



**City of Rochester, NH
Preamble for January 5, 2021
Regular City Council Meeting**

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

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

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

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

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

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

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

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City Clerk's Office

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

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

**Regular City Council Meeting
January 5, 2021
Council Chambers
31 Wakefield Street
and remotely via Microsoft Teams
6:30 PM**

Agenda

- 1. Call To Order**
- 2. Roll Call**
- 3. Opening Prayer**
- 4. Pledge of Allegiance**
- 5. Acceptance of Minutes**
 - 5.1 Regular City Council Meeting: December 1, 2020
consideration for approval P. 11**
 - 5.2 Special City Council Meeting: December 15, 2020
consideration for approval P. 33**
- 6. Communications from the City Manager**
 - 6.1 City Manager's Report P. 39**
- 7. Communications from the Mayor**
- 8. Presentation of Petitions and Council Correspondence**
- 9. Nominations, Appointments, Resignations, and Elections**

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City Clerk's Office

9.1 Resignation: Susan Delemus, Zoning Board of Adjustments *consideration for approval* P. 61

10. Reports of Committees

10.1 Codes and Ordinances P. 63

10.1.1 Committee Recommendation: to accept the amendments to Chapter 28 (Animals) of the City Ordinances as presented by City staff *consideration for approval* P. 69

10.1.2 Committee Recommendation: to accept the amendments to Chapter 149 (Nuisances) of the City Ordinances as presented by City staff *consideration for approval* P. 71

10.1.3 Committee Recommendation: to accept the amendments to Chapter 167 (Peace and Good Order) of the City Ordinances as presented by City staff *consideration for approval* P. 72

10.1.4 Committee Recommendation: to accept the amendments to Chapter 254 (Vehicles & Traffic) of the City Ordinances as presented by City staff *consideration for approval* P. 79

10.1.5 Committee Recommendation: to accept the amendments to Chapter 158 (Parks, Recreation and Arena) of the City Ordinances as presented by City staff *consideration for approval* P. 97

10.2 Fidelity Committee P. 101

10.3 Finance Committee P. 107

10.3.1 Resolution Authorizing \$75,575.67 of Previous Appropriations of the School Department CTE Equipment Capital Improvements Plan Project for CTE Paving *first reading and consideration for adoption* P. 113

10.4 Planning Board P. 117

10.5 Public Safety P. 125

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City Clerk's Office

- 10.5.1 Committee Recommendation:** To install a streetlight at the corner of Juniper Street and Meadow Lane. *Consideration for approval* P. 127

11. Old Business

- 11.1 Resolution Authorizing the Change of Funding Sources and De-authorizing Previous Appropriations of the Department of Public Works EDA Salmon Falls Road Capital Improvement Plan Project and Supplemental Appropriation from General Fund Unassigned Fund Balance in an amount not to exceed \$17,674.28** *second reading and consideration for adoption* P. 131

- 11.2 Resolution Authorizing a Supplemental Appropriation in the Amount of \$270,000.00 for the Purchase of 8 Amarosa Drive and 0 Milton Road** *second reading and consideration for adoption* P. 139

12. Consent Calendar

13. New Business

- 13.1 Amendment to the General Ordinances of the City of Rochester Creating Chapter 41, Disorderly Residence** *first reading and refer to Codes & Ordinances committee* P. 151

- 13.2 Resolution Deauthorizing \$3,500.00 from New Hampshire Juvenile Court Diversion Network Subcontract** *first reading and consideration for adoption* P. 155

- 13.3 Motion to Authorize City Manager to Execute Chinburg Properties Licensing Agreement** *consideration for approval* P. 161

- 13.4 Resolution Authorizing the Increase of Donations to the City of Rochester Library by \$1,000 and Supplemental Appropriation in Connection Therewith** *first reading and consideration for adoption* P. 167

14. Non - Public

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City Clerk's Office

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

15. Adjournment

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City Clerk's Office

**Regular City Council Meeting
December 1, 2020
Council Chambers
31 Wakefield Street
Remotely via Microsoft Teams
6:30 PM**

COUNCILORS PRESENT

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

OTHERS PRESENT

Blaine Cox, City Manager
Katie Ambrose, Deputy City Manager
Terence O'Rourke, City Attorney
Paul Toussaint, Chief of Police
Peter Nourse, Director of City Services
Paul Toussaint, Chief of Police

Minutes

1. Call To Order

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

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

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

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

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Phone number: 857-444-0744

Conference code: 843095

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

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

2. Roll Call

Kelly Walters, City Clerk, took the roll. The following Councilors were connecting remotely and indicated that they were alone in the location from which they were attending: Councilors Abbott, Belken, Bogan, Gray, Hailey, Hamann, Hutchinson, Lachance, Lachapelle, Rice, Walker, Deputy Mayor Lauterborn, and Mayor McCarley.

3. Opening Prayer

In lieu of an opening prayer, Mayor McCarley requested a moment of silence.

4. Pledge of Allegiance

Mayor McCarley led the Pledge of Allegiance.

5. Acceptance of Minutes

5.1 Regular City Council Meeting: November 10, 2020 *consideration for approval*

Councilor Walker **MOVED** to **APPROVE** the minutes of the November 10, 2020 Regular City Council meeting. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Rice, Walker, Belken, Bogan, Lachapelle, Lauterborn, Hailey, Abbott, Gray, Hutchinson, Lachance, Hamann, and Mayor McCarley voted in favor.

6. Communications from the City Manager

6.1 City Manager's Report

City Manager Cox did not have anything to add to his report as follows:

Contracts and documents executed since last month:

- **Department of Public Works**
 - Certificate of substantial completion – GSBP Water Main Ext – Defelice Corp.
 - Scope of Services – Little Falls Bridge/Chestnut Hill Rd – Hoyle Tanner
 - Change Order – Hutter Construction
 - Change Order – Methuen Construction
 - Certificate of Final Completion - Four Rod Rd Culvert – Ted Berry

- Certificate of substantial completion – Portland St twin culvert – Integrity Earthworks
- **Economic Development**
 - CDBG Environmental Reviews – CAP Weatherization oil furnace replacement
 - CDBG Environmental Reviews – CARES act Round 3 Allocations
 - CDBG – CAP Weatherization Heating system replacement
 - PILOT agreement – Sig Sauer
 - Boundary Survey agreement– Berry Surveying & Engineering

The following standard reports have been enclosed:

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

7. Communications from the Mayor

Mayor McCarley gave a brief update on the creation of an extreme weather shelter. She indicated that property in Somersworth is in the process of being purchased. She explained that there is one stipulation to the grant funding, which is that the building must be opened as soon as possible for the remainder of the year. She said the building would be open 24 hours per day starting between December 15th and December 20th until the end of the calendar year. She said after that point, the facility would be treated as an extreme cold weather shelter for the tri-city area. It will be determined which weather conditions would trigger the opening of such shelter. The Mayor gave some details of the support staff and donations that would be needed. She noted that this shelter is in addition to the shelter currently located at the Garrison Hotel.

Councilor Lachance asked if this new location would be a permanent situation. Mayor McCarley explained that because of COVID-19, grant funding was available to purchase the building to be used as an extreme cold weather shelter. Mayor McCarley said it is thought that after the first of the year, this facility would be utilized in place of the Hanson Street cold weather shelter for the Rochester residents as well as the tri-city area. She said that some type of transportation plan would need to be in place. There will be a volunteer coordinator and staff members at times when the building is in operation. Mayor McCarley said that the Emergency Management Team would be seeking guidance as to what operational hours might take effect for this extreme weather shelter.

Councilor Lachance asked why the facility would not just remain open 24

hours a day. Mayor McCarley said this topic had been discussed over the past few years and it does not make logical sense to keep such a shelter open during the day if there are places people can go to avoid the cold; however, this issue can be addressed at another time if the need arises.

Councilor Walker asked how many people would be able to stay at the shelter at one time with COVID -19 restrictions in place. Mayor McCarley recalled that during COVID-19 it seems that at least forty to fifty people could be sheltered. She added that this is in addition to the residents staying at the Garrison location. She recalled that, in the past, it seems that no more than about seventy people were seeking shelter in the tri-city area at any one time.

8. Presentation of Petitions and Council Correspondence

No Discussion.

9. Nominations, Appointments, Resignations, and Elections

No Discussion.

10. Reports of Committees

10.1.1 Appointments Committee

Councilor Bogan said the Committee met on November 17th and have reviewed a number of reappointments. There are no new appointments this evening. She suggested if there were no objections then she would read the names all at once for a combined course of action. There were no objections. Councilor Bogan read the following list of re-appointments for the record as follows:

10.1.1.1 Re-Appointment: Janet Davis, Rochester Economic Development Commission (Regular Member) – term to expire 1/02/2024 consideration for approval

10.1.1.2 Re-Appointment: Paul Giuliano, Rochester Economic Development Commission (Regular Member)– term to expire 1/02/2024 consideration for approval

10.1.1.3 Re-Appointment: Paul Giuliano, Planning Board (Alternate Member) – term to expire 1/02/2024 consideration for approval

- 10.1.1.4 Re-Appointment: Lionel Sylvain, Planning Board (Regular Member/Chair) – term to expire 1/02/2024 consideration for approval**
- 10.1.1.5 Re-Appointment: Peter Bruckner, Planning Board (Regular Member) – term to expire 1/02/2024 consideration for approval**
- 10.1.1.6 Re-Appointment: Peter Bruckner, Historic District Commission (Regular Member) – term to expire 1/02/2024 consideration for approval**
- 10.1.1.7 Re-Appointment: Therese Dwyer, Planning Board (Regular Member) – term to expire 1/02/2024 consideration for approval**

Mayor McCarley **MOVED** to approve all of the above listed appointments with the terms to expire as indicated. Councilor Walker seconded the motion. Councilor Rice questioned if Paul Giuliano is currently an alternate member of the Planning Board. Mayor McCarley confirmed that is correct. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Lauterborn, Hailey, Rice, Walker, Hutchinson, Bogan, Lachapelle, Lachance, Abbott, Belken, Hamann, Gray and Mayor McCarley voted in favor of the motion.

10.2 Community Development

10.2.1 Resolution to Amend the Community Development Block Grant (CDBG) Funds for Fiscal Year 2021 *first reading and refer to public hearing*

Councilor Lauterborn **MOVED** to read the Resolution for a first time and to refer the matter to a Public Hearing. Councilor Walker seconded the motion. The **MOTION CARRIED** by a 12 to 1 roll call vote. Councilors Hamann, Walker, Hutchinson, Belken, Abbott, Gray, Rice, Bogan, Hailey, Lachapelle, Lauterborn, and Mayor McCarley voted in favor of the motion. Councilor Lachance voted against the motion.

Mayor McCarley said this resolution would be sent to a public hearing to be held on December 15, 2020. Mayor McCarley read the resolution for the first time by title only as follows:

CITY OF ROCHESTER FY 21 CDBG ACTION PLAN SECOND AMENDMENT – PLANNING AND ADMINISTRATION ALLOCATION

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

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

WHEREAS, the City of Rochester has received additional Community Development Block Grant (CDBG) funds through the Coronavirus Aid, Relief, and Economic Security (CARES) Act;

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

THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this resolution, hereby adopt the allocation of One Hundred Forty Six Thousand Five Hundred Seventy Six Dollars (\$146,576.00) for activities related to the CARES Act CDBG grant: Three Thousand Dollars (\$3,000.00) for COAST/Alliance for Community Transportation, Five Thousand Dollars (\$5,000.00) for Community Partners, Five Thousand Dollars (\$5,000.00) for the Homeless Center for Strafford County, Ten Thousand Dollars (\$10,000.00) for the Rochester Opera House, Five Thousand Dollars (\$5,000.00) for Strafford Nutrition Meals on Wheels, Seven Thousand Dollars (\$7,000.00) for New Generation, One Thousand Five Hundred Dollars (\$1,500.00) for Court Appointed Special Advocates of New Hampshire, Twenty Five Thousand Dollars (\$25,000.00) for My Friend's Place, Six Thousand Dollars (\$6,000.00) for MY TURN, Nineteen Thousand Seventy Six Dollars (\$19,076.00) for Easter Seals, Forty Thousand Dollars (\$40,000.00) for the Community Action Partnership of Strafford County, and Twenty Thousand Dollars (\$20,000.00) for HAVEN.

FURTHER, that the funds necessary to fund the above appropriation shall be drawn in their entirety from the above-mentioned CARES Act CDBG grant funds that the City of Rochester has received from the federal government.

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

Councilor Rice requested more information regarding the ways in which the applicants plan to utilize the additional funding. Councilor Lauterborn

confirmed that more information is available on each of the applications and could be obtained from Julian Long, Grants Coordinator. Councilor Walker requested that the applications be available for the City Councilors to review at the public hearing. Mr. Long agreed to provide that information along with a summary page of all applications. Mayor McCarley stated that the public hearing is scheduled for December 15, 2020.

10.3 Fidelity Committee

Councilor Hutchinson said he had no new information, other than what is available in the City Council packet. He said the Fidelity Committee is scheduled to meet again on December 10, 2020, remotely on Teams.

10.4 Finance Committee

10.4.1 Resolution Authorizing the Change of Funding Sources and De-authorizing Previous Appropriations of the Department of Public Works EDA Salmon Falls Road Capital Improvement Plan Project and Supplemental Appropriation from General Fund Unassigned Fund Balance in an amount not to exceed \$17,674.28 *first reading and refer to public hearing*

Mayor McCarley said the Finance Committee met on November 10, 2020, and there is one action item which is the Salmon Falls Road Capital Improvement Project. She said this is more of a housekeeping item now that the project is complete.

Councilor Lachapelle **MOVED** to read the resolution for a first time and to refer the matter to a public hearing (December 15, 2020). Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote of 13 to 0. Councilors Belken, Gray, Hamann, Rice, Lauterborn, Hainey, Lachapelle, Hutchinson, Walker, Lachance, Abbott, Bogan, and Mayor McCarley voted in favor of the motion. Mayor McCarley read the resolution by title only as follows:

Resolution Authorizing the Change of Funding Sources and De-authorizing Previous Appropriations of the Department of Public Works EDA Salmon Falls Road Capital Improvement Plan Project and Supplemental Appropriation from General Fund Unassigned Fund Balance in an amount not to exceed \$17,674.28

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

- CIP FUND 1501 – Department of Public Works (Highway Division)

WHEREAS, by virtue of various resolutions adopted by the Mayor and City Council of the City of Rochester, the Mayor and City Council appropriated the sum of One Million One Thousand Five Hundred Dollars (\$1,001,500.00) to the Department of Public Works Capital Improvement Plan EDA Salmon Falls Road project # 13551 of the City of Rochester, all as more particularly set forth in Exhibit A annexed hereto; and

WHEREAS, the Mayor and City Council of the City of Rochester have determined that the best interests of the City are served by changing the funding sources for the EDA Salmon Falls Road project # 13551 referenced in Exhibit A.

NOW THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby change the funding sources for the EDA Salmon Falls Road project # 13551 referenced in Exhibit A.

FURTHER, the Mayor and City Council of the City of Rochester, hereby de-authorize the sum of Twenty Eight Thousand Nine Hundred Sixty Three and 33/100 Dollars (\$28,963.33) of previously appropriated funds from the EDA Salmon Falls Road project # 13551.

FURTHER STILL, in accordance with the provisions of RSA 33:9 and Section 45 of the Rochester City Charter, the Mayor and City Council of the City of Rochester, hereby withdraw borrowing authority in the amount of Thirty Four Thousand Three Hundred Twenty Four and 05/100 Dollars (\$34,324.05).

- WATER CIP FUND 5501 – Department of Public Works (Water Division)

WHEREAS, by virtue of various resolutions adopted by the Mayor and City Council of the City of Rochester, the Mayor and City Council appropriated the sum of One Million Eighty Thousand Two Hundred Dollars (\$1,080,200.00) to the Department of Public Works Water Fund 5501 Capital Improvement Plan EDA Salmon Falls Road project budgets of the City of Rochester, all as more particularly set forth in Exhibit A annexed hereto; and

WHEREAS, the Mayor and City Council of the City of Rochester have determined that the best interests of the City are served by changing the

funding sources for the EDA Salmon Falls Road project referenced in Exhibit A.

NOW THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby change the funding sources for the EDA Salmon Falls Road project referenced in Exhibit A.

FURTHER, the Mayor and City Council of the City of Rochester, hereby de-authorize the sum of One Hundred Nine Thousand Two Hundred Seventy Nine and 48/100 Dollars (\$109,279.48) of previously appropriated funds from the EDA Salmon Falls Road project # 13551.

FURTHER STILL, in accordance with the provisions of RSA 33:9 and Section 45 of the Rochester City Charter, the Mayor and City Council of the City of Rochester, hereby withdraw borrowing authority in the amount of Two Hundred Seven Thousand Five Hundred Seventy Seven and 53/100 Dollars (\$207,577.53).

- SEWER CIP FUND 5502 – Department of Public Works (Sewer Division)

WHEREAS, by virtue of various resolutions adopted by the Mayor and City Council of the City of Rochester, the Mayor and City Council appropriated the sum of Two Million Seven Hundred Eighty Five Thousand Five Hundred Dollars (\$2,785,500.00) to the Department of Public Works Sewer Fund 5502 Capital Improvement Plan EDA Salmon Falls Road projects # 13551 and # 18549 of the City of Rochester, all as more particularly set forth in Exhibit A annexed hereto; and

WHEREAS, the Mayor and City Council of the City of Rochester have determined that the best interests of the City are served by changing the funding sources for the EDA Salmon Falls Road projects referenced in Exhibit A.

NOW THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby change the funding sources for the EDA Salmon Falls Road projects referenced in Exhibit A. – *(See Addendum A)*

FURTHER, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby de-authorize \$16,181.96 of previously appropriated funds for the EDA Salmon Falls Road project #18549 and repurpose the Sewer Fund retained earnings funding source for said project to the EDA Salmon Falls Road project #13551.

FURTHER, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby de-authorize Nineteen Thousand Eight Hundred Two and 54/100 Dollars \$19,802.54 of previously appropriated funds for the EDA Salmon Falls Road project # 13551.

FURTHER STILL, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby authorize a supplemental appropriation in the amount of Seventeen Thousand Six Hundred Seventy Four and 28/100 Dollars (\$17,674.28) for the purpose of fully funding the completed EDA Salmon Falls Rd project # 13551. The funding for this supplemental appropriation shall be derived in its entirety from the General Fund unassigned fund balance.

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

10.5 Planning Board

Councilor Walker said that the Planning Board met and reviewed some sureties and continuances of projects; however, there is nothing specific to report on at this time.

Councilor Rice asked what the status is for the mural ordinance. Councilor Walker reported that the mural ordinance is in the process of being drafted by the legal department. He recalled that the next step would be to send the ordinance to a public hearing before it is sent over to the City Council.

10.6 Public Safety

10.6.1 Committee Recommendation: To have DPW order 3 new signs with revised parking time limits and work with Economic Development to place the signs on North Main Street and in the Union Street parking lot *consideration for approval*

Councilor Hamann said there is one action item that has been discussed over the last few months by both the Economic Development Department and the Safety Committee. He **MOVED** to **APPROVE** the Committee's recommendation to have DPW order three (3) new signs with revised parking time limits and work with the Economic Development Department to place the signs on North Main Street and in the Union Street Parking lot. Councilor

Walker seconded the motion. Councilor Hamann stated that the signs would stipulate a fifteen-minute parking allotment in order to allow for customers to park and retrieve their food pick-up orders quickly. Councilor Lachance supported the motion because it addresses the restaurant parking needs during this pandemic. The **MOTION CARRIED** by a unanimous roll call vote of 13 to 0. Councilors Lachapelle, Rice, Gray, Hailey, Abbott, Bogan, Hutchinson, Lachance, Hamann, Lauterborn, Walker, Belken, and Mayor McCarley voted in favor of the motion.

10.7 Public Works

10.7.1 Committee Recommendation: To support legislative efforts for the proper labeling and disposal of non-woven sanitary wipe products *consideration for approval*

Councilor Walker **MOVED** to approve the Committee's recommendation to support legislative efforts for the proper labeling and disposal of non-woven sanitary wipe products. Councilor Rice seconded the motion. Councilor Walker said the flushing of such wipes has become a real problem for the wastewater systems. Councilor Hailey asked if there is already a Legislative Service Request (LSR) for this effort. Peter Nourse, Commissioner of Public Works, replied that there is draft bill, which is co-authored by DES and the NH Water Pollution Control Association. He said the proposed law would require the manufactures of such products to include in their labels language to the effect that such products are not suitable for flushing. Councilor Hailey had reservations about voting on this effort without seeing the actual legislative language and to ensure that this bill does not get attached to another bill that the City Council may or may not agree with. Council discussed which types of sanitary wipes cause havoc with the wastewater systems. Mr. Nourse confirmed that most sanitary wipes cannot be accommodated by wastewater pump stations or treatment processes. This legislative effort only focuses on the non-woven wipes. The City Council discussed the matter. Councilor Lachapelle supported the legislation. Councilor Gray informed the City Council that there is a known pushback from the manufactures/distributers. Councilor Gray indicated that he could not support the legislation at this time and suggested that Mr. Nourse could contact the State Senator from District 4 David Watters about submitting the legislation because there is a deadline for submitting new bills.

Councilor Walker asked why woven wipes are not included in this legislative effort to prevent the flushing of such products. Mr. Nourse read directly from the proposed legislation and reiterated that there are many products that are not safe to flush; however, this legislative bill only address

the non-woven wipes, and it is worth supporting. Councilor Hainey said if the products are causing havoc with the City's wastewater systems, then by supporting the legislative effort, the City Council is saving taxpayer dollars. Mr. Nourse said it is a safety issue for employees to unclog such systems and it becomes very costly (at the taxpayer/ratepayer's expense). Councilor Rice spoke in favor of the motion and encouraged Senator Gray to support this important legislative issue, which if not supported could result in additional expenses to the taxpayers. The **MOTION CARRIED** by a 12-1 roll call vote. Councilors Hainey, Abbott, Belken, Hutchinson, Lachapelle, Walker, Bogan, Hamann, Rice, Lachance, Lauterborn, and Mayor McCarley voted in favor of the motion. Councilor Gray voted against the motion.

Mayor McCarley recalled that the Committee received an update on a change order for the New Public Works Faculty. She questioned if this change order was expected or not. Commissioner Nourse stated that there have been four change orders to date; however, they are withdrawing from the contingency fund for such expenditures, which is approximately 8% of the construction cost. He said there is about 82% remaining in the contingency fund at this time.

Councilor Lachapelle announced that the Codes and Ordinances Committee is scheduled to meet this Thursday, December 3, 2020 at 6:00 PM, remotely.

11. Old Business

11.1 Barker Resolution Authorizing a Supplemental Appropriation in the Amount of \$290,000.00 for the Purchase of 11 Barker Court *second reading and consideration for adoption*

Councilor Lachapelle **MOVED** to read the resolution for the second time by title only. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote of 10 to 3. Councilors Walker, Rice, Bogan, Lachapelle, Hamann, Hainey, Lauterborn, Abbott, Lachance, and Mayor McCarley voted in favor of the motion. Councilors Belken, Gray, and Hutchinson voted against the motion. Mayor McCarley read the resolution for a first time by title only as follows:

Resolution Authorizing a Supplemental Appropriation in the Amount of \$290,000.00 for the Purchase of 11 Barker Court

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

That the amount of Two Hundred Ninety Thousand Dollars (\$290,000.00) is hereby appropriated as a supplemental appropriation for the purpose of paying costs associated with the purchase of 11 Barker Court. The funding for this supplemental appropriation shall be derived in its entirety from the General Fund Unassigned Fund Balance.

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

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Walker seconded the motion. Councilor Rice asked if the cost remains at \$290,000 or if the City was able to negotiate a lower price. City Manager confirmed the price remains at \$290,000. The **MOTION CARRIED** by a 9 to 4 roll call vote. Councilors Abbott, Walker, Lachance, Hamann, Rice, Bogan, Hainey, Lauterborn, and Mayor McCarley voted in favor of the motion. Councilors Hutchinson, Belken, Gray, and Lachapelle voted against the motion.

11.2 Resolution Authorizing Supplemental Appropriation to the Department of Public Works (DPW) CIP Fund in the Amount of \$200,000 for the Milton Road/Amarosa Drive/Salmon Falls Road Intersection Improvement Project *first reading and refer to public hearing*

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

Resolution Authorizing Supplemental Appropriation to the Department of Public Works (DPW) CIP Fund in the Amount of \$200,000.00 for the Milton Road/Amarosa Drive/Salmon Falls Road Intersection Improvement Project

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

That the amount of Two Hundred Thousand Dollars (\$200,000.00) is hereby appropriated as a supplemental appropriation to the DPW CIP Fund for the

purpose of paying costs associated with the Milton Road/Amarosa Drive/Salmon Falls Road Intersection Improvement Project. The funding for this supplemental appropriation shall be derived in its entirety from the General Fund Unassigned Fund Balance.

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

Councilor Lachapelle **MOVED** to **ADOPT** the Resolution. Councilor Walker seconded the motion. The **MOTION CARRIED** by a roll call vote of 13 to 0. Councilors Bogan, Abbott, Belken, Hutchinson, Lachapelle, Gray Walker, Rice, Hamann, Hailey, Lachance, Lauterborn, 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 Fund 1501 Project Funding For Various Projects in the Amount of \$254,985.92 and Deauthorization of Bond Authority *first reading and consideration for adoption*

Councilor Walker **MOVED** to read the resolution for a first time by title only. Councilor Walker seconded the motion. The **MOTION CARRIED** by an 12 to 1 roll call vote. Councilors Hutchinson, Walker, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Hailey, Abbott, Gray, Rice, and Mayor McCarley voting in favor of the motion. Councilor Lachance voted against the motion. Mayor McCarley read the resolution for the first time by title only as follows:

Resolution Deauthorizing Department of Public Works (DPW) CIP Fund 1501 Project Funding For Various Projects in the Amount of \$254,985.92 and Deauthorization of Bond Authority

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

That Two Hundred Fifty Four Thousand Nine Hundred Eighty Five and 92/100 Dollars (\$254,985.92) of previously appropriated funds is deauthorized from the DPW CIP Fund 1501 for the 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 Two Hundred Twelve Thousand One Hundred Fifty Seven and 70/100 Dollars (\$212,157.70).

Further, the amount of Forty Two Thousand Eight Hundred Twenty Eight and 22/100 Dollars (\$42,828.22) in cash funding shall be returned to the General Fund Unassigned Fund balance.

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

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

13.2 Resolution Authorizing a Supplemental Appropriation in the Amount of \$270,000.00 for the Purchase of 8 Amarosa Drive and 0 Milton Road *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 to be held on December 15, 2020. Councilor Walker seconded the motion. The **MOTION CARRIED** by a 9 to 4 roll call vote. Councilors Rice, Walker, Lachapelle, Hamann, Hainey, Abbott, Gray, Bogan, and Mayor McCarley voted in favor of the motion. Councilors Belken, Lauterborn, Hutchinson, and Lachance voted against the motion.

Resolution Authorizing a Supplemental Appropriation in the Amount of \$270,000.00 for the Purchase of 8 Amarosa Drive and 0 Milton Road

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

That the amount of Two Hundred Seventy Thousand Dollars (\$270,000.00) is hereby appropriated as a supplemental appropriation for the purpose of paying costs associated with the purchase of 8 Amarosa Drive and 0 Milton Road. The funding for this supplemental appropriation shall be derived in its entirety from the General Fund Unassigned Fund Balance.

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

13.3 Resolution Authorizing the Renumbering of 4 Jessica Drive to 6 Jessica Drive in Compliance with E911 Standards *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. Councilor Lachance asked for clarification on the renumbering of Jessica Drive. It was determined that 4 Jessica Drive would now be known as 6 Jessica Drive, because there is a new lot being developed at what is currently known as 4 Jessica Drive.

Councilor Lachance questioned if the first reading and adoption could take place all at one time. Mayor McCarley said the City Council has not opted to take that approach yet; however, the City Council could take that approach on the next motion. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Hainey, Lauterborn, Hutchinson, Rice, Walker, Gray, Bogan, Abbott, Lachapelle, Hamann, Belken, Lachance, and Mayor McCarley voted in favor of the motion. Mayor McCarley read the resolution for a first time by title only as follows.

Resolution Authorizing the Renumbering of 4 Jessica Drive to 6 Jessica Drive in Compliance with E911 Standards

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

That pursuant to RSA 231:133, RSA 231:133-a, and consistent with the State of New Hampshire's E911 standards, the City Council hereby authorizes the renumbering of 4 Jessica Drive to 6 Jessica Drive.

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

voted in favor of the motion. Mayor McCarley read the resolution for a first time by title only as follows.

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

13.4 Resolution Authorizing the Acceptance of a \$10,896.00 Highway Safety Grant by the Rochester Police Department (RPD) and Supplemental Appropriation in Connection Therewith *first reading and consideration for adoption*

Councilor Walker **MOVED** to read the resolution for a first time by title only and to **ADOPT** the resolution. Councilor Walker seconded the motion.

Councilor Lauterborn questioned the process of adopting the resolution at the same time as the first reading. She said typically the first reading triggers the time to open up the discuss on the resolution. Mayor McCarley recalled that the discussion could still take place under the adoption portion of the motion. Councilor Lachance questioned what this money would be used for and if any of the funding would be utilized for a DWI Checkpoint. Chief Toussaint replied that none of the funding would be utilized for DWI Checkpoints. Chief Toussaint indicated that the City of Rochester does not currently conduct DWI Checkpoints at all.

Councilor Gray wished to make a motion to separate out the adoption portion of the motion. Mayor McCarley stated that rather than separate out another motion, she would simply ask the Councilors to withdraw their original motions. Councilor Lachapelle **WITHDREW** his motion to read the resolution by title only and adopt the resolution. Councilor Walker **WITHDREW** his second to that motion.

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

Resolution Authorizing the Acceptance of a \$10,896.00 Highway Safety Grant by the Rochester Police Department (RPD) and Supplemental Appropriation in Connection Therewith

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

That a Ten Thousand Eight Hundred Ninety Six Dollar (\$10,896.00) Highway Safety Grant is hereby accepted by the City on behalf of the RPD.

Further, the City Council authorizes a supplemental appropriation to the RPD operating budget in the amount of Ten Thousand Eight Hundred Ninety Six Dollar (\$10,896.00) with the entirety of the supplemental appropriation being derived from said Grant. The Grant requires a Two Thousand Seven Hundred Twenty Four Dollar (\$2,724.00) local match which will be met through in-kind enforcement activities conducted by police officers as part of their daily job functions.

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

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

14. Other

Councilor Lachance wished to clarify the Rules of Order in terms of the requirements of a first and second reading. City Attorney O'Rourke clarified that the City Council amended its Rules of Order to eliminate the unnecessary step of two readings on the same evening. Each resolution must be read for a first time and then it can proceed as follows:

- Refer to a public hearing
- Refer to a Committee
- Motion to Adopt

Attorney O'Rourke said that the only time a second reading is required is when the resolution is sent back to the City Council under Old Business. Mayor McCarley thanked the City Attorney for the clarification and Councilor Gray for pointing out the correction.

Mayor McCarley informed the City Council that the new Water and Sewer Rates, which were adopted by the City Council this past May, would be going into effect as of January 1, 2021. Mayor McCarley asked if there were any concerns about the effective date of January 1, 2021. Mayor McCarley indicated that there have not been reports of increased cases of requests for service to the Welfare Department, which the Director has been tracking carefully. No other discussion took place.

15. Non - Public

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

Councilor Lauterborn **MOVED** at 7:29 PM to enter into non-public session under RSA 91-A:3, II (d), Land. Councilor Walker seconded the motion. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Lachapelle, Rice, Gray, Hainey, Abbott, Bogan, Hutchinson, Lachance, Hamann, Lauterborn, Walker, Belken, and Mayor McCarley all voted in favor of the motion.

Councilor Lachance **MOVED** to exit the non-public session at 8:11 PM. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a roll call vote of 13 to 0. Councilor Rice, Walker, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Hainey, Abbott, Gray, Hutchinson, Lachance, and Mayor McCarley voted in favor of the motion.

Councilor Lauterborn **MOVED** to seal the minutes of the non-public session as disclosure would render the proposed action ineffective. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a 12 to 0 roll call vote. Councilors Walker, Rice, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Hainey, Abbott, Gray, and Mayor McCarley voted in favor of the motion. Councilors Hutchinson and Lachance voted against the motion.

16. Adjournment

Mayor McCarley **ADJOURNED** the Regular City Council meeting at 8:14 PM.

Respectfully Submitted,

Kelly Walters, CMC
City Clerk

EXHIBIT A

CIP FUND 1501 PROJECTS READY FOR DE-AUTHORIZATION

| Account Number | Project Name | Revised Budget | Expended | Deauthorize | | Total De-authorization | To Be Bonded | Comment |
|-----------------------|----------------------------------|----------------|---------------|--------------|---------------|------------------------|--------------|--|
| | | | | Cash | Bond | | | |
| 15013010-771000-20533 | Portland St Roadway/underdrain | \$ 220,000.00 | \$ 59,247.30 | \$ | \$ 160,752.70 | \$ 160,752.70 | \$ 59,247.30 | Project completed under budgeted amount |
| 15011090-772000-17551 | Community Center, Fac Reno | \$ 100,000.00 | \$ 68,356.00 | \$ | \$ 180.00 | \$ 180.00 | \$ - | Org appropriation was borrowing, funding source change to fund balance for expended amount. Left this \$180 as funding bond funding source |
| 15011090-772000-20509 | Gonic Fire Kitchen Reno/drainage | \$ 40,000.00 | \$ 28,299.78 | \$ 11,700.22 | \$ | \$ 11,700.22 | \$ | Completed Cash Project |
| 15011090-772000-20510 | Gonic Pool improvements | \$ 50,000.00 | \$ 34,898.00 | \$ 15,102.00 | \$ | \$ 15,102.00 | \$ | Completed Cash Project |
| 15011090-772000-20511 | N.Main St Cemetary Fence | \$ 20,000.00 | \$ 11,794.00 | \$ 8,206.00 | \$ | \$ 8,206.00 | \$ | Completed Cash Project |
| 15011090-772000-20512 | Commons Playground | \$ 220,000.00 | \$ 209,424.00 | \$ | \$ 10,576.00 | \$ 10,576.00 | \$ - | APR 2020 Bond |
| 15011090-772000-20513 | Hanson Pines Playground | \$ 250,000.00 | \$ 209,351.00 | \$ | \$ 40,649.00 | \$ 40,649.00 | \$ | APR 2020 Bond |
| 15011090-772000-20565 | AC Recreation Office | \$ 35,000.00 | \$ 27,180.00 | \$ 7,820.00 | \$ | \$ 7,820.00 | \$ | Completed Cash Project |
| | | | | | | \$ - | \$ - | |
| | | | | \$ 42,828.22 | \$ 212,157.70 | \$ 254,985.92 | \$ 59,247.30 | |

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City Clerk's Office

**City Council Special Meeting
December 15, 2020
Council Chambers and
Remotely via Microsoft Teams
6:41 PM**

COUNCILORS PRESENT

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

OTHERS PRESENT

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

Minutes

1. Call to Order

Mayor McCarley called the special meeting to order at 6:41 PM. She had read the following preamble prior to the Public Hearing immediately preceding the special meeting:

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

during this emergency. As such, this meeting will be conducted without a quorum of this body physically present in the same location.

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

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

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

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

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

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

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

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

Deputy City Clerk Cassie Givara had taken the roll call prior to the public hearing. The following Councilors were connecting remotely and indicated that they were alone in the location from which they were connecting: Councilors Abbott, Belken, Bogan, Gray, Hailey, Hamann, Hutchinson, Lachance, Lachapelle, Lauterborn, Rice, Walker and Mayor McCarley.

2. Resolution to Amend the Community Development Block Grant (CDBG) Funds for Fiscal Year 2021 *second reading and consideration for adoption*

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

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

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

WHEREAS, the City of Rochester has received additional Community Development Block Grant (CDBG) funds through the Coronavirus Aid, Relief, and Economic Security (CARES) Act;

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

THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this resolution, hereby adopt the allocation of One Hundred Forty Six Thousand Five Hundred Seventy Six Dollars (\$146,576.00) for activities related to the CARES Act CDBG grant: Three Thousand Dollars (\$3,000.00) for COAST/Alliance for Community Transportation, Five Thousand Dollars (\$5,000.00) for Community Partners, Five Thousand Dollars (\$5,000.00) for

the Homeless Center for Strafford County, Ten Thousand Dollars (\$10,000.00) for the Rochester Opera House, Five Thousand Dollars (\$5,000.00) for Strafford Nutrition Meals on Wheels, Seven Thousand Dollars (\$7,000.00) for New Generation, One Thousand Five Hundred Dollars (\$1,500.00) for Court Appointed Special Advocates of New Hampshire, Twenty Five Thousand Dollars (\$25,000.00) for My Friend's Place, Six Thousand Dollars (\$6,000.00) for MY TURN, Nineteen Thousand Seventy Six Dollars (\$19,076.00) for Easter Seals, Forty Thousand Dollars (\$40,000.00) for the Community Action Partnership of Strafford County, and Twenty Thousand Dollars (\$20,000.00) for HAVEN.

FURTHER, that the funds necessary to fund the above appropriation shall be drawn in their entirety from the above-mentioned CARES Act CDBG grant funds that the City of Rochester has received from the federal government.

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

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Walker seconded the motion. The **MOTION CARRIED** by a 12 - 1 with Councilors Rice, Walker, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Hailey, Abbott, Gray, Hutchinson, and Mayor McCarley voting in favor. Councilor Lachance voted in opposition.

3. Resolution Authorizing the Rochester Police Department (RPD) to accept a \$25,634.00 United States Department of Justice (USDOJ) Justice Assistance Grant (JAG) *first reading and consideration for adoption*

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

Resolution Authorizing the Rochester Police Department (RPD) to accept a \$25,634.00 United States Department of Justice (USDOJ) Justice Assistance Grant (JAG)

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

That the RPD is hereby authorized to accept a Twenty Five Thousand Six Hundred Thirty Four Dollar (\$25,634.00) USDOJ JAG Grant which the Council had previously authorized the RPD to apply for.

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

4. Adjournment

Mayor McCarley **ADJOURNED** the Special Meeting at 6:48 PM.

Respectfully Submitted,

Cassie Givara
Deputy City Clerk

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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
www.RochesterNH.net

**CITY MANAGER'S REPORT
 December 2020**

Contracts and documents executed since last month:

- **Department of Public Works**
 - Proposal for selective harvesting of Hanson Pines **P. 41**
 - Letter of Intent & Exclusivity Agreement – Revision Energy, Inc. **P. 43**
 - Construction Estimate – SUR, Residuals Flowmeter manhole **P. 45**
- **Economic Development**
 - CDBG Environmental Reviews – CAP Weatherization full heating system replacement **P. 46**
 - CDBG Environmental Reviews – CAP Weatherization replacement of cracked heat exchanger and window **P. 47**
 - CDBG – CAP Weatherization replacement of a heating system & window **P. 48**
 - CDBG certifications - CDBG allocation of Round 3 CARES Act funds **P. 49**
 - CDBG FY 2021-CV Round 3 Contract – HAVEN **P. 50**
 - CDBG Environmental Review – CAP Weatherization retrofit, insulation, air sealing, and heating system replacement **P. 51**
 - CDBG FY2021 -CV Round 3 Contracts – Community Action Partnership of Strafford County, Rochester Opera House, MY TURN, Easter Seals, COAST, My Friend’s Place **P. 52**
 - CDBG revised grant agreement & CARES Act CDBG grant agreement **P. 53**
 - CDBG Environmental Reviews – CAP Weatherization insulation of a manufactured home **P. 54**
- **Police Department**
 - Justice Assistance Grant authorization **P. 55**
 - JAG Grant – Interlocal agreement **P. 57**
 - Wrecker Services rotation **P. 58**

The following standard reports have been enclosed:

- Monthly Overnight Travel Summary - none
- Permission & Permits Issued -none
- Personnel Action Report Summary **P. 59**

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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

Fax (603) 335-4352

www.rochesternh.net

INTEROFFICE MEMORANDUM

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

FROM: Peter C. Nourse, Director of City Services *Peter C. Nourse*

DATE: December 15, 2020

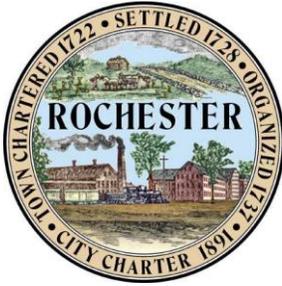
SUBJECT: **Hanson Pines Forestry Services**

CC: Chris Bowlen, Director of Recreation

Attached please find a proposal from Moreno Forestry to perform selective harvesting of Hanson Pines. This is an approved FY21 OM project **11090050-543000** with a \$20K budget. Purpose of project is to improve the health of the Pines by selectively harvesting pine and non-pine species that have a detrimental effect on the health of the 30 acre community-owned pine forest.

Moreno is uniquely qualified to perform this work since he is the forester with the best knowledge of the forest. He established the Forest Management Plan in 2014 for the City (see attached). Moreno also conducted the previous harvesting in the late 1980's.

Moreno's approach as a licensed forester will be to oversee harvesting operations to be done by others. Moreno estimates his fee at \$5,300, NTE \$6,000. He will solicit bids from qualified logging companies. He cannot guarantee any fees of such companies however he indicates that overall project budget at \$20K should be sufficient for their fees and his combined. Logger fees cannot be determined until the forest is examined by logging companies under his direction. Fees (and credits) depend on the condition of the trees. Sometimes the value of harvested trees cover all, more or a portion of the logging services.



City of Rochester, New Hampshire

PUBLIC WORKS DEPARTMENT

45 Old Dover Road • Rochester, NH 03867

(603) 332-4096

Fax (603) 335-4352

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We intend to issue a purchase order for Moreno, and a separate order for the selected logging company. Proceeds will be from the established project account line.

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

Signature _____

Katie Ambrose

Deputy City Manager/Director of Finance & Administration

Attachments:

1. Charles Moreno Forestry:
Cover Letter and Proposal dated 12/7/20
2. Forest Management Plan for Hanson Pines; Moreno Forestry 5/7/14
(cover only)



City of Rochester, New Hampshire

PUBLIC WORKS DEPARTMENT

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INTEROFFICE MEMORANDUM

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

FROM: Peter C. Nourse, Director of City Services

THRU: Terence O'Rourke, City Attorney

DATE: December 17, 2020

SUBJECT: Letter of Intent and Exclusivity Agreement: Revision Energy, Inc.

CC:

Attached please find one (1) original copy of the Letter of Intent (LOI) and Exclusivity Agreement from Revision Energy, Inc.

This document has been reviewed by me, Mark Sullivan of Finance Department and the City Attorney. It was also reviewed by Chuck Willing of Rath, Young and Pignatelli.

City Council authorized the City Manager to initiate investigations into the feasibility of solar farm options on 10 November 2020. This LOI will allow Revision Energy to initiate research into the feasibility of siting a solar farm on City property off of Pickering Rd., tax map lot 263-64.

As seen in the attached LOI, there are many elements to this feasibility project including an initial interconnection application with Eversource, preliminary engineering and a system interconnection study (SIS). This SIS is a large investment of Revision's resources however, before it is initiated, an initial SIS is conducted for a value of about \$4K. The initial SIS will indicate whether the project is feasible for the City. Negative results of the initial SIS would be a logical break point to terminate the project and the City's exposure would be limited to the initial SIS and other nominal fees. The approach will be to minimize City exposure by terminating at soonest.



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

We still await to see if legislation and action by the Governor will raise the current cap on solar farms from 1 megawatt to 5 megawatts for municipalities. If the legislation does not come to bear, feasibility study under this LOI may indicate benefit from a farm at or under the 1 megawatt limit. Additionally, Revision will examine the potential of a farm to provide behind-the-meter power to the Wastewater Treatment Facility vs. exporting the power back to the grid as originally intended.

Requested is the City Manager's signature.

Katie, should you have any questions I am at your service.

Attachments: Letter of Intent and Exclusivity Agreement, Revision Energy, Inc.



City of Rochester, New Hampshire
PUBLIC WORKS DEPARTMENT
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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: December 28, 2020

SUBJECT: SUR Construction
Residuals Flowmeter Manhole
\$64,135.20

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

Attached please find (1) one copy of the SUR Construction Co, estimate / scope for signature. This work is to furnish and install a flowmeter manhole at the WWTF on the water treatment residuals line. The pricing for this project is per bid pricing in Bid #21-23 "Equipment Rental and Construction Services". The pricing in the bid document is good through 12-31-2022.

The funds will come from the CIP Fund set up for this work in the following account:

55016010-772000-19530 = \$64,135.20

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

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

Date: December 7, 2020

To: Blaine Cox
City Manager

From: Julian Long
Community Development Coordinator/Grants Manager

Re: FY 2021 CDBG Environmental Reviews – CAP Weatherization

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

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

Date: December 7, 2020

To: Blaine Cox
City Manager

From: Julian Long
Community Development Coordinator/Grants Manager

Re: FY 2021 CDBG Environmental Reviews – CAP Weatherization

Please see attached the completed FY 2021 Community Development Block Grant (CDBG) environmental review for the replacement of a cracked heat exchanger and window in a manufactured home located in the eastern region of the city, under the Community Action Partnership of Strafford County's weatherization program (CAP weatherization program). The City Council approved funding to the CAP weatherization program at the May 5, 2020 City Council meeting.

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

Date: December 10, 2020

To: Blaine Cox
City Manager

From: Julian Long
Community Development Coordinator/Grants Manager

Re: FY 2021 CDBG Environmental Reviews – CAP Weatherization

Please see attached the completed FY 2021 Community Development Block Grant (CDBG) environmental review for the replacement of a heating system and bay window 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: December 16, 2020

To: Blaine Cox
City Manager

From: Julian Long
Community Development Coordinator/Grants Manager

Re: FY 2021 CDBG CARES Act Round 3 Funds

Please see attached the SF-424 forms and CDBG certifications for the CDBG allocation of Round 3 CARES Act funds. This allocation was approved by the City Council at the December 15, 2020 City Council special meeting, and these forms are required by the U.S. Department of Housing and Urban Development to be submitted with the CARES Act proposed allocation for HUD approval. 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: December 22, 2020

To: Blaine Cox
City Manager

From: Julian Long
Community Development Coordinator/Grants Manager

Re: FY 2021 CDBG-CV Round 3 Contract – HAVEN

Please see attached the signed FY 2021 Community Development Block Grant (CDBG) CARES Act Round 3 funding contract between the City of Rochester and HAVEN. City Council approved CARES Act CDBG funding for this activity at the December 15, 2020 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: December 23, 2020

To: Blaine Cox
City Manager

From: Julian Long
Community Development Coordinator/Grants Manager

Re: FY 2021 CDBG Environmental Reviews – CAP Weatherization

Please see attached the completed FY 2021 Community Development Block Grant (CDBG) environmental review for the weatherization retrofit, insulation, air sealing, and heating system replacement in a manufactured home located in Briar Ridge Estates, 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: December 23, 2020

To: Blaine Cox
City Manager

From: Julian Long
Community Development Coordinator/Grants Manager

Re: FY 2021 CDBG-CV Round 3 Contracts – Community Action Partnership of
Strafford County, Rochester Opera House, MY TURN, Easter Seals,
COAST, My Friend's Place

Please see attached the signed FY 2021 Community Development Block Grant (CDBG) CARES Act Round 3 funding contracts between the City of Rochester and Community Action Partnership of Strafford County, Rochester Opera House, MY TURN, Easter Seals, COAST, and My Friend's Place. City Council approved CARES Act CDBG funding for these activities at the December 15, 2020 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: December 28, 2020

To: Blaine Cox
City Manager

From: Julian Long
Community Development Coordinator/Grants Manager

Re: FY 2021 CDBG Annual Action Plan and CARES Act Grant Agreement

Please see attached the FY 2021 CDBG revised grant agreement and the CARES Act CDBG grant agreement. Funding allocations were approved by the City Council at the May 5, 2020 and December 15, 2020 City Council meetings. Both grant agreements require the signature of the City Manager as the City of Rochester authority. Please sign in the boxes directly next to Mr. Shumeyko's signature and not in box #12. The agreements may be signed electronically.

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

Date: December 29, 2020

To: Blaine Cox
City Manager

From: Julian Long
Community Development Coordinator/Grants Manager

Re: FY 2021 CDBG Environmental Reviews – CAP Weatherization

Please see attached the completed FY 2021 Community Development Block Grant (CDBG) environmental review for the insulation of a manufactured home located in Gonic, 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.



PAUL R. TOUSSAINT
Chief of Police

ROCHESTER POLICE DEPARTMENT

23 WAKEFIELD STREET
ROCHESTER NH, 03867-1933

BUSINESS (603) 330-7127
FAX (603) 330-7159
www.rochesterpd.org

"Dedication, Pride, Integrity"

12/31/2020

POLICE COMMISSION

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



December 16, 2020

TO: Blaine Cox
City Manager

FROM: Paul R. Toussaint
Chief of Police

RE: Justice Assistance Grant

Dear Mr. Cox:

The Police Department applied for Edward Byrne Memorial Justice Assistance Grant (JAG) funding for 2020.

In order for us to accept the grant, the City Manager, as authorized grantee official needs to sign the certifications and insurances document on behalf of the City.

I am asking for your signature on this document in order for us to formally accept the grant award from the JAG office. The award amount is \$25,634.00.

Thank you for your consideration. Please let me know if you need further from me in this regard.

Sincerely Yours,

Paul R. Toussaint
Chief of Police

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

12/31/2020

Edward Byrne Justice Assistance Grant Program FY 2020 Local Solicitation
Certifications and Assurances by the Chief Executive of the Applicant Government

On behalf of the applicant unit of local government named below, in support of that locality's application for an award under the FY 2020 Edward Byrne Justice Assistance Grant ("JAG") Program, and further to 34 U.S.C. § 10153(a), I certify to the Office of Justice Programs ("OJP"), U.S. Department of Justice ("USDOJ"), that all of the following are true and correct:

1. I am the chief executive of the applicant unit of local government named below, and I have the authority to make the following representations on my own behalf as chief executive and on behalf of the applicant unit of local government. I understand that these representations will be relied upon as material in any OJP decision to make an award, under the application described above, to the applicant unit of local government.
2. I certify that no federal funds made available by the award (if any) that OJP makes based on the application described above will be used to supplant local funds, but will be used to increase the amounts of such funds that would, in the absence of federal funds, be made available for law enforcement activities.
3. I assure that the application described above (and any amendment to that application) was submitted for review to the governing body of the unit of local government (e.g., city council or county commission), or to an organization designated by that governing body, not less than 30 days before the date of this certification.
4. I assure that, before the date of this certification— (a) the application described above (and any amendment to that application) was made public; and (b) an opportunity to comment on that application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable law or established procedure made such an opportunity available.
5. I assure that, for each fiscal year of the award (if any) that OJP makes based on the application described above, the applicant unit of local government will maintain and report such data, records, and information (programmatic and financial), as OJP may reasonably require.
6. I have carefully reviewed 34 U.S.C. § 10153(a)(5), and, with respect to the programs to be funded by the award (if any), I hereby make the certification required by section 10153(a)(5), as to each of the items specified therein.

DocuSigned by:
Blaine Cox
B4F9B7BC7D0C4EB...

12/16/2020

Signature of Chief Executive of the Applicant Unit of Local Government
Blaine Cox

Date of Certification

City Manager
Title of Chief Executive

Printed Name of Chief Executive

Police Department

Name of Applicant Unit of Local Government

12/31/2020

ROCHESTER POLICE DEPARTMENT

POLICE COMMISSION



23 WAKEFIELD STREET
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Chairman
DAVID R. STEVENS
Vice Chairman
LISA M. STANLEY
Commissioner

PAUL R. TOUSSAINT
Chief of Police

December 21, 2020



TO: Blaine Cox
City Manager

FROM: Paul R. Toussaint
Chief of Police

RE: 2020 Justice Assistance Grant

Dear Blaine:

There are a couple of additional documents that we need to complete in order to be in compliance with the 2020 Justice Assistance grant that was awarded to the City. Specifically the Interlocal agreement has to be signed by the County Chair and the Sheriff, as well as you.

Thank you for your consideration. Please let me know if you need further from me in this regard.

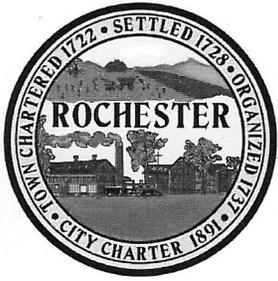
Sincerely Yours,

Paul R. Toussaint

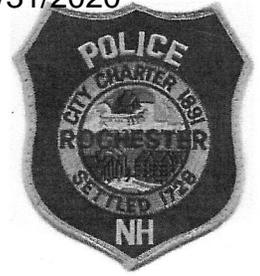
Paul R. Toussaint
Chief of Police

cc: File

12/31/2020



City of Rochester, New Hampshire
23 Wakefield Street . Rochester, NH 03867
603-330-7128
www.rochesterpd.org



INTEROFFICE MEMORANDUM

TO: BLAINE COX, CITY MANAGER
FROM: GARY BOUDREAU, DEPUTY CHIEF
DATE: 12/14/2020
SUBJECT: Wrecker Services
CC:

Blaine – It is time to renew the wrecker services contracts per City Ordinance Article 8, Chapter 254.

We received six applications for the six available slots in the rotation. All of the applicants have been on the list, either currently or recent past.

- Dave's Tri-City Towing LLC
- Doug's Towing
- Eddie B Towing & Recovery LLC
- Matt Scott's Auto Center, LLC
- Rochester Tire and Automotive, Inc.
- Rochester Truck Towing Service, Inc.

All applicants are in compliance with the ordinance requirements and we recommend proceeding with the agreements.

Attached please find the agreements that require your signature. Please return the originals to us so we may obtain the signatures of the services.

Thank You

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City Clerk's Office

12/31/2020

From: sueleecl <sueleecl@yahoo.com>
Sent: Tuesday, December 8, 2020 2:06 PM
To: Kelly Walters
Subject: [External] DeLemus Resignation

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.
To the Rochester NH Zoning Board of Adjustment,

It is with regret that I write to inform the Members of the Rochester NH Zoning Board of Adjustment that due to conflicts in scheduling for tomorrow's ZBA Meeting and probably future scheduling conflicts, I have decided to step down from the Board. It has been an honor and a pleasure to serve with you all and I am grateful for the experience.

Please accept this letter of resignation this 8th day of December, in the year of 2020.

Respectfully Yours,
Hon. Susan DeLemus

57 Dustin Homestead
Rochester, NH 03867
603 834 1949
sueleecl@yahoo.com

Sent from Samsung Galaxy smartphone.

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

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
Paul Toussaint, Police Chief
Gary Boudreau, Deputy Police Chief
Chris Bowlen, Director Recreation & Arena

CODES AND ORDINANCES COMMITTEE

Of the Rochester City Council

Thursday, December 3, 2020

31 Wakefield Street, Rochester, NH

Meeting conducted remotely

6:00 PM

Minutes

1. Call to Order

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

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

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

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

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

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

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

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

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

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

2. Public Input

There was no public input received for this meeting.

3. Acceptance of the Minutes

3.1 October 1, 2020 *motion to approve*

Councilor Lauterborn **MOVED** to **ACCEPT** the minutes of the October 1, 2020 Codes & Ordinances meeting. Councilor Hainey seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Hainey, Rice, Lauterborn, and Lachapelle voting in favor.

4. Code of Ordinances Review

4.1 Police Department

4.1.1 Chapter 28 – Animals

City Attorney O'Rourke summarized the following suggested amendments (see attached, Addendum A). He clarified that the change in wording for 28.1 regarding salary was changed because the position of Animal Control officer is now a union position. He clarified the suggested changes to wording to reflect that the Animal Control officer is not a full-time certified police officer and will not be making arrests, as well as the addition of the word "domestic" to reflect that the ACO does not pick up deceased animals which are not domesticated.

Councilor Rice asked if the word "domestic" would be defined within the ordinance. Attorney O'Rourke state that the state RSA on animals already defines what is considered a domestic animal. Deputy Chief Boudreau stated that the ACO normally picks up deceased dogs and cats, while larger animals such as deer and moose or wildlife like raccoons will be picked up by the Department of Public works.

Councilor Lauterborn **MOVED** to recommend to the full City Council the suggested amendments to chapter 28. Councilor Rice seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Hainey, Rice, Lauterborn, and Lachapelle voting in favor.

4.1.2 Chapter 149 – Nuisances (*Addendum B*)

Attorney O'Rourke directed the committee to section 149-2 (B) with the addition of verbiage allowing law enforcement personnel to use sound/public address systems, which are prohibited for all others without the proper permitting. Councilor Rice questioned the \$2 fee for obtaining such a permit. Attorney O'Rourke stated that the fee had been in place for quite some time, and discussion on changing or eliminating fees would be done at the Council level. He stated that the Committee could make a recommendation to eliminate the fee. Councilor Lachapelle suggested leaving the fee in place and reviewing all the fees within the ordinances at a later date. Councilor Rice inquired if there was an annual review of all City fees. Attorney O'Rourke answered that there is not currently an annual review, but there is discussion on developing a fee schedule in the future.

Councilor Lauterborn **MOVED** to recommend the amendments suggested by staff in Chapter 149 (Nuisances) to full Council. Councilor Rice seconded the motion. Councilor Rice **AMENDED** the motion to accept City staff changes to chapter 149 and remove the \$2 fee for the permits in chapter 149-2 (B). Councilor Hainey seconded the amended motion. The **MOTION CARRIED** to amend the motion by a unanimous roll call vote with Councilors Rice, Lachapelle, Hainey, and Councilor Lauterborn voting in favor. The amended **MOTION CARRIED** to accept the suggested changes and remove the \$2 permit fee by a unanimous roll call vote with Councilors Lauterborn, Lachapelle, Rice, and Hainey all voting in favor.

4.1.3 Chapter 167 – Peace and Good Order (*Addendum C*)

Attorney O'Rourke summarized the suggested changes to Chapter 167. The entirety of Article 1 was struck out to reflect current practice and remove outdated terminology.

Councilor Rice **MOVED** to send to full Council the suggested amendments to Chapter 167 (Peace and Good Order). Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Lauterborn, Hainey, Lachapelle, and Rice all voting in favor.

4.1.4 Chapter 254 – Vehicles and Traffic (*Addendum D*)

Attorney O'Rourke directed the Committee to chapter 254-7(b). He summarized the suggested amendments which simplify the wording indicating where skateboarding and rollerblading are prohibited within the City.

Deputy Chief Boudreau explained the changes to chapter 254-12 regarding vehicle weight and stated that the adjusted numbers reflect larger vehicle sizes which could be in residential areas.

Councilor Hainey asked if skateboarding on City sidewalks is an issue and, if so, whether the police officers responding to the incidents educate those responsible on the appropriate locations for these activities. Chief Toussaint reported that the police department does not have many problems with rollerblades, but deal more with issues with bike riders and skateboarders on sidewalks. He stated that this is primarily an issue in the downtown area, and that the police department's primary goal is to educate and get voluntary compliance.

Attorney O'Rourke directed the committee to chapter 254-27 regarding unattended vehicles; the added verbiage is to modernize the ordinance to reflect current technology.

Councilor Rice referenced 254-31 regarding the Columbus Avenue permit parking. He inquired how many permits the City currently has issued for this lot and what the hours are for this lot. Deputy Chief Boudreau stated he did not have the number at hand, but recalled that there were a certain amount of spots within the lot which were used for Service Credit Union employees.

Attorney O'Rourke directed the committee to section 254-59 in regards to contracted towing services used by the City. There has been verbiage added to clarify the process taken when the contracted service does not meet the qualifications and requirements. Councilor Rice read the portion of the amendment which states that the City licensing board can make the final determination in these matters. He asked if there would be an appeal process for the towing services. Councilor Lachapelle referenced a taxi service in Rochester which had their license revoked by the licensing board and had then come to the City Council for an appeal. There was a discussion on the potential difference between the appeal process listed within the ordinance and how such an appeal would happen in current practice. Councilor Rice suggested there needed to be clarification on the process within the ordinance. Chief Toussaint clarified that the passage in question in the ordinance is essentially allowing the police department to discontinue a contract with a particular service; however, this would not disallow the company from operating elsewhere within the City.

Councilor Lauterborn **MOVED** to recommend the amendments to chapter 254 (vehicles and traffic) to the full City Council. Councilor Hainey seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Hainey, Rice, Lachapelle, and Lauterborn all voting in favor.

4.2 Recreation & Arena

4.2.1 Chapter 158 – Parks, Recreation & Arena (*Addendum E*)

Attorney O'Rourke stated that originally, Recreation and Arena had been referred to as two separate entities. They have since been combined within the ordinances, and although other chapters were updated to reflect this change, this chapter was not. Director Chris Bowlen suggested changing the title to "Recreation and Arena and Parks" to bring the terminology into current use.

Attorney O'Rourke referred to Chapter 158-1 in reference to Permits. The terminology has been updated to reflect that these permits are obtained through View Permit which is the City's permitting software. There are also updates throughout this subsection to indicate that parks and facilities are all operated by the single entity of Recreation and Arena as opposed to separate departments. Councilor Lauterborn inquired if View Permit is the only way to obtain these permits for use of Recreation & Arena properties. Director Bowlen explained the permitting process and said that it can be done on paper as well. It was acknowledged that the suggested change makes it seem like View Permit is the only option. Councilor Hainey questioned the use of the name of the software program within the ordinances, which could be problematic if the City changes vendors down the road. Attorney O'Rourke said that this change was to show that the director of recreation and arena no longer issues permits on his own as in the past, but rather the permits are put into an approval process and queue through the relevant departments using this software. He suggested that the references to the software could be changed to "the City's online permitting portal." Chief Toussaint clarified that View Permit is the internal process which is used by City staff, but the applications could be done on paper. The Committee recommended changing the wording to "the City's permitting process."

Councilor Rice asked if department statistics can be obtained from View Permit for the monthly department reports. Director Bowlen indicated that the program was relatively new to his department, however they can use it to generate statistics of facility use.

Attorney O'Rourke referred to subsection H under Chapter 158-2, which has been struck out in its entirety; this passage is already included in the City's water & sewer ordinances and is redundant in this chapter. He reviewed the suggested changes to subsection J in relation to alcohol consumption on City property with the addition of verbiage to include illegal drug usage. Under subsection K in regards to smoking, a strikeout was made to remove the passage indicating a waiver could be given for smoking on particular City properties. Attorney O'Rourke also pointed out the references in the section to "city council" which had been changed to "city manager" to reflect current practice.

Attorney O'Rourke summarized the remaining changes to the chapter which are to reflect current practice and bring the terminology current. Section 158-5 (e) regarding school truancy was struck out in its entirety due to outdated references and the responsibilities covered within the section being handled by the police department as opposed to the recreation and arena.

Councilor Rice referenced the fee schedule within the ordinance and asked if the Director advises the Recreation & Arena Advisory commission. Director Bowlen confirmed that he does advise this commission on fees, although it does go to the City Manager for a final review and

decision. Councilor Rice asked about the prohibition of dogs on the Rochester Common and whether or not there was a dog park in the City. It was confirmed that there is a dog park on Taylor Avenue.

Councilor Lauterborn **MOVED** to recommend the amendments to chapter 158 (Parks, Recreation & Arena) to the full City Council. Councilor Rice seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Rice, Lachapelle, Hailey and Lauterborn all voting in favor.

5. Other

Councilor Lachapelle reported that the next meeting will be held on Thursday, January 7th and 6:00 PM. He stated that the next department ordinances to be reviewed are Planning and Department of Public Works. He asked for an update on the outdoor dining ordinance. Attorney O'Rourke said there is a meeting with staff scheduled for the following week in regards to outdoor dining, and they can give an update at the January meeting.

6. Adjournment

Councilor Lachapelle **ADJOURNED** the Codes & Ordinances Committee meeting at 6:54 PM.

Respectfully Submitted,

Cassie Givara
Deputy City Clerk

Deletions are show as ~~strike throughs~~ and Additions are in **red**

Chapter 28

Animals

[HISTORY: Adopted by the City of Rochester 6-6-1995 as § 28.3 and Ch. 29 of the 1995 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Parks, recreation and Arena — See Ch. 158.

§ 28-1 Animal Control Officer. [Amended 8-5-1997]

The Animal Control Officer shall be appointed by the City Manager in accordance with the provisions of Section 15 of the Rochester City Charter. The Animal Control Officer shall be sworn in by the Chief of Police as the Animal Control Officer. ~~The Animal Control Officer's salary shall be established by the Merit Plan adopted pursuant to Section 60 of the Rochester City Charter.~~

§ 28-2 Powers and duties of Animal Control Officer. [Amended 11-9-2004]

The Animal Control Officer shall attend to all complaints pertaining to dogs and other animals, shall investigate and report on all damage caused by dogs and other animals, shall enforce the licensing laws, and shall enforce all other statutes which are violations, ordinances, and regulations pertaining to dogs and other animals. The Animal Control Officer shall pick up and dispose of ~~all~~ dead **domestic** animals found upon public property. The Animal Control Officer shall have the power to issue complaints. ~~and make arrests in the performance of the Animal Control Officer's duties.~~

§ 28-3 Dogs running at large.

- A. No person shall permit any dog to run at large within the City of Rochester, except when such dog is engaged in hunting, herding, supervised competition and exhibition or training for such. This section shall apply to all public places and to all private property. Except as provided for herein, no person shall permit any dog to be out of doors off the owner's property unless said dog is on a leash held by a person able to control the dog.
- B. For the purposes of this section, the term "running at large" shall mean running without the property owned or otherwise controlled by the owner, while not on a leash held by a person able to control the dog.

§ 28-4 Nuisances. [Added 4-5-2011]

- A. This section and any penalties established herein are adopted and/or imposed pursuant to the authority granted in RSA 466:39 and 47:17, II and XV.
- B. Under this section, an animal is considered to be a nuisance if: **[Amended 10-1-2019]**
- (1) Any animal or bird causes noise for sustained periods of time more than 15 minutes, or during the night

Commented [1]: Note: For state statutes relative to control of dogs, see RSA 466, all provisions of which have been adopted by the City of Rochester, effective November 1980.

hours so as to disturb the peace and quiet of a neighborhood or area, not including a dog which is guarding, working, or herding livestock, as defined in RSA 21:34-a, II(a)(4).

- C. A person who is the owner, keeper, or person in control of an animal found to be a nuisance by reason of conduct contrary to the provisions of Subsection **B** above, and who fails to comply with an order to abate the nuisance caused by such animal, shall be guilty of a violation of this section and, after conviction, such person shall be subject to such penalties as are provided for in this chapter. **[Amended 3-5-2019]**

§ 28-5 Removal of dog excrement.
[Amended 3-5-2019]

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

§ 28-6 Violations and penalties.
[Added 3-5-2019]

Unless otherwise provided, any person who violates any provision of this chapter shall be punished by a fine of not more than fifty dollars (\$50.)

Deletions are show as ~~strike throughs~~ and Additions are in red

Chapter 149

Nuisances

[HISTORY: Adopted by the City of Rochester 6-6-1995 as §§ 28.1, 28.2 and 28.4 of the 1995 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Adult-oriented establishments — See Ch. 11.

Animals — See Ch. 28.

Building construction and property maintenance — See Ch. 40.

Health and sanitation — See Ch. 94.

Fires and fire safety — See Ch. 75.

Peace and good order — See Ch. 167.

Solid waste — See Ch. 210.

§ 149-1 **Burning of refuse and garbage.**

The use of outdoor portable incinerators, drums, barrels or other containers for the burning of trash, garbage, or refuse is hereby prohibited within the limits of the City of Rochester. This section shall not be construed, nor is it intended, to exclude the use of outdoor fireplaces or portable charcoal cooking devices designed and used for cooking purposes.

§ 149-2 **Noise; use of public address system.**

- A. No person, partnership, association, or corporation shall use or operate or cause to be used or operated any mechanical device, machine, apparatus, or instrument for the reproduction, intensification or amplification of the human voice, music, or any sound or noise from any public or private place in such manner that the peace and good order of the neighborhood is disturbed or that persons owning, using or occupying property in the neighborhood are disturbed or annoyed.
- B. No person shall operate any sound or public address system upon the streets, lanes, alleys or sidewalks of the City without first securing a permit for the same from the Chief of Police. Such permit shall state the time, place, nature of the material to be broadcast, and such other details as the Chief of Police shall determine. The fee for such permit shall be two dollars (\$2.). **This section shall not apply to law enforcement officers in performance of their duties.**

§ 149-3 **Violations and penalties.**

Any person, partnership, association or corporation violating any of the provisions of this chapter shall be fined not more than one hundred dollars (\$100.) for each offense unless herein otherwise provided. (For state statute relative to prevention and removal of nuisances, see RSA 147.)

Deletions are show as ~~strikethroughs~~ and Additions are in red

Chapter 167

Peace and Good Order

[HISTORY: Adopted by the City of Rochester 6-6-1995 as Ch. 24 of the 1995 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Adult-oriented establishments — See Ch. 11.

Alarm systems — See Ch. 16.

Amusements and entertainment — See Ch. 22.

Animals — See Ch. 28.

Nuisances — See Ch. 149.

Article I

Observances of Sundays

[Amended 2-7-2006]

~~§ 167-1 Activities permissible on Sunday.~~

~~It shall be lawful on Sunday to engage in play, games, sports, and exhibitions of physical skill, provided that peace and quiet are not unreasonably disturbed thereby. The City Council may regulate the time, manner and areas of such play, games and sports, to the end that no unreasonable disturbance of peace and quiet shall be caused thereby.~~

~~§ 167-2 License required.~~

~~No such play, game or sport shall be held without a license therefor from the City Licensing Board, if required.~~

~~§ 167-3 Motion pictures, lectures, concerts and theatricals.~~

~~It shall be lawful on Sunday to conduct motion pictures, lectures, concerts, theatricals and vaudeville performances, provided that no unreasonable disturbance of peace and quiet is caused thereby. The City Council may make regulations controlling such entertainments as do not now require to be licensed, to the end that nothing in this section shall be construed to permit without license any such entertainment now requiring a license.~~

~~§ 167-4 Retail establishments.~~

~~It shall be lawful on Sunday for any retail establishment to be open for business provided that no unreasonable disturbance of peace and quiet is caused thereby.~~

Article II

Miscellaneous Police Regulations

§ 167-5 Damaging streetlights.

No person shall willfully or mischievously injure in any way any lamppost or streetlight, and no person, except the authorized agents of the lighting company, the City Manager, Chief of Police, Fire Chief, and the

persons acting under their authority, shall in any way interfere with any of said lights.

§ 167-6 Games and loitering on City parking lots.

No person, without the permission of the City Manager, shall throw, cast, catch, kick, play with, or strike any game ball whatsoever or engage in any sport, game or competition on any City-owned or -controlled parking lot, nor shall any person loiter in any City-owned or -controlled parking lot.

§ 167-7 Disturbing funeral processions.

No person shall willfully interrupt, interfere with, or in any way disturb a funeral assembly or procession.

§ 167-8 False alarms and tampering with fire alarm apparatus.

No person shall pull a false alarm, break a fire alarm key box glass or chain, or otherwise tamper with any fire alarm appurtenance or disfigure a fire alarm pole.

§ 167-9 Possession or consumption of liquor on City property.

A. No person shall consume any liquor or beverage or possess any open container thereof as defined by RSA 175:1 within the limits of any public land or public building owned or under the control of the City of Rochester except with the written permission of the City Manager, nor shall any person consume any liquor or beverage or possess any open container thereof on any public street, highway, sidewalk, or municipal parking lot within the limits of the City of Rochester.

B. For state statute relative to alcoholic beverages, see RSA 176:11.

§ 167-10 Consumption of liquor on private property.

No person shall consume any liquor or beverage as defined by RSA 175:1 within the limits of any privately owned land or within the common area of any privately owned building without the permission of any owner or person in control thereof.

§ 167-11 Loitering on school property and Hanson Pines Recreation Area.

No person shall loiter on school property or the Hanson Pines Recreation Area before, during, or after school hours. For purposes of this section and other related sections of this Code, "loitering" shall be as defined in RSA 644:6 as presently enacted or amended in the future.

§ 167-12 Violations and penalties.

Any person, partnership, association or corporation violating any of the provisions of this article shall be fined not more than one hundred dollars (\$100.) for each offense unless herein otherwise provided.

Article III Use of Air Rifles

§ 167-13 Use in compact part of City.

No person shall, within the compact part of the City of Rochester, fire or discharge an air rifle/pistol. The compact part of the City shall be that part of the City zoned other than agricultural.

§ 167-14 Violations and penalties.

Any person violating any provision of this article shall be punished by a fine not to exceed one hundred dollars (\$100.).

Article IV Overnight Parking or Camping on City-Owned Property

[Added 3-6-2018 (Ch. 45 of the 1995 Code)]

§ 167-15 Authority.

In accordance with and under the authority of New Hampshire Revised Statutes Annotated 41:11, 41:11-a and 47:17, the City Council of the City of Rochester hereby adopts the following ordinance for the regulation of overnight parking or camping on all City-owned property.

§ 167-16 Purpose.

This purpose of this article is to protect the public peace, preserve public law and order, promote safety and welfare and ensure proper and decent conduct for the residents of the City of Rochester and the general public in the use of City-owned properties.

§ 167-17 Acts prohibited.

From and after the effective date of this article it shall be unlawful for any person to camp, or to park, with occupancy by one or more persons, any vehicle or recreational vehicle, either overnight or for any two-hour period between dusk and dawn, on any City-owned lands within the City of Rochester.

§ 167-18 Definitions.

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

CAMP

Includes pitching a tent, placing or erecting any other camping device, or sleeping in or on the City-owned property.

CITY-OWNED PROPERTY

All properties owned by the City of Rochester.

RECREATIONAL VEHICLE

Any vehicle fitting the definition in RSA 216-I:1, VIII.

§ 167-19 Exceptions.

Restrictions in this article shall not apply:

- A. When permission has been granted by the Chief of Police or designee for official or emergency purposes.
- B. When permission has been granted by the City Manager or Chief of Police in conjunction with a performance at the Rochester Opera House or with a written special event permit.

§ 167-20 Responsibility.

All violations of parking restrictions and charges accompanied therewith shall be deemed the responsibility of the registered owner of said vehicle. Such registrations may be proven as set forth in RSA 261:60. Said registered owner shall be conclusively presumed to be in control of the vehicle at the time of the parking violation, and no evidence of actual control or culpability needs to be proven as an element of the offense in accordance with RSA 231:132-a.

§ 167-21 Removal of vehicle.

Any vehicle parked in violation of this article may be ordered towed by the Rochester Police Department at the expense of the owner or custodian of said vehicle.

§ 167-22 Violations and penalties.

- A. Any person who violates this article shall be guilty of a violation and shall be fined one hundred dollars (\$100.).

- B. Any duly appointed police officer for the City of Rochester may enforce this article by utilizing any process authorized by state law, including but not limited to a local ordinance citation pursuant to RSA 31:39-d and Chapter 54, Citations, of the City of Rochester Code.
- C. All penalties collected for violations of this article shall be for the use of the City and deposited into the City's general fund.

§ 167-23 Severability.

The provisions of this article are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or parts of this article.

Article V Drop-off Bins

[Added 10-1-2019]

§ 167-24 Definitions.

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

CODE OFFICIAL

The Director of Building, Zoning, and Licensing Services, the Code Compliance Officer or any duly authorized representative who is charged with the administration and enforcement of this chapter.

DROP-OFF BIN

Any receptacle or container located outside of an enclosed building and designed, intended or used for collection and temporary storage of donated items or materials, including, but not limited to, clothing, shoes, books, toys, furniture, household materials and other like items. Drop-off bins are also known as donation collection bins/boxes, charity bins/boxes, clothing bins/boxes, clothing donation containers, or any combination thereof.

OWNER

A person, association, corporation, partnership, or other legal entity having a legal or equitable title in real property.

PREMISES

A lot, plot or parcel of land, including any structures thereon.

STRUCTURE

That which is built or constructed or a portion thereof.

§ 167-25 Licenses and permits requirements.

Whether for the owner of the premises or the person who has obtained the written permission of the owner, the fee to obtain the initial license to own, install, operate, or use a drop-off bin is twenty-five dollars (\$25.), which must be tendered at the time of license application. Such license may be annually renewed on or before the anniversary date of the application for an annual renewal fee of twenty-five dollars (\$25.). Regardless of the number of drop-off bins owned, installed, operated, or used by a license applicant, the applicant shall only pay one annual license fee. The initial permit fee for a drop-off bin is ten dollars (\$10.)

per bin, payable at the time of application for the license. The annual renewal fee for each drop-off bin permit is ten dollars (\$10.), payable on or before the anniversary date of the initial application. Each drop-off bin shall display its current permit at all times.

§ 167-26 Company type and bin labels.

To best inform the public and potential donors, bins shall be labeled according to company type as follows:

- A. Shall have a label or appended sign that states "PLEASE REPORT ANY OVERFLOW OF ITEMS, DAMAGE, OR MALFUNCTION TO [PERMIT HOLDER'S NAME] AT [PERMIT HOLDER'S TELEPHONE NUMBER] OR TO THE DIRECTOR OF BUILDING, ZONING, AND LICENSING SERVICES AT [TELEPHONE NUMBER DESIGNATED BY DIRECTOR]." Such label or appended sign shall be in lettering no less than three inches in height and no less than one-half inch in width; and
- B. If none of the proceeds from the sale of the items collected in the drop-off bin will be given to a "charitable organization," as that term is defined in RSA 72:23-1, there shall be a label or sign permanently attached to the drop-off bin which identifies the permit holder's name and address and states: "DONATIONS ARE NOT FOR CHARITABLE PURPOSES AND WILL BE SOLD FOR PROFIT. DONATIONS ARE NOT TAX DEDUCTIBLE." Said label or appended sign shall be prominently displayed on the receptacle in the largest lettering on the receptacle or appended sign, but said lettering shall be no less than three inches in height and no less than one-half inch in width; or
- C. If 100% of the items, or the proceeds from the sale of the items, collected in the drop-off bin will be used for the benefit of a "charitable organization," as that term is defined in RSA 72:23-1, there shall be a label or sign permanently attached to the drop-off bin that identifies, at least, the legal name of the charitable organization receiving the benefit of the donated items, as it appears on the certificate of registration issued to the charitable organization by the New Hampshire Attorney General's Charitable Trust Unit in the largest lettering on the drop-off bin or appended sign, but said lettering shall be no less than three inches in height and no less than one-half inch in width; or
- D. If a professional solicitor owns, installs, operates, or uses a drop-off bin pursuant to a contractual arrangement with a charitable organization whereby the professional solicitor receives either a flat fee or a percentage of the proceeds from the sale of the donated items, have a label or sign permanently attached to the drop-off bin which states: "SOLICITATIONS FOR DONATIONS ARE MADE BY (NAME OF PROFESSIONAL SOLICITOR) ON BEHALF OF (NAME OF CHARITABLE ORGANIZATION). DONATIONS WILL BE SOLD FOR PROFIT BY (NAME OF PROFESSIONAL SOLICITOR)." Said label or appended sign shall be prominently displayed on the donation drop-off bin in the largest lettering thereon, but said lettering shall be no less than three inches in height and not less than one-half inch in width; and
- E. Shall be placed only on premises commercially used by an established business or on church property, and drop-off bins shall not be permitted in any Residential Zone or in the Downtown Commercial Zone.

§ 167-27 Application requirements: company licenses and bin permits.

Any party seeking to obtain the requisite license to operate drop-off bins and permits for each drop-off bin shall submit a written application to the Director of BZLS upon a form provided by the Director. The application shall require the following information:

- A. The name, physical address (no PO boxes), telephone number, and electronic mail address of the

applicant; and

- B. A photograph of the drop-off bin and the proposed location for which a permit is sought. If the application is for more than one location, the applicant may submit a single application with a list of preferred locations and only one photograph of the type of drop-off bin to be used unless different types of bins will be used at different locations. In the event the applicant is using different types of bins at different locations, a photograph of each type of bin must be submitted; and
- C. Whether the applicant would prefer to receive notice and orders by regular mail or electronic mail; and
- D. The signature of the applicant; and
- E. The required license and permit fees; and
- F. If placed on property not owned or leased by the operator of the drop-off bin, a written agreement with the owner of each premises where a bin is to be located which evidences the agreement of the owner(s) to the placement of a drop-off bin on the property. The applicant shall also provide a certificate of liability insurance in an amount not less than \$500,000 showing each owner of the premises where a bin is located as an additional insured; and
- G. A maintenance agreement on the form provided from the Director wherein the applicant affirms that each drop-off bin location will be monitored on a daily basis, emptied no less than twice every calendar week, except in the event of a declared weather emergency by the National Weather Service or other natural disaster, and no overflow of items from the bin shall remain on the ground for more than 24 hours after actual or constructive notice of said overflow.
- H. The information supplied pursuant to this section shall be used for all notices, correspondence, or communications from the Director.
- I. Currently operated drop-off bins do not enjoy grandfathered status and must comply with all the requirements of this article.

§ 167-28 Bin placement.

- A. Drop-off bin(s) shall be located on a hard and durable surface such as asphalt, concrete, aggregate, crushed rock and the like, and all ingress and egress from each bin shall also be of a similar surface. In no event shall the placement of a drop-off bin or any means of ingress or egress be composed of sod, dirt, sand, or similar porous material. All drop-off bins shall be located on the designated premises so as not to interfere with sight triangles, on-site circulation of vehicular or pedestrian traffic, required setbacks, parking, landscaping, and all other applicable requirements imposed on the property as part of any governmental approval, including any zoning requirement;
- B. The placement of drop-off bins shall be restricted to an area within 75 feet from any wall of the largest permanent building on the premises or against a well-lit exterior wall of such building;
- C. A drop-off bin shall not be within a 1,000-foot radius of any other drop-off bin operated by the same licensee;
- D. Drop-off bins shall not be larger than six feet high by six feet wide by five feet deep;

- E. Drop-off bins shall be enclosed and operate by use of a securely locked receiving door so that the contents of the bin may not be accessed by anyone other than those persons authorized by the licensee to collect the contents.

§ 167-29 Bin maintenance.

- A. The drop-off bin must be regularly emptied, no less than twice every calendar week, to prevent overflow of clothing or other items that may be strewn about the premises. No overflow of items from a bin shall remain on the ground for more than 24 hours after actual or constructive notice of said overflow;
- B. Any person found illegally dumping at a drop-off bin shall be guilty of a misdemeanor pursuant to RSA 163-B:3 and will be subject to the penalties set forth in RSA 163-B:4.
- C. Any graffiti placed on the drop-off bin must be removed within 72 hours following notice of its existence. However, within the 72 hours, the owner has the option to notify the Director in writing of the owner's intent to replace the drop-off bin within five days and along with said written notice submits a photograph of the new drop-off bin.
- D. If a drop-off bin is damaged to the extent the locking mechanism or receiving door has been compromised or one of its sides has been breached, it shall be repaired, replaced or removed within five days of receipt after notice of such damage from the Director unless the Director determines the damage is such that the drop-off bin constitutes a danger to persons or property, in which case it shall be made safe or removed within 24 hours of notice of said condition.

§ 167-30 Violations.

Any violation of the provisions of this article or any order of the Director or the Code Compliance Officer related thereto are subject to citation and the civil penalties set forth in RSA 47:17 and Code § 54-3.

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Chapter 254 Vehicles and Traffic

[HISTORY: Adopted by the City of Rochester 6-6-1995 as Ch. 60 to Ch. 66 of the 1995 Code.
Amendments noted where applicable.]

Article I Definitions

§ 254-1 Definitions.

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

ABANDONED VEHICLE

For the purposes of this chapter only, an abandoned vehicle is one that is parked in violation of any provisions of this chapter for a period of time greater than 24 hours.

CROSSWALK

- A. That portion of the roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections.
- B. Any portion of the roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.

DISTRICTS

- A. **BUSINESS DISTRICT**The territory contiguous to a highway when 50% or more of the frontage thereon for a distance of 300 feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business.
- B. **URBAN RESIDENCE DISTRICT**The territory contiguous to a highway not comprising a business district when the frontage on such highway for a distance of 300 feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business.
- C. **RURAL RESIDENCE DISTRICT**The territory contiguous to a highway not comprising a business or urban residence district when the frontage on such highway for a distance of 1/2 mile or more is mainly occupied by dwellings or by dwellings and buildings in use for business on any one side.

FIRE LANE

The portion of a traveled way established on private property devoted to public use, where the parking of motor vehicles or other obstructions may interfere with the ingress and egress of Fire Department or other emergency vehicles for the protection of persons and property, such as at shopping centers, bowling lanes, theaters, hospitals, churches and similar locations.

INTERSECTION

The area bounded by the prolongation of the lateral curblines or the lateral boundary lines of two highways.

OFFICIAL TIME

Time designated herein shall be standard or daylight, whichever shall be in force.

PERSON, DRIVER and PEDESTRIAN

- A. **PERSON** Every natural person, firm, partnership, association or corporation.
- B. **DRIVER** Every person who drives or is in physical control of a vehicle.
- C. **PEDESTRIAN** A person on foot.

POLICE OFFICER

An officer of the Municipal Police Department or any person authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

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

RAILROADS

- A. **RAILROAD** A carrier of persons or property upon cars operated upon stationary rails.
- B. **RAILROAD TRAIN** A steam engine, electric, diesel or other motor, with or without cars coupled thereto, operated upon rails.

RIGHT-OF-WAY

The privilege of the immediate use of the road.

SAFETY ZONE

The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

TRAFFIC

Pedestrians, draft animals, cattle, sheep, goats, vehicles and other conveyances while using the street for the purpose of travel.

TRAFFIC CONTROL DEVICES

- A. All signs, signals, markings and devices not inconsistent with these regulations erected pursuant to competent authority for the purpose of regulating, warning or guiding traffic.
- B. Traffic signals, mechanically or electrically operated, by which traffic is alternatively directed to stop and proceed, erected pursuant to competent authority.

TRAFFIC MOVEMENTS

- A. **STOP** When required, means complete cessation of movement.

- B. **STOP or STOPPING**When prohibited, means any stopping of a vehicle except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control sign or signal.
- C. **STANDING**Any stopped vehicle, whether occupied or not.
- D. **PARK**The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.
- E. **TURN**— The turning of a vehicle from its original direction to the opposite direction; the turning from one side of the street to the other for the purpose of parking.
- F. **YIELD RIGHT-OF-WAY**When required, means slowing down, stopping if necessary, to allow vehicles using the street being approached to have the right-of-way.

TRAVELED WAYS

- A. **STREET or HIGHWAY**The entire width between boundary lines of every way or place of whatever nature used by the members of the public for the purpose of vehicular traffic.
- B. **PRIVATE ROAD or DRIVEWAY**Every way or place in private ownership and used for vehicular traffic by the owner and those having express or implied permission from the owner.
- C. **ROADWAY**That portion of the street improved, designed or ordinarily used for vehicular traffic.
- D. **CURB**The lateral boundaries of that portion of the street improved, designed or ordinarily used for vehicular travel whether defined by a curbstone or not.
- E. **SIDEWALK**That portion of the street between the curblines and adjacent property lines intended for pedestrian use.
- F. **ALLEY**A public, narrow passage or way between buildings within the compact area of the City.
- G. **PARKING LOT**Every parking area in public or private ownership used for parking of motor vehicles by the owner and those having express or implied permission from the owner.

VEHICLES

- A. **VEHICLE**Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.
- B. **MOTOR VEHICLE**Every vehicle that is self-propelled.
- C. **AUTHORIZED EMERGENCY VEHICLES**Fire and Police Department vehicles and such other vehicles as are designated as such by the Director of the Division of Motor Vehicles or the City Council of Rochester, New Hampshire.

WEEKDAY

For the purposes of Article III only, weekday shall mean Monday, Tuesday, Wednesday, Thursday, Friday and Saturday.

Article II
Operation of Motor Vehicles

§ 254-2 One-way streets.

Vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

§ 254-3 Driving through and passing processions.

No driver of a vehicle shall drive between the vehicles comprising a funeral or other procession in motion or pass any such procession unless so directed by a person in charge of said procession or a police officer.

§ 254-4 Funeral or other processions.

- A. A funeral composed of a procession of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant of a type approved by the Chief of Police.
- B. Each driver in a funeral or other procession shall drive as near to the right-hand side of the roadway as practical and follow the vehicle ahead as close as is practical and safe.
- C. No person shall willfully interrupt, interfere, or in any way disturb a funeral assembly or procession.

§ 254-5 U-turn prohibited on designated streets.

The driver of a vehicle shall not make a U-turn upon any street when a sign is posted indicating no U-turn is allowed and shall not make a U-turn on any other street unless such movement can be made in safety and without interfering with other traffic.

§ 254-6 Limitations on backing and movement from parked position.

- A. The driver of a vehicle shall not back the same into an intersection.
- B. The driver of a vehicle shall not back over a crosswalk except where such crosswalk is immediately adjacent to authorized parking areas and then only when such movement can be made in safety and without interfering with pedestrian traffic.

§ 254-7 Use of bicycles, roller blades, roller skates and skateboards.

- A. All bicycles shall be ridden in accordance with the New Hampshire Revised Statutes Annotated.
- B. Roller blades, roller skates, and skateboards are prohibited on **all City-owned** sidewalks, ~~parks, and parking lots of the main downtown area and the central business districts of Gonic and East Rochester.~~
~~The Chief of Police shall establish and publish the boundaries of each such central business district.~~

§ 254-8 Unnecessary noise.

No person shall operate any vehicle on any traveled way so as to make any loud, unusual or other unnecessary noise as hereinafter defined.

§ 254-9 Misuse of power.

No person shall operate any vehicle on any traveled way so as to misuse the power of that vehicle as hereinafter defined.

§ 254-10 Definitions.

The words "loud, unusual, or other unnecessary noise" or "misuse of power" whenever used in this article shall include any noise or misuse of power occasioned by any one or more of the following actions of the operator of any vehicle:

- A. Misuse of power: exceeding tire traction limits in acceleration, sometimes known as "laying down rubber," "peeling rubber" or "fishtailing";
- B. Misuse of braking power exceeding tire traction limits in deceleration where there is no emergency;
- C. Rapid acceleration by means of quick shifting of transmission gears with either a clutch and manual transmission or automatic transmission;
- D. Rapid deceleration by means of quick downshifting of transmission gears with either a clutch and manual transmission or automatic transmission;
- E. Racing of engines by manipulation of the accelerator, gas pedal, carburetor, or gear selector, whether the vehicle is either in motion or standing still; or
- F. The blowing of any horn except as a warning signal or the use of any siren or any other noise-making device, whether the vehicle is either in motion or standing still; provided, however, that the use of a siren or other device on an emergency vehicle shall not be construed as a violation of this chapter.

§ 254-11 Motor vehicles on park, recreation area and school property.

The use of all motor vehicles, including but not limited to motorcycles and off-road vehicles, is prohibited on City parks, recreation areas, and all school property except for designated parking lots unless special permission has been granted by the City Manager for organized activities.

**§ 254-12 Commercial vehicle and truck travel restricted.
[Amended 4-7-1998]**

When signs are erected giving notice thereof, including any applicable vehicle weight limitations and/or restrictions upon any classification of vehicles recognized by the State and/or Federal Department of Transportation or Interstate Commerce Commission, streets or parts of streets shall be restricted to vehicles complying with such vehicular weight limitations and/or restrictions; provided, however, that if signs are erected restricting a street, or part thereof, with a sign stating merely "No Through Truck Traffic," or similar designation, without further elaboration, then such street, or part of such street, shall be restricted to pleasure vehicles only with a gross vehicle weight under ~~6,000~~ 10,000 pounds. All commercial vehicles, including but not limited to trucks, failing to comply with such vehicular weight limitations or restrictions are expressly prohibited from using such streets. These restrictions shall not apply to vehicles making deliveries to residences or businesses on said streets, to City-owned vehicles, or to drivers traveling to their own residences on said street. Drivers traveling to their own residences shall not park said vehicles on any portion of the City street or right-of-way.

**Article III
Stopping, Standing and Parking**

§ 254-13 Parking prohibited in certain places.

No person shall park any vehicle upon a street or alley in such a manner or under such conditions as to leave available less than 12 feet of the width of the roadway for free movement of vehicular traffic.

§ 254-14 Winter all-night parking prohibited.
[Amended 12-6-2005]

- A. Between November 1 and May 1 no person shall park any vehicle in any municipal parking lot or on any public street when a snow emergency has been declared by the City of Rochester Commissioner of Public Works or his/her designee. In declaring a snow emergency, the City shall notify the local media and use other means that may be appropriate to alert the public not less than six hours prior to such emergency taking effect. When called, such emergency shall remain in force until such time as declared by the Commissioner or his/her designee.
- B. The Police Chief, after consultation with the Commissioner of Public Works, may grant specific exceptions to Subsection A above in designated areas of any municipal parking lot or on any particular public street when a snow emergency has been declared.

§ 254-15 City-owned parking lots.
[Amended 12-6-2005]

There shall be free parking in marked areas in all City-owned parking lots. Any vehicle left for a period of 24 hours or more shall be towed to a public garage for storage at the owner's risk and expense. It shall be unlawful to park or leave standing any motor vehicle in an unmarked area of any municipal parking lot for any purpose except loading or unloading.

§ 254-16 Parking prohibited during certain hours in designated places.

When signs are erected giving notice thereof, no person shall park a vehicle between the hours designated thereon, on any day, upon any street so marked by signs.

§ 254-17 Parking time limited in designated places.

- A. When signs are erected giving notice thereof, no person shall park a vehicle for longer than the time stated on such signs.
- B. The application of time restrictions as described in the foregoing subsection shall mean that no driver of a vehicle shall be permitted to park within any one limited area for more than the time allowed in that area, on any one day, whether such time is used in a single period of parking or accumulated in two or more periods.
- C. Exception. The Chief of Police may permit plumbers, electricians or other contractors to park or leave standing vehicles in front of buildings for a longer period of time than is provided for in this chapter provided it is essential for the work being carried on in said building.

§ 254-18 Bus and taxicab stands.

- A. The driver of a bus or taxicab shall not park upon any street at any place other than a bus stop or taxicab stand, respectively, for the purpose of inviting or soliciting business or while in the act of inviting or soliciting business.
- B. No person shall park a vehicle other than a bus in a bus stand, or other than a taxicab in a taxicab stand, when such stand has been officially designated.

§ 254-19 Unlawful parking.

No person shall park a vehicle upon any roadway for the principal purpose of:

- A. Displaying it for sale.
- B. Washing, greasing, or repairing such vehicle except repairs of an emergency nature.

§ 254-20 Using vehicles for primary purpose of advertising.

No person shall park on any street a vehicle for the primary purpose of advertising, except upon written permit from the Chief of Police.

§ 254-21 Emergency restrictions on parking.

The Chief of Police may restrict or prohibit parking or travel on any public street whenever the ordinary uses of the same become hazardous because of snow accumulation, existence of some emergency condition, or to facilitate the removal of snow or other hazards. Said restriction or prohibition shall be effective when suitable signs have been erected at intervals of not more than 100 feet.

§ 254-22 Fire lanes.

When signs are erected and the road surface is clearly marked giving notice thereof, no person shall park a vehicle at any time upon any way marked as a fire lane.

§ 254-23 Loading zones.

The Chief of Police may establish loading and unloading zones which shall be marked by appropriate signs. It shall be unlawful for the owner of any vehicle or any person having custody of any vehicle to park said vehicle or permit the same to be parked in any zone designated as a loading zone unless actually engaged in loading or unloading.

§ 254-24 Parking within lines.

All parking of motor vehicles upon City streets or parking lots shall be within the marks placed upon the streets which indicate the place and manner for parking.

§ 254-25 Stopping, standing or parking prohibited in specified places.

Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person, except a person driving an emergency vehicle, shall:

- A. Stop, stand or park a vehicle:
 - (1) On a roadway side of any vehicle stopped or parked at the edge or curb of a street.
 - (2) On a sidewalk.
 - (3) Within an intersection.
 - (4) On a crosswalk.
 - (5) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.
 - (6) Upon any bridge or other elevated structure upon a way or within a highway tunnel.
 - (7) On any railroad tracks.
 - (8) At any place where official signs prohibit stopping.

- (9) In any parking place, whether on public or private property, specially designated for a person with a walking disability by means of a sign as required by RSA 265:73-a stating that the space is reserved for a person with a walking disability or displaying the international accessibility symbol, unless that person has special number plates, decals, or a card issued pursuant to RSA 261:86, 261:87, or 261:88, or a similar license plate, decal, or card issued by another state or country displaying the international accessibility symbol and the person who qualifies for the plate, decal, or card is being transported to or from the parking place.
- (10) On any controlled access highway.
- (11) In the area between roadways of a divided highway, including crossovers.
- B. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
- (1) In front of a public or private driveway.
 - (2) Within 15 feet of a fire hydrant.
 - (3) Within 30 feet upon the approach to any flashing signal, stop sign, or traffic control signal located at the side of a roadway.
 - (4) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance when properly signposted.
 - (5) At any place where official signs prohibit standing.
- C. Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:
- (1) At any place where official signs prohibit parking. No person shall move a vehicle not lawfully under his/her control into any such prohibited area or away from a curb such a distance as is unlawful.

§ 254-26 Stopping, standing or parking outside business or residence districts.

- A. Upon any way outside of a business or residence district no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or main traveled part of the way when it is practicable to stop, park or leave such vehicle off such part of said way, but in every event an unobstructed width of the way opposite a standing vehicle shall be left for the free passage of other vehicles and clear view of such stopped vehicles shall be available from a distance of 200 feet in each direction upon such way.
- B. This section shall not apply to the driver of any vehicle which is disabled while on the paved or main traveled portion of a way in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.

§ 254-27 Unattended vehicle.

No person driving or in charge of a vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key, and effectively setting the brake thereon and, when standing

upon any grade, turning the front wheels to the curb of the way. **Unless a vehicle has been started by remote control car starter, the doors shall remain locked until the operator is at the vehicle.**

§ 254-28 Additional parking regulations.

- A. Except as otherwise provided in this section, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to the right-hand curb, or, if upon a roadway where there are no curbs, said vehicle shall be so stopped or parked with the right-hand wheels of such vehicle parallel to the right-hand side of the traveled portion of the way.
- B. Except when otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within 12 inches of the right-hand curb or edge of the roadway, or its left-hand wheels within 12 inches of the left-hand curb or edge of the roadway.
- C. The City Council may by ordinance permit angle parking on any roadway, except that angle parking shall not be permitted on any federal aid or state way unless authorized by the Commissioner of Transportation.

§ 254-29 Free parking for disabled persons and for official purposes.

Any motor vehicle carrying special number plates issued to paraplegic, amputee, or blind war veterans pursuant to RSA 261:86 and 261:87, and any motor vehicle used for a purpose, or by a person, designated by a City Council or town meeting, shall be allowed free parking time in the City of Rochester so long as said motor vehicle is under the direct control of the owner. The provisions of this section shall apply to a veteran who suffers a disability incurred in or aggravated by such service, upon satisfactory proof that the veteran has been evaluated by the United States Veterans Administration to be permanently and totally disabled from such service-connected disability.

**§ 254-30 Yeagley Way student parking.
[Amended 9-2-1997; 6-5-2001]**

Thirty-five marked parking spaces shall be designated for student parking only on Yeagley Way between Wakefield Street and the Technology Center. During normal school hours when school is in session, the Rochester School Department shall have full authority to control said 35 spaces which shall be subject to the requirements of the School Department's permit and enforcement system.

**§ 254-31 Columbus Avenue parking lot permit parking.
[Amended 4-2-2002]**

The parking lot constructed along Columbus Avenue beginning near its intersection with Winter Street and extending to, and abutting, Lot 319 on Rochester Tax Map 120 is intended, in part, to facilitate the effective use of Lot 1 on Rochester Tax Map 125. This lot, in whole or in part, as recommended by the Chief of Police and with the approval of the City Manager, shall be designated "Permit Parking Only" during certain designated hours and on certain designated days. When signs are erected giving notice thereof, no person without an authorized permit shall park in any parking space designated for "Permit Parking Only" during the hours and/or on the days indicated on such signs. Except with respect to spaces designated for "Permit Parking Only" the use of this parking lot shall be governed by the provisions of § 254-15 hereof.

Article IV
Rights and Duties of Pedestrians

§ 254-32 **Pedestrians crossing street in urban area.**

No person shall cross any street in the urban area of the City at any point other than a marked crosswalk.

Article V
Enforcement

§ 254-33 **Duty of Police Department.**

It shall be the duty of the Police Department of this City to enforce the provisions of these regulations. Officers of the Police Department are hereby authorized to direct all traffic either in person or by means of visible or audible signals in conformance with these regulations, provided that in the event of fire or other emergency or to expedite traffic or safeguard pedestrians, officers of the Police Department may direct traffic, as conditions may require, notwithstanding the provisions of these regulations.

§ 254-34 **Required obedience to traffic regulations.**

It is a violation for any person to do any act forbidden or fail to perform any act required by these regulations.

§ 254-35 **Obedience to police.**

No person shall fail or refuse to comply with any lawful order or direction of a police officer.

§ 254-36 **Public employees to obey traffic regulations.**

The provisions of these regulations shall apply to the driver of any vehicle owned or used by the United States Government, the State of New Hampshire, or any political subdivision of said state and it shall be unlawful for any said driver to violate any of the provisions of these regulations, except as otherwise permitted by law or these regulations.

§ 254-37 **Exemption of authorized emergency vehicles.**

A. The provisions of these regulations governing the operation, parking and standing of a vehicle shall apply to authorized emergency vehicles as defined in these regulations except as follows: a driver when operating such vehicle in an emergency, except when otherwise directed by a police officer, may:

- (1) Park or stand notwithstanding the provisions of these regulations.
- (2) Proceed past a red stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
- (3) Disregard regulations governing direction of movement or turning in specific directions so long as persons and property are not thereby endangered.

B. The foregoing exemptions shall not protect the driver of any such vehicle from the consequence of disregard for the safety of others.

§ 254-38 **Persons subject to traffic regulations.**

Every person propelling a push cart or riding a bicycle or any animal upon a roadway and every person driving an animal-drawn vehicle shall be subject to the provisions of these regulations whenever applicable.

Commented [1]: Editor's Note: Original § 63.2, The passing of items to or from the occupant of a motor vehicle on a roadway, added 9-1-2015 and amended 6-7-2016, which immediately followed this section, was repealed 3-6-2018.

Article VI
Penalties

§ 254-39 Violations and penalties.
[Amended 5-1-2007; 3-5-2019]

Except as otherwise provided herein, a person violating any provision of Articles **I** through **VIII** of this chapter shall be punished by a fine of not more than two hundred fifty dollars (\$250.) for each offense, except that the optional procedures set forth in § **254-42** may be used in lieu of court proceedings for violations of Article **III**.

§ 254-40 Owner responsibility for illegal parking.

A person shall not allow, permit or suffer a vehicle registered in his/her name to stand or park in violation of any of the ordinances of this City controlling the standing or parking of vehicles, and the owner or person in whose name such vehicle is registered shall be held as prima facie responsible for such violation.

§ 254-41 Notice of violation.

A police officer observing a violation of any of the provisions of Article **III** shall attach to the vehicle a notice to the operator or owner that the vehicle has been parked in violation of Article **III** and instructing the operator or owner to report at police headquarters. The notice shall contain:

- A. Location. The location where the vehicle is parked.
- B. Registration number of vehicle. The state registration number of such vehicle.
- C. Time of violation. The time at which such vehicle is parked in violation of any of the provisions of these ordinances.
- D. Any other facts. Any other facts, a knowledge of which is necessary to a thorough understanding of the circumstances attending such violation.

§ 254-42 Procedure in paying penalties.
[Amended 5-1-2007]

- A. The operator or owner may, within 10 working days of the time when a notice of violation of Article **III** was attached to the vehicle, pay to the Police Department the sum of fifteen dollars (\$15.) as a penalty and in lieu of court proceedings. Failure by the operator or owner to make such payment within 10 working days may result in the issuance of a summons to the operator or owner to appear in court to answer to charges of violating Article **III**. The Chief of Police may authorize, at any time before a court summons has been issued, but after the expiration of the ten-working-day period, the acceptance of a voluntary payment of twenty-five dollars (\$25.) as a penalty in full satisfaction of the violation.
- B. Notwithstanding the provisions of Subsection **A** of this section, an operator or owner of a vehicle to which a notice of violation of the provisions of § **254-29** was attached may, within five working days of the time when the notice of violation of said § **254-29** was attached to the vehicle, pay to the Police Department the sum of two hundred fifty dollars (\$250.) as a penalty and in lieu of court proceedings. Failure by the operator or owner to make such payment within five working days may result in the issuance of a summons to the operator or owner to appear in court to answer to the charges of violation of § **254-29**. The Chief of Police may authorize at any time before a court summons has been issued, but after the expiration of the five-working-day period, the acceptance of a voluntary payment of two

hundred sixty dollars (\$260.) as a penalty in full satisfaction of the violation.

§ 254-43 Towing vehicles.

The Police Department is authorized to remove and tow away or have removed and towed away by commercial towing service any abandoned vehicle, or other vehicle illegally parked in a place where it creates or constitutes a traffic hazard, blocks the use of a fire hydrant, or obstructs or may obstruct snow removal operations or the movement of any emergency vehicle. Vehicles towed for illegal parking shall be stored in a safe place and shall be restored to the owner or operator upon payment of all fees for towing and storage.

**Article VII
Taxicabs**

§ 254-44 Declaration of policy.

Every person owning or operating a motor vehicle who secures or accepts passengers for hire on the public streets, or in public places, shall be deemed to be operating a taxicab and shall be subject to City regulations in accordance with this article.

§ 254-45 Definitions.

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

DRIVER

The person in actual physical control of a taxicab.

OPERATOR

Any person owning, in charge of, or managing a taxicab business or company in the City.

TAXICAB

Any rubber-tired motor vehicle having a manufacturer's rated seating capacity of not more than seven persons, used in the call and demand transportation of passengers for compensation to or from points chosen or designated by the passengers and not operated on a fixed schedule between fixed termini, or any such vehicle leased or rented, or held for leasing or renting, with or without drivers or operators.

UNENGAGED TAXICAB

A taxicab in the charge of a driver and neither occupied by nor standing at the direction of a passenger nor responding to a call of a prospective passenger. A taxicab standing in a taxi stand shall be presumed to be unengaged.

§ 254-46 Taxicab operator permit and fee.

Every person engaged in the business of operating taxicabs, automobiles or other vehicles for the transportation of persons for hire shall make an application to the Director of the Building, Zoning, and Licensing Services Department for an operator's permit on forms provided by the City for this purpose. The fee for such permit shall be one hundred dollars (\$100.) annually which shall be paid at the time the application is made, and on or before January 1 of each calendar year thereafter. Only one operator permit shall be required per business.

- A. Issuance of business operator's permit. All permits must be approved by the Licensing Board. Before any permit is issued, the Chief of Police shall conduct an investigation of the applicant, including, but not necessarily limited to, a criminal history records check to be conducted by the New Hampshire State

Commented [2]: Editor's Note: Throughout this article, references to the Code Enforcement Department were amended to the Building, Zoning, and Licensing Services Department 10-15-2013.

Police, with any fees for the same to be paid by the applicant. Any conviction for violation of the laws of the State of New Hampshire, or any other state, may be cause for denial by the Licensing Board.

[Amended 8-1-2000]

- B. Insurance. Before any permit is issued, the Director of the Building, Zoning, and Licensing Services Department shall ensure that the applicant has provided a certificate of insurance for each permitted taxi for the full time period of the permit. The personal injury coverage shall not be less than one hundred thousand dollars (\$100,000.) for injury to one person with a total coverage of not less than three hundred thousand dollars (\$300,000.) for each accident. The property damage coverage shall be not less than fifty thousand dollars (\$50,000.) per occurrence. It shall further be the responsibility of any insurance company or agent to notify the Director of the Building, Zoning, and Licensing Services Department 10 days prior to any cancellation of any such policy. **[Amended 9-4-2007]**
- C. Appeal of denial. When any such application is denied by the Licensing Board, the applicant may request such denial be reviewed by the City Council. Any such request for review shall be made to the Director of the Building, Zoning, and Licensing Services Department. The City Council may issue or deny the permit.
- D. Transfer prohibited. No taxicab operator permit may be transferred from one operator to another. Any operator who voluntarily discontinues doing business shall surrender his/her permit to the City of Rochester within 10 days of the time he/she discontinues operation.
- E. Display of permit certificate. It shall be the duty of operators of taxicabs to display their permit certificates in a conspicuous place within their place of business headquarters or have them readily available for inspection upon demand by authorized municipal officials at all times.
- F. Taxicab records. All taxicab operators and drivers shall keep such records of trips, fares, and destinations as may be required for examination by the Chief of Police and/or the Licensing Board; such records shall be kept for a period of six months.

§ 254-47 Taxicab permit and fee.

Every person engaged in the business of operating taxicabs, automobiles, or other vehicles for hire shall make application to the Director of the Building, Zoning, and Licensing Services Department for taxicab permits on forms provided by the City of Rochester for this purpose. The fee for such permits shall be thirty dollars (\$30.) for each vehicle which shall be paid at the time the application is made and on or before January 1 of each calendar year thereafter.

- A. Issuance of taxicab permits. Before any new taxicab permits are issued, the Director of the Building, Zoning, and Licensing Services Department shall refer all applications to the Chief of Police who shall inspect the condition of the vehicles proposed for permit and approve or disapprove the issuance of permits within 48 hours, Saturdays, Sundays, and holidays excluded. Vehicles not meeting the inspection requirements of the State of New Hampshire may be denied permits.
- (1) Issuance of temporary taxicab permit. Above requirements for a replacement vehicle may be waived only at the discretion of the Police Chief or his/her designee, with proper insurance binder, until such time as a proper permit may be issued within the prescribed 48 hours.
- B. Appeal of denial. When any such application is denied by the Chief of Police or the Director of the

Building, Zoning, and Licensing Services Department, the applicant may request such denial be reviewed by the Licensing Board. A request for review shall be made to the Director of the Building, Zoning, and Licensing Services Department who shall convene the Licensing Board within 48 hours, excluding Saturdays, Sundays and holidays, at which time the Licensing Board shall either issue or deny the permit.

- C. Transfer of permits. Taxicab permits may be transferred from one vehicle to another by making an application for such transfer in the same manner as is required for original permits and making payment of five dollars (\$5.) to the Director of the Building, Zoning, and Licensing Services Department at the time of making an application for such transfer, together with proper forms as provided by the Licensing Board.

§ 254-48 Taxicab driver's license and fee.

Every person engaged in the driving of taxicabs, automobiles, or other vehicles for hire for the purpose of transporting persons shall have attained the age of 18 years, hold a valid New Hampshire operator's license, and shall make application to the Director of the Building, Zoning, and Licensing Services Department for a taxicab driver's license on forms provided by the City for this purpose. The fee for such license shall be ten dollars (\$10.) which shall be paid by the applicant at the time of making application and on or before January 1 of each calendar year thereafter.

- A. Issuance of taxicab driver's license. Before any taxicab driver's license is issued, the Director of the Building, Zoning, and Licensing Services Department shall refer all applications to the Chief of Police who shall conduct an investigation of the applicant, including, but not necessarily limited to, a criminal history records check to be conducted by the New Hampshire State Police, with any fees for the same to be paid by the applicant. The Chief of Police shall approve or disapprove the issuance of such license within 72 hours, Saturdays, Sundays, and holidays excluded, of the receipt of the results of such investigation. Any conviction for violation of the laws of the State of New Hampshire, or any other state, may be cause for denial. **[Amended 8-1-2000]**
- B. Appeal of denial. When any such application is denied by the Chief of Police or the Director of the Building, Zoning, and Licensing Services Department, the applicant may request such denial be reviewed by the Licensing Board. All such requests for review shall be made to the Director of the Building, Zoning, and Licensing Services Department who shall within 48 hours, Saturdays, Sundays, and holidays excluded, convene the Licensing Board. The Licensing Board shall either issue or deny the license.
- C. Identification. It shall be the responsibility of all taxicab drivers to display their taxicab driver's license in a conspicuous place within any taxicab being operated by them. It shall further be their responsibility, upon request of any passenger, to furnish their names.

§ 254-49 General requirements.

- A. Condition of taxicabs. It shall be the responsibility of all taxicab operators to ensure that all taxicabs shall be kept in a safe and sanitary operating condition at all times and shall at all times qualify with the standards for inspection of motor vehicles by the laws of the State of New Hampshire. Any officer observing a violation of this subsection may obtain the taxicab permit of the vehicle involved which shall be temporarily suspended and returned forthwith upon said violation being properly corrected to the satisfaction of the Chief of Police or his/her designee.

- B. Periodic inspection. The Chief of Police or his/her designee shall inspect each taxicab operating in the City of Rochester at least every six months. The purpose of periodic inspection shall be for the maintenance of safety and sanitary conditions of the vehicles. **[Amended 9-4-2007]**
- C. Parking limited. No operator or driver shall park or allow to be parked any taxicabs upon any street in any business district at other than an authorized taxicab stand except when actually engaged in taking on or leaving passengers.
- D. Taxicab stands. The Licensing Board may establish taxicab stands on such public streets and in such places and in such numbers as shall be determined to be of greatest benefit and convenience to the public and businesses, and every such taxicab stand shall be designated by appropriate markings. **[Amended 3-5-2019]**
- E. Limitation on use. No operator or driver of any taxicab shall:
 - (1) Accept any other passenger without the consent of the person or persons who have engaged the cab.
 - (2) In any case pick up any adults when children under the age of 16 years are alone in the cab, unless said juvenile is seated adjacent to the driver. **[Amended 3-5-2019]**
- F. Passengers limited. The operators or drivers of taxicabs shall not carry more passengers in their taxicabs than the seating capacity as listed in the manufacturer's vehicle specification.
- G. Service to be given on demand. It shall be the duty of every taxicab driver or operator of an unengaged taxicab, upon request, during his/her regular business hours, to transport any orderly person between two points within the City of Rochester.
- H. Property left in taxicab. All property of reasonable value left in taxicabs shall be returned to the owner forthwith or, after a diligent attempt has been made to return said property to the owner, it shall be delivered over to the Police Department by the driver of the taxicab.
- I. Records. Records and other privileged information will be made available only to the Police Department and the Licensing Board.
- J. Complaints. Whenever there is a complaint over fare or otherwise that cannot be agreeably resolved to all parties, the complainant may register such a complaint in writing to the Director of the Building, Zoning, and Licensing Services Department who shall convene the Licensing Board for the purpose of conducting a hearing. Upon sustaining the complaint, the Licensing Board may suspend or revoke such permits as may be required.
- K. Rates. All taxicab operators will have on file with the Director of the Building, Zoning, and Licensing Services Department rates being charged and shall file new rates as they are changed before they are allowed to be in effect. Such rates shall be posted in a conspicuous place in each taxicab.
- L. Identification. All taxicabs shall be required to display outside identification.

§ 254-50 **Suspension or revocation of permit or license.**

- A. Whenever any operator shall be convicted in the Rochester District Court of a violation of any sections

of these rules and regulations, he/she shall forthwith return his/her operator's permit to the Director of the Building, Zoning, and Licensing Services Department who shall retain such permit until application is made in the same manner as for an original permit, and a determination has been made by the Chief of Police and/or the Licensing Board as to the issuance of such permit.

- B. Any taxicab driver who shall be convicted of any violation of these rules and regulations, or of any law of the State of New Hampshire, shall forthwith return his/her taxicab driver's license to the Director of the Building, Zoning, and Licensing Services Department who shall retain said license until such time as an application has been filed in the same manner as for an original taxicab driver's license and a determination as to its issuance or denial shall have been made by the Chief of Police and/or the Licensing Board. **[Amended 3-5-2019]**
- C. The Licensing Board may suspend or revoke any operator's permit, taxicab permit, or taxicab driver's license at any time for just cause. Upon receipt of notice of such suspension or revocation, the operator or driver may request a hearing before the Licensing Board. All such requests shall be made to the Director of the Building, Zoning, and Licensing Services Department who shall within 48 hours, Saturdays, Sundays, and holidays excluded, convene the Licensing Board. A decision by the Licensing Board shall be made within 48 hours after the hearing is completed.
- D. A majority decision of the Licensing Board may be appealed through the Strafford County Superior Court, and upon receiving such notice of action from the Court, said suspension or revocation will be held in abeyance pending results of said ruling.

§ 254-51 Violations and penalties.

Any person, firm or corporation violating any provisions of this article shall be guilty of a violation and fined not in excess of one hundred dollars (\$100.); a separate offense shall be deemed committed upon each day, or part thereof, during or on which a violation occurs or continues.

**Article VIII
Towing Services**

[Added 1-7-1997 (Ch. 67 of the 1995 Code)]

**§ 254-52 Purpose and intent.
[Amended 10-3-2006]**

The purpose of this article is to establish a procedure for providing towing services to the City of Rochester. The intent is to have six individual towing services available 24 hours a day on a rotating basis.

§ 254-53 Application procedure.

Any business or individual desiring to provide towing services to the City of Rochester shall complete an application, which shall be available at the Rochester Police Department. Each interested applicant shall provide the information and/or documentation required to the Rochester Police Department along with a nonrefundable application fee of twenty-five dollars (\$25.).

§ 254-54 Qualifications.

The business or individual shall meet the following minimum qualifications:

- A. Be able to provide on-call service 24 hours per day, seven days per week.
- B. Be able to respond to any call within the City limits within 25 minutes of receiving a call.

- C. Be able to provide comprehensive general liability insurance with limits not less than five hundred thousand dollars (\$500,000.) per occurrence for property damage, subject to an annual aggregate limit of one million dollars (\$1,000,000.), with automobile liability insurance with limits of five hundred thousand dollars (\$500,000.) per person and one million dollars (\$1,000,000.) per occurrence for property damage, subject to an aggregate limit of one million dollars (\$1,000,000.), with the City of Rochester named as an additional insured.
- D. Be able to provide workers' compensation insurance as required by New Hampshire statutes.
- E. Be able to provide all the necessary equipment to handle the normal problems that arise in removing vehicles from an accident scene with at least one of the vehicles being a slide back carrier.
- F. Be able to provide secure exterior and/or interior storage space within the City of Rochester for any towed vehicles.
- G. Have at least one year of experience in the towing business.

**§ 254-55 Approval process.
[Amended 10-3-2006]**

All applications shall be reviewed by the Chief of Police or his/her designee. All applications determined to meet the minimum qualifications shall be placed in a pool of eligible applicants. Six applicants shall be selected by random lottery conducted by the City Licensing Board to provide towing services to the City.

**§ 254-56 Contract between City and towing service.
[Amended 10-3-2006]**

The six applicants selected shall each enter into a two-year contract between the City, through its Licensing Board, and the individual towing service. The form and content of said contract shall be determined by the Licensing Board. Each towing service shall pay the City a fee of two hundred fifty dollars (\$250.) for the contract rights covering the two-year period; two hundred fifty dollars (\$250.) shall be paid upon execution of the contract. Any vacancy occurring during the two-year contract period shall be left unfilled with the remaining towing services equally dividing the rotation schedule.

**§ 254-57 Services to be performed.
[Amended 10-3-2006; 5-1-2007]**

During the contract term, the six vendors shall be on a rotating schedule and shall be referred all calls for towing which are due to accident and/or arrest which are police related. The City reserves the right to call any towing service designated by the owner/operator of a vehicle involved in an accident who requests the officer on the scene to call such towing service.

- A. The towing service shall also clean the road area and remove all glass and debris from an accident scene.
- B. The towing service shall provide free storage to all vehicles impounded by the police. Towing charges will be the responsibility of the owner of the impounded vehicle.
- C. The towing service shall, upon request of the City, tow any vehicles which have been abandoned as defined in RSA 262:32, which are obstructing access as defined in RSA 31:102 or which are in violation of private property restrictions as outlined in RSA 262:40-a. Towing and storage charges shall be as

provided by law. [Amended 3-5-2019]

- D. Emergency repairs and towing shall be provided without charge by the towing service to all Police Department vehicles. Any parts required shall be charged to the City at dealer cost.
- E. The towing service shall notify the City of Rochester of any change in its legal or storage site address at least 14 days prior to the effective date of such change.

§ 254-58 **Rate structure.**

All rates charged by the towing service may not exceed reasonable rates commonly charged in this area.

§ 254-59 **Administration.**

All issues relating to contractual matters relating to the towing service and the City shall be determined by the Chief of Police or his/her designee. Failure to maintain the above listed qualification requirements, repeated reports of failure for response to service calls, repeated lack of secure storage, or failing to provide the described services, shall cause an immediate review of the contract by the Chief of Police or his/her designee. A negative review shall be forward to the Licensing Board for further action. Any dispute or interpretation unable to be resolved between the Chief of Police and the towing service shall be referred to the City Licensing Board which shall make the final determination in any such matter.

Deletions are show as ~~strike throughs~~ and Additions are in red

Chapter 158

~~Parks, Recreation and Arena~~ **and Parks**

[HISTORY: Adopted by the City of Rochester 6-6-1995 as Ch. 21 of the 1995 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Peace and good order — See Ch. 167.

Public buildings — See Ch. 183.

§ 158-1 Definitions.

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

COMMISSION

The Rochester Recreation and Arena Commission. See § 158-3.

[Amended 3-5-2019]

DIRECTOR

The Recreation and Arena Director. See § 158-4.

[Amended 3-5-2019]

PARK

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

[Amended 3-5-2019]

PERMIT

Any written authorization issued ~~by or under the authority of the Director permitting specified park privileges~~ **to an applicant through the City's View Permit portal.**

§ 158-2 Conduct prohibited in parks and Arena.

- A. Disturbing the peace. No person shall disturb the peace at ~~the Arena or in any park~~ **any Department facility or park** by any act.
- B. Immorality and indecency. No person shall do any obscene or indecent act ~~at the Arena or~~ **any Department facility or in** any park; or display, expose or distribute any picture, banner, or other object suggestive of sex in a lewd, indecent, immoral way; ~~or enter a comfort station or toilet set apart for the use of the opposite sex;~~ nor shall any person dress or undress at ~~the Arena~~ **any Department facility** or in an any park except in dressing rooms provided for such persons.
- C. Solicitation. No person shall solicit money, subscriptions, or contributions for any purpose or attempt to

sell any wares of any nature whatsoever at ~~the Arena~~ **any Department facility** or in any park unless authorized by a permit ~~of the Director.~~ **issued through the City's View Permit portal.** 12/31/2020

- D. Improper admission. No person shall gain improper admission to, or use of, or attempted admission to any ~~Arena~~ **Department** event or any park facility, for which a charge is made, without paying the fixed charge or price of admission.
- E. Disobeying authorities and signs. No person shall, at ~~the Arena~~ **any Department facility** or in any park, disobey a proper order of a police officer or an employee of the ~~Arena~~ **Department** or any ~~park~~ employee designated by the Director to give orders, nor shall any person in any park disobey, disregard or fail to comply with any rule or regulation, warning, prohibition, instruction or direction, posted or displayed by sign, notice, bulletin, card, poster, or when notified or informed as to its existence by an employee of the **Department** ~~Arena or park~~ or **City** employee(s) or other authorized person. **[Amended 3-5-2019]**
- F. Defacing park property. No person shall cut, break, injure, deface, or disturb any tree, shrub, plant, rock, building, cage, pen, monument, fence, bench or other structure, apparatus or property or pluck, pull up or out, take or remove any shrub, bush, plant or flower or mark or write upon any building, monument, fence, bench or other structure, or injure, deface or remove any property, real or personal, or any natural growth, structure, equipment, animals, signs or other park or ~~Arena~~ **Department** property.
- G. Setting of fires. No fires shall be set at the Arena or in any park except in areas where fires are designated as permitted or except as authorized by permit issued under the authority of the Director, **the Licensing Board and the Fire Department.**
- H. ~~Discharging in bodies of water. No person shall throw, cast, lay, drop or discharge into or leave in any body of water in any park, or in any storm sewer, or drain flowing into said waters, or in any gutter, sewer or basin, any substance, matter or thing, whatsoever.~~
- I. Waste matter. No person shall deposit, drop or leave any papers, bottles, debris or other waste matter or refuse of any kind in any park or part thereof except in such receptacles as may be provided for that purpose, nor shall any person urinate or defecate in or upon any part of the Arena or any park grounds.
- J. **Drinking and Illegal Drug Use.** No person shall enter ~~the Arena~~ **any Department facility** or any park in an intoxicated condition, nor shall any person drink any alcoholic beverages or **consume illegal drugs** of any kind or nature ~~at the Arena or~~ **within any Department facility or** in any park or on any park grounds, **including parking lots**; provided, however, that a temporary waiver from the prohibition **related to alcohol consumption** of this subsection may be granted to any Rochester-based nonprofit organization upon written application to, and approval by, the Licensing Board and the Rochester City **Manager Council**, which application and approval shall specify the date and hours during which such waiver shall be effective. **[Amended 6-6-2006]**
- K. Dogs prohibited on the so-called Common. Dogs shall not be permitted within the confines of the municipal park known as the "Common," situate off South Main Street between Common Street and Grant Street. No person shall enter or remain upon said Common with a leashed dog, nor shall any person allow a dog to run at large within the confines of said Common at any time. **[Amended 5-7-2002; 3-5-2019]**

- L. Smoking on the Rochester Common. No person shall smoke on the portion of the so-called Rochester Common between northeasterly side of the path bisecting said Common, at the Civil War Memorial, and the northeasterly fence line surrounding said Common where it adjoins the South Main Street right-of-way, at any time. ~~; provided, however, that a temporary waiver from the prohibition of this subsection may be granted upon written application to, and approval by, the Licensing Board, which application and approval shall specify the date and hours during which such waiver shall be effective.~~ **[Amended 10-15-2013]**

§ 158-3 Recreation and Arena Commission.

- A. This Commission shall consist of 13 members to be nominated by the Mayor and elected by the Council, in accordance with the provisions of Section 74 of the Rochester City Charter, as follows: one member from the City Council, one member from the School Board, and 11 interested citizens. Up to two members of the Commission may be a nonresident of the City of Rochester, provided that at the time of election of such individual to the Commission such individual is associated with communities or organizations utilizing the Rochester Arena facilities or has other specialized skills related to the provision of recreational services. **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- B. The terms of the City Council and School Board Commissioners shall be commensurate with their terms of service on their respective boards. Commencing January 2016, the 11 Commissioners shall be appointed for one-, two- and three-year terms as determined by the City Council. Thereafter, all appointments and reappointments shall be for a term of three years. The Mayor shall appoint the Chairperson and the Commission shall, from its own members, elect a Secretary and other necessary officers to serve for one year or until their successors are elected. **[Amended 9-4-2007]**
- C. The Commission shall:
- (1) Act as advisory body to the Director.
 - (2) Aid, assist, and advise the Director in formulating plans for maintaining, equipping, operating, and regulating the recreational facilities, related programs and ~~the Arena facility~~ **Department facilities** and advise the City ~~Manager Council~~ in establishing a fee schedule for the use thereof.
 - (3) Inform itself of ways and means by which its plans and programs for development and use of the **Department** recreational facilities and ~~Arena facility~~ may best be achieved and may advise the Director, the City Council, and public of the manner in which such objectives may best be accomplished.

§ 158-4 Recreation and Arena Director.

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

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

forth in this chapter.

§ 158-5 Use of ~~Arena~~ and parks.

~~The Arena and~~ all City parks are open for the general use of the public and in particular of the residents of the City of Rochester, subject to the following exceptions:

- A. No person shall conduct, operate, present or manage, at **any Department facility/grounds** ~~the Arena~~ or in any park, a parade, drill, public meeting, ceremony, speech, public contest, exhibit, or performance of any kind without a permit.
- B. All organized **events**, picnics or outings **or gatherings** for a group larger than 25 persons shall require a previously obtained permit **through the City's View Permit portal**.
- C. No person shall exhibit, sell, or offer for sale, hire, or lease any object, service, or merchandise of any sort whatsoever except under a previously obtained permit to do so **through the City's View Permit portal**.
- D. All parks shall be open during the hours of 12:01 a.m. to 12:00 midnight every day unless signs specifying more restrictive opening hours shall be prominently posted around such park(s). Buildings or structures within said park(s) shall be open in accordance with signs posted on said buildings or structures by the Director specifying hours during which such buildings and/or structures shall be open to the public. **[Amended 6-5-2001]**
- ~~E. No person under 18 years of age and over six years of age shall loiter in any City park during normal school hours on any day in which the Rochester public schools are in session unless accompanied by a parent, guardian or other suitable person.~~

§ 158-6 Appropriation; reports.

The City Council shall annually appropriate such sum of money as the Council may determine for recreation and parks, such sum, together with any moneys received by the Department from charges, donations, or other sources, to be paid to the City Treasurer and by him/her placed in the credit of the Department, subject to its expenditures therefrom for the purposes as set forth herein. Annually, on or before the first day of the budget, the Director shall make a detailed report in writing to the City Manager of his/her acts and proceedings, of the condition of the facilities under his/her jurisdiction, of the standing of his/her recreation and parks program, and of his/her receipts and expenditures, together with an estimate of his/her anticipated revenues and expenditures for the following fiscal year. The Director shall make such other interim reports as from time to time may be requested by the City Manager.

§ 158-7 Violations and penalties.

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

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



Fidelity Committee
of the
Tri-City Joint Mayors' Task Force on Homelessness
Remote Meeting Via Microsoft Teams
December 10, 2020
6:00 PM

MAYORS

Mayor Caroline McCarley
 Mayor Robert Carrier
 Mayor Dana Hilliard

Rochester Members

Jeremy Hutchinson
(Chairman)

Barbara Holstein

Dover Members

Charles Reynolds

Betsey Andrews Parker

Somersworth Members

Todd Marsh
(Vice Chairman)

Dina Gagnon

Others Present: Dave Carpenter, Dover Planning. Lindsey Williams, Dover Council. Tory Jennison, Connections for Health. Ashley Desrochers, Strafford County Public Health Network. Dave Balian, new Dover Welfare Director. Julian Long, Rochester Community Development. Paige Farmer, Home for All. Susan Gaston, acting Dover Welfare Director

MINUTES

1. Call to Order

Chairman Hutchinson called the meeting to order at 6:05 PM and read the following preamble:

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

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

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

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

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

Cassie Givara, Deputy City Clerk of Rochester, took the roll. All members were present except for Dina Gagnon, who was absent. Additionally, Mayor McCarley was present.

2. Public Input

There were no callers on the line or written submissions from the public.

Ashley Desrochers, Strafford County Public Health Network, gave the committee an update on COVID-19. She stated there is increased concern in community spread and emphasized the avoidance of air travel and large indoor gatherings and reiterated the need for hand washing, social distancing, masking, and staying home. She indicated that medical surge in hospitals is forthcoming and urged everyone to be vigilant.

Ms. Desrochers spoke about the upcoming distribution of the COVID-19 vaccine and stated that the state is currently looking for volunteers to carry out both medical and non-medical tasks in relation to the vaccination clinics. Non-medical tasks could include registrations, paperwork, and traffic control. The clinics will be outdoors, and the volunteers will potentially have an opportunity to receive the vaccine sooner due to their assistance. She directed those looking to volunteer to go to www.nhresponds.org, register a new account, then chose COVID-19 and Strafford County.

Chairman Hutchinson stated that the Air Force may be mobilized to help with vaccine distribution and clinics.

3. Communications from the Mayors

Mayor Caroline McCarley from Rochester stated that the mayors toured the facility on Willand Road in Somersworth which is proposed to be used as an emergency cold weather

center. Mayor McCarley stated that for the first 15 days the shelter is operating, it will be open 24/7. Starting in the New Year, the shelter will open for cold weather emergencies as determined by the tri-cities and will offer its own transport van. Mayor McCarley expressed hope that the shelter will work well and stated that it is large enough to house a large amount of people while still adhering to COVID guidelines. Somersworth is scheduled to vote the following week on the change of use in regards to zoning which would be required to allow such a shelter.

Tory Jennison, said that unfortunately they do not currently have the ability to keep the shelter open 24-hours a day. It will likely be a 5:00 PM – 9:00 AM schedule opening on December 20, or slightly earlier if weather necessitates.

There was a brief discussion in the committee on the use of the term “shelter” versus “warming center.”

Chairman Hutchinson read a statement from Mayor Dana Hilliard of Somersworth. Mayor Hilliard stated that Somersworth has formed a commission to spearhead the “Mayors’ Challenge to End Veteran Homelessness.” The commission will start putting together strategies in January and will report back to the Fidelity Committee with their work. Mayor McCarley stated that she was meeting with Mayor Hilliard and Mayor Carrier to discuss making this a tri-city collaborative initiative.

Mayor Hilliard also said that the Recovery Friendly Workplace initiative is on the Somersworth council agenda for January.

4. Communications from the Chairs

Vice Chair Marsh welcomed Dave Balian, the new Dover welfare director and thanked the Dover Welfare team for the work they have been doing while short-staffed.

Vice Chair Marsh said that Rochester welfare has continued to refer clients to the Garrison Hotel shelter in Dover. He stated that the Tri-City area has started to experience an increase in requests for assistance for rent and utilities, but it is still not as high as pre-COVID levels. Mr. Marsh stated that other regions are becoming aware of the efforts of the Tri-City area and they are being looked at as a model. Vice Chair Marsh said that he was appointed to Governor’s Housing Stability Council focusing on homelessness and housing instability.

Chairman Hutchinson inquired if there were any trends in the area indicating increase in food insecurity and if there is any way the Fidelity Committee could get involved to affect change in this area. Betsey Andrews Parker said that normally her organization serves 100,000 meals per year; this year they served 280,000. She said that the food supplies, which in the past had lasted a month, were now running out in 2 weeks. She said it is extremely helpful that the school districts continue to feed children within their jurisdiction for the time being. She expressed concern regarding potential delays in federal funding to assist with food programs.

Tory Jennison said that Connections for Health is coordinating investments in food providers, both volunteer and social service partners, and working on network development. UNH Cooperative Extension has developed a food resource map which can be utilized. She said there is not currently an infrastructure to collect non-food donations and distribute them. She recommended those wanting to assist identify a particular organization to support and to give their donations. Ms. Jennison suggested the Fidelity Committee could look at city policies which make it difficult for social service partners and faith-based organization to serve meals without first making large investments in upgrading their kitchen facilities to restaurant-level. The committee could suggest changes in code requirements and permitting to make feeding efforts less prohibitive financially and logistically; and barring these changes to codes, perhaps the cities could make investments in supporting these organizations financially to make these upgrades.

Charlie Reynolds advised that codes can be changed and exceptions made to allow this type of activity. He suggested the committee develop an outline of the codes which would need to be amended to allow the serving of food; this proposal can then be presented to the respective councils. Chairman Hutchinson noted that he would be meeting with Councilor Paradis from Somersworth on a different item, but they would review the Somersworth and Rochester ordinances to identify areas which could be amended for this purpose and would reach out to Dover councilors as well. Chairman Hutchinson hoped to have an update on the proposal by the next meeting, but acknowledged the process sometimes takes longer while filtering through committees and coming back to Council. He said it will be initiated immediately with suggestions being made to the committee in the next couple months, but the completed proposal would likely come back to the Councils in the spring for action.

Ms. Desrochers said that a recent study showed that those infected with COVID-19 noted an increase in housing insecurity, employment insecurity, and food access issues.

5. Update: Seasonal Shelter/Warming Center

Ms. Andrews Parker clarified that the Garrison Hotel shelter is not for long-term usage, but rather the first stop in the continuum of sheltering. The Willand Pond facility is an emergency stopgap measure for the extreme cold when all other options are full. It is meant to be overnight for the short-term. The intent has always been to address the needs identified over the past 3 winters.

Ms. Andrews Parker addressed the committee regarding the misinformation and rumors in regards to clients being turned away from the shelters when in reality they were referred but did not show up for intake. She encouraged anyone who hears this type of discussion to reach out to CAP so they can ensure the proper channels are followed and the correct assistance is provided.

6. Discussion: Regional data/statistics

Ms. Andrews Parkers reported that the cost to her organization for a single person to stay at the Garrison shelter is \$50 per day; a couple is \$83 per day. A 7-day stay is \$350 for singles and \$581 for a couple, which includes 2 meals per day, the bed, two bus tickets per day, and the day program services. The total intakes to date of unduplicated clients is currently 123 people. 52 have been men, 47 women, 22 have been couples and 1 family with children. They have identified two veterans during this period whom were referred to Easter Seals and Harbor Homes for a more appropriate intake as one as one homeless runaway youth who was referred to a more appropriate program. 32 people were referred to other area shelters. 5 people were placed in substance use treatment. 2 people were placed in the Dube center in Laconia after testing positive for COVID. 11 people have been moved to permanent housing supportive programs. 1 person was placed in mental health treatment and 6 were referred to DHHS for services.

Ms. Andrews Parker reported that 28 people have been temporarily barred from the shelter for non-compliance of rules, substance use, or destructive behavior. These people will be able to seek shelter in the Willand Pond facility if needed. As of December 8th, there were 34 people staying at the Garrison Shelter. Of these people, 11 were from Dover, 13 from Rochester, 5 from Somersworth, 2 from Portsmouth, 2 from Rollinsford, and 1 from Manchester.

7. Discussion: Tri-City joint housing rights resolution

Chairman Hutchinson reiterated that he had an upcoming meeting with Councilor Paradis of Somersworth to discuss this resolution. He stated that they would report back to the Fidelity Committee in the upcoming months. The chairman stated that due to his impending mobilization to assist with vaccine distribution, Vice Chair Marsh would likely be heading the next several meetings while he connects by email periodically.

8. Continued Review of Master Plan

8.1 Strategy 3, Item #6 - Promote criminal record "clearing clinic" and expungements to reduce barriers for housing

Chairman Hutchinson briefly discussed the potential conflicts of the City attorneys assisting with this initiative. He suggested potentially putting out a call through the media and seeing if the committee could source pro bono legal assistance and chose a day post-COVID to hold such an event. Charlie Reynolds advised that it is not necessarily difficult to have records cleared for those eligible, but there is just a particular process which needs to be followed. He spoke about the committee's possible role in determining eligibility and potentially waiving the fee for those unable to afford the process. He stated the committee would need to decide whether they want to move forward, to whom they would open the process, and how the word would be distributed. Chairman Hutchinson discussed the potential of inviting the Rochester City attorney to speak to the committee about the process involved. Mr. Reynolds reported that he had a connection to a lawyer who may be interested in speaking to the Committee. Chairman

Hutchinson suggested discussing this initiative in February for an implementation in late summer or fall.

8.2 Strategy #2 Proposal – Tri-City Planning & Zoning Review

Vice Chair Marsh gave an overview of his proposed initiative. He referred to Strategy 2 of the Master Plan which recommends reviewing zoning and planning policies to increase availability and accessibility of affordable, safe/stable housing and to commit to review barriers and opportunities in zoning and planning to allow this. Vice Chair Marsh recommended the tri-cities' planning departments review the Master Plan strategy 2, collaborate where necessary, and report back to the Fidelity Committee by June 2021 with their findings. Chairman Hutchinson suggested that upon directive from the Mayors' to the planning departments, the planning departments' findings and recommendations could be developed into policy suggestions from the Fidelity Committee to the three city councils.

Dave Carpenter, Dover Planning, recommended that tweaking some of the language so that the intention is clearer for the planners being asked to work on the proposal due to each City having different protocols and practices. Mr. Carpenter stated that he would be willing to assist with the wording.

9. Other

No discussion.

10. Closing Public Input

No discussion.

11. Adjournment

Chairman Hutchinson **ADJOURNED** the Fidelity Committee meeting at 7:13 PM.

Respectfully Submitted,

Cassie Givara
Deputy City Clerk, Rochester

DRAFT

Finance Committee
Meeting Minutes

Meeting Information

Date: December 8, 2020

Time: 6:30 P.M.

Location: Remote via Microsoft Teams

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

City staff present: City Manager Blaine Cox. Deputy City Manager Katie Ambrose. Deputy Finance Director Mark Sullivan. Director of Recreation and Arena Chris Bowlen. School Business Administrator Linda Bartlett. Superintendent of Schools Kyle Repucci

Agenda & Minutes

1. Call to Order

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

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

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

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

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

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

Deputy City Clerk Cassie Givara took the roll call. The following Councilors indicated that they were present and alone in the location from which they were connecting: Councilors Bogan, Gray, Hamann, Lachance, Lauterborn, Walker and Mayor McCarley

DRAFT

2. Public Input

No discussion.

3. Unfinished Business

There was no unfinished business.

4. New Business**4.1 Arena Fund-Covid-19 Financial Impacts**

Chris Bowlen, Director of Recreation and Arena, updated the Committee on the impact that COVID-19 has had on the ice arena and the plan moving forward.

Director Bowlen reported that the arena had opened two weeks later in the season than they typically do, and at that point only to contracted customers. He stated that most of their contracted customers had opted to return, although there had been some who declined to re-sign due to COVID concerns. They are not currently allowing free skating, skating classes or any of their additional programs to non-contracted customers. Director Bowlen stated that the Arena worked closely with the State and the Emergency Operations Center to develop their rules for operations, making sure to adhere to the State's guidance and mandates. There was a state-wide mandatory 2-week shut down of all ice rinks two weeks into the season due to a cluster of outbreaks throughout the state, although the Rochester rink had not been affected. Director Bowlen outlined the Arena's pre-screening process which is required prior to entry as well as their new procedures and protocols for use of the rink.

Director Bowlen reported that the Arena primarily services 3 core groups; Youth hockey, high school teams for Rochester and some other surrounding communities, and finally adult hockey leagues. After the original shut down, one of the requirements for re-opening was that all participants, including staff and volunteers, must be tested prior to admittance into the rink. Director Bowlen summarized how this mandate affected the arena's clientele and emphasize the importance of keeping the arena available for the youth hockey players.

Director Bowlen stated that it is difficult to know how things will change moving forward, and he has been consulting with the finance department to plan for the possibility of the arena fund being greatly reduced; there have been reductions in expenses, but not enough to offset reductions in revenues. Director Bowlen stated that he was not aware of any federal funding which is available to assist arenas with the hardships caused by COVID. He speculated that depending on how things progress, he may have to come back to the Finance Committee in the future to discuss numbers.

DRAFT

4.2 Assistant Director of Economic Development Position

Mayor McCarley stated that the City Manager did not require a recommendation from the finance committee in order to make a promotion into the Assistant Director position. City Manager Cox confirmed that he did have the authority to promote without Council approval; however, he had previously expressed to Council that he would not make such a promotion without the finance committee's support.

City Manager Cox reminded the committee that they had approved the creation of this position in October. His stated that his intention was to promote the current Economic Development specialist into the Assistant Director position, but wanted to wait until the December/January time frame to make sure the City's budget was still faring well under COVID. City Manager Cox stated that revenues were strong and expenditures were comparable to other years, so he felt comfortable moving forward with the promotion. Mayor McCarley pointed out that there is not another regular City Council meeting in 2020 in which the Council could vote to approve the promotion; therefore it will be noted in the minutes that the Finance Committee supported the City Manager moving forward with the promotion.

Councilor Walker asked when this promotion would be effective. City Manager Cox answered the promotion would go into effect January 1, 2021.

4.3 School Department-Covid-19 Budget Update

Linda Bartlett, Business Administrator, stated that year-to-date, the school department has spent approximately \$261,000 on COVID-related expenses. She stated that the school department had received federal funding of just over \$812,000, equaling out to \$200 per student, which gave the school's operating budget some relief because they were able to charge COVID expenses to that grant. Ms. Bartlett reported that the grant had to be completely spent by December 30, and all expenses had to be COVID-related. The school department has done some renovations and upgrades to classrooms to facilitate remote schooling, as well as equipment purchases related to the students remote schooling.

Ms. Bartlett addressed the committee regarding the current budget freeze. She stated that the school department is going to see a decrease in Medicaid revenue due to the fact that the schools are currently remote and no longer able to offer particular services or qualify for services which they have received funding for in the past. Ms. Bartlett anticipated that the food service program would also see a deficit due to the fact that the schools are not serving as many meals as they would if students were physically in school.

Ms. Bartlett said that the School Department just received an additional \$183,000 in State funding. This funding also needs to be expended fully by December 30 and must be COVID-related. She stated that the school would be able to spend down this funding to help relieve the operating budget.

DRAFT

Mayor McCarley referenced a conversation with Senator Hassan in which the lack of Medicaid reimbursements due to remote learning was discussed. She had speculated that given waivers that were granted for insurance and various telehealth options, they are exploring the possibility of the same type of waivers being given towards school Medicaid funding.

Councilor Walker asked when the students would be returning from remote learning and back to in-person. Superintendent Repucci stated that the original idea was to return to in-person learning after January 18, 2021. He stated that the school board would keep an eye on the trends and continue to discuss this and make a decision based on the numbers. Councilor Walker referenced research showing that in-school transmission with students is very low. Superintendent Repucci acknowledged the importance of reviewing all the research, but clarified that what this particular study fails to take into consideration is the adults present at the schools to teach and facilitate learning; while the students may be less likely to become ill and transmit the virus, if the adults become ill they are unable to work which would negate the children being able to return to class.

Councilor Gray inquired about the number of free and reduced lunch forms which had been received. Superintendent Repucci stated that he did not have the exact number of forms in relation to what they received last year and briefly discussed how he hoped the program would work moving forward.

4.4 CTE Joint Building Committee Update

Mayor McCarley referenced the request at the previous Finance Committee meeting by the JBC to use the remainder of their funds to do approximately 2/3 of the paving needed for the property. The remaining funds equal approximately \$236,000. Finance Director Ambrose stated that the remaining funds are from two separate CIP accounts; the first being the CIP for the original project with a balance of \$161,000. The second being the CIP account from a supplemental appropriation authorized by Council for additional equipment which has a remainder of \$75,575 and unassigned fund balance as the source. Finance Director Ambrose suggested that no additional action was needed to expend the remainder from the original account. She recommended that the \$75,575 for additional equipment be deauthorized by Council, and then reauthorized for the school department's paving line.

Councilor Gray stated that he felt the money should all be returned to the General Fund and the School could submit a CIP request for the paving during the budget cycle. Councilor Walker agreed with Councilor Gray that the money should be returned to the General Fund. Mayor McCarley expressed that she felt the paving was part of the completion of the CTE project, and while the remainder doesn't fully cover the paving costs, it would help towards the full completion.

Councilor Lachance asked when the School Department planned on having the paving completed. Superintendent Repucci said they were hoping to have the paving completed during the early spring or as soon as weather conditions permitted. Councilor Lachance speculated that

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if the school department waited to put the paving request in as a CIP project in the next budget cycle, it would push the paving schedule out quite a bit past the end of the fiscal year. Councilor Walker stated that the project would need to go out to bid, in which case it would not be able to be completed until late summer either way. Mayor McCarley inquired if the school department was using the numbers from the City's prior year paving bids. Superintendent Repucci confirmed that they had used the figures from the City's prior paving bids, and if they were given the authorization they would be able to put it out to bid immediately for spring paving.

Mayor McCarley **MOVED** to send the deauthorization for \$75,575 to full Council for the CTE paving project. Councilor Lachance seconded the motion. Councilor Hamann asked if the School Department would go out to bid at the same time as the City street paving so it could be done as one contract. Superintendent Repucci confirmed that this is a possibility as was done in the past for other school paving jobs. **The MOTION CARRIED** by a 5 – 2 roll call vote with Councilors Bogan, Hamann, Lauterborn, Lachance, and Mayor McCarley voting in favor and Councilors Gray and Walker voting opposed.

5. Reports from Finance & Administration

5.1 Monthly Financial Report Summaries October 31, 2020

5.1 (a) October 31, 2020 Revenues

5.1 (b) October 31, 2020 Expenses

Deputy Finance Director Mark Sullivan stated that revenues continue to be strong and expenditures are slightly below budget.

Councilor Lachance referenced the library revenue line in the finance reports, which is at 30%. He inquired if this number was COVID-related. Deputy Finance Director Sullivan stated that this is likely related to COVID, although he had not directly reviewed this with anyone at the library. Mayor McCarley briefly discussed the struggles experienced by the library during the past 9 months of COVID.

Councilor Lachance asked for an update on the Library Director position. City Manager Cox stated that the Library Trustees had done a search several months back for a new director, and although several offers were made, they were unable to hire a replacement for the previous director. At that time, the Trustees had decided to hold off on a new search for a few more months. City Manager Cox said they would likely initiate the new search in January. Councilor Lachance asked if salary was the reason the library was unable to hire a new director. City Manager Cox confirmed that the two candidates who were given offers were not hired due to inability to come to terms with the City on salary. Councilor Lachance asked for comparisons for library director salaries from other comparable municipalities. City Manager Cox stated that the City is taking a look at the position and the salary and would be suggesting increasing the position one salary range.

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6. Other

Mayor McCarley asked for an update in the status of the tax bills. Finance Director Ambrose stated that the tax rate had been set at \$24.61, which is a \$.29 cent reduction from the prior rate and a \$.14 cent reduction from the estimated rate. The bills are currently being processed and the target mail date is December 18. Director Ambrose reported that there is a report ticket in with the software company needed to process the bills, but the issue is being handled fairly quickly and they are hopeful they can stay on target for the mail date. She stated that if there is need for a delay, they are comfortable extending the mailing date to December 28. The due date will be 30 days past the mail date.

Councilor Gray asked for the figures on the undesignated fund balance. Director Ambrose stated that the audit is not yet complete, but there was a report in the previous months' finance packet which gave an estimate of 20.3% or \$22,138,487.21 at that time. Given the supplemental appropriations which Council has approved since, the undesignated fund balance is now at 18.7%, which is \$20,380,812.73.

7. Adjournment

Mayor McCarley **ADJOURNED** the Finance Committee meeting at 7:31 PM.

Respectfully Submitted,

Cassie Givara
Deputy City Clerk

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

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

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

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

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

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

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left blank...*

City Clerk's Office



City of Rochester Formal Council Meeting

AGENDA BILL

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

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| AGENDA SUBJECT |
|----------------|

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

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

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

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

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

COMMITTEE SIGN-OFF

| | |
|--------------|--|
| COMMITTEE | |
| CHAIR PERSON | |

DEPARTMENT APPROVALS

| | |
|---------------------|--|
| DEPUTY CITY MANAGER | |
| CITY MANAGER | |

FINANCE & BUDGET INFORMATION

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

LEGAL AUTHORITY

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SUMMARY STATEMENT

[Empty box for Summary Statement]

RECOMMENDED ACTION

[Empty box for Recommended Action]

City of Rochester Planning Board
Monday December 7, 2020
City Council Chambers
31 Wakefield Street, Rochester, NH 03867
(These minutes were approved on, 2020)

Members Present

Nel Sylvain, *Chair*
Mark Collopy, *Vice Chair*
Peter Bruckner

Tim Fontneau
Daniel Rines
Robert May
Mark Sullivan
Dave Walker

Members Absent

A. Terese Dwyer, 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.

Public Input: the Planning Board will be allowing the public to enter Council Chambers and speak in person during the Public Hearing 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. Seating in Council Chambers will not be available for the public during meetings.

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

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

The Planning Secretary conducted the roll call. All Planning Board members were present, with the exception of Ms. Dwyer 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. Giuliano voted in place of Ms. Dwyer.

IV. Communications from the Chair

Mr. Sylvain introduced Mayor McCarley and City Manager Blaine Cox.

Mayor McCarley said she understands how much the Board has on their plate and has started adding a report to the City Council because she felt it is important for the Council to keep up with what the Planning Board is trying to do. She appreciates the work. And thanked the Planning Board.

Mayor McCarley said one issue she wants to keep at the forefront, after looking at statistics from around the state, is that there is very little housing with a very low vacancy rate.

City Manager Blaine Cox said staff takes technical support of the Planning Board very seriously. Mr. Cox said he wants to focus on follow up on Master Plan, including the Downtown and Transportation Master Plans. Some upcoming issues coming up are traffic and parking downtown, there is a question about allowing residential units in the granite ridge TIF district. He also stated staff will be looking at and tightening up the surety process. He's looking forward to a Retreat when the pandemic passes in order to enhance communication between the Council and the PB.

V. Approval of Minutes

A motion was made by Mr. Walker and seconded by Mr. May to approve the November 16, 2020 meeting minutes. The motion carried unanimously by a roll call vote.

VI. Consent Agenda

A. Golden Oaks Development, LLC, Freedom Drive – Extension

C. Waste Management of NH & William & Eileen Parsell Rev Trust, 0 Pickering Road – Lot Line Revision

D. J & L Terra Holdings, Inc., Meadow Court – Waiver of Impact Fees

F. Tropic Star Development, LLC, 717 Columbus Avenue – Extension

Ms. Saunders suggested removing items B and E off the consent agenda to allow for discussion.

A motion was made by Mr. Walker and seconded by Mr. Fontneau to approve the consent agenda with the exception of items B and E. The motion carried unanimously by a roll call vote.

B. Farmington Associates, LLC, 60 Farmington Road – Extension

Ms. Saunders explained the project was originally approved in February 2016 and has had many plan changes since then. She said this will be the sixth extension for the project and the Board should take into consideration have the existing conditions on the property changed, are natural resources the same, have things been cut. Have conditions surrounding the property changed, has other development around the property happened, has traffic changed. Lastly, have City or State regulations and rules changed.

Gregg Mikolaities of August Consulting said 2020 has been a difficult year. He said the last time they were before the Board they were purposing a bowling alley, movie theater and a number of restaurants. Mr. Mikolaities told the Board the tenant sign ups has not gone as they had originally anticipated and so they are seeking another extension.

Mr. Mikolaities went on to explain a lot of work has been done on site, they received a wetlands permit, alteration of terrain permit, and an excavation permit.

Mr. Sullivan asked if there are recommendations from staff. Ms. Saunders said understands there is a history and the Board had previously warned the applicant at the fifth extension that another one would be difficult to get. She said also understands this is a big important project and the applicant has been moving along slowly but it's up to the Board to decide and staff will work with either decision.

Mr. Fontneau said the Board should take into consideration the commercial climate in 2020 and how commercial and retail business has changed.

A motion was made by Mr. Walker and seconded by Mr. Collopy to grant the extension to December 22, 2021 as requested. The motion carried unanimously by a roll call vote.

E. Norman Beaulieu, 9 Nature Lane – Waiver of Impact Fees

Ms. Saunders explained this is an existing vacant lot in an existing neighborhood with most of the houses dating from the 1950's. She said there is no vesting or planning reason to waive the impact fee for this lot. Ms. Saunders explained the applicant pointed out some personal financial considerations in his application.

Mr. Fontneau said he disagrees with granting a waiver for a 32-lot subdivision but not a single lot.

Mr. Sullivan asked what the difference is between the waiver that was granted earlier and this waiver request. Ms. Saunders said the subdivision was approved prior to Impact Fees being adopted. She said waivers are approved if subdivisions have met precedent conditions and is currently in construction and defined as active and substantial development. She went on to say a State RSA protects those developments from changes in rules or laws. This property has lost its vesting and is now subject to current rules and regulations.

Mr. Walker asked what the impact fee will be. Ms. Saunders said the amount would be \$4,507.60.

There was a brief discussion whether or not partial fees would be able to waived.

A motion was made by Mr. Sullivan and seconded by Mr. Walker to table the application to allow time for legal counsel to review. The motion carried unanimously by a roll call vote.

VII. Continued Applications

A. Waterstone of Rochester, 127 Marketplace Blvd.

Ms. Saunders explained the applicant submitted one proposal, the Board made some suggestions for revisions. She said the applicant came up with a new design that went through TRG review and they are much more in favor of the current proposal than they were of the original proposal as it met the safety concerns the group had.

Patrick Crimmins of Tighe and Bond explained the changes to modify the existing parking area, resulting in the elimination of 7 parking spaces, and the relocation of 7 parking spaces to allow for a drive-thru queue for 9 vehicles. He said a portion of the landscaped median in the parking area is also proposed to be relocated.

Mr. Sylvain asked if there was any input for the public hearing. There was none; Mr. Sylvain brought the discussion back to the Board.

Mr. Bruckner said he believes the inner radius of 10 feet on the northwest side could be easily 15 feet for vehicular motion.

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

VIII. New Applications

A. 328 Cambridge, LLC, 237 Pickering Road

Jeff Merritt with Granite Engineering presented the plan for a 2-lot subdivision. Mr. Merritt said the parcel is approximately 54 acres with 1500 feet of frontage on Pickering Road and is located in the general industrial zone.

Mr. Merritt explained they are proposing to subdivide off 8 acres from the parcel which will include the existing self-storage facility. He said the remainder of the parcel will be 46 acres in land area with no proposed development at this time.

Mr. Merritt said they are requesting a waiver from a full wetland delineation. He said they have done enough delineations on the property to show the Board the land is developable.

Ms. Saunders said staff supports the waiver request and recommends the Board find the application complete.

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

Ms. Saunders said staff recommends approval with conditions.

A motion was made by Mr. Walker and seconded by Mr. Collopy to close the public hearing and approval of the subdivision with conditions set forth. The motion carried unanimously by a roll call vote.

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

B. Homeless Center for Strafford County, 202 Washington Street

Christopher Berry of Berry Surveying and Engineering explained they had presented a preliminary application a couple months ago and are now back with a fully engineered plan.

Mr. Berry said the applicant is proposing a 2500 square foot print, there will be two stories with a full basement as well for storage. He explained the proposal is for 40 beds among 10 rooms for families.

Mr. Berry went on to explain families that come to the shelter are at a point where they need a little help for additional resources the shelter can provide before they get back out on their own.

Mr. Berry said they are requesting a waiver for parking because there are not a lot of vehicles that come to and from the site. He said the shelter will be purchasing a small van to transport the residents to and from their daily needs.

Mr. Berry said they are proposing porous pavement so the stormwater from the roof can be directly piped into the material and the stormwater that falls on the parking lot will be passed through the pavement into a stormwater reservoir for infiltration.

Ms. Saunders told the applicant a waiver for parking is not required. She said 15 spaces are required and the applicant was able to provide that amount. Ms. Saunders said staff recommends the Board accept the application as complete.

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

Ms. Saunders went through the conditions for approval.

Mr. Sylvain opened the public hearing.

Ms. Saunders read the following email into record:

Lou Archambault
224 Chesley Hill RD.
Rochester NH 03839
(603) 781-7974

For Rochester Planning Board Agenda

Homeless Shelter on Washington St. / aka: RT 202

Land has been "Donated" to the City of Rochester NH

* Donated, under conditions of a Tax Write-Off.
The Taxpayer picks up the City's LOST Revenue
I'm not opposed to anything above, if used or developed rationally.

* this Homeless Shelter Project at THIS "site" is problematic.
- coming from Barrington (on 202) is a sign, it reads "Speed Reduction Ahead"
Has this Board considered:
-- the current RT. 202 Speed Limit?
-- The problem of making a Right Hand Turn with oncoming large Trucks / cars

-- Making a left hand turn, the oncoming traffic coming from Rochester is still Accelerating, compounded again, by the Height of the Roadway out of Rochester.

* Location

- No Sidewalks - (are Fashionable Esplanades proposed?)
- No Crosswalks
- no acceptable street lighting
- how will Handicapped Accessible issues be addressed?
- will this facility be monitored on a 24/7 basis, by Qualified Staff?
- will Mass Transit (a Bus) tie up the roadway - patiently waiting, will be a challenge
- where are the Homeless expected to go from there?

The Support "Amenities" System Funding a project, would go through the roof.

In regards to Open & Clear Transparency = is this "Project" funded thru Government Grants?

I would think, with ALL of the Vacant Abandoned Properties available in town, (eg. Ben Franklin) would be a more rational and feasible alternative. Please consider the ease of access for these members of the community, there would be much more accessibility and travel to meet their needs.

In the Real Estate World it's "Location - Location - Location"

Is being out in "Nowhere" a "Place?" (in Oklahoma there is)

I cannot support Funding through Taxpayer "Donations" - anytime - past, present or future, that couldn't afford to Maintain and Sustain such a Project.

Thank you
Lou Archambault

There was no further comment from the public; Mr. Sylvain brought the discussion back to the Board.

Mr. Collopy said he is concerned with the speed limit. He asked if the City is able to send a letter or assist NHDOT because he sees a benefit to the city as it continues to grow. Mr. Collopy also stated concern with flooding due to storms in the past.

Mr. Giuliano expressed his concern about pedestrian traffic along Washington Street. He said the conditions are dangerous because of sight lines, traffic, and speed.

Mr. Giuliano asked if the applicant had given any thought to changing the name of the facility.

Mr. Fontneau suggested the Board waive the impact fees for the facility.

Mr. May said he thinks it's a mistake for the Board not to require sidewalks as there are numerous safety concerns. Nel said the issue is DOT and whether or not they will fund a sidewalk in that area because it is not a City road.

Mr. Bruckner asked how long the families will stay at the homeless center. He asked if there will be an area for kids to play.

Mr. Berry explained there is a fenced in play area on site. He told the Board the van has been ordered for the center and will be delivered later in the week.

Tracy Hardekopf, Executive Director for the Homeless Center for Strafford County said she appreciates all the thoughtful comments from the Board. She said being currently located within Waste Management they don't allow their residents to walk off the property due to all the trucks along Rochester Neck Road. Ms. Hardekopf said they are considering a name change for the facility and as of now the top name is "Home for Now".

A motion was made by Mr. Fontneau and seconded by Mr. Bruckner to waive impact fees. The motion carried 8 to 1 by a roll call vote. Mr. Sullivan opposed.

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

C. Waste Management of NH, 155 Turnkey Way

Ann Reichert of Waste Management explained to the plan to construct the Rochester Materials Recovery Facility. Ms. Reichert explained with current expansion of the landfill there is proposed excavation at the current Recovery Facility so they are proposing to relocate the facility to allow for the excavation. She said Waste Management is looking to have the facility relocated by the summer of 2022 and they are currently in the permitting process with NHDES.

Ms. Reichert went on to explain the layout of the proposed building and the elevations. Further, she explained landscaping and vegetation for the site.

Ms. Reichert explained the three waivers they are requesting. The first is a setback waiver for the small building addition that is within the 100 foot setback. The second waiver request is for parking to allow for 23 parking spaces instead of the 33 required. The third waiver is for underground utilities.

Ms. Saunders said staff recommends the Board accept the application as complete.

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

Ms. Saunders told the Board staff supports the waiver requests and recommends approval.

Mr. Sylvain asked if there was any input for the public hearing. There was none; Mr. Sylvain brought the discussion back to the Board.

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

Ms. Saunders reviewed the conditions of approval with the applicant and Board members. She said the applicant is requesting a waiver from impact fees because this building is replacing an existing one. Ms. Saunders stated the new building is 5000 square feet larger than the existing one and recommends the applicant pay the impact fees for that square footage.

A motion was made by Mr. Fontneau and seconded by Mr. Walker to approve the site plan with the conditions set forth with the exception to Impact Fees. The motion carried unanimously by a roll call vote.

IX. Other Business

A. Recommendation to release surety for Coyote Creek in the amount of \$63,875.93 (plus interest), Map 216 Lot 2 & 3

Ms. Saunders told the Board the developer submitted as-builts and staff has review and signed off on them. She said she recommends the Board release the surety as requested.

A motion was made by Mr. Collopy and seconded by Mr. Walker to release the surety in the amount of \$63,875.93 plus interest. The motion carried unanimously by a roll call vote.

B. Election of Officers

Ms. Saunders opened the nominations.

Mr. Walker nominated Mr. Sylvain for Chair, seconded by Mr. Giuliano.

A motion was made by Mr. Bruckner and seconded by Mr. Walker to cease nominations. The motion carried unanimously by a roll call vote.

A roll call vote was taken unanimously in favor of Mr. Sylvain as Chair.

Mr. Sylvain nominated Mr. Collopy for Vice Chair, seconded by Mr. Walker.

A motion was made by Mr. Walker and seconded by Mr. Bruckner to cease nominations. The motion carried unanimously by a roll call vote.

A roll call vote was taken unanimously in favor of Mr. Collopy for Vice Chair.

C. Other

Mr. Sullivan suggested the Board look at the Ordinance in regards to Impact Fees to see if any modifications are needed to send to the City Council.

X. Adjournment

A motion was made by Mr. Walker and seconded by Mr. Collopy to adjourn at 9:12 p.m. The motion carried unanimously by a roll call vote.

Respectfully submitted,

Crystal Galloway,
Planning Administrative Assistant II

and

Shanna B. Saunders,
Director of Planning & Development

Public Safety Committee
Meeting Minutes
December 16, 2020
6:00 PM
Council Chambers
Meeting Conducted Remotely

Members Present

Councilor Don Hamann, Chair
 Councilor Palana Belken
 Councilor Peter Lachapelle
 Councilor Chris Rice

Members Absent

Councilor Jeremy Hutchinson

Others Present

Michael Bezanson, PE, City Engineer
 Dan Camara, GIS Asset Mgmt. Tech
 Deputy Chief Gary Boudreau, PD
 Mark Klose, Fire Chief

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 will be conducted without a quorum of this body physically present in the same location.

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

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

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

meeting packet (Addendum).

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

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

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

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

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

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

| | |
|-----------------------------|-------------------------|
| Councilor Peter Lachapelle | Ward 3 Present |
| Councilor Jeremy Hutchinson | Ward 5 (Excused Absent) |
| Councilor Chris Rice | Ward 5 Present |
| Councilor Palana Belken | Ward 2 Present |
| Councilor Don Hamann | Ward 5 Present |

1. Public Input

There were no members of the public present for public input.

2. Gonic Road/Oak Street/Coby Street Intersection-Turning Movement

Councilor Hamann summarized the issue. Mr. Bezanson gave credit to the Police Department for noticing a camera that had been installed recently at the intersection by the State of NH DOT. Mr. Bezanson said that he reached out to NHDOT and they replied with a message stating it was a point, tilt, and zoom camera to monitor the traffic at the intersection while they refine the signal phasing. NHDOT stated that they had some controller issues and hoped to finish the

intersection work and remove the camera by the end of the month. The camera is producing a live feed and no recording is being done. Mr. Bezanson will keep the Committee informed regarding this intersection.

3. Speeding Concerns-Cemetery Road (follow-up)

Councilor Hamann summarized the issue. Deputy Chief Boudreau said there were no speeding issues based on the data on the speed trailer. Deputy Chief Boudreau stated that he was able to go back 5 years for accident data and there was 1 accident at the intersection of Flagg Road; there were no other issues with speed or other accidents on Cemetery Road. Councilor Lachapelle stated he reached out to the resident that had the concern and at this time he hasn't heard back from her and he also stated that by his observation traffic on Flagg Road to Route 125 seemed to be going much faster than on Cemetery Road. Councilor Lachapelle asked Mr. Bezanson if he had heard back from the State regarding a signal at the intersection of Gear Road and Route 125. Mr. Bezanson said he had not heard back from NHDOT and said that they probably wouldn't consider a signal unless a study was done to see if the intersection warranted a signal or if there was a political reason to have a traffic signal there. Mr. Bezanson said he would follow-up with NHDOT. Councilor Lachapelle said other than waiting to hear from the State there is really nothing else that can be done at this point. Mr. Bezanson said he had a few other issues to bring up to the State and he will follow-up with this at the same time and get back to the Committee.

4. Street Light Request-Corner of Juniper Street and Meadow Lane

Councilor Hamann summarized the issue. Mr. Pappalardo called DPW regarding a street light requested at the corner of Juniper and Meadow. He stated there is a pole already there with no light and the area is extremely dark. Councilor Hamann asked Mr. Bezanson if this location meets the guidelines of the City's Street Light Policy. Mr. Bezanson said the Policy includes installation of intersections with no existing light. He also stated that this intersection is the only intersection in the neighborhood that does not currently have a street light, and that this intersection is no less important regarding a need to be lit than any of the other intersections on Juniper Street. ***Councilor Lachapelle made a motion to install a street light at the intersection of Juniper Street and Meadow Lane. Councilor Belken seconded the motion. A Roll Call vote was taken on the motion.***

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

5. E911 Update

Councilor Hamann summarized the issue. Deputy Chief Boudreau stated that they didn't meet this month and that nothing was passed down to him from the Fire Marshall Tim Wilder. There was a meeting with City staff to go over a perspective SOP (standard operating procedure) for the committee.

6. Emergency Management Update

Councilor Hamann summarized the issue. Chief Klose said there was a big storm coming in tonight starting around 11pm into about 1pm tomorrow. He stated to have the residents get their vehicles off the road so the plows could do their jobs and if you didn't have to be out to stay home. The storm and clean up would be going on for 24 to 36 hours. Councilor Hamann also stated that it would be helpful if you have a fire hydrant near your residence, if you could shovel in out, to help the Fire Department. Chief Klose said that, yes that would be helpful and it would have to be shoveled 3 feet all around the hydrant for them to get access to it.

7. Covid-19 Statistics Update

Councilor Hamann summarized the issue. Chief Klose said that last week there were 107 positive cases in the City and yesterday there were 52 positive cases in the City. The State of NH changed their recording system as of yesterday and as people come off their 10-day quarantine numbers change, last meeting the quarantine was 14 days; as the guidelines changed and the antigen testing was added into the numbers, today the positive cases were 208. Chief Klose said the numbers are increasing; there was some good news that one of the local living facilities was at 30 positive cases and as of yesterday there were 0 new cases. DHHS has been working with them and the facility has been following the guidelines and the staff will continue to be tested weekly. Chief Klose said the vaccine was here Tier 1A will be 1st responders, healthcare and long term facility. The process will begin December 26th or the week of the 28th of December. They are awaiting approval of the Moderna vaccine, which should be approved tomorrow. In late December into January the vaccine will go to the Police, Fire and EMS; this is volunteer and dispatchers aren't included because they do not have direct patient contact. Tiers 3 and 4 are for the general public it should be available by March, April, or May. The vaccine is a 2 shot process, Pfizer has 21 days between shots and Moderna's interval is 28 days. There will be 10 fixed vaccine stations and 3 mobile stations, they are talking about having 50 to 60 thousand people a week vaccinated. Rochester is a dispensing city; there were two locations proposed: one at the Rochester Middle School and the other at the Community Center. Mark Klose and Mike Riley met with the National Guard at the Community Center and ended up suggesting that the armory on Brock Street would be a better location because the vaccine has to be monitored and locked up every night. Councilor Rice thanked Chief Klose for updates. He also asked about traffic issues during vaccine hours. Deputy Chief Boudreau is the point of contact for traffic and the concerns during the vaccine hours. To get the vaccine you will have to register online. Councilor Rice asked about making Brock Street a 1 way during this time. Deputy Chief Boudreau said the idea has been considered.

8. Other

690 Pickering Road-Sign Request

Councilor Hamann stated that a request came in for signage near 690 Pickering

Road. Susan Miltner is requesting signage at the roadway curve in this area; she is concerned about the many accidents that have been happening and thinks signage showing the corners may help the situation. Mr. Bezanson said that the request just came in today and that he didn't have time to fully evaluate the situation yet; but, there is existing advance warning signage existing in each direction. Mr. Bezanson said that he would evaluate whether the existing signage meets MUCTD standards and whether additional signage would be warranted, such as chevron signs at the curves. He may also need to coordinate with Dover, as the curves are located close to the City line. This was kept in Committee and Mr. Bezanson will evaluate the area and get back to the Committee.

Councilor Hamann adjourned the meeting at 6:36 PM.

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

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City Clerk's Office

Resolution Authorizing the Change of Funding Sources and De-authorizing Previous Appropriations of the Department of Public Works EDA Salmon Falls Road Capital Improvement Plan Project and Supplemental Appropriation from General Fund Unassigned Fund Balance in an amount not to exceed \$17,674.28

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

I. CIP FUND 1501 – Department of Public Works (Highway Division)

WHEREAS, by virtue of various resolutions adopted by the Mayor and City Council of the City of Rochester, the Mayor and City Council appropriated the sum of One Million One Thousand Five Hundred Dollars (\$1,001,500.00) to the Department of Public Works Capital Improvement Plan EDA Salmon Falls Road project # 13551 of the City of Rochester, all as more particularly set forth in Exhibit A annexed hereto; and

WHEREAS, the Mayor and City Council of the City of Rochester have determined that the best interests of the City are served by changing the funding sources for the EDA Salmon Falls Road project # 13551 referenced in Exhibit A.

NOW THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby change the funding sources for the EDA Salmon Falls Road project # 13551 referenced in Exhibit A.

FURTHER, the Mayor and City Council of the City of Rochester, hereby de-authorize the sum of Twenty Eight Thousand Nine Hundred Sixty Three and 33/100 Dollars (\$28,963.33) of previously appropriated funds from the EDA Salmon Falls Road project # 13551.

FURTHER STILL, in accordance with the provisions of RSA 33:9 and Section 45 of the Rochester City Charter, the Mayor and City Council of the City Rochester, hereby withdraw borrowing authority in the amount of Thirty Four Thousand Three Hundred Twenty Four and 05/100 Dollars (\$34,324.05).

II. WATER CIP FUND 5501 – Department of Public Works (Water Division)

WHEREAS, by virtue of various resolutions adopted by the Mayor and City Council of the City of Rochester, the Mayor and City Council appropriated the sum of One Million Eighty Thousand Two Hundred Dollars (\$1,080,200.00) to the Department of Public Works Water Fund 5501 Capital Improvement Plan EDA Salmon Falls Road project budgets of the City of Rochester, all as more particularly set forth in Exhibit A annexed hereto; and

WHEREAS, the Mayor and City Council of the City of Rochester have determined that the best interests of the City are served by changing the funding sources for the EDA Salmon Falls Road project referenced in Exhibit A.

NOW THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby change the funding sources for the EDA Salmon Falls Road project referenced in Exhibit A.

FURTHER, the Mayor and City Council of the City of Rochester, hereby de-authorize the sum of One Hundred Nine Thousand Two Hundred Seventy Nine and 48/100 Dollars (\$109,279.48) of previously appropriated funds from the EDA Salmon Falls Road project # 13551.

FURTHER STILL, in accordance with the provisions of RSA 33:9 and Section 45 of the Rochester City Charter, the Mayor and City Council of the City of Rochester, hereby withdraw borrowing authority in the amount of Two Hundred Seven Thousand Five Hundred Seventy Seven and 53/100 Dollars (\$207,577.53).

III. SEWER CIP FUND 5502 – Department of Public Works (Sewer Division)

WHEREAS, by virtue of various resolutions adopted by the Mayor and City Council of the City of Rochester, the Mayor and City Council appropriated the sum of Two Million Seven Hundred Eighty Five Thousand Five Hundred Dollars (\$2,785,500.00) to the Department of Public Works Sewer Fund 5502 Capital Improvement Plan EDA Salmon Falls Road projects # 13551 and # 18549 of the City of Rochester, all as more particularly set forth in Exhibit A annexed hereto; and

WHEREAS, the Mayor and City Council of the City of Rochester have determined that the best interests of the City are served by changing the funding sources for the EDA Salmon Falls Road projects referenced in Exhibit A.

NOW THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby change the funding sources for the EDA Salmon Falls Road projects referenced in Exhibit A.

FURTHER, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby de-authorize \$16,181.96 of previously appropriated funds for the EDA Salmon Falls Road project #18549 and repurpose the Sewer Fund retained earnings funding source for said project to the EDA Salmon Falls Road project #13551.

FURTHER, the Mayor and City Council of the City of Rochester, by adoption of this Resolution,

hereby de-authorize Nineteen Thousand Eight Hundred Two and 54/100 Dollars \$19,802.54 of previously appropriated funds for the EDA Salmon Falls Road project # 13551.

FURTHER STILL, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby authorize a supplemental appropriation in the amount of Seventeen Thousand Six Hundred Seventy Four and 28/100 Dollars (\$17,674.28) for the purpose of fully funding the completed EDA Salmon Falls Rd project # 13551. The funding for this supplemental appropriation shall be derived in its entirety from the General Fund unassigned fund balance.

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

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City Clerk's Office



City of Rochester Formal Council Meeting

AGENDA BILL

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

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|--|--|
| AGENDA SUBJECT Resolution Authorizing the Change of Funding Sources and De-authorizing Previous Appropriations of the Department of Public Works EDA Salmon Falls Road Capital Improvement Plan (CIP) Project and Supplemental Appropriation from General Fund Unassigned Fund Balance in an amount not to exceed \$17,674.28. | |
| 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 | 12/01/2020 |
| DEPT. HEAD SIGNATURE | |
| DATE SUBMITTED | 11/11/2020 |
| ATTACHMENTS YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> | * IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED 1 |
| COMMITTEE SIGN-OFF | |
| COMMITTEE | Finance |
| CHAIR PERSON | Mayor McCarley |
| DEPARTMENT APPROVALS | |
| DEPUTY CITY MANAGER | |
| CITY MANAGER | |
| FINANCE & BUDGET INFORMATION | |
| FINANCE DEPARTMENT APPROVAL | |
| SOURCE OF FUNDS | General Fund Unassigned Fund Balance |
| ACCOUNT NUMBER | 17040051-593003 |
| AMOUNT | \$17,674.28 |
| APPROPRIATION REQUIRED YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> | |
| LEGAL AUTHORITY | |
| City Council Action Required Public Hearing Required | |

SUMMARY STATEMENT

This request is to fund the remaining unfunded amount and to close out the EDA Salmon Falls Road CIP Project as summarized below and more particularly set forth in Exhibit A annexed hereto:

1. Change of funding sources
2. De-authorization of prior appropriations
3. Withdrawal of bond authority
4. Supplemental Appropriation from the General Fund not to exceed \$17,674.28

RECOMMENDED ACTION

Council authorization to change the funding sources, de-authorize previous appropriations, withdraw unneeded bond authority, and appropriate \$17,674.28 from the General Fund unassigned fund balance for the purpose of closing out the EDA Salmon Falls Road CIP project.

**Resolution Changing Funding Sources of the EDA Salmon Falls Rd Project and Supplemental Appropriation
Exhibit A**

| Fund - Proj | Original Funding Source | Revised Appropriation | Funding Change | Final Appropriation | Comment |
|--------------------|---|----------------------------------|---------------------------|--------------------------------|--|
| 1501 - 13551 | ED Fund Unassigned Fund Balance | 174,970.77 | - | 174,970.77 | |
| | U.S. Department of Commerce - Economic Development Administration | 393,250.00 | 6,396.22 | 399,646.22 | |
| | Private Donations (Market Basket) | 101,035.50 | (1,035.50) | 100,000.00 | |
| | Bond (Repurposed from the GSBP Unused Bond Proceeds) | 117,243.73 | - | 117,243.73 | |
| | Bond (August 2018 Series A) | 215,000.00 | (34,324.05) | 180,675.95 | Withdraw Bond Authority of \$34,324.05 |
| | Subtotal | 1,001,500.00 | (28,963.33) | 972,536.67 | De-authorize \$28,963.33 |
| 5501 - 13551 | ED Fund Unassigned Fund Balance | 157,232.14 | - | 157,232.14 | |
| | U.S. Department of Commerce - Economic Development Administration | 353,600.00 | 99,146.55 | 452,746.55 | |
| | Private Donations (Market Basket) | 90,848.50 | (848.50) | 90,000.00 | |
| | Bond (Repurposed from the GSBP Unused Bond Proceeds) | 105,519.36 | - | 105,519.36 | |
| | Bond (August 2018 Series A) | 373,000.00 | (207,577.53) | 165,422.47 | Withdraw Bond Authority of \$207,577.53 |
| | Subtotal | 1,080,200.00 | (109,279.48) | 970,920.52 | De-authorize \$109,279.48 |
| 5502 - 13551 | General Fund Unassigned Fund Balance | 527,678.43 | 17,674.28 | 545,352.71 | Supplemental Appropriation of \$17,674.28 |
| | U.S. Department of Commerce - Economic Development Administration | 1,199,250.00 | (105,542.78) | 1,093,707.22 | |
| | Private Donations (Market Basket) | 308,116.00 | 51,884.00 | 360,000.00 | |
| | Bond (Repurposed from the GSBP Unused Bond Proceeds) | 363,455.57 | - | 363,455.57 | |
| | Bond (August 2018 Series A) | 277,000.00 | - | 277,000.00 | |
| | Sewer Fund Retained Earnings | - | 16,181.96 | 16,181.96 | Repurpose \$16,181.96 from Project 18549 |
| | Subtotal | 2,675,500.00 | (19,802.54) | 2,655,697.46 | De-authorize \$19,802.54 |
| 5502-18549 | Sewer Fund Retained Earnings | 110,000.00 | (16,181.96) | 93,818.04 | |
| | Subtotal | 110,000.00 | (16,181.96) | 93,818.04 | De-authorize & Repurpose \$16,181.96 to Project 13551 |
| | | | | | |
| | Project Total | 4,867,200.00 | (174,227.31) | 4,692,972.69 | Total Expenditures |

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City Clerk's Office

Resolution Authorizing a Supplemental Appropriation
in the Amount of \$270,000.00 for the Purchase of 8 Amarosa Drive and 0 Milton Road

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

That the amount of Two Hundred Seventy Thousand Dollars (\$270,000.00) is hereby appropriated as a supplemental appropriation for the purpose of paying costs associated with the purchase of 8 Amarosa Drive and 0 Milton Road. The funding for this supplemental appropriation shall be derived in its entirety from the General Fund Unassigned Fund Balance.

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

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City Clerk's Office



City of Rochester Formal Council Meeting

AGENDA BILL

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

| |
|----------------|
| AGENDA SUBJECT |
|----------------|

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

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

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

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

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

COMMITTEE SIGN-OFF

| | |
|--------------|--|
| COMMITTEE | |
| CHAIR PERSON | |

DEPARTMENT APPROVALS

| | |
|---------------------|--|
| DEPUTY CITY MANAGER | |
| CITY MANAGER | |

FINANCE & BUDGET INFORMATION

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

LEGAL AUTHORITY

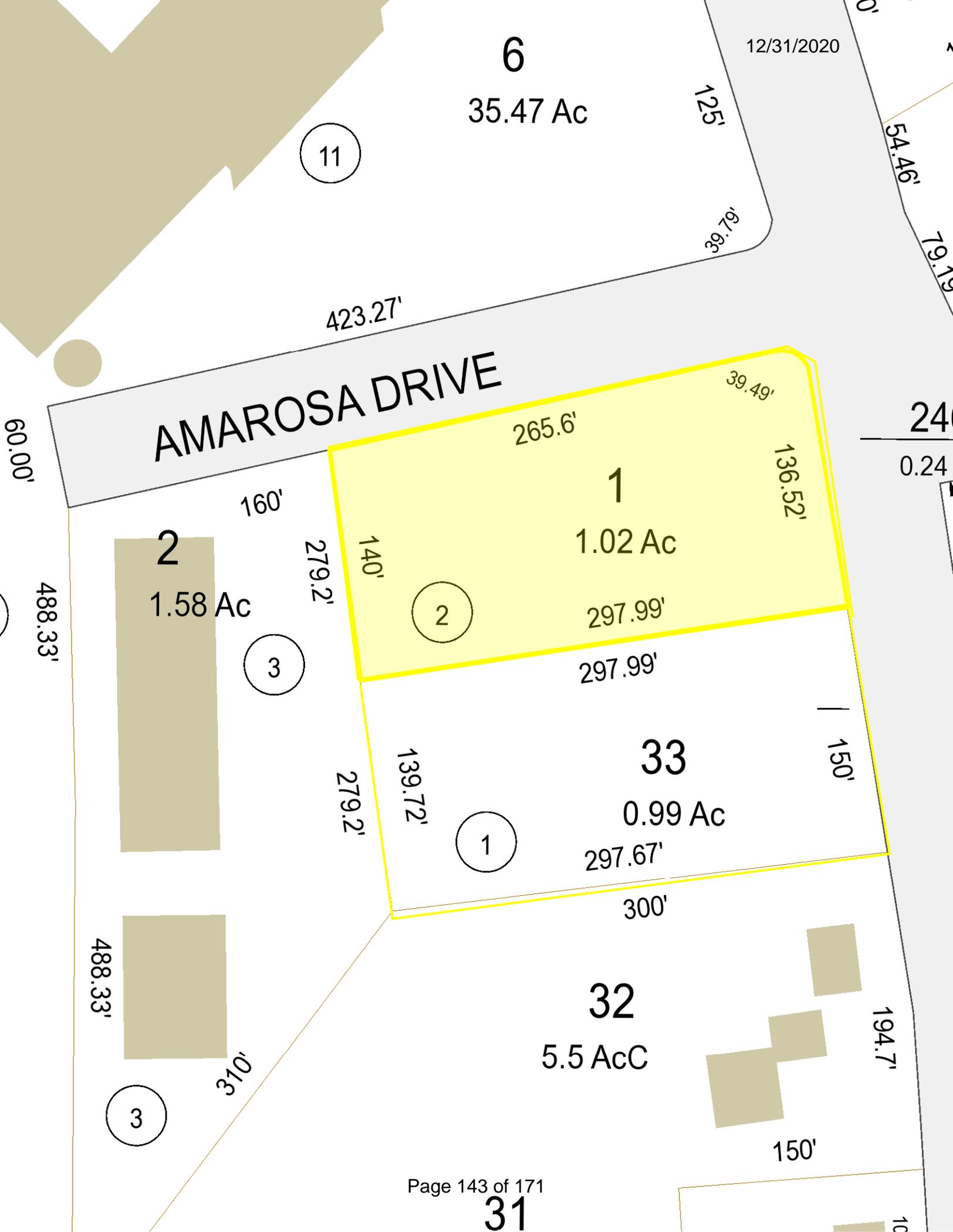
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SUMMARY STATEMENT

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RECOMMENDED ACTION

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12/31/2020

6
35.47 Ac

11

125'

39.79'

54.46'

79.19'

423.27'

AMAROSA DRIVE

39.49'

265.6'

136.52'

1

1.02 Ac

160'

279.2'

140'

2

297.99'

2
1.58 Ac

3

297.99'

33

0.99 Ac

150'

279.2'

139.72'

1

297.67'

300'

488.33'

488.33'

310'

3

32
5.5 AcC

194.7'

150'

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City Clerk's Office



12/31/2020

City of Rochester, New Hampshire
Office of Economic & Community Development
33 Wakefield Street, Rochester, NH 03867
(603) 335-7522, www.rochesterredc.com

December 29, 2020

Ms. Caroline McCarley
Mayor
City of Rochester
31 Wakefield Street
Rochester, NH 03867

RE: REDC Letter of Support – Sig Sauer, Inc. Purchase & Sale of Real Property located at 8 Amarosa Drive and 0 Milton Road, Rochester, NH

Dear Madam Mayor:

The Rochester Economic Development Commission (REDC) would like to express our support of the attached Letter of Intent dated December 10, 2020. The REDC's mission is to promote economic growth, vitality, and diversity throughout the city, and we feel this transaction is an important component that relates directly to our mission.

We understand and support that the City of Rochester intends to purchase the subject real estate for the amount of \$270,000, and this will allow for the City to complete the necessary Amarosa Drive / Route 125 intersection reconfiguration work required as part of the Memorandum of Understanding between Sig Sauer and the City. We also understand that Sig Sauer has agreed to purchase the real estate at market value upon completion of all improvements.

The REDC has been involved with the Sig Sauer plant expansion to Rochester and is excited about the positive economic impact for local businesses and the prospect of adding as many as 1,000 jobs to the community within the next 5 years. We feel that projects such as this fit well into our goals and mission, and for that reason REDC supports this proposed real estate acquisition.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Shapleigh".

Jonathan Shapleigh
Chairman, REDC

December 10, 2020

City of Rochester, New Hampshire
33 Wakefield Street
Second Floor
Rochester, NH 03867-1917
Attention: Michael Scala, Director of Economic Development

VIA ELECTRONIC MAIL
(michael.scala@rochesternh.net)

Re: Letter of Intent with Respect to the Purchase and Sale of Real Property Located at 8 Amarosa Drive and 0 Milton Road, Rochester, NH (known as Rochester Parcel ID: 205-1 and 210-33) (collectively, the "Premises")

Dear Mr. Scala:

Pursuant to our prior conversations regarding the Premises, we understand that the City of Rochester (the "City") is under contract to acquire the Premises from the current fee title owner of the Premises for the amount of \$270,000.00. Subject to the City's subsequent acquisition of the Premises, given that the Premises may be necessary for (i) the future reconfiguration of the Amarosa Drive/Route 125 intersection to be undertaken by the City pursuant to that certain Memorandum of Understanding between the City and Sig Sauer, Inc. dated December 10, 2020 (the "Reconfiguration Work"), and (ii) our future potential development of 7 Amarosa Drive, this is a letter of intent to enter into a definitive agreement by and between Sig Sauer, Inc., or its affiliate ("Buyer"), and the City of Rochester ("Seller"), for the future purchase and sale of the Premises. The following outlines the business terms of the purchase and sale of the Premises:

PURCHASE PRICE

The purchase price shall be mutually agreeable to both Buyer and Seller based upon market rates, taking into consideration the impact of any currently unknown easements, encumbrances and/or restrictions placed upon the Premises in connection with the to-be-completed Reconfiguration Work.

DEPOSIT

Upon the execution of a definitive purchase agreement (the "Purchase Agreement"), which is acceptable to Buyer and Seller, Buyer shall deposit Five Thousand Dollars (\$5,000.00) with Buyer's title agent (the "Deposit"). The Deposit shall be held in escrow in accordance with the Purchase Agreement. The Deposit shall be fully refundable at any time during the Inspection Period (as defined below). Upon expiration of the Inspection Period, the Deposit shall become non-refundable. The deposit shall be credited toward the Purchase Price at the Closing (as defined below).

CLOSING

The closing shall take place on or before that day which is thirty (30) days after the expiration of the Inspection Period (the "Closing").

TITLE

Marketable title to the Premises shall be conveyed to Buyer by a good and sufficient warranty deed, subject to all restrictions and easements of record.

**INSPECTION PERIOD;
BUYER'S DUE DILIGENCE**

Buyer shall have sixty (60) days after execution of the purchase agreement to accomplish the Buyer's due diligence and review title to the Premises (the "Inspection Period") for the Premises. During the Inspection Period, Buyer shall be entitled to enter the Premises at reasonable times to perform any and all inspections and investigations with respect to the Premises that Buyer elects to do in its discretion, including environmental testing (provided that Buyer shall obtain Seller's prior written consent for any invasive testing of the Premises), land title surveys and other inspections. Buyer shall repair any damage or disturbance resulting from its inspections and shall indemnify and hold Seller harmless therefor. If, by the end of the Inspection Period, Buyer is not satisfied with the results of its due diligence, Buyer may terminate the Purchase Agreement at and the deposit shall be immediately returned to Buyer.

SELLER'S DOCUMENTS

Within two (2) days after the mutual execution of a Purchase Agreement, Seller shall deliver to Buyer copies of all environmental reports, surveys and other documents and plans with respect to the Premises in Seller's possession.

PURCHASE AGREEMENT

Within twenty (20) days after the date that City complete the Reconfiguration Work, Buyer and Seller shall negotiate a mutually acceptable Purchase Agreement. Buyer and Seller shall in good faith negotiate the Purchase Agreement.

COMMISSION

Buyer and Seller each represents and warrants to the other that no person or entity can properly claim a right to a real estate commission, real estate finder's fee, real estate acquisition fee or other real estate brokerage-type compensation (collectively, "Real Estate Compensation") based upon the acts of that party with respect to the transaction contemplated hereby. Each party shall indemnify and defend the other against and hold the other harmless from any and all loss, cost, liability or expense (including but not limited to attorneys' fees and returned commissions) resulting from any claim for Real Estate Compensation by any person or entity based upon such acts other than the Real Estate Broker.

EXCLUSIVE AGREEMENT

This letter of intent shall constitute an exclusive arrangement between the parties hereto, and from and after the date of execution of this letter of intent by the parties hereto through the earlier of one hundred twenty (120) days after the completion of the Reconfiguration Work or the execution of the Purchase Agreement, Seller shall not negotiate for, or otherwise, deal in the sale of the Premises with anyone other than Buyer.

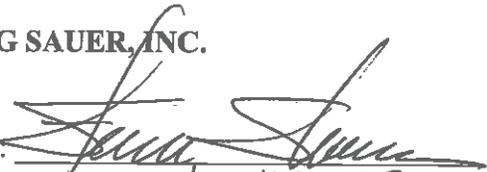
Except for the paragraph of this letter of intent with respect to Exclusive Agreement (which shall be binding on the parties), this letter of intent is not intended to constitute a binding agreement but rather to serve as the basis for negotiating and drafting the Purchase Agreement between the parties containing the terms stated in this letter of intent as well as other terms and conditions to be determined. Neither party will rely on this letter of intent as binding on the other; any such reliance would be imprudent and unreasonable. Neither party will be bound

unless and until the Purchase Agreement has been executed and delivered by both parties and approved by their respective attorneys.

Further negotiations between the parties are contemplated before a binding agreement will be prepared, but neither party is bound to continue such negotiations, which may be terminated at any time. Further efforts by either party to perform due diligence, arrange or obtain financing, or carry out other acts in contemplation of the possible purchase and sale of the Premises may not be deemed evidence of intent by either party to be bound by this letter of intent

Very truly yours,

SIG SAUER, INC.

By: 
Name: STEVEN SHAUVER
Title: EXEC VP & CHIEF LEGAL OFFICER

ACCEPTED AND AGREED:

SELLER:

CITY OF ROCHESTER, NEW HAMPSHIRE

By: 
Name: _____
Title:

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City Clerk's Office

**Amendment to the General Ordinances of the City of Rochester Creating Chapter 41,
Disorderly Residence**

THE CITY OF ROCHESTER ORDAINS:

That the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended to create Chapter 41, Disorderly Residence, as follows:

Chapter 41: Disorderly Residence

§ 41-1 Purpose.

§ 41-2 Definitions.

§ 41-3 Documentation and classification of complaints.

§ 41-4 Notice and enforcement procedures; fines, violations and penalties.

§ 41-5 Legal action against owner for cost recovery; alternative enforcement actions.

§ 41-1 Purpose.

This chapter is adopted in accordance with RSA 47:17, RSA 31:39,I (n), and RSA 644:2, and all other relevant statutory authority. It is hereby declared a valid public purpose of the City of Rochester that in order to promote and protect the health and general welfare of the City of Rochester, its residents and its neighborhoods, a process needs to be in place to properly and adequately control and manage chronic and unlawful nuisance and disorderly activities that might occur in the neighborhoods of the City. It is the public policy of the City to utilize this chapter to control and manage the disorderly activities and properties described below, and to appropriately assign financial liability for enforcement actions to the owners of the property where such activities occur in repeated fashion. There is an obligation on the part of the property owners to take all appropriate actions to reduce or eliminate these types of events from occurring. Ongoing disorderly events consume time and energies of the Police Department, thus reducing the amount of time that can be spent on more significant crimes and community affairs. While fines and enforcement actions may be necessary, this chapter is not adopted to create a mechanism to solely impose punitive punishments on the property owners; instead the goal of this chapter is create a dialogue with property owners and engage them in a process of eliminating these disorderly activities to the greatest degree possible.

§ 41-2 Definitions.

As used in this chapter the following terms shall have the meanings outlined below:

DISORDERLY ACTIVITIES

Situations created within or in the immediate vicinity of a building by a building's owner, occupants, or tenants, or the invitees of an owner, tenant or occupant, which would have a tendency to unreasonably disturb the community, the neighborhood or an ordinary individual occupying property in or near the disorderly activity, including but not limited to loud music; boisterous parties; excessively loud or unnecessary noises emanating from within or near the building which are audible outside the building; fights within the building, or in its vicinity, involving occupants of the building or their invitees; occupants of the

building or their invitees being intoxicated outdoors in the vicinity of the building; and other similar activities in the building or in the vicinity of the building.

DISORDERLY EVENT

An activity to which the Police Department responds on the basis of a complaint and determines to be disorderly. Multiple responses to a single building that occur within a twelve-hour period may be deemed a single disorderly event at the discretion of the Police Department. The Police Department shall be the final arbiter on how events are classified and counted towards the enforcement procedures in this chapter. If the disorderly events occur at a multifamily property (more than two units) and the events are taking place at individual units on different dates and times, the Police Department, in consultation with the City Manager, shall determine how these events will be classified in reference to the notice and fine provisions of § 41-4 B through D below. The type and frequency of the events, and the degree of threat to public safety, will be factors in how the events are classified.

HABITUAL DISORDERLY RESIDENCE

A residence which has been identified and classified by the Police Chief or a designee as being either the subject of eight or more police responses for any disorderly events in any twelve-month period; or the subject of 10 or more police responses for any disorderly events in any eighteen-month period.

OWNER

The person or persons having the right of legal title to, or the beneficial interest in, a building or parcel of land, as their interest is recorded in the tax records of the City of Rochester. For the purpose of all notifications and related communications, the term "owner" shall also be defined as the landlord's agent, as provided to the City by the owner of the property subject to the provisions of RSA 540.

RESIDENCE

Any type of residential unit or building, including but not limited to a single- or two-family dwelling, a multifamily dwelling unit, family apartment, boardinghouse, condominium, rooming house or unit, or leased units in a manufactured housing park (hereinafter jointly and severally "building"). The term "residence" also includes any property (yard, driveway or parking area, etc.) associated with the residence.

§ 41-3 Documentation and classification of complaints.

The Police Department shall document all responses to complaints of disorderly activities and classify each complaint as either substantiated or unsubstantiated.

§ 41-4 Notice and enforcement procedures; fines, violations and penalties.

A.

When the Police Department determines that the first incident at a property will be subject to the provisions of this chapter, it shall notify the owner of the property and provide a copy of this chapter. The owner may voluntarily contact the Police Chief and/or City Manager to schedule a meeting to

discuss the violation; if such a meeting is scheduled, the owner may, if he or she so chooses, present the City with a plan to take proactive steps to prevent future events.

B.

Whenever a residence has been visited by the police two times in any thirty-day period, in relation to incidents involving a disorderly event, the Police Chief, the City Manager, or any other agent designated by the City Manager (hereinafter referred to as the "City") shall send a notice to the owner. The owner shall be provided with a copy of this chapter and shall be informed that a fine of \$100 shall be imposed for the event. If the owner contacts the Police Chief and/or the City Manager and schedules a meeting, within 10 calendar days of the receipt of the notice, to discuss the events, and said owner satisfactorily outlines a mechanism to prevent future disorderly events, then the fine may be waived.

C.

Whenever a residence has been visited by the police for a third event in any sixty-day period, in relation to incidents involving a disorderly event, the Police Chief, the City Manager, or any other agent designated by the City Manager (hereinafter referred to as the "city") shall send a notice to the owner. The owner shall be subject to a fine of \$1,000. If the owner contacts the Police Chief and/or the City Manager and schedules a meeting, within 10 calendar days of the receipt of the notice, to discuss the events, and said owner satisfactorily outlines a plan to prevent future disorderly events, then the fine may be waived. The plan shall demonstrate that the owner agrees to take effective and immediate measures to prevent future disorderly events. The implementation of the plan shall begin within one week of the meeting. The plan shall be in writing and shall be signed and acknowledged by the City and the owner. The owner shall submit a report to the Police Chief and the City Manager, no later than three weeks after the meeting, reporting the steps taken to prevent future events. If the City determines that the plan is not being implemented in good faith, then the full fine of \$1,000 shall be reinstated.

D.

For any fourth disorderly event within any 60 days from the third event, or for any subsequent event within 180 days from the date of the first event, the Police Chief, the City Manager, or any other designated agent shall send a notice to the owner. The owner shall be subject to a fine of \$1,000 for the fourth event and for each subsequent event. The fine for the fourth event may be reduced or waived by the City Manager if the owner demonstrates a good-faith effort to prevent future disorderly events.

E.

The notices described above shall include a brief narrative outlining the circumstances of the disorderly events [date, time, and nature of the event(s)]. The notice shall be delivered to the owner or the appropriate representative by hand or by first-class mail. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

F.

At the time of any meeting between the owner and the City, the City may request documentation including but not limited to:

(1)

A copy of the names of all tenants or other persons authorized to reside or presently residing in the building and the units they occupy;

(2)

Management contracts with any building supervisor or other person responsible for the orderly operation of the building.

G.

Failure to meet with city officials or enter into such an agreement at the conclusion of said meeting will be deemed a violation of this chapter, and the city shall file a complaint in a court of competent jurisdiction seeking all compensatory and equitable relief permitted by law.

H.

If a residence that has been the subject of enforcement action under the provisions outlined above becomes subject to a second round of enforcement under this chapter, then the city is under no obligation to meet with the owner but may proceed directly with a complaint to a court of competent jurisdiction, seeking all compensatory and equitable relief permitted by law

I.

The provisions of Subsections **B** through **H** above notwithstanding, if a specific residence becomes identified as being a habitual disorderly residence by the Chief of Police or a designee, then the City is under no obligation to issue any notices or meet with the property owner. The City may, in these cases, issue a notice of violation and assess fines of \$1,000 for each event.

§ 41-5 Legal action against owner for cost recovery; alternative enforcement actions.

In addition to any notice or enforcement provision outlined above, the city may file a legal action against the owner seeking court costs, response charges, and all damages and remedies to which it is entitled pursuant to state and local laws. The City of Rochester also reserves the right to take any other enforcement action allowed by any other local ordinance or state statute as an alternative to this Disorderly Residence Ordinance.

The effective date of these amendments shall be upon passage.

**Resolution Deauthorizing \$3,500.00 from New Hampshire Juvenile Court Diversion
Network Subcontract**

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

That the amount of Three Thousand Five Hundred Dollars (\$3,500.00) in previously accepted State Governor's Alcohol Commission funds for the New Hampshire Juvenile Court Diversion subcontract is hereby deauthorized. No funds will be returned, the Police Department will reduce its request under the subcontract for reimbursement.

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.

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City Clerk's Office



City of Rochester Formal Council Meeting

AGENDA BILL

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

AGENDA SUBJECT

Seeking permission from Council to de-authorize \$3,500.00 from the NH Juvenile Court Diversion Network subcontract for the State Governor's Commission Alcohol Fund.

COUNCIL ACTION ITEM
INFORMATION ONLY

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

RESOLUTION REQUIRED? YES NO

FUNDING RESOLUTION FORM? YES NO

| | | |
|----------------------|---|--|
| AGENDA DATE | Next January 2021 meeting | |
| DEPT. HEAD SIGNATURE | | |
| DATE SUBMITTED | 12/9/20 | |
| ATTACHMENTS | YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> | * IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED |

COMMITTEE SIGN-OFF

| | |
|--------------|--|
| COMMITTEE | |
| CHAIR PERSON | |

DEPARTMENT APPROVALS

| | |
|---------------------|--|
| DEPUTY CITY MANAGER | |
| CITY MANAGER | |

FINANCE & BUDGET INFORMATION

| | |
|-------------------------|---|
| FINANCE OFFICE APPROVAL | |
| SOURCE OF FUNDS | State Governor's Commission Alcohol Fund |
| ACCOUNT NUMBER | Fund 6128 Project 20595 |
| AMOUNT | \$3,500.00 |
| APPROPRIATION REQUIRED | YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> |

LEGAL AUTHORITY

Council action required.

SUMMARY STATEMENT

Requesting to de-authorize \$3,500.00 for funds we didn't receive from the State Governor's Alcohol Commission. We were allotted a maximum of \$5,500.00 and we were unable to receive that maximum amount.

RECOMMENDED ACTION

De-authorize funds in the amount of \$3,500.00

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 | 61282010 | 589007 | 20595 | - | \$3,500.00 | - |
| 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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left blank...*

City Clerk's Office



City of Rochester Formal Council Meeting

AGENDA BILL

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

| |
|----------------|
| AGENDA SUBJECT |
|----------------|

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

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

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

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

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

COMMITTEE SIGN-OFF

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| COMMITTEE | |
| CHAIR PERSON | |

DEPARTMENT APPROVALS

| | |
|---------------------|--|
| DEPUTY CITY MANAGER | |
| CITY MANAGER | |

FINANCE & BUDGET INFORMATION

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

LEGAL AUTHORITY

| |
|--|
| |
|--|

SUMMARY STATEMENT

[Empty box for Summary Statement]

RECOMMENDED ACTION

[Empty box for Recommended Action]

LICENSE AGREEMENT

This License is effective on December 1, 2020, by and between the **CITY OF ROCHESTER**, a municipal corporation, with a principal place of business at 31 Wakefield Street, Rochester, County of Strafford, and State of New Hampshire, hereafter "Licensor," and **SCENIC SALINGER, LLC** a limited liability company formed under the laws of the State of New Hampshire, with a mailing address of 3 Penstock Way, Newmarket, New Hampshire 03857, hereafter "Licensee."

ARTICLE I

LICENSED PREMISES

The Licensed Premises is described in Exhibit A.

ARTICLE II

TERM OF LICENSE

The term of this License shall be a period of five (5) years, which term will commence on December 1, 2020 and shall end on November 30, 2025. The License shall automatically renew for an additional five (5) year term so long as the Licensee is not in default. The License may also be terminated in accordance with the provisions of Article VII herein.

ARTICLE III

LICENSE FEE

The License fee shall be Thirty Dollars (\$30.00) per month due every month on the 15th day of the month.

ARTICLE IV

QUIET ENJOYMENT

Licensee shall have exclusive possession of the Licensed Premises to use to store trash and recycling dumpsters. The Licensee may construct a concrete pad, fence enclosure, retaining wall (if necessary) and lighting on the Licensed Premises. The Licensee may place dumpsters in the Licensed Premises, inside of the fence enclosure, and its tenants, employees, and vendors may enter therein to place and maintain said dumpster. The Licensee shall occupy the Licensed Premises subject to the right of the Licensor to use the premises and conduct maintenance therein.

ARTICLE V

REPAIR AND MAINTENANCE

The Licensee shall keep the Licensed Premises occupied by the dumpster and the dumpster itself in good and orderly repair and shall not cause the same to suffer any unreasonable or unnecessary harm, waste, damage or neglect, other than normal wear and tear.

ARTICLE VI

ASSIGNMENT AND SUB-LICENSING

The Licensee may not assign or sub-license this License in whole or in part.

ARTICLE VII

TERMINATION

The Licensor may terminate this License upon thirty (30) days written notice to the Licensee for good cause shown.

ARTICLE VIII

INDEMNIFICATION

The parties shall fully defend, indemnify, and hold harmless each other from any and all claims, lawsuits, demands and causes of action, liability, loss, damage and/or injury or any kind whatsoever (including without limitation all claims for monetary loss, property damage, equitable relief, personal injury, and/or wrongful death), whether brought by an individual or other entity, or imposed by a court of competent jurisdiction or by administrative action of any federal, state, or local government body or agency, arising out of, in any way whatsoever, any acts, omissions, negligence, or other misconduct related to a party's use of the Licensed Premises. This indemnification applies to and includes, without limitation, the payment of all penalties, fines, judgments, awards, decrees, attorneys' fees, and related costs or expenses, and any reimbursements to Licensor for all legal fees, expenses, and costs incurred by it.

ARTICLE IX

ENTIRE AGREEMENT

This Agreement constitutes the entire agreement between the Parties related to the matters specified herein, and supersedes all prior oral or written statements or agreements between the Parties related to such matter.

ARTICLE X

NOTICES

All communications related to this License to Licensor shall be delivered to the Office of the City Manager, 31 Wakefield Street, Rochester, New Hampshire 03867. All communications related to this License to Licensee shall be delivered to Scenic Salinger, LLC, and 3 Penstock Way, Newmarket, New Hampshire 03857

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

CITY OF ROCHESTER

Witness

By:_____
Blaine Cox, City Manager
Duly authorized

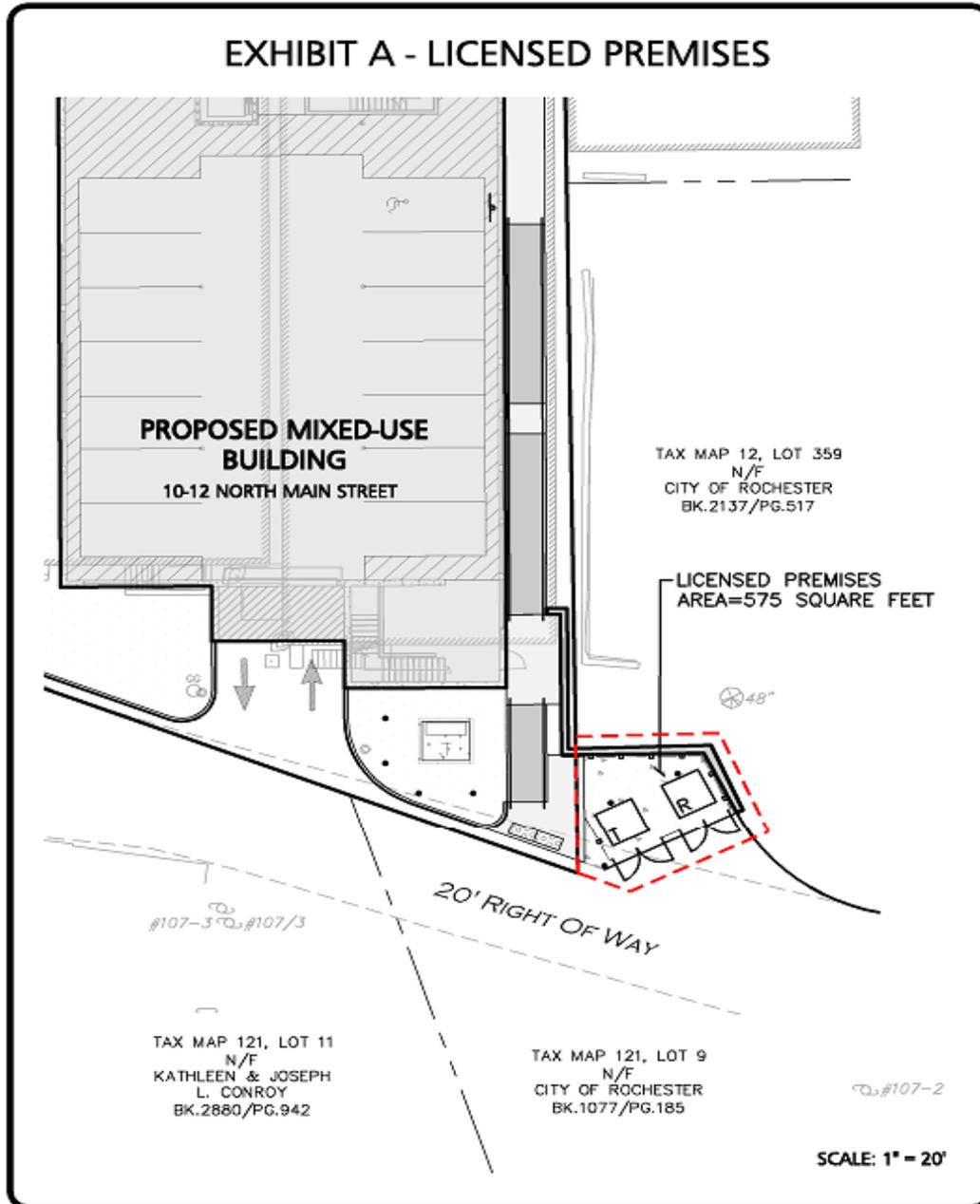
SCENIC SALINGER, LLC

Witness

By:_____
Eric Chinburg, Manager
Duly authorized

EXHIBIT A

LICENSED PREMISES



Resolution Authorizing the Increase of Donations to the City of Rochester Library by \$1,000 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 One Thousand Dollars (\$1,000.00) 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



City of Rochester Formal Council Meeting

AGENDA BILL

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

| |
|----------------|
| AGENDA SUBJECT |
|----------------|

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

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

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

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

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

COMMITTEE SIGN-OFF

| | |
|--------------|--|
| COMMITTEE | |
| CHAIR PERSON | |

DEPARTMENT APPROVALS

| | |
|---------------------|--|
| DEPUTY CITY MANAGER | |
| CITY MANAGER | |

FINANCE & BUDGET INFORMATION

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

LEGAL AUTHORITY

| |
|--|
| |
|--|

SUMMARY STATEMENT

[Empty box for Summary Statement]

RECOMMENDED ACTION

[Empty box for Recommended Action]

AGENDA BILL - FUNDING RESOLUTION

EXHIBIT

Project Name:

Date:

Fiscal Year:

Fund (select):

GF

Water

Sewer

Arena

CIP

Water CIP

Sewer CIP

Arena CIP

Special Revenue

Fund Type: Lapsing

Non-Lapsing

Deauthorization

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

Appropriation

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

Revenue

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

DUNS #

CFDA #

Grant #

Grant Period: From
To

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

Reimbursement Request will be reduced

Funds will be returned