for these expenses, those proceeds must be reduced from FEMA Public Assistance funding to ensure no duplication of benefits has occurred.

FEMA insurance requirements are specific to permanent work to replace, restore, repair, reconstruct, or construct a facility. No insurance requirements are mandated for Category B emergency work.

Wil Notto, PA Insurance Specialist, CRC East

O&M Requirements

There are no Obtain and Maintain Requirements on **Rochester Cat B March-May 2020**.

Environmental Historical Preservation

Is this project compliant with EHP laws, regulations, and executive orders?

Yes

EHP Conditions

- Any change to the approved scope of work will require re-evaluation for compliance with NEPA and other Laws and Executive Orders.
- This review does not address all federal, state and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize funding.
- If ground disturbing activities occur during construction, applicant will monitor ground disturbance and if any potential archaeological resources are discovered, will immediately cease construction in that area and notify the State and FEMA.

EHP Additional Info

There is no additional environmental historical preservation on **Rochester Cat B March-May 2020**.

Final Reviews

Final Review

Reviewed By DONNELLY, BRIAN P.

Reviewed On 03/16/2021 9:48 AM EDT

Review Comments

Reviewed. BPD, 03-16-2021.

Recipient Review

Reviewed By Urango, Vanesa

Reviewed On 03/18/2021 8:59 PM EDT

Review Comments

Project sent to applicant with an email notification to review project before approval. Note that SOW states 75% federal cost share - this was increased to 100% due to PMs dated 1.21.21 & 2.2.21

Project Signatures

Signed By Long, Julian

Signed On 03/23/2021

Resolution Authorizing Placement of Proposed Charter Amendments on the November, 2021 Municipal Ballot in Accordance with RSA 49-B:5

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

That, in accordance with RSA 49-B:5, and after a duly notice public hearing, the Proposed Charter Amendments contained in **Exhibit A** of this Resolution shall be placed on the November, 2021 Municipal Ballot.

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City Clerk's Office

Exhibit A

Amendment to Section 5

Section 5 **Election of Councilors.**

~~Beginning with the regular municipal election of 2003, two Councilors shall be elected from each ward, for terms of two years each, commencing on the first business day after January 1 following their election.~~

Beginning with the regular municipal election of 2023, each ward shall elect a Councilor A and a Councilor B, each Councilor A shall be elected for a term of four years and each Councilor B shall be elected for a term of two years, commencing on the first business day after January 1 following their election. Beginning with the regular municipal election of 2025, each Councilor B shall be elected for a term of four years, commencing on the first business day after January 1 following their election. Pursuant to Section 47 of this Charter, the City Clerk shall establish each ward seat as a separate municipal office, and shall establish a system to distinguish each separate ward seat on the municipal election ballot. Qualified persons may declare their candidacy for no more than one seat on the City Council at any municipal election.

What a “yes” vote means: This would start the process of staggering terms for the Councilors: At the 2023 Municipal Election the ballot/filing period would include all twelve Councilors and the Mayor; however, the Councilor Seat A’s would be set at four-year terms and the six Councilor Seat B’s would be set for two-year terms. Subsequently, at the 2025 Municipal Election the ballot would be set to include only six vacant seats (B’s) which would then be set to full four year terms. This would not impact the Mayoral race which is set at two year terms. This would also allow the Clerk to correct any spelling errors, redundancies, surplus wording, and updating terminology.

What a “no” vote means: The City Charter would remain unchanged with the current wording and spelling.

Amendment of Section 6

Section 6 **Qualifications of Councilors.**

Each City Councilor and the Mayor shall be a registered voter of the City of Rochester at the time they file their declaration of candidacy, pursuant to Section 47 of this Charter. Each Ward Councilor shall be a resident and registered voter of their ward at the time they file said declaration, at the time of their election, and throughout their term of office. If a City Councilor ~~or the Mayor~~ moves their residence from the City of Rochester during their term of office, then their office shall be declared vacant, and the vacancy shall be filled as provided in Section 68 of this Charter. If a Ward Councilor moves their residence from their ward during their term of office, then their office shall be declared vacant, and the vacancy shall be filled as provided in Section 68 of this Charter.

What a “yes” vote means: This would correct a conflict with Section 9 “Deputy Mayor”. This would also allow the Clerk to correct any spelling errors, redundancies, surplus wording, and updating terminology.

What a “no” vote means: The City Charter would remain unchanged with the current wording and spelling.

Amendment of Section 22

Section 22 **Board of Library Trustees.**

The Board of Library Trustees shall be comprised of the City Manager, or his designee, and six members to be elected by the City Council, one member to be elected from each ward for a term of three years, and their election so arranged that 1/3 of the members of the Board shall be elected each year. Elections by the City Council shall be conducted pursuant to Section 68 of this Charter. The duties and powers of said Board of Trustees shall be those enumerated in Chapter 202-a of the Revised Statutes Annotated, as presently enacted or the corresponding provisions of any recodification or amendment of the New Hampshire Revised Statutes Annotated. The Board of Trustees of the Public Library shall organize annually by the choice of a Chairman and such other officers and committees as it deems necessary. ~~The Board of Trustees of the Public Library shall elect a Library Director and such other employees as may be necessary for the efficient operation of the Public Library, as vacancies occur.~~ ***The Board of Trustees shall appoint a librarian who shall not be a trustee and their compensation and other terms of employment shall be in conformity with relevant provisions of this Charter and City Ordinances.***

What a “yes” vote means: This would change the City Charter to be in conformity with the provisions of RSA 202-A:11, V.

What a “no” vote means: The City Charter would remain unchanged with the current wordings and spellings.

Amendment of Section 70

Section 70 **Removal of elected officials.**

By an affirmative roll-call vote of at least nine City Councilors, the City Council may ~~remove any elected City official from office for prolonged absence, inattention to duty, mental or physical incapacity, incompetence, willful violations of state statutes, this Charter, or City ordinances, or misconduct in office. Such vote shall be on specific written charges approved by a majority of the City Council, and after due notice and hearing called upon the majority vote of the Council,~~ **on specific charges and after due notice and hearing, at any time remove the Mayor or one of its own members for cause, including but not limited to prolonged absence from or other inattention to duties, crime or misconduct in office, or as specified in the charter.** A vacancy occasioned by removal under this section shall be filled in the manner provided in the Charter.

What a “yes” vote means: This section is in conflict with RSA 49-C:13. The proposed change would correct that conflict.

What a “no” vote means: The City Charter would remain unchanged with the current wording and spelling.

Amendment of Section 57

~~Section 57 Supervisors of the Checklist, election day duties.~~

~~The Chairman of said Board, with the advice and consent of the other members, shall, at every election, select one of their number to serve in each ward, whose duty shall be to decide such contested cases as may arise by reason of the omissions specified in Section 55 of this act.~~

What a “Yes” vote means: This would eliminate an elected position which is not currently active.

What a no vote means: The charter would remain unchanged with the current wording and spelling.

Amendment of Sections 47, 51, 53, 54, 55, 56

Section 47 **Municipal election filing period, ballot preparation.**

The name of any qualified person shall be printed upon the municipal election ballot upon his filing with the City Clerk not later than five o'clock in the afternoon of the 45th day, nor earlier than nine o'clock in the forenoon of the 60th day prior to the date of said municipal election, his declaration in writing that he is a candidate for an office to be filled at the next succeeding municipal election. Each candidate shall pay to the City Clerk a filing fee in an amount established by ordinance, but which in no event shall exceed \$50 for any office.⁽¹⁾ The City Clerk shall prepare the ballots to be used at the municipal election. The ballot shall contain the names, ~~in alphabetical order~~ **according with RSA 656:5-a**, without party designation, of all persons who qualify with the City Clerk as a candidate for any office to be voted on at said municipal election. Below the list of names of candidates for each office there shall be as many blank spaces for write-in votes as there are votes permitted for such office.



Section 51 **Absentee voting.**

Any registered voter in the City of Rochester who qualifies, **under RSA 657:4**, for an absentee ballot is ~~absent from the City on the day of the municipal election or any City election, or who cannot appear in public on an election day because of his observance of a religious commitment, or who, by reason of physical disability, is unable to vote in person~~, may vote at such election by absentee ballot. The provisions of RSA 669:26 through 669:29 as presently enacted or the corresponding provisions of any recodification or amendment of the New Hampshire Revised Statutes Annotated shall apply to such absentee balloting, except that the duties performed therein by the Town Clerk shall be performed by the City Clerk.

~~Section 53 **Election of Supervisors of the Checklist.**~~

~~Each ward at every regular municipal election shall choose, by ballot and plurality vote, one Supervisor of Checklists, and the City Council shall also, in January following each regular municipal election, by ballot and majority vote, choose one Supervisor of Checklists for all the wards of the City, and the member chosen by the City Council shall be Chairman of the Board. All vacancies occurring in the Board shall be filled by the City Council by ballot and majority vote.~~



Section 54 **Voter checklist preparation.**

~~Said Supervisor, The City Clerk having been first duly sworn to the faithful discharge of the duties of their office, and a certification thereof recorded by the City Clerk, shall, previous to every election, prepare, revise, and post up, in the manner required by law, an alphabetical list of the legal voters in each ward. In preparing~~

said list they shall record in full the first or Christian name of each voter, but may use initial letters to designate the middle name of any voter.

Section 55 **Supervisors' session, voter registration.**

For each municipal election said Board of Supervisors shall be in session for the purpose of revising and correcting the list of voters at such places as they shall designate in accordance with the requirements of RSA 654:27, as presently enacted or the corresponding provisions of any recodification or amendment of the New Hampshire Revised Statutes Annotated. In the preparation of said list the said Board of Supervisors shall have all of the powers granted to and perform all of the duties imposed upon such Supervisors by the provisions of Chapter 654 of the New Hampshire Revised Statutes Annotated, so far as the same are not inconsistent with the provisions hereof. ~~Any person of legal age who shall present either his birth certificate or other evidence of birth in the United States or naturalization papers to the City Clerk and shall sign a written affidavit as to his Rochester residence under oath before either said City Clerk or justice of the peace or notary public or commissioned officer of the armed forces for those in the military service shall be registered to vote in the forthcoming elections. The Board of Supervisors of the Checklist shall receive said affidavit and certification from said City Clerk on forms to be prepared by said Board of Supervisors of the Checklist. The City Clerk shall receive such applications at any time, but no applications received within 10 days of the next election shall be considered for said election.~~



Section 56 **Voter checklist, election day.**

~~Said Supervisors shall deliver to t~~The City Clerk **shall provide** attested copies of the list of voters in each ward, prepared and corrected as aforesaid, before the hour of meeting, and said checklist so corrected, and no others, shall be used at the election. After the closing of the polls at said election, the Moderator and the Ward Clerk in each ward shall certify on the checklist used by them that such checklist is in fact the one used by them at said election and that it contains a corrected and complete list of the legal voters in their ward. One marked copy of each checklist used in said election shall be turned over to the City Clerk by the Supervisors. The City Clerk shall preserve such checklists in his custody for a public record for a period of no less than ~~five~~ **seven** years. Immediately after the ballots cast at a municipal election have been tabulated and the result have been announced, the Moderator or his designee, in the presence of the Selectman or their designees, shall seal and certify the ballots as provided by RSA 659:95 and shall deliver them to the City Clerk in the manner prescribed by RSA 659:98.

What a “Yes” vote means: This would amend Sections 47, 51, 53, 54, 55 and 56 to conform to State laws and current practice of the City Clerk. This would allow the Clerk to correct any spelling errors, redundant and surplus wording and updating terminology.

What a no vote means: The charter would remain unchanged with the current wording and spelling.

Resolution Deauthorizing Rochester School Department CIP Fund Project Funding For Various Projects in the Amount of \$472,703.60 and Changing of Funding Source for Other Projects

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

That Four Hundred Seventy Thousand Seven Hundred Three and 60/100 Dollars (\$472,703.60) of funding costs associated with the following School Department CIP projects are hereby deauthorized:

Project 16101: 2016 HVAC Upgrades	\$34,221.19
Project 17102: 2017 Gonic Windows	\$1,250.00
Project 17103: 2017 SHS Stair Treads	\$4,500.00
Project 18103: 2018 Door & Hardware Upgrades (district wide)	\$1,611.61
Project 18102: 2018 William Allen Roof	\$81,938.27
Project 19102: 2019 District Wide Lighting Upgrade	\$53,460.50
Project 20106: 2020 SHS Flooring	\$58,583.00
Project 17112: Creteau Tech Center Renovation	\$161,203.36
Project 20121: Creteau Tech Center Equipment	\$75,935.67

Further, the below School Department CIP projects source of funds are changed as follows:

Project 19102: 2019 District Wide Lighting Upgrade Three Hundred Ninety Six Thousand Six Hundred Ten Dollars (\$396,610.00) from borrowing to local contributions (cash from the project rebates).

Project 17112: Creteau Tech Center Renovation Four Million Eight Hundred Thousand Dollars (\$4,800,00) from borrowing to cash.

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

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left blank...*

City Clerk's Office

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