



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

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

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

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

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

In addition to the above listed public access information, the City Council will be allowing the public to enter 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

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

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

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

**Agenda**

- 1. Call To Order**
- 2. Roll Call**
- 3. Opening Prayer**
- 4. Pledge of Allegiance**
- 5. Acceptance of Minutes**
  - 5.1 Regular City Council Meeting: January 5, 2021  
*consideration for approval* P. 9**
  - 5.2 City Council Special Meeting: January 19, 2021  
*consideration for approval* P. 75**
- 6. Communications from the City Manager**
  - 6.1 City Manager's Report P. 83**
- 7. Communications from the Mayor**
  - 7.1 Letter in opposition to changes to HB 439 P. 101**
- 8. Presentation of Petitions and Council Correspondence**
- 9. Nominations, Appointments, Resignations, and Elections**

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- 9.1 **Resignation:** Steven Maimes, Library Trustees, Ward 2 *consideration for approval* P. 105

## 10. Reports of Committees

### 10.1 Appointments Committee P. 107

- 10.1.1 **New Appointment:** Peg Higgins – Library Trustees, Regular Member, Ward 1. *Term to expire 1/02/2023 consideration for approval*
- 10.1.2 **New Appointment:** Kathleen Noble – Library Trustees, Regular Member, Ward 4. *Term to expire 1/02/2023 consideration for approval*
- 10.1.3 **New Appointment:** Ronald Poulin – Rochester Economic Development Commission, Regular Member. *Term to expire 1/02/2024 consideration for approval*
- 10.1.4 **Re-Appointment:** Jamie Kinsley – Arts & Culture Commission, Regular Member. *Term to expire 7/01/2023 consideration for approval*
- 10.1.5 **Re-Appointment:** Sarah Duclos – Arts & Culture Commission, Regular Member. *Term to expire 7/01/2023 consideration for approval*
- 10.1.6 **Re-Appointment:** Amy Regan – Arts & Culture Commission, Regular Member. *Term to expire 7/01/2023 consideration for approval*
- 10.1.7 **Re-Appointment:** Kristin Ebbeson – Arts & Culture Commission, Regular Member. *Term to expire 7/01/2023 consideration for approval*

### 10.2 Codes and Ordinances P. 109

### 10.3 Community Development Committee P. 119

### 10.4 Fidelity Committee P. 123

### 10.5 Finance Committee P. 131

### 10.6 Planning Board P. 135 & P. 141

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**10.7 Public Safety P. 147**

**10.7.1 Committee Recommendation:** to place a stop sign at the discretion of DPW at the end of Gagne Street and one at the end of the Fownes Mill Development *consideration for approval* P. 148

**10.7.2 Committee Recommendation:** to install Chevron signs in both directions on Pickering Road at the discretion of DPW, *consideration for approval* P. 149

**10.8 Public Works & Buildings P. 153**

**10.8.1 Resolution Authorizing Supplemental Appropriation to the Department of Public Works (DPW) CIP Fund in the Amount of \$150,000.00 for the Purchase of a Multi-Hog Sidewalk Tractor** *first reading and refer to public hearing* P. 161

**11. Old Business**

**12. Consent Calendar**

**13. New Business**

**13.1 Amendments to Chapter 275 of the General Ordinances of the City of Rochester regarding Murals** *first reading and refer to public hearing* P. 167

**13.2 Resolution Deauthorizing \$910.77 from the Rochester Police Department JAG Fund Grant** *first reading and consideration for adoption* P. 171

**13.3 HCA Ambulance Service Contract** *Motion to Approve* P. 177

**13.4 Resolution Demanding Non-Partisan Redistricting by State of New Hampshire and the City of Rochester** *first reading and consideration for adoption* P. 199

**14. Non - Public**

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

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

**15. Adjournment**

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City Clerk's Office

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

**COUNCILORS PRESENT**

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

**OTHERS PRESENT**

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

**Minutes**

**1. Call To Order**

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

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

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

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

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

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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, called 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, Hainey, 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 for reflection and civility.

## **4. Pledge of Allegiance**

Mayor McCarley led the Pledge of Allegiance.

## **5. Acceptance of Minutes**

### **5.1 Regular City Council Meeting: December 1, 2020** *consideration for approval*

Councilor Lachapelle **MOVED** to **APPROVE** the December 1, 2020 Regular City Council meeting minutes. Councilor Walker seconded the motion. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Rice, Walker, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Hainey, Abbott, Gray, Hutchinson, Lachance, and Mayor McCarley voted in favor of the motion.

### **5.2 Special City Council Meeting: December 15, 2020** *consideration for approval*

Councilor Lachapelle **MOVED** to **APPROVE** the December 15, 2020 Special City Council meeting minutes. 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 voted in favor of the motion.

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

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

City Manager Cox reported that the City Hall Annex Building had been temporarily closed due to a COVID-19 situation. The building has since been sanitized and is now open to the public.

City Manager Cox stated that his report is as follows:

**Contracts and Documents Executed Since Last Month:**

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

**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 announced that due to the extreme cold conditions, the Warming Center will be open to the public starting this coming Friday. The Warming Center will be open on Friday, Saturday, and Sunday evenings. The facility opens at 5:00 PM and closes by 9:00 AM the following mornings. Mayor McCarley said there is bus service available for both Friday and Saturdays; however, other accommodations are being made for transportation on Sunday's since there is no bus services available on that day.

Councilor Lachance asked what are the long-term goals and objectives for this facility. Mayor McCarley explained that the end goal is to purchase land/facility at the Strafford County complex, which would be a group effort on behalf of the tri-city mayors and the County. The idea would be to sell the current facility (owned by Dover) and to reach an agreement to purchase a piece of property at the complex. This would be an effort to establish a shelter, which includes resources/programs for those people in need of such services. There are no definitive plans as of yet. She said the ideal location would be somewhere at the County complex.

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

No Discussion.

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

### **9.1 Resignation: Susan Delemus, Zoning Board of Adjustments *consideration for approval***

Councilor Lachapelle **MOVED** to **ACCEPT** the resignation with regret. 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.

## **10. Reports of Committees**

### **10.1 Codes and Ordinances**

#### **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***

Councilor Lachapelle **MOVED** to **ADOPT** the Amendment. Councilor

Walker seconded the motion. Councilor Lachapelle said most of the amendments under the Codes and Ordinances Committee are housekeeping items with no real substantial changes. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Belken, Gray, Hamann, Rice, Lauterborn, Hainey, Lachapelle, Hainey, Lachapelle, Hutchinson, Walker, Lachance, Abbott, Bogan, and Mayor McCarley voted in favor of the motion. The Amendment as adopted is as follows:

**Amendment to Chapter 28 of the General Ordinances of the City of Rochester Regarding Sewers**

**THE CITY OF ROCHESTER ORDAINS:**

That Chapter 28 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows (deletions struck out additions in RED):

**Chapter 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.

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**§ 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 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.)

**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***

Councilor Gray requested that the Chair of the Committee summarize the proposed changes for the viewers at home listening. Councilor Lachapelle agreed to summarize the changes as much as possible. He noted that one change made at the committee level is not shown in the City Council packet. He said the fee of \$2 should have been deleted and he would make that correction as part of his motion. Councilor Lachapelle summarized the rest of the proposed changes, which are reflected below. He **MOVED** to **ADOPT** the Amendment as further amended by deleting the \$2 fee. Councilor Walker seconded the motion.

Councilor Gray said in Section 149-2 B the Police Department is specifically mentioned as "Law Enforcement"; however, the Fire Department is not mentioned at all. Councilor Gray asked if the ordinance should include language about the Fire Department and/or mutual aid. Attorney O'Rourke said if mutual aid is activated for any reason, those serving would be operating under the authority of the City's Fire Department. Attorney O'Rourke reiterated that the language was not needed for the Fire Department. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors, Gray Walker, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Hainey, Abbott, Rice, Hutchinson, Lachance, and Mayor McCarley voted in favor of the motion. The Amendment as adopted is as follows:

**Amendment to Chapter 149 of the General Ordinances of the City of Rochester Regarding Nuisances**

**THE CITY OF ROCHESTER ORDAINS:**

That Chapter 149 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows (deletions ~~struckout~~ additions 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.]**

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**§ 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.)

**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***

Councilor Lachapelle summarized the changes as outlined in the proposed amendment below. Councilor Lachance asked for clarification about the deletion of **§ 167-1 Activities permissible on Sunday**. Councilor Walker said these were considered the old “Sunday blue laws”. Attorney O’Rourke agreed and said the language should be deleted, as such laws are outdated.

Councilor Lachapelle **MOVED** to **ADOPT** the Amendment. Councilor Walker seconded the motion. Councilors Lauterborn, Rice, Gray, Hainey, Abbott, Bogan, Hutchinson, Lachance, Hamann, Lachapelle, Walker, Belken, and Mayor McCarley voted in favor of the motion. The Amendment as adopted is as follows:

**Amendment to Chapter 167 of the General Ordinances of the City of Rochester Regarding Sewers**

**THE CITY OF ROCHESTER ORDAINS:**

That Chapter 167 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows (deletions struck out additions in RED):

**Chapter 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.]**

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**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-I, 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-I, 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**.

**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***

Councilor Lachapelle summarized the changes as outlined in the proposed ordinance below. He indicated that currently, roller blades, roller skates, and skateboards are restricted from sidewalks in the downtown area; however, this amendment would prohibit such skates/boards from any sidewalks in the entire City. A discussion ensued about permitting skateboards on sidewalks and if it was an enforceable ordinance or not. Chief Toussaint

said that it is an existing ordinance for the downtown area and that it is, in fact, an enforceable law. This amendment would expand that restricted activity to include the rest of the City. He indicated that his Department was tasked with reviewing this portion of the ordinance to make appropriate recommendations. He felt this was a valid proposal; however, it is ultimately the decision of the City Council to accept the proposed changes. Councilor Hutchinson did not agree with having children ride their rollerblades, roller skates, or skateboards on the streets rather than the sidewalks. A discussion ensued about Segway's and other motorized recreational vehicles.

Councilor Lachance asked if motorized wheelchairs are restricted on sidewalks. Chief Toussaint replied no. A person operating a motorized wheelchair can travel wherever any handicapped person is able/permitted to travel.

A brief discussion ensued about Section § 254-27 Unattended vehicles and whether or not it was an enforceable law.

Councilor Lachapelle **MOVED** to **ADOPT** the ordinance amendment. Councilor Walker seconded the motion.

Councilor Gray **MOVED** to **DIVIDE** the question by removing the proposed amendment to § 254-7 Use of bicycles, roller blades, roller skates and skateboards. Councilor Lachance seconded the motion. Mayor McCarley called for a vote to divide the question. The **MOTION CARRIED** by a 12 to 1 roll call vote. Councilors Abbott, Walker, Hutchinson, Belken, Lachance, Hamann, Gray, Rice, Bogan, Hainey, Lauterborn, and Mayor McCarley voted in favor of the motion. Councilor Lachapelle voted against the motion.

Mayor McCarley stated that the proposed amendment to § 254-27 has been removed from the original amendment. She called for a vote on the question to adopt the rest of the proposed amendments as follows:

**Amendment to Chapter 254 of the General Ordinances of the City of Rochester Regarding Vehicles and Traffic**

**THE CITY OF ROCHESTER ORDAINS:**

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

**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. **VEHICLES** 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 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.

**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 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.

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

Councilor Lauterborn **MOVED** to **ADOPT** the removed section as follows:

**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.~~

Councilor Lachapelle seconded the motion. Several City Councilors reiterated their reasoning for objecting to this proposed amendment. Councilor Lauterborn thanked Councilor Gray for his explanation and requested to **WITHDRAW** her motion to adopt. Councilor Lachapelle **WITHDREW** his second to the motion.

**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***

Attorney O'Rourke stated that the correct version of the proposed Amendment did not actually make it into the packet; however, he agreed to share the correct version on his screen for the City Council to view (*the correct version is outlined below*). Attorney O'Rourke briefed the City Council about the changes. He said Chris Bowlen, Director of the Parks, Recreation, and Arena reviewed the Ordinance to make proposed changes to reflect current practices. Attorney O'Rourke said some sections of these ordinances still directed the reader to the City Council whereas those responsibilities had been transferred to the City Manager many years ago. Attorney O'Rourke reviewed other proposed changes including loitering during "normal" school hours, which can be varied depending upon where a child attends school or stays home for schooling.

A brief discussion took place about the proposed change to use of public restrooms and it was determined that the current language is inconsistent to the State law. Councilor Lachapelle **MOVED** to **ADOPT** the proposed ordinance. Councilor Walker seconded the motion. Councilor Lachance asked about the title and requested that it be grammatically corrected.

Councilor Lachance questioned if vaping is considered "smoking". Chief Toussaint said vaping is regulated at the State level whenever juveniles are concerned; however, it is not really addressed with adults. He suggested that e-cigarettes, vaping, and the like, should probably be included with the ordinance at some point. Mayor McCarley recommended that the City Council revisit that section again at some point so as not to hold up the vote this evening. She called for a vote on the motion to adopt. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Bogan, Rice, Gray, Hainey, Abbott, Lachance, Hutchinson, Lachapelle, Hamann, Lauterborn, Walker, Belken, and Mayor McCarley voted in favor of the motion. The Amendment as adopted is as follows:

**Amendment to Chapter 158 of the General Ordinances of the City of Rochester Regarding Recreation, Arena, and Parks**

**THE CITY OF ROCHESTER ORDAINS:**

That Chapter 158 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows (deletions struck out additions in **RED**):

**Chapter 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.]**

§ 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 permitting process.**

§ 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** 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 permitting process.
- 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 permitting process**.
- 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 permitting process**.
- 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.

Councilor Lachapelle said there is a Codes and Ordinances Committee meeting scheduled for this coming Thursday at 6:00 PM.

**10.2 Fidelity Committee**

Councilor Hutchinson said there are no action items. He said there is a Fidelity Committee meeting scheduled for next Thursday on Teams.

**10.3 Finance Committee**

**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***

Mayor McCarley said the Committee discussed the Assistant Director of Economic Development Position. She said the Finance Committee meeting minutes of December 8, 2020, reflect the Committee's support of the City Manager moving forward with his recommended promotion, which took effect on January 1, 2021.

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

**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.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Walker seconded the motion. Councilor Walker spoke against the motion and said that Councilor Gray made a suggestion to de-authorize the project and the remaining funds would simply be added into the General Fund. He said the paving project should be included in next year's budget process. Councilor Gray reiterated Councilor Walker's comments and gave reasons why he did not support the paving project at this time. Councilor Hainey said this recommendation is coming from the Joint Building Committee rather than from the School Board. She said the funds could have been better utilized in giving the teachers/students the resources needed now for remote learning (books/materials). She intends to vote no on the resolution to adopt. Mayor McCarley stated that both City Councilors and School Board members serve on the Joint Building Committee. She supported this proposal when it was vetted through the Finance Committee. She said it is not certain that the money could have been utilized for other materials; however, these are the remaining funds for this project and this project should be completed by finishing the parking lot. Councilor Rice agreed that the project should be completed now.

Paul Lynch, Chair of the School Board, said there are essentially two CIP accounts with remaining funds from this project. Katie Ambrose, Deputy City Manager, stated that the two CIP accounts total \$236,000. Mr. Lynch said that the request, this evening, is being made from a supplemental appropriation (additional equipment) authorized by the City Council last year, which had a remaining balance of approximately \$75,000. He gave reasons why he supported the project and why it makes sense not to wait until the budget season. He added that this would not have an impact to the taxpayers and that staff worked hard to ensure this project stayed within/under the budget. Councilor Gray disagreed that this does not have an impact on the taxpayer and stated that there are other roads in need of repair. He said this project should be resubmitted with the School Department's budget for next fiscal year. Councilor Lauterborn said she voted in favor of the request at the Finance Committee; however, she has since changed her mind and will vote against the motion this evening. Mayor McCarley spoke in favor of the motion. She said this is the completion of this project and it is important for all our citizens.

The **MOTION CARRIED** by a 9 to 4 roll call vote. Councilors Hamann, Hutchinson, Belken, Lachance, Abbott, Rice, Bogan, Lachapelle, and Mayor McCarley voted in favor of the motion. Councilors Walker, Gray, Hainey, and Lauterborn voted against the motion.

Mayor McCarley said the Finance Committee would be meeting in January and would be discussing how to proceed with the budget process.

## 10.4 Planning Board

Councilor Walker said the Planning Board met last evening. The Board voted against a waiver of Impact Fees for a landowner on 9 Nature Lane.

Councilor Walker stated that the Planning Board approved the request for a storage unit (without fences) on Sterling Drive.

Councilor Rice said a few months ago there was an approval to install a gas station at the corner of Brock Street and Route 125. He questioned how many more gas stations would be approved on that corridor since there are some locations vacant at this point. Councilor Walker explained that this would be a gas station/convenient store and the City cannot deny a site plan based upon other similar entities in the City. He said at one time there were at least 8 Chinese Restaurants within the City limits and that is when the free market weeds them out.

Councilor Gray stated that the Planning Board had a discussion about Impact Fees. He requested that Councilor Walker expand on that conversation. Councilor Walker stated that a motion was made to deny the request to waive of Impact Fees, without prejudice for 9 Nature Lane, at the advice of legal counsel. It was explained that the City cannot choose to waive Impact Fees for certain developers; however, it was determined that the Planning Board would revisit the Impact Fee Ordinance to create an exemption for single family homes on single lots. He said the Impact Fees were implemented for large developments and it makes sense to revisit this ordinance.

## 10.5 Public Safety

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

Councilor Hamann briefed the City Council about a request to install a streetlight at the corner of Juniper Street and Meadow Lane. He **MOVED** to **APPROVE** the Committee's recommendation. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a roll call vote of 13 to 0. Councilors Belken, Gray, Hamann, Rice, Lauterborn, Hainey, Lachapelle, Hainey, Lachapelle, Hutchinson, Walker, Lachance, Abbott, Bogan, and Mayor McCarley voted in favor of the motion.

## 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***

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

**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 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.

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

**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***

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

**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.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Walker seconded the motion. The **MOTION CARRIED** by a 11 to 2 roll call vote Councilors Gray, Lachapelle, Rice, Hailey, Abbott, Bogan, Lachance, Hamann, Lauterborn, Walker, and Mayor McCarley voted in favor of the motion. Councilors Hutchinson and Belken voted against the motion.

Councilor Lachance said he would be voting in favor of this purchase this evening; however, he made it clear that he does not yet fully support the project. He shared concerns for the small business owners in that area. He said the City should come up with a plan that will not affect the small businesses in the City. Councilor Belken agreed and questioned if there is a solid plan in place from the developer. Mayor McCarley said the City is in receipt of a letter of intent and commitment to work with the City signed by the developer.

Councilor Lachance said that the City has already appropriated \$200,000 for an engineering study and now there is another \$270,000 to purchase this property, which equates to almost a half a million dollars. It is likely to take a few more million dollars to build out that intersection. He said without a right-of-way granted to the City this could be problematic as time passes. He gave reasons why he will be watching this project closely to ensure tax dollars are not wasted. Mayor McCarley said it is important to note that the developer is committed to paying a half million dollars to assist with the intersection project.

Mayor McCarley said a two-thirds vote (9 votes) is required. The **MOTION CARRIED** by an 11 to 2 roll call vote. Councilors Gray, Lachapelle, Rice, Hailey, Abbott, Bogan, Lachance, Hamann, Lauterborn, Walker, and Mayor McCarley voted in favor of the motion. Councilors Hutchinson and Belken voted against the motion.

## **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***

Councilor Lachapelle **MOVED** to read the Amendment for a first time and to refer the matter to the Codes and Ordinances Committee for review. Councilor Walker seconded the motion.

Councilor Lachapelle said this is the same proposed ordinance that the Codes and Ordinances Committee dealt with in August of 2018, which the Committee, at that time, voted down. He said the Committee could discuss this proposed ordinance again; however, he does not agree with the concept of penalizing landlords for the actions committed by the tenants. Councilor Hailey stated that she is responsible for having this proposed ordinance added to the Agenda. She shared a story about her own neighborhood, which has trouble with tenants involving the police. She felt the problem is not isolated to her own neighborhood. She said something must be done and nothing else seems to work. Councilor Lachapelle recalled that back in 2018, the Police Commission was going to look at policy and procedures vs an Amendment to the Ordinances. Councilor Lauterborn questioned who drafted this proposal. Councilor Lachance replied that this is the exact same verbiage from Franklin, NH, and it is identical to what the Committee reviewed back in 2018. Councilor Lachapelle said at that time, the landlords who, at that time, attended the meeting spoke about some valid points opposing the Amendment. Councilor Belken said it is unfortunate that this problem exists; however, it seems to punish the wrong person for the actions of the tenants. Councilor Hutchinson gave reasons why there could be unsubstantiated claims causing problems for the landlords.

The **MOTION FAILED** by a roll call vote of 4 to 9. Councilors Hamann, Hailey, Lachapelle, and Lauterborn, voted in favor of the motion. Councilors Walker, Hutchinson, Belken, Lachance, Abbott, Gray, Rice, Bogan, and Mayor McCarley voted against the motion.

For informational purposes only:

**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.** (*This Amendment Failed by a vote of 4 to 9*)

Councilor Lachapelle wished to confirm if this proposed Amendment should be taken off the Codes and Ordinances Agenda for this coming Thursday. Mayor McCarley said that is correct.

**13.2 Resolution Deauthorizing \$3,500.00 from New Hampshire Juvenile Court Diversion Network Subcontract *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 vote of 13 to 0. Councilors Belken, Gray, Hamann, Rice, Lauterborn, Hainey, Lachapelle, Hainey, Lachapelle, Hutchinson, Walker, Lachance, Abbott, Bogan, and Mayor McCarley voted in favor of the motion. Mayor McCarley read the resolution for the first time by title only as follows:

**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.

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 Gray, Belken, Hamann, Rice, Lauterborn, Hainey, Lachapelle, Hainey, Lachapelle, Hutchinson, Walker, Lachance, Abbott, Bogan, and Mayor McCarley voted in favor of the motion.

**13.3 Motion to Authorize City Manager to Execute Chinburg Properties Licensing Agreement *consideration for approval***

Councilor Lachapelle **MOVED** to **APPROVE** the motion to Authorize the City Manager to execute the Chinburg Properties Licensing Agreement. Councilor Walker seconded the motion. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Hutchinson, Lachance, Rice, Walker, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Hailey, Abbott, Gray, Hutchinson, Lachance, and Mayor McCarley voted in favor of the motion.

**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***

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

**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, nonlapsing, 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 unanimous roll call vote of 13 to 0. Councilors Rice, Gray, Lachapelle, Hailey, Abbott, Bogan, Hutchinson, Lachance, Hamann, Lauterborn, Walker, Belken, and Mayor McCarley voted in

favor of the motion.

Councilor Lachance said the City Council voted against sending proposed language (Amendment to the Ordinances) of 13.1 to the Codes and Ordinances Committee later this week; however, he suggested the topic should still be discussed by the Committee. Mayor McCarley said that it correct. Councilor Lachapelle said he would be glad to discuss the topic if it is brought up for discussion this coming Thursday.

## 14. Non – Public

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

Councilor Lauterborn **MOVED** to enter into a Non-Public Session under Land, RSA, 91-A:3, II (d) at 8:12 PM. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Bogan, Hainey, Lachapelle, Lauterborn, Hamann, Walker, Hutchinson, Belken, Lachance, Abbott, Gray, and Rice voted in favor of the motion.

Councilor Lachapelle **MOVED** to exit the Non-Public session at 9:35 PM. Councilor Lachance seconded the motion. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Belken, Gray, Hamann, Rice, Lauterborn, Hainey, Lachapelle, Hainey, Lachapelle, Hutchinson, Walker, Lachance, Abbott, Bogan, 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 roll call vote of 13 to 0. Councilors Gray, Belken, Hamann, Rice, Lauterborn, Hainey, Lachapelle, Hainey, Lachapelle, Hutchinson, Walker, Lachance, Abbott, Bogan, and Mayor McCarley voted in favor of the motion.

## 15. Adjournment

Mayor McCarley said if there were no objections, she would adjourn the Regular City Council Meeting. There were no objections and the Regular City Council meeting was adjourned at 9:38 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
15013010-772000-17551	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	

**City Council Special Meeting  
January 19, 2021  
Council Chambers and  
Remotely via Microsoft Teams  
6:30 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 City Council Special meeting to order at 6:30 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](mailto:PublicInput@rochesternh.net) (*must be received no later than 4:00 pm of meeting date*)
- **Voicemail** 603-330-7107 (*must be received no later than 12:00 pm on said meeting date in order to be transcribed*)

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

In addition to the above listed public access information, the City Council will be allowing the public to enter 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 took the roll call. The following Councilors were present and indicated that they were alone in the location from which they were remotely connecting: Councilors Abbott, Belken, Bogan, Gray, Hainey, Hamann, Hutchinson, Lachance, Lachapelle, Lauterborn, Rice, Walker and Mayor McCarley.

**2. Amendment to Chapter 80 of the General Ordinances of the City of Rochester, Outdoor Dining Establishment *first reading and consideration for adoption***

Councilor Lachapelle **MOVED** to read the amendment for a first time by title only. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Walker, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Hainey, Abbott, Gray, Hutchinson, Lachance, and Mayor McCarley all voting in favor. Mayor McCarley read the amendment to Chapter 80 of the General Ordinances for a first time by title only as follows:

**Amendment to Chapter 80 of the General Ordinances of the City of Rochester, Outdoor Dining Establishment**

THE CITY OF ROCHESTER ORDAINS:

That Chapter 80 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows:

§ 80-15 **Site plans required.**

Article II

**Outdoor Dining Establishments**

Such requests shall include a dimensioned site plan of the existing conditions, including a depiction of public infrastructure such as curblines, light poles, bike racks, street trees, tree grates, manhole covers, meters,

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

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

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

- A. Outdoor dining establishments shall be separated from the public pedestrian space on the adjacent municipal sidewalk by an enclosure system ~~consisting of heavy duty black decorative metal materials or equivalent~~ as approved by the City Manager or his/her designee; special attention shall be paid to the method used to support the enclosure system in order to avoid damage to public property and ensure public safety; the minimum height of the enclosure system shall be 30 inches and the maximum height shall be 36 inches, **measured from the lowest point of the public space being utilized.**
- B. Outdoor dining establishments shall not have live entertainment of any type located outside, and no visual entertainment shall be situated on the inside of the building in such a manner that it is directed toward patrons in the outdoor dining area.
- C. Seating shall be appurtenant and contiguous to a doorway accessing the main restaurant facility with service provided within the area approved by the City Manager. Exceptions to this provision will be allowed consistent with New Hampshire State Liquor Commission approval for particular licensees.
- D. The internal dimensions and table/chair layout of the outdoor dining

area must allow for the passage of customers and wait staff and shall, in any event, meet ADA requirements.

- E. Outdoor dining establishments must provide a five-foot radius clearance from the center of restaurant doorways (exterior), and doorways shall be kept clear at all times and a five-foot minimum clear pedestrian path in front of restaurant doorways (exterior) shall be maintained at all times.
- F. The enclosure system, tables and chairs shall be movable/nonpermanent. **The applicant shall affix and maintain rubber tips to the legs of any table or chairs used on concrete, brick or granite surfaces. It is the applicant's responsibility to ensure that all movable items within the outdoor dining area are secured against wind or theft. The City accepts no liability for lost, stolen or damaged property.**
- G. In all areas where outdoor dining establishments are allowed the width for the pedestrianway adjacent to the area shall, at a minimum, be three feet and, in any event, meet ADA requirements, but will depend on site conditions. The pedestrianway in both instances shall allow for and provide clear unimpeded passage and access along the area. The pedestrianway shall be located entirely on the public sidewalk **property** and shall meet criteria that ensure pedestrian safety, usability and ADA compliance. In no event shall the area interfere with accessibility or public safety, including safe lines of sight for motor vehicles.
- H. Canopies over the outdoor dining areas shall not be allowed. ~~unless they are completely supported by hardware on the building structure, that is, there shall be no vertical supports in or around the outdoor dining.~~ Table umbrellas are allowed, but must not extend beyond the area. **No tents or covers shall be permitted over the outdoor dining space.**
- I. No object strictly related to advertising shall be allowed in the area.
- J. No improvements or personal property located within the area shall extend on or over any City property located outside the area.

- K. Decorations must be fire retardant and meet NFPA 701 Standards.  
No decorations permitted except those approved on the site plan.  
No loosely hanging material.

**§ 80-27 Rules and regulations.**

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

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

shall be required from the Fire Department, and the Fire Department shall review/approve means of egress as part of the Technical Review Group process.

**Effective immediately upon passage.**

Councilor Lachapelle asked if there needed to be a motion to send this amendment back to Committee. Mayor McCarley stated that to send this back to Committee would require a suspension of the Council rules and, in turn, additional votes. She recommended a motion to accept the amendments to the ordinance with a second, and then to have the motion tabled in order to have further discussion and work done at the Codes & Ordinances Committee. The amendment would then come back to Council and be removed from the table for a vote.

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

**3. Adjournment**

Mayor McCarley **ADJOURNED** the Special City Council meeting at 6:39 PM.

Respectfully Submitted,

Cassie Givara  
Deputy City Clerk

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City Clerk's Office

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*City of Rochester, New Hampshire*

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

**CITY MANAGER'S REPORT  
 January 2021**

Contracts and documents executed since last month:

- **Department of Public Works**
  - Power Purchase Agreement – Revision Energy **P. 87**
  - Home Owner Option Security Agreement - Sewer Tie-in, 8 Beaudoin Avenue **P. 89**
  - HHW 2021 Grant Agreement **P. 90**
  - Disbursement Request, Brownfields Grant – Wallace Street **P. 91**
- **Economic Development**
  - Dumpster License Agreement – Chinburg **P. 92**
  - FY21 CDBG-CV Round 3 Contracts – Homeless Center for Strafford County **P. 93**
  - FY21 CDBG Enviro. Reviews – CAP Weatherization – Multiple repairs **P. 94**
  - FY21 CDBG-CV Round 3 Contracts – New Generation **P. 95**
  - FY21 CDBG Environmental Review – HCSC Apartment Building Purchase **P. 96**
  - Purchase & Sales Agreement – 8 Amarosa/0 Milton Road **P. 97**
  - FY21 CDBG-CV Round 3 Contracts – Community Partners **P. 98**
  - FY21 CDBG Environmental Review – Lead Remediation Program **P. 99**
- **Other Documents signed:**
  - Tax Map Maintenance Proposal – CAI Technologies **P. 100**

The following standard reports have been enclosed:

- Monthly Overnight Travel Summary - none
- Permission & Permits Issued -none
- Personnel Action Report Summary **P. 101**

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City Clerk's Office

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

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## INTEROFFICE MEMORANDUM

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

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

**THRU:** Terence O'Rourke, City Attorney

**DATE:** December 23, 2020

**SUBJECT:** **Revision Energy, Inc.: Power Purchase Agreement for Solar Power Energy at New Public Works (DPW) Facility, 209 Chestnut Hill Rd.**

**CC:**

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Attached please find one (1) original copy of the Power Purchase Agreement (PPA) drafted by Revision Energy, Inc. of South Portland, ME. In 2018 the City Council directed staff to implement solar power generation on the new DPW facility.

This document has been reviewed by me, Mark Sullivan of Finance Department, the City Attorney and Rath, Young and Pignatelli. The PPA is an instrument brokered by Revision Energy, Inc., our solar consultant which establishes the roles and responsibilities of the "Purchaser" (City) and the "Seller" (investor and initial owner of solar array system, TBD). Revision Energy, Inc. is the designer-builder of the solar array system.

The construct of the PPA is an agreement whereby a tax equity investor constructs, owns and maintains a solar array energy generation system that in this case is hosted on the City's site, the new DPW facility. The agreement allows the system to supply the majority of the new DPW's electrical power needs "behind the meter". The City is the purchaser of this energy and purchases it at the established PPA (contract) rate per kilowatt hour herein. This behind the meter generation defers the cost of grid power of the facility. In addition, power generated by the solar array system that is generated by the array but not consumed behind the meter by the DPW facility (surplus) is exported back to the grid at the current supply-only rate and credited. During winter months, when the array is not as productive, the DPW would pull power from the grid.



## *City of Rochester, New Hampshire*

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The financial model is this: The net sum total of deferred grid costs (behind the meter savings) and export of solar power back to the grid, all per kilowatt hour generated are attempted to be structured to benefit the host (City), the PPA rate benefits the investor and is what the host pays per kilowatt hour of all generation. The size of the array vs. the facilities electrical needs is critical as optimally it results in maximization of deferred grid costs (the behind the meter savings), and minimization of export of solar power back to grid (solar power back to the grid is only credited for supply portion of rate and is likely less value than its commensurate PPA contract cost per kilowatt hour).

The PPA rate seeks to achieve a return on investment and is dependent upon the cost of the array and the Incentive Tax Credits (ITC) offered by the government. The investor receives Renewable Energy Credits (RECs) for the solar generation. The designer-builder strives to set the conditions of the PPA such that it is economically attractive to both an investor, and, to the host.

Per the PPA, as authorized by law, the City has the option to purchase the solar array at year 6. Actual cost will be based on system size, yet to be determined. However, once purchased by the City, the PPA fees are extinguished and the City will realize the full value of the array generation.

### Important Notes:

1. Calculations performed by Revision to date indicate a net annual savings with the PPA in place. Final calculations will not predate execution of this agreement as further design must be coordinated between the DPW facility architect and Revision Energy. Actual savings are unknown at this time and minimal savings and or modest costs for going solar should be anticipated.
2. There is no guarantee that a solar solution will save the City money. It is most often done to be green only. Further any net savings, although common are considered a side benefit. This reality is maintained by Revision Energy and is separately verified by contract council to the City (Rath, Young, Pignatelli). Grid rates have been trending downward for the last few years and indications are that it will continue downward for the near term. However the best case for going solar is price certainty: Solar would lock in energy rates for the power delivered by the solar array and consumed by the facility.

This is a complex issue. If you have further questions, I am happy to discuss.



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**INTEROFFICE MEMORANDUM**

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

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

**DATE:** January 20, 2020

**SUBJECT:** Sewer Fund Homeowner Option -8 Beaudoin Court  
Signature –Lien Document  
Amount \$4,790

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

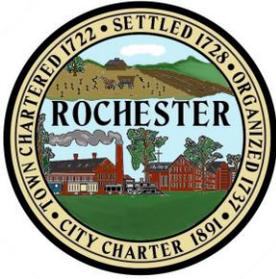
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Attached please find one copy of the Home Owner Option Security Agreement for the Sewer Tie-in at 8 Beaudoin Avenue. This property had a failing septic system and requested the financing option from the City. The work and payments are completed and it is time to execute and record the agreement. The amount financed is \$4,790 for a period of 5 years.

If you have any question, please call or email, if not please forward a copy of signed memo to the City Manager with a copy to me. I will make an appointment with Mr. Cox to have signed and notarized.

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



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



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**INTEROFFICE MEMORANDUM**

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

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

**DATE:** January 22, 2020

**SUBJECT:** 2020 HHW Grant Agreement  
Contract Amount \$12,767.00

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

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Attached please find (1) one copy of the 2021 Grant Agreement. The grant was approved by the City Council at the November 10, 2019 City Council Meeting.

The funds are budgeted from the DPW O & M account # 13010057-533007.

If you have any question, please call, if not please note that I will be coordinating with the City Manager for Signature.

---

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



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**INTEROFFICE MEMORANDUM**

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

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

**DATE:** January 21, 2020

**SUBJECT:** Wallace Street – Brownfields Grant  
Disbursement #1 (Final) Disbursement Request  
Amount \$200,000.00

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

---

Attached please find one copy of the Disbursement Request for the Brownfields Grant associated with the Wallace Street Property. The City entered this into this \$200,000 Grant agreement (Project 19568) back in December of 2018 and the project is now completed. Total expenses associated for construction and engineering of the soils remediation on this site were \$223,252.24. The City is eligible for the full \$200,000 in grant reimbursement and the remaining balance for this project was funded by Wallace Street Economic Development Fund (Project 09501).

If you have any question, please call or email, if not please forward to the City Manager to execute and return to me at the DPW for processing with NHDES.

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



# MEMO

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**TO:** Blaine Cox, City Manger

**CC:** Terence O'Rourke, City Attorney, Katie Ambrose, Deputy City Manager / Director of Finance

**FROM:** Michael Scala, Director of Economic Development

**DATE:** January 6, 2021

**RE: Chinburg Dumpster License Agreement**

---

Blaine:

Please find attached the agreed upon Dumpster License Agreement between the City and Chinburg Properties.

This License would allow Chinburg to utilize space in the City's Water Street ROW as a location for two dumpsters that would service the new ScenicSalinger property.

Chinburg has agreed to a \$30/month payment for 5 years with an automatic 5-year renewal at the end of the first 5-year term.

If you are satisfied with the document, please review, sign, and scan back to me.

Thank you,

Michael Scala  
Director of Economic Development

Date: January 6, 2021

To: Blaine Cox  
City Manager

From: Julian Long  
Community Development Coordinator/Grants Manager

Re: FY 2021 CDBG-CV Round 3 Contracts – Homeless Center for Strafford County

Please see attached the signed FY 2021 Community Development Block Grant (CDBG) CARES Act Round 3 funding contract between the City of Rochester and the Homeless Center for Strafford County. 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: January 6, 2021

To: Blaine Cox  
City Manager

From: Julian Long  
Community Development Coordinator/Grants Manager

Re: FY 2021 CDBG Environmental Reviews – CAP Weatherization

Please see attached the completed FY 2021 Community Development Block Grant (CDBG) environmental review for the weatherization retrofit, heating system replacement, CO2 monitor installation, and window replacement in a manufactured home located in the northwest 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: January 8, 2021  
To: Blaine Cox  
City Manager  
From: Julian Long  
Community Development Coordinator/Grants Manager

Re: FY 2021 CDBG-CV Round 3 Contracts – New Generation

Please see attached the signed FY 2021 Community Development Block Grant (CDBG) CARES Act Round 3 funding contract between the City of Rochester and New Generation. 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: January 13, 2021

To: Blaine Cox  
City Manager

From: Julian Long  
Community Development Coordinator/Grants Manager

Re: FY 2021 CDBG Environmental Review – HCSC Apartment Building Purchase

Please see attached the completed FY 2021 Community Development Block Grant (CDBG) environmental review for the Homeless Center for Strafford County's purchase of an apartment building to use as a quarantine shelter for homeless residents. City Council approved funding for this activity at the December 15, 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.



# MEMO

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**TO:** Blaine Cox, City Manger

**CC:** Terence O'Rourke, City Attorney, Katie Ambrose, Deputy City Manager / Director of Finance

**FROM:** Michael Scala, Director of Economic Development

**DATE:** January 14, 2021

**RE: 8 Amarosa / 0 Milton Road Purchase and Sales**

---

Blaine:

Please find attached the Purchase and Sales Agreement between the Hoag Family and the City concerning the purchase of 8 Amarosa and 0 Milton Road.

The purchase of these two lots is part of the reconfiguration of the Amarosa Drive/Milton Road/Salmon Falls Road intersection.

If you are satisfied with the document, please review, sign, and scan back to me.

Thank you,

A handwritten signature in black ink, appearing to read "Michael Scala", with a long horizontal flourish extending to the right.

Michael Scala  
Director of Economic Development

Date: January 14, 2021

To: Blaine Cox  
City Manager

From: Julian Long  
Community Development Coordinator/Grants Manager

Re: FY 2021 CDBG-CV Round 3 Contracts – Community Partners

Please see attached the signed FY 2021 Community Development Block Grant (CDBG) CARES Act Round 3 funding contract between the City of Rochester and Community Partners. 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: January 14, 2021

To: Blaine Cox  
City Manager

From: Julian Long  
Community Development Coordinator/Grants Manager

Re: FY 2021 CDBG Environmental Review – Lead Remediation Program

Please see attached the completed FY 2021 Community Development Block Grant (CDBG) environmental review for the lead remediation in a multifamily home located just outside downtown. City Council approved funding for this activity at the May 5, 2020 City Council meeting.

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



# *City of Rochester, New Hampshire*

Finance Office

31 Wakefield Street • Rochester, NH 03867-1917

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

MEMO

TO: Blaine Cox

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

DATE: January 26, 2021

RE: CAI Technologies – Tax Map Maintenance Proposal

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Attached please find the annual agreement with CAI Technologies for tax map maintenance. The proposal and cost are consistent with last year's agreement.

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

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Katie Ambrose

Deputy City Manager/Director of Finance & Administration

Enclosures: Tax Map Maintenance Proposal for the City of Rochester, NH



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City Clerk's Office

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## CITY MANAGER'S OFFICE

City of Lebanon, NH  
51 North Park Street  
Lebanon, NH 03766  
(603) 448-4220  
[www.LebanonNH.gov](http://www.LebanonNH.gov)

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January 27, 2021

Chairman Tom Dolan and Members of the Committee  
N.H House of Representatives  
Municipal and County Government Committee

RE: HB 439 Relative to the Powers of City Councils

HB 439 removes a provision that has allowed Cities in our State to address issues that are not specifically listed in RSA 47:17, XV. Although the present statute does provide an extensive list of areas in which City's can develop ordinances it does not cover every area in which legislation at the local level is necessary.

As legislators you deal with the ever changing world we live in. The Legislature works hard to keep up with needed changes in the RSAs to address the needs of our State. Municipalities face the same issues. Some of the changes needed at the local level require prompt action. City Councils and Boards of Alderman are able to make changes to their ordinances anytime during the year. The State Legislature has a defined process with limited windows of time when legislation can be proposed.

New Hampshire is not a home rule state. Municipalities have limited ability to legislate at the local level. The provision presently in RSA 47:17 provides some limited ability to legislate policy beyond the areas specifically listed in the statute. The present statute also limits this authority with the following provision;

*"No bylaw or ordinance shall be repugnant to the constitution or laws of the state;..."*

The limited authority that has been provided is important to allow municipalities the flexibility to make ordinance changes for emergent situations. The municipalities in our state have different needs and face different issues at times that require the flexibility to make public policy changes. We would appreciate your support in voting HB 439 Inexpedient to Legislate.

If I can be of any further assistance or if you have further questions regarding this letter, please do not hesitate to contact me.

Shaun Mulholland  
City Manager

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City Clerk's Office

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### 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 Letter in opposition to changes to HB 439.
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COUNCIL ACTION ITEM <input checked="" type="checkbox"/> INFORMATION ONLY <input type="checkbox"/>
--

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

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

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

AGENDA DATE	February 2, 2021	
DEPT. HEAD SIGNATURE	Terence O'Rourke, City Attorney	
DATE SUBMITTED	January 27, 2021	
ATTACHMENTS YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	

#### COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

#### DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

#### FINANCE & BUDGET INFORMATION

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

N/A	<b>LEGAL AUTHORITY</b>
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**SUMMARY STATEMENT**

RSA 47:17 is the basic building block statute by which the State authorizes municipalities to create laws to exercise its general police powers. The last sentence in RSA 47:17, states that municipalities “may make any other bylaws and regulations which may seem for the well-being of the city; but no bylaw or ordinance shall be repugnant to the constitution or laws of the state; and such bylaws and ordinances shall take effect and be in force from the time therein limited, without the sanction or confirmation of any other authority whatever.” This provision allows municipalities the flexibility to regulate in areas not specifically delineated in RSA 47:17. HB 439 has been filed which would eliminate this provision and strip Rochester and other municipalities of our needed flexibility. HB 439 is another, creeping infringement on the long-standing, hard-won independence granted to cities, towns, and villages over the years. Rochester should join our sister municipalities in opposition to HB 439.

**RECOMMENDED ACTION**

Vote to Authorize Mayor or City Manager to sign letter in opposition to changes to RSA 47:17

**Steven Maimes**  
59 Franklin Street  
Rochester, NH 03867  
603-332-8889  
[smaimes@metrocast.net](mailto:smaimes@metrocast.net)

Pam Hubbard  
Rochester Library Board of Trustees, Chair

Blaine Cox  
City of Rochester, City Manager,

Elaine Lauterborn & Palana Belken  
Rochester City Council, Ward 2

CC: Bruce Jolin, Candy Bailey, Nat Goodspeed

**January 20, 2021**

**After serving on the Rochester Library Board of Trustees, Ward 2, the past eight years, I regrettable inform you that I am resigning effective January 20, 2021.**

**I am uncomfortable with the trustees and the library just maintaining a status quo.** We should be doing better. In my opinion, it will take a long time to become top-notch or outstanding. I could stay on and work for change and progress, however I think that the battle would be mostly unsuccessful in the short-term. I seem to be a minority voice on the Board, and it may be best to just leave.

**While the trustees have maintained a certain status quo or normalcy,** most of the trustees have not been proactive in handling issues facing the library, such as: loss of the library director, Covid procedures, staff organization, vision for the future, managing the interim library director, and communications. Going forward, I do not see much change until a new library director takes over, and the trustees become more active. It will take the trustees many months and many extra hours to improve status quo and lead the library from the current situation to a new successful post-Covid environment.

**One primary responsibility of the trustees is to manage the library director who manages the library.** This has only been partially successful in 2020 due to Covid, the library director's resignation in June, and the status quo term of the interim library director.

**The Board in 2020 had little concern for fiscal responsibility** and as a result, I submitted this statement at the Trustee meeting August 25, 2020: "As a result of the ongoing Covid pandemic affecting our city, Steven Maimes (Treasurer of the Board of Trustees), has favored a stronger fiscal responsibility policy for the Library and has since May 15, 2020 proposed to the Trustees to either cut staff, reduce staff hours, or agree that no library position can be filled without the approval of the Trustees. All these proposals have been rejected."

**It is my opinion that the library needs to be run more like a business** – this is not the position of other trustees. As a business, certain priorities and efficiencies should be taken into consideration. I would recommend that the **City Council** undertake an audit of the library to include job responsibilities, workflow, and finances.

**If one looks at other local NH libraries**, you will see more innovation, better websites, better leadership, and better than ordinary libraries. For example, other local libraries are currently open to the public for in-library browsing including Dover, Durham, Somersworth, and Wolfeboro. The library directors and trustees of these communities seemed to find a way to successfully open the library.

**Unfortunately, I have little confidence in the Board of Trustee's chair** to proactively lead the trustees forward. 2020 was an example of a poorly run Board of Trustees.

**I believe that the trustees have a communication problem** and am disappointed that most of the trustees have not communicated with other libraries or professionals to discuss concerns and best practices. Some ideas were floated, but no action resulted. The trustees need to somehow improve communication between trustees and be more proactive.

**In addition**, (1) I do not like evening meetings and would prefer to meet during the day – unfortunately, the Board indicated this is not possible. (2) I find it difficult governing the library during Covid and getting back to normal or the new environment may take a long time. (3) It is a new year (with a new President), time to do something new.

**With my resignation**, the status of the Board is as follows: 4 active trustees, wards 1 & 2 & 4 vacant, no alternate trustees. The quorum for the Board is 4 trustees. Hopefully, there will be change soon.

Sincerely,

A handwritten signature in cursive script that reads "Steven Maimes".

Steven Maimes

APPOINTMENTS REVIEW COMMITTEE MEETING  
JANUARY 19, 2021

Members in Attendance: Councilors Bogan, Abbott, Gray, Hainey

Members Absent: Councilor Hutchinson

Others in Attendance: Mayor McCarley

Meeting was called to order at 5:30PM

**Library Trustees Applicants:**

New Applicant - Peg Higgins –Ward 1, Term to Expire 1/2/23. Peg has previous experience on library boards in Goffstown and Durham. She is very involved with the Rochester Library, serving on the Friends of the Library. Peg is also a former State Legislator.

Councilor Abbott motioned to approve, second by Councilor Gray. Motion passed to recommend Peg to full council.

Re-Appointment – Nick Bellows – Ward 1, Term to Expire 1/2/23. Nick has a MS in Library Science and is a school librarian. As a current trustee, Nick serves on the Technology and Strategic Planning Committees. His goal is to hire a Director that puts together a strong strategic plan. He conveyed his belief that Libraries have changed and RPL needs to change also.

Councilor Abbott motioned to approve, second by Councilor Gray. Motion failed to recommend Nick.

New Applicant – Kathleen Noble – Ward 4, Term to Expire 1/2/23. Kathy has been in Rochester for 34 years and has always loved the library. She has a family of readers who participate in many of the programs offered.

Councilor Gray motioned to approve, second by Councilor Hainey. Motion passed to recommend Kathy to full council.

**Rochester Economic Development Committee Applicant:**

New Applicant – Ronald Poulin – Term to Expire 1/2/24. Ron lives in Dover. He has strong ties to Rochester as the Owner of Country Tire, former partner of Poulin Auto Country, past chairman at Frisbie Hospital and as the Rochester Chamber Business Leader of the Year 2011. Ron was on REDC for over 6 years and has attended the national conferences.

**Arts and Culture Commission Applicants:**

The following applicants are re-appointments with term to expire 7/1/23.

Jamie Kinsley  
Sarah Duclos  
Amy Regan  
Kristin Ebbeson

A motion was made by Councilor Gray, second by Councilor Abbot to recommend all to the full council.

Meeting adjourned at 6:25PM

Minutes respectfully submitted by:

Councilor Bogan  
Chair

**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  
Jennifer Marsh, Economic Development  
Donald Hamann, City Councilor

**CODES AND ORDINANCES COMMITTEE**

Of the Rochester City Council

**Thursday, January 7, 2021**

**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](mailto:PublicInput@RochesterNH.net) or call 603-332-1167.

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

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

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

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

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

## 2. Public Input

Councilor Lachapelle read correspondence from Steve Beaudoin, resident, in regards to agenda item 4.1 – Chapter 41, Disorderly Residences.

Cassie Givara, Deputy City Clerk, read correspondence from Tim Fontneau, Penny Boucher, Gerry Hanscom, and Nick Norman, all in regards to Chapter 41.

*All correspondence submitted for public input will be included as an addendum to the online Codes & Ordinances packet.*

## 3. Acceptance of the Minutes

### 3.1 December 3, 2020 *motion to approve*

Councilor Lauterborn **MOVED** to **APPROVE** the minutes of the December 3, 2020 Codes

& Ordinances meeting. Councilor Rice seconded the motion. The **MOTION CARRIED** by a unanimous voice vote with Councilors Hainey, Rice, Lauterborn, Lachapelle, and Abbott all voting in favor.

#### 4. Code of Ordinances Review

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

Councilor Lauterborn inquired if the City of Franklin, where the wording for this ordinance originated, had been enforcing this ordinance and how it had been working in that City. Councilor Lachapelle stated that in 2018 when the Committee had last discussed this ordinance, the City of Franklin had not experienced any issues at that point. Attorney O'Rourke stated that he didn't have any current information from Franklin, but would look into it.

Councilor Lauterborn acknowledged that there is an actual problem which resulted in this ordinance being proposed and expressed sympathy for the landlords involved; however she stated that she hoped there would be an alternative solution to help out the neighborhoods and residents dealing with these disorderly residences. Councilor Lachapelle recalled that when this issue had been discussed in 2018, the police commission and police staff had intended to work with local landlords to develop policies and procedures.

Councilor Hainey felt that the committee should discuss and develop a process and procedure moving forward to help affected residents. She spoke about the residents in her neighborhood who have approached her about long-term, ongoing problems requiring police presence. Councilor Hainey said it is not only her neighborhood where these issues take place habitually, and she felt that something needed to be done before it was too late. She requested the report of information generated from the police commission in 2018 after the last time this was discussed.

Councilor Lachapelle said that he felt this was more of a State issue. He felt that landlords should have more power to take action within the State statute and that there is only so much which could be done at the City level. He suggested approaching local representatives to have it brought up at the State level and addressed. Councilor Hainey said it is a local issue as it concerns the police. She stated that the police are in the same neighborhood weekly, multiple times a weekend, and they are not able to make arrests or stop the issues from reoccurring.

Councilor Rice acknowledged that something did need to be done but questioned whether this ordinance was the way to go about making the change. He inquired if there was a way to mandate that landlords register their rental properties with the City. Councilor Lachapelle said that he had been informed there was a state RSA requiring landlords to register their information with the local City Clerk's Office. Councilor Rice suggested that the committee could reach out to police department representation for rental property owners. Concerned citizens from each ward could be invited to these police commission meetings to have their issues heard. He suggested reaching out

to local representatives as well as the Strafford County sheriff for guidance on how to proceed with evictions. Attorney O'Rourke agreed that this would be a good item to be added to the Police Commission agenda. He stated that prior to COVID, BZLS and police staff had started meeting with landlords, but that outreach and discussion had been put on hold. Councilor Lachapelle suggested bringing the item back to the Codes & Ordinances committee because ultimately they would be the ones making recommendation to full Council.

Attorney O'Rourke stated that part of the issue is education. There are some less experienced landlords or those with fewer properties who may not know their rights and may not know how to move forward in these situations.

Donald Hamann, councilor, spoke about his experiences as a landlord and agreed that the state laws needed to give more power to the landlords to take care of these issues with problem tenants. Councilor Abbott agreed that the focus should not be on the landlords but rather on those creating the problem and if an ordinance is going to be proposed, it should hold those responsible who are causing these issues. There was a brief discussion on absentee landlords and out of state landlords and how this affects the issue.

Councilor Hainey agreed that the focus should not be on the landlords but rather on those tenants causing the problems. She stated that discussion could spur outreach to the police commission and landlords to start taking a closer look at the ordinance to see what can be done and start making some positive changes.

Councilor Rice spoke about reviewing other ordinances which could potentially address the problems being highlighted in the disorderly residence chapter; the noise ordinance could be reviewed and possibly amended due to noise complaints being a large part of the issue. Councilor Hainey had referenced gunfire in her neighborhood. It was discussed that this incident would be governed by State RSA.

Councilor Rice suggested having a list of rental properties along with the legal tenants occupying these properties. This would allow police to penalize the appropriate parties if there were complaints involving multiple people at one call. Council Lachapelle clarified that he did not believe it was legal for the City to keep a registry of individual tenants at each property; however there is a registry of the landlords owning these properties in the city Clerk's office. Councilor Rice suggested that the confidential nature of this tenant registry could be maintained by only allowing access to the police, legal staff and City Clerks.

Councilor Lachapelle suggested inviting members of the police department staff to the next Codes meeting to further discuss this item and possibly drafting an ordinance which would work better for the City. Councilor Lauterborn stated that she felt that this was a State issue which would require a change to the statute, which is not a quick process.

## **5. Update: Chapter 80 – Outdoor Dining**

Jenn Marsh, Economic Development, gave a brief summary of what has occurred with the outdoor dining ordinance up until now and the process it has gone through. She outlined the additional proposed changes which have been suggested since the last time the ordinance was reviewed by the committee. Attorney O'Rourke stated that the goal had been to make the ordinance much easier in function and with increased clarity for the restaurant owners. Attorney O'Rourke said that the use of Jersey barriers to cordon off the outdoor seating areas would be in use again this upcoming season. He stated that the process as laid out will give the restaurants the ability to write their site plan and make the approval process through the Technical Review Group and final approval through the City Manager more complete and easy.

Councilor Rice asked about the requirement for rubber tips on the legs of chairs and tables to be used on concrete surfaces which had been written into the ordinance. Attorney O'Rourke stated that the surfaces on which the furniture is being placed are owned by the City and this in an attempt to protect those surfaces from damage and wear and tear as the furniture is used. Councilor Rice suggested adding to the ordinance that these protective tips should be required on pavement surfaces as well, because many of the outdoor dining locations are located on this type of surface. He questioned whether they would be necessary at the locations which have built raised wooden platforms for dining. Attorney O'Rourke stated that these details would be ironed out in the site plans submitted by each business prior to the plans going before the appropriate Board or Commission for approval.

Councilor Rice spoke against the prohibition of tents, canopies and covers in the outdoor dining areas, and noted that table umbrellas are permitted without a stipulation that they need to be affixed. Councilor Lachapelle referenced the many outdoor dining areas along the seacoast beaches which regularly use umbrellas and stated that ideally it's common sense that if these umbrellas are used, they need to be secured in case of windy weather. He did not feel that every small possibility needed to be written into the ordinance. Councilor Rice stated that if this document is intended to be thorough and permanent, these types of clarifications should be included. Ms. Marsh stated that the fire department as well as City staff is against the use of canopies at outdoor dining establishments due to the potential safety issues and damage, even when anchored, which could be caused in certain weather. Ms. Marsh questioned if other types of coverings, such as custom build wooden coverings, could be used to protect diners against the sun and heat during the summer months. City Attorney O'Rourke stated that these types of structures would need to be included in the businesses' site plan because they would need to pass building and fire codes. Attorney O'Rourke suggested adding the verbiage that umbrellas "must be anchored" into the ordinance. Councilor Rice added that he felt the ordinance should allow both umbrellas and canopies as long as they were appropriately anchored into a structure of a certain size and weight requirement. Attorney O'Rourke clarified that the canopies being used do not meet any of the relevant building or fire codes and can be dangerous for use in a busy commercial setting; they are not approved for the uses being suggested. Councilor Rice stated that vendors at the farmer's market use this same style of tent and canopy on City property and questioned why it would not be allowed for restaurants downtown. Councilor Lachapelle stated that the farmer's market uses these canopies for a brief period of time one day a week and they are removed when the market ends.

Councilor Lauterborn referenced a section in the ordinance which indicated that there would not be live entertainment at outdoor dining establishments. She stated that her recollection is that this has been allowed when it was discussed last, and the establishments would work out a schedule

amongst themselves to avoid multiple performances overlapping. Attorney O'Rourke said that if the restaurants would like to have live entertainment, they need to file for a special events permit. Councilor Lauterborn suggested changing the wording to indicate that live entertainment is permissible upon application of a special events permit. Attorney O'Rourke said the section being referenced is in regards to the site plan, and that given the limited space and the need for ADA compliance, safety codes and other criteria, it doesn't make sense for restaurants to commit to a specific designated space for live entertainment; the special events permit can be applied for to use public spaces. Ms. Marsh stated that she agreed entertainment should be allowed in downtown; however due to the heavily trafficked area and safety concerns with wires and equipment, city staff would still need to review the area and the plan to determine if it would be appropriate on a case by case basis. She said that the special events permit is an easy process and can be applied for and approved quickly. Councilor Lauterborn reiterated that she felt they should add verbiage allowing live entertainment at outdoor dining establishments with the approval of a special events permit. Attorney O'Rourke said there are other portions of the ordinances which deal with special events permits; this particular section in regards to site plans is not the appropriate place to include a section for live entertainment. Alternately, he stated that the ordinance is in reference to City property. The city needs to be equal in the allowance of use of these public spaces; otherwise it is a violation of residents' rights. He said that the special events permit process would still be the route to take for occasional live entertainment.

Councilor Hainey echoed Councilor Rice's assertion that canopies, and tents should be permissible if appropriately secured and weighted down. She also asked if it had been considered that the outdoor dining season could start March 1 as opposed to April 1. Attorney O'Rourke stated that the full Council had voted on keeping the start of the season on April 1<sup>st</sup> due to the potential for winter storms well into March.

Mr. Hamann, recounted a story of a secured tent he had used on his deck which had been destroyed and mangled in wind. He gave examples of types of tenting which could be used to potentially avoid weather damage and safety concerns.

Ms. Marsh clarified that there is a difference between tents and canopies. Tents above a certain size can be inspected and reviewed by the fire department and potentially allowed with a permit. Attorney O'Rourke stated that these types of tents would have to be anchored by drilling into the ground. The locations in question are on City property and drilling or modification of the ground would not be permitted.

Councilor Rice suggested keeping the ordinance in committee for one more month so councilors could review and come back in February for further discussion and amendments. Attorney O'Rourke stated that applications are due in February from the restaurants, so staff was hoping to have the committee recommend the suggested amendments to the full Council so there could be a special meeting held on February 19<sup>th</sup> for a vote. Councilor Lachapelle suggested that the amendments to the ordinance could be approved "as is" and there could be further amendments made in the future to avoid holding up any permits.

Councilor Lauterborn **MOVED** to recommend to full Council the suggested amendments to Chapter 80 regarding outdoor dining. Councilor Abbott seconded the motion. The **MOTION CARRIED** by a 4 – 1 roll call vote with Councilors Lachapelle, Abbott, Hainey, and Lauterborn

voting in favor and councilor Rice voting opposed.

**6. Other**

Councilor Lachapelle asked which ordinances would be covered at the February 4 meeting. Attorney O'Rourke said that Building, Zoning and Licensing and Planning had a chapter which crosses over, so they are scheduled for this upcoming meeting together. Councilor Lachapelle suggested that at the February 4 meeting, they could handle the first 4 chapters of BZLS (Chapter 11: Adult Oriented Establishments, Chapter 22: Amusements and Entertainment, Chapter 40: Building & Construction Maintenance, Chapter 54: Citations, and Chapter 80: Food & Food Services) and do the remainder of the BZLS chapters as well as the Planning ordinance at the March meeting. There will also be a spot for further discussion of the disorderly residence ordinance on the February agenda.

**7. Adjournment**

Councilor Lachapelle **ADJOURNED** the meeting at 7:17 PM.

Respectfully Submitted,

Cassie Givara  
Deputy City Clerk

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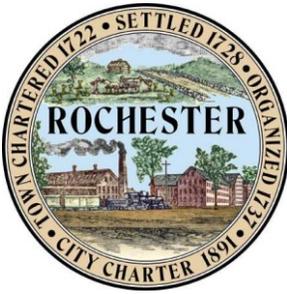
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# Rochester City Council

## Community Development Committee

### MEETING MINUTES

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

<b>Meeting Date:</b>	Monday, January 25, 2021	
<b>Members Present:</b>	Palana Belken Donna Bogan Laura Hainey Doug Lachance Elaine Lauterborn	<b>Members Absent:</b> None
<b>Guests/Staff:</b>	Julian Long, Rochester Community Development Coordinator	

Councilor Lauterborn called the meeting to order at 6:00 p.m. Councilor Bogan made a motion to approve the November 16, 2020 committee meeting minutes, and Councilor Hainey seconded the motion. The motion passed unanimously.

<b>PUBLIC INPUT</b>	No public input was received.
<b>FY 2022 CDBG GRANT APPLICATIONS – First Review</b>	<p>The committee members discussed the Community Development Block (CDBG) Grant applications requesting FY 2022 CDBG funding and whether the actual FY 2022 grant allocation would likely be more than the current estimate.</p> <p><b>Public Service Agencies</b></p> <ul style="list-style-type: none"> <li>• My Friend's Place: \$7,500</li> <li>• Dover Adult Learning Center: \$5,000</li> <li>• Strafford Nutrition Meals on Wheels: \$2,000 <i>(if additional funds become available, \$1,000 in additional funds should be allocated for SNMOW)</i></li> <li>• MY TURN: \$4,000</li> <li>• Cross Roads House: \$6,448</li> <li>• Court-Appointed Special Advocates of NH: \$1,000</li> <li>• HAVEN: \$2,500</li> <li>• SHARE Fund: \$4,000</li> </ul> <p><b><i>Motion was made by Councilor Bogan and was seconded by Councilor Hainey to approve the above funding recommendations.</i></b>  The motion passed unanimously. The committee will hold these recommendations for possible revision during the February Community Development Committee meeting.</p>

	<p><b>Housing Rehabilitation and Public Facilities</b></p> <ul style="list-style-type: none"> <li>• Homeless Center for Strafford County – Ductwork for New Shelter: \$35,000</li> <li>• Waypoint NH – New Drop-in Center for Homeless Youth: \$50,000</li> <li>• Community Action Partnership of Strafford County – Weatherization Program: \$55,572</li> </ul> <p>The committee agreed to table these tentative funding recommendations until the February Community Development Committee meeting.</p>
<p><b>FY 2022 MUNICIPAL FUNDING APPLICATIONS – First Review</b></p>	<p>The committee members discussed the municipal funding grant applications requesting FY 2022 funding and impact of potential FY 2022 revenues.</p> <ul style="list-style-type: none"> <li>• EasterSeals (formerly The Homemakers): \$9,500</li> <li>• Cornerstone VNA: \$28,826</li> <li>• Community Action Partnership of Strafford County: \$10,000</li> <li>• COAST: \$187,427</li> <li>• SOS Recovery Center: \$25,000</li> <li>• East Rochester Library: \$5,000 (<i>subject to pro-rating should the library remain closed to the public due to COVID-19</i>)</li> </ul> <p><b><i>Motion was made by Councilor Bogan and seconded by Councilor Lachance to approve the above funding recommendations and to forward the recommendations for inclusion in the draft FY 2022 city budget.</i></b> The motion passed unanimously.</p>
<p><b>FY 2022 DRAFT ANNUAL ACTION PLAN – First Review</b></p>	<p>Mr. Long gave a brief overview of the draft FY 2022 Annual Action Plan and which sections are dependent on funding allocations. <b><i>Motion was made by Councilor Hainey and seconded by Councilor Bogan to accept the draft FY 2022 Annual Action Plan.</i></b> The motion passed unanimously. The draft action plan will be submitted to the full City Council for consideration after the funding allocations have been finalized by the Community Development Committee.</p>
<p><b>COMMUNITY DEVELOPMENT PROGRAM REPORT</b></p>	<p>Mr. Long gave a brief overview of recent CDBG program activity, including the quarter 2 JOB Loan Program. Mr. Long explained that there has been a lack of JOB Loan Program applications received due to businesses' lack of interest in expansion during the ongoing COVID-19 pandemic.</p>
<p><b>OTHER BUSINESS</b></p>	<p>Mr. Long informed the committee that he had attended a meeting with EasterSeals regarding a potential affordable housing project. EasterSeals is interested in presenting on the potential project before the Community Development Committee. The committee suggested the July 2021 meeting for the presentation and, should that not be soon enough, the February 2021 meeting.</p>

The meeting was adjourned at 7:13 p.m.

**Next Meeting** – Monday, February 22, 2021, at 6:00 p.m., Cocheco Conference Room, City Hall Annex, 33 Wakefield St.

**Topics** – FY 2022 Grant Applications, FY 2022 Draft Annual Action Plan, Program Report

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**Fidelity Committee**  
**of the**  
**Tri-City Joint Mayors' Task Force on Homelessness**  
**Remote Meeting Via Microsoft Teams**  
**January 14, 2021**  
**6:00 PM**

**MAYORS**

Mayor Caroline McCarley  
 Mayor Robert Carrier  
 Mayor Dana Hilliard

**Rochester Members**

Jeremy Hutchinson  
(Chairman)

Barbara Holstein

**Dover Members**

Charles Reynolds

Betsey Andrews Parker

**Somersworth Members**

Todd Marsh  
(Vice Chairman)

Dina Gagnon

**Others Present.** Dave Carpenter, Dover Planning. Lindsey Williams, Dover Council. Tory Jennison, IDN. Ashley Desrochers, Public Health Network. Stephanie Savard, NH Coalition to End Homelessness. Ariel Hayes, Waypoint. Paige Farmer, Home For All.

**MINUTES**

**1. Call to Order**

Vice Chair Todd Marsh called the meeting to order at 6:04 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 Chairman Jeremy Hutchinson and Charlie Reynolds, who were excused. Additionally, Mayor Hilliard of Somersworth was present.

## **2. Public Input**

Ashley Desrochers invited all present to a lead poisoning prevention 101 training and said there would be communication forthcoming. Ms. Desrochers clarified that lower income children are most often affected by lead poisoning and, depending on the severity of the case, their families often have to move from their homes which can create housing insecurity for the children and their families.

Dave Carpenter, Dover Planning, said that the Dover planning department had received the letter sent out from the Fidelity Committee to the Tri City Mayors in regards to identifying barriers to affordable housing in zoning and planning. Mr. Carpenter said that Dover has compiled a list of things they have done in this respect over the years. He said they also went to the Planning Board this week to indicate that they would be working with the mover the winter on some further amendments to the ordinances to address some of the concerns raised in the Master Plan.

Paige Farmer, Home For All, reminded the group that they have been stewarding the Affordable Housing Incentive program for landlords and property owners to engage in affordable housing conversation. Ms. Farmer said they had a webinar scheduled for January 28<sup>th</sup> from 4:00 PM to 5:00 PM to focus on all the vouchers available in NH and ME and there will be a panel of experts to discuss this matter.

Ariel Hayes, Waypoint, introduced herself and stated that she is part of the runaway and homeless youth program. She stated that she would be the site coordinator for the drop-in center when it is opened.

Stephanie Savard, Director of NH Coalition to End Homelessness, introduced herself.

## **3. Communications from the Mayors**

Mayor Hilliard said that the Mayors have been pleased with the operations of both the Garrison Hotel Shelter as well as the Willand Drive center and said they have been helpful in alleviating homelessness in the tri-city area. He thanked and congratulated CAP, IDN, the center staffs, and all those stakeholders involved for their efforts and being an example of how things can be accomplished when communities collaborate.

Mayor Hilliard said that Somersworth will be hearing a presentation from SOS at the Joint Commission on the Recovery Friendly Workplace initiative and will be working toward compliance on both the City and School sides. Mayor Hilliard also stated that he has formed a mayoral task force on veteran's homelessness to come up with long term sustainable solutions for helping homeless veterans.

Mayor Hilliard also reported that the Somersworth planning department had received the correspondence from the Fidelity Committee referenced by Mr. Carpenter earlier. He said they are working on this and will bringing recommendations forward to City Council by June.

#### **4. Communications from the Chairs**

Vice Chair Marsh spoke about the goals and mission of the Fidelity Committee and the positive accomplishments the group has made to date; Vital Records fee waiver, Recovery Friendly Workplace, and the warming centers. He cautioned being deliberate and thoughtful with future initiatives in order to not to overwhelm the governing bodies.

Vice Chair Marsh read a brief statement from Chair Hutchinson stating that he was drafting a letter to the tri-city mayors asking for a review of the ordinances as they relate to food safety in an effort to help the food insecure.

Vice Chair Marsh addressed the committee in regards to the planning and zoning review referenced by both Mr. Carpenter and Mayor Hilliard. He reported that there would be a press release forthcoming, but he first wanted to ensure that the three planning departments had the opportunity to receive the letter and start reviewing.

#### **5. Update: Willand Drive Warming Center**

Tory Jennison, IDN, gave an update on the recently opened warming center on Willand Drive in Somersworth. She said that there have been three individual activations of the shelter. She clarified that this shelter is a cooperative effort between the tri-cities through a contract with the City of Dover with the NH Housing Finance Authority using CDBG COVID money. This funding was used to get the center up and running and provide operational support in 2020. Connections for Health will take over the operational support for the remainder of the winter season in 2021.

Ms. Jennison reported that the center was officially opened on December 20<sup>th</sup> and remained operational for 11 consecutive nights. This first opening was not triggered by weather, but rather as a requirement of the grant. There was an earlier two day activation resultant from extreme cold weather prior to the warming center officially opening; with the three municipalities providing daytime staffing. Ms. Jennison said that during the first activation, the center saw 11 people on the

first night and 16 people on the second night. She gave an overview of the demographics utilizing the shelter for each of the three activations (*addendum A*).

Ms. Jennison said that one of the positive things which resulted from these activations is the 8:30 AM “huddle call” where, with client permission, they are able to reach out to local welfare agencies, CAP, shelters and social service agencies. They share the clients’ intentions for the day which is beneficial to the agencies to know what numbers to expect, how to assist, and to save up front on assessment times because they have already been given a summary of who the client is and what services they need.

Ms. Jennison said there has not been any need for law enforcement, although Somersworth police has been supportive and stopped by to check in. There have been a few clients transported to the hospital for medical or behavioral health concerns.

There was over \$7000 spent through local restaurant partners during the 10 days activation for breakfasts and dinner meals. She reported that there are shower and laundry facilities on site, and the center will provide transportation as needed.

Ms. Jennison spoke about the decrease in volunteers due to COVID. She stated that although they have conducted 7 trainings and trained over 50 people, there are currently only 10 people who are able to volunteer due to COVID concerns. She encouraged

Vice Chair Marsh asked if there is anything the warming center needs or will need in the future. Ms. Jennison stated that there is a donation list being put together. Currently through Fire Chief Klose, Rochester has become the water supplier for the center. The biggest need is human resources for both volunteers and paid staff.

## **6. Regional data/statistics**

Betsey Andrews Parker gave an update on the Garrison Hotel shelter. Day center has seen 101 individuals come through. She gave a breakdown of the areas from which these people come, the length of stays, and the total cost for sheltering these individuals. She summarized the demographics seen at the shelter, the total number of referrals which have gone out, and the numbers of individuals who have been barred from the shelter.

Ms. Andrews Parker reported that the program had to be shut down on Wednesday and Thursday due to a couple individuals testing positive for COVID who had spent a good deal of time at the day program. She stated that COVID continues to be an ongoing issue in the center and shelter environments. There have been 5 COVID positive clients which have been sent from the shelter to the Dube center and staff members have tested positive and had to be pulled as well. She emphasized the great importance for the shelter staff and staff of social service agencies dealing with the homeless to be considered for the COVID vaccine if these programs are to remain open. This demographic is currently not included in the first tiers of vaccinations. She encouraged those involved with vaccine clinics to reach out to her agency and others if there were extra doses which could be used for these social service professionals.

Ms. Andrews Parker reported that the Quarantine Center for the State of NH is going to be opening an overflow center at the Garrison Hotel in a separate wing due to the increase in COVID positive cases.

Vice Chair Marsh inquired how the vaccination plan for those scheduled to receive the COVID vaccination could be altered to include these populations in need of the vaccination who are not currently on the list. Ms. Desrochers stated that there have been some changes made. Just today there was a change made to the age requirements. She stated that the vaccination roll out schedule could change as well. Currently the second dose is being held at the federal level and it is not being sent until the individuals receiving the first dose are due for the second. This could change to allow a larger amount of people to be vaccinated with the doses available. Ms. Desrochers said that the goal currently is to try to utilize all the doses available without wasting or discarding any, and she agreed that these high risk staff members should be receiving the vaccines which are available.

Ms. Savard reported that in the information released today, it was stated in vaccination phase 1B they said that they were including disproportionately impacted populations which are typically disconnected from healthcare. Ms. Savard said she interpreted this classification as the homeless population; if the shelter residents are going to be scheduled for vaccination, then it could be justified for staff that this is a congregate setting, allowing them to be vaccinated as well.

Dave Balian, Dover Welfare, stated that Dover welfare has never shut down and in fact they are seeing clients face to face. Other local welfare agencies are working in a similar manner, and he emphasized that these professionals should be considered for COVID vaccination as well due to their exposure risk.

#### **7. Update: Tri-City joint housing rights resolution**

This agenda item was tabled until the next meeting in order for Chair Hutchinson and Councilor Paradis to speak on the matter.

#### **8. Continued Review of Master Plan**

No further discussion. It was decided in committee that there is already quite bit on everyone's plates with both the winter season and COVID restrictions. Between the shelter, warming centers, and upcoming initiatives and proposals from the Master Plan which have already been set in motion, there is no need to add additional projects. Mayor Hilliard again emphasized that it is important not to overwhelm the Councils and rather to take pride in what has been accomplished thus far.

#### **9. Other**

No Discussion.

#### **10. Closing Public Input**

Mayor Hilliard encouraged the committee to be proud of the wonderful work that they have accomplished and stated that this committee is a model of how collaboration between the governments can help to tackle such a massive social issue.

**11. Adjournment**

Vice Chair Marsh **ADJOURNED** the Fidelity Committee meeting at 6:59 PM.

Respectfully Submitted,

Cassie Givara  
Deputy City Clerk, Rochester

**WILLAND WARMING CENTER SUMMARY through 1.14.21**

30 Willand Drive, Somersworth, NH

**First Activation\*****Dates:** 12/16/20 & 12/17/20 (*trigger: cold w/ snow*)**Served:** 18 unique individuals over 2 nights (27 total bed nights)**Census Range:** 11-16 people per night**Clients reported coming from:**

Dover – 8

Rochester – 7

Greater Portsmouth Area - 3

**Second Activation\*****Dates:** 12/20/20 through 12/31/20 (*trigger: Facility Test*)**Served:** 64 unique individuals over 11 nights (232 total bed nights)**Census Range:** 12-30 people per night**Clients reported coming from:**

Dover – 28

Rochester – 30

Somersworth – 4

Greater Portsmouth Area/Rockingham County – 2

**Third Activation****Dates:** 1/08/20 through 1/10/20 (*trigger: cold temps*)**Served:** 38 unique individuals over 3 nights (74 total bed nights)**Census Range:** 20-30 people per night**Clients reported coming from:**

Dover – 20

Rochester – 14

Somersworth – 1

Greater Portsmouth Area/Rockingham County – 4

## Notable:

- Success of an 8:30am “Huddle” call every morning when Willand is active to discuss (with client permission) brief client goals & immediate plans to ensure Connections for Health/IDN, Strafford CAP, Garrison Shelter, local Welfare, area shelter, and Doorway partners have a common awareness re: the most vulnerable Willand client priorities. This allows partners to better self-organize and communicate with each other, reduces the risk that clients will end up misdirected and increases the likelihood that they will get critical needs met. (The majority of clients choose to get support from the CAP Day Program).
- No law enforcement response has been required for criminal activity. (Somersworth PD does provide regular courtesy check-ins).
- No overdoses identified.
- 3 clients were transported to area hospitals for medical/behavioral health concerns.
- 2 Wellness Checks were conducted in collaboration with local law enforcement.
- Over \$7,000 was spent on meals from Tri-City restaurants during the Facility Test Activation.
- 2 clients accessed substance use treatment directly from the Willand.
- Shower & laundry facilities were available.
- Clients were transported to a central Dover & central Rochester site every morning.
- Bus tickets were available on-site.
- City of Rochester provided 48+ cases of water bottles.

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Willand Warming Center Volunteer Trainings will resume next week. The schedule will be announced on 1.15.21 on the @SCemergencyshelter Facebook page. Questions can be directed to [scwarmingshelter@gmail.com](mailto:scwarmingshelter@gmail.com).

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\*First & Second activation operations (including procurement of the property & building @ 30 Willand Drive & the majority of required equipment) were funded through CDBG-Covid monies administered by the NH Housing Finance Authority (NHHFA) under contract with the City of Dover.

The Third and all future Activations through March 2021 are funded through NH DSRIP 1115 Waiver monies via Connections for Health/the Region 6 Integrated Delivery Network (IDN) under their *E5: Enhanced Care Coordination for Vulnerable Populations* project. The Strafford County Commissioners are the Lead/Sponsor Agency for Connections for Health/the Region 6 IDN.

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Finance Committee  
Meeting Minutes

Meeting Information

Date: January 12, 2021

Time: 6:30 P.M.

Location: Remote via Microsoft Teams

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

**City staff present:** City Manager Blaine Cox, Deputy City Manager Katie Ambrose, Deputy Finance Director Mark Sullivan.

**Others present:** Ray Barnett, resident. Kyle Repucci, Superintendent of Schools. Linda Bartlett, School Business Administrator.

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,

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Hamann, Lachance, Lauterborn, Walker and Mayor McCarley.

## 2. **Public Input**

Ray Barnett, resident, addressed the committee in regards to the school budget and the City budget. He also spoke about the Sig Sauer deal with Rochester versus the company's dealings in Epping.

## 3. **Unfinished Business-None**

No discussion.

## 4. **New Business-**

### 4.1 **FY22 School & City Budget Discussion**

Mark Sullivan, Deputy Finance Director, reported that the department has not yet completed the budget data entry. He stated that when drafting the agenda bill in the packet, he entered the primary drivers to set the discussion; however there are many other things that drive the budget as well which are not included. One of the drivers on the revenue side is losing the second year of municipal aid on the City side, which is \$686,000. The other large driver was NH Retirement system rate increasing 21%, which is projected at \$600,000. He stated that the actual amount after reviewing today is \$570,000. Health insurance is approximately \$160,000. There is also the switch in contingency to other items, causing contingency to go down approximately \$400,000. There are increases expected in County taxes, ambulance contracts, and salary increases. When everything is netted together, the City is down around \$1.3 million, or around \$1 million if other adjustments are made. Deputy Director Sullivan stated there is still quite a bit of work to be done to determine which adjustments can be made.

Finance Director Ambrose stated that there would be similar issues seen on the School Department side with mature retirement system increases as well as insurance increases.

Superintendent Repucci stated that revenue is down due in large part to reduction in Medicaid reimbursements; without the students in the buildings they cannot receive certain services which are normally reimbursable through Medicaid. He stated that the Adequacy number is down; they are continuing to track free and reduced lunch numbers as these are tied to State adequacy aid. Linda Bartlett, School Business Administrator, said that the reduction in Medicaid is about \$300,000, and the decrease in adequacy aid is estimated at \$419,000 with the 2020 enrollment numbers. Ms. Bartlett reported that the NH retirement rates are going up 18.1% for employees and 26% for teachers, with health insurance increases at \$350,000. This results in a total of approximately \$2.1 million in increases.

Councilor Lachance referenced a 1980s constitutional amendment prohibiting the State from passing unfunded mandates on to cities and towns and inquired if the contribution to the retirement system is exempt from this amendment. Councilor Gray spoke about this amendment and how it applies.

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Mayor McCarley stated that she has been meeting regularly with the Mayors from the other NH and they are drafting a letter to be sent to the State, Commission of Educations, House, and Senate and indicating that all the cities and large towns are all seeing these large hits. They have also approached congressional delegation about the Medicaid situation.

Mayor McCarley clarified that the budget would not be supplied until April, but that it was a good idea to start taking a look at these things early. She also clarified that of the \$6 million increase to the school budget, \$4 million of that amount was revenue received from the State for the CTE project.

Councilor Walker inquired about the school's COVID expenses. Superintendent Repucci stated that they have recovered most of that money through the grant. Ms. Bartlett said that the schools have spent \$260,000 and continue to make smaller purchases to prepare for the students coming back to in-person schooling. Superintendent Repucci said that the tentative back-to-school date would be January 19, but it would be discussed at the next School Board meeting. It was stated that there would be more money expended when students were back in person; approximately \$3300 per week in expendable PPE such as sanitizer, soap, towels, etc.

Finance Director Ambrose said that the Committee would be receiving the budget books to coincide with the City Manager's budget presentation on April 20.

## **5. Reports from Finance & Administration**

### **5.1 Monthly Financial Report Summaries December 31, 2020**

5.1 (a) December 31, 2020 Revenues

5.1 (b) December 31, 2020 Expenses

Councilor Lachance inquired about the police and fire overtime lines, which he stated are trending 3% ahead of this same point last year and asked if it was COVID-related. Deputy Finance Director Sullivan said his understanding is that this increase is primarily COVID-related, but they could reach out to the chiefs for more information.

Councilor Lachance referenced the building permits which are way ahead on revenues. Deputy Director Sullivan confirmed that building permits and construction have increased steadily after the initial lockdown and the number remains strong. Councilor Lachance asked City Manager Cox if it was possible to get a breakdown of the building permit numbers to determine how much of this development is residential versus commercial. City Manager Cox said he could get these numbers for the next Finance meeting.

## **6. Other**

Councilor Walker asked for clarification from Administration in regards to details of the Sig Sauer deal which Mr. Barnett had spoken about during public input. City Manager Cox stated that Mike Scala, Director of Economic Development, had done a good summary of the breakdown of the Sig Sauer Pilot arrangement and how it will work, and there is also a breakdown from the finance perspective. City Manager Cox said these items could be brought back to the next Finance

DRAFT

Committee meeting for a thorough summary. There was a brief discussion regarding the information which had been presented during public input not being factual and how the design for the intersection in question has not yet been completed. Councilor Lachance pointed out that this particular intersection had been identified in a 2015 traffic study as an area in need of improvement and realignment; although the intersection improvement is being done in conjunction with Sig Sauer's arrival in Rochester, the two are not related.

## 7. **Adjournment**

Mayor McCarley **ADJOURNED** the Finance Committee meeting at 7:02 PM.

Respectfully Submitted,

Cassie Givara  
Deputy City Clerk

**City of Rochester Planning Board**  
Monday January 4, 2021  
City Council Chambers  
31 Wakefield Street, Rochester, NH 03867  
*(These minutes were approved on January 25, 2021)*

Members Present

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

Members Absent

Daniel Rines, 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.

**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. (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 [crystal.galloway@rochesternh.net](mailto:crystal.galloway@rochesternh.net).

**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 Planning Board (Public Hearing and/or Workshop settings) are encouraged to do so by the following methods:

- **Mail:** Planning Department / Public Input, 33 Wakefield Street, Rochester, NH 03867 (*must be received at least three full days prior to the anticipated meeting date*)
- **email** [crystal.galloway@rochesternh.net](mailto:crystal.galloway@rochesternh.net) (*must be received no later than 4:00 pm of meeting date*)
- **Voicemail** 603-335-1338 (*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 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. Please note: the seating in Council Chambers will not be available for the public during meetings.

**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, 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.

### III. Seating of Alternates

Mr. Whitehill voted in place of Mr. Rines.

### IV. Communications from the Chair

There was no communications from the Chair.

### V. Approval of Minutes

*A motion was made by Mr. Walker and seconded by Mr. Collopy to approve the December 7, 2020 meeting minutes. The motion carried unanimously by a roll call vote.*

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## VI. Consent Agenda

### A. Waste Management of NH, Rochester Neck Road & Turnkey Way – Extension

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

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## VII. Continued Applications

### A. Norman Beaulieu, 9 Nature Lane

Ms. Saunders explained the memo the Board received in their packets contains the waiver criteria. She said after speaking with legal counsel the Board has an opportunity to waive some of those fees but the types of waivers are very tightly controlled. Ms. Saunders said in order to waive the fees the application has to meet those criteria and in this particular case where it's an elderly individual the house would have to be part of a property that had a deed restriction that requires an age restriction on the property. She said this property is not part of such a development and does not meet any of the other criteria and for that reason staff recommends the Board deny the waiver request.

Mr. Fontneau asked if the lot is part of a subdivision that was approved prior to adoption of the impact fee ordinance. Ms. Saunders explained RSA 674 which says if the Planning Board approved a subdivision within five years of adoption and work is underway with active and substantial construction they are vested in changes of the ordinance. She went on to explain once a subdivision is complete and the developer is no longer in the picture those remaining lots are subject to ordinance changes like this new impact fee ordinance.

Mr. Walker said he remembers when discussing impact fees originally, singular lots were not part of the discussion.

Ms. Saunders said the Board can deny this request without prejudice because the Board will be amending the ordinance and the applicant can re-apply for the waiver.

Mr. Sullivan said if the ordinance is changed before the applicant gets his Certificate of Occupancy he might not even need to come back for a waiver.

*A motion was made by Mr. Collopy and seconded by Mr. Walker to deny the waiver request without prejudice. The motion carried unanimously by a roll call vote.*

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## VIII. New Applications

### A. Packy's Investment Properties, LLC, 17 Sterling Drive

Scott Lawler of Norway Plains Associates presented the site plan to construct four self-storage buildings. Mr. Lawler explained the lot is currently vacant with the exception of a small cemetery and a City of Rochester municipal pump station.

Mr. Lawler went on to explain four buildings will total 22, 800 square feet and there will be 39 outdoor storage spaces for vehicles. Mr. Lawler said they will install solar panels similar to what the applicant currently has at his other business locations around the city.

Mr. Lawler said the facility will be unmanned so there will be no office or need for parking spaces, thus they have included a parking waiver request with the application.

Mr. Lawler went on to explain they are proposing pole mounted lights in the front of the facility which will be on timers and will be motion sensitive, meaning they will turn on when it gets dusk and turn off at an appropriate hour in the evening, only to come back on when the motion sensor is triggered. Mr. Lawler said there will also be security cameras mounted on the light poles pointed at multiple locations and will have inferred capabilities.

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

Ms. Saunders explained this project is in both the Conservation Overlay and Aquifer Protection Overlay zone. She said the area of development is outside both areas. She said she recommends the application be accepted as complete because there is sufficient information for the Board to proceed.

*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 over the conditions of approval with the Board. She informed the Board and the applicant's project will be subject to impact fees which will be determined at the time a building permit is pulled.

Mr. Walker asked if there will be a security fence around the facility. Mr. Lawler said the applicant has chosen not to do a fence at this time as one is not necessarily warranted at this facility.

Mr. Sullivan noted the precedent conditions have to be met within three calendar months and asked if that feasible. Mr. Lawler said the time limit changed from six months to three months around April 2020 and since have had to submit multiple extension requests for projects.

Mr. Giuliano asked about condition #7 which speaks to drainage, which states it must be constructed prior to construction of the new associated parking. He asked what constitutes that, is it construction of a new building or foundation. Ms. Saunders said after land clearing the next thing that needs to go in is the stormwater management system.

Mr. Fontneau asked what other type of security the site will have other than cameras. He asked if there will be an electronic gate to access the property. He said his concern is wherever there is access to vehicular traffic such as the main entrance or from the Rails to Trails. Mr. Lawler said there will not be a gate installed as it is not the business practice of this applicant as none of his other facilities are gated. Mr. Lawler went on to say there will be lilac bushes planted along the edge of the trail to discourage atv's from coming onto the property.

Mr. Bruckner asked if the proposed lighting will be sufficient towards the center of the units. Mr. Lawler explained he reviewed the lighting plan with the applicant and feels comfortable with the placement of the lights.

Mr. Bruckner asked if there will be fire walls between the units. Mr. Lawler said the project has been reviewed with the Fire Department and as long as they provide adequate firefighting flows and extend the hydrant across the cul-de-sac and into the project site the Fire Department has determined the units do not need to be sprinkled.

Mr. May asked if the Police Department has reviewed the plan. Ms. Saunders said they have and they let the applicant know this is an area of mischief. She said the applicant was clear during the TRG process that he isn't interested in a fence. Mr. May said he remains concerned about adequate security and possible vandalism.

Mr. Collopy said it's been his experience in other communities that storage facilities have been built in a fast pace, lacking fencing and things of that nature and many times law enforcement would rather not have a fence

because when and if they need to get inside for any reason they can do so. He went on to say fences can also provide a false sense of security.

Applicant, Packy Campbell said one of the main reasons he didn't want to show the fence on the proposed plan was because he it's not clear yet where the best place to put it is. He said he reserves the right to pull a building permit at a later date for a fence. Mr. Campbell went on to say he's had very few problems at his other facilities from vandals.

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

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

*A motion was made by Mr. Walker and seconded by Mr. Collopy to approve the site plan with the conditions set forth and six months to meet precedent conditions. The motion carried by a roll call vote. Mr. Walker opposed.*

## **IX. Other Business**

### **A. Impact Fees**

Mr. Sylvain said the Board needs to have a discussion and give feedback to the Staff in order to make changes to the ordinance. He said he originally thought impact fees were going to be applied to developers and commercial development not single family lots.

Mr. Fontneau said the Board voted to put impact fees in place because the City was about to see a surge in development. The Board felt with some large residential and commercial developments coming into place impact fees would offset any potential cost to tax payers. He said it was never the intension of the Board to collect an additional \$4,000 to \$5,000 from a single home owner with an existing lot of record because they are not creating any new impact on the tax payer for city services.

Mr. Sylvain said after speaking with Planning Staff and the City Manger the Board can lower the rate of the fees.

Mr. Sullivan said the ordinance was approved in 2007 but isn't sure how the criteria came about. He said he agreed with Mr. Fontneau, the Board didn't intend to charge fees for single existing lots of record.

Mr. Walker asked if the Board could amend the ordinance to put an exception in for single lots of record with one single family home. Ms. Saunders said she will need to look at how to amend the ordinance because the Board can't treat one type of single family lot differently than another single family lot. Mr. Walker said one single lot is different than a development. Ms. Saunders said she would check with legal counsel.

Mr. Giuliano said no developer is going to want to pay impact fees so the Board will need to vote on each waiver request.

Mr. Hamann reminded the Board when impact fees were originally discussed there was a former Board member that had a big argument because he owned a lot that he might develop in the future and would be subject to impact fees.

Mr. Sylvain asked for something in writing from legal counsel stating the Board is authorized to change the fees, for example from 100% down to 50% for schools, fire, etc.

Mr. Collopy suggested trying to keep it simple and address some reductions of impact fees.

Ms. Dwyer said the Board needs to wait until there is more information in order to know which direction to go to get into more depth.

### **B. Other**

There was no other business to discuss.

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### **X. Adjournment**

*A motion was made by Mr. Walker and seconded by Mr. Collopy to adjourn at 8:36 p.m. The motion carried unanimously by a roll call vote.*

Respectfully submitted,

Crystal Galloway,  
*Planning Administrative Assistant II*

and

Shanna B. Saunders,  
*Director of Planning & Development*

**City of Rochester Planning Board**  
**Monday January 25, 2021**  
**Virtual Meeting**

*(These minutes were approved on,2021)*

Members Present

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

Members Absent

David Walker, absent

Alternate Members Present

Donald Hamann  
Paul Giuliano  
Lance Whitehill

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

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

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

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

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

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

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

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

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

### III. Seating of Alternates

Mr. Hamann voted in place of Mr. Walker.

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### IV. Communications from the Chair

There were no communications from the Chair.

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### V. Suggested Zoning Amendment - Murals

Ms. Saunders told the Board the Arts and Culture Commission reviewed the ordinance and only had one change. They would prefer the word "graffiti" not be used to describe vandalism because it is becoming a recognized art form.

Ms. Saunders read the following letters of support into the record:

To whom it may concern:

I would like to announce my support for passage of the murals ordinance as recommended by the Arts and Culture Commission. It is important that mural be defined and to be separate from the sign ordinance.

Murals are creative. They display everyday life and scenery and leave a trail of history within a city. Murals paint a picture of society created from stories, values and change. Mural simply don't and can't meet the requirements of the sign ordinance. Signs are designed to promote business.

I would like to thank you for your consideration.

Sincerely,  
Jamie Kinsley, 11 Duquette Street, Rochester, NH

Dear Planning Board Members:

As a member of the Commission for Arts and Culture, I am writing to express my support of the Murals Ordinance, which is scheduled to be reviewed at your January 25<sup>th</sup> meeting.

The presence of murals in our downtown spaces is an invaluable asset to Rochester's continued economic growth and community development, reinforcing our identity as a city that embraces and supports the arts. Murals have a unique ability to strengthen our sense of community through a shared engagement with art in public spaces. They lend vibrancy and character to otherwise dull or unattractive structures, energizing and

revitalizing our downtown. And, of course, they make an exciting and lasting impression on visitors, increasing traffic to downtown businesses and attracting creative minds who will continue to invest in our community. I initially visited New Hampshire in 2011 as a prospective graduate student at UNH, and my first impression of the area was a walk around Portsmouth. The first sign that this was the right move for me wasn't the charming New England atmosphere or the student reading that I attended that evening. It was the stunning variety of murals and street art, a tangible presence of the arts as a fundamental component of the community. I had been looking for a place to study for the next two years, but after walking around a city where art was so fundamental it was absorbed into its very structure, visible at every turn, I immediately started looking into establishing New Hampshire residency with plans to stay long term. If this hadn't been my first impression of New Hampshire, it's very likely I would not be here today.

Sadly, many of those same murals I admired ten years ago are not in terrible disrepair, which is an absolute travesty and only serves to underline the importance of the Murals Ordinance in establishing guidelines for maintenance and touch-up. Additionally, making the Commission for Arts and Culture the first point of contact for applicants would help ensure that all long-term installations utilize weather-resistant materials and techniques appropriate for long term use.

I believe that the proposed Mural Ordinance, with the Commission for Arts and Culture as the first point of contact, will establish a thorough but streamlined application process that will encourage and assist artists who wish to contribute to the vibrancy of our city. This is truly an important step forward in our community development as Rochester continues to embrace art in unique and fresh ways.

Sincerely,  
Katie O'Connor  
Poet Laureate, Rochester Commission for Arts and Culture

Amy Marie Regan said she has been volunteering in Rochester for the past nine years since starting the Rochester Museum of Fine Arts in 2011. She said their mission is to make art accessible to everyone in the community as well as to attract artists to Rochester.

Ms. Regan said in looking at the newly adopted Downtown Master Plan, Art and Culture is a key asset. She said as a long standing member of the Arts and Culture Commission she is ready to oversee any mural that is presented to the Commission to ensure it is within the scope of the City and that it is properly installed and cared for long term.

Mr. May said he fully supports the use of murals within the city but is concerned about hurdles being put up for artists needing to go before the Planning Board, the Arts and Culture Commission, and at times, the Historic District Commission.

Mr. Fontneau agreed with Mr. May and asked that the roll the Planning Board has be clarified.

Mr. Bruckner said the ordinance has been well crafted, however the Board should monitor the process over the next year to see if the process can be lightened up in any way

Mr. Sylvain asked if the ordinance has been reviewed the legal counsel. Ms. Saunders said it had and was approved.

*A motion was made by Ms. Dwyer and seconded by Mr. Bruckner to approve the Zoning Amendment for Murals. The motion carried unanimously by a roll call vote.*

## VI. Impact Fee Discussion

Ms. Saunders explained that over the last few meetings there have been impact fee waiver requests and at the last meeting the Board discussed drafting some changes to the ordinance.

Mr. Sylvain asked who drafted the criteria for the ordinance. The City Attorney, Terrence O'Rourke said it would have been the Board when they originally drafted many years ago and then made amendments in 2020 and in March of 2019. Mr. Sylvain said he doesn't recall the Board discussing criteria and the amendments were not brought back to the Board. Ms. Saunders reminded the Board they make the recommendation for approval but the City Council has the final say and vote so there may have been changes.

Mr. Fontneau asked if it is possible to make an amendment to set a time frame for existing lots of record prior to a certain date are not subject to impact fees. Mr. O'Rourke explained there is a large difference between having a lot created before a certain date and having a subdivision or site plan approved. He said the reason the City has impact fees is because a lot that is developed has impacts on city services and if someone is developing a lot now even though it may have been created in 1971 it will have impacts on services now. Mr. Fontneau said the issue the Board is seeing is there are a number of waiver requests coming for larger subdivisions because the development was approved but they haven't started building yet. Mr. O'Rourke explained it would have to be a development that is within the five year exemption and also has active and substantial completion. He said if they don't have and active and substantial development then they shouldn't get the waiver for the impact fees.

Mr. Hamann reminded the Board that at the time they voted on the fees the code already existed but the Board didn't look at it. He said they only looked at what they wanted for fees and the five year waiver for existing developments. Mr. O'Rourke said Mr. Hamann is correct, the code has been on record since 2007 but the Board never adopted impact fees until 2019.

Mr. Sylvain asked if the Board can adjust the fees. Mr. O'Rourke said they can do partial and full waivers but it's according to the limits on Section G under impact fees of the Ordinance. He went on to explain the Board can make adjustments to the fee schedule however, they would have to justify the changes.

A discussion ensued regarding making exceptions to the ordinance.

Mr. Giuliano said impact fees are a deterrent to development and they come at a time when vacancy rates are at historic lows in the city. He asked if it is possible for the city to postpone imposing impact fees on any application. Mr. O'Rourke said the Board could get rid of impact fees.

Ms. Dwyer said there is a lot of development going on right now in the city. Ida Circle is a 32-lot subdivision, and Baily Drive just put a new foundation in phase two of the Great Woods subdivision.

Mr. Sylvain said he doesn't believe the whole package was presented to the Board originally by Mr. Mayberry and City Staff at the time.

Mr. Sylvain requested all documents that come from the City for changes to any Ordinance so this issue doesn't happen again.

After the discussion the Board decided to leave the document as is for now and make any necessary changes down the road.

## VII. Opening Discussion/Comments

### A. Public Comment

Tom Willis of 35 Shakespeare Road is before the Board to raise the issue of getting Chesley Farm Estates roads accepted. He said he met with the Public Works Director in September to go over the remaining items to be completed.

Mr. Willis said it is his intent to start the process to obtain rights to the surety, hire the City's contractor and take as much corrective action as the surety allows.

Mr. Willis said he wants to establish a time table for the developer to respond. He said there are 21 homes that have been paying full property tax for the last 10 years but they're not receiving city services.

Mr. Sylvain asked staff to talk to Public Works about what needs to be done. Ms. Saunders told the Board Public Works has received a quote from a local firm to complete the work. She said Public Works gave the quote to the developer three weeks ago but has not gotten a response back.

Ms. Saunders and Public Works are drafting a letter that gives the developer a certain date in which to reply by or the City will be using the surety money to complete the work. She agreed to keep the Board and Mr. Willis informed as progress moves forward.

### B. Discussion of general planning issues

There were no issues to be discussed.

## VIII. Approval of minutes

*A motion was made by Mr. Collopy and seconded by Mr. Hamann to approve the January 4, 2021 meeting minutes with the changes as discussed. The motion carried unanimously by a roll call vote.*

## IX. Consent Agenda

### A. Lydall, Inc., 134 Chestnut Hill Road - Extension

### B. Waste Management of NH, 214 Rochester Neck Road – Extension

Ms. Saunders explained Lydall is asking for an extension to June of 2021. She said staff has been working with them regarding changes that have to be made to their portable water system. Ms. Saunders said they are going before the Minor Site Review Committee with some changes to the utility infrastructure amendments.

Ms. Saunders explained Waste Management is asking for an extension to February 2022 as they are not sure if they will need to move forward with the project.

*A motion was made by Mr. Collopy and seconded by Mr. Hamann to approve the consent agenda. The motion carried unanimously by a roll call vote.*

## **X. Review of December 2020 Surety and Inspections**

Ms. Saunders reviewed the list of inspections conducted by Public Works for the month of December. She went on to review the surety list with the Board, saying all sureties are current and up to date.

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## **XI. Other Business**

### **A. Release of surety for Coyote Creek, Map 216 Lots 2&3 in the amount of \$6,626.50 plus interest**

Ms. Saunders told the Board both the Planning Department and the Department of Public Works have reviewed and signed off on the as-builts.

*A motion was made by Ms. Dwyer and seconded by Mr. Collopy to release surety in the amount of \$6,626.50 plus interest. The motion carried unanimously by a roll call vote.*

### **B. Other**

There was no other business to discuss.

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## **XII. Adjournment**

*A motion was made by Mr. Collopy and seconded by Ms. Dwyer to adjourn at 8:21 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  
January 20, 2021  
6:00 PM  
Council Chambers  
Meeting Conducted Remotely**

**Members Present**

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

**Members Absent**

Councilor Jeremy Hutchinson

**Others Present**

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

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

**Please include with your correspondence the intended meeting date for which you**

are submitting. *All correspondence will be included with the corresponding meeting packet (Addendum).*

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

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

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

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

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

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 Absent
Councilor Chris Rice	Ward 5 Present
Councilor Palana Belken	Ward 2 Present
Councilor Don Hamann	Ward 5 Present

#### 1. Public Input

The public that was present at City Hall were for an item that was already on the agenda. That item was moved up on the agenda.

#### 2. Stop Sign Request

Richard Odess of Fownes Mill Condominiums off River Street was present at City Hall to request a “Stop” sign on Gagne Street. He said that his wife and he are the only tenants of the Fownes Mill Condominiums at this time. There are two new condominium buildings on Fownes Mill Court with a total of 11 units; and, another

building is planned that will have apartment-style condos and he believes there will be 51 of those. Folks are not used to people living there and what used to be an L-shaped intersection has now become a T-shaped intersection. Fownes Mill Court is parallel to Gagne Street and the Cocheco River. They have been there for 1 month with 2 vehicular near misses. He would like a “Stop” sign placed at the end of Gagne Street; he did say one would work at the end of Fownes Mill Court, but there is an incline and in bad weather stopped vehicles may slide backwards. Councilor Lachapelle asked Mr. Bezanson if Fownes Mill Court was going to be a private road. Mr. Bezanson said it will be a private road. Councilor Lachapelle also asked if 2 “Stop” signs would be better and work. Mr. Boudreau said he does think there should be a “Stop” sign at the end of Gagne Street and one at the end of the Fownes Mill Development because it is a private road and they would have to yield to traffic. ***Councilor Lachapelle made a motion to place two “Stop” signs at the discretion of DPW, one at the end of Gagne Street and one at the end of Fownes Mill Court. Councilor Belken seconded the motion. A Roll Call vote was taken on the motion.***

<b>Councilor Lachapelle</b>	<b>Ward 3</b>	<b>Yes</b>
<b>Councilor Rice</b>	<b>Ward 5</b>	<b>Yes</b>
<b>Councilor Belken</b>	<b>Ward 2</b>	<b>Yes</b>
<b>Councilor Hamann</b>	<b>Ward 5</b>	<b>Yes</b>

Mr. Odess asked what the turnaround time would be for the signs to implement. Councilor Lachapelle explained that this was just a recommendation to the full City Council; the next City Council meeting is the first Tuesday of the month and he believes it is February 2, 2021.

### 3. 690 Pickering Road-Sign Request (follow-up)

Councilor Hamann summarized the issue. Councilor Rice said he thought they were waiting to hear back from the Deputy Chief Boudreau to talk to Dover before they make a decision because the town line is right there. Deputy Chief Boudreau said that he has not heard back from the City of Dover yet. Deputy Chief Boudreau said that he did research the number of accidents that took place on the Rochester side of Pickering Road by the curve. There were 6 accidents between 2016 and 2020: 2 were deer collisions, a couple were vehicles off the roadway and 1 a DWI. Councilor Rice asked if any of the accidents were due to snow or inclement weather. Deputy Chief Boudreau said not that he recalled, not near the curve. Councilor Hamann said years ago he use to drive that road a lot and the snow would drift near the curves. Councilor Hamann asked if there were any signs there. Mr. Bezanson said there are advance warning signs at both ends on the Rochester side and a 30 mph speed limit sign as you enter Rochester from Dover. He mentioned that there are no “Chevron” signs at the corner and that “Chevron” signs could be added. Councilor Lachapelle asked Mr. Bezanson if he thought the area warranted “Chevron” signs, Mr. Bezanson said the “Chevron” signs could be helpful. Mr. Bezanson said there is a turnaround that he thinks busses utilize. Deputy Chief Boudreau said there is a gravel turn around that the busses and

maybe Waste Management use to turn around. Mr. Bezanson said he looked at the suggested spacing of “Chevron” signs and it appears that 3 or 4 in each direction would be recommended. ***Councilor Rice made a motion to install at the discretion of DPW, 3 “Chevron” signs in both directions on Pickering Road, 1 set visible northbound and 1 set visible southbound. Councilor Lachapelle seconded the motion. A Roll Call vote was taken on the motion.***

<b>Councilor Lachapelle</b>	<b>Ward 3</b>	<b>Yes</b>
<b>Councilor Rice</b>	<b>Ward 5</b>	<b>Yes</b>
<b>Councilor Belken</b>	<b>Ward 2</b>	<b>Yes</b>
<b>Councilor Hamann</b>	<b>Ward 5</b>	<b>Yes</b>

#### **4. E911 Update**

Councilor Hamann summarized the issue. Fire Chief Klose said there was no update. Deputy Boudreau said there was not a meeting last month.

#### **5. Emergency Management Update**

Councilor Hamann summarized the issue. Fire Chief Klose said the weather has been quite and nothing in the forecast. He said he believes after the last 2 storms they should be out of the drought. Mr. Bezanson said we are out of the drought. The alternate care site at UNH is looking to close the facility. They were using the Fire Department trailer and it is ready to come back to Rochester.

#### **6. Covid-19 Statistics Update**

Fire Chief Klose said for the last 6 weeks he has been working directly with Health and Human Services and the National Guard to open the Armory for a vaccination testing site. Last week they closed that facility and moved it to Dover to the C&J Trailway building and parking lot to handle some of the traffic flow so when the tier 1B and 2A near further. They lost the fixed facility here in Rochester. Starting Friday anyone 65 and older will be allowed to sign up for the vaccine at vaccines.nh.gov and they will walk you through to make an appointment. The CBC and the vaccination system takes over from there and they will get notified. He also said they are allowing dispatches to jump on the Tier 1B and get the vaccination. The number of people with Covid as of today in Rochester is 263 which is coming down from well over 300. The last known number of hospitalized at Frisbie are 4, Fire Chief Klose said the number of hospitalization is what you really need to look at. There are still a systematic population out there. The good news is the introduction of the vaccination. It is a 2 shot system. Pfizer is 21 days and Medora is 28 days. It's 2 shots plus 14 days, they say 2 weeks after your second dose you will be 94 to 96 percent vaccinated, so it's the 2 shots plus 14 days. Going into spring we should see the numbers going down. Fire Chief Klose also said they are working with local help care providers to work on getting the long term facilities vaccinated, like the Rochester Housing. They have a meeting Monday to look into that. Mr. Bezanson wanted to bring up before the meeting went on that he looked up the drought monitor for the drought conditions that is updated every Thursday and conditions are that they are not in a severe drought

but are still abnormally dry.

**7. Other**

**Update Gear Road/125 Traffic Signal**

Councilor Lachapelle asked Mr. Bezanson if he heard back for the State about the traffic signal at the Intersection of Gear Road/125. Mr. Bezanson said he has not heard back from the State yet; when he does he will update the Committee.

**Fire Department Update**

Fire Chief Klose said they have had a relatively busy January with multiply building fires, there was a 3 alarm building fire at 61 Lafayette Street, there were no loss of life or severe injury, they had working smoke detectors. He stated that fire detectors do work and if you do not have working ones to reach out to the Fire Department. Councilor Rice asked Chief Klose how many detectors they give out. Fire Chief Klose said they work with the State Fire Marshalls office with the program that they do and have worked with the American Red Cross when they were running the program and gave out a bunch. Due to Covid the Red Cross does not have that program in place this year.

Councilor Hamann adjourned the meeting at 6:30 PM.

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

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City Clerk's Office

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**Public Works and Buildings Committee**  
**City Hall Council Chambers**  
**Meeting Minutes**  
**January 21, 2021**

**MEMBERS PRESENT**

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

**MEMBERS ABSENT**

Councilor Doug Lachance

**OTHERS PRESENT**

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

**MINUTES****Councilor Walker read the following statement:**

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

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

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

Please include with your correspondence the intended meeting date for which you are

submitting. *All correspondence will be included with the corresponding meeting packet (Addendum).*

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

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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.)

The roll call:

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

*Councilor Lachance Ward 1      Not Present*

#### 1. **Public Input**

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

#### 2. **Route 202A Water Main Extension Project Update**

Mr. Nurse stated that Dylan Thisse an engineer from Wright Pierce is participating in the meeting should there be any technical questions. Mr. Nurse summarized this water main extension project that will bring water to the northwest side of the City. He stated this is a 12 million dollar project to provide City water to the residents with poor private well water quality issues along 202A, including several Mtbe contaminated well, and with installation of a new water tank it will bring City water to the northwest side of the City to support future growth. Mr. Nurse stated that this project is made possible by grants from the MTBE bureau, the Drinking Water Trust fund and from City Funding.

The project consists of the water main extension through Highfield Common to a new storage tank and then running a new main cross country to Bickford Road and out to 202A. Mr. Nourse stated that approximately 165 households, including Dustin Homestead Condominiums and single family homes on Winkley Farm, could be provided City water with this project. Mr. Nourse stated that NHDOT concerns and requests have been worked out and included in the planned bid documents and he stated that there is still 1000 feet of water main to be installed out to the tank site and that the City continues to work with the developer to complete that portion prior to the project start up. Mr. Nourse stated that the plans are at 90% complete and the department is looking to go out to bid for the project in February. He mentioned that the bid includes a base bid and an alternate (A) for the meter vault set up at Dustin Homestead and an alternate (B) for water on Fiddlehead Lane. Mr. Nourse stated that Dustin Homestead would be responsible for the cost of Bid Alternate (A) and if there is sufficient funding Bid Alternate (B) for Fiddlehead Lane would be included in the award. He noted his recollection that there was approximately 50% of the residents on Fiddlehead that were interested in possibly tying into the City water. Mr. Nourse stated the project is likely to run for two construction seasons and would finish in late 2022. He also mentioned that the Homeowner Option financing would be available to the residents that wish to tie in. Mr. Nourse stated that these homes are not close to the road and there is ledge involved so these services will be more costly than in other projects. Councilor Walker asked why Fiddlehead was not included in base bid. Mr. Nourse stated that often due to budgetary concerns different items are listed as alternates in order to facilitate the award at the time of bidding. He stated if funding was not sufficient the contract could still be awarded and the alternates could be address for funding if desired.

### **3. Colonial Pines Phase III Project Update**

Mr. Nourse stated that Phase II of the Colonial Pines Sewer Extension project is completed. He stated Phase I included running the main under the Spaulding Turnpike and Phase two brought the main into the neighborhood. A map of Phase II was displayed. The map showed the completed area as Juniper Street, Towle Street, Hillside Drive, Vinewood, Susan, and Hickory Lane. Mr. Nourse explained that one million dollars in drainage work was added to the project and the sewer was run down Wildwood in order to supply a few homes on Tingley that has failed septic systems. Mr. Nourse stated that there were 96 properties and of that number 88 tied in. He explained that there were 3 that were granted waivers, 3 not required as they were more than 100' from main and one vacant lot. Mr. Nourse stated that Phase III includes Tingley, Hillside, Westview Drive, Birch and Old Dover Road. He stated that the design is completed and will be going out to bid next month. Mr. Nourse stated that Phase IV will be scheduled for construction if we elect to proceed in 2023. Councilor Walker asked if a sewer stub was provided to the vacant lot. Mr. Nourse stated he would get back to the Committee on the stub installation to vacant lot.

### **4. DPW Sidewalk Tractor**

Mr. Nourse stated that Rochester has approximately 45 miles of sidewalk and we have 3 tractors assigned for winter maintenance of the sidewalks. He stated that the existing Trackless brand sidewalk tractors were purchase in 2004 (2) and 2007 (1). He stated new

blowers were added to all 3 of them in 2013 at a total cost of \$60,000. He said the equipment is old and dated. He described the push frame system and how it doesn't articulate side to side like the new Multihog models and he discussed the significant amount of downtime due to breakdowns during storms and the slow availability of parts. Mr. Nourse stated that the department had budgeted for a new machine at a cost of \$180,000 in the FY2021 CIP Budget, but due to the anticipated, but unrealized decrease in revenues due to the Covid-19 Pandemic, that tractor was cut from the budget. Mr. Nourse stated that he is seeking a Supplemental Appropriation of approximately \$150,000 in order to make that purchase. He stated that he had discussed the supplemental with the Finance Department and they did approve the request. Mr. Nourse explained that there is approximately \$37,000 in remaining funds due to good pricing obtained for other budgeted items. He stated that he anticipates replacing the other tractors in the 2024 and 2025 budgets when the budget will allow as he will not need to request any large trucks in those years. Mr. Nourse stated that he believed the City Council is aware that most of the winter operations complaints received by DPW are about sidewalks and public safety and he was hopeful that the Committee could support his request. He stated he believes adding this 4th tractor will make a difference. The new tractor will have a route of its own and would be used while repairs are being made to other tractors. Councilor Gray asked where the Finance Department recommended the funding to come from. Mr. Nourse stated he believed it was the General Fund – Fund Balance Account. Councilor Walker asked that Mr. Nourse confirm that delivery could be made soon, prior to winters end. Councilor Hamann asked if the machine would have a blower and blade. Mr. Nourse stated it would. Councilor Rice asked about a sander. Mr. Nourse stated yes, it would have all of the equipment necessary for winter operations. Councilor Rice asked if the DPW had discussed the equipment with other Communities to see if they were happy with the performance and he asked the life expectancy of this type of equipment. Mr. Nourse stated they typically last 15 years which is similar to the current equipment, and he did not have the information available regarding other towns experience with him at the moment, but that he believe we had discussed it. Mr. Nourse stated that he would supply the Committee with the expected availability and the information from other Communities prior to the City Council Meeting. Councilor Gray stated that he is aware of the sidewalk maintenance issues and complaints during winter operation as he has seen people needing to walk in the street and stated that he will support this action. He also expressed concern for the increased use of the fund balance and supplemental appropriations this year.

**Councilor Rice made a motion to recommend that the full City Council approve a supplemental appropriation in the amount of \$150,000 for the purchase of an additional sidewalk tractor. The motion was seconded by Councilor Hamann.**

**Roll Call Vote was taken:**

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

**5. Strafford Square Roundabout**

Mr. Nourse summarized the project as a two year project. He stated year one would be bidding and award of a utility relocation project funded by the City and year two would be bidding for the actual construction of the roundabout that is partially funded by NHDOT. Mr. Nourse informed the Committee that the City has been given the go ahead for the first part of the project by NHDOT. He stated we are looking to put that out to bid using the prequalification's process this winter for spring construction. He stated that the actual roundabout will be approved soon as well and will be bid next winter. Mr. Nourse stated that once this first phase is bid and awarded the Department will hold another Public Information Meeting to discuss traffic impacts to those concerned. Councilor Walker expressed his relief that it is going to start up. Councilor Hamann asked if all easements are in place. Mr. Nourse stated that the easements have all been worked out and that a lot line adjustment will be in front of the Planning Board in February, which will complete that process.

#### **6. Transportation Alternatives Program (TAP Grant)**

Mr. Nourse stated that the letters of interest are due. He stated that he would like to submit the Sidewalk Project again this round and he reminded them that the project would provide contiguous sidewalks to East Rochester from where they end on Portland Street to make the connection to where they are at Salmon Falls Road. This was ranked high but did not make the NHDOT cut due to limited funding. Mr. Nourse stated that this grant would pay for 80% of this project which is estimated at \$900,000. He stated that he had discussed this project with the NHDOT Program Manager and that one of the key factors for award is that the City's funding needs to be in place. Mr. Nourse stated that this letter of interest needs to be submitted in February and the full application is due in May or June. Mr. Nourse stated that a letter of interest will also be submitted by the City for the Riverwalk Project. The City Council may have to choose between the two projects at a later date. The Committee discussed funding and suggested that the Sidewalk Project be included in the FY22 CIP Budget request so that the application can include language stating that the City Council is budgeting funding that will be available July 1, 2021.

#### **7. New DPW Facility Update**

Mr. Nourse stated that the project, including work and stored materials, is at 42% complete. He stated that the remaining contingency is at 79%. He stated that the interior framing plumbing and electrical work and the masonry knee walls on admin portion are in progress. Mr. Nourse stated that delays of steel deliveries have pushed the schedule back and the contractor has suggested mid-November for completion. He stated that he believes we might be able to be earlier now that the steel is arriving. He stated concerns for any later date than November. Photos of progress were displayed and are attached to minutes.

#### **8. Other**

**Pedestrian Crossing on North Main** – Councilor Rice asked the status of the pedestrian beacon / crossing project. Mr. Nourse stated he expects this to go out to bid next month for spring time construction. Councilor Walker asked if there was written information on the RRFB signals that are to be installed. Mr. Nourse stated that he could send the

information to the Councilor and Committee.

**EPA Lead & Copper Rule Revision** – Mr. Nourse stated that the Department is still reviewing the extensive revisions to the this rule and he anticipates presenting the revisions to the Committee next month as there could be some costly impacts.

*Councilor Hamann made a motion to adjourn at 8:07 pm. Councilor Rice seconded the motion.*

**A Roll Call Vote was taken:**

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

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



Admin Space Interior Framing



Exterior Masonry – Front area



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

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

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

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

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City Clerk's Office

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## City of Rochester Formal Council Meeting

### AGENDA BILL

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

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

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

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

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

#### COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

#### DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

#### FINANCE & BUDGET INFORMATION

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

#### LEGAL AUTHORITY

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**SUMMARY STATEMENT**

[Empty box for Summary Statement]

**RECOMMENDED ACTION**

[Empty box for Recommended Action]

#### 4. DPW Sidewalk Tractor

Mr. Nourse stated that Rochester has approximately 45 miles of sidewalk and we have 3 tractors assigned for winter maintenance of the sidewalks. He stated that the existing Trackless brand sidewalk tractors were purchase in 2004 (2) and 2007 (1). He stated new blowers were added to all 3 of them in 2013 at a total cost of \$60,000. He said the equipment is old and dated. He described the push frame system and how it doesn't articulate side to side like the new Multihog models and he discussed the significant amount of downtime due to breakdowns during storms and the slow availability of parts. Mr. Nourse stated that the department had budgeted for a new machine at a cost of \$180,000 in the FY2021 CIP Budget, but due to the anticipated, but unrealized decrease in revenues due to the Covid-19 Pandemic, that tractor was cut from the budget. Mr. Nourse stated that he is seeking a Supplemental Appropriation of approximately \$150,000 in order to make that purchase. He stated that he had discussed the supplemental with the Finance Department and they did approve the request. Mr. Nourse explained that there is approximately \$37,000 in remaining funds due to good pricing obtained for other budgeted items. He stated that he anticipates replacing the other tractors in the 2024 and 2025 budgets when the budget will allow as he will not need to request a large trucks in those years. Mr. Nourse stated that he believed the City Council is aware that most of the winter operations complaints received by DPW are about sidewalks and public safety and he was hopeful that the Committee could support his request. He stated he believes adding this 4th tractor will make a difference. The new tractor will have a route of its own and would be used while repairs are being made to other tractors. Councilor Gray asked where the Finance Department recommended the funding to come from. Mr. Nourse stated he believed it was the General Fund – Fund Balance Account. Councilor Walker asked that Mr. Nourse confirm that delivery could be made soon, prior to winters end. Councilor Hamann asked if the machine would have a blower and blade. Mr. Nourse stated it would. Councilor Rice asked about a sander. Mr. Nourse stated yes, it would have all of the equipment necessary for winter operations. Councilor Rice asked if the DPW had discussed the equipment with other Communities to see if they were happy with the performance and he asked the life expectancy of this type of equipment. Mr. Nourse stated they typically last 15 years which is similar to the current equipment, and he did not have the information available regarding other towns experience with him at the moment, but that he believe we had discussed it. **Mr. Nourse stated that he would supply the Committee with the expected availability and the information from other Communities prior to the City Council Meeting.** Councilor Gray stated that he is aware of the sidewalk maintenance issues and complaints during winter operation as he has seen people needing to walk in the street and stated that he will support this action. He also expressed concern for the increased use of the fund balance and supplemental appropriations this year. **Councilor Rice made a motion to recommend that the full City Council approve a supplemental appropriation in the amount of \$150,000 for the purchase of an additional sidewalk tractor. The motion was seconded by Councilor Hamann.**

**Roll Call Vote was taken:**

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

**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

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

THE CITY OF ROCHESTER ORDAINS:

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

**Purpose:**

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

**Definitions**

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

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

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

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

**Zones where Murals are Permitted:**

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

**Approval for Murals:**

A) **General Requirements**

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

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

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

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

All application shall include a long-term maintenance plan.

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

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

**B) Murals on Public Property**

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

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

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

**Review Criteria:**

**A) Location**

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

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

#### **B) Design**

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

#### **Maintenance:**

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

**Enforcement**

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

**Amendments effective upon passage.**

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

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

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

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

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City Clerk's Office

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## 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 \$910.77 from the JAG Grant Fund 2017-DJ-BX-0359.
---

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

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

AGENDA DATE	Next January 2021 meeting	
DEPT. HEAD SIGNATURE		
DATE SUBMITTED	12/31/20	
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	Federal JAG Grant
ACCOUNT NUMBER	Fund 6128 Project 19558
AMOUNT	\$910.77
APPROPRIATION REQUIRED YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	

#### LEGAL AUTHORITY

Council action required.

**SUMMARY STATEMENT**

Requesting to de-authorize \$910.77 for funds we didn't spend. The overtime and contracted services estimate was more than we actually needed.

**RECOMMENDED ACTION**

De-authorize funds in the amount of \$910.77

**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	61282019	Severl	19558	\$910.77	-	-
2				-	-	-
3				-	-	-
4				-	-	-

**Appropriation**

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

**Revenue**

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

DUNS #

CFDA #

Grant #

Grant Period: From   
 To

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

Reimbursement Request will be reduced

Funds will be returned

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City Clerk's Office

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**DRAFT**  
**12/17/2020**

## AGREEMENT FOR AMBULANCE SERVICES

**THIS AGREEMENT** ("Agreement") is made effective as of January 1, 2021 ("Effective Date"), by and between Frisbie Memorial Hospital, acting through its division known as Frisbie EMS ("Contractor") and the City of Rochester, New Hampshire (the "City"). Contractor and the City are occasionally referred to herein individually as a "Party" and collectively as the "Parties".

### RECITALS

**WHEREAS**, the Parties desire that an adequate ambulance service and emergency medical care be provided for the citizens of the City;

**WHEREAS**, Contractor provides ambulance services as described more fully herein, is licensed by applicable local and state authorities to provide those services in the City of Rochester, New Hampshire, and is properly enrolled as a Medicare and Medicaid provider; and

**WHEREAS**, the City desires to utilize Contractor as a provider of ambulance services for its patients, including those patients covered under Parts A and B of the Medicare program, as well as for other non-Medicare patients.

**NOW, THEREFORE**, in consideration of the mutual covenants, conditions and agreements contained herein, the Parties to this Agreement agree as follows:

### AGREEMENT

1. **Incorporation of Recitals.** All of the above recitals are hereby accepted by the Parties as true and correct and are incorporated herein by reference.
2. **Appointment as Service Provider.** The City appoints Contractor and Contractor accepts such appointment to provide ambulance services as follows:
  - 2.1 Ambulance Services.
    - 2.1.1 Contractor shall provide emergency ground basic and advanced life support ambulance service (collectively, "Ambulance Services") to the City, for patients requiring emergency medical assistance in the City, 24 hours-per-day, 7 days-per-week, pursuant to the terms of this Agreement, as more specifically described in Exhibit A hereto.
    - 2.1.2 For purposes of this Agreement, an "emergency" ambulance call is an ambulance dispatch made in response to a perceived individual need for immediate medical care, to prevent death, or aggravation of physiological or psychological injury or illness, and which is not or cannot be prearranged or otherwise scheduled prior to the call. Any request for an emergency ambulance

response received by Contractor shall immediately be directed to the State 9-1-1 Communications Center without delay. All other calls shall be non-emergency calls.

## 2.2 Ambulances.

2.2.1 Advanced life support ambulances provided by Contractor for this Agreement shall be Type I or III style ambulances. All ambulances provided by Contractor for this Agreement will meet or exceed the New Hampshire Bureau of Emergency Medical Services (the "Bureau") requirements for transport ambulances pursuant to the New Hampshire Department of Safety Emergency Medical Services Rules ("Saf-C 5900") or any future licensing requirements. Staffing levels shall be as specified in this Agreement.

2.2.2 Contractor shall provide the City with a list of ambulances currently in use and a proposed rotation for ambulances to be exited from the service.

2.2.3 The Parties shall endeavor to co-brand any new ambulance brought into the service and display the following on each side of the Contractor-provided primary response ambulances, consistent with all applicable laws and regulations:

- (a) "Emergency Paramedic Service for the City of Rochester, New Hampshire," the exact wording of which shall be approved by the Fire Chief or their designee;
- (b) The name of the owner or business name under which the owner operates;
- (c) "Dial 9-1-1 for emergencies;"
- (d) The unit's response identification number; and
- (e) Other information mutually agreed upon by the Parties and as approved by the Fire Chief or their designee.

2.2.4 All ambulances shall be registered in the State of New Hampshire and licensed by the Bureau, and shall meet the motor vehicle inspection requirements of the State of New Hampshire at all times. Documentation shall be provided for the above requirement upon reasonable request.

## 2.3 Vehicle and Equipment Maintenance.

2.3.1 Contractor shall be responsible for the maintenance of all ambulance vehicles and equipment in order to ensure safe, dependable, and clean operations.

2.3.2 Contractor shall have an established, written preventative maintenance program for all ambulances responding to emergencies in the City and shall provide a copy for review by the City's Central Fleet Service's Director or their designee.

2.3.3 Ambulance exteriors shall be washed frequently and be free of rust, dents, missing wheel covers, or other broken parts.

2.3.4 Ambulance interiors and equipment shall be "hospital" clean at all times, free of dust, dirt, and grease or any bodily fluid.

2.3.5 Vehicles shall be inspected per applicable rules and regulations of the New Hampshire Division of Motor Vehicle Regulations and the Bureau.

2.3.6 Contractor agrees to notify the City's Fire Dispatch of any mechanical failure of a primary response ambulance while en route to the scene of an emergency or in transit to a hospital with a patient. Contractor agrees to notify the Fire Chief or their designee of the reason for any delay in response to such a mechanical failure and provide a written report within two (2) business days.

2.3.7 Contractor agrees to notify the City's Fire Dispatch immediately of any ambulance involved in a crash and provide the Fire Chief or their designee a written report within two (2) business days.

#### 2.4 Ambulance Equipment, Supplies and Medications.

2.4.1 Contractor ambulances and backup ambulance shall be stocked with the supplies and equipment that meet or exceed the requirements of Saf-C 5900 in addition to the requirements of the Medical Resource Hospital.

2.4.2 Contractor-provided ambulances shall carry only medications approved for paramedic usage by the Bureau, as delineated in the most recent version of the New Hampshire EMS Patient Care Protocols. All medications shall be stored in locked drug boxes with controlled substances under a double lock system or an acceptable auditable electronic lock system.

2.4.3 Contractor shall follow applicable policies and procedures of the Medical Resource Hospital for the acquisition, storage, utilization, and documentation of all medications.

#### 2.5 Personnel.

2.5.1 Contractor will staff advanced life support ambulances operating pursuant to this Agreement with a minimum of one (1) New Hampshire licensed Nationally Registered Emergency Medical Technician Paramedic and one (1)

New Hampshire licensed Nationally Registered Advanced Emergency Medical Technician.

2.5.2 Contractor will ensure that Paramedics staffing Contractor's ambulances pursuant to this Agreement will meet the following qualifications:

- (a) Licensed New Hampshire provider pursuant to Saf-C 5900 and any other applicable regulations;
- (b) Current driver's license;
- (c) At least one (1) year experience working at the Nationally Certified Paramedic level. The Fire Chief or their designee may reduce or waive this requirement individually upon request after consultation with the Medical Resource Hospital Medical Director;
- (d) Certified at the following National Incident Management levels:
  - (i) IS-100 -Introduction to the Incident Command System;
  - (ii) IS-200 -ICS for Single Resources and Initial Action Incidents;
  - (iii) IS-700 -NIMS, An Introduction; and
  - (iv) IS-800 -National Response Framework, An Introduction;
- (e) Familiar with all major access points and roads in the City of Rochester area so as to maintain emergency ambulance response in accordance with the response time compliance criteria; and
- (f) Pass a pre-employment physical including a drug screening.
- (g) All of the above shall be documented and presented to the Fire Chief or their designee upon reasonable request.

2.5.3 Contractor shall ensure that Advanced EMTs staffing Contractor's ambulances pursuant to this Agreement will meet the following qualifications:

- (a) Licensed New Hampshire provider pursuant to Saf-C 5900 and any other applicable regulations;
- (b) Current driver's license;

(c) Certified at the following National Incident Management levels:

- (i) IS-100 -Introduction to the Incident Command System;
- (ii) IS-200 -ICS for Single Resources and Initial Action Incidents;
- (iii) IS-700 -NIMS, An Introduction; and
- (iv) IS-800 -National Response Framework, An Introduction;

(d) Be familiar with all major access points and roads in the City of Rochester area so as maintain emergency ambulance response in accordance with the response time compliance criteria;

(e) Pass a pre-employment physical including a drug screening; and

(f) At least one (1) year experience working as an Advanced EMT. The Fire Chief or their designee may reduce or waive this requirement individually upon request after consultation with the Medical Resource Hospital Medical Director.

(g) All of the above shall be documented and presented to the Fire Chief or their designee upon reasonable request.

2.5.4 If applicable at any point in time during the Term, the regulations at Saf-C 5900 would be applicable to any level of provider.

2.5.5 Contractor shall utilize reasonable work schedules and shift assignments and provide adequate working conditions for all personnel staffing its ambulances pursuant to this Agreement.

2.5.6 The Fire Chief or their designee shall have input for all Contractor personnel before assignment to any position in the Rochester EMS system.

2.5.7 The work schedules for all personnel staffing Contractor's ambulances pursuant to this Agreement shall be available to the Fire Chief or their designee as reasonably requested.

2.5.8 Contractor's personnel staffing its ambulances pursuant to this Agreement will be professionally attired in uniforms and clearly identifiable as EMS personnel at all times.

## 2.6 Medical Standards and Control.

2.6.1 Contractor shall be licensed as a unit pursuant to the requirements of Saf-C 5900 and shall have a signed agreement with the same facility as the City's Fire Department to act as its Medical Resource Hospital pursuant to Saf-C 5900.

2.6.2 Medical Control for Advanced Life Support procedures may be obtained from any receiving hospital. Factors determining a Medical Control facility will be limited to:

- (a) The receiving hospital to which the patient wishes to be transported;
- (b) The closest receiving hospital to the scene of the emergency as defined by New Hampshire EMS requirements;
- (c) Point of entry plan for trauma and cardiac intervention; and
- (d) Diversion status of receiving hospitals.

2.6.3 Contractor shall guarantee that the City will not be held liable for any acts or omissions of personnel in communicating a patient's clinical condition to the Medical Control Physician providing on-line Medical Control, or in said personnel's understanding, interpretation and implementation of orders or treatment protocols specified by the on-line Medical Control Physician or clinical treatment protocol approved by the Medical Resource Hospital. Additionally, Contractor shall guarantee that the City will not be held liable for injuries a patient or passenger incurs during the loading into, transportation in and embarking from ambulances operated by Contractor pursuant to this Agreement.

2.6.4 Contractor shall verify to the City by written documentation that the Bureau has licensed all personnel staffing its ambulances in the City pursuant to the requirements of Saf-C 5900.

2.6.5 Contractor will maintain a listing of all personnel approved by the Fire Chief or their designee to staff Contractor's ambulances pursuant to this Agreement. Contractor personnel not approved by the Fire Chief or their designee shall not staff Contractor's ambulances pursuant to this agreement; provided, however, that the Parties hereby acknowledge and agree that all existing personnel staffing Contractor's ambulances as of the Effective Date hereof are grandfathered and shall not be subject to approval by the Fire Chief or their designee.

2.6.6 All approvals of Advanced Life Support personnel, as well as revocations/suspensions of such approvals, shall be made by the Fire Chief or

their designee, in consultation with the Medical Resource Hospital Medical Director.

2.6.7 Contractor agrees to abide by the reasonable rulings of the Fire Chief or their designee relative to all decisions to approve, suspend, revoke or require corrective action/training plans for all personnel staffing Contractor's ambulances pursuant to this Agreement, provided, however, that Contractor shall have sole control and discretion over employment-related decisions related to Contractor's personnel.

2.6.8 Contractor agrees to notify the City in writing of any incident involving the protocol suspension/revocation of any employee staffing Contractor's ambulances pursuant to this Agreement, the history of the incident leading to protocol suspension/revocation, the disciplinary and/or corrective actions, and eventual resolution, dismissal, temporary suspension, or reinstatement.

## 2.7 Response.

2.7.1 Emergency response times shall be the travel time that begins when Contractor's ambulances are dispatched by the Rochester Fire Department to an emergency incident and ends when units arrive at the scene.

2.7.2 The response time standard for Charlie, Delta or Echo emergency medical dispatch priority calls shall be within an eight (8) minute response time to ninety (90%) percent of the incidents. Contractor shall document in writing, upon request, each request for emergency Ambulance Services with a response time in excess of eight (8) minutes at the Charlie, Delta and Echo level responses, identifying the cause of the extended response time, and documenting Contractor's efforts to eliminate repetition of the cause of extended response time performance.

2.7.3 The response time standard for Alpha, Bravo or Omega emergency medical dispatch priority calls shall be within a twelve (12) minute response time to ninety (90%) percent of the incidents. Contractor shall document in writing, upon request, each request for emergency Ambulance Services with a response time in excess of twelve (12) minutes at the Alpha, Bravo and Omega level responses identifying the cause of the extended response time, and documenting Contractor's efforts to eliminate repetition of the cause of extended response time performance.

2.7.4 Notwithstanding the foregoing, the Parties hereby acknowledge and agree that "Unusual Circumstances" may cause excusable, extended response times. Unusual Circumstances include only unusually severe weather conditions, disasters, or unusual periods of very high demand upon the system due to, for example, multiple casualty incidents. When the Fire Chief or their designee, in

their reasonable discretion, confirm the existence of Unusual Circumstances, Contractor shall be excused from the response time requirements for the duration of such Unusual Circumstances. Mutual aid provided by communities to the City, due to the unavailability of a Contractor ambulance, shall not be exempted from response time requirements, except in the event of Unusual Circumstances.

2.7.5 While in response to the scene of an emergency or transporting a patient to a medical facility, ambulances shall adhere to all provisions of New Hampshire RSA 265:8 relative to the response of emergency vehicles. In addition, Contractor agrees to the following:

(a) While in a dual response to a request for medical assistance, the ambulance will follow the fire apparatus at a safe distance recognizing that traffic may not realize an additional unit is following. Additionally, during a dual response, Contractor will make personnel aware of the Fire Department's use of the Opticom Pre-emption system used by the City, but not by Contractor.

(b) Incidents dispatched as a cold response shall involve ambulance response without lights or siren. These responses shall be "with traffic" and as such, ambulances shall observe all traffic regulations pertaining to non-emergency vehicles.

2.8 Inspections. The City reserves the right to inspect, at any reasonable time, any and all of Contractor's ambulances in service pursuant to this Agreement, the premises used to garage such ambulances, and the ambulance crew quarters. The Rochester Fire Department Fire Prevention Division may conduct annual inspections of the premises.

## 2.9 Performance Evaluation.

2.9.1 The Fire Chief or their designee shall monitor the emergency ambulance service for the City and shall meet with Contractor on a regular basis. Contractor's delegated employee shall attend any meeting for critiques, and shall also attend meetings or sessions reasonably requested by the Chiefs of the City's Fire Department, Police Department, and/or Public Health Department.

2.9.2 Contractor shall provide the City with the following information on a quarterly basis, within thirty (30) days following the end of each quarter:

- (a) Number of EMS responses made;
- (b) Number of patients transported;
- (c) Number of patients receiving Advanced Life Support;
- (d) Nature of patients' problems (those transported);

- (e) Number of patient refusals or false alarms;
- (f) Average response, on scene, transport times;
- (g) Number of responses that exceed the response times required herein;
- (h) Number and types of standbys;
- (i) Number of mutual aid requests;
- (j) Payer class status spread;
- (k) Number of mechanical failures;
- (l) Personnel changes, levels of certifications upgrades;
- (m) Vehicle maintenance log activity;
- (n) Complaints or other relevant issues; and
- (o) Number of New Hampshire Patient Care Protocol Violations.

2.9.3 Contractor agrees to notify the Fire Chief or their designee and the Office of the City Manager, 31 Wakefield Street Rochester, NH 03867, not less than thirty (30) days prior to any cancellation or major change to insurance coverage as specified in this Agreement.

2.9.4 Contractor agrees to submit all required data electronically to the Bureau in a mutually agreed upon format within twenty four (24) hours of the end of each patient contact. Contractor agrees to complete any other electronic data gathering reasonably required by the Fire Department for call tracking/reporting services in a timely manner.

2.9.5 Contractor agrees to cooperate with City officials to provide access to all personnel, operations, and financial records and data pertaining to the Ambulance Services, provided that the City will not require Contractor to provide information that may violate any applicable laws or regulations.

### 3. **Qualifications and Obligations.**

3.1 Licensure and Certification. The Parties covenant and agree that at all times during the Term, they shall remain licensed, certified or enrolled in good standing with applicable state and federal licensing authorities, with all state and federal health care programs, and all required state or national accrediting organizations. The Parties further warrant that each will take all reasonable steps as set forth by the Office of Inspector General, United States

Department of Health and Human Services (“OIG”), to ensure that it does not employ individuals who have been excluded from participation in federal health care programs.

3.2 Compliance with Laws and Regulations. Each Party shall carry out its obligations hereunder in accordance with applicable laws, regulations and standards of care, including but not limited to Medicare and Medicaid regulations and the prevailing standards of quality and care applicable to the Ambulance Services.

#### 4. **Billing and Compensation.**

4.1 Billing to Patients or Third Parties. Contractor will bill the patient, the patient’s financially responsible party, or any available insurance or third party payment source for Ambulance Services provided under this Agreement.

4.2 Monthly Payment from the City. In addition to any amounts Contractor may receive pursuant to Section 4.1 above, the City shall pay Contractor a monthly amount equal to Fifty-Seven Thousand Six Hundred Eighty-Seven and 25/100 Dollars (\$57,687.25) (the “Monthly Amount”) The Parties acknowledge and agree that the third party reimbursement that Contractor receives in exchange for the Services furnished hereunder is insufficient to cover Contractor’s costs, and that the Monthly Amount constitutes a supplemental payment necessary to make Contractor whole for the financial losses it incurs as a result of furnishing the Services to the City, and is supported by Contractor’s independent, third party fair market valuation. The City agrees to remit payment to Contractor for the Monthly Amount by the tenth (10<sup>th</sup>) day of each month during the Term.

5. **Term.** The initial term of this Agreement shall be from 12:01 AM EST January 1, 2021 to 12:00 midnight EST on Dec 31, 2022 (the “Initial Term”). The City may extend the term of this Agreement for five (5) additional one (1) year terms (each, a “Renewal Term”) by giving Contractor written notice of such extension not less than one hundred eighty (180) days prior to the end of the then current term, provided that the financial terms of this Agreement remain consistent with fair market value, as determined by an independent, third party valuation. The Initial Term and any Renewal Terms are referred to herein collectively as the “Term.”

#### 6. **Termination.**

6.1 Termination Without Cause. After the first twelve (12) months of the Term, either Party may terminate this Agreement at any time without cause upon one hundred eighty (180) calendar days’ advance written notice to the other Party.

6.2 Termination For Breach. Each of the following events shall entitle the non-breaching Party to terminate this Agreement in the event that the breaching Party fails to cure the breach within ninety (90) days of receipt of written notice from the non-breaching Party specifying the breach:

6.2.1 The City fails to pay Contractor any undisputed amounts due hereunder for the Ambulance Services or otherwise fails to satisfy a material obligation hereunder.

6.2.2 Contractor fails to comply with the response time performance requirements herein for three (3) consecutive calendar months, or for any four (4) months in a calendar year.

6.2.3 Contractor otherwise fails to satisfy a material obligation hereunder.

6.3 Immediate Termination. Each of the following events shall entitle the non-breaching Party to terminate this Agreement immediately upon written notice to the breaching Party:

6.3.1 Either Party fails to maintain its required licenses, permits or certifications or is excluded, debarred or otherwise deemed ineligible for participation in Medicare, Medicaid or any other Federal health care program.

6.3.2 Either Party fails to keep in force the insurance policies required to be maintained under this Agreement.

6.3.3 Either Party (i) admits in writing its inability to pay its debts generally as they become due, or (ii) files a petition to be adjudicated a voluntary bankrupt in bankruptcy or a similar petition under any insolvency act, or (iii) makes an assignment for the benefit of its creditors, or (iv) consents to the appointment of a receiver of itself or of the whole or any substantial part of its property.

6.4 Effect of Termination.

6.4.1 Upon any termination of this Agreement by the City pursuant to Section 6.2 or 6.3 above, and the nature of the breach is, in the City's reasonable discretion, such that public health and safety are endangered, Contractor shall cooperate with the City to effect a prompt and orderly takeover/replacement of the Ambulance Services furnished hereunder. Notwithstanding the foregoing, Contractor shall not be prohibited from disputing through litigation any termination of this Agreement, provided that such litigation shall not have the effect of delaying, in any way, the immediate takeover/replacement of the Ambulance Services by the City. Any such litigation concerning such termination of this Agreement by the City shall be initiated only after the takeover/replacement of the Ambulance Services by the City has been completed. Contractor's cooperation with such takeover/replacement process shall not be construed as acceptance by Contractor of the finding of a material breach that endangers public health and safety, and shall not in any way jeopardize

Contractor's right to recovery in the event that a court later determines that the termination was in error.

6.4.2 Except as set forth in Section 6.4.1 above, upon any termination of this Agreement, neither Party shall have any further rights against, or obligation to, the other Party, except with respect to any rights or obligations accruing prior to the date and time of termination and any obligations, promises, or agreements which expressly extend beyond the termination, as herein set forth.

## 7. **Insurance and Indemnification.**

7.1 Policies/Limits Required. Contractor shall procure and maintain at its sole expense, the following types of insurance at limits of not less than as shown below against all claims for damage or loss of property, and for bodily injury, including death, resulting from Contractor's or its employees negligence, as provided by law.

7.1.1 Commercial general liability insurance for bodily injury, death and property damage (including coverages for product liability, completed operations, and personal injury liability) in the minimum amount of one million dollars (\$1,000,000) per occurrence with an annual aggregate of two million dollars (\$2,000,000);

7.1.2 Professional Medical Liability insurance (including Privacy Liability) in the minimum amount of three million dollars (\$3,000,000) per occurrence with an annual aggregate of five million dollars (\$5,000,000);

7.1.3 Automobile Liability insurance (including non-owned, owned, hired and leased autos) with limits of one million dollars (\$1,000,000) per accident;

7.1.4 Workers' Compensation with statutory limits as applicable; and

7.1.5 Employer's Liability insurance with limits of one million dollars (\$1,000,000) each accident, one million dollars (\$1,000,000) disease each employee, subject to a one million dollars (\$1,000,000) disease policy limit.

7.2 Certification of Insurance Upon Request. Contractor shall, upon reasonable request of the City, require all insurance companies issuing policies hereunder to certify to the City that such policies have been issued and are in force and will remain not materially changed, canceled or annulled except upon ten (10) days prior written notice to the City.

7.3 Mutual Hold Harmless and Indemnification. Contractor and the City each shall hold harmless, indemnify and defend the other Party and the other Party's shareholders, directors, officers, agents, members and employees against any and all claims, causes of action, injuries and damages including, but not limited to, personal injury and property damage, to the

extent caused by any act or omission on the part of the indemnifying party or the indemnifying party's agents, contractors or employees and arising out of or due to the performance, failure to perform or breach of this Agreement. This provision shall include all costs and disbursements, including, without limitation, court costs and reasonable attorneys' fees.

**8. Implementation of New Technologies.** During the Term, the City and Contractor shall cooperate with one another in the introduction of new technologies and programs which will improve the delivery of services and/or communications or such other additions or modernization as may be required by the State of New Hampshire, the City, or Contractor, subject to budgetary constraints and other legal and regulatory considerations. Examples of such new technologies, programs or modernization's include, but are not limited to: software interfaces between the State, the City and the Contractor for the purposes of dispatching and records management; automatic vehicle location applications; ProQA; 9-1-1 ANI/ALI programs; mobile data terminal applications and call coding and system status application; State of NH Bureau of EMS Data Collection Program. It shall be Contractor's responsibility to plan and execute all software interface operations

**9. Notices.** Notices required or permitted to be given under this Agreement shall be made to the Parties at the following addresses and shall be presumed to have been received by the other Party (i) three days after mailing by the Party when notices are sent by First Class mail, postage prepaid; (ii) upon transmission (if sent via facsimile with a confirmed transmission report); or (iii) upon receipt (if sent by hand delivery or courier service) as follows:

<u>Contractor</u>	<u>City</u>
Frisbie Memorial Hospital Attention: Vice President, Patient Care Services 11 Whitehall Road Rochester, NH 03867	City of Rochester Attn: Rochester City Manager 37 Wakefield Street Rochester, NH 03867

**10. Entire Agreement.** This Agreement, including any exhibits hereto, constitutes the sole and only agreement of the Parties regarding its subject matter and supersedes any prior understandings or written or oral agreements between the Parties respecting this subject matter. Neither Party has received or relied upon any written or oral representations to induce it to enter into this Agreement except that each Party has relied only on any written representations contained herein, and the City has relied on the material information supplied in Contractor's written proposal submitted to the City in response to its request for proposals to provide the Ambulance Services as set forth in this Agreement, to the extent not conflicting with any express provision herein.

**11. Amendments.** No agreement or understanding varying or extending this Agreement shall be binding upon the Parties unless it is memorialized in a written amendment signed by an authorized officer or representative of each Party.

**12. Assignment.** This Agreement may not be assigned by either Party without the prior written approval of the other Party.

### 13. **Construction and Compliance.**

13.1 Severability. In the event that any one or more of the provisions contained in this Agreement shall for any reason be held by any court or governmental entity or agency with authority over the conduct set forth herein to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions and the Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained in it.

13.2 Compliance. The Parties intend to comply fully with all applicable state and federal laws and regulations, including but not limited to the Balanced Budget Act of 1997, the Social Security Act, the federal Anti-Kickback Statute, the federal False Claims Act, and all applicable state and federal fraud and abuse laws and rules. Insofar as any terms or conditions of this Agreement are determined by any court or governmental entity or agency with authority over the conduct set forth herein to be contrary to any such statutes or regulations, the Parties will promptly and in good faith confer and resolve any issues so as to make the performance of this Agreement consistent with all applicable statutes and regulations.

13.3 Notification of Actual or Potential Violation of Law. If either Party becomes aware of any actual or potential violations by the other Party, whether intentional or inadvertent, of any applicable state or federal statutes or regulations, it shall promptly notify the other Party.

13.4 Protection of Patient Information. Each Party agrees to comply with the Health Information Technology for Economic and Clinical Health Act of 2009 (the "HITECH Act"), the Administrative Simplification Provisions of the Health Insurance Portability and Accountability Act of 1996, as codified at 42 U.S.C.A. §1320d et seq. ("HIPAA") and any current and future regulations promulgated under the HITECH Act or HIPAA, including without limitation the federal privacy regulations contained in 45 C.F.R. Parts 160 and 164 (the "Federal Privacy Regulations"), the federal security standards contained in 45 C.F.R. Parts 160, 162 and 164 (the "Federal Security Regulations"), and the federal standards for electronic transactions contained in 45 C.F.R. Parts 160 and 162 (the "Federal Electronic Transaction Regulations"), all as amended from time to time and collectively referred to herein as the "HIPAA Requirements". Each Party agrees not to use or further disclose any "Protected Health Information," including "Electronic Protected Health Information," (as such terms are defined in the HIPAA Requirements) other than as permitted by the HIPAA Requirements and the terms of this Agreement. Each Party will make its internal practices, books, and records relating to the use and disclosure of Protected Health Information available to the Secretary of Health and Human Services to the extent required for determining compliance with the HIPAA Requirements.

14. **Force Majeure.** The Parties shall be excused for the period of any delay in or impossibility of the performance of any obligations hereunder, when prevented from doing so by any cause or causes beyond a Party's control, which shall include, without limitation: all labor disputes, civil commotion, war, nuclear disturbances, hostilities, sabotage, terroristic acts, governmental regulations or controls, fire, accident or other casualty, interruption in the supply of

any utilities or fuel, inability to obtain any material or services, Unusual Circumstances as defined in Section 2.7.4, or through acts of God.

15. **Independent Contractor Relationship.** The relationship of the Parties is that of independent contractors. Neither Party shall be deemed to be the agent nor partner nor fiduciary of the other, and neither is authorized to take any action binding upon the other.

16. **Governing Law.** This Agreement is made and shall be construed in accordance with, and governed by, the laws of the State of New Hampshire without consideration of conflict of laws principles.

17. **Confidentiality.** Other than to its respective legal, financial, accounting and/or business advisors, and other than as may be required by applicable law, each Party agrees not to advertise, disclose or otherwise discuss the terms of this Agreement, its business relationship with the other Party and/or its affiliates, or any trade secrets or confidential and proprietary information it has received in the negotiation and execution of this Agreement, as designated by the other Party, to any other person, organization or entity during the term of this Agreement or for a period of five (5) years thereafter. This provision shall survive termination of this Agreement.

18. **Waiver and Consent.** The failure of either Party at any time to require performance by the other Party of any provision hereof shall not affect in any way the rights to require such performance of any other provision hereof, nor shall the waiver by either Party of a breach of any provision hereof be taken or held to be a waiver of the provision itself. If the consent of either Party is necessary pursuant to the terms of this Agreement, such consent shall not be unreasonably withheld.

19. **Regulatory Changes.** The Parties recognize that this Agreement is at all times subject to applicable state, local, and federal laws and shall be construed accordingly. The Parties further recognize that this Agreement may become subject to or be affected by amendments in such laws and regulations or to new legislation or regulations. Any provisions of law or regulation that invalidate, or are otherwise inconsistent with, the material terms and conditions of this Agreement, or that would cause one or both of the Parties hereto to be in violation of law, shall be deemed to have superseded the terms of this Agreement and, in such event, the Parties agree to utilize their best efforts to modify the terms and conditions of this Agreement to be consistent with the requirements of such law(s) in order to effectuate the purposes and intent of this Agreement. In the event that any such laws or regulations affecting this Agreement are enacted, amended or promulgated, either Party may propose to the other a written amendment to this Agreement to be consistent with the provisions of such laws or regulations. In the event that the Parties do not agree on such written amendments within thirty (30) days of receipt of the proposed written amendments, then either Party may terminate this Agreement without further notice, unless this Agreement would expire earlier by its terms.

20. **Non-Discrimination.** All Ambulance Services provided under this Agreement shall be provided without regard to the race, color, creed, sex, age, disability status, payor source

or national origin of the patient requiring such Ambulance Services. Each Party agrees to comply with all applicable laws and regulations prohibiting discrimination in the performance of their respective obligations hereunder.

21. **Authorization of Agreement.** Each Party represents and warrants, each to the other with respect to itself, that the execution and delivery of this Agreement has been duly authorized and the individual executing this Agreement on behalf of each Party respectively has full power and authority to do so.

22. **No Referrals.** Nothing in this Agreement shall be construed to require either Party or their respective representatives to make or admit referrals to or from the other Party or otherwise generate business between the Parties. Notwithstanding the unanticipated effect of any of the provisions herein, the Parties intend to comply with 42 USC § 1320a-7b(b) (commonly known as the Anti-Kickback Statute), 42 USC § 1395nn (commonly known as the Stark law), and all other Federal and state laws and regulations governing fraud and abuse or self-referrals under the Medicare or Medicaid programs, as such provisions may be amended from time to time.

23. **No Exclusions.** Each Party represents to the other that, as of the Effective Date and during the Term of this Agreement, it (i) is not excluded, debarred, or otherwise ineligible to participate in Federal health care programs as defined in 42 U.S.C. § 1320a-7b(f) (the “Federal health care programs”); (ii) is not convicted of a criminal offense related to the provision of health care items or services; and (iii) is not under investigation or otherwise aware of any circumstances that may result in it being excluded from participation in the Federal health care programs. This shall be an ongoing representation and warranty during the Term. Either Party shall immediately notify the other of any change in the status of the representation and warranty set forth herein. Any breach of this representation and warranty shall give the other Party the right to terminate the Agreement immediately for cause.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the day and year set forth below.

**[CONTRACTOR]**

**[FACILITY]**

By:

By:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

DRAFT

**EXHIBIT A**  
**AMBULANCE SERVICES**

1. Contractor shall provide pre-hospital emergency medical care and transport services in response to emergency ambulance calls within the City twenty four (24) hours per day, seven days per week, without regard to the patient's financial status.
2. Ambulance response times must meet the response-time standards set forth herein. Advanced life support ambulances provided by Contractor for emergency response must, at all times, except as authorized by the Agreement, be equipped and staffed to operate at the advanced life support (1 Paramedic and 1 A-EMT) Paramedic level on all ambulance responses.
3. Clinical performance must be consistent with approved medical standards and protocols. The conduct and appearance of Contractor's personnel must be professional and courteous at all times. Patient transportation and disposition will be according to State of New Hampshire Patient Care Protocols current at the time care is rendered as set forth in Saf-C 5900.
4. Services and care delivered hereunder must be evaluated by Contractor's internal quality improvement program and as necessary, through the City's Medical Resource Hospital quality improvement program in order to improve and maintain effective clinical performance, to detect and correct performance deficiencies and to continuously upgrade the performance and reliability of Ambulance Services. Clinical and response-time performance must be extremely reliable, with equipment failure and human error held to a minimum through constant attention to performance, protocol, procedure, performance auditing, and prompt and definitive corrective action.
5. Contractor's ambulances dedicated to the fulfilment of this Agreement shall be deployed separately from Contractor's ambulances used for non-emergency, transport services.
6. In addition to the above, the following services will be provided to the City by Contractor:
  - a. Contractor shall provide ambulance Standby Service at any situation deemed necessary by any City agency. Any and all "standby services" provided within the City shall be made through and coordinated by the Rochester Fire Department. The EMS unit(s) will remain on standby until relieved by the City official in charge.
  - b. Contractor shall respond to mutual aid requests by officials of neighboring jurisdictions made through the Rochester Fire Department dispatch.
  - c. Contractor shall allow for additional ride-along, observation or training opportunities for Fire Department EMS-certified personnel, as reasonable, provided that such opportunities do not interfere with Contractor's furnishing of the Ambulance Services hereunder. Participation by Contractor in the development and implementation of these programs shall be at a level satisfactory to the Fire Chief or their designee, in their reasonable discretion.

- d. Contractor shall maintain a Mass Casualty Incident (MCI) trailer and the supplies and equipment to support it, ensuring rotation of perishable medical equipment. Contractor shall, at the reasonable direction of the Fire Chief or their designee also assist in the development and execution of any MCI drills in conjunction with the necessary City departments and local hospitals.
  - e. Contractor shall collaborate in good faith with the Fire Chief or their designee in providing periodic community educational programs, as reasonable, on subjects such as CPR, EMS awareness and the dangers of DWI.
  - f. Contractor shall perform patient satisfaction surveys for patients transported pursuant to this Agreement and share the results with the City on a regular basis.
  - g. Contractor shall, at the reasonable direction of the Rochester Fire Department Training Division, attend Fire Department training, critiques and programs.
  - h. Contractor shall, at the reasonable direction of the Fire Chief or their designee, provide representation at City emergency planning meetings.
7. Service Upgrades/Changes. The City reserves the right, during the Term, to negotiate with Contractor for changes in the level of service to be provided hereunder which do not provide added expense requiring a new fair market valuation.
8. Administration of Agreement. Contractor acknowledges that the Chief of the Rochester Fire Department or their designee shall oversee Contractor's performance of its obligations hereunder and that the Chief or their designee shall be responsible for the administration of this Agreement on behalf of the Board of Mayor and Aldermen.

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City Clerk's Office

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## 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	<b>AMBULANCE SERVICES AGREEMENT</b>
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AGENDA DATE	<b>February 2, 2021</b>
DEPT. HEAD SIGNATURE	
DATE SUBMITTED	January 21, 2021
ATTACHMENTS      Yes <input type="checkbox"/> No <input type="checkbox"/>	<b>AGREEMENT FOR AMBULANCE SERVICES</b>

#### DEPARTMENT APPROVALS

CHIEF FINANCIAL OFFICER	
CITY MANAGER	

#### BUDGET INFORMATION

SOURCE OF FUNDS	GF Ambulance Account & GF General Overhead Contingency
SOURCE ACCOUNT NUMBER	12050050-559000 & 11080050-584000
EXPENDITURE AMOUNT	\$346,123.50 FY21 (\$57,687.25/month)
APPROPRIATION REQUIRED      Yes <input type="checkbox"/> No <input type="checkbox"/>	No appropriation required for FY21, FY22 payments will be appropriated through the budget process

#### LEGAL AUTHORITY

Section 4 of the City Charter
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#### SUMMARY STATEMENT

With the change in ownership of the Frisbie Memorial Hospital, the City and HCA began negotiating an agreement for ambulance services.

The proposed agreement reached by the City and HCA stipulates that Frisbie Hospital/ HCA will continue to provide ambulance services to the City.

This agreement and the fair market value that it is based upon incorporates the ambulance dispatch services we provide to Frisbie.

Under this proposed agreement the City is able to continue to provide the highest quality emergency health care services to our community at a fair & reasonable cost.

#### RECOMMENDED ACTION

Acceptance/ approval of this proposed agreement.

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City Clerk's Office

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

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

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

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

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

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

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

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

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

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