



**City Council Public Hearing
June 2, 2015
COUNCIL CHAMBERS
7:00 PM**

Agenda

1. Call to Order
 2. **AB 143** Resolution Approving the 2015 – 2016 Operating Budget for the City of Rochester P. 9
 3. **AB 144** Resolution Authorizing and Approving 2015-2016 Capital Budget for the City of Rochester and Authorizing Borrowing in Connection Therewith P. 11
 4. Adjournment
-

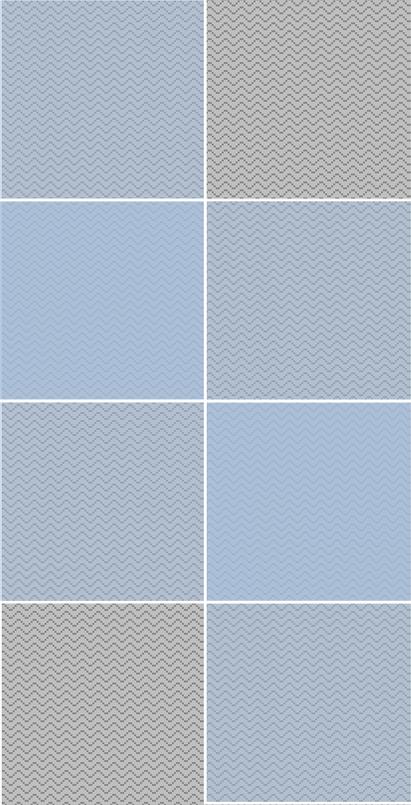
**Regular City Council Meeting
June 2, 2015
COUNCIL CHAMBERS
7:00 PM**

Agenda

1. Call to Order
2. Pledge of Allegiance
3. Opening Prayer
4. Roll Call
5. Acceptance of Minutes
 - 5.1. [May 5, 2015, Regular City Council Meeting](#)
 - 5.2. [May 12, 2015, Special City Council Meeting](#)



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6. Communications from the City Manager
 - 6.1. Employee of the Month Award P. 14
 - 6.2. City Manager's Report P. 13
7. Communications from the Mayor
8. Communications from the Deputy City Manager P. 71
9. Presentations of Petitions and Council Correspondence
10. Nominations, Appointments, Resignations, and Elections
11. Reports of Committees: P. 41
 - 11.1. Appointments Committee P. 43
 - 11.2. Codes and Ordinances Committee P. 45
 - 11.3. Community Development Committee *Forthcoming* P. 55
 - 11.4. Public Safety Committee P. 57
 - 11.5. Public Works Committee P. 61
12. Old Business
13. Consent Calendar
 - 13.1. **AB 156** Resolution De-Authorizing Department of Public Works Capital Improvement Fund Grant Funding for the So-Called Gonic Dam Project – **First Reading, Second Reading, and Adoption** P. 89
 - 13.2. **AB 145** Resolution De-Authorizing Funding for the Library Capital Improvement CIP Fund – **First Reading, Second Reading, and Adoption** P. 95

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14. New Business

- 14.1. **AB 151** Annual Renewal of a Second Hand Dealer Known as "Just Stuff Yard Sale" – **Motion to Approve P. 101**
- 14.2. **AB 152** Annual Renewal of the Motor Vehicle Junk Yard & Junk Dealers for the following Applications:
– **Motion to Approve P. 105**
 - American Used Auto Parts [Vehicle Junk Yard and Junk Dealer]
 - Colony Used Auto Parts [Motor Vehicle Junk Yard]
 - Lamberts Auto Truck Recyclers Inc. [Motor Vehicle Junk Yard and Junk Dealer]
- 14.3. **AB 157** Resolution Granting Discretionary Preservation Easement to the Property Situate at 195 Ten Rod Road Under the Provisions of 79-D in Connection with its Proposed Preservation Project – **First Reading and Adoption P. 115**
- 14.4. **AB 147** – Resolution Approving a Grant Application to the US Department of Housing and Urban Development for Lead Abatement Efforts and Approving Funds From the Anticipated Grant Award – *Resolution is Forthcoming* -**First Reading, Second Reading, and Adoption P. 135**
- 14.5. **AB 155** – Resolution De-Authorizing Funding for the Bridging the Gaps Program – **First Reading, Second Reading, and Adoption P. 141**
- 14.6. **AB 153** – Resolution Authorizing and Accepting of Funds and Appropriating Funds to the 2014-2015 Operating Budget of the City of Rochester for Services Related to the Bridging the Gap Program - **First Reading, Second Reading, and Adoption P. 147**
- 14.7. **AB 166** Ward One Polling Location – **Motion to Approve P. 167**
- 14.8. **AB 164** Resolution Authorizing Supplemental Appropriation to the 2014-2015 Operating Budget of

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the City of Rochester Recreation Department for Services Related to the Teen Travel Camp – **First Reading, Second Reading, and Adoption P. 173**

- 14.9. **AB 159** Fire Department Lithographs – **Motion to Authorize the Fire Department to Repair Lithographs P. 179**
 - 14.10. **AB 158 - A** – Resolution De-Authorizing Funding for the Breathing Apparatus Program – **First Reading, Second Reading, and Adoption P. 183**
 - 14.11. **AB 158 - B** – Resolution Authorizing Supplemental Appropriation for the Purchase of a Thermal Imaging Camera – **First Reading, Second Reading, and Adoption P. 189**
 - 14.12. **AB 154** Amendment to the City of Rochester General Ordinances Relative to Chapter 42.10 Aquifer Protection Overlay District [APOD] – **First Reading, Refer to a Public Hearing P. 195**
 - 14.13. **AB 160** Amendment to Chapter 34 of the General Ordinances of the City of Rochester Regarding the Issuance of Junk Dealer and Second-Hand Dealer Licenses – **First Reading, Second Reading, and Adoption P. 213**
 - 14.14. **AB 161** Amendment to Chapter 42.29 of the General Ordinances of the City of Rochester Regarding Signage – **First Reading and Refer to a Public Hearing P. 219**
 - 14.15. **AB 163** HealthTrust Application and Membership Agreement – **Motion to Approve P. 257**
 - 14.16. **AB 165** Presentation of the Annual Dog Warrant to the City Council – **Motion to Send the Dog Warrant to the Rochester Police Department for Action P. 277**
15. Other
 16. Adjournment

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**RESOLUTION APPROVING 2015-2016 OPERATING BUDGET
FOR THE CITY OF ROCHESTER**

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

That a twelve (12) month operating budget for the City of Rochester be, and hereby is, approved and appropriated for the period beginning July 1, 2015 and ending June 30, 2016 in the amounts and for the purposes more particularly set forth in the City of Rochester, Proposed Budget, Fiscal Year 2016 (July 1, 2015 - June 30, 2016), as amended, the provisions of which are incorporated herein by reference thereto by attached **Exhibit A**.

This budget may be reconsidered before the tax rate is set if City, School and/or County revenues are changed by the State of New Hampshire or by the Federal Government. The budget appropriations contained in this Resolution are predicated upon projected revenues as more particularly set forth in the City of Rochester, Proposed Budget, Fiscal Year 2016 (July 1, 2015 - June 30, 2016), as amended, the provisions of which are incorporated herein by reference thereto. **CC FY 15 AB 143**

2015-2016 City of Rochester Operating Budget Resolution-Exhibit A

Operations	FY16 Mgr Proposed
General Fund	
City Operations	\$22,711,610
County Taxes	\$6,077,984
Debt Service	\$4,735,036
Capital Projects Transfer	<u>\$1,658,400</u>
Total City General Fund Operations	\$35,183,030
School	\$58,649,913
School State Education Tax	\$4,935,450
City Grants & Special Rev Funds	\$610,562
School Grants & Special Rev Funds	\$4,860,000
Community Center	\$779,937
Total Operating Budgets	<u>\$105,018,892</u>
Enterprise Funds	
Water Fund	\$5,414,066
Sewer Fund	\$6,828,247
Arena Fund	\$592,653
Total Enterprise Operating Budgets	<u>\$12,834,966</u>
Total Operations all Funds	<u>\$117,853,858</u>

RESOLUTION AUTHORIZING AND APPROVING 2015-2016 CAPITAL BUDGET FOR THE CITY OF ROCHESTER AND AUTHORIZING BORROWING IN CONNECTION THEREWITH

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

That the capital budget for the City of Rochester for the July 1, 2015 to June 30, 2016 fiscal year in the total amount specified in **Exhibit A** annexed hereto, be, and hereby is, authorized and appropriated, and, in accordance with the provisions of RSA 33:9, the City Treasurer, with the approval of the City Manager, is hereby authorized to arrange borrowing to finance a portion of said capital budget appropriation as identified on Exhibit A annexed hereto.

The aforementioned borrowing is authorized subject to compliance with the provisions of RSA 33:9 and Section 45 of the Rochester City Charter. The useful lives of the capital projects for which borrowing is authorized by this resolution shall be more particularly set forth in the "City of Rochester, New Hampshire, Proposed CIP Budget, Fiscal Year 2016 (July 1, 2014 – June 30, 2016), as amended. **CC FY 15 AB 144**

2015-2016 CAPITAL IMPROVEMENTS REVENUE SUMMARY-RESOLUTION EXHIBIT A

	PROJECT AMOUNT	BOND PROCEEDS	O&M CASH	FUND BAL RET EARN	DED REVENUE	OTHER SOURCES	GRANTS
<u>GENERAL FUND</u>							
CITY*	15,476,830	13,258,430	1,658,400	0	0	0	560,000
SCHOOL	1,093,400	901,000	192,400	0	0	0	0
TOTAL GENERAL FUND	16,570,230	14,159,430	1,850,800	0	0	0	560,000
<u>ENTERPRISE FUNDS</u>							
WATER	3,942,000	3,850,000	92,000	0	0	0	0
SEWER	6,658,000	6,500,000	158,000	0	0	0	0
AREA	860,000	850,000	10,000				
TOTAL ENTERPRISE FUNDS	11,460,000	11,200,000	260,000	0	0	0	0
TOTAL ALL CIP	28,030,230	25,359,430	2,110,800	0	0	0	560,000

* Includes Community Center Cash CIP



City of Rochester, New Hampshire

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

CITY MANAGER'S REPORT JUNE 2, 2015

The Employee of the Month is: Julian Long, Community Development Coordinator P. 14

For your information, please see the enclosed Management Team Meeting minutes:

- April 27, 2015 P. 15
- May 4, 2015 P. 18
- May 11, 2015 P. 21

Contracts and documents executed since last month:

- Bridging the Gaps – Program Director hiring authorization P. 24
- Fairpoint Design/Construction Contract – Granite Ridge Development District P. 25
- Fire Department Grant Approval – tablet project – City match amount \$9,335.00 P. 26
- Fire Department training at Martin's Drive-In P.28
- FY 2015-2016 Consolidated Plan HUD forms P. 29
- Global Fire Prevention Grant application P. 30
- Great Bay Municipal Coalition – Kenworthy Professional Services Agreement P. 31
- Strafford Regional Planning Transportation Advisory Committee appointment of Seth Creighton (primary) and Jenn Hale (backup) P. 32
- Tri-City Towing – uncollected debt write-off P. 33
- Warranty deed – Norway Plains Subdivision P. 34
- Waste Management letter regarding negotiations P. 35

The following Computer Lease/Purchase and Tuition Reimbursement requests have been approved:

- Computer Lease/Purchase – McCullough, D – Fire Department P. 36
- Computer Lease/Purchase – Bonneau, K – Utility Billing P. 37

The following standard reports have been enclosed:

- City Council Request & Inquiry Report P. 38
- Permission & Permits Issued P. 39
- Personnel Action Report Summary P. 40



City of Rochester, New Hampshire

Division of Community Development

31 Wakefield Street, Rochester NH 03867

(603) 335-7522 www.thinkrochester.biz

5/28/15

4/15/15
5/13/15

RECEIVED

APR 10 2015

CITY OF ROCHESTER
DEPARTMENT OF PUBLIC WORKS

Date: April 8, 2015

To: Employee Recognition Self-Directed Work Team

From: Karen Pollard, Economic Development Manager

Re: Employee of the Month Nomination

I am nominating Julian Long, Community Development Coordinator to be the Employee of the Month.

Julian has been employed with the City of Rochester for less than one year, but already has made a tremendous impact on Community Development and our grant responsibilities to federal and state agencies. Julian is the Administrator for the Community Development Block Grant Program, which is a very responsible role managing multiple programs and the City's grant of more than \$300,000. He had the benefit of an experienced trainer for a short amount of time, before having to complete the One Year Budget as well as the Five Year Plan. These plans have full federal regalia of public notices and hearings, input into a less-than-wonderful online system, and HUD representatives that are unavailable or unable to answer questions. We have now been notified that we will have an in-person review of our grant compliance from HUD later this month, which Julian is prepared for.

Julian has done a commendable job getting to work with the Community Development Committee and other departments in the city, notably Police, Finance, DPW, Recreation, Public Library and the school department. Coordinating current and future projects, as well as the depth of reporting required, has given him a whirlwind tour of the city and it's many functions. He has also assumed the mantle of several grant programs already in progress, and following through on a process that another employee had started can be a challenging venture. He is researching additional grants that will save the city money and improve the quality of life for its citizens and businesses.

Julian has also been appointed the Fiscal Agent for Bridging the Gaps and has completed their federal grant renewal request along with coordination of data from the Board of Directors, Rochester Police Department, Finance office and several service agencies.

Julian is also great to work with. He's very reliable and thoughtful, organized and has a sense of urgency in completing all of his work.

For these many reasons, I am pleased to nominate Julian for Employee of the Month.



5/28/15

City of Rochester
OFFICE OF THE CITY MANAGER
MANAGEMENT TEAM
31 Wakefield Street • Rochester, NH 03867
(603) 332-1167
www.RochesterNH.net

MANAGEMENT TEAM MEETING

April 27, 2015

9:00 A.M.

PRESENT:

Blaine Cox, Deputy City Manager
Karen Pollard, Economic Development Mgr.
Scott Dumas, Deputy Police Chief
Brian Sylvester, Library Director
Terence O'Rourke, City Attorney
Jennifer Mutolo, Paralegal
Mike Bezanson, Interim Director DPW

Jim Grant, Director BZLS
Norm Sanborn, Fire Chief
Chris Bowlen, Director of Recreation
Michelle Mears, Planner

EXCUSED:

Samantha Rodgerson, Executive Asst.
Daniel Fitzpatrick, City Manager

MINUTES

Deputy City Manager Cox called the Management Team meeting to order at 9:02 A.M.

1. Management Team Minutes – April 20, 2015

Minutes were approved by general consensus.

2. City Council Inquiry Report

All items are closed.

3. City Calendar for Week

Reviewed upcoming meetings for the week.

4. Right to Know Requests

There were two new requests. One is a request for the compensation of elected officials. The requested information was put together and forwarded. The other request was for prior Right to Know Requests from 2013 through 2015. Staff is currently working on this request.

5. 2014 Tree City USA by Arbor Day Foundation

It was discussed that Rochester has been a tree city member every year for the past 15 years and this year was named Tree City USA. Additionally, that Arbor Day was last Friday and around 8 trees will be planted in May in recognition.

6. Tree Warden

It was discussed the need for hiring a Tree Warden to streamline the process for **5/28/15** requests to remove trees. Interim Director Bezanson will make a recommendation as to who the warden should be to City Manager Fitzpatrick.

7. Other

Attorney O'Rourke

- Advised that the city is now the owner of 13 Magic Avenue.

Director Sylvester

- Advised that the security tagging of items is still ongoing. The first floor media has been completed and the children's section is now being worked on.
- Advised that they have received approximately 130 entries for the annual photography show. This is more than what was received last year.

Deputy City Manager Cox

- Advised that they start the interviews today for the Director of Public Works.

Planner Mears

- Advised that the draft sign ordinance and the draft aquifer protection ordinance will be presented at the Codes and Ordinances Committee on 5/7.
- Advised that there are two new applications being presented to the Planning Board.
- Advised that a preliminary sight review has been conducted for 13 new townhouses.

Director Bowlen

- Advised that this is school vacation week so they are busier than usual.
- Advised that April vacation camp is going on at the arena.
- Advised the last teen night is this Saturday.
- Advised the Community Expo is Thursday, May 7, 2015.

Manager Pollard

- Advised she will be going to Syracuse tomorrow for the New England Economic Development Association Conference
- Advised that the Cocktails and Conversations was a great success.

Deputy Chief Dumas

- Advised that there were 17 arrests and 370 calls for service this past week. Of the 17 arrests, approximately 1/3 were on warrants.
- Advised they have an interview on 5/3 for the Coalition Coordinator for the Bridging the Gaps program and the deadline for applicants has been extended.

- Advised that they had the swearing in of a new officer on Thursday and ~~at 2:00~~ ^{5/28/15} full staff. This new officer will attend the Academy starting 5/4/15.
- Three new officers just graduated the Academy and are on duty with a FTO.

Chief Sanborn

- Advised that it has been a relatively quiet week.
- Advised the emergency operations upgrade has been completed.
- Advised the COOP plan is ongoing.
- Advised that in the next couple of weeks FEMA will be here to discuss the snowstorm declaration.

Interim Director Bezanson

- Advised there was a pre-construction meeting for The Ridge last week that consisted of road and infrastructure discussion.
- Advised there is a meeting this afternoon regarding the Chelsey Hill Road project pending the signing of the project contract.
- Advised they are starting the sidewalk construction on School Street.
- Advised that they are starting to put out signs to watch out for pedestrian traffic regarding Free Comic Book day this Saturday

Director Grant

- Advised that there has been a complaint regarding a sign company at a residence on North Main Street.
- Advised that they received a request from a doctor's office to relocate.
- Advised that they received an appeal regarding Rochester Hill Road.

The Management Team meeting adjourned at 9:35 AM.

Respectfully submitted,

Jenn Mutolo
Executive Assistant Paralegal



5/28/15

City of Rochester
OFFICE OF THE CITY MANAGER
MANAGEMENT TEAM
31 Wakefield Street • Rochester, NH 03867
(603) 332-1167
www.RochesterNH.net

MANAGEMENT TEAM MEETING

May 4, 2015

9:00 A.M.

PRESENT:

Blaine Cox, Deputy City Manager
Karen Pollard, Economic Development Mgr.
Michael Allen, Police Chief
Brian Sylvester, Library Director
Jennifer Mutolo, Paralegal
Mike Bezanson, Interim Director DPW
Samantha Rodgerson, Executive Assistant

Jim Grant, Director BZLS
Norm Sanborn, Fire Chief
Chris Bowlen, Director of Recreation
Jim Campbell, Planning Director

EXCUSED:

Daniel Fitzpatrick, City Manager

MINUTES

Deputy City Manager Cox called the Management Team meeting to order at 9:04 A.M.

1. Management Team Minutes – April 27, 2015

There was one correction made to clarify and then minutes were approved by general consensus.

2. City Council Inquiry Report

This item is in the packet for the City Council meeting. All items are now closed.

3. City Calendar for Week

Reviewed upcoming meetings and topics for the week.

4. Right to Know Requests

This request has been taken care of.

5. Personal Mail

Deputy City Manager Cox reminded staff that all personal mail needs to be taken out to the mailbox on the corner in front of City Hall and not left downstairs for staff to take out.

6. Other

Chief Allen

- Advised that he will be meeting with Kathryn Buxton for press release she is writing for the City about the merit and evaluation system.
- Advised that there as an overdose death over the weekend.
- Advised that there was a drug recovery event at Frisbie on Saturday and that it went well.
- Advised that bicycle and foot patrols have been increased in the downtown area.

Manager Pollard

- Advised that HUD completed the audit of CDBG and it went well. They made a few suggestions, most of which had already been put in place. Once final report is received it would make a good press release.
- Advised that her department would be attending the state Women in Business conference on Friday and exhibiting.
- Advised that Albany officially purchased the Rand Whitney building and 3 other parcels in the Granite State Business Park.

Interim Director Bezanson

- Advised that there were over 310 vehicles that came through at Household Hazardous Waste Collection day on Saturday. They will revisit the event organization for next year to make sure it runs smoothly.

Director Sylvester

- Advised that the first floor entryway is being replaced today.
- Advised that there were over 1,500 people that came in for Free Comic Book Day.
- Advised that they will be cleaning out their old magazine storage.

Director Grant

- Advised that there was nearly \$5 million of construction last month.

Director Campbell

- Advised that the Planning Board was tonight and they would be discussing Key Auto Group on Farmington Road, a request to build 13 townhouses on Rochester Hill Road and the Land Use Chapter of the Master Plan.

Chief Sanborn

- Advised that they provided mutual aid to Berwick on Saturday.
- Advised that they had an acre brush fire yesterday on Bernard Road.
- Advised that FEMA and Emergency Management were coming today to over the paperwork.
- Advised that they completed their inspections of the new East Rochester School.

Director Bowlen

- Advised that they held the last Teen Night of the year on Saturday and that there was a good turnout.

- Advised that key volunteers will be recognized at the Council meeting. **5/28/15**
- Advised that the Annual Day of Caring with Liberty Mutual will be on Wednesday at Squamanagonic.
- Advised that they will be hosting the Chamber Expo at the Arena on Thursday.

Executive Assistant Paralegal Mutolo

- Advised that her office will be attending Law Day in the schools on Friday. They will be speaking with 3rd graders in Farmington.

Deputy City Manager Cox

- Advised that we are now in budget season and that last week there was discussion by Council on bonded debt and CIP.

Executive Assistant Rodgerson

- Advised that there will be a new request from Art Esprit for their annual art project, however first they needed to know who owns the signal control boxes and seek permission to paint them. It was suggested to discuss with Assessor Mullin, however it turns out that Public Works had a list available.

The Management Team meeting adjourned at 9:33 AM.

Respectfully submitted,

Samantha Rodgerson
Executive Assistant



5/28/15

City of Rochester
OFFICE OF THE CITY MANAGER
MANAGEMENT TEAM
31 Wakefield Street • Rochester, NH 03867
(603) 332-1167
www.RochesterNH.net

MANAGEMENT TEAM MEETING

May 11, 2015

9:00 A.M.

PRESENT:

Daniel Fitzpatrick, City Manager
Blaine Cox, Deputy City Manager
Karen Pollard, Economic Development Mgr.
Michael Allen, Police Chief
Brian Sylvester, Library Director
Terence O'Rourke, City Attorney

Mike Bezanson, Interim Director DPW
Jim Grant, Director BZLS
Norm Sanborn, Fire Chief
Chris Bowlen, Director of Recreation
Seth Creighton, Chief Planner
Samantha Rodgerson, Executive Assistant

MINUTES

City Manager Fitzpatrick called the Management Team meeting to order at 9:03 A.M.

1. Management Team Minutes – May 4, 2015

Minutes were approved by general consensus.

2. City Council Inquiry Report

All items are now closed.

3. City Calendar for Week

Reviewed upcoming meetings and topics for the week. Ms. Rodgerson informed staff that some committee meetings have fallen off the online City calendar and to let her know if a committee is missing.

4. Right to Know Requests

There were no new requests.

5. Other

City Manager Fitzpatrick

- Reminded staff that CGI would be filming for videos the 13th and 14th.
- Discussed an email memo regarding land use issues at various properties. The Code Task Force to include the City Attorney and Chief Planner will begin investigating.

Director Grant

- Advised that he will be presenting his budget tomorrow night.

5/28/15

Deputy City Manager Cox

- Advised that they are in budget season now.

City Attorney O'Rourke

- Advised that Codes & Ordinances Committee passed a new method for licensing pawnbrokers.
- Reminded staff that if there is anything in the ordinances that may need to change, to discuss with him to see if changes can be made.
- Advised that the Blaisdell matter is still progressing forward.

Manager Pollard

- Advised that she will be presenting her budget on Tuesday night.
- Advised that the REDC would be meeting with the head of Seacoast Media Group to discuss the City's reputation as presented in the media.
- Advised that she will be attending the Las Vegas Retail Convention and Tradeshow beginning this weekend.

Chief Sanborn

- Advised that they were busy with brush fires last week.
- Advised that they had two first alarm fires, one on Four Rod Road and one behind Holy Rosary Church.
- Advised that they provided mutual aid for a Strafford house fire.
- Advised that they were assisted by the Police Dept. for a car into a house on Highland Street.

Chief Allen

- Advised that they interviewed for the Bridging the Gaps coordinator and that they are completing the background check. The start date is anticipated to be the week of May 24th.
- Advised that there was a minor cruiser accident, where a citizen backed into the door of it.
- Advised that the Route 11 hit and run is their top priority.
- Advised that they had two untimely deaths over the weekend, however they were not suspicious.
- Advised that they had the Accident Reconstruction Team out to the accident on Highland Street with the car into the house. The driver was arrested for DWI. His passenger was severely injured.
- Advised that he would be presenting his budget on Tuesday night.
- Advised that he had guest DJ'd for the Sunday Morning Shuffle on the radio.

Director Bowlen

- Advised that they recognized Teen Night volunteers last week at the Council meeting.

- Advised that they had 20 volunteers from Liberty Mutual last week for the ~~5/28/15~~ day of caring and that they helped clean up at Squamanagonic.
- Advised that they hosted the Chamber Expo last Thursday. It seemed as though it was the best attended to date.

Interim Director Bezanson

- Advised that they have hired a new Facility Manager and that they would be starting on June 15th.
- Advised that the Chesley Hill Road construction project would be starting today.
- Advised that the Route 125 pump station project was still underway, however it was now beyond the contractual completion date.

Chief Planner Creighton

- Advised that the Codes & Ordinances Committee reviewed the sign ordinance rewrite and the aquifer protection rewrite and would be sending to the full Council.

Director Sylvester

- Advised that the Trustees held a special meeting to accept a donation that would be used towards the photography show.
- Advised that the security tagging of the 1st floor and children's room items has been completed. They will begin working on the remaining items. There are approximately 60,000 – 70,000 items to be tagged.

The Management Team meeting adjourned at 9:40 AM.

Respectfully submitted,

Samantha Rodgerson
Executive Assistant

5/28/15

Date: May 15, 2015
To: Dan Fitzpatrick
City Manager
From: Julian Long
Community Development Coordinator/Grants Manager

CITY OF
Received
MAY 15 2015
City Manager
ROCHESTER

Re: Bridging the Gaps Key Change in Key Personnel Request

Please see attached a letter requesting approval from SAMHSA to hire a new Program Director/Coalition Coordinator for Bridging the Gaps. The City Council approved the formation of a fiscal agent relationship with Bridging the Gaps on December 16, 2014, and this letter is required in order to hire a new Coalition Coordinator.

The letter requires the signature of the City Manger as the City's authorized official. Please sign and return to Julian.

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



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

CITY OF
Received
MAY 4 2015
City Manager
ROCHESTER

INTEROFFICE MEMORANDUM

TO: Daniel Fitzpatrick, City Manager
FROM: Jennifer Hale, PE, Assistant City Engineer
DATE: May 1, 2015
SUBJECT: Fairpoint Design/Construction Contract associated with the GRDD Infrastructure Improvements Project

Enclosed, please find one copy of the following:

- Service Agreement between the City of Rochester and Fairpoint for the *additional* communications design and construction associated with the Route 11 Improvements and Construction of Frontage Road.
Service Agreement #286691 for \$ 12,942.66

These funds are available in the TIF District account line 61083010-771000-15553.

Please sign the agreement and return to me for processing.

Please call me with any questions. Thank you.



City of Rochester Grant ≤ \$10,000 Application
City Manager Approval

5/28/15
 CITY OF
 Received
 MAY 26 2015
 City Manager
 ROCHESTER

GRANT SUBJECT & AMOUNT: Tablet project \$19,971.00

TODAY'S DATE:	5/26/15
DEPT. HEAD SIGNATURE:	<i>Norm Barber Jr.</i>
APPLICATION DEADLINE:	
ATTACHMENTS	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

COMMITTEE SIGN-OFF

COMMITTEE:	
CHAIR PERSON:	

ADMINISTRATIVE APPROVALS

CHIEF FINANCIAL OFFICER:	
CITY MANAGER:	<i>D. W. Fitch</i>

MATCHING FUNDS BUDGET INFORMATION

SOURCE OF MATCHING FUNDS (if required):	The required \$9,335.00 match will be covered by in-kind services from the City and equipment the City has already purchased.
SOURCE ACCOUNT NUMBER:	
MATCH AMOUNT:	
APPROPRIATION REQUIRED No	Grants requiring City financial participation – funds must already be appropriated as part of existing budget.

LEGAL AUTHORITY

--

SUMMARY STATEMENT

The EMPG will cover the non-city portion cost (\$9,335.00) of equipment. This equipment is for the Tablet Project. this project will let us match up to the VDI (Virtual Desktop Infrastructure) that the police are currently operating in their police vehicles. VDI will support the tablets operating in the fire vehicles. The tablet acts as a wireless monitor over Verizon 4G and the keyboard allows you to interact with the computer, which is located in the police server room.

RECOMMENDED ACTION

City Manager to approve this grant application.

Eligible Activity For In Kind Match	Date of Activity	Number of Hours if applicable	Hourly Rate if Applicable	In Kind Value
IT personel costs for research, setup and trainin	1/1/2015	100	\$40.00	\$4,000
Two (2) Cisco WS-C3560G-48TS-S switches	3/3/2015			\$1,798
Two (2) Dell PowerEdge R710 Servers	3/18/2015			\$3,000
One (1) APC Smart-UPS RM 3000VA Uninterruptable Power Supply	3/30/2015			\$1,103
UPS Outlet Install	5/15/2015			\$400
Cost to send IT personel to training	3/1/2015			\$335
Total				\$10,636

Proposed Equipment/Project	Quantity	Per Unit Cost	Total
Dell Power Edge R710 2X146gb 15 HDD's, 96gb RAM, Quad CPU, Rack Mounts, Bezel	1	\$2,000	\$2,000
Vmware-Horizon View Standard 10 pack	1	\$2,500	\$2,500
Vmware Horizon View Support Pack 10 pack	1	\$625	\$625
Microsoft VDA license-Pack of 10-3 year annuity	1	\$1,080	\$1,080
Professional Services-Special Project	1	\$1,000	\$1,000
Mobile Broadband Access Calling Plan	3	\$119.97	\$1,440
Samsung Galaxy Tab 4 10.1 4G LTE 16GB	3	\$230	\$690
Total			\$9,335



Norman Sanborn, Jr.
Chief of Department

Rochester Fire Department
City of Rochester
37 Wakefield Street • Rochester, NH 03867

5/28/15

Tel (603) 335-7545
fax (603) 332-9711

May 7, 2015

TO: City Manager Dan Fitzpatrick
FROM: Deputy Chief Fran Zombeck
SUBJECT: Signature on Contract, Martin's Drive In

CITY OF
Received
MAY 13 2015
City Manager
ROCHESTER

The enclosed contract needs your signature. This contract would allow the fire department to conduct training on the Martin's Drive In building before it is demolished.

If you have any questions on this please feel free to contact me.

CITY OF
Received
MAY 7 2015
City Manager
ROCHESTER

Date: May 7, 2015
To: Dan Fitzpatrick
City Manager
From: Julian Long
Community Development Coordinator/Grants Manager

Re: FY 2015-2020 Consolidated Plan and FY 2015-2016 Annual Action Plan

Please see attached the SF-424 forms for the CDBG Consolidated Plan and FY 15-16 Annual Action Plan, as well as the CDBG certifications for both plans. Both plans were approved by the City Council at the May 5, 2015 City Council meeting, and these forms are required by the U.S. Department of Housing and Urban Development to be submitted with the plans. The SF-424 applications and the certifications require the signature of the City Manager as the City or Rochester authority.

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

Date: May 1, 2015
To: Dan Fitzpatrick
City Manager
From: Julian Long
Community Development Coordinator/Grants Manager

CITY OF
Received
MAY 1 2015
City Manager
ROCHESTER

Re: FM Global Fire Prevention Grant Application

Please see attached the fire prevention grant application requesting funding for communications equipment for the City of Rochester's Fire Department. This application has been reviewed and approved by Fire Department Deputy Chief Peter Cutrer, and an agenda bill for grants under \$10,000 has been completed and signed by the City Manager. The application requires the signature of the City Manager as the most senior representative of the organization requesting the grant.

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



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

CITY OF
 Received
 MAY 6 2015
 City Manager
 ROCHESTER

INTEROFFICE MEMORANDUM

TO: Daniel Fitzpatrick, City Manager
 Blaine Cox, Deputy City Manager/Director of Finance & Administration
 Terence O'Rourke, City Attorney

FROM: Michael Bezanson, PE, Interim Director/City Engineer *MBS*

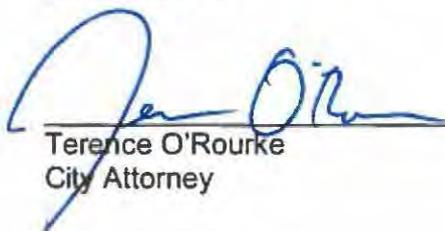
DATE: May 6, 2015

SUBJECT: Great Bay Municipal Coalition - Kenworthy Professional Services Agreement

CC:

Attached is an agreement between William Judson Kenworthy and the Cities of Dover, Portsmouth, and Rochester for professional services related to Great Bay estuary system research being conducted during this calendar year. This agreement includes agreement by the City of Rochester to serve as fiduciary agent for the processing of invoices. Our consultant, Dr. Kenworthy, and the other municipalities (Dover and Portsmouth) have already signed the agreement. I recommend signing the agreement (also attached is David Green's recommendation to approve participation).

Legal Review

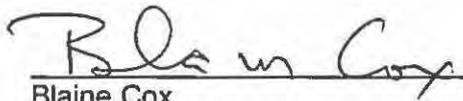


 Terence O'Rourke
 City Attorney

5/6/15

 Date

Financial Review



 Blaine Cox
 Deputy City Manager/Director of Finance & Administration

2015-05-06

 Date

If approved, please have the City Manager sign and return the signed document to me at Public Works. Thank you.



PLANNING & DEVELOPMENT DEPARTMENT
City Hall - Second Floor
31 Wakefield Street
Rochester, New Hampshire 03867-1917
(603) 335-1338 - Fax (603) 335-7585
Web Site: www.rochesternh.net

Planning and Development
 Conservation Commission
 Historic District Commission
 Arts & Culture Commission

CITY OF
 Received
 MAY 20 2015
 City Manager
 ROCHESTER

MEMO

Date: May 19, 2015
To: Dan Fitzpatrick
 City Manager
From: Seth Creighton *SC*
 Chief Planner

Re: City Representation at Strafford Regional “Transportation Advisory Committee” (TAC)

The Stafford Regional Planning Commission has requested that the City of Rochester appoint two people to representative Rochester on regional transportation planning matters via Strafford Regional Planning Commission’s “Transportation Advisory Committee” (TAC).

Involvement includes attendance and participation in monthly TAC meetings, and special projects on an as needed/as applicable basis.

Gretchen Young was a former appointee, but is no longer with Rochester.

In consensus with Jim Campbell and the Planning Board, we ask that you appointment myself and Jennifer Hale (DPW) as “appointee” and “alternate”, respectively. If you concur, attached is an appointment form for you to sign and return.

Please contact me with any questions.

Seth Creighton
 Chief Planner



MICHAEL J. ALLEN
Chief of Police

ROCHESTER POLICE DEPARTMENT

23 WAKEFIELD STREET
ROCHESTER NH, 03867-1933

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

"Dedication, Pride, Integrity"

POLICE COMMISSION

LUCIEN G. LEVESQUE
Chairman
BRUCE E. LINDSAY
Vice Chairman
DEREK J. PETERS
Commissioner

February 24, 2015



TO: Daniel Fitzpatrick
City Manager

FROM: Michael J. Allen
Chief of Police

RE: Write Off Uncollected Debt

Dear Mr. Fitzpatrick:

I have followed up on an uncollected debt from FY14 in the amount of \$100.00 for Tri City Towing, for a false alarm occurring in December of 2013. The ordinance allows for charging a fee if an emergency vehicle responds, when no emergency exists. In reviewing the log entry, it can't be determined if this was an actual attempt with the suspect fleeing once the alarm sounded. Further this company has not had any billable false alarms in calendar year 2014. I recommend we discharge this debt.

Let me know if you have any questions or concerns in this regard.

Sincerely Yours,

Michael J. Allen
Chief of Police

cc: Roland Connors



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

CITY OF
Received
APR 29 2015
City Manager
ROCHESTER

INTEROFFICE MEMORANDUM

TO: Dan Fitzpatrick, City Manager
FROM: Jennifer L. Hale, Assistant City Engineer
DATE: April 29, 2015
SUBJECT: Warranty Deed for NP Rochester Associates
Norway Plains Subdivision 215-8

Enclosed please find the Warranty Deed that has been reviewed and approved by the City Attorney and signed by NP Rochester Associates LLC for the portions of roadway that were accepted at the November 5 2014, City Council Meeting.

Please provide your notarized signature and return to our office for processing and recording.

Samantha Rodgerson

From: Terence O'Rourke
Sent: Tuesday, May 12, 2015 8:16 AM
To: Samantha Rodgerson; Blaine Cox; Dan Fitzpatrick
Cc: Jenn Mutolo
Subject: Letter to Waste Management
Attachments: 2015 5-12 Letter to WM re Negotiations-TMO.docx

CITY OF
Received
MAY 12 2015
City Manager
ROCHESTER

All,
Brenda has looked over this letter and made a couple of changes, so now it's ready to be sent out. Please print out on City Manager letter head and have Dan sign.

Thanks,
Terence

*Terence O'Rourke
City Attorney
City of Rochester, New Hampshire
19 Wakefield Street
Rochester, NH 03867
Phone: (603) 335-7564*

FORM A

(To be completed by the employee and returned to the City Manager)

TO: DAN FITZPATRICK, CITY MANAGER

FROM: Karen Bonneau, DRW, Utility Billing Coordinator
(name, department & title)

SUBJECT: REQUEST TO PARTICIPATE IN EMPLOYEE COMPUTER LEASE/PURCHASE PROGRAM

I have read and understand the terms and conditions of the "Employee Computer Lease/Purchase Agreement" and I wish to be considered for participation in the plan. I request the City reimburse me after I have made the purchase and submitted an itemized vendor's receipt. I understand that this request must be approved by the City and that I must complete a lease purchase agreement before I purchase the equipment. I understand that my request will be evaluated based upon my application to purchase equipment meeting or exceeding minimum recommended specifications system requirements which are subject to change based on the latest hardware technologies. I understand that only brand name, new equipment which must include an industry standard manufacturer's warranty will be considered for this program.

Attached is a quote which describes the equipment intended to be acquired through this program.

The estimated cost of the equipment to be acquired: \$ 1,699.00 (not to exceed \$2,000)

Please provide a brief narrative explaining how participation in this program may enhance your computer literacy skills and assist you in your work activities with the City of Rochester.

Purchasing this computer will allow me to enhance my computer skills by exposing me to the latest office related software technologies as well as sharpen my electronic scheduling and communication skills.

I have _____ have not X (check one) previously purchased equipment under this program.

5/4/15
Date

Karen E Bonneau
Employee Signature

5/5/15
Date

Risa J. Clark
Manager or designee

MAY 08 2015

Date

Dan W. Fitzpatrick
City manager or designee



FORM A

(To be completed by the employee and returned to the City Manager)

TO: DAN FITZPATRICK, CITY MANAGER

FROM: Donald McCullough
(name, department & title) Fire Department

SUBJECT: REQUEST TO PARTICIPATE IN EMPLOYEE COMPUTER LEASE/PURCHASE PROGRAM

I have read and understand the terms and conditions of the Employee Computer Lease/Purchase Agreement and I wish to be considered for participation in the plan. I request the City reimburse me after I have made the purchase and submitted an itemized vendor's receipt. I understand that this request must be approved by the City and that I must complete a lease purchase agreement before I purchase the equipment. I understand that my request will be evaluated based upon my application to purchase equipment meeting or exceeding minimum recommended specifications system requirements which are subject to change based on the latest hardware technologies. I understand that only brand name, new equipment which must include an industry standard manufacturer's warranty will be considered for this program.

Attached is a quote which describes the equipment intended to be acquired through this program.

The estimated cost of the equipment to be acquired: \$889.83 (not to exceed \$2,000)

Please provide a brief narrative explaining how participation in this program may enhance your computer literacy skills and assist you in your work activities with the City of Rochester.

ACQUIRING THESE DEVICES ALLOWS ME TO UPDATE AND EXPAND TRAINING AND EDUCATION CLASSES I HAVE CONDUCTED IN VARIOUS LOCATIONS INCLUDING THE ROCHESTER FIRE DEPARTMENT AND THE N.H. FIRE ACADEMY IN CONCORD. AS A CERTIFIED LEVEL II FIRE INSTRUCTOR I AM REQUIRED TO KEEP CURRENT WITH EMERGING TECHNOLOGIES AND OTHER INSTRUCTIONAL MATERIALS TO DELIVER TOP LEVEL TRAINING & EDUCATION TO ROCHESTER FIREFIGHTERS AND GUEST STUDENTS

I have have not (check one) previously purchased equipment under this program.

5/6/15
Date

Donald McCullough
Employee Signature

I have reviewed and recommend this request:

5/6/15
Date

Mark [Signature] Assistant Fire Chief
Supervisor or Department Head and Title

Approved:

MAY 08 2015
Date

Dan Fitzpatrick
City Manager or designee



Council Inquiry report 20150602

NUMBER	COUNCIL MEMBER	FORUM	REQUEST/INQUIRY	ACTION
1	Varney	4/7/2015 Council Meeting	Regarding Community Development Committee report- asked that someone compile a list of what was authorized last year vs. this year from each service agency.	In Council packet for the 5th. Item closed.

DATE	DEPARTMENT	PERMISSION PERMITS	MISCELLANEOUS
5/4/2015	City Manager's Office	EVENT	Senior Center - Penny Sale
5/8/2015	City Manager's Office	EVENT	National Night Out - RPD
5/8/2015	City Manager's Office	EVENT	Rochester Child Care Center 5K
5/8/2015	City Manager's Office	EVENT	First United Methodist Church - church service at the Rochester Common
5/12/2015	City Manager's Office	EVENT	Grace Community Church - church service at Rochester Common
5/12/2015	City Manager's Office	EVENT/RAFFLE	Armed Forces Day and Raffle

Reports of Committees

June 2015

- Appointments Committee – 05/05/2015
- Codes and Ordinances Committee – 05/07/2015
- Community Development Committee - 05/28/2015-Forthcoming
- Public Safety Committee – 05/20/2015
- Public Works and Building Committee – 05/21/2015

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Appointments Committee Minutes
May 5, 2015

Committee Members Present:

John Larochelle, Chair
Jake Collins
Sandra Keans

James Gray
Donald Hamann

John Larochelle called the meeting to order at 6:30 p.m. on May 5th.

Lori-Jean Chick - Library Trustees (new appt) Ward 3

Lori-Jean is a member of the Friends of the Rochester Public Library. She has a strong interest in libraries and would like to serve the City in the capacity of a Library Trustee. The Appointments Committee unanimously recommends Lori-Jean Chick for appointment as Library Trustee for Ward 3, term to expire January 2, 2018.

Troy Dillow - Rochester Economic Development Commission (REDC)

Troy is a resident of Rochester and currently works at Bernier Insurance. While working at the Portsmouth Naval Shipyard, he started and operated Dillco Transportation LLC in 2008 and sold the business in 2014. Since there is no opening in the REDC at this time, the Appointments Committee recommends that the City keep Troy's application on file for the next opening.

Respectfully submitted,

John Larochelle, Chair

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CODES AND ORDINANCES COMMITTEE

Of the Rochester City Council

Thursday May 7, 2015

City Council Chambers

31 Wakefield Street, Rochester, NH

7:00 PM

Committee Members Present

Councilor Peter Lachapelle, Chair
Councilor Elaine Lauterborn, Vice Chair
Councilor Donna Bogan
Councilor Robert Gates
Councilor Ray Varney

Others Present

Kelly Walters, City Clerk
Councilor Gray
Councilor Collins
Terence O'Rourke, City Attorney
Seth Creighton, Chief Planner
Michelle Mears, City Planner
Lorraine St. Jean, Resident

MINUTES

1. Call to Order

Councilor Lachapelle called the Codes and Ordinances Committee meeting to order at 7:00 PM. All committee members were present.

2. Public Input

No member of the public addressed the Codes and Ordinances at that time. Councilor Lachapelle closed public input at 7:01 PM.

3. Approval of the Codes and Ordinances Committee Minutes

• March 5, 2015

Councilor Bogan **MOVED** to **ACCEPT** the Committee minutes of March 5, 2015. Councilor Gates seconded the motion. Councilor Lauterborn asked to have the minutes amended. Her first correction was to change the date on page one for the February 5, 2015 minutes, currently it states December 4, 2014, which was incorrect. Her second correction pertained to the adjournment of the meeting. It currently states that Councilor Gray moved to adjourn the meeting and she distinctly remembers Councilor Varney had moved to adjourn the meeting. Councilor Lachapelle asked Nancy Carignan, Assistant City Clerk, to make those changes.

Councilor Bogan **MOVED** to **AMEND** the **MOTION** as stated. Councilor Gates seconded the motion. The **MOTION CARRIED** as amended by a unanimous voice vote. Councilor Lachapelle called for a vote on the main **MOTION** as **AMENDED**. The **MOTION CARRIED** by a unanimous voice vote.

4. Discussion - Polling Locations

Kelly Walters, City Clerk, explained that Dave Stevens, Moderator for Ward One, still has hesitations in regards to using Tara Estates as a polling location. She handed out a memo to the committee members with alternate locations.

Councilor Varney felt that the East Rochester School was still an option. Ms. Walters explained that Audrey Stevens, School Board Member, was checking with the School Department. There are obstacles, but could be possible. Councilor Varney mentioned that parking would be an issue if school was in session. The committee discussed working around a teachers workshop. They felt this might not be viable where the primary election date has not been set yet.

Councilor Lachapelle liked the idea of using Tara Estates as an option. The committee debated if signage would be an issue. Councilor Varney stated that they could make some changes when it comes to signage.

Ms. Walters did not want this issue held in committee, because of timing; however, Mr. Stevens was not present to voice his feelings regarding this location. She felt that he would like to be heard before it goes to the full City Council for their recommendation.

Councilor Lauterborn asked Ms. Walters if Mr. Stevens has any other suggestions. Ms. Walters explained that they had driven through Ward One in search of other locations. The committee discussed the other locations listed on her handout, but all locations had issues with being able to handle an election.

Ms. Walters asked if the Codes and Ordinances Committee intends to recommend Tara Estates to the full City Council and could they reach out to Mr. Stevens. She asked if Councilor Lachapelle could have a private discussion with him. Councilor Varney stated that Mr. Stevens could come and speak to the City Council directly since he is a City Official.

The Codes and Ordinances Committee briefly discussed the churches that were recommended, but clearly they do not provide enough parking.

Councilor Lauterborn asked if they could use a location outside of the ward. Ms. Walters had inquired about that and it would entail changing the boundary lines of the Ward. If you do not change the lines, then it is next to impossible to get permission from the State to move a polling location outside of a ward. Councilor Gray explained that if they change the lines it could allow access to the American Legion function hall. The committee debated this further.

Councilor Bogan recalled that when Mr. Stevens came to a previous Codes and Ordinances meeting he was pushing to have elections in the schools. Councilor Bogan felt that from her experiences that it would be a disaster. She said that Tara Estates was the better option.

Councilor Collins commented that he did not feel that the schools were out of the question. He felt that for one day the schools could make accommodations. Councilor Bogan reiterated that she is opposed to having elections in the schools while children are there; this poses a security issue. Councilor Lauterborn felt that schools were still a viable option. She said that this is a learning experience for the kids. She gave examples of her past experience as an elementary school principle. Councilor Gray went on to explain that at some schools the cafeteria and the gymnasium are combined, so they would have to make alternate means for the students to have their lunch.

Councilor Collins agreed with Councilor Bogan that times have changed when it comes to security.

Councilor Lachapelle discussed with the committee that Tara Estates is a good fit. Ms. Walters asked if the vote on this could be held until the end of the meeting in hopes that Mr. Stevens would be able to attend; however she did agree that Tara Estates is the best location at this point.

Councilor Lauterborn mentioned that when it comes to relocating to the American Legion, which falls in Ward Six, there may be difficulties since Ward One is larger than Ward Six.

Councilor Lachapelle asked Ms. Walters about the timing for a decision to be made. Ms. Walters explained that she would like to know by June so that her office can notify the voters in that ward.

Councilor Varney **MOVED** to recommend Tara Estates as the Ward One polling location. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Ms. Walters commented that she will be looking at long term changes to the Ward lines and other possible locations. She mentioned that the upcoming election is small in comparison to a Presidential Primary election so it will be a good test run for Tara Estates.

5. Discussion - Sign Ordinance, Chapter 42

Councilor Lachapelle said that it was requested that the Codes and Ordinances Committee review the recent changes made to the sign ordinance again before sending it to the full City Council.

Terence O'Rourke, City Attorney, stated the major changes to the sign ordinance fell under the political signs. He explained that he did a lot of research on this topic. He said that per the Attorney General they could not limit the size of a political sign.

Mr. O'Rourke explained that political signs are not allowed on public property or on the City's rights-of-way. He felt that the statute could be read either way, but they are not allowed on public property. Councilor Lauterborn wanted further clarification on the areas that they are referring to. The Codes and Ordinances Committee discussed the areas around the City which the ordinance is referring to. Councilor Varney asked about the Adopt-A-Spots as those spots are City property. After a brief discussion it was agreed that it was redundant and Planning will make the changes. They also agreed that section [D] could be removed.

Councilor Gray wanted to inform the committee that there is legislation in the works for this issue, which would allow the municipality to make some changes in regards to political signs on City property.

Michelle Mears, City Planner, explained that she added definitions for "Special Event" signs.

Councilor Varney asked about "Off Premise" signs, section [13.d], which he read to the Committee. It was his opinion that these signs need to be approved by the City Council and not the Planning Board. He explained that it would conflict with another ordinance. Councilor Varney wanted this to be changed. The Codes and Ordinances Committee discussed this change further. Councilor Lauterborn asked why this was a conflict and Councilor Varney explained that any sign erected on public property needs City Council approval.

Councilor Gray addressed the RSA pertaining to political signs. He explained that they are allowed directly in front of a private property by the owner, which is still the City's right-of-way. Mr. O'Rourke said that the City could restrict them. Councilor Gray said to use caution on that due to the RSA. Mr. O'Rourke said that he would research this further.

Councilor Varney asked about "Special Event" signs under section [23]. He read this section to the committee and said that he believed that this is in conflict with another ordinance and also should be sent to City Council for approval. Ms. Mears said that she would make that change. Councilor Varney added more input.

Councilor Varney explained that they had a copy of the Zoning Board ordinance in front of them which pertains to the Granite Ridge Development [GRD] and the signage. He explained that section [j.4] refers to provisions of section 42.9, which should read 42.29. He also stated that paragraphs A and B should be removed and this should be in the sign ordinance, not the zoning ordinance, or "sprinkled" throughout the ordinances. He said that this as well should be approved by City Council.

Councilor Varney asked if they could add a paragraph under "Wall" signs for the GRD, which would allow them one additional wall mounted sign per tenant on the rear facade. Mr. O'Rourke agreed that this would make sense. This would apply to buildings located between the service road and Route 11.

Councilor Varney had concerns regarding "Portable" signs as they pertain to the Commercial District. He did not want to exclude them in such places as GRD or Highway Commercial where in some cases they have an outside sidewalk. He felt that they should be permitted in all commercial zones. Seth Creighton, Chief Planner, explained that this ordinance is crafted differently because the GRD zone is a forthcoming district and will have a secondary road; he explained the intent.

Councilor Varney voiced his concerns regarding the signage for the GRD and felt a pylon sign would work for this situation. Mr. Creighton discussed this further with the committee.

Mr. Creighton discussed the "Sandwich Board" signs. He explained his concerns as to why they are restricted and cited the density of the areas. Councilor Varney said they may incur some push back from the business outside those districts. He did not want to see a stream of business owners running to the Zoning Board for variances. Mr. Creighton explained that he is looking at this from a planning perspective. He said that if they are

allowed in such areas as Route 125, it might look like a sea of plastic. Councilor Varney suggested leaving it alone.

Councilor Varney commented on the "Seasonal Agricultural" signs [13.f]. He said that he believes this will be a continual problem and explained why. Councilor Lauterborn did not agree. She felt that these signs are of service to citizens as consumers. Councilor Bogan agreed.

Ms. Mears said that she has noted the changes the committee has recommended and will revise the ordinance

Councilor Gates **MOVED** to recommend Chapter 42.29 (sign ordinance with revised changes) to the City Council for the June 2, 2015, meeting. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Varney asked if the Codes and Ordinances Committee could get a clean revised copy as soon as possible. Ms. Mears said that she would get them a copy.

6. Discussion - Aquifer Protection Draft Ordinance

Mr. Creighton, Chief Planner, said that he was there to address the committee on the Aquifer Protection Ordinance. He stated that they made some minor revisions and worked with legal counsel. He said that the ordinance had been to the Planning Board twice and they wanted changes with the wording. The Planning Board wanted to change "maintenance and inspection" the change of "may be" to "will be." Mr. Creighton said that there were two changes that did not make it in the draft.

Councilor Lachapelle ask if this ordinance is going to cost the City more money. Councilor Lauterborn also asked if there would be a cost to City staff. Councilor Lachapelle felt that it should stay at "may be," to give them some options.

Councilor Varney discussed with the committee his interpretation. He explained as it is right now the City could charge a fee.

Councilor Varney wanted to confirm that this pertains to hazardous waste. Mr. Creighton said that it did and it was in reference to businesses in this area and did not include single family homes.

Mr. Creighton said that every property that goes before the Planning Board that has hazardous material would have to have an inspection. Councilor Lauterborn asked if the owner would be charge a fee.

Councilor Varney asked if there are concerns that these inspections will not get done. Mr. Creighton said yes.

Councilor Lauterborn and Councilor Varney felt it should be left as "may be." Mr. O'Rourke agreed that the cost should be passed on to the owner.

Councilor Lauterborn addressed [XV] "Maintenance and Inspection." She read section A to the committee and explained that when looking at section B it was her opinion that it does not read right.

Councilor Bogan asked what would happen if someone is required to have an inspection, but it does not get done. Councilor Lachapelle stated that they would be breaking their own ordinance. Councilor Lauterborn said if it states "shall be," then everyone that is required to get Planning Board approval will have to be inspected by City staff and charged a fee.

Councilor Lachapelle felt that this was going to add a larger work load for that department.

The Codes and Ordinances Committee debated the terminology and further discussed hazardous material. Councilor Lachapelle asked Mr. Creighton and Mr. O'Rourke if they thought the change in wording was acceptable. Mr. Creighton explained that it had gone back and forth.

Councilor Varney asked for a list of businesses in the Aquifer zone because they will need to be notified. Ms. Mears said there are approximately one hundred or less and she can get them a list.

Mr. Creighton said that properties and businesses in this zone currently would be grandfathered, unless they enlarge their business.

Councilor Gray mentioned that the committee is looking at a new map, which is smaller than the previous map that that Mr. Creighton brought to the Committee. He felt that it was not large enough area to make a difference.

Councilor Lachapelle said if the staff agreed to the ordinance, then he would be fine with it. Councilor Varney agreed that they should leave it alone.

Councilor Gray said that one of the discussions that Planning had on the Aquifer was the fee, which one could look at as another tax. He mentioned that if someone is complying then maybe the fee could be waived.

Councilor Lauterborn wanted to see a fee schedule. Councilor Lachapelle also asked if there was such a schedule. Councilor Gray felt that it would be the same as the Department of Public Works. Mr. Creighton believed that the DPW schedule was the one they were going to use. Councilor Varney asked where the fee schedule was going to be listed. Councilor Gray said the staff would need to look at the fees to see if they are consistent with the work being done.

Councilor Lauterborn asked if the City would need an outside company to do testing when it comes to chemicals, because this would be an added cost. The Codes and Ordinances Committee discussed that soil samples would need to be sent out for testing.

Councilor Lachapelle asked if the Aquifer was time sensitive. Mr. Creighton explained that there is an issue with getting the Aquifer approved and he was hoping to have it on the June 2, 2015, City Council agenda. He said that Strafford County Regional Planning has put in for a grant and they have a deadline.

Councilor Varney **MOVED** to recommend the proposed Aquifer ordinance to the City Council on June 2, 2015. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

7. Trustee of the Trust Fund

Terence O'Rourke, City Attorney, addressed the Codes and Ordinances Committee on Trustees of the Trust Fund. He explained that this came from the Finance Committee. He said that his draft proposal did not make the packet. Mr. O'Rourke briefed them on the recommendations that were made.

Councilor Lauterborn agreed that the Trustees of the Trust Fund should change from three to five members. She suggested that their appointments be staggered terms. It was discussed that the Trustees are currently appointed by the Mayor to serve three year terms.

Mr. O'Rourke said that he would get his proposed amendments to the Codes and Ordinances Committee. Councilor Gray asked if candidate

qualifications are addressed in the amended ordinance. He also agreed to changing the number of members from three to five.

Lauterborn stated that if the committee was in agreement to make the change from three to five members then residents could submit statements of interest, but not be appointed until the amendments are adopted.

Councilor Lachapelle said that this matter will be kept in committee for now.

Councilor Varney asked if they were going to be adding qualifications to the ordinance. He referred to applicants having financial backgrounds. He explained that this committee is handling a large amount of money. Councilor Gray added that these members are in charge of a trust and gave further explanation. Mr. O'Rourke will check into this for the committee.

Councilor Varney stated that the Trustees do a lot of hard work managing the trust and they should not have to concern themselves with manual work outside of their regular duties.

This issue will be on the agenda for the June 4, 2015, Codes and Ordinances Committee meeting.

8. Second Hand Dealers - Chapter 34 Amendments

Mr. O'Rourke addressed the Codes and Ordinances Committee on his proposed changes to Chapter 34, Second Hand Dealers. He added an appeals process. When he looked at the previous ordinance it did not have such a process. He said that he has listed it under 34.4 (b) and this appeal process should be there to help if the City is brought to court.

Councilor Lauterborn's understanding is that this gets rid of the Licensing Board and licensing is handled through the Building, Zoning, and Licensing Services; however the Licensing Board now becomes the Appeals Board. The committee was in agreement. Councilor Varney explained that it appears to be better than what they have now and it speeds up the process. Councilor Lachapelle agreed.

Councilor Lauterborn **MOVED** to recommend the amendments to Chapter 34 to the City Council on June 2, 2015, meeting. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Lauterborn asked if Jim Grant, Director of BZLS, was agreeable to this change. Mr. O'Rourke said that he was.

9. Other

Ms. Mears asked Councilor Lachapelle if they could add Chapter 42, Multi-Family Dwellings, to the June 4, 2015, Codes and Ordinances meeting. Councilor Lachapelle informed her that he will put it on the agenda.

Councilor Gray addressed the Codes and Ordinances Committee about the City Charter. He expressed that he would like to do away with having seats A and B for City Councilors. Councilor Gray suggested that they amend the charter to reflect that the top two candidates with the most votes in the ward be elected and have them elected every other year.

Councilor Lauterborn asked if that would change the elected officials to a four year term. Councilor Lachapelle and the Codes and Ordinances Committee discussed a situation that had happened in the past where all City Councilors were elected out of office with the exception of one. The committee discussed that this was just a weird situation and is not the norm. The committee also discussed the Mayor staying at a two year term. Councilor Lauterborn was not opposed to a four year term. Councilor Gray explained why he is making this suggestion. He said in the past couple of elections several candidates ran unopposed.

Councilor Lauterborn was willing to entertain a discussion regarding this issue at the next Codes and Ordinances meeting scheduled for June 4, 2015.

10. Adjournment

Councilor Varney **MOVED** to **ADJOURN** the Committee meeting at 8:07 PM. Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Nancy Carignan
Assistant City Clerk

Community Development
Committee Meeting Minutes
May 28, 2015

Forthcoming...



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Public Safety Committee
 Council Chambers
 May 20, 2015
 7:00 PM

MEMBERS PRESENT

Councilor David Walker, Chairman
 Councilor Jake Collins
 Councilor Robert Gates
 Councilor Donald Hamann
 Councilor Peter Lachapelle

OTHERS PRESENT

Michael Bezanson, PE City Engineer
 Councilor James Gray
 Scott Dumas, Deputy Chief P.D.

Minutes

Councilor Walker brought the meeting to order at 7:00 PM.

1, Public Input

No public was present to discuss any issues or concerns.

2. Magic Avenue-Crosswalk and Speed Limit Signs

Councilor Walker summarized the issue. Vasilia Bellemeur sent an e-mail and called Councilor Walker regarding a crosswalk and speed limit signs for Magic Avenue. There is elderly housing on Magic Avenue but their parking area is across the street. She is requesting a crosswalk and "speed limit" signs in the area. **Councilor Lachapelle made a motion to put a crosswalk at the discretion of DPW near the elderly housing. The motion was seconded by Councilor Gates. Unanimous voice vote carried the motion.**

Councilor Lachapelle made a motion to deny "speed limit" signs on Magic Avenue. the motion was seconded by Councilor Gates. Unanimous voice vote carried the motion.

3. Penny Lane-Street Sign-Dead End or No Thru Way

Councilor Walker summarized the issue. Mr. Bezanson said there was a street sign on a utility pole. Councilor Lachapelle asked how much money was spent on signs this year. Mr. Bezanson said he didn't know right off hand how much was spent. **Councilor Gates made a motion to place a "dead end" sign on Penny Lane at the discretion of DPW. The motion was seconded by Councilors Lachapelle. Unanimous voice vote carried the motion.**

4. Right of Way Beautification

Councilor Walker summarized the issue. This was kept in committee so they could get more information regarding this request.

5. Other

Portland Street Street-lights

Councilor Gray asked if the committee could take a look at the street-lights in the area of Pinecrest and Ashwood. He stated there is one street-light several feet before Pinecrest and the other one is several feet after. This was kept in committee so they could take a look.

1 Stillwater Circle

Mr. Bezanson said Joan Erhard at 1 Stillwater Circle, the first house on the right after the bridge, is requesting a handicap sign. She said vehicles are speeding in the area. **Councilor Hamann made a motion to place "handicap" signs, one in each direction, at the discretion of DPW. The motion was seconded by Councilor Gates. Unanimous voice vote carried the motion.**

5 Givens Circle

Mr. Bezanson said that Pam Wildes of 5 Givens Circle is requesting a sign because there is no way out and the vehicles keep going through and turning around. **Councilor Lachapelle made a motion to place a "no outlet" sign on Anderson and Franklin Street. The motion was seconded by Councilor Gates. Unanimous voice vote carried he motion.**

Charles Street and Granite Streets

Mr. Bezanson said that during construction there will be times when the traffic direction will be changed on Granite Street resulting in traffic exiting onto Charles Street. When making a turn onto Charles Street, large vehicles need to make a wide turn. Because of this, DPW will be utilizing temporary "no parking" signs on Charles Street to facilitate wide turns during these times.

Academy Street

Mr. Bezanson stated that "no parking" signs have been installed on the left hand side bump outs of Academy Street. An order of new signs has been placed and once received signs will be installed at the bump outs on the right side

Municipal Parking Signs

Mr. Bezanson said that the municipal parking signs are on order and when they come in they will be installed at the municipal parking lots.

May Street

Mr. Bezanson said that once the buried utility work and base pavement have been completed on May Street, it will become a one-way street. This should happen in the next month or two.

Underpass-Gonic

Councilor Collins said there is a panhandler that stands by the underpass in Gonic. When vehicles are coming North, a vehicle stopped and almost got rear ended.

Sidewalk near flat cement-Gonic

Councilor Collins said he saw some kids skate boarding and roller skating in this area. He said it's a dangerous place to do that, he said he only saw them once there, and wasn't sure if anybody else saw them.

Chesley Hill Road Status

Councilor Lachapelle asked the status on Chesley Hill Road. Mr. Bezanson said this year it would be done. Councilor Lachapelle asked if there was going to be any drainage work done on Donald Street. Mr. Bezanson said there would be some on Ramsey Drive not Donald Street.

Maple Street School

Councilor Hamann asked Deputy Chief Dumas to take a look at the striped area on Maple Street. He also said the "one-way" arrow sign across from Waldron on Maple is missing and would like it back up.

Ward 5 Meeting

Councilor Gates said he attended the Ward 5 meeting at Cocheco Estates and there was a good turnout this time around. Usually there are only a few people; this time at least 10 people were present. He said they want a traffic control light near exit of the Cocheco Estates on Route 11. He said it's hard to take a left turn to Rochester out of there. Councilor Walker said that this intersection is proposed to eventually become a signalized intersection according to the latest Route 11 Corridor Development Study. Councilor Gates said when the shopping center goes in there will be more traffic.

Councilor Gates said he encouraged the residents to be persistent in raising their concerns, including having a petition signed and sent to the State. He also stated that the North Gate Apartments have two driveways and should really be using one as an entrance and one as an exit. The haphazard traffic flow is causing a public safety concern for the residents of Coheco Estates. They were also concerned about the Coast bus stops. People are getting off the bus and need to cross Route 11. They would like the bus stop moved up the hill, so they can better see the oncoming traffic. Mr. Bezanson will send a letter to Coast requesting that they review the bus stop location.

Councilor Gray said there was a bicycle accident on Route 11 with a fatality. Councilor Walker said this was state jurisdiction.

Bump Out-Commons

Councilor Collins asked about the bump out near the Commons. Councilor Walker said that it was installed as part of the South Main Street project, which was State-funded.

Councilor Gates told Deputy Chief Dumas that Officer Murphy and Detective Rousso were at the Ward 5 meeting and they did a good job with giving information to the residents.

Councilor Gates made a motion to adjourn the meeting, seconded by Councilor Lachapelle. The motion passed and the meeting adjourned at 7:29 PM.

Respectfully submitted by
Laura Miller
Secretary II, DPW

Public Works and Buildings Committee

May 21, 2015

Council Chambers

7PM

MEMBERS PRESENT

Councilor Ray Varney- Vice Chairman

Councilor David Walker

Councilor Donald Hamann

MEMBERS ABSENT

Councilor Ralph Torr

Councilor Sandy Keans

OTHERS PRESENT

Councilor James Gray

Councilor Jake Collins

Dan Fitzpatrick, City Manager

John Storer, Director of City Services (6/15/15)

Michael Bezanson, PE, Interim Director of City Services

Jennifer Hale, PE, Assistant City Engineer

Mark Hourihane, Representing Colonial Pines

Chris Perkins, Weston & Sampson Engineers

John Sykora, Weston & Sampson Engineers

Jeff Alberti, Weston & Sampson Engineers

J.P. Parnas, Weston & Sampson Engineers

MINUTES

Councilor Varney called the Public Works and Buildings Committee to order at 7:01 PM.

1. Approve minutes from April 16, 2015 meeting -

Councilor Varney requested a recommendation on last month's minutes.

Councilor Walker made a motion to accept minutes as presented for the April 16, 2015 Meeting. The motion was seconded by Councilor Haman. The Motion passed unanimously.

2. Public Input

Mark Hourihane of #2 Vinewood Lane spoke as a representative of the Colonial Pines subdivision. Mr. Hourihane asked if the sewer project in this area was still on schedule and likely to happen. Mr. Bezanson stated that this is a very large area and that the total project is estimated to be 6.7 million. He further stated that the plan is to continue with

the design, which is currently at about 60% complete. Mr. Bezanson stated that the project is planned to be constructed in phases and that currently the first phase construction funds have been pushed back to fiscal year 2017. Mr. Bezanson stated that there is enough current funding to keep the design phase going during fiscal year 2016.

3. **DPW Facility Study**

Chris Perkins from Weston & Sampson Engineers (W&S) presented the team working on the DPW Facility Project. John Sykora was introduced as the Project Manager and Jeff Alberti, and J.P. Parnas were introduced as the design team. Mr. Alberi and Mr. Parnas distributed a schematic of the site and building (SEE ATTACHED) and then showed the committee a PowerPoint presentation that was very well received. The presentation detailed the process in which W&S had come to the site and facility needs. The site selected is the 58 Pickering Road site. The presentation discussed basic options and plans and detailed the costs associated with each. Councilor Varney asked how many sites had been reviewed. W&S stated that they were given 5 city owned properties to look at. These properties were evaluated on site restrictions, size, available utilities, and proximity to routes that would allow staff to move around the city as efficiently as possible. Councilor Walker asked how big the site is. W&S stated the site was about 17 acres, but some of that was not usable due to wetlands. Councilor Varney asked about proximity to residences on Brickyard Drive. W&S stated that they had taken care to stay a safe distance away from those properties to avoid as much noise or nuisance to the neighbors as possible. Councilor Collins asked the next step to determine viability of the site. Mr. Perkins stated that the City may have previously completed a Phase 1 Environmental study but it should be completed again. He also recommended doing the Phase 2 study as well as some geotechnical. He confirmed that at the completion of these studies all questions regarding viability will be answered and cost for construction would be clearer as they would know more about what is underground. Councilor Collins asked about the costs to complete the Phase 1&2 along with the geotechnical. Mr. Perkins estimated 4-7K for Phase 1 and 25K for Phase 2. He stated he did not know the cost for geotechnical for sure at this time, but stated he could put together a formal proposal for the environmental studies and the geotechnical. Councilor Varney asked Mr. Bezanson if the current funding would be sufficient to get this work completed or if additional funds would be need in FY2016 to complete this work. Mr. Bezanson stated that there is 75k programmed into the FY2016 budget and that he would get back to councilors after receiving W&S's proposal. Councilor Varney asked if W&S could give the presentation to the full Council prior to the adoption of the FY16 budget. Mr. Bezanson stated that he would get them on the agenda.

4. **Strafford Square Update**

Mr. Bezanson stated that he had received a quote from Eversource for completing the underground utilities within the project area and that the cost is that is much lower than the anticipated cost. He said that he is able to reduce the 7 million request to 5 million

based on new estimates. Mr. Bezanson stated that the required archeological work is in progress and the project is moving along. Councilor Varney asked if the request in the CIP for the intersection of North Main and Twombly Street is due to the right turn only approach from Walnut Street into the intersection. Mr. Bezanson stated that Twombly Street would be the designated truck route and that there is also some roadwork being completed per request of the Council to eliminate the reoccurring bump in that roadway. Councilor Varney stated that he felt the Strafford Square Roundabout should be able to be designed to accommodate trucks coming down Walnut into the circle.

5. **Academy Street Bump Outs**

Jen Hale distributed a marked up picture of the street (SEE ATTACHED). She stated that at the Council's request for a cost to remove bump outs she had looked at this street and the scope of work that this would entail. She began with stating that the street was designed with staggered green spaces that are not what you would call bump outs. They are grass areas between the sidewalk and the roadway. She stated there is a curb at the road side much like you see in other areas. Mrs. Hale stated that what makes this street different is that there are portions where these are on one side of the road and then the other. She stated that they were designed at a time when this type of construction was used as a traffic calming measure. Mrs. Hale stated that to remove these areas would result in a full reconstruction of the street. She stated there are utility poles as well as some 30-50 year trees located in these green spaces. Mrs. Hale stated she did not do an estimate for a reconstruction as she did not believe that the Council was going in that direction at this time. Mr. Bezanson stated that there are utilities in the roadway that will need to be addressed and he suggested looking at that street when the next phase of the I/I project on Woodman, Congress and Myrtle Street comes up.

6. **10-16 Wallace Street**

Mr. Bezanson stated that there is an existing account line \$10,000 that was appropriated as part of the City's property acquisition for this property on Wallace Street. Mr. Bezanson stated that he believes it was appropriated for paving and clean up that was required at that time. He further stated that he believes the necessary work was completed but staff did not use the correct funds and these were left unexpended. Mr. Bezanson stated that the State of NH DES is encouraging the City to take the next step in environmental site review and he would like to use these funds to complete that work. Mr. Bezanson stated that there are ground water monitoring wells in place and if the City ever decided to apply for any Brownfield or grant funding this step would be required prior to doing so. Councilor Varney stated that if the paving and cleanup was completed per the agreement, and there were no other stipulations to the funds, this could be done and he encouraged Mr. Bezanson to pursue the funds with the finance office.

7. **Other -**

Franklin / Adams/ Western Ave and Numbered Streets – Councilor Varney stated that the additional funds requested and the scope of the project has grown during design. He

suggested that the project scope be changed to address the Western Avenue Pump Station and Franklin Street this year. Councilor Gray stated that Winter Street was part of the later phases of the I/I in this area and he would like to see it addressed. He said if we are pushing the initial phases back then we should consider paving this street as it will not last until fiscal year 2018. Mr. Bezanson stated that he would look at reducing the scope of the I/I project per Councilor Varney's request and he would add Winter Street to the paving list as a shim or overlay.

Milton Road / Salmon Falls Intersection Project – Councilor Varney asked if the Sewer EDA project could conflict with the re-alignment of this intersection. Mr. Bezanson stated that it could be done in conjunction with or after the EDA Project. He stated that where the EA project construction will begin would be up to the contractor and the number of crews used. They could start at several locations at the same time. Mrs. Hale stated that they would coordinate the design with the EDA design and that they could work around the Sewer EDA Project or if the Council prefers it could be completed after the project.

Wakefield Street / Columbus Ave Intersection Project – Councilor Varney state that 4.4 million for the Wakefield Street water, sewer and roadway project is a lot of money and wanted to know why these intersection improvements were not included in that. Mrs. Hale stated that the intersection is included in the 4.4 million. Mr. Bezanson stated that the separate project showing in the CIP is a hold over project that should have been eliminated when the Wakefield Street Project was funded for design.

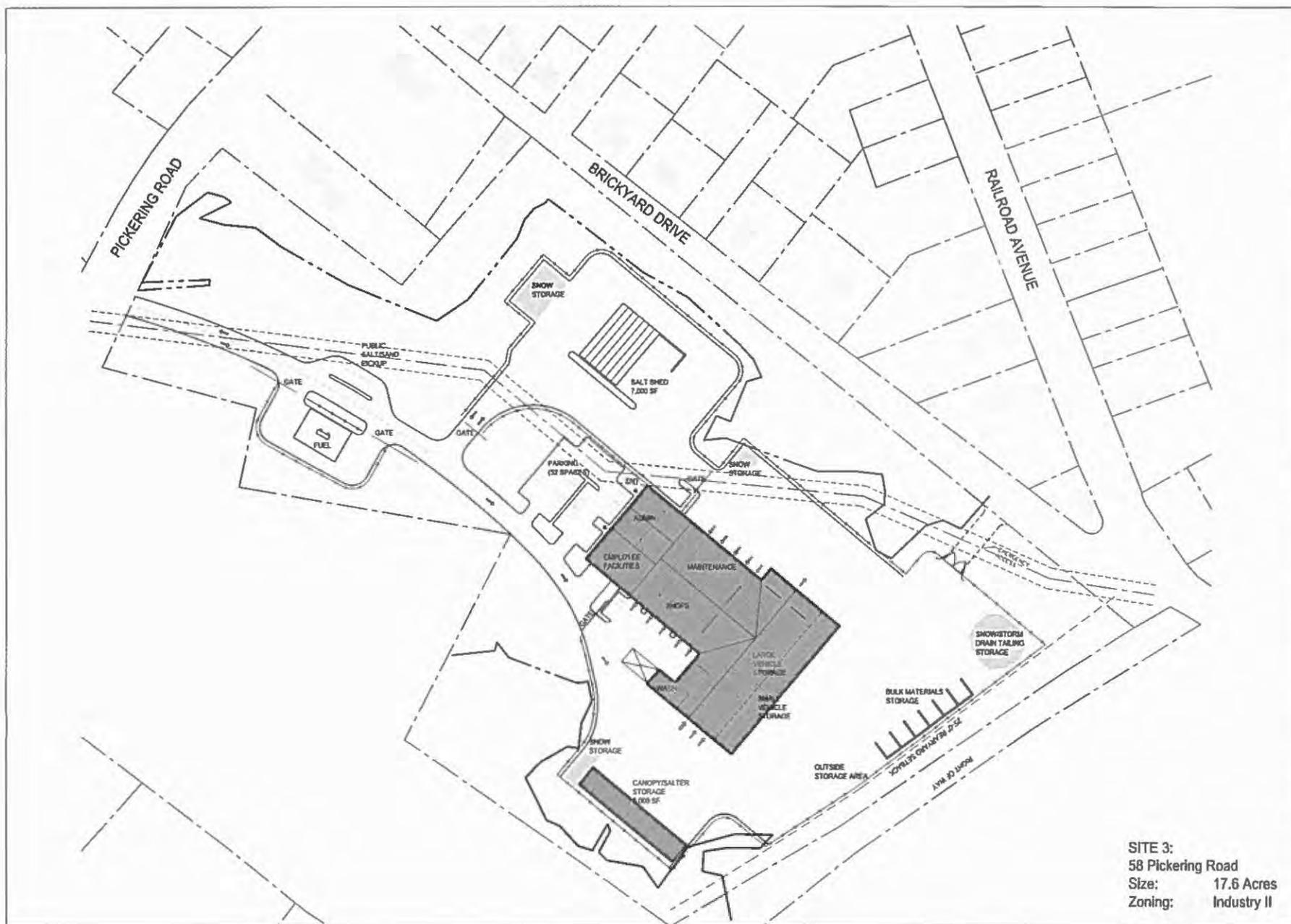
TIGER Grant Funds – Councilor Walker stated that he had been informed of TIGER Grant fund availability and that the window for application is only open through May or June. He would like to see someone check into these funds for the Gap Project or the Railroad Crossing project.

Dewey Street Bridge – Councilor Hamann asked about the Dewey Street Bridge. Mr. Bezanson stated that there was a cursory investigation done. He stated that further investigation is needed to provide a recommendation for any future improvements or replacement.

Councilor Walker made a motion for adjournment at 8:30 PM. Councilor Hamann seconded the motion. The motioned passed unanimously.

Minutes respectfully submitted by Lisa J. Clark, Office Manager Rochester DPW.

Rochester DPW Facility Study
Site and Building Planning Schematic Design



SITE 3:
 58 Pickering Road
 Size: 17.6 Acres
 Zoning: Industry II



Western Engineering
 20 International Drive
 Rochester, NY 14623-1000
 www.westerneng.com

Consultant:

Revisions:

Rev.	Date	Description

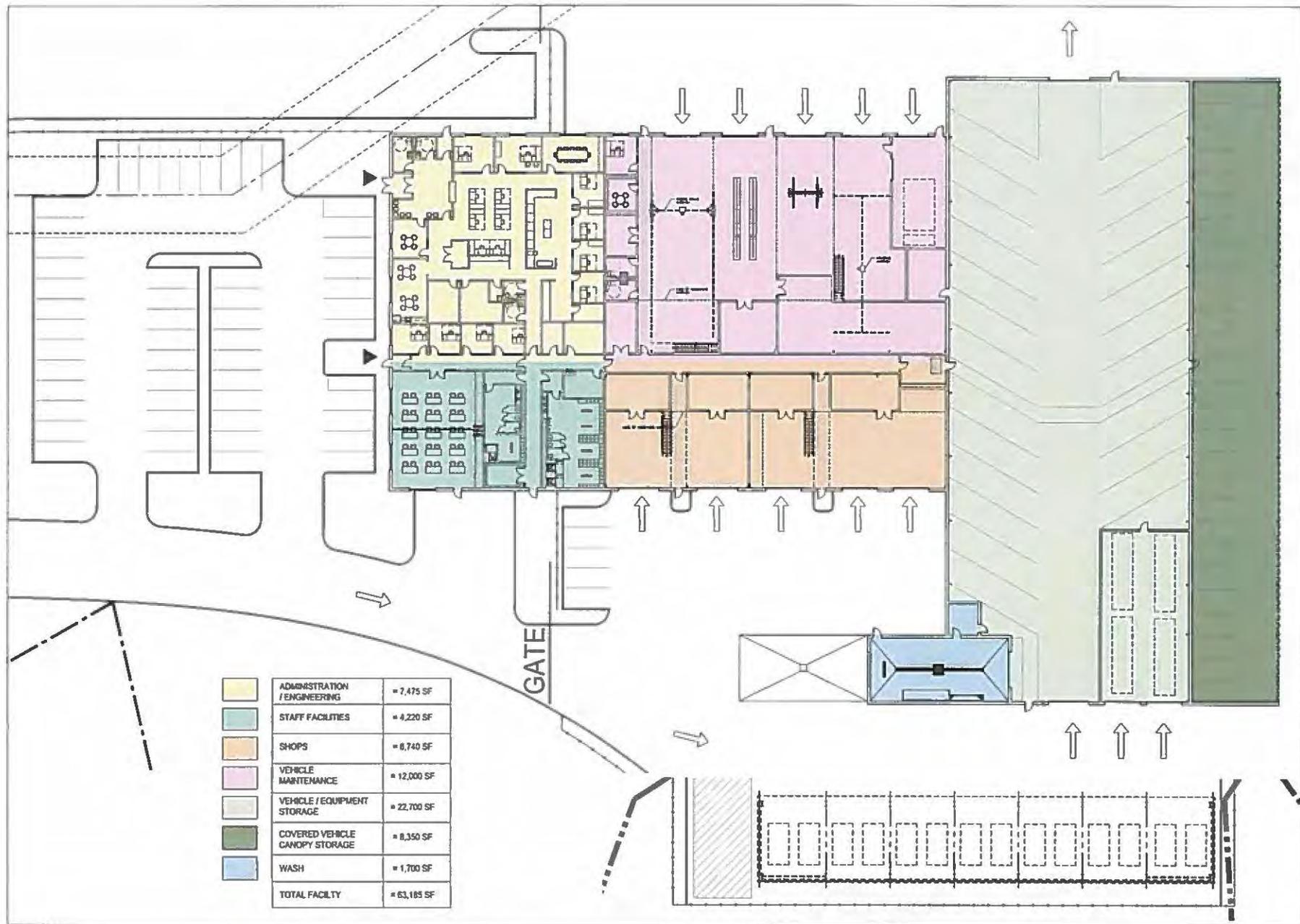
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Project Name:
SCHEMATIC DESIGN

Date: November 18, 2014
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 Drawn By: JH
 Reviewed By: JH
 Checked By: JH
 Approved By: JH

Drawing Title:
**SITE PLAN
 58 PICKERING ROAD**

Sheet Number:
L1.00



	ADMINISTRATION / ENGINEERING	= 7,475 SF
	STAFF FACILITIES	= 4,220 SF
	SHOPS	= 6,740 SF
	VEHICLE MAINTENANCE	= 12,000 SF
	VEHICLE / EQUIPMENT STORAGE	= 22,700 SF
	COVERED VEHICLE CANOPY STORAGE	= 8,350 SF
	WASH	= 1,700 SF
	TOTAL FACILITY	= 63,185 SF

Project



CITY OF ROCHESTER
NEW DPW FACILITY

Wheaton & Company
375 Commercial Drive
Rochester, NY 14609-1405
www.wheatoncompany.com

Consultant

Revision

Rev	Date	Description

Scale

Sheet Part

SCHEMATIC DESIGN

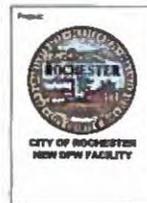
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 Drawn By: JWF
 Reviewed By: JWF
 Checked By: JWF
 Approved By: JWF

Drawing Title

FLOOR PLAN
54 PICKERING ROAD

Sheet Number

A1.01



MasterCompass
 All information on
 this site is for
 informational purposes only.
 www.mastercompass.com

Consultant:

Revisions

Rev.	Date	Description

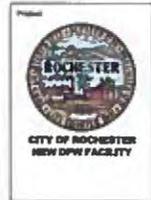
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Sheet Title:
SCHEMATIC DESIGN

Date: November 19, 2014
 Scale: N.T.S.
 Drawn By: JH
 Plotted By: JP
 Checked By: JP
 Approved By: JP

Drawing Title:
**MODEL VIEW 3
 58 PICKERING ROAD**

Sheet Number:
A2.03



Weston Company
 60 International Drive
 Rochester, NY 14623-1000
 www.westoncompany.com

Contract No.:

Revisions

No.	Date	Description

Scale:

Project No. **SCHEMATIC DESIGN**

Date: September 16, 2014
 Scale: N.T.S.
 Drawn By: JH
 Plotted By: JP
 Checked By: JP
 Approved By: JP

Drawing Title:
**MODEL VIEW 4
 34 PICKERING ROAD**

Sheet Number:
A2.04

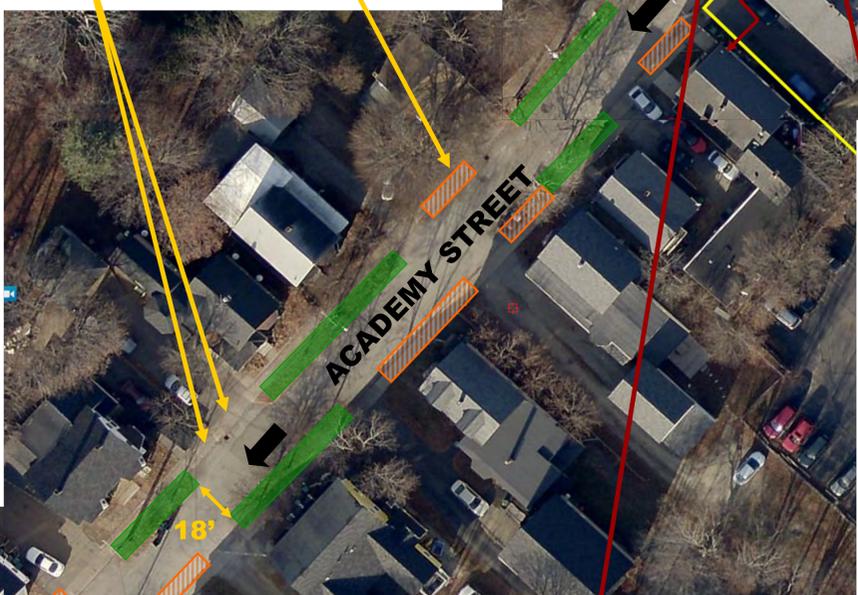
Academy Street

- ◆ 770 feet long
- ◆ One way traffic
- ◆ Trash collected on north side of street
- ◆ Trees of various diameters located within islands
- ◆ Utility poles located within north islands diameter of +/-12"
- ◆ Water line cast iron with internal corrosion
- ◆ Sewer has not been updated
- ◆ Drainage structures brick - only cover updates +/-2000

Typical utility pole at edge of walkway within landscape area

Driveway typical

Typical street parking area +/- 6-7'



Typical landscape island width +/-6'



Legend

- Landscape island
- On-street parking

BUDGET DEVELOPMENT MEMORANDUM #4**FISCAL YEAR 2016****City Finance Office**May 28, 2015

1. **Tax Cap Update** - To date the City & County are **\$138,797** under the cap and the school department is **\$13,550** under the cap.
2. **Committee of the Whole Actions Tracking** - The "FY16 Council Committee Actions" sheet will be updated and handed out at Tuesday's meeting.
3. **Library Natural Gas Issue** - Library and Finance Staff are researching the increased expense for Natural Gas late last year and will present the results at the July Finance Committee meeting.
4. **Library Past Due Collections** - Library Director Sylvester will report back to the Council at the July Finance Committee with responses to Council questions regarding his request to utilize a collection agency.
5. **Perambulation** - The City has a "Monumentation Fund" related to marking the City's boundaries. A report is being created on this issue to be delivered at the July Finance Committee.
6. **Elderly Exemptions & Veterans Credits** - Assessor Mullin is putting together data for presentation at the July Finance Committee meeting.

7. **Arena Fund** - Finance Staff will have data and information to present Tuesday (June 2nd) regarding the issue of General Fund support of the Arena.
8. **Tax Collector - Contracted Services** - From Tax Collector Jones - In Contracted Services we used to be charged from Interware for processing fees. They would invoice us every month based on the number of E-Reg's that we processed. They have stopped invoicing us & instead take the fee directly from the customer. I was under the impression that we still had to pay per E-Reg however that is NOT the case. So I am over budgeted in the Contracted Services line item by approx. \$3,500.00.
9. **Debt Service Adjustment** - A double check of the debt service in preparation for next week's discussion of CIP funding revealed that when we built the FY2016 budget in December & January we had not yet issued the permanent financing on the \$18M General Obligation bonds that were sold in March. When estimating the interest rate for budget purposes, we used a projected rate of 3.5%. As you may recall, we received much more favorable rates of approximately 2.5%. As a result, our General Fund budget for debt service can be reduced by \$200k.
10. **Employee Self Service** - As a follow up to last week's CIP projects discussion, please find attached an information sheet describing the functionality of Employee Self Service systems.

11. **Content Management** - As a follow up to last week's CIP projects discussion, please find attached an information sheet describing the functionality of Content Management systems.
12. **Codification** - From <http://www.generalcode.com/codification/>

Why Codify? As a municipal official, the decisions you make affect the quality of life of the citizens you serve. There are many compelling reasons to codify: Fulfill a community obligation - It is the duty of every municipality to maintain its laws in a comprehensive, up-to-date and understandable form in a location that the average citizen can find and use. Avoid confusion and ensure accurate interpretation - By compiling your basic ordinances and all amendments into one up-to-date document, you eliminate the need to refer to many separate documents. The most current information will be easily accessible -Eliminate hours of frustrating research. A Code is a single reliable resource for appointed officials, enabling them to respond accurately to questions and provide certified copies quickly and efficiently. Support enforcement - A Code is a practical and efficient tool for your courts, police and other enforcement officials, enabling them to enforce your laws with confidence and consistency. What is codification?

What is Codification? To "codify" means to arrange and systematize. Codification is the collection and organization of all

your ordinances of a general and permanent nature into a numbered and stylized document that is easy-to-read and easy-to-access. Codifying can also include review and revision of your ordinances to correct conflicts and inconsistencies.

13. **Staff Accountant** - As was discussed, additional staffing is needed in order to properly comply with the added tasks in recent years and responsibilities associated with audit requirements - specifically GASB 34 (Basic Financial Statements—and Management's Discussion and Analysis—for State and Local Governments in 2001, GASB 45 (Accounting and Financial Reporting by Employers for Postemployment Benefits Other Than Pensions in 2008), GASB 54 (Fund Balance Reporting and Governmental Fund Type Definitions in 2010); the added complexity of the issuance of municipal bonds - specifically the tightening of arbitrage rules and expanded Official Statements produced for bond markets and investors and with the loss of experienced part time support to the Finance Office.
14. **ED Fund Expense Detail** - A report will be shared on Tuesday providing the detail requested on the expenditure histories of the Economic Development fund O&M budget.
15. **Government Channel Broadcasting** - Government Channel Coordinator Plaia provided this follow up to the Council

discussion regarding the broadcasting of additional meetings. The Issues and Options presented was assuming the request was to broadcast more meetings live, as they happen, as well as repeats on the Channel (thus requiring a skilled operator). Training a non-technician to turn on the system is possible, as we do with Codes, but this would vary with the individuals comfort level. Please in mind - without a trained technician there will be no oversight of quality control, and it does run the risk of technical problems that may not be solved, ex. feedback from the podium microphone (also see “notes on audio”). Training a non-technician is an ongoing process - the system involves enough steps that if one does not operate it more than once a month, repeated review/ retraining will most likely be needed. The Clerks that have been trained for recording the codes meeting arrange with Government Channel Coordinator the day of the meeting to go over the set up every month. The possibility of “streaming live” by an outside company as an alternative to having someone bring up the whole camera system- we have not had the chance to get any rough numbers, but I am certain the cost of hiring an outside company would exceed the proposed budget for the equivalent amount of meetings. A single camera set up would still need the multiple audio inputs to hear discussion clearly. We would also want the recorded

meeting for repeated broadcast and archive, so this would still involve set up on the city's part (unless outside company is providing us the appropriate mpeg file). This would also take some hardware configuration on our internet, I am not sure how/if this effects our system. Option to just get the audio - The camera system would still have to be turned on, the microphone system comes on with it, getting the meeting to record video with the audio is not the biggest challenge of the system. Notes on audio / non-public - One of the main challenges is to not record audio right before the meetings starts and after the meeting officially ends. (The official discussion of the meeting being gavel to gavel). The Codes secretary is trained to turn on microphones right before Call to order and shut them off right after adjournment. This can easily be missed. Committee members need to be especially cautious of speaking during this time as it will be recorded. This audio cannot be edited off of a DVD. It is possible for during the "replay" set-up on the Government Channel that the Coordinator can set an in and out point to avoid unwanted audio. The Coordinator is often available "on call" to the Clerks for the Codes meetings, and has had several trouble shooting calls to answer (usually operator difficulty). The increase in a variety of learning curves would possibly increase Coordinators "on call" time. The Coordinator

spends roughly 1, 1.5, sometimes 2 hours of support time for each meeting that is televised. For a non-broadcast meeting, this still involves equipment checks, recording set ups, recording checks and placement of meeting in schedule, video on demand service set up as well as bulletin board notices. Titles - with a camera operator, a laptop is utilized to put the title of the meeting on the screen for the live signal and the record. This will not be present for the meetings being recorded by non-technicians. Coordinator can insert a title after a meeting, on the server to run with the meeting in the replay - but this will take additional time.

16. **Budget Adjustment Forms** - For the Council's convenience, we are preparing a series of Budget Adjustment Forms for the Issues & Options recently presented by staff. We will send these out no later than Monday afternoon.



Munis® Employee Self Service

In today's busy world, employees expect greater access to information and services. They expect it at their fingertips, and need it to be easy, complete, and fast. Whether it's updating personal information, requesting leave, or checking compensation information—quick, confidential, and accurate response is critical. As a local government or school administrator, you need to respond to these expectations while struggling with tight budgets and minimal staff. Fortunately, Tyler has the solution: Munis Employee Self Service.

How it Works

Your employees can easily access your organization's customized Web sites anytime, anywhere—through a secure Internet connection. Access is through a link on your Web site, over a high-speed Internet connection. Flexible hosting options allow you to choose the hosting requirement that best suits your needs. Tyler offers two options:

- Tyler: hosts all needed hardware and software, and manages all traffic. Data is passed between your server and the Tyler Data Center in Falmouth, Maine through a secure connection, and then on to the requesting party.
- Self-hosting: allows you to leverage your existing infrastructure and personnel to manage the Web site locally.

Munis Self Service Advantages

Munis Employee Self Service offers continuity, because it actively extracts information directly from the Munis database. Users gain access through secure connections using a unique username and password to log into the system, and control permissions to view and change information. Web site information is current because of the direct connection to your Munis data—in other words, information is reflected in real-time. What's more, Tyler provides both software and Munis Self Service support by trained Help Desk professionals, who assist you with any of your issues.

...continued on reverse

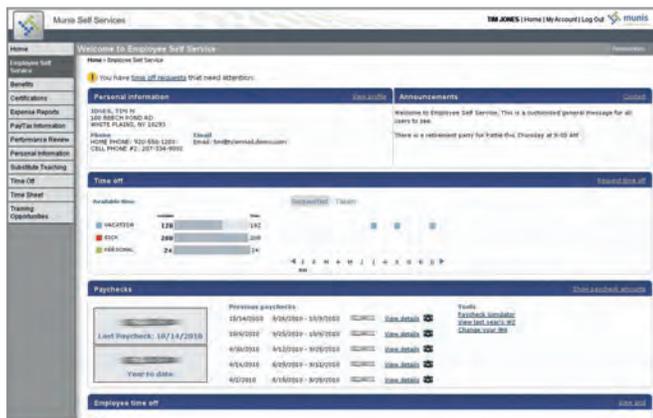
Is staff spending too much time responding to routine requests for information? Alleviate these demands, and provide employees with access to key information—conveniently and securely through the Internet. Anytime, from anywhere.

Munis® Employee Self Service

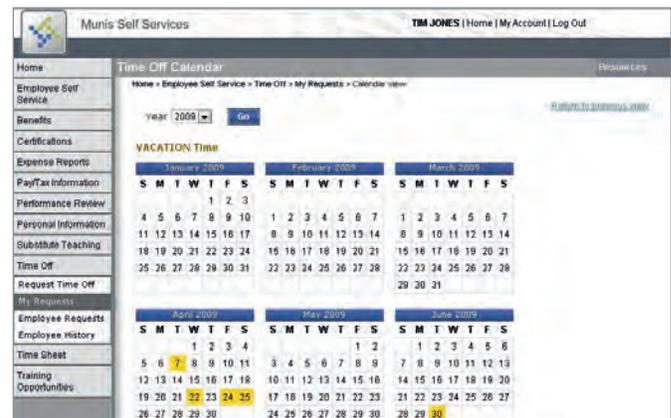
Employee Self Service

Employees monitor and maintain personal and employment information such as:

- Human Resources (HR) Data Inquiry:
 - » Leave Time Accruals
 - » Complete employee pay history— weekly, YTD, benefits, withholding
 - » W2/W4s & 1099Rs
 - » Documentation such as policy manuals
 - » Post custom messages regarding an employee's compensation
- Online Job Posting & Tracking Applications:
 - » Applicants may attach résumé, copy of transcripts, cover letters, references, etc.
 - » Limitless customization of database fields by HR—State certifications, retirement system participation, language, etc.
- Employee Transactions:
 - » Enter Hours Worked
 - » Submit Leave Requests (vacation, sick, personal, etc.)
 - » View the Total Compensation screen and see the value of both salary and benefits
 - » View custom messages regarding compensation
 - » Supervisors can approve Leave Requests
 - » Enroll for Employee Benefits
 - » Address Changes
 - » Update W4 Information
 - » Pension Contribution with Monthly Breakdown
 - » Receive announcements and department information
 - » View Job Postings & Apply Online
 - » Training Catalog & Registrations and apply online
 - » Performance Evaluations



Munis Employee Self Service Home Page



Munis Employee Self Service Personal Information

Server Requirements:

Operating System: Window Server

SSL: SSL Certificate issued by a Certification Authority strongly recommended



Tyler Content Manager, Enterprise Edition (TCM EE)

Tyler Content Manager, Enterprise Edition (TCM EE) manages file content easily and effectively promoting efficient document management which saves valuable time, energy and dollars. You can say goodbye to content that has been handled multiple times, stored in multiple places, misfiled, misplaced or missing. TCM EE provides sitewide content management, including user access to content outside your Tyler business application. TCM EE offers the benefits of automated content management when used with your Tyler solutions, with the ability to extend the document management capabilities to documents that exist across your organization. TCM EE provides automation for any document-related processes that your organization wants to improve.

Proven Results

Quick and Easy Document Retrieval

Like their paper-based counterparts, many electronic filing systems rely on “folders” and “directories.” To find anything, the user must understand the way the files have been organized. TCM provides a simple, intuitive and powerful indexing and search system that allows you to quickly retrieve documents. Simple keyword searches produce the documents you want, while letting you view all other logically related documents.

Supports Native File Formats

TCM supports a variety of electronic file formats for scanned images, word processing documents and spreadsheets. TCM also accepts other electronically-received content like faxes, TIFF images, PDF and electronic forms, photos, Microsoft® file formats and emails. And all of your items can be saved in the same location — regardless of format.

Powerful Management

Capture Content from Multiple Sources

In addition to scanning from any TWAIN scanner or printing directly into TCM, Windows® drag-and-drop techniques can be used to associate electronic information to a folder. Utilities are available to “acquire an image” from a directory and to mass load images for batch processing. Web Services API allows the flow of data and content to and from TCM and other applications.

OCR and Full Text Searching

Proper organization and indexing of documents is paramount to whether or not your electronic content is useful and meaningful. TCM uses Optical Character Recognition (OCR) to allow a query on the full text of any scanned document, as well as text-based files such as text based PDF, MS Word and Excel®. You can search by keyword(s) and phrases, or brief descriptions; customize “search” criteria for better search results using TCM filters.

Tyler Content Manager, Enterprise Edition, (TCM EE)

Built on more than 25 years of experience developing and deploying content management applications. Organize and streamline the flow of digital information throughout your enterprise with TCM EE.

- Native file formats
- TCM print driver
- Annotation and redaction
- Audit and version management
- Full text OCR searching
- OCR, automatic indexing
- Batch processing
- Bar code recognition
- Flexible workflow
- Report generator
- Web Service API
- Document import utility
- Document extract utility
- Site license for all users
- Retrieve content through TCM Self Service
- Document type creator
- Rotate image, fit to page, view image thumbnails, etc.

For more information, visit

www.tylertech.com

or email info@tylertech.com



Tyler Content Manager, Enterprise Edition (TCM EE)

Powerful Management (cont.)

Full Featured Records Management

Records management features allow for document version control, full audit trail and restore options, and comprehensive purge management related to your specific retention schedules and suspend requirements. Your organization remains in compliance, has improved efficiency and reduces overall organizational liability.

Extensive Security, Audit and Versioning

The integrity of your documents is ensured with a valid audit trail, only deleting documents when appropriate. Keep confidential information secure with the extensive built-in security features of Tyler Content Manager — whether it's user-specific or content specific. With the built in versioning and audit trail functions, see who has modified information. Compare versions or restore content from previous versions.

Redaction Software and Services

Protect private information and remove sensitive information from public records with TCM. Advanced: OCR (optical character recognition) technology provides automated tools that automatically identify and redact properly formatted confidential information (SSNs, bank numbers, etc.) on all TIFF images. Basic: Tools to empower you to do rapid data entry, and manually apply redaction masks as appropriate to data contained in TIFF images.

Keyword Search

Search capabilities for all document types from within TCM. Using advanced search capabilities within TCM, search by keyword(s) and phrases, or brief descriptions. Customize search criteria for better search results using TCM filters.

Reporting and Report Writer

Pre-defined reports and a report writer help to track and monitor workflow tasks and further enhance workflow and records management.

Add-on Modules

With add-on modules, you can increase the power and capabilities of your Tyler Content Manager system to suit your needs.

TCM Self Service “The Web-based Public Access Module for TCM”

For employees, teachers and citizens who require only limited document retrieval, TCM Self Service will give them the access they need. TCM Self Service provides for document retrieval from a browser (a client installation is recommended and required for users needing to utilize the full functionality and administration of TCM).

Advanced OCR

Enjoy the benefits of automated data capture when scanning documents. Take your most frequently standard documents and apply your organization's indexing rules to automatically capture data using Advanced OCR technology, rather than having to manually index those documents.

Web Service API

Allows the flow of data and content to and from TCM and third party applications (includes 18 hours of consultation).

Workflow

Utilizing workflow in conjunction with TCM EE creates efficiencies for offices with complex paper-based workflow requirements. Configure workflow to manage documents through several processes including scanning, indexing and verification. Additional processes include the ability to review old documents prior to erasure and to allow re-indexing of previously locked documents. Workflow allows offices to process documents in a digital content management setting.

Additional Services

Conversion services include a consultant working with you to locate the correct data so it can be converted by Tyler. Output reports provide balancing tools to ensure a complete and accurate conversion.

TCM Disaster Recovery Services will restore your latest data and images and in most cases will have you up and running within hours of reporting a disaster. Clients are expected to continue their backups for retention purposes.

Go Green with Tyler Content Manager

Create a green initiative when you transform paper-based information to electronic documents with Tyler Content Manager. Because documents are available from anywhere, moving information to those who need it is cost-effective and good for the environment — fewer trees used, less gas consumption and fewer carbon emissions. What's more, you'll save on mailing costs and realize a significant return on investment.

Tyler provides a site license for viewing content.

BUDGET ADJUSTMENT FORM - CIP

CIP Budget Adjustment:

"I move to amend the City Manager's CIP proposed budget for the PUBLIC BUILDINGS Department as shown on page 25 of the CIP budget book, Project Title of Install Ductless Heat/Cool City Clerk from the Proposed Current FY Cost of \$ 10,000 to be reduced/ increased by \$ 10,000 to a new amount of \$ 20,000.

Notes:

This increase is to cover the cost of including the Finance Offices in the project. Ductless mini-split HVAC units would be installed to provide cooling & heating for the office spaces of the City Clerk as well as the Finance Department.

BUDGET ADJUSTMENT FORM - CIP

CIP Budget Adjustment:

"I move to amend the City Manager's CIP proposed budget for the PUBLIC BUILDINGS Department as shown on page 162 of the CIP budget book, Project Title of Replace Gym Soundboards from the Proposed Current FY Cost of \$ 50,000 to be reduced/ increased by \$ 25,000 to a new amount of \$ 25,000.

Notes:

This decrease reflects the use of an alternative soundproofing system.
This alternative would replace the existing wall mounted system with a rafter mounted system.

BUDGET ADJUSTMENT FORMS

O&M Budget Adjustment:

"I move to amend the City Manager's O&M proposed budget for the _____ department as shown on page _____ of the O&M budget book, subcategory name of _____ account # _____ account name _____.

The original FY15 CM Proposed amount of \$ _____ to be reduced/ increased by \$ _____ resulting in a new amount of \$ _____."

Notes:

	Health Adjustments	STD-LTD Adjustments	Net Change
General Fund	(\$69,376)	\$7,691	(\$61,685)
Water Fund	(\$6,076)	\$1,345	(\$4,731)
Sewer Fund	(\$8,433)	\$1,155	(\$7,278)
Arena Fund	(\$1,052)	\$385	(\$667)
Community Center	(\$2,519)	\$158	(\$2,361)
All Totals	(\$87,456)	\$10,735	(\$76,721)

BUDGET ADJUSTMENT FORMS

O&M Budget Adjustment:

"I move to amend the City Manager's O&M proposed budget for the _____ department as shown on page _____ of the O&M budget book, subcategory name of _____ account # _____ account name _____.

The original FY15 CM Proposed amount of \$ _____ to be reduced/ increased by \$ _____ resulting in a new amount of \$ _____."

Notes:

The recent decision to switch the City's property & liability insurance from Property & Liability Trust over to Primex will result in savings across several funds & all departments in the accounts related to property & liability insurance as well as worker's compensation coverage. The net savings is approximately \$56k.

BUDGET ADJUSTMENT FORMS

O&M Budget Adjustment:

*"I move to amend the City Manager's O&M proposed budget for the
GENERAL FUND REVENUE department as shown on page 14 of the*

O&M budget book, subcategory name of FIRE account

400417 account name RERP.

The original FY15 CM Proposed amount of \$ \$52,800 to be reduced/

increased by \$ 26,400 resulting in a new amount of \$ 26,400."

Notes:

BUDGET ADJUSTMENT FORMS

O&M Budget Adjustment:

"I move to amend the City Manager's O&M proposed budget for the
GENERAL FUND REVENUE *department as shown on page* 12 *of the*

O&M budget book, subcategory name of TAX COLLECTOR *account*

400406 *account name* MOTOR VEHICLE PERMITS

The original FY15 CM Proposed amount of \$ 3,550,000 *to be reduced/*

increased *by \$* 26,400 *resulting in a new amount of \$* 3,576,400 *."*

Notes:

BUDGET ADJUSTMENT FORMS

O&M Budget Adjustment:

*"I move to amend the City Manager's O&M proposed budget for the
PUBLIC WORKS department as shown on page 129 of the
O&M budget book, subcategory name of PROPERTY SERVICES account
542101 account name RUBBISH COLLECTION .*

*The original FY15 CM Proposed amount of \$ 558,157 to be reduced/
increased by \$ 16,500 resulting in a new amount of \$ 541,657 ."*

Notes:

**RESOLUTION DEAUTHORIZING DEPARTMENT OF PUBLIC WORKS CAPITAL
IMPROVEMENT FUND GRANT FUNDING
FOR THE SO-CALLED GONIC DAM PROJECT**

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

WHEREAS, by virtue of a certain resolutions adopted by the Mayor and City Council of the City of Rochester in March, 2011 and April, 2011, the Mayor and City Council approved the acceptance of a grants in the amount of Eighty Thousand Dollars (\$80,000) from the New Hampshire Department of Environmental Services and the United States Government for the purpose of paying for costs and expenses incurred with respect to the various aspects of the so-called Gonic Dam project (the "Project") and appropriated the same amount in the Department of Public Works, Capital Improvements Fund, and

WHEREAS, the aforesaid Project has been completed and Ninety Four and 63/100 Dollars (\$94.63) of the grant remain unexpended; and

NOW THEREFORE, in light of the completion of the Project, the Mayor and City Council of the City of Rochester hereby withdraw and deauthorize the sum of Ninety Four and 63/100 Dollars (\$94.63) of the previous appropriation of funds for the aforementioned Project.

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.

CC FY 15 06-02 AB 156

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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 DeAuthorize Remaining \$94.63 Gonic Dam Grant Funds

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 available		
DEPT. HEAD SIGNATURE	Michael S. Bezanson, Interim DPW Director		
DATE SUBMITTED	May 14, 2015		
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	Blaine Cox, signature on file
CITY MANAGER	Dan Fitzpatrick, signature on file

FINANCE & BUDGET INFORMATION

FINANCE OFFICE APPROVAL	Roland Connors, signature on file
SOURCE OF FUNDS	NHDES
ACCOUNT NUMBER	15013010-771000-11545
AMOUNT	\$94.63
APPROPRIATION REQUIRED YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	

LEGAL AUTHORITY

City Council.

SUMMARY STATEMENT

The City and the State of NH worked together on this grant project to complete survey's and investigation regarding Gonic Saw Mill Dams and the surrounding areas. The State would like to see these two dams removed from the Cocheco River. The project is completed per the scope and services determined by the grant and this AB is to de-authorize the remaining grant funded appropriation.

RECOMMENDED ACTION

De-Authorize \$94.63 of Grant Funding in the General Fund Account # 15013010-771000-11545

AGENDA BILL - FUNDING RESOLUTION

EXHIBIT

Project Name: De-Authorize Gonic Dam Removal Grant Funds

Date: 05/14/2015

Fiscal Year: FY2015

Fund (select):

GF [X] Water [] Sewer [] Arena []
CIP [x] Water CIP [] Sewer CIP [] Arena CIP []
Special Revenue []

Fund Type: Annual Lapsing [] Multi-year Non-Lapsing [xx]

Deauthorization

Table with 7 columns: Org #, Object #, Project #, Fed Amount \$, State Amount \$, Local Amount \$. Row 1: 15013010, 771000, 11545, 94.63.

Appropriation

Table with 7 columns: Org #, Object #, Project #, Fed Amount \$, State Amount \$, Local Amount \$. Row 1: 15013010, 771000, 15513.

Revenue

Table with 7 columns: Org #, Object #, Project #, Fed Amount \$, State Amount \$, Local Amount \$. All rows show 0.

DUNS # [] CFDA # []
Grant # [] Grant Period: From [] To []

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

Reimbursement Request will be reduced [X] Funds will be returned []

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**RESOLUTION DEAUTHORIZING FUNDING FOR THE LIBRARY CAPITAL
IMPROVEMENT (CIP) FUND**

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

WHEREAS, by virtue of a certain resolutions adopted by the Mayor and City Council of the City of Rochester in, the Mayor and City Council appropriated the amount of Fourteen Thousand Four Hundred Dollars (\$14,400.00) to the City of Rochester Library CIP fund as part of the FY14 Adopted CIP Budget for the purpose of paying for costs and expenses incurred with respect to the various aspects of the Authority Control project (the "Project"); and

WHEREAS, due to the high volume of weeding and lower the expected pricing, the Project was completed for Ten Thousand Seven Hundred Seventy Seven and 36/100 Dollars (\$10,777.36) less than budgeted and that amount is no longer needed; and

NOW THEREFORE, in light of the above, the Mayor and City Council of the City of Rochester hereby withdraw and deauthorize the sum Ten Thousand Seven Hundred Seventy Seven and 36/100 Dollars (\$10,777.36) of the previous appropriation of funds for the aforementioned Project, and further authorize the transfer of said funds back to 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. **CC FY 15 06-02 AB 145**

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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 De-authorize unused portion of Library CIP Authority Control funds
--

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	June 2 2015		
DEPT. HEAD SIGNATURE	Brian Sylvester		
DATE SUBMITTED			
ATTACHMENTS YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	1	

Digitally signed by Brian Sylvester
DN: cn=Brian Sylvester, o=Rochester Public Library, ou=City of Rochester,
email=brian.sylvester@rochesternh.net, c=US
Date: 2015.05.06 09:02:55 -0400

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	Dan Fitzpatrick, Signature on file
CITY MANAGER	Blaine Cox, Signature on file

FINANCE & BUDGET INFORMATION

FINANCE OFFICE APPROVAL	Roland Connors, Signature on file
SOURCE OF FUNDS	Cash
ACCOUNT NUMBER	15014030-773800-14524
AMOUNT	10,777.36
APPROPRIATION REQUIRED YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	

LEGAL AUTHORITY

City Council

SUMMARY STATEMENT

Due to a high volume of weeding and lower than expected pricing the authority control project was completed substantially under budget. There is \$10,777.36 left in the account that will not be used.

RECOMMENDED ACTION

Recommend de-authorization of unused \$10,777.36 from account 15014030-773800-14524 Authority Control project and transfer to the General Fund unassigned fund balance.

AGENDA BILL - FUNDING RESOLUTION

EXHIBIT

Project Name: Library authority control funds

Date: 05/06/2015

Fiscal Year: 2015

Fund (select):

GF [] Water [] Sewer [] Arena []
CIP [X] Water CIP [] Sewer CIP [] Arena CIP []
Special Revenue []

Fund Type: Annual Lapsing [] Multi-year Non-Lapsing [X]

Deauthorization

Table with 7 columns: Org #, Object #, Project #, Fed Amount \$, State Amount \$, Local Amount \$. Row 1: 1, 15014030, 773800, 14524, -, -, \$10,777.36

Appropriation

Table with 7 columns: Org #, Object #, Project #, Fed Amount \$, State Amount \$, Local Amount \$. Rows 1-4 all have dashes in amount columns.

Revenue

Table with 7 columns: Org #, Object #, Project #, Fed Amount \$, State Amount \$, Local Amount \$. Rows 1-4 all have dashes in amount columns.

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 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 Approval of the Annual Renewal of a Second Hand Dealer
--

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	June 2, 2015		
DEPT. HEAD SIGNATURE	James Grant - Signature on file		
DATE SUBMITTED	May 15, 2015		
ATTACHMENTS YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	1	

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	Licensing Board

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	Blaine Cox, signature on file
CITY MANAGER	Dan Fitzpatrick, signature on file

FINANCE & BUDGET INFORMATION

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

LEGAL AUTHORITY

City Council.

SUMMARY STATEMENT

Applicant: Joseph E. McPhail
Second Hand Dealer is "Just Stuff Yard Sale"
Location: 194 Milton Road
Rochester, NH 03867

Any and all corrections have been made and business passed the inspection by the Code Enforcement Compliance Officer and the Fire Department.

RECOMMENDED ACTION

Approve the Annual Renewal.



Thurs - 5/28/15
Friday
10-4

City of Rochester, New Hampshire
Department of Building, Zoning and Licensing
Services

31 Wakefield Street * Rochester, NH 03867
(603) 332-3508 * Fax (603) 509-1912

SECOND HAND DEALER
LICENSE APPLICATION

Name of Applicant Joseph E. McPhail Telephone 603-520-7173
Brenda

Legal Address 65 old Wakefield rd Milton NH

Date of Birth 11-17-91 Place of Birth Providence RI US Citizen N

Have you ever been convicted of a misdemeanor? NO

If so, for what please list _____

Name of Business Just Stuff Yard Sale Telephone 603-520-7173

Mailing Address 194 Milton rd Rochester NH

Description or Nature of Business Sell new + used items

I agree to comply with all rules and regulations pertaining to the City Ordinance adopted by the City of Rochester and all state statutes, where applicable, pertaining to the license applied for.

1-1-15
DATE

Joseph E. McPhail
SIGNATURE

Official Use Only

APPROVED

City Council _____

Zoning Board 5-11-15

Date of Issue _____
Date of Expiration _____
License Number _____
Amount Paid 50.00 cash KG

LICENSING BOARD

D. W. Fritzel

City Manager

[Signature]

Police Chief

[Signature]
Fire Chief

James Grant
Building Zoning & Licensing Officer

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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 Motor Vehicle Junk Yard & Junk Dealer

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	June 2, 2015		
DEPT. HEAD SIGNATURE	James Grant - Signature on file		
DATE SUBMITTED	May 19, 2015		
ATTACHMENTS YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	8	

COMMITTEE SIGN-OFF

COMMITTEE	Licensing Board
CHAIR PERSON	PD, FD, City Manager

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	Signature on file
CITY MANAGER	Signature on file

FINANCE & BUDGET INFORMATION

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

LEGAL AUTHORITY

City Council.

SUMMARY STATEMENT

Motor Vehicle Junk Yards and Junk Dealers have been inspected by the Code Compliance Officer and the Fire Department. All three are in compliance. Request the City Council to approve the annual renewals for licensing for these three businesses.

RECOMMENDED ACTION

Approval for the Annual Renewals for the Motor Vehicle Junk Yards and Junk Dealers listed below:

American Used Auto Parts, 40 Little Falls Bridge Rd. Rochester, NH 03867
Motor Vehicle Junk Yard & Junk Dealer

Colony Used Auto Parts, 181A Milton Rd. Rochester, NH 03868
Motor Vehicle Junk Yard

Lambert's Auto Truck Recyclers Inc., 2 Salmon Falls Rd., Rochester, NH 03868
Motor Vehicle Junk Yard & Junk Dealer

5/28/15



City of Rochester, New Hampshire

Department of Building, Zoning and Licensing Services

31 Wakefield Street * Rochester, NH 03867
(603) 332-3508 * Fax (603) 509-1912

MOTOR VEHICLE JUNK YARD LICENSE APPLICATION

Name of Applicant SCOTT DOUGLAS Telephone 603-330-0370

Legal Address 175 Leepy Hollow Rd

Date of Birth 12-25-58 Place of Birth LYNN US Citizen Y N

Have you ever been convicted of a misdemeanor? NO

If so, for what: _____

Name of Business AMERICAN USED AUTO part Telephone 603-330-0370

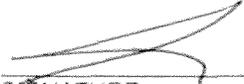
Location: 40 Little Falls Blvd Rd

Mailing Address San

Description or Nature of Business Junk - Auto parts

I agree to comply with all rules and regulations pertaining to the City Ordinance adopted by the City of Rochester and all state statutes, where applicable, pertaining to the license applied for.

5-4-15
DATE


SIGNATURE

Official Use Only

APPROVED
City Council _____

LICENSING BOARD
D. W. Fitts
City Manager

Zoning Board 5-14-15

[Signature]
Police Chief

COPY

[Signature]
Fire Chief

Date of Issue _____
Date of Expiration _____

License Number _____
Amount Paid 25.00 pd [unclear] ky
CK# 13703

Building, Zoning & Licensing Officer

5/28/15



City of Rochester, New Hampshire

Department of Building, Zoning and Licensing Services

31 Wakefield Street * Rochester, NH 03867
(603) 332-3508 * Fax (603) 509-1912

JUNK DEALER LICENSE APPLICATION

Name of Applicant Scott Dough Telephone 603-330-0370

Legal Address 17-Sleepy Hollow Rd

Date of Birth 12/25/52 Place of Birth LYNN MA US Citizen Y N

Have you ever been convicted of a misdemeanor? no

If so, for what : _____

Name of Business American Used parts Telephone 603-330-0370

Location : 40 Still Falls Blvd Rd Rochester

Mailing Address same

Description or Nature of Business junk

I agree to comply with all rules and regulations pertaining to the City Ordinance adopted by the City of Rochester and all state statues, where applicable, pertaining to the license applied for.

5-4-15
DATE

[Signature]
SIGNATURE

Official Use Only

APPROVED

City Council _____

Zoning Board 5-14-15

LICENSING BOARD

[Signature]
City Manager

[Signature]
Police Chief

[Signature]
Fire Chief



Date of Issue _____

Date of Expiration _____

License Number _____

Amount Paid 20.00 per hour kg
CR# 13703

Building, Zoning & Licensing Officer

Compliance Certification Statement

for obtaining a license to operate an automotive recycling yard or motor vehicle junkyard license pursuant to RSA 236:115, II and RSA 236:121

Facility Name: American Used Autoparts
 Facility Street Location: 40 Little Falls Town: Rochester NH
 Facility Owner / Operator: Scott Daugh
 This facility is an: existing facility (complete statement 1 below)
 proposed facility (complete statement 2 below)

1. For an EXISTING facility, complete this statement and attach to the license application:

I am familiar with the best management practice (BMPs) established by the Department of Environmental Services (DES) for the automobile salvage industry* and to the best of my knowledge and belief based in part on my own inspection and review of facility operations, I certify hereby that the facility is: *(check one and sign beneath):*

- Operated in compliance with the BMPs established by DES
 or
 NOT operated in compliance with the BMPs. (Attach a full description of all aspects of the facility that are non-compliant, and provide a plan and schedule for achieving compliance. Prepare to present the same information at a hearing, to be scheduled by town officials pursuant to RSA 236:111-129).

Signed under penalty of unsworn falsification:

[Signature]
 Facility Owner / Operator Signature

5-4-15
 Date

2. For a PROPOSED facility, complete this statement and attach to the license application:

I am familiar with the best management practice (BMPs) established by the Department of Environmental Services (DES) for the automobile salvage industry* and to the best of my knowledge and belief based in part on my personal inspection and review of the plans and specifications for the proposed facility, I certify hereby that the facility is designed and shall be operated in compliance with the BMPs established by DES.

Signed under penalty of unsworn falsification:

 Facility Owner / Operator Signature

 Date

* For a complete list of the referenced BMPs, see booklet titled "Motor Vehicle Salvage Yard Environmental Compliance Manual & Self-Audit Checklist" published by the Department of Environmental Services (DES). Copies are available by contacting the DES Green Yards Program for Auto Recyclers at 29 Hazen Drive, PO Box 95, Concord, NH 03302; email: nhgreenvards@des.state.nh.us; telephone: (603) 271-2938. Also, the booklet can be downloaded from the DES website at: <http://des.nh.gov/SW/GreenYards/GYComplianceManual.pdf>

Disclaimer: This sample form was prepared by the Department of Environmental Services (DES) to show the type of information local licensing officials might request of motor vehicle junkyard and automotive recycling yard license applicants in order to satisfy the BMP compliance certification license application requirements in RSA 236:115, II and RSA 236:121. Towns electing to use this form should consider having their municipal attorney review it for adequacy beforehand.



COPY

5/28/15



City of Rochester, New Hampshire
Department of Building, Zoning and Licensing
Services

31 Wakefield Street * Rochester, NH 03867
(603) 332-3508 * Fax (603) 509-1912

JUNK DEALER
LICENSE APPLICATION

Name of Applicant Scott Smedeker Telephone 603-608-8423

Legal Address 290 Woods Mill Rd Epsom NH 03234

Date of Birth 7/5/69 Place of Birth Concord NH US Citizen Y N

Have you ever been convicted of a misdemeanor? no

If so, for what : _____

Name of Business Lambert's Auto Truck Recyclers Inc Telephone 332-6000

Location : 2 Salmon Falls Rd Rochester NH 03868

Mailing Address same

Description or Nature of Business buying & selling of scrap metals and parts.

I agree to comply with all rules and regulations pertaining to the City Ordinance adopted by the City of Rochester and all state statues, where applicable, pertaining to the license applied for.

4-20-15
DATE

SIGNATURE

Official Use Only

APPROVED

City Council _____

Zoning Board 5-14-15

LICENSING BOARD

D. W. Fitch
City Manager

[Signature]
Police Chief

Norm Ambrose Jr
Fire Chief

COPY

Date of Issue _____
Date of Expiration _____
License Number _____
Amount Paid CR # 34536 = 25.00

Building, Zoning & Licensing Officer



City of Rochester, New Hampshire
Department of Building, Zoning and Licensing
Services

31 Wakefield Street * Rochester, NH 03867
(603) 332-3508 * Fax (603) 509-1912

MOTOR VEHICLE JUNK YARD
LICENSE APPLICATION

Name of Applicant Scott Snedeker Telephone 603-608-8423

Legal Address 290 Lords Mill Rd Epsom NH 03234

Date of Birth 7/5/69 Place of Birth Corncord NH US Citizen Y N

Have you ever been convicted of a misdemeanor? NO

If so, for what : _____

Name of Business Nambuts Auto Truck Recycling Telephone 603-332-6600

Location : 2 Salmon Falls Rd Rochester NH 03868

Mailing Address same

Description or Nature of Business buying and selling of metals + parts

I agree to comply with all rules and regulations pertaining to the City Ordinance adopted by the City of Rochester and all state statues, where applicable, pertaining to the license applied for.

4-20-15
DATE

[Signature]
SIGNATURE

Official Use Only

APPROVED

City Council _____

Zoning Board 5-14-15

LICENSING BOARD

[Signature]
City Manager

[Signature]
Police Chief

[Signature]
Fire Chief

 **COPY**

Date of Issue _____
Date of Expiration _____
License Number _____
Amount Paid CV# 345310-35.00

Building, Zoning & Licensing Officer

Compliance Certification Statement

for obtaining a license to operate an automotive recycling yard or motor vehicle junkyard license pursuant to RSA 236:115, II and RSA 236:121

Facility Name: Lambert Auto & Truck Recyclers Inc
Facility Street Location: 2 Salmon Falls Rd Town: Rochester NH
Facility Owner / Operator: Scott Snedeker
This facility is an: existing facility (complete statement 1 below)
 proposed facility (complete statement 2 below)

1. For an EXISTING facility, complete this statement and attach to the license application:

I am familiar with the best management practice (BMPs) established by the Department of Environmental Services (DES) for the automobile salvage industry* and to the best of my knowledge and belief based in part on my own inspection and review of facility operations, I certify hereby that the facility is: (check one and sign beneath):

Operated in compliance with the BMPs established by DES

or

NOT operated in compliance with the BMPs. (Attach a full description of all aspects of the facility that are non-compliant, and provide a plan and schedule for achieving compliance. Prepare to present the same information at a hearing, to be scheduled by town officials pursuant to RSA 236:111-129).

Signed under penalty of unsworn falsification:

[Signature]
Facility Owner / Operator Signature

4-20-15
Date

2. For a PROPOSED facility, complete this statement and attach to the license application:

I am familiar with the best management practice (BMPs) established by the Department of Environmental Services (DES) for the automobile salvage industry* and to the best of my knowledge and belief based in part on my personal inspection and review of the plans and specifications for the proposed facility, I certify hereby that the facility is designed and shall be operated in compliance with the BMPs established by DES.

Signed under penalty of unsworn falsification:

Facility Owner / Operator Signature

Date

* For a complete list of the referenced BMPs, see booklet titled "Motor Vehicle Salvage Yard Environmental Compliance Manual & Self-Audit Checklist" published by the Department of Environmental Services (DES). Copies are available by contacting the DES Green Yards Program for Auto Recyclers at 29 Hazen Drive, PO Box 95, Concord, NH 03302; email: nhgreenvyards@des.state.nh.us; telephone: (603) 271-2938. Also, the booklet can be downloaded from the DES website at: <http://des.nh.gov/SW/GreenYards/GYComplianceManual.pdf>

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rev. February 8, 2007;



5/28/15



City of Rochester, New Hampshire
Department of Building, Zoning and Licensing
Services

31 Wakefield Street * Rochester, NH 03867
(603) 332-3508 * Fax (603) 509-1912

MOTOR VEHICLE JUNK YARD
LICENSE APPLICATION

Name of Applicant John Branscombe Telephone 603-335-3600

Legal Address 103 Cooper Hill Rd Northwren NH 03868

Date of Birth 1/3/54 Place of Birth Pontland Me US Citizen Y N

Have you ever been convicted of a misdemeanor? NO

If so, for what : _____

Name of Business Colony Used Auto Parts Telephone 603-335-3600

Location : 181A Milton Rd Rochester NH 03868

Mailing Address SAME

Description or Nature of Business Selling used auto parts

I agree to comply with all rules and regulations pertaining to the City Ordinance adopted by the City of Rochester and all state statutes, where applicable, pertaining to the license applied for.

4/13/15
DATE

John Branscombe
SIGNATURE

Official Use Only

APPROVED

City Council _____

Zoning Board 5-14-15

Date of Issue _____
Date of Expiration _____
License Number _____
Amount Paid 25- ~~35~~83
Sm

COPY

LICENSING BOARD

D. W. Foster
City Manager

[Signature]
Police Chief

[Signature]
Fire Chief

Building, Zoning & Licensing Officer

4-13-15 11:31 AM

Compliance Certification Statement

for obtaining a license to operate an automotive recycling yard or motor vehicle junkyard license pursuant to RSA 236:115, II and RSA 236:121

Facility Name: Colors Used Auto Parts
Facility Street Location: 1817 Milton rd Town: Rochester NH
Facility Owner / Operator: John Branscombe
This facility is an: existing facility (complete statement 1 below)
 proposed facility (complete statement 2 below)

1. For an EXISTING facility, complete this statement and attach to the license application:

I am familiar with the best management practice (BMPs) established by the Department of Environmental Services (DES) for the automobile salvage industry* and to the best of my knowledge and belief based in part on my own inspection and review of facility operations, I certify hereby that the facility is: (check one and sign beneath):

- Operated in compliance with the BMPs established by DES *(we are a NH GreenYard)*
- or
- NOT operated in compliance with the BMPs. *I think the only one in Rochester* (Attach a full description of all aspects of the facility that are non-compliant, and provide a plan and schedule for achieving compliance. Prepare to present the same information at a hearing, to be scheduled by town officials pursuant to RSA 236:111-129).

Signed under penalty of unsworn falsification:

John Branscombe
Facility Owner / Operator Signature

4/13/15
Date

2. For a PROPOSED facility, complete this statement and attach to the license application:

I am familiar with the best management practice (BMPs) established by the Department of Environmental Services (DES) for the automobile salvage industry* and to the best of my knowledge and belief based in part on my personal inspection and review of the plans and specifications for the proposed facility, I certify hereby that the facility is designed and shall be operated in compliance with the BMPs established by DES.

Signed under penalty of unsworn falsification:

Facility Owner / Operator Signature

Date

* For a complete list of the referenced BMPs, see booklet titled "Motor Vehicle Salvage Yard Environmental Compliance Manual & Self-Audit Checklist" published by the Department of Environmental Services (DES). Copies are available by contacting the DES Green Yards Program for Auto Recyclers at 29 Hazen Drive, PO Box 95, Concord, NH 03302; email: nhgreenyards@des.state.nh.us; telephone: (603) 271-2938. Also, the booklet can be downloaded from the DES website at: <http://des.nh.gov/SW/GreenYards/GYComplianceManual.pdf>

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RESOLUTION GRANTING
DISCRETIONARY PRESERVATION EASEMENT TO THE PROPERTY SITUATE
AT 195 TEN ROD ROAD
UNDER THE PROVISIONS OF RSA 79-D
IN CONNECTION WITH ITS PROPOSED PRESERVATION PROJECT

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

WHEREAS, the owner(s) of the so-called 195 Ten Rod Road property in Rochester is/are desirous of taking advantage of the potential opportunities and benefits available to property owners as a result of the adoption of Chapter 79-D and they have, therefore, proposed a preservation of historic agricultural structure with respect to the so-called 195 Ten Rod Road Historic Barn preservation; and

WHEREAS, Chapter 79-D requires that the governing body of the City of Rochester make certain findings and or determinations with regard to a proposed substantial preservation project in order for the structure subject to such preservation project to qualify for the Chapter 79-D Discretionary Preservation Easement Tax Relief Incentive;

NOW, THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this resolution, hereby make the following determinations and findings with respect to the proposed preservation for the so-called 195 Ten Rod Road property contemplated by the owner's Discretionary Preservation Easement application, to wit:

- (1) Any tax relief under the provisions of Chapter 79-D or this resolution that is to be accorded with respect to the so-called 195 Ten Rod Road property project shall be accorded only after the property owners grant to the City a discretionary preservation easement pursuant to the provisions of RSA 79-D:4 ensuring that the structure shall be maintained and used in a manner that furthers the public benefits for which the tax relief was granted and in accordance with the requirements of RSA 79-D:1; and
- (2) The Mayor and City Council find a public interest under RSA 79-D:1 in the proposed preservation project proposed with respect to the so-called 195 Ten Rod Road property project; and
- (3) The proposed historic agricultural structure preservation provides the following public benefits to Rochester:
 - I. It prevents the loss of historic agricultural structures due to property taxation at values incompatible with their preservation; and
 - II. It maintains the historic rural character of the City's landscape, sustaining agricultural traditions, and providing an attractive scenic environment for work and recreation of the City's citizens and visitors

(4) The specific public benefit is preserved through a discretionary preservation easement pursuant to the provisions of RSA 79-D:4 if the project is implemented consistent with (a) the aforesaid application; (b) compliance with the recommendation to the Council approved by the Historic District Commission at its May 13, 2015 meeting; (c) the terms of this resolution; and (d) any other applicable requirements of Chapter 79-D; and

(5) The Mayor and City Council finds that the proposed use is consistent with the City's master plan and/or development regulations.

Furthermore, as a result of making such determinations and findings, and subject to the owner(s) compliance therewith, and with the provisions of Chapter 79-D, the Mayor and City Council hereby grants the requested tax relief for a period of ten (10) years beginning with the granting of the discretionary preservation easement of the so-called 195 Ten Rod Road Historic Barn to the City of Rochester.

CC FY15 06-02 AB 157



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 Barn Preservation Application (RSA79-D) for Map 217 Lot 48, Matthew & Gretchen Scruton	
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 type="checkbox"/> NO <input checked="" type="checkbox"/>

AGENDA DATE	This requires approval within 60 days of the application. The owner applied on April 14, 2015	
DEPT. HEAD SIGNATURE		
DATE SUBMITTED	April 23, 2015	
ATTACHMENTS YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	14

COMMITTEE SIGN-OFF

COMMITTEE	Historical District Commission
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	Blaine Cox, signature on file
CITY MANAGER	Dan Fitzpatrick, signature on file

FINANCE & BUDGET INFORMATION

DIRECTOR OF FINANCE APPROVAL	Roland Connors, signature on file
SOURCE OF FUNDS	
ACCOUNT NUMBER	
AMOUNT	
APPROPRIATION REQUIRED YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	

LEGAL AUTHORITY

RSA 79-D

SUMMARY STATEMENT

We currently have four barns that the council accepted for this 10 year program in 2009.

RECOMMENDED ACTION

Approve to be Assessed between the low amount of 25% of assessed value to a high of 75% of Assessed value



PLANNING & DEVELOPMENT DEPARTMENT
City Hall - Second Floor
31 Wakefield Street
Rochester, New Hampshire 03867-1917
(603) 335-1338 - Fax (603) 335-7585
Web Site: www.rochesternh.net

Planning and Development
 Conservation Commission
 Historic District Commission
 Arts & Culture Commission

MEMO

Date: May 15, 2015
 To: Dan Fitzpatrick
 City Manager
 From: Michelle Mears
 Staff Planner

**Re: Barn Preservation (RSA 79 D) Application for Matthew & Gretchen Scruton
 195 Ten Rod Road.**

The owners of 195 Ten Rod Road applied for Discretionary Preservation Easement for their barn built in circa 1890. To assist City Council in their decision to accept the easement the **Historic District Commission voted in favor of the easement at the May 13, 2015 meeting.** This barn helps to tell the story of the agricultural history for the city. The public benefit is the scenic enjoyment of the structure by the general public from a public way Ten Rod Road and adjacent trail. Preserving this structure will maintain the historic rural character of the city's landscape, sustaining agricultural traditions, and providing an attractive scenic environment for work and recreation for residents and visitors. The owner's are working with the NH Preservation Alliance to determine the structural needs developing a plan to maintain and restore the barn. It is in the city's best interest to be supporter of this cultural and historic resource.

Thank you.

Michelle Mears
 Staff Planner

ASSESSING REVIEW

Barn Preservation Easements

Requirements.

The application would be rejected by the Assessing department if any of the following questions are answered no. The applicant could appeal that decision to the City Council.

- 1. Is the structure 75 years or older?
- 2. Is the structure 1,000 square feet of footprint or larger?
- 3. Is the structure's physical condition Fair or better as determined by the Assessing Department?
- 4. Is there a written plan for the repair, renovations and/or preservation of the structure?
- 5. Is the structure visible from a well-traveled roadway?
- 6. Is the owner aware of the penalties if the easement is not observed?
- 7. Is the barn or other structure being used today primarily for agricultural purposes?

Evaluation factors above meeting minimum requirements:

Factor	Meets standard	Well above	Exceptional
Age	Yes	Yes	
Size	Yes	Yes	
Physical condition	Fair/Yes		
Quality of Plan	Yes	Yes	Yes
Visibility	Yes		
Agricultural Purposes	Yes	Yes	Yes

These are subjective, but would be based on the application and a review of the application. For example a pre-1800 barn would be exceptional for age, a three story barn might put it in the well above category for size, if it were set on a hill and seen without obstruction from a major highway it might be exceptional for visibility, if it were an active working farm where the building was a significant factor in agricultural production it might be exceptional for agricultural purposes.

Additional considerations that will factor into the percent assessment reduction

- 1. If the structure has been adapted for other use, has the historic character of the structure been maintained?
- 2. Is it a familiar local landmark?
- 3. Does it help tell the story of agriculture in the community or region?
- 4. Is it a good representative of a type of barn?
- 5. Is it now an unusual or rare surviving type of barn or outbuilding?
- 6. Is it a good example of historic construction methods or materials?
- 7. Does it retain its historic character?
- 8. Is it part of a landscape or setting that retains its historic character?
- 9. Is the preservation plan reasonable to maintain the structure?

Percent Assessment Recommendation:

Since the stated purpose of RSA 79-D is “the preservation of historic agricultural structures” which provides a “demonstrated public benefit”, this program will provide a property tax incentive for preservation. As a result it is the intent of the City to provide higher levels of tax relief for preservation plans that are carried out to accomplish this task. For example a plan that take a fair structure and improve it to good would result in a higher level of tax relief as the structure is improved. Structures that meet the minimum requirements would expect a 25% assessment reduction, whereas those that not only meet the minimum but excel in some of the variable factors would receive a higher amount.

Process:

1. Application to Assessing Department by April 15
2. Assessing Department will forward to Historic District Commission for a recommendation.
3. Assessing Department and Historic District Commission will forward their recommendation to City Manager to be placed on Council Agenda for public hearing
4. Public Hearing by City Council
5. Council vote on approval and at what level, including the option of a graduated increase upon completion of preservation work.

FORM

PA-36-A

NEW HAMPSHIRE DEPARTMENT OF REVENUE ADMINISTRATION

DISCRETIONARY PRESERVATION EASEMENT APPLICATION

STEP 1 PROPERTY OWNER (S)

PLEASE TYPE OR PRINT	LAST NAME Scruton		FIRST NAME Matthew G.	
	LAST NAME Scruton		FIRST NAME Gretchen V.	
	STREET ADDRESS 195 Ten Rod Road			
	STREET (continued)			
	TOWN/CITY Rochester		STATE NH	ZIP CODE 03867-4246

STEP 2 PROPERTY LOCATION OF LAND AND HISTORIC AGRICULTURAL STRUCTURE BEING CLASSIFIED

PLEASE TYPE OR PRINT	STREET 195 Ten Rod Road				
	TOWN/CITY Rochester		COUNTY Strafford		
	NUMBER OF ACRES 181	MAP # 217	LOT # 48	BOOK # 4247	PAGE # 855
	CHECK ONE: Original Application <input checked="" type="checkbox"/> Renewal <input type="checkbox"/>			Tax Year 2015	

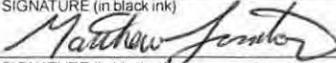
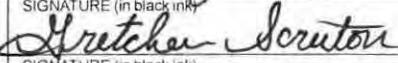
STEP 3 REASON FOR DISCRETIONARY PRESERVATION EASEMENT APPLICATION

Describe how the Historic Agricultural Structure meets one of the tests of public benefit per RSA 79-D:3. Submit additional sheets, if necessary.

There is scenic enjoyment of the structure by the general public from a public way. The structure's aesthetic features contribute to the historical or cultural integrity of the property.

How many square feet will be subject to the easement? 2520 Square Feet

STEP 4 SIGNATURES OF ALL PROPERTY OWNERS OF RECORD

TYPE OR PRINT NAME (in black ink) Matthew G. Scruton	SIGNATURE (in black ink) 	DATE 04/14/2015
TYPE OR PRINT NAME (in black ink) Gretchen V. Scruton	SIGNATURE (in black ink) 	DATE 04/14/2015
TYPE OR PRINT NAME (in black ink)	SIGNATURE (in black ink)	DATE
TYPE OR PRINT NAME (in black ink)	SIGNATURE (in black ink)	DATE

FORM
PA-36-A

NEW HAMPSHIRE DEPARTMENT OF REVENUE ADMINISTRATION
DISCRETIONARY PRESERVATION EASEMENT APPLICATION
(CONTINUED)

STEP 5 TO BE COMPLETED BY THE LOCAL ASSESSORS

<input checked="" type="checkbox"/> APPROVED	Pending approval of Discretionary Preservation Easement Agreement by landowner and assessing officials.
<input type="checkbox"/> DENIED	
Comments:	

STEP 6 APPROVAL OF A MAJORITY OF SELECTMEN/ASSESSORS

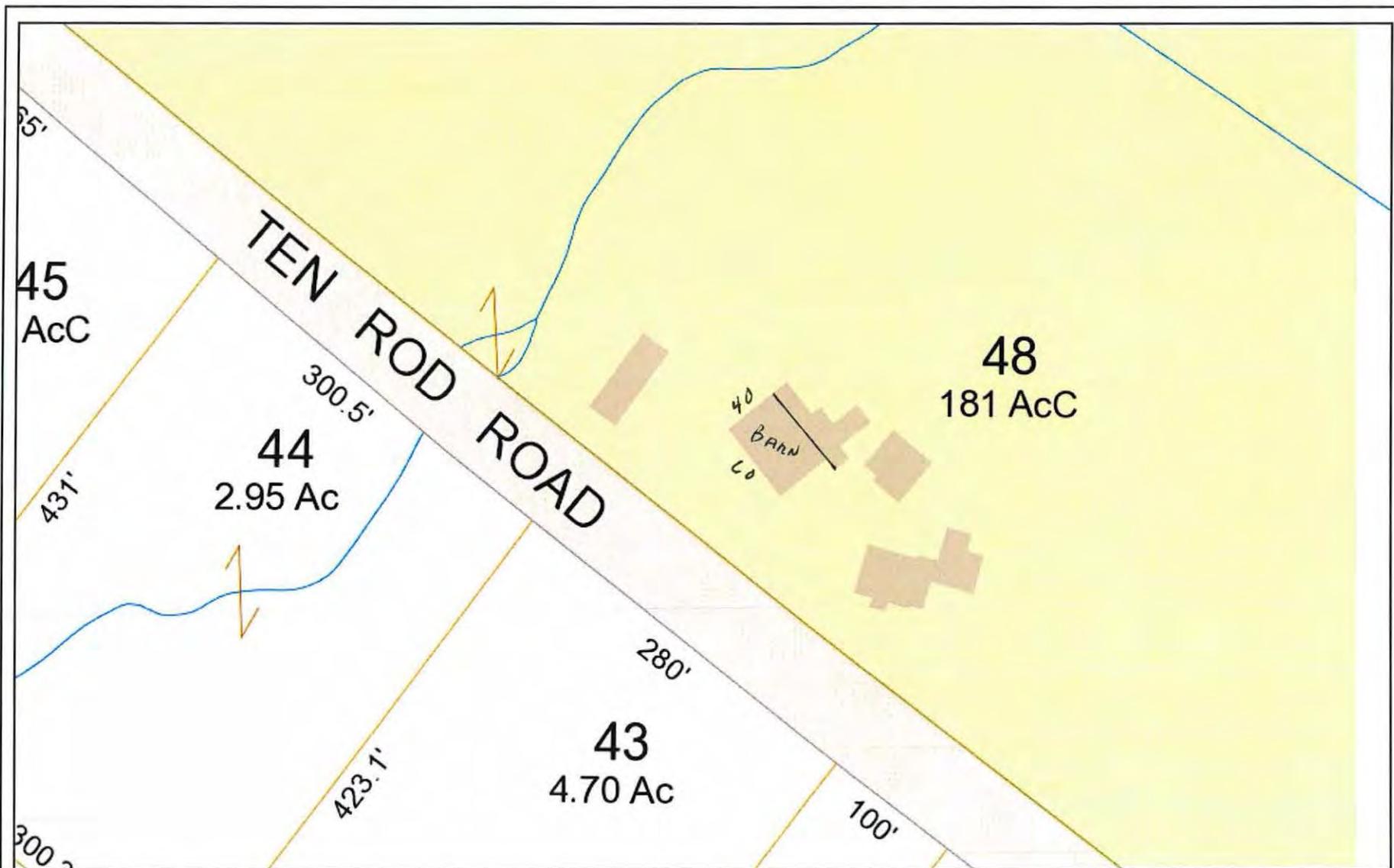
TYPE OR PRINT NAME (ink black ink) Robert S. Goldstein	SIGNATURE (in black ink) <i>Robert S. Goldstein</i>	DATE 4/20/15
TYPE OR PRINT NAME (ink black ink) Gabrielle M. Nadeau	SIGNATURE (in black ink) <i>Gabrielle M. Nadeau</i>	DATE 4-22-15
TYPE OR PRINT NAME (ink black ink) Marybeth G. Walker	SIGNATURE (in black ink) <i>Marybeth G. Walker</i>	DATE 4/22/15
TYPE OR PRINT NAME (ink black ink)	SIGNATURE (in black ink)	DATE
TYPE OR PRINT NAME (ink black ink)	SIGNATURE (in black ink)	DATE

STEP 7 DOCUMENTATION

Is a map of the entire parcel showing the property location, orientation, overall boundaries and acreages clearly showing easement area requested submitted?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
--	---	-----------------------------

Preservation Plan for Historic Barn at 195 Ten Rod Road

We are currently working with the NH Preservation Alliance of NH to determine the structural needs of the barn built circa 1890. We are having a barn expert, that they recommend, come out to the property and develop a plan to maintain and restore the historical section of the barn. Known repairs needed include addressing some cracked beams, as well as repairs needed to the floors, walls, foundation, and siding. The barn also needs to be stained and some shakes need to be repaired or replaced. To preserve the original structure, we are planning on removing the non-historic sections of the barn that are attached to the original historic barn on the backside of the barn facing the field). This easement application is only for the historic part of the barn. The non-historic sections of the barn are not original to the barn and detract from the historic character of the original barn, which is why we are removing them. Once removed we will repair the original barn structure outer walls and try to match the siding. We also are considering adding a cupola to the barn, and possibly a silo. We will continue to monitor and address any additional needs of the barn as they arise.



Map 217 Lot 48
Rochester, NH

1 Inch = 103 Feet
April 15, 2015



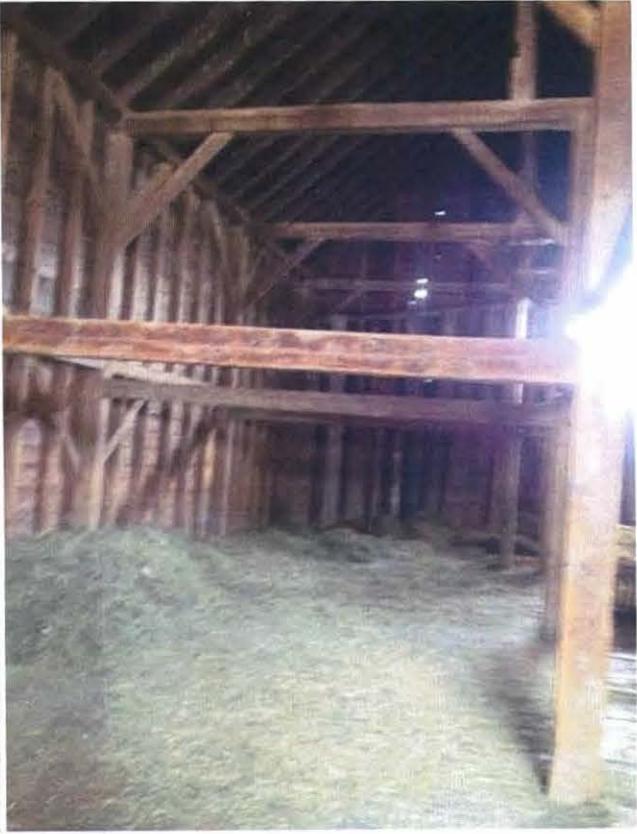
Photos of the barn



Photo showing cracked beam



View of more beams



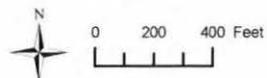
View of the backside of the barn (which faces the field) and shows the additions that are not historic and will be removed to preserve the historic section of the barn.





-  Boundary
-  Exclusion Area
-  Town line

Part 6.A - Aerial Photo
Laverdiere - Rochester, NH



Map prepared by
Southeast Land Trust of NH
July 2014



Property boundary is approximate -- based on tax map. Spring 2010 NHDOT aerial photo

42 x 60 Barn



0217 0048 0000
MAP BLOCK LOT

1 of 1 RESIDENTIAL
CARD

TOTAL ASSESSED: 282,413
17521! 5/28/15

Rochester



Patriot Properties Inc.

USER DEFINED

Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
Prior Id # 1:	
Prior Id # 2:	
Prior Id # 3:	
ASR Map:	
Fact Dist:	
Reval Dist:	
Year:	
LandReason:	
BldReason:	

IN PROCESS APPRAISAL SUMMARY

Use Code	Building Value	Yard Items	Land Size	Land Value	Total Value
101	159,400	29,500	2.000	48,500	237,400
611			85.500	36,338	36,338
631			50.000	6,952	6,952
671			43.500	1,723	1,723
Total Parcel	159,400	29,500	181.000	93,513	282,413
Source: Market Adj Cost		Total Value per SQ unit /Card: 97.94		/Parcel: 97.94	

Legal Description	
Entered Lot Size	
Total Land: 181	
Land Unit Type: AC	

User Acct
34629
GIS Ref
GIS Ref
Insp Date

PROPERTY LOCATION

No	Alt No	Direction/Street/City
195		TEN ROD RD, ROCHESTER

OWNERSHIP		
Unit #:		
Owner 1: SCRUTON MATTHEW G & GRETCHEN V		
Owner 2:		
Owner 3:		
Street 1: 195 TEN ROD RD		
Street 2:		
Twn/City: ROCHESTER		
St/Prov: NH	Cntry	Own Occ: Y
Postal: 03867-4246	Type:	

PREVIOUS OWNER	
Owner 1: LAVERDIERE JAMES SR -	
Owner 2: -	
Street 1: 195 TEN ROD RD	
Twn/City: ROCHESTER	
St/Prov: NH	Cntry
Postal: 03867-4246	

NARRATIVE DESCRIPTION
This Parcel contains 181. AC of land mainly classified as MIX RES/CU with a(n) COLONIAL Building Built about 1890, Having Primarily WD SHINGLES Exterior and ASPH SHINGLE Roof Cover, with 1 Units, 2 Baths, 0 HalfBaths, 0 3/4 Baths, 9 Rooms Total, and 6 Bdrms.

OTHER ASSESSMENTS			
Code	Descrip/No	Amount	Com. Int

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date
2014	016	FV	159,400	29500	181.	417,345	606,245	282,413	Year End Roll	9/29/2014
2013	016	FV	138,000	30000	181.	583,081	751,081	278,925	Year End Roll	9/4/2013
2012	016	FV	138,000	30000	181.	583,081	751,081	280,328	Year End Roll	9/20/2012
2011	016	FV	138,000	30000	181.	583,081	751,081	282,810	Year End Roll	9/27/2011
2010	016	FV	139,100	30000	181.	583,081	752,181	283,910	roll	8/26/2010
2009	016	FV	139,100	30600	181.	583,081	752,781	284,424	Year End Roll	9/24/2009
2008	016	FV	179,300	27700	181.	654,950	861,950	332,484		8/25/2008
2007	016	FV	179,300	27700	181.	654,950	861,950	332,484	Year End Roll	9/26/2007

SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Assoc PCL Value	Notes
LAVERDIERE JAME	4247-855	3	10/6/2014	Estate Sale	860,000	No	No	4		
MEADER J LEVI &	409-255	1	2/27/1924	OldDeed Date		No	No	4		

BUILDING PERMITS

Date	Number	Descrip	Amount	C/O	Last Visit	Fed Code	F. Descrip	Comment
1/7/2011	11-31	STORAGE	1,100	CE	3/9/2011			PROPANE TANK
1/4/2011	11-10	ELECTRIC	5,500	CE	3/9/2011			GENERATOR

ACTIVITY INFORMATION

Date	Result	By	Name
10/9/2014	DEED CHANGE	VK	VERNA
10/4/2005	DEED CHANGE	GN	GAYE
5/9/2005	C U CHANGE	TM	TOM
4/24/2001	MEAS+INSPCTD	TM	TOM

PROPERTY FACTORS

Item	Code	Descip	%	Item	Code	Descip
Z	A	AGRICULT	100	U	0	SEPTIC
o				t	8	WELL
n				l	6	PROPANE
Census:				Exmpt		
Flood Haz:						
D	RO	ROCHESTER		Topo	1	LEVEL
s				Street	1	PAVED
t				Traffic	2	LIGHT

LAND SECTION (First 7 lines only)

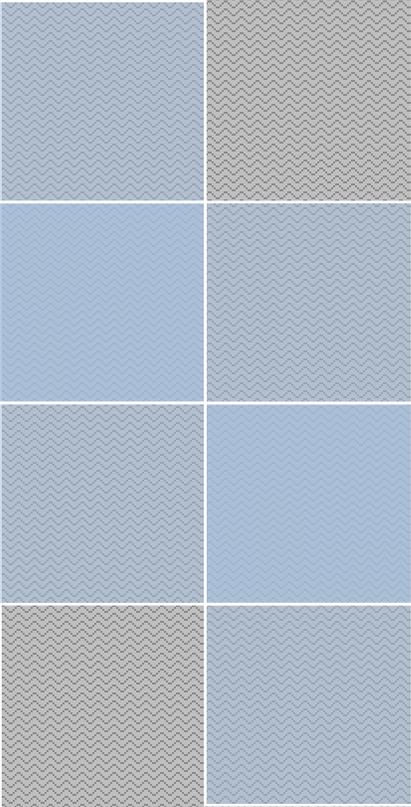
Use Code	Description	LUC Fact	No of Units	Depth / Price/Units	Unit Type	Land Type	LT Factor	Base Value	Unit Price	Adj	Neigh	Neigh Infru	Neigh Mod	Infl 1 %	Infl 2 %	Infl 3 %	Appraised Value	Alt Class	%	Spec Land	J Code	Fact	Use Value	Notes
101	SINGLE FAM		1		PRIMARY ASITE		1.0	0	45,000.	1.000	1030						45,000						45,000	
101	SINGLE FAM		1		FRONT ACFFRONT ACRE		1.0	0	3,500.	1.000	1030						3,500						3,500	
611	CFAR		17		FRONT ACFFRONT ACRE		1.0	0	3,500.	1.000	1030						59,500			425			7,225	
611	CFAR		68.5		EXCESS AC(EXCESS		1.0	0	2,500.	0.764	1030						130,803			425			29,113	
631	CPIN		50		EXCESS AC(EXCESS		1.0	0	2,500.	0.764	1030						95,477			158			6,952	
671	CALL		43.5		EXCESS AC(EXCESS		1.0	0	2,500.	0.764	1030						83,065			45			1,723	

Total AC/HA: 181.00000 Total SF/SM: 7884360.00 Parcel LUC: 016 MIX RES/CU Prime NB Desc: RESIDENTIAL

Total: 417,344 Spl Credi: 323,831 Total: 93,513



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*Resolution Approving Grant
Application to the US Department
of Housing and Urban
Development for Lead Abatement
Efforts and Approving Funds from
the Anticipated Grant Award*

Forthcoming...



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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 HUD Lead Abatement Grant Presentation & Resolution to Apply

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

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

AGENDA DATE	June 2, 2015
DEPT. HEAD SIGNATURE	Karen Pollard, on file
DATE SUBMITTED	May 5, 2015
ATTACHMENTS YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED 2

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	Dan Fitzpatrick, signature on file
CITY MANAGER	Blaine Cox, signature on file

FINANCE & BUDGET INFORMATION

DIRECTOR OF FINANCE APPROVAL	
SOURCE OF FUNDS	HUD Individual funds of property owners
ACCOUNT NUMBER	
AMOUNT	\$1,500,000
APPROPRIATION REQUIRED YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	No City Funds are required. The match is provided by property owners.

LEGAL AUTHORITY

City Charter, Section 4: Except as herein provided otherwise, the City Council shall have all powers conferred by law upon City Councils, Boards of Mayor and Aldermen, and the Selectmen of Towns so far as applicable to cities.

SUMMARY STATEMENT

Lead abatement contractor Kate Kirkwood has approached the City of Rochester to discuss the possibility of the City applying for a U.S. Department of Housing and Urban Development grant to fund lead-based paint abatement efforts. This grant funds lead abatement construction work, lead-poisoning screening efforts, and lead awareness outreach activities.

Kate Kirkwood will present additional information on the Lead Abatement Grant Program that City staff has been looking into as a great benefit for improving older housing stock in the City of Rochester. The City is strongly urged to apply as a “high-risk” community and as a community with evidence of child injury from lead poisoning. The staff from BZLS, Planning, and Community Development have already met with Ms. Kirkwood and heard from various property owners seeking additional resources.

Grants are available up to \$3 million, and there is a 10% match requirement. This match can be provided by private property owners instead of directly from the City’s funds. After analysis and discussion, it has been determined that a grant application in the amount of \$1.5 million would make the most sense for the City of Rochester’s size and needs.

RECOMMENDED ACTION

Approve the submission of an application on behalf of the City of Rochester, to be drafted by City of Rochester staff and Kate Kirkwood, requesting lead abatement grant funding in the amount of \$1.5 million.

AGENDA BILL - FUNDING RESOLUTION

EXHIBIT

Project Name: HUD Lead Abatement Grant

Date: 5/5/2015

Fiscal Year: FY 2015-2016

Fund (select):

GF [] Water [] Sewer [] Arena []
CIP [] Water CIP [] Sewer CIP [] Arena CIP []
Special Revenue [x]

Fund Type: Lapsing [] Non-Lapsing [x]

Deauthorization

Table with 7 columns: Org #, Object #, Project #, Fed Amount \$, State Amount \$, Local Amount \$. Rows 1-4 show zero values.

Appropriation

Table with 7 columns: Org #, Object #, Project #, Fed Amount \$, State Amount \$, Local Amount \$. Row 1 shows \$1,350,000- Fed and \$150,000- Local.

Revenue

Table with 7 columns: Org #, Object #, Project #, Fed Amount \$, State Amount \$, Local Amount \$. Row 1 shows \$1,350,000- Fed.

DUNS # 099446879

CFDA # []

Grant # []

Grant Period: From 07/01/2015 To 06/30/2018

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

Reimbursement Request will be reduced []

Funds will be returned []

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**RESOLUTION DEAUTHORIZING FUNDING FOR THE BRIDGING THE GAPS
PROGRAM**

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

WHEREAS, by virtue of a certain resolutions adopted by the Mayor and City Council of the City of Rochester in April, 2015, the Mayor and City Council appropriated as a supplemental appropriation the amount of Thirty Two Thousand Four Hundred Dollars (\$32,400.00) from the General Fund fund balance to the Operating Budget for the purpose of paying for costs and expenses incurred with respect to the various aspects of the Bridging the Gaps program ("BTG"); and

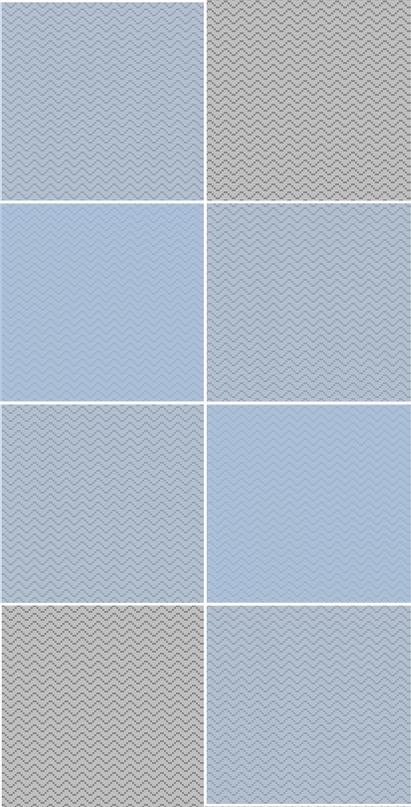
WHEREAS, the Federal Substance Abuse and Mental Health Administration has released Ninety One Thousand Eighty Dollars (\$91,080.00) in grant money to fund aforesaid BTG, the money appropriated by the Mayor and City Council in April, 2015 is no longer needed; and

NOW THEREFORE, in light of the above, the Mayor and City Council of the City of Rochester hereby withdraw and deauthorize the sum Thirty Two Thousand Four Hundred Dollars (\$32,400.00) of the previous appropriation of funds for the aforementioned BTG, and authorize transfer of said funds back to 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. **CC FY 15 06-02 AB 155**



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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 Deauthorization of Bridging the Gaps City General Funds

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

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

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

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

AGENDA DATE	June 2, 2015		
DEPT. HEAD SIGNATURE	Karen Pollard - Signature on file		
DATE SUBMITTED	May 26, 2015		
ATTACHMENTS YES <input type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	16	

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	Blaine Cox, signature on file
CITY MANAGER	Dan Fitzpatrick, signature on file

FINANCE & BUDGET INFORMATION

FINANCE OFFICE APPROVAL	Roland Connors - signature on file
SOURCE OF FUNDS	City General Funds
ACCOUNT NUMBER	TBD
AMOUNT	\$32,240
APPROPRIATION REQUIRED YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	

LEGAL AUTHORITY

City Charter, Section 4: Except as herein provided otherwise, the City Council shall have all powers conferred by law upon City Councils, Boards of Mayor and Aldermen, and the Selectmen of Towns so far as applicable to cities.

SUMMARY STATEMENT

The City of Rochester has become the fiscal agent for Bridging the Gaps: The Rochester Community Coalition for Alcohol and Drug Prevention, and City Council voted to provide \$32,240 in stop-gap funding to Bridging the Gaps while waiting for the federal grant funds to be released. The remaining grant funds for FY 2014 have been released to the City by the Substance Abuse and Mental Health Services Administration, and so the City general funds provided are no longer needed.

RECOMMENDED ACTION

De-Authorize the City general funds provided to Bridging the Gaps.

AGENDA BILL - FUNDING RESOLUTION

EXHIBIT

Project Name: Deauthorization of Bridging the Gaps City General Funds

Date: 6/2/2015

Fiscal Year: FY 2014

Fund (select):

GF [x] Water [] Sewer [] Arena []
CIP [] Water CIP [] Sewer CIP [] Arena CIP []
Special Revenue []

Fund Type: Lapsing [] Non-Lapsing [x]

Deauthorization

Table with 7 columns: Org #, Object #, Project #, Fed Amount \$, State Amount \$, Local Amount \$. Rows 1-4.

Appropriation

Table with 7 columns: Org #, Object #, Project #, Fed Amount \$, State Amount \$, Local Amount \$. Rows 1-4.

Revenue

Table with 7 columns: Org #, Object #, Project #, Fed Amount \$, State Amount \$, Local Amount \$. Rows 1-4.

DUNS # 0739608740000

CFDA # 93.276

Grant #

Grant Period: From 05/15/2015 To 09/30/2015

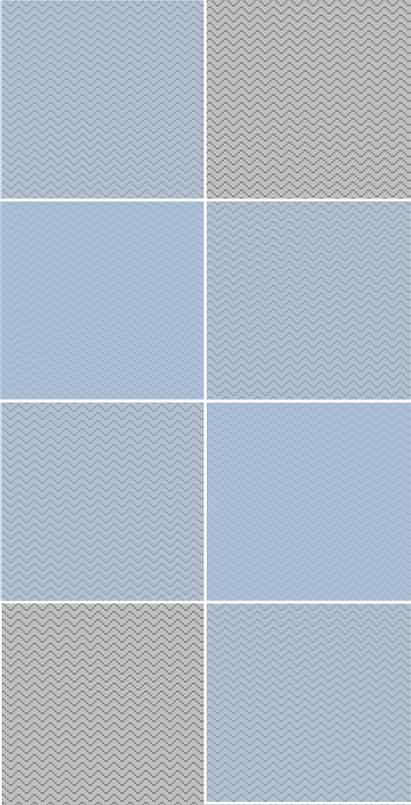
If de-authorizing Grant Funding appropriations: (select one)

Reimbursement Request will be reduced []

Funds will be returned [x]



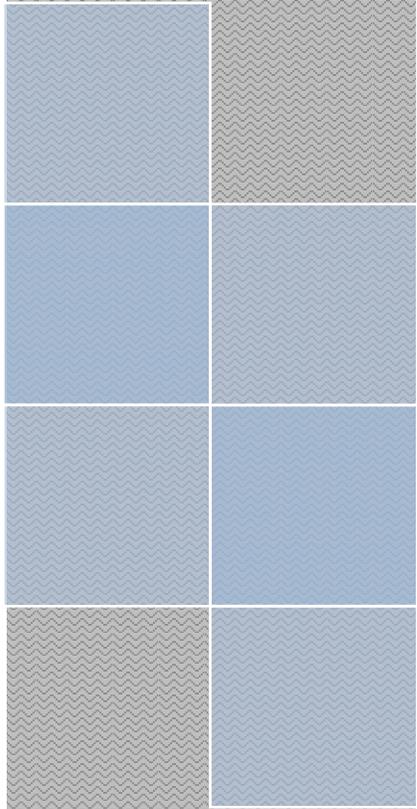
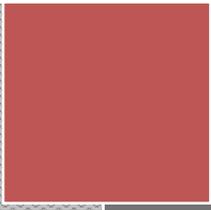
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**RESOLUTION AUTHORIZING ACCEPTING OF FUNDS AND APPROPRIATING
FUNDS TO THE
2014-2015 OPERATING BUDGET OF THE CITY OF ROCHESTER
FOR SERVICES RELATED TO THE BRIDGING THE GAP PROGRAM**

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

That the sum of Ninety One Thousand Eighty Dollars (\$91,080.00) be, and hereby is accepted by the City of Rochester from the Federal Substance Abuse and Mental Health Administration as a grant and, further, the same amount is appropriated as a supplemental appropriation to the 2014-2015 operating budget of the City of Rochester for the purpose of providing funds for use in connection with the Bridging the Gap Program. Further, that this supplemental appropriation is to be accounted for in a separate non-lapsing multi-year fund. 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 a special revenue, non-lapsing, multi-year fund to which said sums shall be transferred. **CC FY 06-02 15 AB 153**



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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 Allocation of Bridging the Gaps Grant Funds

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

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

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

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

AGENDA DATE	June 2, 2015		
DEPT. HEAD SIGNATURE	Karen Pollard, signature on file		
DATE SUBMITTED	May 26, 2015		
ATTACHMENTS YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	16	

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

FINANCE OFFICE APPROVAL	
SOURCE OF FUNDS	Substance Abuse and Mental Health Services Administration – Drug-Free Communities Grant
ACCOUNT NUMBER	TBD
AMOUNT	\$91,080
APPROPRIATION REQUIRED YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	

LEGAL AUTHORITY

City Charter, Section 4: Except as herein provided otherwise, the City Council shall have all powers conferred by law upon City Councils, Boards of Mayor and Aldermen, and the Selectmen of Towns so far as applicable to cities.

SUMMARY STATEMENT

The City of Rochester has become the fiscal agent for Bridging the Gaps: The Rochester Community Coalition for Alcohol and Drug Prevention, and the remaining grant funds for FY 2014 have been released to the City by the Substance Abuse and Mental Health Services Administration.

RECOMMENDED ACTION

Appropriate and approve the released funds for Bridging the Gaps.

AGENDA BILL - FUNDING RESOLUTION

EXHIBIT

Project Name: Allocation of Bridging the Gaps Grant Funds

Date: 6/2/2015

Fiscal Year: FY 2014

Fund (select):

GF [], Water [], Sewer [], Arena [], CIP [], Water CIP [], Sewer CIP [], Arena CIP [], Special Revenue [x]

Fund Type: Lapsing [], Non-Lapsing [x]

Deauthorization

Table with 7 columns: Org #, Object #, Project #, Fed Amount \$, State Amount \$, Local Amount \$. Rows 1-4 show zero values.

Appropriation

Table with 7 columns: Org #, Object #, Project #, Fed Amount \$, State Amount \$, Local Amount \$. Row 1 shows \$91,080.00 Fed and \$113,850 Local.

Revenue

Table with 7 columns: Org #, Object #, Project #, Fed Amount \$, State Amount \$, Local Amount \$. Row 1 shows \$91,080.00 Fed and \$113,850 Local.

DUNS # 0739608740000

CFDA # 93.276

Grant # SP21225-07

Grant Period: From 05/15/2015 To 09/30/2015

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

Reimbursement Request will be reduced []

Funds will be returned []



Grant Number: 7H79SP021225-07
FAIN: SP021225

Program Director:
 Nancy Eastman

Project Title: Bridging the Gaps: Rochester Community Coalition for Alcohol and Drug Prevention

Grantee Address	Business Address
CITY OF ROCHESTER Julian Long Community Development Coordinator 31 Wakefield Street Rochester, NH 03867	Julian Long Community Development Coordinator 31 Warkefield Street Rochester, NH 03867

Budget Period: 03/01/2015 – 09/29/2015
Project Period: 03/01/2015 – 09/29/2018

Dear Grantee:

The Substance Abuse and Mental Health Services Administration hereby awards a grant in the amount of \$91,080 (see “Award Calculation” in Section I and “Terms and Conditions” in Section III) to CITY OF ROCHESTER in support of the above referenced project. This award is pursuant to the authority of Drug Free Communities Act (21 U.S.C.1524) PL 109-469 and is subject to the requirements of this statute and regulation and of other referenced, incorporated or attached terms and conditions.

Award recipients may access the SAMHSA website at www.samhsa.gov (click on “Grants” then SAMHSA Grants Management), which provides information relating to the Division of Payment Management System, HHS Division of Cost Allocation and Postaward Administration Requirements. Please use your grant number for reference.

Acceptance of this award including the “Terms and Conditions” is acknowledged by the grantee when funds are drawn down or otherwise obtained from the grant payment system.

If you have any questions about this award, please contact your Grants Management Specialist and your Government Project Officer listed in your terms and conditions.

Sincerely yours,

Virginia Simmons
 Grants Management Officer
 Division of Grants Management

See additional information below

SECTION I – AWARD DATA – 7H79SP021225-07**Award Calculation (U.S. Dollars)**

Salaries and Wages	\$30,000
Fringe Benefits	\$4,000
Personnel Costs (Subtotal)	\$34,000
Supplies	\$1,800
Consortium/Contractual Cost	\$41,000
Travel Costs	\$5,000
Other	\$9,280
Direct Cost	\$91,080
Approved Budget	\$204,928
Federal Share	\$91,080
Non-Federal Share	\$113,848
Cumulative Prior Awards for this Budget Period	\$0
AMOUNT OF THIS ACTION (FEDERAL SHARE)	\$91,080

SUMMARY TOTALS FOR ALL YEARS	
YR	AMOUNT
7	\$91,080
8	\$125,000
9	\$125,000
10	\$125,000

*Recommended future year total cost support, subject to the availability of funds and satisfactory progress of the project.

Fiscal Information:

CFDA Number: 93.276
 EIN: 1026000074A1
 Document Number: 14SP21225A
 Fiscal Year: 2014

IC	CAN	Amount
SP	C96R655	\$91,080

IC	CAN	2014	2015	2016	2017
SP	C96R655	\$91,080	\$125,000	\$125,000	\$125,000

SP Administrative Data:

PCC: DFC / OC: 4145

SECTION II – PAYMENT/HOTLINE INFORMATION – 7H79SP021225-07

Payments under this award will be made available through the HHS Payment Management System (PMS). PMS is a centralized grants payment and cash management system, operated by the HHS Program Support Center (PSC), Division of Payment Management (DPM). Inquiries regarding payment should be directed to: The Division of Payment Management System, PO Box 6021, Rockville, MD 20852, Help Desk Support – Telephone Number: 1-877-614-5533.

The HHS Inspector General maintains a toll-free hotline for receiving information concerning

fraud, waste, or abuse under grants and cooperative agreements. The telephone number is: 1-800-HHS-TIPS (1-800-447-8477). The mailing address is: Office of Inspector General, Department of Health and Human Services, Attn: HOTLINE, 330 Independence Ave., SW, Washington, DC 20201.

SECTION III – TERMS AND CONDITIONS – 7H79SP021225-07

This award is based on the application submitted to, and as approved by, SAMHSA on the above-title project and is subject to the terms and conditions incorporated either directly or by reference in the following:

- a. The grant program legislation and program regulation cited in this Notice of Award.
- b. The restrictions on the expenditure of federal funds in appropriations acts to the extent those restrictions are pertinent to the award.
- c. 45 CFR Part 75 as applicable.
- d. The HHS Grants Policy Statement.
- e. This award notice, INCLUDING THE TERMS AND CONDITIONS CITED BELOW.

Treatment of Program Income:

Additional Costs

SECTION IV – SP Special Terms and Conditions – 7H79SP021225-07

REMARKS

THIS NOTICE OF AWARD IS REVISED TO REOBLIGATE FUNDS IN THE AMOUNT OF \$91,080 FROM GRANT NUMBER SP20273-07 DUE TO A LEAD AGENCY CHANGE, AND REFLECTS FUTURE YEAR FUNDING.

An unobligated balance (UOB) of funds may be carried over into the current budget period without Grants Management Officer (GMO) prior approval for the following reason:

As of October 1, 2011, a grantee may carryover previous UOB of funds up to 10 percent of the total Federal share from the current budget period (the year in which the funds will be needed) without prior approval from the GMO. The intention to carryover up to this threshold must be reflected in the remarks section of the Federal Financial Report (FFR) submitted for the FY 2014 budget period. The subsequent FFR must reflect the actual UOB carryover amount in the remarks section. If the amount of carryover exceeds 10 percent, the GMO will notify the grantee that they must return the Federal share over the threshold due to noncompliance and may rescind this authority. However, the grantee may request for approval, a carryover above the 10 percent threshold, but must submit a detailed budget and narrative justification if the program requires additional funds. The total amount requested and justified must be both the 10 percent plus the amount requested over that in order to analyze the total unobligated balance of funds. The applicability of this authority for your project is stated above.

Please refer to the DFC Grantee Handbook (<http://www.whitehouse.gov/ondcp/information-for-current-grantees>) for Roles and Responsibilities of the Grantee, as well as the Federal staff that support the DFC Program. Federal staff contact information is available at: <http://www.whitehouse.gov/ondcp/Drug-Free-Communities-Support-Program/contacts>.

PROGRAM OVERVIEW

The Drug-Free Communities (DFC) Support Program is a collaborative effort between the Office of National Drug Control Policy (ONDCP) and the Substance Abuse and Mental Health Services Administration (SAMHSA). ONDCP issues grant awards to community coalitions through an

interagency agreement with SAMHSA. According to the Drug-Free Communities Act of 1997, the purpose of DFC funding is to address two major goals: 1) establish and strengthen collaboration among communities, public and private non-profit agencies, and Federal, State, local and Tribal governments to support the efforts of community coalitions and 2) reduce substance use among youth and, over time, among adults.

While responsibility rests with the grantee for achieving the primary goals of the program, SAMHSA shall monitor and provide continuing technical assistance, consultation, and coordination in the implementation of the project during the funding period. You can find additional details about the support available to you as a grantee on the program's website at <http://www.whitehouse.gov/ondcp/Drug-Free-Communities-Support-Program>.

In addition to these Terms and Conditions and the applicable statutes and regulations, grantees are bound by the HHS Grants Policy Statement, which can be accessed at <http://beta.samhsa.gov/grants/grants-management/policies-regulations> and all requirements in the Request for Applications (RFA) for the FY 2014 Drug-Free Communities (DFC) Support Program available at <http://beta.samhsa.gov/grants/grant-announcements/sp-14-002>.

TERMS AND CONDITIONS OF AWARD

Failure to comply with Terms and Conditions may result in a financial drawdown restriction on your Payment Management System Account or denial of funding in the future as outlined in the following section. Sub-recipients and contractors under grants are subject to the requirements of the cost principles otherwise applicable to their type of organization and to any requirements placed on them by the recipient to be able to comply with the Terms and Conditions of the award. Please refer to the the HHS Grants Policy Statement available at <http://www.hhs.gov/asfr/ogapa/aboutog/hhsgps107.pdf> for detailed information.

PROGRESSIVE DISCIPLINE AND APPEALS PROCESS

If for any reason you do not comply with the applicable terms, conditions, rules and regulations for the DFC Program, your grant will be subject to the Progressive Discipline and Appeals Process developed by ONDCP and SAMHSA. There are three progressive discipline actions that can be taken: 1) High Risk status, 2) Suspension, and 3) Termination. Failure to comply with special Terms and Conditions may also result in a financial drawdown restriction on your Payment Management System account or denial of funding in the future.

An overview of this plan and the complete explanation and procedures are posted on the Drug-Free Communities Support Program website at <http://www.whitehouse.gov/ondcp/information-for-current-grantees> or can be linked through <http://www.samhsa.gov/Grants/management.aspx>.

ROLES AND RESPONSIBILITIES OF THE GRANTEE

For the purposes of the DFC Program, a "grantee" is either a coalition that has received a grant or is an outside agent that is serving as the grantee on behalf of a community coalition. The following Statutory Eligibility Requirements must be met each year while the coalition is funded by the DFC Program. Failure to meet any of these requirements is considered non-compliance with grant regulations (see Progressive Discipline and Appeals Process).

Statutory Eligibility Requirements for DFC-funded coalitions (if you are the grantee for a separate coalition, you are still responsible for ensuring all eligibility criteria are met by the coalition):

- The coalition must have at least one representative from the required 12 sectors, as outlined in the RFA and the Drug-Free Communities Act of 1997;
- The coalition must maintain meeting minutes that demonstrates it is a unique entity that has substantial involvement from its members and is working toward the two goals of the DFC Program;
- The coalition must address multiple (more than one) drugs in its 12-Month Action Plans for each year of funding;

- The coalition must have as its principal mission the reduction of youth substance use;
- The coalition has not received 10 years of DFC funding; and
- The coalition must capture and provide specific data as required by the DFC National Evaluation team.

Statutory Eligibility Requirements for all DFC Grantees (coalitions or outside agents):

- The grantee must be an entity eligible to receive Federal funds;
- The grantee must not request more than \$125,000 per year;
- The grantee must document the level of non-Federal match defined in the DFC Act; and
- The grantee can only be awarded one DFC Grant at a time.

Other Requirements for all DFC Grantees (coalitions or outside agents):

- The grantee must continue implementing the specific goals and objectives outlined in their approved application for DFC funding. The grantee must develop a funding plan that ensures (1) the required match of requested Federal funds and (2) to solicit substantial financial support from non-Federal sources for sustainability purposes.
- The lead paid staff (Program/Project Director) of the DFC-funded coalition must participate in The DFC Workstation (<http://www.drugfreecommunities.org>), so that he/she receives information from ONDCP DFC Staff on a timely basis (see Special Term #7 below for more details).
- The grantee must use the Strategic Prevention Framework (SPF), a five-step evidence based process for community planning and decision making.
- The grantee must plan and implement the appropriate environmental strategies as part of their comprehensive 12-Month Action Plan.

Requirements for Grantees in Year 3 and 7:

The coalition must submit via email a Sustainability Plan to the Government Project Officer (GPO) within 60 days of the start of years 3 and 7 of DFC funding. The GPO will review and provide the coalition with feedback on this plan.

RESTRICTIONS ON GRANTEE LOBBYING

(c) Title 18 > Part I > Chapter 93 > Section 1913: No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, a jurisdiction, or an official of any government, to favor, adopt, or oppose, by vote or otherwise, any legislation, law, ratification, policy, or appropriation, whether before or after the introduction of any bill, measure, or resolution proposing such legislation, law, ratification, policy, or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to any such Member or official, at his/her request, or to Congress or such official, through the proper official channels, requests for any legislation, law, ratification, policy, or appropriations which they deem necessary for the efficient conduct of the public business, or from making any communication whose prohibition by this section might, in the opinion of the Attorney General, violate the Constitution or interfere with the conduct of foreign policy, counter-intelligence, intelligence, or national security activities. Violations of this section shall constitute as a violation of section 1352(a) of title 31.

SPECIAL TERMS OF AWARD

1. The grantee must receive and expend non-Federal matching funds as required in the Request for Applications (RFA) and the Drug-Free Communities Act. In-kind support (i.e., donations, volunteer time, etc.) may also be used to satisfy the match requirement.
2. The grantee must comply with the DFC National Evaluation requirements. ONDCP requires all grantees to collect core measures data specific to the geographic area designated in the approved application. The core measures data collection size must be sufficient to provide an accurate and meaningful statistical representation of the people being surveyed in each of the geographical areas served by the coalition.

Data for the following four core measures must be collected and reported every two years on alcohol, tobacco, marijuana, and prescription drugs for three grades (6th – 12th) with a recommended combination of at least one middle school and at least one high school grade:

- 1.Past 30-day use
- 2.Perception of risk or harm
- 3.Perception of parental disapproval of use
- 4.Perception of peer disapproval of use

The grantee is responsible for providing these core measures data every two years on or before the deadline established for each reporting period as highlighted on the program website at <http://www.whitehouse.gov/ondcp/Drug-Free-Communities-Support-Program>.

Failure to meet established deadlines could result in the GPO placing the grantee on High-Risk status, which could lead to an eventual suspension or termination of the grant for failure to comply with reporting requirements. ONDCP reserves the right to change measures for effective and meaningful evaluation of the program.

3. When requested, the grantee must develop a Corrective Action Plan and complete the approved plan within the designated timeframe designated by the GPO. The Corrective Action Plan must be designed to address identified deficiencies in performance and/or in the conditions contributing or causing the identified unsatisfactory performance.

4. Grantees are required to adhere to all the sections of the Roles and Responsibilities of Grantees, as outlined in earlier sections of the Notice of Award (NoA).

5. The grantee must continue to meet the Statutory Eligibility Requirements, as required by the original Request for Applications and the Drug-Free Communities Act during each year of funding.

6. Requests to carryover funds from one fiscal year to another are due to the GMO by the first Monday in February. All such requests must include a copy of the coalition meeting minutes showing coalition approval of the request.

7. The lead paid staff (Program/Project Director) of the DFC-funded coalition must participate in The DFC Workstation (<http://www.drugfreecommunities.org>), so that he/she receives information from ONDCP DFC Staff on a regular basis. This includes submitting the lead paid staff's contact information, as well as the contact information of one member from each of the required 12 sectors. The lead paid staff should discuss the use of The DFC Workstation with sector members chosen to represent each sector, so that they understand their role in distribution of information sent to them. Information sent to specific sectors will always be sent to the lead paid staff. The lead paid staff must participate in the quarterly update of contact information in The DFC Workstation. Lead paid staff will receive an email from The DFC Workstation indicating the update needs to be completed and the deadline for doing so.

8. The DUNS number grantees use on their application must be registered and active in the System for Award Management (SAM) which can be accessed at <https://www.sam.gov>. Grantees must update their SAM information at least every 12 months to maintain an active account.

STANDARD TERMS OF AWARD

1. As required by the Federal Funding Accountability and Transparency Act of 2006, this new award is subject to the subaward and executive compensation reporting requirement of 2 CFR Part 170. Although the full text of this regulation is attached, you may access the language online at <http://www.samhsa.gov/grants/subaward.aspx>.

The following SAMHSA Term of Award is applicable to all (Type 1) new SAMHSA grants which start on or after Oct. 1, 2010. At this time, Type 2s (competing renewals) and Type 3s (competing supplements) are not included, but may be subject to this requirement in the future:

Reporting Subawards and Executive Compensation

a. Reporting of first-tier subawards.

1. Applicability. Unless you are exempt as provided in paragraph d. of this award term, you must report each action that obligates \$25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5) for a subaward to an entity (see definitions in paragraph e. of this award term).

2. Where and when to report.

i. You must report each obligating action described in paragraph a.1. of this award term to <http://www.frs.gov>.

ii. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)

3. What to report. You must report the information about each obligating action that the submission instructions posted at <http://www.frs.gov> specify

b. Reporting Total Compensation of Recipient Executives.

1. Applicability and what to report. You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if-

- i. the total Federal funding authorized to date under this award is \$25,000 or more;
- ii. in the preceding fiscal year, you received-

(A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

(B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. Where and when to report. You must report executive total compensation described in paragraph b.1. of this award term:

i. As part of your registration profile, you must access the System for Award Management (SAM) at: <https://www.sam.gov/portal/public/SAM/>.

ii. By the end of the month following the month in which this award is made, and annually thereafter.

c. Reporting of Total Compensation of Subrecipient Executives.

1. Applicability and what to report. Unless you are exempt as provided in paragraph d. of this award term, for each first-tier subrecipient under this award, you shall report the names and total

compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if-

i. in the subrecipient's preceding fiscal year, the subrecipient received-

(A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

(B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and

ii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/excomp.htm>.)

2. Where and when to report. You must report subrecipient executive total compensation described in paragraph c.1. of this award term:

i. To the recipient.

ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

d. Exemptions

If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:

i. Subawards, and

ii. The total compensation of the five most highly compensated executives of any subrecipient.

e. Definitions. For purposes of this award term:

1. Entity means all of the following, as defined in 2 CFR part 25:

i. A Governmental organization, which is a State, local government, or Indian tribe;

ii. A foreign public entity;

iii. A domestic or foreign nonprofit organization;

iv. A domestic or foreign for-profit organization;

v. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

2. Executive means officers, managing partners, or any other employees in management positions.

3. Subaward:

i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.

ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. II.210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").

iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.

4. Subrecipient means an entity that:

- i. Receives a subaward from you (the recipient) under this award; and
- ii. Is accountable to you for the use of the Federal funds provided by the subaward.

5. Total compensation means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):

- i. Salary and bonus.
- ii. Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of

Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.

- iii. Earnings for services under non-equity incentive plans. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.

- iv. Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.

- v. Above-market earnings on deferred compensation which is not tax-qualified.

- vi. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

2. The Division of Grants Management created a Public Assistance (P) Account in the Division of Payment Management's (DPM) Payment Management System to provide a separate accounting of federal funds per SAMHSA grant. When discussing your account with the DPM's Account Representative, provide the document number identified on Page 2 of the Notice of Award under Section I - AWARD DATA, Fiscal Information.

3. As the grantee organization, you acknowledge acceptance of the grant Terms and Conditions by drawing down or otherwise obtaining funds from the Payment Management System. In doing so, your organization must ensure that you exercise prudent stewardship over Federal funds and that all costs are allowable, allocable and reasonable.

4. The Department of Health and Human Services' (HHS), Office of General Counsel (OGC) has provided guidance on how the lobbying restrictions in the Fiscal Year 2012 Consolidated Appropriations Act (CAA, 2012) will affect HHS programs. Section 503 of the Labor, HHS, and Education Appropriation Act (Division F of the CAA, 2012) is the most comprehensive provision focused on lobbying restrictions. Recent changes to this section may have implications for SAMHSA and its grantees. Language provided by OGC, below provides specific guidance on: agency actions; grantee lobbying; tax increases and other restrictions on legal consumer products; and clarification of Internal Revenue Code provisions.

Section 503 - Agency Actions

a) No part of any appropriation contained in this Act or transferred pursuant to section 4002 of Public Law 111-148 shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, electronic communication, radio, television, or video presentation designed to support or defeat the enactment of legislation before the Congress or any State or local legislature or legislative body, except in presentation to the Congress or any State or local legislature itself, or designed to support or defeat any proposed or pending regulation, administrative action, or order issued by the executive branch of any State or local

government, except in presentation to the executive branch of any State or local government itself.

Section 503(b) - Grantee and Contractor Lobbying

b) No part of any appropriation contained in this Act or transferred pursuant to section 4002 of Public Law 111-148 shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order proposed or pending before the Congress or any State government, State legislature or local legislature or legislative body, other than for normal and recognized executive-legislative relationships or participation by an agency or officer of a State, local or tribal government in policymaking and administrative processes within the executive branch of that government.

The prohibitions in subsections (a) and (b) shall include any activity to advocate or promote any proposed, pending or future Federal, State or local tax increase, or any proposed, pending, or future requirement or restriction on any legal consumer product, including its sale or marketing, including but not limited to the advocacy or promotion of gun control.

5. Grant funds cannot be used to supplant current funding of existing activities. Under the HHS Grants Policy Directives, 1.02 General--Definition: Supplant is to replace funding of a recipient's existing program with funds from a Federal grant.

6. The recommended future support as indicated on the NoA reflects TOTAL costs (direct plus indirect). Funding is subject to the availability of Federal funds, the demonstration of matching funds, and acceptable documentation of the progress of the grant.

7. Confidentiality of Alcohol and Drug Abuse Patient Records regulations (42 CFR 2) are applicable to any information about alcohol and other drug abuse patients obtained by a program (42 CFR 2.11) if the program is Federally-assisted in any manner (42 CFR 2.12b). Accordingly, all project patient records are confidential and may be disclosed and used only in accordance with (42 CFR 2). The grantee is responsible for assuring compliance with these regulations and principles, including responsibility for assuring the security and confidentiality of all electronically transmitted patient material.

8. Accounting Records and Disclosure: Awardees and sub-recipients must maintain records which adequately identify the source and application of funds provided for financially assisted activities. These records must contain information pertaining to grant or sub-grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays or expenditures, and income. The awardee, and all its sub-recipients, should expect that SAMHSA, or its designee, may conduct a financial compliance audit and on-site program review of grants with significant amounts of Federal funding. Please reference the Reporting Requirements section for Audit Requirements.

9. Per (45 CFR 74.36 and 45 CFR 92.34) and the HHS Grants Policy Statement, any copyrighted or copyrightable works developed under this cooperative agreement/grant shall be subject to a royalty- free, non-exclusive and irrevocable license to the government to reproduce, publish, or otherwise use them and to authorize others to do so for Federal government purposes. Income earned from any copyrightable work developed under this grant must be used as program income.

10. A notice in response to the President's Welfare-to-Work Initiative was published in the Federal Register on May 16, 1997. This initiative is designed to facilitate and encourage grantees and their sub- recipients to hire welfare recipients and to provide additional needed training and/or mentoring as needed. The text of the notice is available electronically on the OMB home page at <http://www.whitehouse.gov/omb/fedreg/omb-not.html>.

11. Program income accrued under the award must be accounted for in accordance with (45 CFR 74.24) or (45 CFR 92.25) as applicable. Program income must be reported on the Federal Financial Report, Standard Form 425. Program income accrued under this award may be used in accordance with the additional costs alternative described in (45 CFR 74.24(b)(1)) or (45 CFR 92.25(g)(2)) as applicable.

Program income must be used to further the grant objectives and shall only be used for allowable costs as set forth in the applicable OMB Circulars A-102 (Grants and Cooperative Agreements with State and Local Governments) and A-110 (Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations).

12. Actions that require prior approval must be submitted in writing to the GMO and copy the GPO. The request must bear the signature of the authorized business official of the grantee organization as well as the project director. Approval of the request may only be granted by the GMO and will be in writing. No other written or oral approval should be accepted and will not be binding on SAMHSA. Post-award requirements and instructions may be found at <http://www.samhsa.gov/Grants/management.aspx>.

13. The grantee is required to notify the GMO and GPO in writing if the Project Director (PD) or key personnel specifically named in the NoA will withdraw from the project entirely, be absent from the project during any continuous period of three months or more, or reduce time devoted to the project by 25 percent or more from the level that was approved at the time of award. SAMHSA must approve any alternate arrangement proposed by the grantee, including any replacement of the PD or key personnel named in the NoA.

The request for approval of a substitute PD/key personnel should include a justification for the change, the biographical sketch of the individual proposed, other sources of support (if applicable), and any budget changes resulting from the proposed change. If the arrangements proposed by the grantee, including the qualifications of any proposed replacement, are not acceptable to SAMHSA, the grant may be suspended or terminated. If the grantee wants to terminate the project because it cannot make suitable alternate arrangements, it must notify the GMO, in writing and copy the GPO, of its wish to terminate. The GMO will forward closeout instructions. Key personnel (or key personnel positions, if personnel has not been selected) are listed below:

Nancy Eastman, Project Director @ unstated level of effort
TBD, Project Coordinator @ unstated level of effort

All changes in key personnel including level of effort must be sent electronically to the GPO including a biographical sketch and other documentation and information as stated above who will make a recommendation for approval or disapproval to the assigned Grants Management Specialist (GMS). Only the GMO may approve key personnel changes.

14. Refer to the NOA under Section II (Payment/Hotline Information) regarding the Payment Management System and the HHS Inspector General's Hotline concerning fraud, waste or abuse.

15. As the grantee organization, you acknowledge acceptance of the grant Terms and Conditions by drawing or otherwise obtaining funds from the Payment Management System. In doing so, your organization must ensure that you exercise prudent stewardship over Federal funds and that all costs are allowable, allocable and reasonable.

16. No HHS funds may be paid as profit (fees) per (45 CFR Parts 74.81 and 92.22(2)).

17. Where a conference is funded by a grant or cooperative agreement the recipient must include the following statement on all conference materials (including promotional materials, agenda, and Internet sites):

Funding for this conference was made possible (in part) by (insert grant or cooperative agreement award number) from ONDCP and SAMHSA. The views expressed in written conference materials or publications and by speakers and moderators do not necessarily reflect the official policies of the Office of National Drug Control Policy or the Department of Health and Human Services; nor does mention of trade names, commercial practices, or organizations imply endorsement by the U.S. Government.

18. This award is subject to the requirements of Section 106 (g) of the Trafficking Victims Protection Act of 2000, as amended (22 U.S.C. 7104). For the full text of the award term, go to <http://samhsa.gov/grants/trafficking.aspx>.

19. Grantees must comply with the requirements of the National Historical Preservation Act and EO13287, Preserve America. The HHS Grants Policy Statement provides clarification and uniform guidance regarding preservation issues and requirements (pages I-20, Preservation of Cultural and Historical Resources). For questions concerning historical preservation, please contact SAMHSA's Office of Program Services, Building, Logistics and Telecommunications Branch at 240-276-1001.

20. Executive Order 13410: Promoting Quality and Efficient Health Care in Federal Government Administered or Sponsored Health Care Programs promotes efficient delivery of quality health care through the use of health information technology, transparency regarding health care quality and price, and incentives to promote the widespread adoption of health information technology and quality of care. Accordingly, all grantees that electronically exchange patient level health information to external entities where national standards exist must:

- Use recognized health information interoperability standards at the time of any Health Information Technology (HIT) system update, acquisition, or implementation, in all relevant information technology systems supported, in whole or in part, through this agreement/contract. Please consult <http://www.healthit.gov> for more information.

- Use Electronic Health Record systems (EHRs) that are certified by agencies authorized by the Office of the National Coordinator for Health Information Technology (ONC), or that will be certified during the life of the grant. For additional information contact: Jim Kretz at 240-276-1755 or Jim.Kretz@samhsa.hhs.gov ; Kathryn Wetherby at 240-276-2899 or Kathryn.Wetherby@samhsa.hhs.gov . Questions and issues may be raised on SAMHSA's HIT Forum at <http://cmhbbs.samhsa.gov/>.

21. If Federal funds are used by the grantee to attend a meeting, conference, etc. and meal(s) are provided as part of the program, then the per diem applied to the Federal travel costs (M&IE allowance) must be reduced by the allotted meal cost(s).

22. By signing the Standard Form 424 application face page in Item #21, the Authorized Representative (AR) certifies (1) to the statements contained in the list of certifications* and (2) provides the required assurances* and checking the I AGREE box provides SAMHSA with the AR's agreement of compliance. It is not necessary to submit signed copies of these documents, but should be retained for your records.

*The documents are available on the SAMHSA website at <http://beta.samhsa.gov/grants/applying/forms-resources> or contained within the Request for Applications (RFA).

REPORTING REQUIREMENTS

Semi-Annual Progress Report:

1. The DFC Semi-Annual Progress Reports, submitted through the Coalition Online Management and Evaluation Tool (COMET), are completed twice a year in August and February. Completion of the DFC Semi-Annual Progress Report requires in part that DFC grantees report activity data within each strategy type. DFC Grantees may enter activity data into the COMET system throughout the reporting period as activities are completed. DFC Grantees are NOT required to report the core measures during every reporting period. It is the responsibility of the grantee to know when core measure data is required and to enter it at the proper time (every two years starting with baseline collection year). For more information, contact the DFC National Evaluation Team at dfc_evaluators@icfi.com and copy your GPO.

COMET Reports for all FY 2014 Year 2 - 5 and Year 7 - 10 grantees are due on the following dates:

Wednesday, February 11, 2015
Wednesday, August 12, 2015

Annual Coalition Classification Tool:

2. In addition, all DFC Grantees must complete the Coalition Classification Tool (CCT) once per year:

Wednesday, August 12, 2015

Financial Reports:

3. The Federal Financial Report (FFR), Standard Form 425 (SF-425) is required on an annual basis and must be submitted each budget period on the report due date(s) schedule after the close of the 12- month budget period. The FFR is required for each 12-month period, regardless of the overall length of the approved extension period authorized by SAMHSA. In addition, a final FFR is due within 90 days after the end of the extension.

The FFR must be submitted no later than:

Friday, January 29, 2016

a) NOTE: SINGLE GRANT REPORTING IS REQUIRED FOR EACH SAMHSA PROJECT AS STATED ON THE FFR (#10 d-o). Do not include any amount in Line 10f that has been reported in Line 10e. If applicable, include the required match on this form under Recipient Share (#10 i-k) and Program Income (l-o) in order for SAMHSA to determine whether matching is being provided and the rate of expenditure is appropriate. Adjustments to the award amount, if necessary, will be made if the grantee fails to meet the match.

b) The FFR must be prepared on a cumulative basis and all program income must be reported.

c) If your organization intends to automatically carryover an unobligated balance of funds from the prior year(s) up to 10 percent of the federal share as reflected in the current Notice of Award, it must be stated in the Remarks section (#12) of the FFR. The subsequent FFR must reflect the actual carryover amount in the Remarks section (#12) also. If the actual carryover amount exceeds the 10 percent threshold, the excess grant funds must be returned. SAMHSA reserves the right to change and/or suspend the practice of permitting grantees to automatically carryover unobligated balances of funds without prior approval.

d) When submitting the FFR to SAMHSA, the amounts reported under Transactions (#10 a-c) to the (DPM), must equal or be reconciled with the Federal Expenditures and Unobligated Balance reported in (#10d-h). The FFR may be accessed from the following website at http://www.whitehouse.gov/omb/grants_forms including instructions. The data can be entered

directly on the form and the system will calculate the figures, then it can be printed and mailed to this office.

4. Submission of the Federal Cash Transactions Report PSC 272 is due 45 days after the end of each fiscal quarter. This Division of Payment Services report is completed on-line. To access the information and review the exact due dates go to <http://www.dpm.psc.gov/>

1. The grantee must comply with the GPRA requirements that include the collection and periodic reporting of performance data as specified in the RFA or by the Program Official. This information is needed in order to comply with PL 102-62 which requires information is needed in order to comply with PL 102-62 which requires that SAMHSA report evaluation data to ensure the effectiveness and efficiency of its programs.

6. Audit requirements for Federal award recipients are detailed at http://www.whitehouse.gov/sites/default/files/omb/assets/a133/a133_revised_2007.pdf. Specifically, non-Federal entities that expend a total of \$500,000 or more in Federal awards, during each Fiscal Year, are required to have an audit completed in accordance with OMB Circular A-133. The Circular defines Federal awards as Federal financial assistance (grants) and Federal cost-reimbursement (contracts) received both directly from a Federal awarding agency as well as indirectly from a pass-through entity and requires entities submit, to the Federal Audit Clearinghouse (FAC), a completed Data Collection Form (SF-SAC) along with the Audit Report, within the earlier of 30 days after receipt of the report or 9 months after the fiscal year end.

The Data Collection Forms and Audit Reports MUST be submitted to the FAC electronically at <http://harvester.census.gov/fac/collect/ddeindex.html>. For questions and information concerning the submission process, please visit <http://harvester.census.gov/sac/> or call the FAC 1-800-253-0696.

Failure to comply with the above stated Terms and Conditions may result in suspension, classification as High Risk status, termination of this award or denial of funding in the future.

All responses to Terms and Conditions of award and post-award requests must be electronically mailed to the Division of Grants Management Specialist and to the Government Project Officer as identified on your Notice of Award.

It is essential that the Grant Number be included in the SUBJECT line of the email.

INDIRECT COSTS

If the grantee chooses to establish an indirect cost rate agreement, it is required to submit an indirect cost rate proposal to the appropriate office within 90 days from the start date of the project period. For additional information, please refer to HHS Grants Policy Statement Section I, pages 23-24.

SAMHSA will not accept a research indirect cost rate. The grantee must use other-sponsored program rate or lowest rate available.

Please contact the appropriate office of the Division of Cost Allocation to begin the process for establishing an indirect cost rate. To find a list of HHS Division of Cost Allocation Regional Offices, go to <https://rates.psc.gov/fms/dca/map1.html>.

CONTACTS

All responses to special Terms and Conditions of award and post-award requests must be mailed to the Division of Grants Management, Office of Financial Resources (OFR) SAMHSA below.

For Regular Delivery:
Delivery: Division of Grants Management
Grants Management
OFR, SAMHSA
1 Choke Cherry Road, Room 7-1091
Room 7-1091
Rockville, MD 20857

For Overnight or Direct
Division of
OFR, SAMHSA
1 Choke Cherry Road,
Rockville, MD 20850

Cydne Kimbrough, Program Official
Phone: (240) 276-1236 **Email:** Cydne.Kimbrough@samhsa.hhs.gov

Karen Warner, Grants Specialist
Phone: 240-276-1426 **Email:** karen.warner@samhsa.hhs.gov **Fax:** 240-276-1430



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 New Polling Location for Ward One : Tara Estates
--

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	June 2, 2015	
DEPT. HEAD SIGNATURE	Kelly Walters, City Clerk, signature on file	
DATE SUBMITTED	May 22, 2015	
ATTACHMENTS YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	

COMMITTEE SIGN-OFF

COMMITTEE	Codes and Ordinances Committee
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	Blaine Cox, signature on file
CITY MANAGER	Dan Fitzpatrick, signature on file

FINANCE & BUDGET INFORMATION

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

LEGAL AUTHORITY

City Council action required.

SUMMARY STATEMENT

The Codes and Ordinances Committee unanimously voted to recommend using Tara Estates as the Polling Location for Ward One. For more information please read the attached set of minutes.

The City Council will adopt a formal resolution in August to establish the Date and Times of the November Election as well as the City Ward Polling Locations.

RECOMMENDED ACTION

Motion to Accept Tara Estates as the Ward One Polling Location.

Councilor Bogan **MOVED** to **AMEND** the **MOTION** as stated. Councilor Gates seconded the motion. The **MOTION CARRIED** as amended by a unanimous voice vote. Councilor Lachapelle called for a vote on the main **MOTION** as **AMENDED**. The **MOTION CARRIED** by a unanimous voice vote.

4. Discussion - Polling Locations

Kelly Walters, City Clerk, explained that Dave Stevens, Moderator for Ward One, still has hesitations in regards to using Tara Estates as a polling location. She handed out a memo to the committee members with alternate locations.

Councilor Varney felt that the East Rochester School was still an option. Ms. Walters explained that Audrey Stevens, School Board Member, was checking with the School Department. There are obstacles, but could be possible. Councilor Varney mentioned that parking would be an issue if school was in session. The committee discussed working around a teachers workshop. They felt this might not be viable where the primary election date has not been set yet.

Councilor Lachapelle liked the idea of using Tara Estates as an option. The committee debated if signage would be an issue. Councilor Varney stated that they could make some changes when it comes to signage.

Ms. Walters did not want this issue held in committee, because of timing; however, Mr. Stevens was not present to voice his feelings regarding this location. She felt that he would like to be heard before it goes to the full City Council for their recommendation.

Councilor Lauterborn asked Ms. Walters if Mr. Stevens has any other suggestions. Ms. Walters explained that they had driven through Ward One in search of other locations. The committee discussed the other locations listed on her handout, but all locations had issues with being able to handle an election.

Ms. Walters asked if the Codes and Ordinances Committee intends to recommend Tara Estates to the full City Council and could they reach out to Mr. Stevens. She asked if Councilor Lachapelle could have a private discussion with him. Councilor Varney stated that Mr. Stevens could come and speak to the City Council directly since he is a City Official.

The Codes and Ordinances Committee briefly discussed the churches that were recommended, but clearly they do not provide enough parking.

Councilor Lauterborn asked if they could use a location outside of the ward. Ms. Walters had inquired about that and it would entail changing the boundary lines of the Ward. If you do not change the lines, then it is next to impossible to get permission from the State to move a polling location outside of a ward. Councilor Gray explained that if they change the lines it could allow access to the American Legion function hall. The committee debated this further.

Councilor Bogan recalled that when Mr. Stevens came to a previous Codes and Ordinances meeting he was pushing to have elections in the schools. Councilor Bogan felt that from her experiences that it would be a disaster. She said that Tara Estates was the better option.

Councilor Collins commented that he did not feel that the schools were out of the question. He felt that for one day the schools could make accommodations. Councilor Bogan reiterated that she is opposed to having elections in the schools while children are there; this poses a security issue. Councilor Lauterborn felt that schools were still a viable option. She said that this is a learning experience for the kids. She gave examples of her past experience as an elementary school principle. Councilor Gray went on to explain that at some schools the cafeteria and the gymnasium are combined, so they would have to make alternate means for the students to have their lunch.

Councilor Collins agreed with Councilor Bogan that times have changed when it comes to security.

Councilor Lachapelle discussed with the committee that Tara Estates is a good fit. Ms. Walters asked if the vote on this could be held until the end of the meeting in hopes that Mr. Stevens would be able to attend; however she did agree that Tara Estates is the best location at this point.

Councilor Lauterborn mentioned that when it comes to relocating to the American Legion, which falls in Ward Six, there may be difficulties since Ward One is larger than Ward Six.

Councilor Lachapelle asked Ms. Walters about the timing for a decision to be made. Ms. Walters explained that she would like to know by June so that her office can notify the voters in that ward.

Councilor Varney **MOVED** to recommend Tara Estates as the Ward One polling location. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Ms. Walters commented that she will be looking at long term changes to the Ward lines and other possible locations. She mentioned that the upcoming election is small in comparison to a Presidential Primary election so it will be a good test run for Tara Estates.

5. Discussion - Sign Ordinance, Chapter 42

Councilor Lachapelle said that it was requested that the Codes and Ordinances Committee review the recent changes made to the sign ordinance again before sending it to the full City Council.

Terence O'Rourke, City Attorney, stated the major changes to the sign ordinance fell under the political signs. He explained that he did a lot of research on this topic. He said that per the Attorney General they could not limit the size of a political sign.

Mr. O'Rourke explained that political signs are not allowed on public property or on the City's rights-of-way. He felt that the statute could be read either way, but they are not allowed on public property. Councilor Lauterborn wanted further clarification on the areas that they are referring to. The Codes and Ordinances Committee discussed the areas around the City which the ordinance is referring to. Councilor Varney asked about the Adopt-A-Spots as those spots are City property. After a brief discussion it was agreed that it was redundant and Planning will make the changes. They also agreed that section [D] could be removed.

Councilor Gray wanted to inform the committee that there is legislation in the works for this issue, which would allow the municipality to make some changes in regards to political signs on City property.

Michelle Mears, City Planner, explained that she added definitions for "Special Event" signs.

Councilor Varney asked about "Off Premise" signs, section [13.d], which he read to the Committee. It was his opinion that these signs need to be approved by the City Council and not the Planning Board. He explained that it would conflict with another ordinance. Councilor Varney wanted this to be changed. The Codes and Ordinances Committee discussed this change further. Councilor Lauterborn asked why this was a conflict and Councilor Varney explained that any sign erected on public property needs City Council approval.

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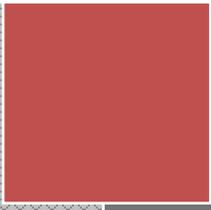


**RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION TO THE
2014-2015 OPERATING BUDGET OF THE CITY OF ROCHESTER RECREATION
DEPARTMENT FOR SERVICES RELATED TO THE TEEN TRAVEL CAMP**

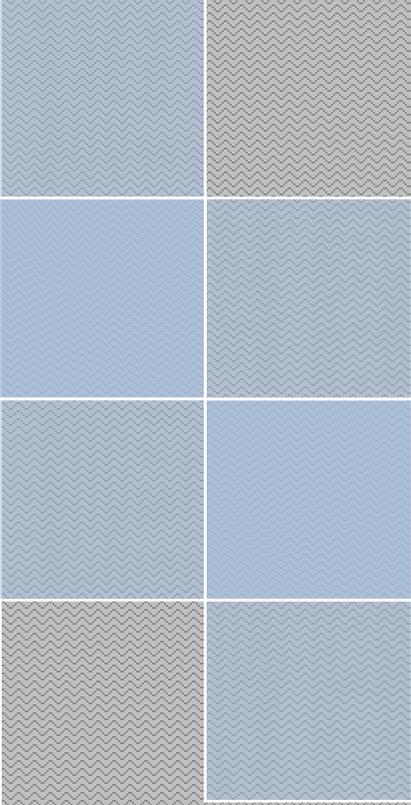
**BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF
ROCHESTER:**

That the sum of Five Thousand Dollars (\$5,000.00) be, and hereby is appropriated as a supplemental appropriation to the 2014-2015 operating budget of the City of Rochester Recreation Department for the purpose of providing funds for use in connection with the Teen Travel Camp. The sums necessary to fund such supplemental appropriation shall be drawn in their entirety from the City of Rochester School Department's Safe Schools Healthy Students (SSHS) Grant fund. Further, that this supplemental appropriation will be assigned to a non-lapsing multi-year fund. 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 a special revenue, non-lapsing, multi-year fund to which said sums shall be transferred.

CC FY 15 06-02 AB 164



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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	Rochester Recreation Teen Travel Camp
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COUNCIL ACTION ITEM <input checked="" type="checkbox"/>
INFORMATION ONLY <input type="checkbox"/>

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

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

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

AGENDA DATE	6/2/15		
DEPT. HEAD SIGNATURE			
DATE SUBMITTED	5/26/15		
ATTACHMENTS YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	2	

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	Blaine Cox, Deputy City Manager, signature on file
CITY MANAGER	Dan Fitzpatrick, City Manager, signature on file

FINANCE & BUDGET INFORMATION

FINANCE OFFICE APPROVAL	Roland Connors, signature on file
SOURCE OF FUNDS	
ACCOUNT NUMBER	
AMOUNT	
APPROPRIATION REQUIRED YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	

LEGAL AUTHORITY

City Council.

SUMMARY STATEMENT

The Rochester Recreation Department is collaborating with the Rochester School District's Safe Schools Healthy Students Grant to create a Teen Travel Camp. This collaboration has already been approved by the NH Department of Education. The recreation department will be providing a one day a week, eight week teen travel camp this summer for youth ages 14-16. The school department's SSHS Grant will be covering the cost of transportation and attraction admissions totaling \$5,000. Currently the recreation department has placed reservations with bus companies and local attractions (water parks, baseball game, fishing trip) and has received all necessary invoices for this summer's trips. The recreation department would like direct access to the \$5,000 from the SSHS Grant so we can complete payment for the travel and admissions costs associated with Teen Travel Camp.

RECOMMENDED ACTION

Council Approval.

5/28/15

City of Rochester School Department

Mr. Michael Hopkins
Superintendent of Schools
E-mail: hopkins.m@rochesterschools.com

Mrs. Mary Moriarty
Assistant Superintendent of Schools
E-mail: moriarty.m@rochesterschools.com

Ms. Linda Casey
Business Administrator
E-mail: casey.l@rochesterschools.com

Mrs. Christiane Allison
Director of Student Services
E-mail: allison.c@rochesterschools.com

Office of the Superintendent
150 Wakefield Street
Suite #8
Rochester, NH 03867-1348
(603) 332-3678
FAX: (603) 335-7367



Agreement Date: February 18, 2015.



This agreement is made between the SAU #54, Rochester School Department and The Rochester Recreation Department. This agreement is to support the NH Community for Children: Safe Schools/Healthy Students Grant.

Roles and Responsibilities:

At the request of the School District, Lauren Colanto, Assistant Director from the Rochester Recreation Department agrees to provide the following:

Youth Summer Program

Rochester Recreation Teen Travel Camp is a one day a week, eight week program for Rochester teens ages 14-16 years old. Each week, staff will chaperone campers on a bus trip to a local outdoor attraction where participants will take part in a designated activity. This program will emphasize physical and social engagement through outdoor activities that reconnect teens with nature. Please see Camp details attached.

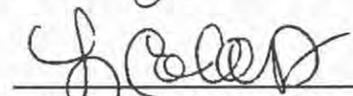
Method of Payment: Contract Dates: June 2015 to September 30, 2015.

Upon invoice, the cost of the described service will be \$5,000 which will pay for travel to and from local outdoor attractions, as well as admission fees. The total of all invoices for the Purchase of Educational Services should not exceed \$5,000.

Term and Termination: Changes to the schedule and format may occur if mutually agreed upon by both parties. The District reserves the right to terminate this contract at any point that it deems the Contractor is not fulfilling the outlined expectations in timely and/or professional manner.


Mary A. Moriarty, Assistant Superintendent, SAU#54

2/18/15
Date


Lauren Colanto, Assistant Director, Rochester Recreation Department

3/5/15
Date

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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 Insurance Reimbursement Lithographs

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
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RESOLUTION REQUIRED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
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FUNDING RESOLUTION FORM? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
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AGENDA DATE	June 2, 2015		
DEPT. HEAD SIGNATURE	Norm Sanborn, Jr., signature on file		
DATE SUBMITTED	May 19, 2015		
ATTACHMENTS YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	1	

COMMITTEE SIGN-OFF

COMMITTEE	n/a
CHAIR PERSON	n/a

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	Blaine Cox, signature on file
CITY MANAGER	Dan Fitzpatrick, signature on file

FINANCE & BUDGET INFORMATION

FINANCE OFFICE APPROVAL	Roland Connors, signature on file
SOURCE OF FUNDS	Insurance Reimbursement
ACCOUNT NUMBER	60942020-533000-12539
AMOUNT	\$759.90
APPROPRIATION REQUIRED YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	

LEGAL AUTHORITY

City Council action required.

SUMMARY STATEMENT

The Fire Department has a total set of 11 Currier and Ives Lithographs. One was damaged a few years ago due to a sprinkler pipe leaking onto it. We sent it out for a cost estimate to have it repaired but the cost was a minimum of \$3,600.00 to a high of \$5,000.00. The sprinkler company had insurance but it only paid a total of \$2,765.00. These funds were brought to Council to accept and put into our budget. The funds are currently in the multi-year fund. The 11 lithographs are now seeing degradation of the paper due to the wooden backing boards and should be replaced with acid free materials. The glass also needs to be replaced with conservation glass which blocks approximately 99% of the UV light. The Fire Department is requesting a total of \$759.90 of the funds to complete this project.

RECOMMENDED ACTION

Recommend acceptance and approval.

TIMELESS FRAMING

5/28/15

April 15, 2015

Kaitlin Taajes
Rochester Fire Department
Rochester, New Hampshire

Proposal for framing

Dear Kaitlin;

With regards to the conservation of the 11 pieces I viewed with Assistant Chief Dupuis, I see no reason to replace the frames. However; the wooden backing boards are contributing to the degradation of the paper and should be replaced with acid free materials. Additionally, I would recommend that the glass be replaced with conservation glass which blocks approximately 99% of UV light. For optimal conservation I would recommend the use of an acrylic spacer between the glass and the artwork, allowing air to circulate and decreasing the likelihood of moisture build up and the possibility of mold. We estimate the work to be completed within 8-10 business days and we would be pleased to provide pick-up and delivery. Below are the estimates;

Five (5) pieces approx. 22"x30"

Conservation clear glass	\$ 35.00
Acid free backing	\$ 20.00
Acrylic spacer	\$ 15.00
Fitting	\$ 18.00
	\$ 88.00 X 5 pieces = \$440.00

Five (5) pieces approx. 18"x22"

Conservation clear glass	\$ 26.00
Acid free backing	\$ 18.00
Acrylic spacer	\$ 12.00
Fitting	\$ 16.00
	\$ 72.00 X 5 pieces = \$360.00

One (1) piece approx.. 23"x33"

Conservation clear glass	\$ 36.00
Acid free backing	\$ 22.00
Acrylic spacer	\$ 16.00
Fitting	\$ 20.00
	\$ 94.00 X 1 piece = \$ 94.00

The total for the scope of work discussed is \$894.00 less a 15% discount is \$759.90. We look forward to working with you and the Rochester Fire Department. Please do not hesitate to contact me should you have any questions.

Sincerely



Fran Gray

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**RESOLUTION DEAUTHORIZING FUNDING FOR THE BREATHING APPARATUS
PROGRAM**

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

WHEREAS, by virtue of a certain resolutions adopted by the Mayor and City Council of the City of Rochester , the Mayor and City Council appropriated the amount of Thirty Four Thousand One Hundred Dollars (\$34,100.00) as part of the FY15 Adopted CIP Budget and further a supplemental appropriation on 09/02/2014 of Two Hundred Seventy Thousand Dollars (\$270,000.00) derived from a FEMA grant to the Capital Improvements Budget for the Fire Department for the purpose of paying for costs and expenses incurred with respect to the various aspects of the Breathing Apparatus program ("Program"); and

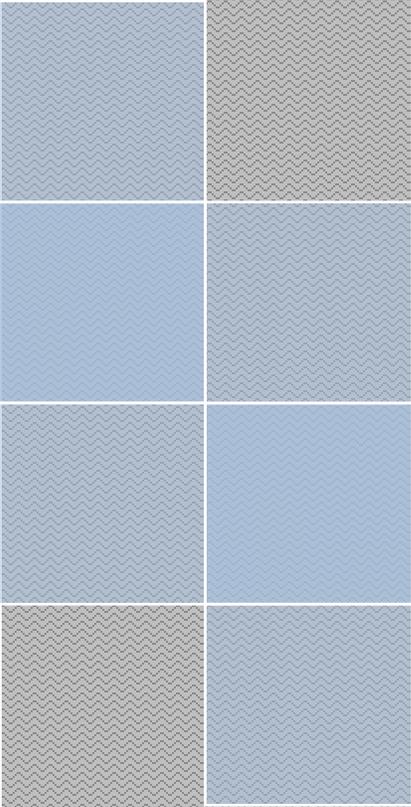
WHEREAS, the Fire Department received a Fire Act Grant from FEMA which covered ninety percent of the cost of the Program, the remaining unexpended appropriation by the Mayor and City Council for the program is no longer needed; and

NOW THEREFORE, in light of the above, the Mayor and City Council of the City of Rochester hereby withdraw and deauthorize the sum \$5,493.94 Five Thousand Four Hundred Ninety Three and 94/100 Dollars (\$5,493.94) of the previous Thirty Four Thousand One Hundred Dollar (\$34,100.00) appropriation and Twelve Thousand Five Hundred Forty Four Dollars (\$12,544.00) of the previously authorized Two Hundred Seventy Thousand Dollar appropriation of funds for the aforementioned Program. Further that of the \$5,493.94 in deauthorize funds the Council authorizes the transfer of Three Thousand Nine Hundred Ninety Three and 94/100 Dollars (\$3,993.94) back to the General Fund unassigned fund balance and One Thousand Five Hundred Dollars (\$1,500.00)to the so called Thermal Imaging Camera project..

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. **CC FY 15 06-02 AB 158**



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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 Breathing Apparatus-De-Authorization

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

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

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

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

AGENDA DATE	June 2, 2015		
DEPT. HEAD SIGNATURE	Norm Sanborn Jr., signature on file		
DATE SUBMITTED	May 5, 2015		
ATTACHMENTS YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED		

COMMITTEE SIGN-OFF

COMMITTEE	n/a
CHAIR PERSON	n/a

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	Blaine Cox, signature on file
CITY MANAGER	Dan Fitzpatrick, signature on file

FINANCE & BUDGET INFORMATION

FINANCE OFFICE APPROVAL	Roland Connors, signature on file
SOURCE OF FUNDS	FEMA - GRANT AND CASH
ACCOUNT NUMBER	15012020-773150-15514
AMOUNT	\$18,037.94
APPROPRIATION REQUIRED YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	

LEGAL AUTHORITY

City Council action required.

SUMMARY STATEMENT

De-Authorize \$18,037.94 (FEMA \$12,544.00 and cash \$5,493.94) and transfer \$3,993.94 cash to GF unassigned fund balance and \$1,500.00 cash to the thermal imaging camera project, 15012020-773150-155XX.

RECOMMENDED ACTION

Recommend acceptance and approval.

AGENDA BILL - FUNDING RESOLUTION

EXHIBIT

Project Name: De-Authorize FEMA Breathing Apparatus Grant

Date: 5/13/2015

Fiscal Year: 2015

Fund (select):

GF [x] Water [] Sewer [] Arena []
CIP [x] Water CIP [] Sewer CIP [] Arena CIP []
Special Revenue []

Fund Type: Lapsing [] Non-Lapsing []

Deauthorization

Table with 7 columns: Org #, Object #, Project #, Fed Amount \$, State Amount \$, Local Amount \$. Rows 1-4 with numerical data.

Appropriation

Table with 7 columns: Org #, Object #, Project #, Fed Amount \$, State Amount \$, Local Amount \$. Rows 1-4 with dashes.

Revenue

Table with 7 columns: Org #, Object #, Project #, Fed Amount \$, State Amount \$, Local Amount \$. Rows 1-4 with dashes.

DUNS # 073960874

CFDA # 97.044

Grant # EMW-2013-FO 05475

Grant Period: From [] To []

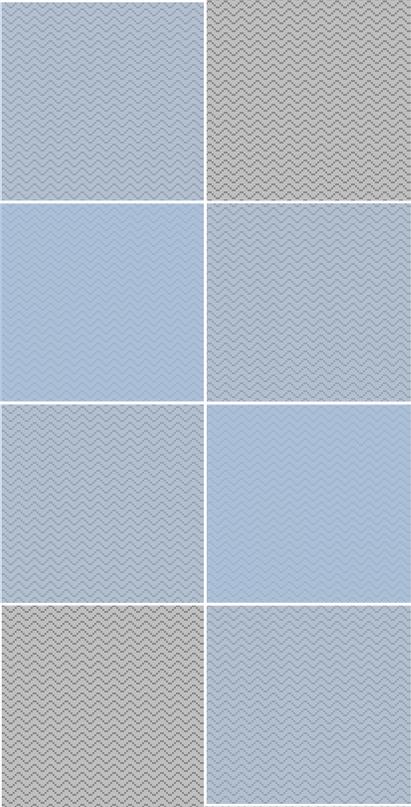
If de-authorizing Grant Funding appropriations: (select one)

Reimbursement Request will be reduced []

Funds will be returned []



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**RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION
FOR THE PURCHASE OF THERMAL IMAGING CAMERA**

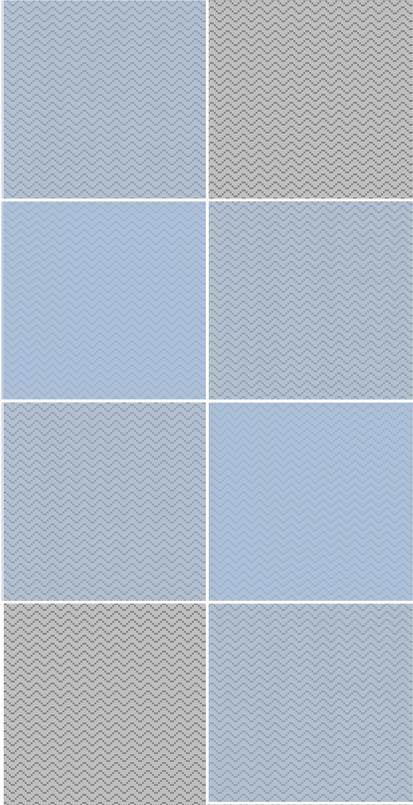
BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHESTER, AS FOLLOWS:

That the sum of Eleven Thousand Five Hundred Dollars (\$11,500.00) be, and hereby is, appropriated as a supplemental appropriation to the operating budget of the City of Rochester Fire Department for the purpose of providing funds necessary to pay costs and/or expenditures with respect to the purchase of a Thermal Imaging Camera and provided further that Ten Thousand Dollars (\$10,000.00) of the funds for such supplemental appropriation shall be derived from the so-called FEMA Grant deauthorized for use with the Breathing Apparatus program and that One Thousand Five Hundred Dollars (\$1,500.00) of the funds shall be derived from the previously deauthorized City funding portion of the so-called Breathing Apparatus project.

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. **CC FY15 06-02 AB 158 B**



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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 FEMA Thermal Imaging Camera Grant Supplemental
--

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

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

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

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

AGENDA DATE	June 2, 2015	
DEPT. HEAD SIGNATURE	Norm Sanborn, Jr., signature on file	
DATE SUBMITTED	May 19, 2015	
ATTACHMENTS YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	

COMMITTEE SIGN-OFF

COMMITTEE	n/a
CHAIR PERSON	n/a

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	Blaine Cox, signature on file
CITY MANAGER	Dan Fitzpatrick, signature on file

FINANCE & BUDGET INFORMATION

FINANCE OFFICE APPROVAL	Roland Connors, signature on file
SOURCE OF FUNDS	FEMA and Cash
ACCOUNT NUMBER	15012020-773150-155XX
AMOUNT	\$11,500.00 (\$10,000 FEMA - \$1,500 CASH)
APPROPRIATION REQUIRED YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	

LEGAL AUTHORITY

City Council action required.

SUMMARY STATEMENT

The Fire Department was successful in obtaining a Fire Act Grant from the Federal Emergency Management Agency to purchase air paks. Once the purchase was made there was grant funds left and FEMA allows the department to ask for additional equipment with a maximum limit of \$10,000.00. The Fire Department submitted an addendum for the maximum funds allowed to help purchase a new Thermal Imager Camera for the Department at a cost of \$11,500.00. We are looking for Council approval to accept the \$10,000.00 which is currently in the FY 15 budget and also use the funds which are in the FY15 budget for the additional \$1,500.00 cost.

RECOMMENDED ACTION

Recommend acceptance and approval.

AGENDA BILL - FUNDING RESOLUTION

EXHIBIT

Project Name: FEMA Thermal Imaging Camera Grant Supplemental

Date: 5/13/2015

Fiscal Year: 2015

Fund (select):

GF [x] Water [] Sewer [] Arena []
CIP [x] Water CIP [] Sewer CIP [] Arena CIP []
Special Revenue []

Fund Type: Lapsing [] Non-Lapsing [x]

Deauthorization

Table with 7 columns: Org #, Object #, Project #, Fed Amount \$, State Amount \$, Local Amount \$. Rows 1-4 show zero values.

Appropriation

Table with 7 columns: Org #, Object #, Project #, Fed Amount \$, State Amount \$, Local Amount \$. Row 1: 15012020, 773150, 155XX, 10,000.00, -, 1,500.00.

Revenue

Table with 7 columns: Org #, Object #, Project #, Fed Amount \$, State Amount \$, Local Amount \$. Row 1: 150001, 473150, 155XX, -, -, 1,500.00.

DUNS # 073960874

CFDA # 97.044

Grant # EMW-2013-FO-05475

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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**AMENDMENTS TO CHAPTER 42 OF THE GENERAL ORDINANCES OF THE CITY
OF ROCHESTER THE AQUIFER PROTECTION OVERLAY DISTRICT (APOD)**

THE CITY OF ROCHESTER ORDAINS:

That subsections 42.10 of Chapter 42 of the General Ordinances of the City of Rochester regarding the Aquifer Protection Overlay District (APOD) and currently before the Rochester City Council, be amended as follows:

That subsection 42.10, presently before the Rochester City Council, be amended by deleting subsection 42.10 in its entirety, and by substituting in its stead, the following provisions, to be known as subsection 42.10 of the General Ordinances of the City of Rochester, to wit:

42.10 Aquifer Protection Overlay District [APOD]

- a. **Authority.** The City of Rochester hereby adopts this ordinance pursuant to the authority granted under RSA 674:16, in particular RSA 674:16, II relative to innovative land use controls.
- b. **Purpose.** The purpose of this ordinance is to preserve, maintain, and protect from contamination existing and potential groundwater supply areas that may be available for use as a current or future source of supply for Rochester's municipal water system. The ordinance serves as a public education tool to provide residents and small businesses awareness on typically unrecognized hazards.
- c. **Definitions.**
 1. Aquifer: for the purposes of this ordinance, a geologic formation composed of rock, sand, or gravel that contains significant amounts of potentially recoverable water. [*NHDES Model Groundwater Protection Ordinance, Chapter 2.5 Protection of Groundwater and Surface Water Resources, Innovative Land Use Planning Techniques*]
 2. Fuel storage: see Chapter 42.2 of the Zoning Ordinance of the City of Rochester, New Hampshire.
 3. Gasoline station: see Chapter 42.2 of the Zoning Ordinance of the City of Rochester, New Hampshire.
 4. Groundwater: subsurface water that occurs beneath the water table in soils and geologic formations. [*RSA 485-C (VIII), the Groundwater Protection Act*]

5. Household hazardous waste collection project: any location that accumulates, collects, transfers, or otherwise manages household hazardous waste [*Env-Hw 103.66, NH Code of Administrative Rules*]
6. Impervious surface: a surface through which regulated substances cannot pass when spilled. The term includes concrete and asphalt unless unsealed cracks or holes are present, but does not include earthen, wooden, or gravel surfaces or other surfaces that could react with or dissolve when in contact with the substances stored on them. [*Env-Wq 401.03(c), NH Code of Administrative Rules*]
7. Junkyard: see Chapter 42.2 of the Zoning Ordinance of the City of Rochester, New Hampshire.
8. Regulated container: any device in which a regulated substance is stored, transported, treated, disposed of, or otherwise handled, with a capacity of greater than or equal to five gallons. [*Env-Wq 401.03(g), NH Code of Administrative Rules*]
9. Regulated substance: any of the following, with the exclusion of all substances used for the treatment of drinking water or wastewater at department-approved facilities¹ [*Env-Wq 401.03(h), NH Code of Administrative Rules*]:
 - A. Petroleum products and their by-products of any kind, and in any form including, but not limited to, petroleum, fuel, sludge, crude, oil refuse or oil mixed with wastes and all other liquid hydrocarbons regardless of specific gravity and which are used as motor fuel, lubricating oil, or any oil used for heating or processing. Shall not include natural gas, liquefied petroleum gas or synthetic natural gas regardless of derivation or source. [*RSA 146-A:2(III), Oil Discharge or Spillage in Surface Water or Groundwater*]; or
 - B. Any substance that contains a regulated contaminant for which an ambient groundwater quality standard has been established pursuant to RSA 485-C:6; or
 - C. Any hazardous substance as listed in the [40 CFR Part 302, Table 302.4](#)². Reportable quantity (RQ): the reportable quantities of hazardous substances as listed in 40 CFR Part 302, Table 302.4 under column heading final RQ pounds (Kg).
10. Rochester municipal water system: the public treatment and distribution system, which consists of water treatment plants, water main pipes, storage tanks, booster stations, and

¹ These chemicals are excluded from the definition of regulated substances within state administrative rule Env-Wq 401, because they are used in the treatment of wastewater and drinking water supplies and are not considered to pose a significant risk to groundwater.

² http://www.ecfr.gov/cgi-bin/text-idx?SID=faf57ef83c3514de4442d1c07acf144f&node=se40.28.302_14&rgn=div8

service connections that convey potable water for domestic, fire protection, and other community uses.

11. Sanitary protective radius: areas around a public water supply well which must be maintained in its natural state as required by Env-Dw 301.06 (small community wells); Env-Dw 302.06 (large community wells).
 12. Seasonal high water table: the depth from the mineral soil surface to the upper most soil horizon that contains 2% or more distinct or prominent redoximorphic features that increase in percentage with increasing depth as determined by a licensed Hydrogeologist, Soils Scientist, Wetlands Scientist, Engineer or other qualified professional approved by the Planning Board or the shallowest depth measured from ground surface to free water that stands in an unlined or screened borehole for a period of one week or more³. [*Env-Wq 1502.49, NHDES Alteration of Terrain*]
 13. Snow dump: for the purposes of this ordinance, a location where snow is placed for disposal from any off-site location (i.e. cleared from roadways, and/or motor vehicle parking areas). [*NHDES Model Groundwater Protection Ordinance, Chapter 2.5 Protection of Groundwater and Surface Water Resources, Innovative Land Use Planning Techniques*]
 14. Stratified-drift aquifer: a geologic formation of predominately well-sorted sediment deposited by or in bodies of glacial meltwater, including gravel, silt, or clay, which contains sufficient saturated permeable material to yield significant quantities of water to wells. [*RSA 485-C (XIV), the Groundwater Protection Act*]
 15. Wellhead protection areas – the surface and subsurface area surrounding a water well or wellfield supplying a community public water system, through which contaminants are reasonably likely to move toward and reach such water well or wellfield. [*RSA 485-C (XVIII), the Groundwater Protection Act*]
- d. Aquifer Protection Overlay District Boundaries. The Aquifer Protection Overlay District (APOD) is an overlay district that is superimposed over the existing zoning. The APOD shall impose additional requirements and restrictions beyond the base zoning. Boundaries of the APOD shall be referenced by the latest edition of the map entitled “City of Rochester Aquifer Protection Overlay District.” The District shall include:
1. All delineated wellhead protection areas around existing and potential municipal production water wells, including a protective radial distance of 1,000ft⁴ around those wells (see definition for “wellhead protection area” in provision c).

³ This definition includes a focus on both soil morphology and groundwater hydrology

⁴ The protective radius around the municipal production wells pertains to rock blasting activities.

- e. Applicability. This ordinance applies to all uses in the Aquifer Protection Overlay District, except for those uses exempt under this ordinance (see provision k).
- f. Performance Standards. The following Performance Standards apply to all uses in the Aquifer Protection Overlay District unless exempt under this ordinance (see provision k).
1. For any use that will render impervious more than 20 percent⁵ of any lot or 5,000 square feet of land disturbance of any lot, whichever is greater, a stormwater management and erosion control plan, approved by the Planning Board and prepared in accordance with [Chapter 50: Stormwater Management and Erosion Control](#) shall be provided.
 2. Animal manures, fertilizers, and compost must be stored in accordance with the [Manual of Best Management Practices \(BMPs\) for Agriculture in New Hampshire](#)⁶ – “New Hampshire Department of Agriculture, Markets, and Food,” revised June 2011, and any subsequent revisions.
 3. All regulated substances within regulated containers or hazardous substances listed under 40 CFR 302.4 with a capacity equal to or greater than the reportable quantity must be used and stored in accordance with Env-Wq 401, [Best Management Practices for Groundwater Protections](#)⁷.
 4. All activities related to rock blasting must adhere to NHDES WD-10-12, [Best Management Practices for Blasting](#)⁸ – “Rock Blasting and Water Quality Measures That Can be Taken to Protect Water Quality and Mitigate Impacts,” prepared 2010, and any subsequent revisions.
- g. Permitted Uses. All uses permitted by right or allowed by special exception in the underlying district are permitted unless they are Prohibited Uses or Conditional Uses in the Aquifer Protection Overlay District. All uses must comply with the Performance Standards unless specifically exempt under this ordinance (see provision k).
- h. Prohibited Uses. The following uses are prohibited in the Aquifer Protection Overlay District:
1. Development or operation of a solid waste facility.
 2. Outdoor storage of road salt or other deicing chemicals in bulk.
 3. Development or operation of a junkyard.
 4. Development or operation of a snow dump.
 5. Development or operation of a wastewater or septage lagoon.
 6. Development or operation of a petroleum bulk plant or terminal.
 7. Development or operation of gasoline stations.

⁵ Two times the percentage of impervious surface area at which stream quality decreases ([USGS, 2005](#)).

⁶ <http://www.agriculture.nh.gov/publications-forms/documents/bmp-manual.pdf>

⁷ <http://des.nh.gov/organization/commissioner/legal/rules/documents/env-wq401.pdf>

⁸ <http://des.nh.gov/organization/commissioner/pip/publications/wd/documents/wd-10-12.pdf>

8. Use of powdered ammonium nitrate fuel oil and explosives that contain perchlorate during blasting activities
- i. Conditional Uses. The Planning Board may vary the provisions herein by granting a conditional use permit in accordance with RSA 674:21 (II) to allow for a use which is otherwise permitted in the underlying district. The following conditions shall apply to all uses in the Aquifer Protection Overlay District:
 1. Storage, handling, and use of regulated substances in quantities exceeding 55 gallons per container or 660 pounds per container⁹ at any one time provided that an adequate regulated materials response plan has been submitted. This plan must address:
 - A. Description of the physical layout and a facility diagram, including all surrounding surface waters and wellhead protection areas.
 - B. Contact list and phone numbers for the facility response coordinator, cleanup contractors, and all appropriate federal, state, and local agencies who must be contacted in case of a release to the environment.
 - C. List of all regulated substances in use and locations of use and storage.
 - D. Description of containment and/or diversionary structures or equipment to prevent regulated substances from infiltrating into the ground.
 - E. List of positions within the facility that require training to respond to spills of regulated substances.
 - F. Prevention protocols that are to be followed after an event that causes large releases of any regulated substance.
 2. Any use that will render impervious more than 20 percent of any lot or 5,000 square feet of land disturbance, whichever is greater, provided that an adequate stormwater management plan has been submitted. This plan shall be prepared in accordance with Chapter 50: Stormwater Management and Erosion Control.
 3. Projects that will excavate more than a total of 5,000 cubic yards of bedrock through rock blasting activities within a two year period or are within a radial distance of 1,000 feet from a municipal production well provided that an adequate groundwater monitoring plan has been submitted. This plan must address:
 - A. Identification of potential sensitive receptors and evaluation hydrogeological background information.
 - B. Identification of monitoring well locations and install monitoring wells, where appropriate.

⁹ According to the Pipeline and Hazardous Materials Safety Administration's [Emergency Response Guidebook](#), large spills are defined as containers that are greater than 55 US gallons (208 liters) for liquids and greater than 660 pounds (300 kilograms) for solids with regard to initial isolation and protection action distances. This is a standard that is used by the bulk of the voluntary first responder organizations

- C. Collection of background water quality samples to identify, or rule out, pre-existing groundwater contamination issues and to establish background chemistry levels and performance criteria for groundwater quality.
 - D. Collection of periodic groundwater samples, including but not limited to nitrite/nitrates, as well as standard analysis for inorganic chemical, volatile organic chemical, and synthetic organic chemical contaminants as designated in [Env-Dw 703 through Env-Dw 705](#), and ambient groundwater quality standards as designated in [Env-Or 603](#), from the groundwater monitoring points during blasting, as well as collect water level data, when pertinent.
 - E. Collection of post-blast groundwater samples (conducting multiple rounds of sampling may be prudent, and/or sampling could be ongoing for extended periods if contamination is detected as a result of the blasting).
 - F. The Planning Board may, at its discretion, require a performance guarantee or bond in an amount conditions satisfactory to the Board, to be posted to ensure completion of construction of any facilities required for compliance with the Performance Standards.
- j. Existing Nonconforming Uses. Existing nonconforming structures and uses are exempt from this zoning ordinance under RSA 674:19. Any existing nonconforming structures and uses must be in compliance with Chapter 42.30 of the Zoning Ordinance of the City of Rochester, New Hampshire.
- k. Exemptions. The following uses are exempt from the specified provisions of this ordinance as long as they are in compliance with all applicable local, state, and federal requirements:
1. Any private residence, excluding home occupations, is exempt from all Performance Measures.
 2. Any business or facility where regulated substances are stored in regulated containers with a capacity of five or less gallons or where hazardous substances are stored in containers with a capacity of less than the reportable quantity is exempt from Performance Standard 3.
 3. Storage of heating fuels for on-site use or fuels for emergency electric generation, provided that storage tanks are indoors on a concrete floor or have corrosion control, leak detection, and secondary containment in place, is exempt from Performance Standard 3.
 4. Storage of motor fuel in tanks attached to vehicles and fitted with permanent fuel lines to enable the fuel to be used by that vehicle is exempt from Performance Standard 3.
 5. Storage and use of office supplies is exempt from Performance Standard 3.
 6. Temporary storage of construction materials on a site where they are to be used is exempt from Performance Standard C if incorporated within the site development project within six months of their deposit on the site.

7. The sale, transportation, and use of pesticides as defined in RSA 430:29 XXVI are exempt from all provisions of this ordinance.
 8. Any non-reoccurring household hazardous waste collection projects regulated under NH Code of Administrative Rules Env-Wm 401.03(b)(1) and 501.01(b) are exempt from Performance Standard 3.
 9. Underground storage tank systems and aboveground storage tank systems that are in compliance with applicable state rules are exempt from inspections under this ordinance (see provision m).
- l. Relationship between State and Local Requirements. Where both the State and the municipality have existing requirements, the more stringent shall govern.
- m. Maintenance and Inspection.
1. For uses requiring planning board approval for any reason, a narrative description of maintenance requirements for structures required to comply with Performance Standards shall be recorded so as to run with the land on which such structures are located, at the Registry of Deeds for Strafford County. The description so prepared shall comply with the requirements of RSA 478:4-a.
 2. Inspections shall be required to verify compliance with Performance Standards. Such inspections shall be performed by City staff at reasonable times with prior notice to the landowner.
 3. All properties in the Aquifer Protection Overlay District known to City staff as using or storing regulated substances in regulated containers with a capacity greater than five gallons or hazardous substances with a capacity greater than the reportable quantity, except for facilities where all regulated substances storage is exempt from this ordinance (see provision k), shall be subject to inspections.
 4. If applicable, a fee schedule shall be established by the City Council as provided for in RSA 41-9:A. The Rochester City Council shall require the fee be billed at an hourly rate as determined by the City of Rochester Public Works Department for compliance inspections. The fee shall be paid by the property owner.
 5. City staff shall develop reporting and tracking criteria for properties in the Aquifer Protection Overlay District that are subject to compliance inspections. Property owners shall submit reports to the City on a biennial (every other year) basis.
- n. Enforcement Procedures and Penalties. Any violation of the requirements of this ordinance shall be subject to the enforcement procedures and penalties detailed in RSA 676 or RSA 485-C.
- o. Saving Clause. If any provision of this ordinance is found to be unenforceable, such provision shall be considered separable and shall not be construed to invalidate the remainder of the ordinance.

- p. Repeal. All ordinances or parts of ordinances in conflict with this chapter are to the extent of the conflict, hereby repealed.
- q. Effective Date. This ordinance shall be effective upon adoption by the Rochester City Council.

List of Properties in Proposed
Aquifer Protection District

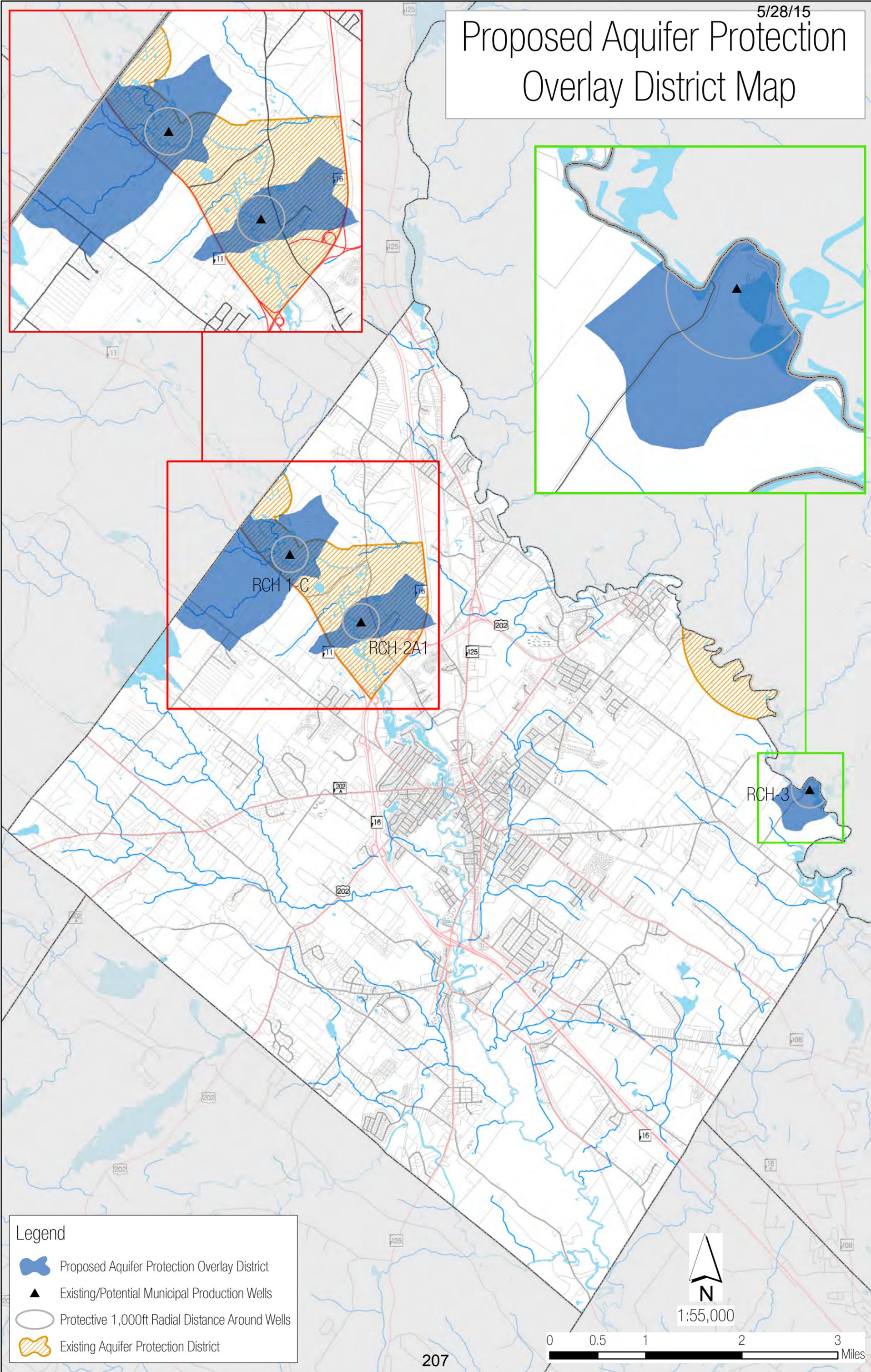
5/28/15

AREA	ParcelID	Street Number	Street	Owner	Owner2	Street1	City	St	Zip
9415905.99002000000	0241-0010-0000	1088	SALMON FALLS RD	FOWLER MARY T REVOCABLE	TRUST % MARY FOWLER TRUSTEE	996 SALMON FALLS RD	ROCHESTER	NH	03868
60101.60009760000	0241-0010-0000	1088	SALMON FALLS RD	FOWLER MARY T REVOCABLE	TRUST % MARY FOWLER TRUSTEE	996 SALMON FALLS RD	ROCHESTER	NH	03868
17692.98046880000	0241-0005-0000	996	SALMON FALLS RD	FOWLER VERNE A REVOCABLE	TRUST U/T/A % V FOWLER	996 SALMON FALLS RD	ROCHESTER	NH	03868
4374718.51755000000	0241-0005-0000	996	SALMON FALLS RD	FOWLER VERNE A REVOCABLE	TRUST U/T/A % V FOWLER	996 SALMON FALLS RD	ROCHESTER	NH	03868
231404.26171900000	0218-0002-0000	218	TEN ROD RD	CINFO STEVEN P		218 TEN ROD RD	ROCHESTER	NH	03867
679936.33007800000	0218-0001-0000	216	TEN ROD RD	MADDEN DENNIS M & RINDA S		216 TEN ROD RD	ROCHESTER	NH	03867
874965.66211000000	0217-0054-0000	141	TEN ROD RD	STARKEY B & BALLENTINE J	% KATHLEEN BALLENTINE	P O BOX 1182	ROCHESTER	NH	03866-1182
445545.92210400000	0217-0051-0001	159	TEN ROD RD	RICE LINDSEY F II & SUSAN J		P O BOX 63	BARRINGTON	NH	03825-0063
350366.17299300000	0217-0051-0000	155	TEN ROD RD	THIBAUDEAU AARON &	GAGNON JANA	155 TEN ROD RD	ROCHESTER	NH	03867-4246
79703.40234380000	0217-0050-0000	161	TEN ROD RD	SKINNER MARTHA &	HOLBROOK MARGARITA	22 HAMPTON FALLS RD	EXETER	NH	03833-4711
109009.09765600000	0217-0049-0000	165	TEN ROD RD	NAGLE JOSEPH & MARJORIE		165 TEN ROD RD	ROCHESTER	NH	03867-4246
7938746.44141000000	0217-0048-0000	195	TEN ROD RD	SCRUTON MATTHEW G & GRETCHEN V		195 TEN ROD RD	ROCHESTER	NH	03867-4246
80525.48437500000	0217-0047-0000	214	TEN ROD RD	LONG MARY JANE REVOC TRUST	% LONG MARY JANE TRUSTEE	214 TEN ROD RD	ROCHESTER	NH	03867-4247
45357.18750010000	0217-0046-0000	212	TEN ROD RD	GOSELIN RODNEY D & KAREN M		212 TEN ROD RD	ROCHESTER	NH	03867-4247
111474.97851600000	0217-0045-0000	210	TEN ROD RD	RYEA ALLEN M & VICKY S		210 TEN ROD RD	ROCHESTER	NH	03867-4247
128483.45507800000	0217-0044-0000	210	TEN ROD RD	RYEA ALLEN M & VICKY S		210 TEN ROD RD	ROCHESTER	NH	03867-4247
206587.93554700000	0217-0043-0000	198	TEN ROD RD	ROCHESTER NH CONGREGATION OF	JEHOVAH WITNESS % ANTHONY	6 NIPMUCK TRAIL	NEW DURHAM	NH	03855-2457
2111865.34961000000	0217-0042-0000	0	TEN ROD RD	AHERN PATRICIA A &	AHERN MARY E	2 CLOCKTOWER PL APT 406	NASHUA	NH	03060-3382
82450.37890620000	0217-0041-0000	194	TEN ROD RD	GLOVINSKI KEITH E & DONNA M		194 TEN ROD RD	ROCHESTER	NH	03867-4247
58604.00000000000	0217-0040-0000	192	TEN ROD RD	BEHRE STEPHEN		192 TEN ROD RD	ROCHESTER	NH	03867-4247
37259.38085950000	0217-0039-0000	186	TEN ROD RD	GARVIN STEPHEN D		186 TEN ROD RD	ROCHESTER	NH	03867-4247
172619.06835900000	0217-0038-0000	180	TEN ROD RD	JOHNSON STEPHEN D &	GOURDOUROS DIANE	180 TEN ROD RD	ROCHESTER	NH	03867-4247
84488.32031260000	0217-0037-0000	176	TEN ROD RD	HART ELIZABETH L REVOCABLE	TRUST % ELIZABETH L HART	176 TEN ROD RD	ROCHESTER	NH	03867-4247
24000.90039060000	0217-0036-0000	5	FOUR ROD RD	STUART ROBERT & GLENITA		5 FOUR ROD RD	ROCHESTER	NH	03867-4239
24856.59179690000	0217-0035-0000	7	FOUR ROD RD	ANDREWS TIMOTHY C &	ANDREWS MARIA CONSUELO	7 FOUR ROD RD	ROCHESTER	NH	03867
2769924.02435000000	0217-0034-0000	11	FOUR ROD RD	WILLIAMS ROBERT T 1998 FAMILY	TRUST % R T WILLIAMS TRUSTEE	30 BELLEVUE AVE	WAKEFIELD	MA	01880
66355.29093670000	0217-0010-0000	10	FOUR ROD RD	BERRY BARBARA A		10A FOUR ROD RD	ROCHESTER	NH	03867-4238
49942.24990890000	0217-0009-0000	10	FOUR ROD RD	SMITH KARL F & LORI E		10 FOUR ROD RD	ROCHESTER	NH	03867-4238
41727.37304690000	0217-0008-0000	8	FOUR ROD RD	BARNEY MARY L		8 FOUR ROD RD	ROCHESTER	NH	03867-4238
33815.85546880000	0217-0007-0000	2	FOUR ROD RD	CAVANAUGH RICHARD T & KATHLEEN	G REVOCABLE TRUST % TRUSTEES	2 FOUR ROD RD	ROCHESTER	NH	03867-4238
106338.89649200000	0217-0006-0000	164	TEN ROD RD	PIERONI KATHLEEN P REVOCABLE T	RUST%KATHLEEN PIERONI TRUSTEE	164 TEN ROD RD	ROCHESTER	NH	03867-4230
82425.22699690000	0217-0005-0000	158	TEN ROD RD	BERRY RYAN M		360A BIRCHILL RD	NEW DURHAM	NH	03855
287122.27941200000	0217-0004-0021	152	TEN ROD RD	REYNOLDS RICHARD W JR &	HEATHER J	152 TEN ROD RD	ROCHESTER	NH	03867-4230
23710.20989050000	0217-0004-0007	26	IANS WAY	LINDSAY KEVIN G & KAREN L		26 IANS WAY	ROCHESTER	NH	03867
23009.87741310000	0217-0004-0006	22	IANS WAY	DEMERS ROLAND P		22 IANS WAY	ROCHESTER	NH	03867-4283
21906.44194760000	0217-0004-0005	16	IANS WAY	FERREIRA JOSE M & PAMELA L		16 IANS WAY	ROCHESTER	NH	03867
513009.61554900000	0217-0004-0004	11	IANS WAY	OPEN SPACE COMMON OWNERSHIP		NA			
72308.80554840000	0217-0004-0000	154	TEN ROD RD	CLARK FAMILY TRUST % CLARK	CRAIG W & PATRICIA H TRUSTEES	1 CIN FRE DR	HUDSON	NH	03051-5064
32390.85742180000	0216-0074-0000	155	CHESTNUT HILL RD	SCHAFAER ERNEST EARL &	SCHAFAER EVELYN JUNKINS	155 CHESTNUT HILL RD	ROCHESTER	NH	03867-5141
29924.67382820000	0216-0073-0000	157	CHESTNUT HILL RD	SCHAFAER ERNEST C & TAMARA M		157 CHESTNUT HILL RD	ROCHESTER	NH	03867-5141
163275.60742200000	0216-0072-0000	159	CHESTNUT HILL RD	FOSS STEVEN D		159 CHESTNUT HILL RD	ROCHESTER	NH	03867
12642.58398450000	0216-0071-0000	161	CHESTNUT HILL RD	OLSON RANDY V & DIANE M		161 CHESTNUT HILL RD	ROCHESTER	NH	03867-5141
53368.82812510000	0216-0070-0000	0	CHESTNUT HILL RD	ALLEN ROGER N TRUST	% LEROY ALLEN & SYBIL ASH	125 WAKEFIELD ST	ROCHESTER	NH	03867
388619.96875000000	0216-0069-0000	21	ELMO LN	BEAUDOIN HEATH W & DARCY R		21 ELMO LN	ROCHESTER	NH	03867
912295.56894100000	0216-0068-0000	71	ELMO LN	CROUT-HAMEL VINCENT A &	DIANA L	71 ELMO LN	ROCHESTER	NH	03867-5100
2494702.86010000000	0216-0067-0000	40	ELMO LN	LABABIDI ZIAD		21 GARRISON LN	MADBURY	NH	03820-7005

33691.66601560000	0216-0066-0000	167	CHESTNUT HILL RD	FARIA RAYMOND & BEATRICE		P O BOX 444	ROCHESTER	NH	03866-0444
25446.18945310000	0216-0065-0000	169	CHESTNUT HILL RD	N & M WENTWORTH PROPERTIES LLC		P O BOX 5	ROCHESTER	NH	03866-0005
25210.56835940000	0216-0064-0000	171	CHESTNUT HILL RD	BROWN DOUGLAS L JR & TAMMY H		171 CHESTNUT HILL RD	ROCHESTER	NH	03867-5142
27874.95687420000	0216-0063-0000	173	CHESTNUT HILL RD	HOPE HARRIET L REV TRUST %	HARRIET L HOPE TRUSTEE	173 CHESTNUT HILL RD	ROCHESTER	NH	03867-5142
20067.17968750000	0216-0062-0000	175	CHESTNUT HILL RD	RAYMOND ERIC W & KATHLEEN L		175 CHESTNUT HILL RD	ROCHESTER	NH	03867-5142
20211.96093750000	0216-0061-0000	177	CHESTNUT HILL RD	JACQUES BARBARA		177 CHESTNUT HILL RD	ROCHESTER	NH	03867-5142
21393.42382810000	0216-0060-0000	179	CHESTNUT HILL RD	CORBETT PAUL D & DEBRA A		179 CHESTNUT HILL RD	ROCHESTER	NH	03867-5142
20907.04492200000	0216-0059-0000	181	CHESTNUT HILL RD	TARDIF KIRK G		181 CHESTNUT HILL RD	ROCHESTER	NH	03867
20533.73437500000	0216-0058-0000	183	CHESTNUT HILL RD	WIGGINS LANNY D JR & CORRINE	E	183 CHESTNUT HILL RD	ROCHESTER	NH	03867-5142
620116.69937600000	0216-0057-0000	0	CHESTNUT HILL RD	ALLEN ROGER N TRUST	% LEROY ALLEN & SYBIL ASH	125 WAKEFIELD ST	ROCHESTER	NH	03867
4040539.92383000000	0216-0056-0000	195	CHESTNUT HILL RD	ROGER ALLEN RECREATION ASSO	% BENTON AL	585 PORTLAND ST	ROCHESTER	NH	03867
106175.41406300000	0216-0055-0000	201	CHESTNUT HILL RD	BADEAU ROBERT M		201 CHESTNUT HILL RD	ROCHESTER	NH	03867
27464.54492190000	0216-0054-0000	197	CHESTNUT HILL RD	ERVEY ROBERT R REV TRUST &	ERVEY BARBARA R REV TRUST %	21 JUNIPER CREEK LN	BLUFFTON	SC	29909-5125
38868.87304690000	0216-0052-0000	196	CHESTNUT HILL RD	BUINICKY KIMBERLY M		196A CHESTNUT HILL RD	ROCHESTER	NH	03867-5124
26990.54101550000	0216-0051-0000	196	CHESTNUT HILL RD	VEILLEUX PAUL & BETTY		196 CHESTNUT HILL RD	ROCHESTER	NH	03867-5124
26340.22265620000	0216-0050-0000	194	CHESTNUT HILL RD	SPENCER REBECCA		194 CHESTNUT HILL RD	ROCHESTER	NH	03867-5124
34069.16406250000	0216-0049-0000	192	CHESTNUT HILL RD	MARRS DANIEL F REVOC TRUST	OF 2011 % D F MARRS TRUSTEE	192 CHESTNUT HILL RD	ROCHESTER	NH	03867-5124
33302.90625000000	0216-0048-0000	190	CHESTNUT HILL RD	BUSHWAY JASON M & SHELLEY		190 CHESTNUT HILL RD	ROCHESTER	NH	03867-5124
32876.97656260000	0216-0047-0000	188	CHESTNUT HILL RD	RYDER DOUGLAS & COLLEEN		188 CHESTNUT HILL RD	ROCHESTER	NH	03867-5124
31895.36523440000	0216-0046-0000	186	CHESTNUT HILL RD	DUNN JAMES MICHAEL & MARY LOU		186 CHESTNUT HILL RD	ROCHESTER	NH	03867-5124
31330.27734380000	0216-0045-0000	182	CHESTNUT HILL RD	DUBOIS BRUCE & JUDITH M		182 CHESTNUT HILL RD	ROCHESTER	NH	03867
32571.25195310000	0216-0044-0000	180	CHESTNUT HILL RD	THERIAULT NORMAN P & ISABELLE	% SHARON L WILLIAMS	66 COLONIAL VILLAGE	SOMERSWORTH	NH	03878-1556
30577.77148430000	0216-0043-0000	178	CHESTNUT HILL RD	CHARPENTIER PETER M		178 CHESTNUT HILL RD	ROCHESTER	NH	03867-5124
30607.35937500000	0216-0042-0000	174	CHESTNUT HILL RD	GORDON LEO E & MARTHA		174 CHESTNUT HILL RD	ROCHESTER	NH	03867-5124
30796.53710950000	0216-0041-0000	172	CHESTNUT HILL RD	LAURENZA ROBERT J & DIANE		172 CHESTNUT HILL RD	ROCHESTER	NH	03867-5124
92546.58984400000	0216-0040-0000	0	CHESTNUT HILL RD	COASTAL MATERIALS CORP %	WAKEFIELD INVESTMENTS	P O BOX 540	WAKEFIELD	MA	01880
2051846.31445000000	0216-0039-0000	162	CHESTNUT HILL RD	STATE OF NEW HAMPSHIRE		P O BOX 483	CONCORD	NH	
118101.64453100000	0216-0038-0000	0	CHESTNUT HILL RD	COSGROVE PETER		2021 AUSTRALIA WAY W APT 33	CLEARWATER	FL	33763-3604
184924.66601600000	0216-0037-0000	158	CHESTNUT HILL RD	ALLEN ROGER LEROY		26333 NADIR RD UNIT A-101	PUNTA GORDA	FL	33983-6286
711649.64648500000	0216-0032-0000	134	CHESTNUT HILL RD	LYDALL EASTERN INC		P O BOX 1960	ROCHESTER	NH	03866-1960
152077.84570300000	0216-0027-0000	0	FARMINGTON RD	TOY DONALD & BONNIE C/O TOYS	MANUFACTURED HOUSING INC	15 NASHOBA DR	ROCHESTER	NH	03867
2964271.60742000000	0216-0026-0000	11	TAMARACK LN	TOY DONALD & BONNIE J % TOYS	MANUFACTURED HOUSING INC	15 NASHOBA DR	ROCHESTER	NH	03867
116672.55859400000	0216-0025-0000	47	FARMINGTON RD	POULIN REALTY ACQUISITION LLC		47 FARMINGTON RD STE 1	ROCHESTER	NH	03867
178100.47851600000	0216-0024-0000	7	CRANE DR	BLACK MARBLE REALTY TRUST %	SEACOAST MOTORCYCLES INC	P O BOX 1740	NO HAMPTON	NH	03862-1740
138939.33789100000	0216-0023-0000	21	CRANE DR	BLACK MARBLE REALTY TRUST %	SEACOAST HARLEY DAVIDSON INC	P O BOX 1740	NO HAMPTON	NH	03862
521791.06054700000	0216-0017-0000	5	LYDALL WAY	STATE OF NEW HAMPSHIRE	DEPT OF TRANSPORTATION	1 HAZEN DR	CONCORD	NH	
314660.41601600000	0216-0015-0000	0	LITTLE FLS BR RD	LITTLE FALLS COOPERATIVE INC		1 SEASONS LN	ROCHESTER	NH	03867
560133.61074100000	0216-0013-0000	0	LITTLE FLS BR RD	STATE OF NEW HAMPSHIRE	DEPT OF TRANSPORTATION	1 HAZEN DR	CONCORD	NH	
275475.89257800000	0216-0008-0000	60	FARMINGTON RD	PACKYS INVESTMENT PROPERTIES	LLC	60 FARMINGTON RD # 400	ROCHESTER	NH	03867-4327
326800.34549500000	0216-0007-0000	58	FARMINGTON RD	CASACCIO RE HOLDINGS LLC		P O BOX 1598	ROCHESTER	NH	03866-1598
268421.09722700000	0216-0006-0000	48	FARMINGTON RD	CASACCIO RE HOLDINGS LLC		P O BOX 1598	ROCHESTER	NH	03866-1598
60062.88867190000	0216-0005-0000	46	FARMINGTON RD	ROE GENE V		46 FARMINGTON RD	ROCHESTER	NH	03867-4329
717563.87695300000	0216-0004-0000	36	FARMINGTON RD	NORTHGATE INVESTMENT	PROPERTIES LLC	P O BOX 645	IPSWICH	MA	01938-0645
395495.44921900000	0215-0036-0000	30	PAULS WAY	OLD MILTON RD LLC		43 MEADERBORO RD	ROCHESTER	NH	03867-4235
5653864.94903000000	0209-0017-0000	250	CHESTNUT HILL RD	TORR CECELIA H REV LIV TRUST	% TORR CECELIA H & KATHLEEN K	64 WAKEFIELD ST	ROCHESTER	NH	03867-1921
1416450.39125000000	0209-0009-0000	0	FARMINGTON RD	TORR RALPH W REV TRUST /2000 &	TORR PAULINE REV TRUST OF 2000	283 CHESTNUT HILL RD	ROCHESTER	NH	03867-5107
24567.48653980000	0208-0019-0002	131	FARMINGTON RD	JMB AUTOMOTIVE GROUP LLC		67 MALLARD DR	ALTON	NH	03809

52668.66889520000	0208-0019-0000	123	FARMINGTON RD	BLACK DOG CAR WASH LLC		123 FARMINGTON RD	ROCHESTER	NH	03867
220984.94099200000	0208-0018-0003	23	STERLING DR	RAVEN REALTY L L C		123 FARMINGTON RD	ROCHESTER	NH	03867
124861.85989500000	0208-0018-0002	27	STERLING DR	AXIS PROPERTY HOLDINGS LLC &	SPINDLE PROPERTIES LLC	340 CENTRAL AVE STE 202	DOVER	NH	03820
90715.27648560000	0208-0018-0001	18	STERLING DR	RAVEN REALTY L L C		123 FARMINGTON RD	ROCHESTER	NH	03867
70995.87159520000	0208-0018-0000	17	STERLING DR	RAVEN REALTY L L C		123 FARMINGTON RD	ROCHESTER	NH	03867
382053.25182300000	0208-0017-0000	127	FARMINGTON RD	ROWE ROBERT A SR		127 FARMINGTON RD	ROCHESTER	NH	03867-4306
71010.20688150000	0208-0016-0000	0	FARMINGTON RD	ROWE ROBERT A SR		127 FARMINGTON RD	ROCHESTER	NH	03867-4306
12405.63281270000	0208-0015-0000	0	FARMINGTON RD	CITY OF ROCHESTER		31 WAKEFIELD ST	ROCHESTER	NH	
7198396.62431000000	0208-0014-0000	157	FARMINGTON RD	CITY OF ROCHESTER		31 WAKEFIELD ST	ROCHESTER	NH	
706395.99477700000	0208-0013-0000	183	FARMINGTON RD	RUSSELL MICHELLE &	SCRUTON AARON L	183 FARMINGTON RD	ROCHESTER	NH	03867
3325951.31178000000	0208-0012-0000	0	FARMINGTON RD	181 EXETER RD REALTY TRUST	% MALCOLM RM BRADSHER	181 EXETER RD	EPPING	NH	03042-2216
181532.32421900000	0208-0011-0000	184	FARMINGTON RD	O'SHEA BONNIE J		184 FARMINGTON RD	ROCHESTER	NH	03867-4306
43616.28692910000	0208-0010-0000	180	FARMINGTON RD	WAH REALTY LLC		180 FARMINGTON RD	ROCHESTER	NH	03867-4327
188713.68593700000	0208-0009-0000	178	FARMINGTON RD	ROCHESTER/RURAL DISTRICT	VISTING NURSE SERVICES AND	178 FARMINGTON RD	ROCHESTER	NH	03867-4327
510180.44654800000	0208-0008-0001	176	FARMINGTON RD	ROBIDAS PROPERTIES LLC		24 PORTER RD	MILTON	NH	03851
2620779.27590000000	0208-0008-0000	174	FARMINGTON RD	174 FARMINGTON ROAD LLC		P O BOX 977	DOVER	NH	03821-0977
58147.88671870000	0208-0007-0000	160	FARMINGTON RD	BARN DOOR INVESTMENTS LLC		160 FARMINGTON RD	ROCHESTER	NH	03867
42730.90038770000	0208-0006-0001	152	FARMINGTON RD	OTTINO RICHARD		57 GOVERNORS RD	FARMINGTON	NH	03835-3942
46600.21484370000	0208-0006-0000	154	FARMINGTON RD	BGF-A LLC		240 RIVERSIDE DR	AUGUSTA	ME	04330-4135
26805.39822670000	0208-0005-0000	150	FARMINGTON RD	STONE ROSELYN M &	MEADER CAROLYN A	150 FARMINGTON RD	ROCHESTER	NH	03867-4352
60690.59433870000	0208-0004-0000	148	FARMINGTON RD	MEADER JOHN DAVID & CAROLYN	A	148 FARMINGTON RD	ROCHESTER	NH	03867-4352
1399799.50282000000	0208-0002-0000	0	FARMINGTON RD	KANE JEAN M 2009 REV TRUST &	KANE MICHAEL J	117 BOW ST	PORTSMOUTH	NH	03801
237614.07396200000	0208-0001-0002	12	TWO ROD RD	TRACTOR SUPPLY CO	ATTN REAL ESTATE	5401 VIRGINIA WAY	BRENTWOOD	TN	37027-7536
1489191.23438000000	0208-0001-0001	116	FARMINGTON RD	INFINITY ROCHESTER PROP LP	% WS ASSET MGMT INC	33 BOYLSTON ST STE 3000	CHESTNUT HILL	MA	02467
3354551.96642000000	0208-0001-0000	126	FARMINGTON RD	ADAMIAN CONSTRUCTION & DEV	CORP	29 MILL ST	ARLINGTON	MA	02476-4733
3356744.42531000000	0207-0001-0000	0	FARMINGTON RD	TORR FRANKLIN G REV TRUST &	TORR ANN M REVOCABLE TRUST	1 OLD LITTLEWORTH RD	DOVER	NH	03820-4311
2948743.10938000000	0206-0001-0003	262	CHESTNUT HILL RD	TORR FRANKLIN G REV TRUST &	TORR ANN M REVOCABLE TRUST	1 OLD LITTLEWORTH RD	DOVER	NH	03820-4311

Proposed Aquifer Protection Overlay District Map



Legend

- Proposed Aquifer Protection Overlay District
- Existing/Potential Municipal Production Wells
- Protective 1,000ft Radial Distance Around Wells
- Existing Aquifer Protection District



1:55,000





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 Revisions to Zoning Ordinance 42.10 (Aquifer Protection Overlay District)

COUNCIL ACTION ITEM <input checked="" type="checkbox"/> INFORMATION ONLY <input type="checkbox"/>
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FUNDING REQUIRED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> * IF YES ATTACH A FUNDING RESOLUTION FORM
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RESOLUTION REQUIRED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
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FUNDING RESOLUTION FORM? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
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AGENDA DATE	June 02, 2015		
DEPT. HEAD SIGNATURE			
DATE SUBMITTED	May 13, 2015		
ATTACHMENTS YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	14	

COMMITTEE SIGN-OFF

COMMITTEE	Planning Board , and, Codes & Ordinances
CHAIR PERSON	Nel Sylvain, and, Councilor Peter Lachapelle

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	Blaine Cox, Deputy City Manager
CITY MANAGER	Dan Fitzpatrick, City Manager

FINANCE & BUDGET INFORMATION

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

LEGAL AUTHORITY

NH RSA 485-C; NH RSA 674-21; etc....

SUMMARY STATEMENT

On November 18, 2014, the Rochester City Council endorsed making revisions to the 28 year old Aquifer Protection Ordinance. From that time until now, several City departments and volunteers, and Stafford Regional Planning Commission have worked together to craft a revised ordinance.

The benefits to updating this current ordinance include protecting public health and avoiding additional costs associated with water treatment. Additionally, adopting this ordinance will ensure that local groundwater management control remains local (NH RSA 485-C enables the State to create groundwater rules protect if local entities have not).

Several meetings were held with Planning Board and the Codes & Ordinances Committee to garner their input. The documents being presented to City Council tonight are the culmination of the aforementioned efforts.

RECOMMENDED ACTION

Approve revised Zoning Ordinance 42.10, associated Aquifer Protection District map, and biennial reporting document.

5/28/15

Emery & Garrett Groundwater Investigations, LLC

***P.O. Box 1578 · 56 Main Street
Meredith, New Hampshire 03253***

(603) 279-4425 (office)

www.eggi.com

(603) 279-8717 (fax)

May 22, 2015

Mr. Kyle Pimental
Strafford Regional Planning Commission
150 Wakefield Street, Suite 12
Rochester, NH 03867

Re: Evaluation of Rochester Aquifer Protection Program

Dear Kyle,

Emery & Garrett Groundwater Investigations, LLC (EGGI) has reviewed the proposed Rochester Aquifer Protection Ordinance that was recently prepared by the Stafford Regional Planning Commission (SRPC). EGGI provided comments to the SRPC on February 27, 2015 relative to the draft ordinance as it related to defining the following:

1. Seasonal high water table.
2. Stratified drift Aquifer.
3. Aquifer Protection District.
4. The Stormwater Management Plan.
5. Allowable rock blasting within the Aquifer Protection Area.

EGGI believes that the City of Rochester has significant and valuable groundwater resources available for long-term use by the community. Being proactive in groundwater resource protection is needed to assure that these valuable water resource assets remain available and viable for future generations.

Since the availability of groundwater resources is dependent upon site-specific geologic conditions and because growth continues to occur, future land use decisions can interfere with future groundwater supply availability. For example, if growth causes dense residential or commercial development on land where the best groundwater resources exist, those groundwater resources could be lost forever. We cannot change the geology or groundwater favorability of one site to another however, the City of Rochester can impact where residential, commercial, and other land use activities will take place in the future through appropriate planning.

EGGI believes the proposed ordinance will be an important tool for the City to use to protect of its invaluable groundwater resources. We hope you find this information responsive to your needs. Please do not hesitate to contact us if you have any questions.

Best regards,



James M. Emery, P.G.
President/CEO



PLANNING & DEVELOPMENT DEPARTMENT

**City Hall - Second Floor
31 Wakefield Street,
Rochester, New Hampshire 03867-1917
(603) 335-1338 - Fax (603) 335-7585
Web Site: www.rochesternh.net**

Planning and Development
Conservation Commission
Historic District Commission
Arts and Culture Commission

**Aquifer Protection Compliance
Biennial Report**

Date: _____

Property information

Tax map #: _____; lot #'(s): _____; Zone: _____

Property address/location: _____

Name of project (if applicable): _____

Applicant / Agent

Name (include name of individual): _____

Mailing address: _____

Telephone #: _____ Email address: _____

Property owner (if different from applicant)

Name (include name of individual): _____

Mailing address: _____

Telephone #: _____ Email address: _____

Please address the following:

1) Please list date of Planning Board approval(s): _____

2) Have any changes been made to the site or facility over the last 24 months? If yes, please summarize the changes, and note how the changes have or have not the regulated materials response plan: _____

3) Have there been any changes in the previously submitted in the contact list and phone numbers for the facility response coordinator, cleanup contractors, and all appropriate federal, state, and local agencies who must be contacted in case of a release to the environment? If so, please list changes: _____

4) Have there been any changes in the type of regulated substances (refer to "regulated substances" definition in the Aquifer Protection Ordinance) stored/used onsite? _____

5) Have there been changes in the locations of where regulated substances are used and/or stored? _____

6) Have there been any changes of containment and/or diversionary structures or equipment which are preventing regulated substances from infiltrating into the ground? If so, list changes and note locations: _____

7) Are the positions which are responsible for responding to spills still the same? _____

8) Have there been any prevention protocols that are to be followed after an event that causes large releases of any regulated substance? _____

9) a) Have any releases occurred over the last 24 months? Please describe and provide location information: _____

b) Were these reported to the Rochester Fire Department and NH Dept. of Environmental Services? _____

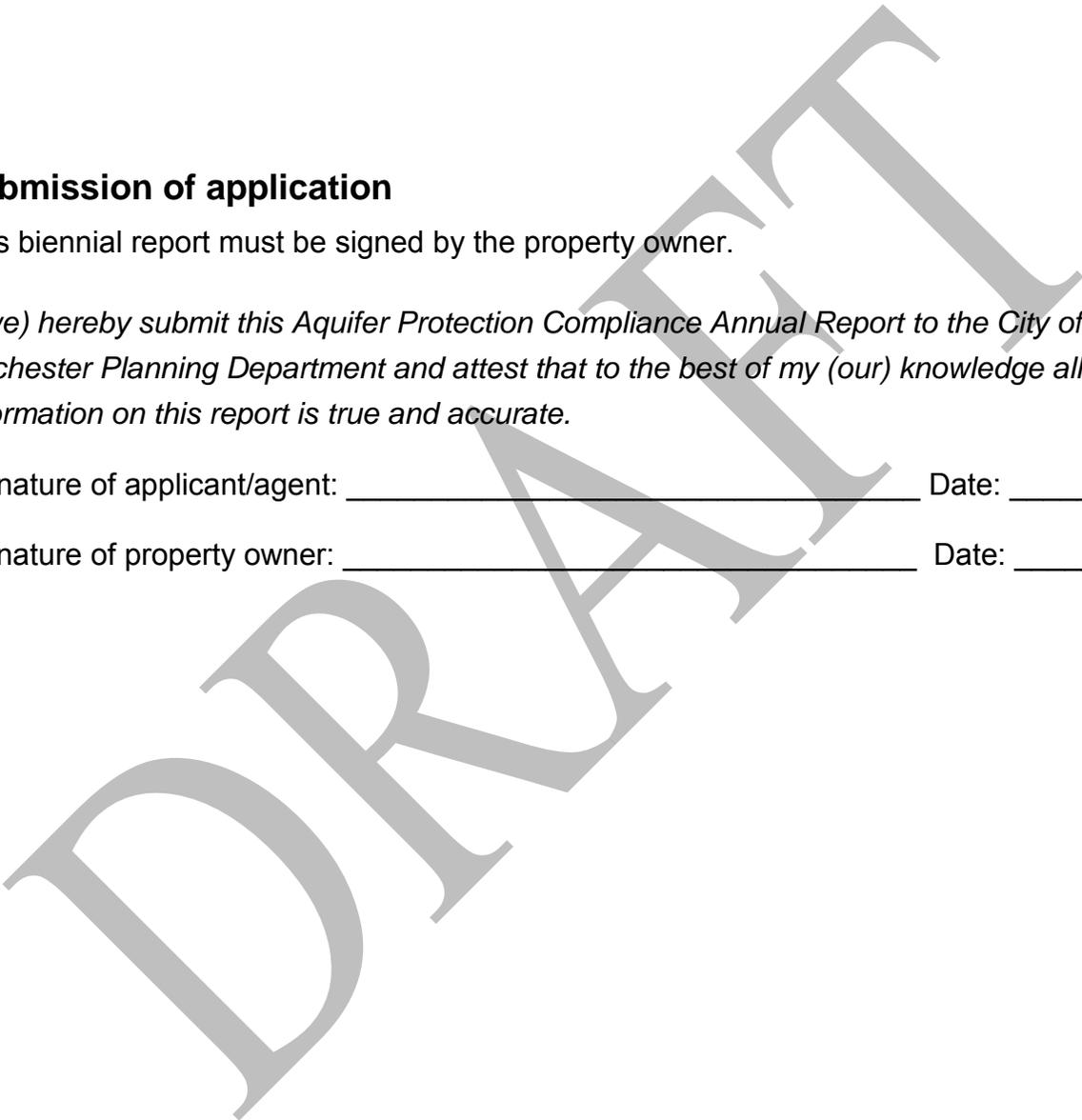
Submission of application

This biennial report must be signed by the property owner.

I (we) hereby submit this Aquifer Protection Compliance Annual Report to the City of Rochester Planning Department and attest that to the best of my (our) knowledge all of the information on this report is true and accurate.

Signature of applicant/agent: _____ Date: _____

Signature of property owner: _____ Date: _____



**AMENDMENT TO CHAPTER 34 OF THE GENERAL ORDINANCES OF THE CITY
OF ROCHESTER REGARDING THE ISSUANCE OF JUNK DEALER AND SECOND-
HAND DEALER LICENCES**

THE CITY OF ROCHESTER ORDAINS:

That subsections 34.3 and 34.4 of Chapter 34 of the General Ordinances of the City of Rochester regarding Junk and Second-Hand Dealers and currently before the Rochester City Council, be amended as follows:

That subsection 34.3, presently before the Rochester City Council, be amended by substituting the Director of Building, Zoning, & Licensing Services for the Licensing Board and by deleting subsection 34.4 in its entirety, and by substituting in its stead, the following provisions, to be known as subsection 34.4.a. and subsection 34.4.b. of Chapter 34 of the General Ordinances of the City of Rochester, to wit:

34.3 License Required. No person, firm, or corporation shall engage in the business of junk dealer or second-hand dealer unless licensed therefore by the Licensing Officer who shall be the Director of Building, Zoning & Licensing Services.

34. 4. a. Procedure for Issuance of License.

(a) Formal Application Required. Applications for licenses shall be made to the Licensing Officer. The application shall:

1. Form of Application. Be a written statement upon forms provided by the Licensing Officer; such forms shall include such affidavits to be sworn to by the applicant before a Notary Public or Justice of the Peace of this State, as the Licensing Officer shall deem necessary.

2. Contents of Application. Require the disclosure of any information which the Licensing Officer shall find to be reasonably necessary to the fair administration of this Ordinance.

3. Payment of fees. Be accompanied by the full amount of fees chargeable to such license.

(b) Renewal of License Procedure. The applicant for renewal of a license shall submit an application to the Licensing Officer. The application shall:

1. Form of Application. Be a written statement upon forms provided by the Licensing Officer, such forms shall include such affidavits to be sworn to by the applicant before a Notary Public or Justice of the Peace of this State, as the Licensing Officer shall deem necessary.

2. Contents of Application. Require the disclosure of any information which the Licensing Officer shall find to be reasonably necessary to the fair administration of this Ordinance and the disclosure of such information concerning the applicant's conduct and operation of licensed activity during the preceding licensed period as is reasonably necessary to the determination by the Licensing Officer of the applicant's eligibility for a renewal license.

(c) Fitness Investigation. Upon receipt of any license application or application for license renewal, the Licensing Officer shall forward said application to the Chief of Police who shall cause an investigation to be made of the fitness of the applicant to engage in the business of a junk dealer or second-hand dealer and report his findings to the Licensing Officer prior to the Licensing Officer's acting upon said application.

(d) Give Notice. The Licensing Officer shall notify any applicant of the acceptance or rejection of his application and shall, upon his refusal of any license, state in writing the reason therefore and deliver them to the applicant.

(e) Non-approval of License. The Licensing Officer shall, upon disapproving any application submitted under the provisions of this chapter, refund to the applicant all fees paid in advance, provided the applicant is not otherwise indebted to the City.

(f) Compliance Pending Legal Action. When the issuance of a license is denied and any action instituted by the applicant to compel its issuance, such applicant shall not engage in the activity for which the license was refused unless a license be issued to him pursuant to a judgment ordering the same.

34.4. b. Right of Appeal.

Any person aggrieved by any decision of the Licensing Officer shall have the right to appeal to the Licensing Board by filing a written appeal with the City Manager within three (3) business days following the effective date of the action or decision complained of.

(a) Contents of Appeal. The appeal shall set out a copy of the order or decision appealed from and shall include a statement of facts relied upon to avoid such order together with any defenses, legal objections or explanations which the appellant wishes the Board to consider.

(b) Notification of Licensing Officer. At the time of filing the appeal, a copy thereof shall be filed by the appellant with the Licensing Officer.

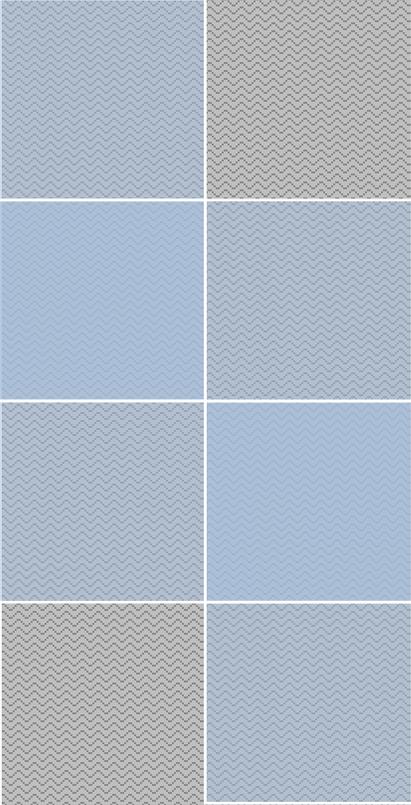
(c) Hearing. The City Manager shall fix a time and place for hearing the appeal and shall serve a written notice upon the appellant informing him thereof. The City Manager shall also give such notice to the Licensing Officer and the Officer shall be entitled to appear to defend such order.

(d) Effect of Decision. The findings of the Licensing Board shall be served upon the appellant as required herein.

The effective date of these amendments shall be upon passage.



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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 Amendment to the City Ordinances Relative to Chapter 34

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"/> Amendment to Ordinances

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

AGENDA DATE	June 2, 2015	
DEPT. HEAD SIGNATURE	James Grant, signature on file	
DATE SUBMITTED	May 22, 2015	
ATTACHMENTS YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	

COMMITTEE SIGN-OFF

COMMITTEE	Codes and Ordinances Committee
CHAIR PERSON	Peter Lachapelle, signature on file

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	Blaine Cox, signature on file
CITY MANAGER	Dan Fitzpatrick, signature on file

FINANCE & BUDGET INFORMATION

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

LEGAL AUTHORITY

City Council action required.

SUMMARY STATEMENT

Attorney O'Rourke has reviewed Chapter 34 and has made the following recommendation at the Codes and Ordinances Committee:

Second Hand Dealer - Chapter 34 Amendments

Mr. O'Rourke addressed the Codes and Ordinances Committee on his proposed changes to Chapter 34, Second Hand Dealers. He added an appeals process. When he looked at the previous ordinance it did not have such a process. He said that he has listed it under 34.4 (b) and this appeal process should be there to help if the City is brought to court.

Councilor Lauterborn's understanding is that this gets rid of the Licensing Board and licensing is handled through the Building, Zoning, and Licensing Services; however the Licensing Board now becomes the Appeals Board. The committee was in agreement. Councilor Varney explained that it appears to be better than what they have now and it speeds up the process. Councilor Lachapelle agreed.

Councilor Lauterborn **MOVED** to recommend the amendments to Chapter 34 to the City Council on June 2, 2015, meeting. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

RECOMMENDED ACTION

Recommend acceptance and approval.

AMENDMENTS TO CHAPTER 42 OF THE GENERAL ORDINANCES OF THE CITY OF ROCHESTER REGARDING SIGNAGE

THE CITY OF ROCHESTER ORDAINS:

That subsections 42.29 and 42.8 (j) (4) of Chapter 42 of the General Ordinances of the City of Rochester regarding Signage and currently before the Rochester City Council, be amended as follows:

That subsection 42.29, presently before the Rochester City Council, be amended by deleting subsection 42.29 in its entirety, and by substituting in its stead, the following provisions, to be known as subsection 42.29 of the General Ordinances of the City of Rochester, and that subsection 42.8 (j) (4) be amended by striking all exceptions to subsection 42.29 contained therein, to wit:

42.29 Signage

- a. **General.** All signs shall comply with the regulations for the erection and construction of signs contained in the Building Code of the City of Rochester and other applicable city regulations, except as shall be under the jurisdiction of New Hampshire RSA 236:69-89. Signs shall be permitted in accordance with the following regulations.
- b. **Purpose and Intent.** The purpose of this ordinance is to create a legal framework to regulate the type, number, location, size, and illumination of signs on private property in order to maintain and enhance the character of the city’s commercial district and residential neighborhood and to protect the public from hazardous and distracting displays.
- c. **Nonconforming signs.** A sign which was lawfully established prior to the adoption of this article but which does not meet the requirements of this article is considered a nonconforming sign. Non conforming signs and sign structures may remain or must be removed as follows:
 - 1. Applicable provisions of the nonconforming section of this Zoning Ordinance shall apply unless superseded herein.
 - 2. No changes in the sign or sign structure are permitted except for basic maintenance and repairs necessary to keep the sign in good working order or other changes which bring the sign into compliance. No nonconforming sign shall be reconstructed, modified, or relocated except for changes to the sign face itself within the same size and shape to accommodate a change copy. *A nonconforming sign which is damaged beyond repair due to a cause beyond the control of the owner may be replaced within one year of when damage occurs.*
 - 3. Nonconforming sign may not be altered in any way.
 - 4. Existing temporary signs which are not in compliance with this article are not considered to be “grandfathered” under this ordinance. If any notification of noncompliance is given from Director Building Zoning Licensing Services or designee, these signs or conditions must be brought into compliance within 60 days from that notification.
- d. **Permits Required.** All signs, regardless of size, shall require the issuance of a zoning permit before

Signage

42-184

Zoning Ordinance

- e. **Application Process.** Application for a sign permit shall be to the Building, Zoning, and Licensing Services Department. The application should contain the following:
 - 1. Name, signature, address and telephone number of the applicant.
 - 2. Owner's authorization for the application if not the applicant.
 - 3. Location of the building, structure or lot to which the sign will be located.
 - 4. The district the sign will be located.
 - 5. Historic District. Signs in the Historic District, except for portable easel, placard, and sandwich board signs, are subject to review by the Historic District Commission (see Article XIV – Historic Overlay District).

- f. **Construction Documents.** Before any permit is granted for the erection of a sign or sign structure requiring such permit, construction documents shall be filed with the Building, Zoning, and Licensing Services Department official showing the dimensions, materials and required details of construction, including loads, stresses, anchorage and any other pertinent data. The permit application shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected and by engineering calculations signed and sealed by a registered design professional where required by the *International Building Code*.

- g. **Changes to signs.** No sign shall be structurally altered, enlarged or relocated except in conformity to the provisions herein, until a proper permit, if required, has been secured. The changing or maintenance of movable parts or components of an approved sign that is designed for such changes, or the changing of copy, business names, lettering, sign faces, colors, display and/or graphic matter, or the content of any sign shall not be deemed a structural alteration.

- h. **Permit Fees.** Permit fees to erect, alter or relocate a sign shall be in accordance with the fee schedule adopted within this jurisdiction.

- i. **Prohibited Signs.** The following devices and locations shall be specifically prohibited:
 - 1. Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device, or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic.
 - 2. Except as provided for elsewhere in this code, signs encroaching upon or overhanging public rights-of-way. No *sign* shall be attached to any utility pole, light standard, street tree or any other public facility located within the public right-of-way.
 - 3. Signs which blink, flash or are animated by lighting in any fashion that would cause such signs to have the appearance of traffic safety signs and lights, or to have the appearance of municipal vehicle warnings from a distance.
 - 4. Any *sign* attached to, or placed on, a vehicle or trailer parked on public or private property, except for signs meeting the following conditions:
 - a. The primary purpose of such a vehicle or trailer is not the display of signs.
 - b. The signs are magnetic, decals or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle.
 - c. The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used or available for use in the daily function of the business to which such signs relate.
 - 5. Vehicles and trailers used primarily as static displays, advertising a product or service, nor utilized as storage, shelter or distribution points for commercial products or services for the general public.
 - 6. Snipe Signs

- j. **Exempt Signs.** The following signs shall be exempt from the provisions of this chapter:

1. Official notices authorized by a *court*, public body or public safety official. 5/28/15
2. Directional, warning or information signs authorized by federal, state or municipal governments.
3. Memorial plaques, building identification signs and building cornerstones when cut or carved into a masonry surface or when made of noncombustible material and made an integral part of the building or structure.
4. The flag of a government or noncommercial institution, such as a school.
5. Works of fine art displayed in conjunction with a commercial enterprise where the enterprise does not receive direct commercial gain.
6. Street address signs and combination nameplate and street address signs that contain no advertising copy and which do not exceed 6 square feet (0.56 m²) in area.
7. Signs required, or deemed necessary for the public welfare and safety, by a municipal, state, or federal agency such as traffic control and directional signs.
8. Interior signs

k. **Definitions.** For the purpose set forth in this ordinance the following definitions apply:

1. **Abandoned Sign:** A sign structure that has ceased to be used and the owner intend no longer to have used.
2. **Animated Sign:** A sign employing actual motion or the illusion of motion. Animated signs, which are differentiated from changeable signs as defined and regulated by this code, include the following types:
 - a. **Electrically activated:** Animated signs producing the illusion of movement by means of electronic, electrical or electro-mechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:
 - b. **Flashing:** Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non illumination. For the purposes of this ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds 8 seconds.
 - c. **Mechanically activated:** Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.
3. **Architectural Projection:** Any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building, but that does not include signs as defined herein. See also "Awning;" "Backlit awning;" and "Canopy, Attached and Free-standing."
4. **Awning:** An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non rigid materials and/or fabric on a supporting framework that may be either permanent or retractable, including such structures that are internally illuminated by fluorescent or other light sources.
5. **Awning Sign:** A sign displayed on or attached flat against the surface or surfaces of an awning. See also "Wall or fascia sign."
6. **Backlit Awning** An awning with a translucent covering material and a source of illumination contained within its framework.
7. **Banner:** A flexible substrate on which copy or graphics may be displayed.

8. **Banner Sign:** A sign utilizing a banner as its display surface.
9. **Billboard:** See "Off-premise sign" and "Outdoor advertising sign."
10. **Building:** A structure which has a roof supported by walls for shelter, support, or enclosure of persons, animals, or chattel.
11. **Canopy:** A multisided overhead structure or architectural projection supported by attachments to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached *canopy* may be illuminated by means of internal or external sources of light. See also "Marquee."
12. **Canopy (Free-Standing):** A multisided overhead structure supported by columns, but not enclosed by walls. The surface(s) and or soffit of a free-standing *canopy* may be illuminated by means of internal or external sources of light.
13. **Canopy Sign:** A sign affixed to the visible surface(s) of an attached or free-standing *canopy*.
14. **Changeable Sign:** A sign with the capability of content change by means of manual or remote input, including signs which are:
 - a. **Electrically activated.** Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also "Electronic message sign or center."
 - b. **Manually activated.** Changeable sign whose message copy or content can be changed manually.
15. **Combination Sign:** A sign that is supported partly by a pole and partly by a building structure.
16. **Copy:** Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, excluding numerals identifying a street address only.
17. **Development of Complex Sign:** A free-standing sign identifying a multiple-occupancy development, such as a shopping center or planned *industrial* park, which is controlled by a single owner or landlord, approved in accordance with Section 1009.2 of this chapter.
18. **Directional Sign:** Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.
19. **Double-Faced Sign:** A sign with two faces, back to back.
20. **Electric Sign:** Any sign activated or illuminated by means of electrical energy.
21. **Electronic Message Sign or Center:** An electrically activated changeable sign whose variable message capability can be electronically programmed.
22. **Exterior Sign:** Any sign placed outside a building.
23. **Flag:** A sign, constructed of cloth and attached to a staff or pole.
24. **Flashing Sign:** See "Animated sign, electrically activated."

25. **Free-Standing Sign:** A sign principally supported by a structure affixed to the ground ^{5/28/15} supported by a building, including signs supported by one or more columns, poles or braces placed in or upon the ground.
26. **Frontage (Building):** The length of an exterior building wall or structure of a single premise orientated to the public way or other properties that it faces.
27. **Frontage (Property):** The length of the property line(s) of any single premise along either a public way or other properties on which it borders.
28. **Illuminated Sign:** A sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated); or reflecting off its surface(s) (externally illuminated).
29. **Interior Sign:** Any sign placed within a building, but not including "window signs" as defined by this ordinance. Interior signs, with the exception of window signs as defined, are not regulated by this chapter.
30. **Marquee Sign:** A permanent roof-like structure, including the structural support system, projecting beyond a building wall at the entrance to a building or extending along and projecting beyond building wall.
31. **Menu Board:** A free-standing sign orientated to the drive-through lane for a restaurant that advertises the menu items available from the drive-through window, and which has no more than 20 percent of the total area for such a sign utilized for business identification.
32. **Multiple-Faced Sign:** A sign containing three or more faces.
33. **Nonconforming Sign:** Any sign that existed lawfully prior to the adoption of the Sign Ordinance which now does not conform with the provisions of this ordinance.
34. **Off-Premise Sign Directional:** A sign on private property whose only purpose is to direct vehicular traffic for deliveries and visitation and is not intended to be used as a form of advertisement.
35. **Off-Premise Sign:** A sign, which pertains to a business, industry, or other activity which is not located on the premise upon which the sign is located.
36. **On-Premise Sign:** A sign erected, maintained or used in the outdoor environment for the purpose of the display of messages appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.
37. **Outdoor Advertising Sign:** A permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.
38. **Permanent Sign:** A sign that is displayed for more than a total of ninety days in any one year.
39. **Pole Sign:** See "Free-standing sign."
40. **Political Sign:** A temporary sign intended to advance a political statement, cause or candidate for office. A legally permitted outdoor advertising sign shall not be considered to be a political sign.
41. **Portable Sign:** Any *sign* not permanently attached to the ground or to a building or building surface.

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42. **Projecting Sign:** A *sign* other than a wall sign that is attached to or projects more than 18 inches (457 mm) from a building face or wall or from a structure whose primary purpose is other than the support of a sign. For visual reference, see Section 1003.
 43. **Premises Sign:** A lot or number of lots situated a building or group of buildings designed as a unit or on which a building or group of buildings are to be constructed housing multiple businesses.
 44. **Real Estate Sign:** A temporary *sign* advertising the sale, lease or rental of the property or premises upon which it is located.
 45. **Sandwich Board Sign:** A portable sign shaped like an A-frame with a sign pane on one or both sides.
 46. **Sign:** Any device visible from a public place that displays either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any flags displayed from flagpoles or staffs will not be considered to be signs.
 47. **Sign Area:** The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double-sided or "V" shaped *sign* shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple-sided signs shall be computed as 50 percent of the sum of the area of all faces of the *sign*.
 48. **Sign Face:** The surface upon, against or through which the *sign* copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border..
 49. **Sign Structure:** Any structure supporting a sign.
 50. **Snipe Sign:** Any sign of any size, made of any material, including paper, cardboard, wood and metal, when such sign is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, fences or other objects, and the advertising matter appearing thereon is not applicable to the premises upon which said sign is located
 51. **Special Event:** A temporary sign that is either on-site or off-site that provides identification or information pertaining to a special event or occurrence sponsored by a non-profit or civic organization.
 52. **Temporary Sign:** A sign not constructed for or intended for permanent use. Temporary signs may not be displayed for more than a total of thirty (30) days in any one year.
 53. **Wall Sign:** A *sign* that is attached to a vertical wall of building that projects not more than 18 inches from the building or structure wall.
 54. **Window Sign:** A *sign* within one foot of a window message intended to be visible to and readable from the public way or from adjacent property.

1. **General Provisions.**

1. **Conformance to codes.** Any sign hereafter erected shall conform to the provisions of this ordinance or regulation within this jurisdictions.
2. **Signs in rights-of-way.** No sign other than an official traffic sign or similar sign shall be erected within 2 feet of the lines of any street, or within any public way, unless specifically authorized by other ordinances or regulations of this jurisdiction or by specific authorization of the City Council .
3. **Projections over public ways.** Signs projecting over public walkways shall be permitted to do so only subject to the projection and clearance limits either defined herein or, if not so defined, at a minimum height of 8 feet from *grade* level to the bottom of the sign. Signs, architectural projections or *sign* structures projecting over vehicular access areas must conform to the minimum height clearance limitations imposed by the jurisdiction for such structures.
4. **Traffic visibility.** No sign or sign structure shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, nor at any location where by its position, shape or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device.
5. **Computation of frontage.** If a premises contains walls facing more than one property line or encompasses property frontage bounded by more than one street or other property usages, the sign area(s) for each building wall or property frontage will be computed separately for each building wall or property line facing a different frontage. The sign area(s) thus calculated shall be permitted to then be applied to permitted signs placed on each separate wall or property line frontage.
6. **Maintenance, repair and removal.** Every sign permitted by this ordinance shall be kept in good condition and repair. When any sign becomes insecure, in danger of falling or is otherwise deemed unsafe by the code official, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this ordinance, the owner thereof or the person or firm using same shall, upon written notice by the Building, Zoning, Licensing, Services official forthwith in the case of immediate danger, and in any case within not more than 10 days, make such sign conform to the provisions of this ordinance, or shall remove it. If within 10 days the order is not complied with, the code official shall be permitted to remove or cause such sign to be removed at the expense of the owner and/or the user of the sign.
7. **Master sign plan required.** All landlord or single-owner controlled multiple-occupancy development complexes, such as shopping centers or planned *industrial* parks, shall submit to the Building Zoning and Licensing Services a master sign plan prior to issuance of new sign permits. The master sign plan shall establish standards and criteria for all signs in the complex that require permits, and shall address, at a minimum, the following:
 - a. Proposed sign locations.
 - b. Materials.
 - c. Type of illumination.
 - d. Design of free-standing sign structures.
 - e. Size.
 - f. Quantity.
 - g. Uniform standards for non business signage, including directional and informational signs.
8. **Illumination.**
 - a. No internally illuminated sign shall be used within 100 feet of any residential zone.
 - b. On externally illuminated signs, the light source shall be steady, stationary, shielded, downcast, and directed solely at the sign. The sign surface shall be non reflective.
 - c. Illuminated signs shall send no glare onto the road or onto any neighboring residential

properties.

9. Removal of Portable and Other Movable and Temporary Signs.

- a. The Zoning Administrator, or other city personnel designated by the City Manager, shall cause to be removed any sign placed on or over any public right-of-way or public property that is without a valid permit or is not in compliance with the terms of a valid permit, or where such a sign is exempt from permit requirements, the sign is not in compliance with the standards and provisions of this ordinance.
- b. Signs Related to An Adjacent Principal Use. Where a sign that is placed on or over any public right-of-way or public property in violation of this ordinance is related to a principal use of adjacent private property, the Zoning Administrator, or other city personnel designated by the City Manager, shall notify the owner of the principal use or the property that a violation exists and shall specify a time limit for removal of the sign. If the owner fails to comply with the order for removal, the Zoning Administrator, or other city personnel designated by the City Manager, shall remove the sign and the owner shall be liable for the cost of said removal and subsequent storage. If the owner does not redeem the sign within thirty (30) calendar days from the date that the sign is removed, the sign shall be deemed to be abandoned and may be disposed of by the City as abandoned property; and
- c. Other Signs. Where a sign that is placed on or over any public right-of-way or public property in violation of this ordinance is not erected in connection with elections or political campaigns, and is unrelated to a principal use of adjacent private property, the Zoning Administrator, or other city personnel designated by the City Manager, shall remove the sign and it shall be deemed to be abandoned and may be disposed of by the City as abandoned property.”

m. Specific Sign Requirements.

1. Animated Sign. Animated signs, except as prohibited in Section I3, are permitted in Granite Ridge Development, commercial and *industrial* zones only. Changeable signs, manually activated, are permitted for nonresidential uses in all zones. Changeable signs, electrically activated, are permitted in all nonresidential zones.

2. Awning Sign.

- a. The copy area of awning signs shall not exceed an area equal to 25 percent of the background area of the awning or awning surface to which such a sign is affixed or applied, or the permitted area for wall or fascia signs, whichever is less.
- b. Neither the background color of an awning, nor any graphic treatment or embellishment thereto such as striping, patterns or valances, shall be included in the computation of sign copy area.

3. Canopy Signs.

- a. The permanently-affixed copy area of *canopy* or marquee signs shall not exceed an area equal to 25 percent of the face area of the *canopy*, marquee or architectural projection upon which such sign is affixed or applied.
- b. Graphic striping, patterns or color bands on the face of a building, *canopy*, marquee or architectural projection shall not be included in the computation of sign copy area.

4. Directory Signs. For businesses located on Secondary Streets within the Downtown Commercial District.

- a. Not to exceed four (4) square feet in area.

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- b. Permission must be obtained in writing from the property owner on whose premises the sign is to be placed. 5/28/15
- c. These signs shall not obscure any portion of road, intersection, or sidewalk.
- d. Not more than 25 percent of the area of any directional sign shall be permitted to be devoted to business identification or logo, which area shall not be assessed as identification sign area.

5. Directional Signs.

No more than two directional signs shall be permitted per street entrance to any lot. There shall be none in residential zones. For all other zones, the maximum area for any directional sign visible from adjacent property or rights-of-way shall be 10 square feet. Not more than 25 percent of the area of any directional sign shall be permitted to be devoted to business identification or logo, which area shall not be assessed as identification sign area.

6. Development and Construction Signs. Signs temporarily erected during construction to inform the public of the developer, contractors, architects, engineers, the nature of the project or anticipated completion dates, shall be permitted in all zoning districts, subject to the following limitations:

- a. Such signs on a single residential lot, residential subdivision or multiple residential lots, and nonresidential uses shall be limited to one sign, not greater than 10 feet in height and 32 square feet in area.
- b. Such signs for commercial or *industrial* projects shall be limited to one sign per street front.
- c. Development and construction signs may not be displayed until after the issuance of construction permits by the building official, and must be removed not later than 24 hours following issuance of an occupancy permit for any or all portions of the project.

7. Electronic Message Sign. All permitted EMCs shall be equipped with a sensor or other device that automatically determines the ambient illumination and be programmed to automatically dim according to ambient light conditions at all times of the day or night. Electronic changing signs may be freestanding or building mounted, one or two-sided, may be a component of a larger sign or billboard, and shall conform to the following minimum requirements along with all other requirements for signage within this ordinance:

- a. Electronic Message Center portion of the sign shall not make up more than 75% of the actual sign surface. In no case shall an electronic message center exceed 32 square feet.
- b. Animation on Static EMCs shall be limited to the actual changing of the message. No flashing, blinking, or pulsating of lights shall be allowed. Electronic Message Centers must be equipped to freeze in one position or discontinue the display in the event that a malfunction occurs.
- c. Minimum Display Time: All illumination elements on the face of Static electronic changing signs shall remain at a fixed level of illumination for a period of not less than 8 seconds.
- d. Software for operating the EMC must be able to show current and factory brightness levels upon request. The owner/installer of Electronic Message Displays shall certify as part of the application that signs will not exceed the brightness levels specified in this section.
- e. The brightness shall not exceed 0.3 footcandles at night.
- f. Flashing or animated signs (including temporary interior window displays or banners) of red, amber, or green colored lights shall not be permitted.

8. Flag. Each store front may be allowed one (1) Open or welcome flag that is position at a height so as not to impede the flow of pedestrians.

9. Home Occupation-1 Sign. No signs are permitted.

10. **Home Occupation-2 Sign.** There may be only one sign for the business visible from the street. The sign shall be non-illuminated and shall not exceed three (3) square feet.
11. **Home Occupation-3 Sign.** There may be only one sign for the business visible from the street. The sign shall be non-illuminated and shall not exceed four (4) square feet.
12. **Marquee Sign.** No marquee shall be erected unless designed by a registered structural engineer and approved by Director Building Zoning Licensing Services. It may extend over the sidewalk across the ROW to the curb line provided it has a minimum height above the sidewalk of ten feet above the curb level and does not exceed five feet in height.
13. **Off-Premise Sign.** Off premises signs are prohibited except for the following signs if permission is granted from the owner of the off premises location. A setback of at least 5 feet is required for these signs and they shall not be placed in the road right-of-way (i.e. they must be placed on private property).
- a. One freestanding sign per business directing people to the site. The sign may not exceed 2 square feet per side or 4 feet in height. No illumination is allowed. It may include only the name and/or logo, with simple directions. The sign must be durable and constructed of solid, finished materials.
 - b. A real estate sign one per premise shall not exceed 6 square feet per side.
 - c. Yard sale signs (See section M 24)
 - d. A sign for an office park or industrial park may be erected at the entrance to the park on an out parcel or, with the approval of the , within the road right-of-way.
 - e. A promotional banner for special event may be placed anywhere in the City, including across a public road, if approved by the City Manager.
 - f. Two seasonal agricultural directional signs not to exceed 4 square feet each are permitted when intended to direct patrons to a farm for the purpose of purchasing or picking seasonal agricultural produce or products during the season within which the produce is available for sale or harvest.
 - g. One portable sign on the sidewalk in front of businesses in the Downtown Commercial, Special Downtown, and Neighborhood Mixed Use lying in density rings.
 - h. Road Signs.
14. **Political Sign.** Political Advertising. The following provisions are in addition to the political advertising controls established under RSA 664:14, 664:17, and 664:2, as amended:
- a. Political advertising shall be defined in RSA 664:2, as amended. No political advertising shall be placed or affixed upon any public property, including City rights of way. No political advertising shall be placed or affixed upon private property without the owner's consent.
 - b. Signature, Identification, Lack of Authorization shall be in accordance with RSA 664:14, as amended.
 - c. Political signs shall not be erected in the City Adopt-A-Spots or the Rochester Common.
 - d. Removal of signs shall be in accordance with RSA 664:17, as amended.

e. The area and location of signs used in conjunction with uses allowed by the Board ^{5/28/15}
Adjustment as special exceptions shall also be approved by the Planning Board and shall conform to the sign regulations for the district in which they are located. The area and location of such signs shall be in harmony with the character of the neighborhood in which they are located.

f. No sign, except for political signs, shall be erected until a permit for same has been obtained from the Director of Building, Zoning, & Licensing Services.

15. **Portable Sign.** Portable signs shall be permitted only in the Downtown Commercial, Special Downtown Overlay, Neighborhood Mixed Use lying in Density Rings, subject to the following limitations:

a. No more than one such sign may be displayed on any property, and shall not exceed a height of 4 feet or an area of 8 square feet per side.

b. Any portable sign that is placed on sidewalk

i. Shall be situated directly in front of the business(es) which is being advertised.

ii. Shall not block passage along sidewalk including passage for handicapped persons and shall not present a safety hazard.

c. May be displayed during business hours only.

d. Appropriately placed to minimize appearance of clutter as determined by the Director of Building, Zoning, and Licensing Services.

e. Only one sign per individual business.

16. **Projecting Sign.** Signs are permitted in the following zones:

a. Multiple projecting signs shall be permitted on buildings having multiple occupants providing only than one projecting sign per occupant will be permitted.

b. Projecting signs shall:

1. Not overhang any public property or public right of way.

2. Be attached to the side of a building with a decorative support bracket engineered to and designed to withstand wind loads.

3. Extend from the side of the building no more than eleven feet.

4. Be part of the wall sign calculations which cumulative total include both projecting signs and wall signs shall not exceed twenty percent of the wall area to which the sign is attached.

5. Such signs shall maintain a clear vertical distance above any public sidewalk a minimum of 10 feet.

17. **Roadside Farm Stand Signs.** No more than 2 signs with a maximum combined total of 20 square feet is permitted.

18. **Real Estate Sign.** shall be permitted in all zoning districts, subject to the following limitations:

a. Real estate signs located on a single residential lot shall be limited to one sign, not greater than 8 square feet in area and 6 feet in height.

b. Real estate signs may not be illuminated in residential districts.

c. There may be no more than one sign per street frontage except on lots with more than 500 feet of street frontage a second sign may be placed.

d. Real estate signs shall be removed not later than 10 days after execution of a lease agreement

19. **Sandwich Board Sign.** See portable signs.
20. **Street Banners.** Temporary street banners used to inform the public about community events and activities may be placed within or above the road right of way or in other public locations if approved by the City Manager and signed off from all departments.
21. **Special promotion, event and grand opening signs.** Signs temporarily displayed to advertise special promotions, events and grand openings shall be permitted for nonresidential uses and for all commercial and *industrial* districts subject to the following limitations:
 - a. Such signs shall be limited to one sign per street front.
 - b. Such signs may be displayed for not more than 30 consecutive days in any 12-month period, and not more than 30 days in any calendar year. The signs shall be erected no more than 5 days prior to the event or grand opening, and shall be removed not more than 1 day after the event or grand opening.
 - c. The total area of all such signs shall not exceed 32 square feet.
22. **Special event signs in public ways.**

Signs advertising a special community event shall be allowed in or over public rights-of-way, subject to approval by City official as to the size, location and method of erection. The official may not approve any special event signage that would impair the safety and convenience of use of public rights-of-way, or obstruct traffic visibility.
23. **Window Sign.** Window signs shall be permitted for any nonresidential use in, all Downtown Commercial and *industrial* districts, subject to the following limitations:
 - a. The aggregate area of all such signs shall not exceed 25 % of the window area on which such signs are displayed within the Historic District.
24. **Yard sale signs.**
 - a. Yard sale signs may not be placed prior to 3 days before the sale and must be removed within 24 hours after the sale. The date and time of the yard sale must be on the sign.
 - b. They may not exceed 6 square feet and may not be illuminated.
 - c. The signs may be placed off premises for noncommercial sales related to a single residential dwelling unit (or informal joint sales among neighbors) provided they are not placed on utility poles, are not a distraction to traffic, and comply with Requirements by Zoning District.
- n. **Requirements by Zoning District.** The following special requirements shall apply in each respective zoning district.
 1. **Residential Zoning Districts.**
 - a. For permitted nonresidential uses one freestanding sign with a maximum area of 6 square feet per side plus one attached sign not to exceed 12 square feet is permitted. Height: Signs shall have a maximum height of six (6) ft.

- b. Internally illuminated signs (including neon signs and signage placed in windows) are not permitted. 5/28/15
- c. No sign may be illuminated between the hours of 9:00 p.m. and 7:00 a.m. with the exception of signage: a) showing property addresses; b) for residential communities; and c) for businesses and organizations during any specific hours in that time period that the businesses are open.

2. Nonresidential Zoning Districts

- a. **Baseline.** The following advertising signage is permitted for one nonresidential use occupying a single building in commercial and industrial zoning districts (except as otherwise indicated in this article). Additional allowances beyond these limitations or other restrictions for various situations are shown in the subsequent subsections
- b. **Freestanding signs.** Only one free standing sign shall be permitted on a lot even if there is more than one building or use on that lot. No part of any free standing sign shall be located within 5 feet of any property line.

Dimensional standards are as follows:

Zoning District	Maximum Area (in square feet)	Maximum Height (in feet)
Highway Commercial General Industrial Hospital Granite Ridge Development	75'	30'
Airport Recycling Industrial	50'	20'
Downtown Commercial	25'	15'
Neighborhood Mixed Use Office Commercial	20'	8'

Note. All signs that are to be located in the historic district are also subject to the provisions of Article XIV – Historic Overlay District

- c. **Wall Signs.** No wall sign shall exceed ten percent (10 %) of the area of the building frontage as measure by the width of the wall containing the main public entrance by the height (measured from the floor level to the top of the first floor cornice area, or to one foot below secondary story window) to which it is attached. For buildings with multiple tenants having store fronts only, the façade rented by the tenant shall be considered as wall area for a sign.
 - i. A maximum of four (4) signs. Buildings located in the Granite Ridge Development District, between the service roads and Route 11, are allowed one additional wall mounted sign per tenant is permitted on the rear façade. The same size restrictions as applied to the front façade shall determine the size of sign.
- d. **Temporary signs.** One temporary sign is allowed at any one time, including portable and banner signs. For portable signs (where they are permitted; (see below) the maximum area is 8 square feet and the maximum height is 4 feet. Banner signs, not exceeding 60 square feet, are permitted for grand openings of new business only, and may be displayed for a maximum of 30 consecutive days. Permits are required for these signs with a fee of \$10.
- e. **Directory signs.** For each additional independent enterprise on a site beyond one, an additional 10 square feet may be added to one freestanding directory sign not to exceed 100 square feet. Property owners of separate adjoining lots may also elect to have one joint directory sign.
- f. **Attached directory signs.** One additional attached directory sign of the principal uses

within a multi-tenant building is permitted on the exterior wall at each entrance to the building. It shall not exceed 3 square feet plus 1 square foot for each independent enterprise.

- g. **Upper floor units.** Each upper floor occupant may use one attached sign placed at no higher than the second floor level – not to exceed six square feet per side for each occupant plus window signs. Window signage shall not exceed 25% of the total window area.
- h. **Multiple Occupant Sites.** On multiple occupant sites up to 3 portable signs for independent enterprises may be placed at the same time.
- i. **Secondary Entrance.** By Conditional Use Permit issued by the Planning Board any site with at least 300 feet of linear lot frontage and with a second driveway entrance located at least 200 feet from the primary entrance may have a second freestanding sign at the second entrance not to exceed 16 square feet and 8 feet in height.
- j. **Corner or multiple frontage lots.** By Conditional Use Permit issued by the Planning Board any corner lot or a rear frontage lot (or double frontage) may have one additional freestanding sign with a maximum area of 24 square feet is allowed on the second frontage provided the property across the street on that second frontage is not zoned residential.

k. Specific Zoning Districts

Internally illuminated signs are permitted only in the Highway Commercial, Downtown Commercial, Granite Ridge Development, and Industrial Districts.

Sign permitted in designated zoning districts

Sign	Residential Districts				Commercial Districts				Industrial District		Special	
	R1	R2	NMU	AG	DC	OC	HC	GRD	GI	RI	HS	AS
Canopy	N	N	P	N	P	P	P	P	P	P	P	P
Changeable Copy	N	N	P	N	P	P	P	P	P	P	P	P
Electronic Message	N	N	N	N	N	N	P	P	P	N	N	N
Freestanding Pole	P	P	P	P	P	P	P	P	P	P	P	P
Interior Window	P	P	P	P	P	P	P	P	P	P	P	P
Marquee	N	N	P	P	P	P	P	P	P	P	P	P
Portable	N	N	P	N	P	N	N	N	N	N	N	N
Projecting	P	P	P	P	P	P	P	P	P	P	P	P
Wall	P	P	P	P	P	P	P	P	P	P	P	P
Window	P	P	P	P	P	P	P	P	P	P	P	P

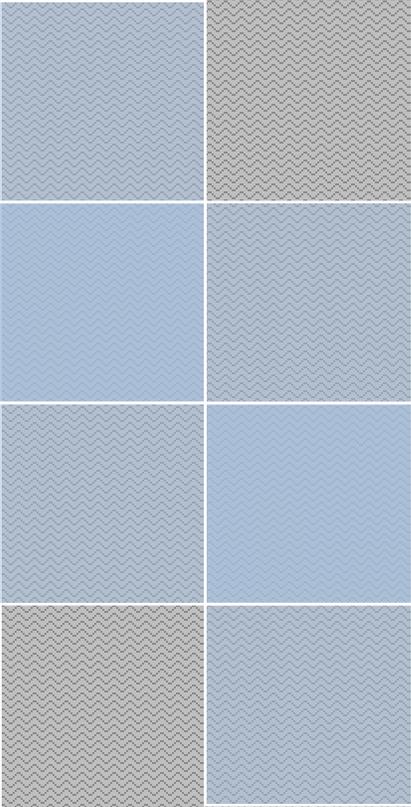
**Signs which are permitted in the designated zone are indicated with a “P”, and signs which are not permitted are indicated with an “N”.

Chapter 42.8 (j):

4. Signage. All provisions of Section 42.29, Signage, herein shall apply.

The effective date of these amendments shall be upon passage.

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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 Revisions to Zoning Ordinance 42.29 Sign Ordinance
--

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	June 02, 2015		
DEPT. HEAD SIGNATURE			
DATE SUBMITTED	May 13, 2015		
ATTACHMENTS YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	11	

COMMITTEE SIGN-OFF

COMMITTEE	Planning Board, Economic Development Committee, Main Street, Historic District Commission, and, Codes & Ordinances
CHAIR PERSON	Nel Sylvain, and, Councilor Peter Lachapelle

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

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

LEGAL AUTHORITY

City Council Action.

SUMMARY STATEMENT

Chapter 42.29 has been presented to the Planning Board (8/9/14 & 9/17/14), Historic District Commission, Main Street Design Committee, Economic Development Committee, and Codes and Ordinances Committee (2/5/15). The sign ordinance is supported by the Planning Board and Codes and Ordinances Committee. Also an internal department review between Planning & Development; Building, Zoning, and Licensing, Services; Economic Development; and legal review by the City Attorney has been completed. City Staff and Legal Counsel suggest that City Council vote at the June 2, 2015 meeting for the 1st reading and adopt the new sign ordinance on July 16, 2015 City Council Workshop Public Hearing.

RECOMMENDED ACTION

Approve revised Zoning Ordinance Section 42.29 Sign Ordinance.

Draft dated PB 7.9.14 Comments received for PB for 8.4.14

42.29 Signage

- a. **General.** All signs shall comply with the regulations for the erection and construction of signs contained in the Building Code of the City of Rochester and other applicable city regulations, except as shall be under the jurisdiction of New Hampshire RSA 236:69-89. Signs shall be permitted in accordance with the following regulations.
- b. **Purpose and Intent.** The purpose of this ordinance is to create a legal framework to regulate the type, number, location, size, and illumination of signs on private property in order to maintain and enhance the character of the city's commercial district and residential neighborhood and to protect the public from hazardous and distracting displays.
- c. **Nonconforming signs.** A sign which was lawfully established prior to the adoption of this article but which does not meet the requirements of this article is considered a nonconforming sign. Non conforming signs and sign structures may remain or must be removed as follows:
1. Applicable provisions of the nonconforming section of this Zoning Ordinance shall apply unless superseded herein.
 2. No changes in the sign or sign structure are permitted except for basic maintenance and repairs necessary to keep the sign in good working order or other changes which bring the sign into compliance. ~~Other than that,~~ No nonconforming sign shall be reconstructed, modified, or relocated except for changes to the sign face itself within the same size and shape to accommodate a change copy. *A nonconforming sign which is damaged beyond repair due to a cause beyond the control of the owner may be replaced within one year of when damage occurs.*
 3. ~~No~~ Nonconforming sign may not be altered in any way. ~~which makes the sign even more out of compliance with this ordinance, including but not limited to lighting an unlit sign.~~
 4. Existing temporary signs which are not in compliance with this article are not considered to be "grandfathered" under this ordinance. If any notification of noncompliance is given from Director Building Zoning Licensing Services or designee, these signs or conditions must be brought into compliance within 60 days from that notification.
- d. **Permits Required.** All signs, regardless of size, shall require the issuance of a zoning permit before public display unless otherwise specifically exempt by this Ordinance.
- e. **Application Process.** Application for a sign permit shall be to the Building, Zoning, and Licensing Services Department. The application should contain the following:
1. Name, signature, address and telephone number of the applicant.
 2. Owner's authorization for the application if not the applicant.
 3. Location of the building, structure or lot to which the sign will be located.
 4. The district the sign will be located.
 5. Historic District. Signs in the Historic District, except for portable easel, placard, and sandwich board signs, are subject to review by the Historic District Commission (see Article XIV – Historic Overlay District).
- f. **Construction Documents.** Before any permit is granted for the erection of a sign or sign structure requiring such permit, construction documents shall be filed with the Building, Zoning, and Licensing Services Department official showing the dimensions, materials and required details of construction, including loads, stresses, anchorage and any other pertinent data. The permit application shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected and by engineering calculations signed and sealed by a registered design professional where

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required by the *International Building Code*.

g. Changes to signs. No sign shall be structurally altered, enlarged or relocated except in conformity to the provisions herein, ~~nor~~ until a proper permit, if required, has been secured. The changing or maintenance of movable parts or components of an approved sign that is designed for such changes, or the changing of copy, business names, lettering, sign faces, colors, display and/or graphic matter, or the content of any sign shall not be deemed a structural alteration.

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h. Permit Fees. Permit fees to erect, alter or relocate a sign shall be in accordance with the fee schedule adopted within this jurisdiction.

i. Prohibited Signs. The following devices and locations shall be specifically prohibited:

1. Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device, or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic.
2. Except as provided for elsewhere in this code, signs encroaching upon or overhanging public rights-of-way. No *sign* shall be attached to any utility pole, light standard, street tree or any other public facility located within the public right-of-way.
3. Signs which blink, flash or are animated by lighting in any fashion that would cause such signs to have the appearance of traffic safety signs and lights, or to have the appearance of municipal vehicle warnings from a distance.
4. Any *sign* attached to, or placed on, a vehicle or trailer parked on public or private property, except for signs meeting the following conditions:
 - a. The primary purpose of such a vehicle or trailer is not the display of signs.
 - b. The signs are magnetic, decals or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle.
 - c. The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used or available for use in the daily function of the business to which such signs relate.
5. Vehicles and trailers used primarily as static displays, advertising a product or service, nor utilized as storage, shelter or distribution points for commercial products or services for the general public.
6. Snipe Signs

j. Exempt Signs. The following signs shall be exempt from the provisions of this chapter:

1. Official notices authorized by a *court*, public body or public safety official.
2. Directional, warning or information signs authorized by federal, state or municipal governments.
3. Memorial plaques, building identification signs and building cornerstones when cut or carved into a masonry surface or when made of noncombustible material and made an integral part of the building or structure.
4. The flag of a government or noncommercial institution, such as a school.
- ~~5. Religious symbols and seasonal decorations within the appropriate public holiday season.~~
6. Works of fine art displayed in conjunction with a commercial enterprise where the enterprise does not receive direct commercial gain.
7. Street address signs and combination nameplate and street address signs that contain no advertising copy and which do not exceed 6 square feet (0.56 m²) in area.
- ~~8. Political Signs.~~
- ~~9. Holiday without advertisement.~~
10. Signs required, or deemed necessary for the public welfare and safety, by a municipal, state, or federal agency such as traffic control and directional signs.
11. Interior signs

k. **Definitions.** For the purpose set forth in this ordinance the following definitions apply:

1. **Abandoned Sign:** A sign structure that has ceased to be used and the owner intend no longer to have used.
2. **Animated Sign:** A sign employing actual motion or the illusion of motion. Animated signs, which are differentiated from changeable signs as defined and regulated by this code, include the following types:
 - a. **Electrically activated:** Animated signs producing the illusion of movement by means of electronic, electrical or electro-mechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:
 - b. **Flashing:** Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non illumination. For the purposes of this ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds 8 seconds.
 - c. **Mechanically activated:** Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.
3. **Architectural Projection:** Any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building, but that does not include signs as defined herein. See also "Awning;" "Backlit awning;" and "Canopy, Attached and Free-standing."
4. **Awning:** An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non rigid materials and/or fabric on a supporting framework that may be either permanent or retractable, including such structures that are internally illuminated by fluorescent or other light sources.
5. **Awning Sign:** A sign displayed on or attached flat against the surface or surfaces of an awning. See also "Wall or fascia sign."
6. **Backlit Awning** An awning with a translucent covering material and a source of illumination contained within its framework.
7. **Banner:** A flexible substrate on which copy or graphics may be displayed.
8. **Banner Sign:** A sign utilizing a banner as its display surface.
9. **Billboard:** See "Off-premise sign" and "Outdoor advertising sign."
10. **Building:** A structure which has a roof supported by walls for shelter, support, or enclosure of persons, animals, or chattel.
11. **Canopy:** A multisided overhead structure or architectural projection supported by attachments to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached *canopy* may be illuminated by means of internal or external sources of light. See also "Marquee."

12. **Canopy (Free-Standing):** A multisided overhead structure supported by columns, but not enclosed by walls. The surface(s) and or soffit of a free-standing *canopy* may be illuminated by means of internal or external sources of light.
13. **Canopy Sign:** A sign affixed to the visible surface(s) of an attached or free-standing *canopy*.
14. **Changeable Sign:** A sign with the capability of content change by means of manual or remote input, including signs which are:
- a. **Electrically activated.** Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also "Electronic message sign or center."
 - b. **Manually activated.** Changeable sign whose message copy or content can be changed manually.
15. **Combination Sign:** A sign that is supported partly by a pole and partly by a building structure.
16. **Copy:** Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, excluding numerals identifying a street address only.
17. **Development of Complex Sign:** A free-standing sign identifying a multiple-occupancy development, such as a shopping center or planned *industrial* park, which is controlled by a single owner or landlord, approved in accordance with [Section 1009.2](#) of this chapter.
18. **Directional Sign:** Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.
19. **Double-Faced Sign:** A sign with two faces, back to back.
20. **Electric Sign:** Any sign activated or illuminated by means of electrical energy.
21. **Electronic Message Sign or Center:** An electrically activated changeable sign whose variable message capability can be electronically programmed.
22. **Exterior Sign:** Any sign placed outside a building.
23. **Flag:** A sign, constructed of cloth and attached to a staff or pole.
24. **Flashing Sign:** See "Animated sign, electrically activated."
25. **Free-Standing Sign:** A sign principally supported by a structure affixed to the ground, and not supported by a building, including signs supported by one or more columns, poles or braces placed in or upon the ground.
26. **Frontage (Building):** The length of an exterior building wall or structure of a single premise orientated to the public way or other properties that it faces.
27. **Frontage (Property):** The length of the property line(s) of any single premise along either a public way or other properties on which it borders.
28. **Illuminated Sign:** A sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated); or reflecting off its surface(s) (externally illuminated).

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- 29. Interior Sign:** Any sign placed within a building, but not including "window signs" as defined by this ordinance. Interior signs, with the exception of window signs as defined, are not regulated by this chapter.
- 30. Marquee Sign:** A permanent roof-like structure, including the structural support system, projecting beyond a building wall at the entrance to a building or extending along and projecting beyond building wall.
- 31. Menu Board:** A free-standing sign orientated to the drive-through lane for a restaurant that advertises the menu items available from the drive-through window, and which has no more than 20 percent of the total area for such a sign utilized for business identification.
- 32. Multiple-Faced Sign:** A sign containing three or more faces.
- 33. Nonconforming Sign:** Any sign that existed lawfully prior to the adoption of the Sign Ordinance **(DATE OF ADOPTION)** which now does not conform with the provisions of this ordinance.
- 34. Off-Premise Sign Directional:** A sign on private property whose only purpose is to direct vehicular traffic for deliveries and visitation and is not intended to be used as a form of advertisement.
- 35. Off-Premise Sign:** A sign, which pertains to a business, industry, or other activity which is not located on the premise upon which the sign is located.
- 36. On-Premise Sign:** A sign erected, maintained or used in the outdoor environment for the purpose of the display of messages appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.
- 37. Outdoor Advertising Sign:** A permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.
- 38. Permanent Sign:** A sign that is displayed for more than a total of ninety days in any one year.
- 39. Pole Sign:** See "Free-standing sign."
- 40. Political Sign:** A temporary sign intended to advance a political statement, cause or candidate for office. A legally permitted outdoor advertising sign shall not be considered to be a political sign.
- 41. Portable Sign:** Any *sign* not permanently attached to the ground or to a building or building surface.
- 42. Projecting Sign:** A *sign* other than a wall sign that is attached to or projects more than 18 inches (457 mm) from a building face or wall or from a structure whose primary purpose is other than the support of a sign. For visual reference, see [Section 1003](#).
- 43. Premises Sign:** A lot or number of lots situated a building or group of buildings designed as a unit or on which a building or group of buildings are to be constructed housing multiple businesses.
- 44. Real Estate Sign:** A temporary *sign* advertising the sale, lease or rental of the property or premises upon which it is located.
- 45. Sandwich Board Sign:** A portable sign shaped like an A-frame with a sign pane on one or both sides.

46. Sign: Any device visible from a public place that displays either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any flags displayed from flagpoles or staffs will not be considered to be signs.

47. Sign Area: The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double-sided or "V" shaped *sign* shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple-sided signs shall be computed as 50 percent of the sum of the area of all faces of the *sign*.

48. Sign Face: The surface upon, against or through which the *sign* copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border..

49. Sign Structure: Any structure supporting a sign.

~~50. Snipe Sign: A temporary sign or poster affixed to a tree, fences, etc. Snipe sign.~~ Any sign of any size, made of any material, including paper, cardboard, wood and metal, when such sign is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, fences or other objects, and the advertising matter appearing thereon is not applicable to the premises upon which said sign is located

~~51. Special Event: A temporary sign that is either on-site or off-site that provides identification or information pertaining to a special event or occurrence sponsored by a non-profit or civic organization.~~

~~50,52.~~ **Temporary Sign:** A sign not constructed for or intended for permanent use. Temporary signs may not be displayed for more than a total of **thirty (30) days** in any one year.

~~51,53.~~ **Wall Sign:** A *sign* that is attached to a vertical wall of building that projects not more than 18 inches from the building or structure wall.

~~52,54.~~ **Window Sign:** A *sign* within one foot of a window message intended to be visible to and readable from the public way or from adjacent property.

I. General Provisions.

1. Conformance to codes. Any sign hereafter erected shall conform to the provisions of this ordinance ~~and the provisions of the International Building Code and of any other ordinance~~ or regulation within this jurisdictions.
2. Signs in rights-of-way. No sign other than an official traffic sign or similar sign shall be erected within 2 feet of the lines of any street, or within any public way, unless specifically authorized by other ordinances or regulations of this jurisdiction or by specific authorization of the ~~City Council~~ code official.
3. Projections over public ways. Signs projecting over public walkways shall be permitted to do so only subject to the projection and clearance limits either defined herein or, if not so defined, at a minimum height of 8 feet from *grade* level to the bottom of the sign. Signs, architectural projections or *sign* structures projecting over vehicular access areas must conform to the minimum height clearance limitations imposed by the jurisdiction for such structures.
4. Traffic visibility. No sign or sign structure shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, nor at any location where by its position, shape or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device.
5. Computation of frontage. If a premises contains walls facing more than one property line or encompasses property frontage bounded by more than one street or other property usages, the sign area(s) for each building wall or property frontage will be computed separately for each building wall or property line facing a different frontage. The sign area(s) thus calculated shall be permitted to then be applied to permitted signs placed on each separate wall or property line frontage.
6. Maintenance, repair and removal. Every sign permitted by this ordinance shall be kept in good condition and repair. When any sign becomes insecure, in danger of falling or is otherwise deemed unsafe by the code official, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this ordinance, the owner thereof or the person or firm using same shall, upon written notice by the Building, Zoning, Licensing, Services official forthwith in the case of immediate danger, and in any case within not more than 10 days, make such sign conform to the provisions of this ordinance, or shall remove it. If within 10 days the order is not complied with, the code official shall be permitted to remove or cause such sign to be removed at the expense of the owner and/or the user of the sign.
7. Master sign plan required. All landlord or single-owner controlled multiple-occupancy development complexes, such as shopping centers or planned *industrial* parks, shall submit to the Building Zoning and Licensing Services a master sign plan prior to issuance of new sign permits. The master sign plan shall establish standards and criteria for all signs in the complex that require permits, and shall address, at a minimum, the following:
 - a. Proposed sign locations.
 - b. Materials.
 - c. Type of illumination.
 - d. Design of free-standing sign structures.
 - e. Size.
 - f. Quantity.
 - g. Uniform standards for non business signage, including directional and informational signs.
8. Illumination.
 - a. No internally illuminated sign shall be used within 100 feet of any residential zone.
 - b. On externally illuminated signs, the light source shall be steady, stationary, shielded, downcast, and directed solely at the sign. The sign surface shall be non reflective.

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- c. Illuminated signs shall send no glare onto the road or onto any neighboring residential properties.
9. Removal of Portable and Other Movable and Temporary Signs.
- a. The Zoning Administrator, or other city personnel designated by the City Manager, shall cause to be removed any sign placed on or over any public right-of-way or public property that is without a valid permit or is not in compliance with the terms of a valid permit, or where such a sign is exempt from permit requirements, the sign is not in compliance with the standards and provisions of this ordinance.
 - b. Signs Related to An Adjacent Principal Use. Where a sign that is placed on or over any public right-of-way or public property in violation of this ordinance is related to a principal use of adjacent private property, the Zoning Administrator, or other city personnel designated by the City Manager, shall notify the owner of the principal use or the property that a violation exists and shall specify a time limit for removal of the sign. If the owner fails to comply with the order for removal, the Zoning Administrator, or other city personnel designated by the City Manager, shall remove the sign and the owner shall be liable for the cost of said removal and subsequent storage. If the owner does not redeem the sign within thirty (30) calendar days from the date that the sign is removed, the sign shall be deemed to be abandoned and may be disposed of by the City as abandoned property; and
 - c. Other Signs. Where a sign that is placed on or over any public right-of-way or public property in violation of this ordinance is not erected in connection with elections or political campaigns, and is unrelated to a principal use of adjacent private property, the Zoning Administrator, or other city personnel designated by the City Manager, shall remove the sign and it shall be deemed to be abandoned and may be disposed of by the City as abandoned property.”

m. Specific Sign Requirements.

1. Animated Sign. Animated signs, except as prohibited in [Section 13](#), are permitted in Granite Ridge Development, commercial and *industrial* zones only. Changeable signs, manually activated, are permitted for nonresidential uses in all zones. Changeable signs, electrically activated, are permitted in all nonresidential zones.
2. Awning Sign.
 - a. The copy area of awning signs shall not exceed an area equal to 25 percent of the background area of the awning or awning surface to which such a sign is affixed or applied, or the permitted area for wall or fascia signs, whichever is less.
 - b. Neither the background color of an awning, nor any graphic treatment or embellishment thereto such as striping, patterns or valances, shall be included in the computation of sign copy area.
3. Canopy Signs.
 - a. The permanently-affixed copy area of *canopy* or marquee signs shall not exceed an area equal to 25 percent of the face area of the *canopy*, marquee or architectural projection upon which such sign is affixed or applied.
 - b. Graphic striping, patterns or color bands on the face of a building, *canopy*, marquee or architectural projection shall not be included in the computation of sign copy area.
4. Directory Signs. For businesses located on Secondary Streets within the Downtown Commercial District.

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- a. Not to exceed four (4) square feet in area.
 - b. Permission must be obtained in writing from the property owner on whose premise the sign is to be placed.
 - c. These signs shall not obscure any portion of road, intersection, or sidewalk.
 - d. Not more than 25 percent of the area of any directional sign shall be permitted to be devoted to business identification or logo, which area shall not be assessed as identification sign area.
5. Directional Signs.
No more than two directional signs shall be permitted per street entrance to any lot. There shall be none in residential zones. For all other zones, the maximum area for any directional sign visible from adjacent property or rights-of-way shall be 10 square feet. Not more than 25 percent of the area of any directional sign shall be permitted to be devoted to business identification or logo, which area shall not be assessed as identification sign area.
6. Development and Construction Signs. Signs temporarily erected during construction to inform the public of the developer, contractors, architects, engineers, the nature of the project or anticipated completion dates, shall be permitted in all zoning districts, subject to the following limitations:
- a. Such signs on a single residential lot, residential subdivision or multiple residential lots, and nonresidential uses shall be limited to one sign, not greater than 10 feet in height and 32 square feet in area.
 - b. Such signs for commercial or *industrial* projects shall be limited to one sign per street front.
 - c. Development and construction signs may not be displayed until after the issuance of construction permits by the building official, and must be removed not later than 24 hours following issuance of an occupancy permit for any or all portions of the project.
7. Electronic Message Sign. All permitted EMCs shall be equipped with a sensor or other device that automatically determines the ambient illumination and be programmed to automatically dim according to ambient light conditions at all times of the day or night. Electronic changing signs may be freestanding or building mounted, one or two-sided, may be a component of a larger sign or billboard, and shall conform to the following minimum requirements along with all other requirements for signage within this ordinance:
- a. Electronic Message Center portion of the sign shall not make up more than 75% of the actual sign surface. In no case shall an electronic message center exceed 32 square feet.
 - b. Animation on Static EMCs shall be limited to the actual changing of the message. No flashing, blinking, or pulsating of lights shall be allowed. Electronic Message Centers must be equipped to freeze in one position or discontinue the display in the event that a malfunction occurs.
 - c. Minimum Display Time: All illumination elements on the face of Static electronic changing signs shall remain at a fixed level of illumination for a period of not less than 8 seconds.
 - d. Software for operating the EMC must be able to show current and factory brightness levels upon request. The owner/installer of Electronic Message Displays shall certify as part of the application that signs will not exceed the brightness levels specified in this section.
 - e. The brightness shall not exceed 0.3 footcandles at night.
 - f. Flashing or animated signs (including temporary interior window displays or banners) of red, amber, or green colored lights shall not be permitted.
8. Flag. Each store front may be allowed one (1) Open or welcome flag that is position at a height so as not to impede the flow of pedestrians.

9. Home Occupation-1 Sign. No signs are permitted.
10. Home Occupation-2 Sign. There may be only one sign for the business visible from the street. The sign shall be non-illuminated and shall not exceed three (3) square feet.
11. Home Occupation-3 Sign. There may be only one sign for the business visible from the street. The sign shall be non-illuminated and shall not exceed four (4) square feet.
12. Marquee Sign. No marquee shall be erected unless designed by a registered structural engineer and approved by Director Building Zoning Licensing Services. It may extend over the sidewalk across the ROW to the curb line provided it has a minimum height above the sidewalk of ten feet above the curb level and does not exceed five feet in height.
13. Off-Premise Sign. Off premises signs are prohibited except for the following signs if permission is granted from the owner of the off premises location. A setback of at least 5 feet is required for these signs and they shall not be placed in the road right-of-way (i.e. they must be placed on private property).
- One freestanding sign per business directing people to the site. The sign may not exceed 2 square feet per side or 4 feet in height. No illumination is allowed. It may include only the name and/or logo, with simple directions. The sign must be durable and constructed of solid, finished materials.
 - A real estate sign one per premise shall not exceed 6 square feet per side.
 - Yard sale signs (See section M 24)
 - A sign for an office park or industrial park may be erected at the entrance to the park on an out parcel or, with the approval of the Planning Board, within the road right-of-way.
 - A promotional banner for special public or nonprofit institutional events may be placed anywhere in the City, including across a public road, if approved by the City Manager.
 - Two seasonal agricultural directional signs not to exceed 4 square feet each are permitted when intended to direct patrons to a farm for the purpose of purchasing or picking seasonal agricultural produce or products during the season within which the produce is available for sale or harvest.
 - One portable sign on the sidewalk in front of businesses in the Downtown Commercial, Special Downtown, -and Neighborhood Mixed Use lying in density rings.
 - Road Signs.
14. Political Sign. Political Advertising. The following provisions are in addition to the political advertising controls established under RSA 664:14, 664:17, and 664:2, as amended:
- Political advertising shall be defined in RSA 664:2, as amended.
 - ~~Political signs may not exceed 32 Square feet per side in area nor 8 feet in height.~~
15. No political advertising shall be placed or affixed upon any public property, including City rights of way. No political advertising shall be placed or affixed upon private property without the owner's consent.
- ~~Placement of advertising—No political advertising shall be placed on or affixed to any public property including City rights of way or private property without the owner's consent. All political advertising shall be removed by the candidate no later than the second Friday-~~

~~following the election unless the election is a primary and the advertising concerns a candidate who is a winner in the primary. Signs shall not be placed on or affixed to utility poles or highway signs. Political advertising may be placed within City owned rights of way as long as the advertising does not obstruct the safe flow of traffic and the advertising is placed with the consent of the owner of land over which the right of way passes.~~

~~d-a.~~ Signature, Identification, Lack of Authorization shall be in accordance with RSA 664:14, as amended.

~~e-b.~~ Political signs shall not be erected in the City Adopt-A-Spots or the Rochester Common. ~~There must be a 25 foot buffer from the garden bed edge.~~

~~f-c.~~ Removal of signs shall be in accordance with RSA 664:17, as amended.

~~g.~~ City of Rochester Adopt A Spots are situated in the following locations:-

- ~~• Granite State Business Park~~
- ~~• Christmas Tree Island Granite State Business Park~~
- ~~• Strafford Square~~
- ~~• Corner of Portland Street/Olsen Way~~
- ~~• The Common~~
- ~~• Duval Park~~
- ~~• Merrill Park at City Hall & Front of City Hall~~
- ~~• Tax Revenue Office~~
- ~~• Library (Front Entrance)~~
- ~~• Public Works Department~~
- ~~• Stairs and Front RPD/Museum Way & City Hall Island~~
- ~~• Rochester Fire Department Flagpoles~~
- ~~• Rochester Community Center/Flagpole~~
- ~~• Columbus Avenue Right of Way between Hancock Street and South Main Street~~
- ~~• Gonic Center Square~~
- ~~• General Wolfe Tavern Barrels~~
- ~~• Welcome to Rochester/Route 125~~
- ~~• Union/Wakefield Street~~
- ~~• Ten Rod Road Industrial Park~~
- ~~• Airport Welcome Sign~~
- ~~• Route 125/Flagg Road~~
- ~~• East Rochester Square~~
- ~~• Elks Lodge~~
- ~~• Woodman Square Park/Charles Street~~
- ~~• Torr Park at Spaulding and Urn at Wading Pool~~

~~h-d.~~ The area and location of signs used in conjunction with uses allowed by the Board of Adjustment as special exceptions shall also be approved by the Planning Board and shall conform to the sign regulations for the district in which they are located. The area and location of such signs shall be in harmony with the character of the neighborhood in which they are located.

~~i-e.~~ No sign, except for political signs, shall be erected until a permit for same has been obtained from the Director of Building, Zoning, & Licensing Services.

~~15-16.~~ Portable Sign. Portable signs shall be permitted only in the Downtown Commercial, Special Downtown Overlay, Neighborhood Mixed Use lying in Density Rings, subject to the following limitations:

- a. No more than one such sign may be displayed on any property, and shall not exceed a height of 4 feet or an area of 8 square feet per side.
- b. Any portable sign that is placed on sidewalk
 - i. Shall be situated directly in front of the business(es) which is being advertised.
 - ii. Shall not block passage along sidewalk including passage for handicapped persons and shall not present a safety hazard.
- c. May be displayed during business hours only.
- d. Appropriately placed to minimize appearance of clutter as determined by the Director of Building, Zoning, and Licensing Services.
- e. Only one sign per individual business.

~~16-17.~~ Projecting Sign. Signs are permitted in the following zones:

- a. Multiple projecting signs shall be permitted on buildings having multiple occupants providing only that one projecting sign per occupant will be permitted.
- b. Projecting signs shall:
 1. Not overhang any public property or public right of way.
 2. Be attached to the side of a building with a decorative support bracket engineered to and designed to withstand wind loads.
 3. Extend from the side of the building no more than eleven feet.
 4. Be part of the wall sign calculations which cumulative total include both projecting signs and wall signs shall not exceed twenty percent of the wall area to which the sign is attached.
 5. Such signs shall maintain a clear vertical distance above any public sidewalk a minimum of 10 feet.

~~17-18.~~ Roadside Farm Stand Signs. No more than 2 signs with a maximum combined total of 20 square feet is permitted.

~~18-19.~~ Real Estate Sign shall be permitted in all zoning districts, subject to the following limitations:

- a. Real estate signs located on a single residential lot shall be limited to one sign, not greater than 8 square feet in area and 6 feet in height.
- b. Real estate signs may not be illuminated in residential districts.
- c. There may be no more than one sign per street frontage except on lots with more than 500 feet of street frontage a second sign may be placed.
- d. Real estate signs shall be removed not later than 10 days after execution of a lease agreement in the event of a lease, or the closing of the sale in the event of a purchase.

~~19-20.~~ Sandwich Board Sign. See portable signs.

~~20-21.~~ Street Banners. Temporary street banners used to inform the public about community events and activities may be placed within or above the road right of way or in other public locations if approved by the City Manager and signed off from all departments.

~~21-22.~~ Special promotion, event and grand opening signs. Signs temporarily displayed to advertise

Signage

42-195

Zoning Ordinance

special promotions, events and grand openings shall be permitted for nonresidential uses and for all commercial and *industrial* districts subject to the following limitations:

- a. Such signs shall be limited to one sign per street front.
- b. Such signs may be displayed for not more than 30 consecutive days in any 12-month period, and not more than 30 days in any calendar year. The signs shall be erected no more than 5 days prior to the event or grand opening, and shall be removed not more than 1 day after the event or grand opening.
- c. The total area of all such signs shall not exceed 32 square feet.

22-23. Special event signs in public ways.

Signs advertising a special community event shall be allowed in or over public rights-of-way, subject to approval by ~~City Council~~Building, Zoning, and Licensing Services official as to the size, location and method of erection. The official may not approve any special event signage that would impair the safety and convenience of use of public rights-of-way, or obstruct traffic visibility.

23-24. Window Sign. Window signs shall be permitted for any nonresidential use in, all Downtown Commercial and *industrial* districts, subject to the following limitations:

- a. The aggregate area of all such signs shall not exceed 25 % of the window area on which such signs are displayed within the Historic District.

24-25. Yard sale signs.

- a. Yard sale signs may not be placed prior to 3 days before the sale and must be removed within 24 hours after the sale. The date and time of the yard sale must be on the sign.
- b. They may not exceed 6 square feet and may not be illuminated.
- c. The signs may be placed off premises for noncommercial sales related to a single residential dwelling unit (or informal joint sales among neighbors) provided they are not placed on utility poles, are not a distraction to traffic, and comply with Requirements by Zoning District.

n. Requirements by Zoning District. The following special requirements shall apply in each respective zoning district.

1. Residential Zoning Districts.

- a. For permitted nonresidential uses one freestanding sign with a maximum area of 6 square feet per side plus one attached sign not to exceed 12 square feet is permitted. Height: Signs shall have a maximum height of six (6) ft.
- b. Internally illuminated signs (including neon signs and signage placed in a window) are not permitted.
- c. No sign may be illuminated between the hours of 9:00 p.m. and 7:00 a.m. with the exception of signage: a) showing property addresses; b) for residential communities; and c) for businesses and organizations during any specific hours in that time period that the businesses are open.

2. Nonresidential Zoning Districts

- a. Baseline. The following advertising signage is permitted for one nonresidential use occupying a single building in commercial and industrial zoning districts (except as otherwise indicated in this article). Additional allowances beyond these limitations or other restrictions for various situations are shown in the subsequent subsections
- b. Freestanding signs. Only one free standing sign shall be permitted on a lot even if there is more than one building or use on that lot. No part of any free standing sign shall be located within 5 feet of any property line.

Dimensional standards are as follows:

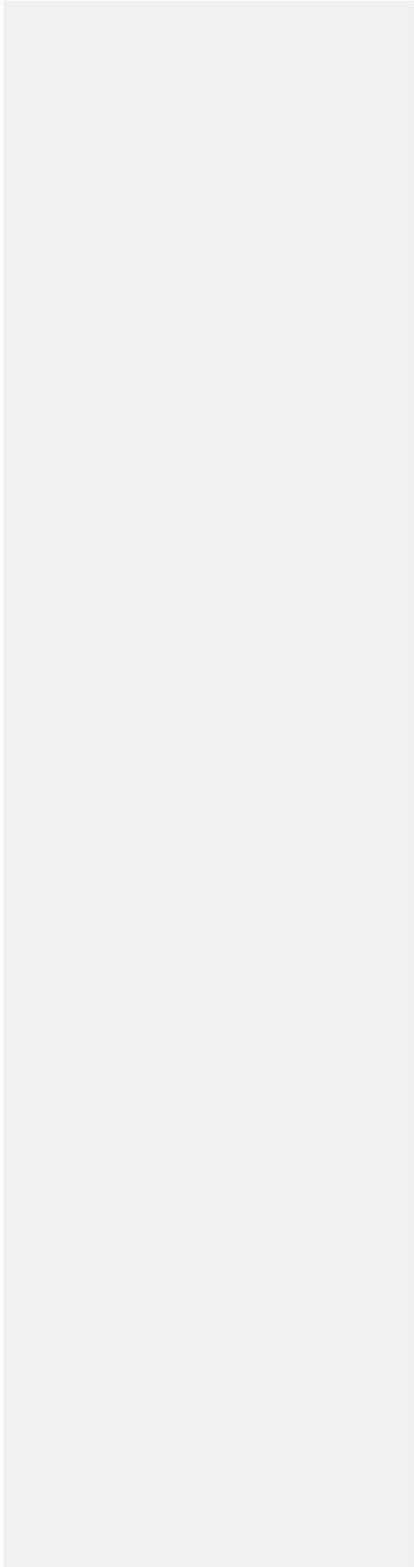
Zoning District	Maximum Area (in square feet)	Maximum Height (in feet)
Highway Commercial General Industrial Hospital Granite Ridge Development	75'	30'
Airport Recycling Industrial	50'	20'
Downtown Commercial	25'	15'
Neighborhood Mixed Use Office Commercial	20'	8'

Note. All signs that are to be located in the historic district are also subject to the provisions of Article XIV – Historic Overlay District

- a. Wall Signs. No wall sign shall exceed ten percent (10 %) of the area of the building frontage as measure by the width of the wall containing the main public entrance by the height (measured from the floor level to the top of the first floor cornice area, or to one foot below secondary story window) to which it is attached. For buildings with multiple tenants having store fronts only, the façade rented by the tenant shall be considered as wall area for a sign.
 - ~~i. A maximum of four (4) signs.~~
 - i. Buildings located in the Granite Ridge Development District, between the service roads and Route 11, are allowed one additional wall mounted sign per tenant is permitted on the rear façade. The same size restrictions as applied to the front façade shall determine the size of sign.
 - ii.
- b. Temporary signs. One temporary sign is allowed at any one time, including portable and banner signs. For portable signs (where they are permitted; (see below) the maximum area is 8 square feet and the maximum height is 4 feet. Banner signs, not exceeding 60 square feet, are permitted for grand openings of new business only, and may be displayed for a maximum of 30 consecutive days. Permits are required for these signs with a fee of \$10.
- c. Directory signs. For each additional independent enterprise on a site beyond one, an additional 10 square feet may be added to one freestanding directory sign not to exceed 100 square feet. Property owners of separate adjoining lots may also elect to have one joint directory sign.
- d. Attached directory signs. One additional attached directory sign of the principal uses within a multi-tenant building is permitted on the exterior wall at each entrance to the building. It shall not exceed 3 square feet plus 1 square foot for each independent enterprise.

- e. Upper floor units. Each upper floor occupant may use one attached sign placed at no higher than the second floor level – not to exceed six square feet per side for each occupant plus window signs. Window signage shall not exceed 25% of the total window area.
- f. On multiple occupant sites up to 3 portable signs for independent enterprises may be placed at the same time.
- g. Secondary Entrance. By Conditional Use Permit issued by the Planning Board any site with at least 300 feet of linear lot frontage and with a second driveway entrance located at least 200 feet from the primary entrance may have a second freestanding sign at the second entrance not to exceed 16 square feet and 8 feet in height.
- h. Corner or multiple frontage lots. By Conditional Use Permit issued by the Planning Board any corner lot or a rear frontage lot (or double frontage) may have one additional freestanding sign with a maximum area of 24 square feet is allowed on the second frontage provided the property across the street on that second frontage is not zoned residential.
- i. Specific Zoning Districts
Internally illuminated signs are permitted only in the Highway Commercial, Downtown Commercial, Granite Ridge Development, and Industrial Districts.

DRAFT



Sign permitted in designated zoning districts

Sign	Residential Districts				Commercial Districts				Industrial District		Special	
	R1	R2	NMU	AG	DC	OC	HC	GRD	GI	RI	HS	AS
Canopy	N	N	P	N	P	P	P	P	P	P	P	P
Changeable Copy	N	N	P	N	P	P	P	P	P	P	P	P
Electronic Message	N	N	N	N	N	N	P	P	P	N	N	N
Freestanding Pole	P	P	P	P	P	P	P	P	P	P	P	P
Interior Window	P	P	P	P	P	P	P	P	P	P	P	P
Marquee	N	N	P	P	P	P	P	P	P	P	P	P
Portable	N	N	P	N	P	N	N	N	N	N	N	N
Projecting	P	P	P	P	P	P	P	P	P	P	P	P
Wall	P	P	P	P	P	P	P	P	P	P	P	P
Window	P	P	P	P	P	P	P	P	P	P	P	P

**Signs which are permitted in the designated zone are indicated with a "P", and signs which are not permitted are indicated with an "N".

Zoning Ordinance 42.8 (j) GRD Zone Design Standards

4. Signage. All provisions of Section 42.29 , Signage, herein shall apply ~~except for the following allowances:~~

~~A. For buildings located between the Service Road and Route 11, an additional building mounted sign is permitted.~~

~~B. Off premises directory style signs and off premises directional signs are permitted by conditional use by the Planning Board.~~

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

RESOLUTION REQUIRED? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	FUNDING RESOLUTION FORM? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
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AGENDA DATE	June 2, 2015		
DEPT. HEAD SIGNATURE	NA		
DATE SUBMITTED	May 26, 2015		
ATTACHMENTS YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	5	

COMMITTEE SIGN-OFF

COMMITTEE	NA
CHAIR PERSON	NA

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

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

LEGAL AUTHORITY

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SUMMARY STATEMENT

The City participates in the public risk pool known as Health Trust for the provision of health insurance for City employees. The City Council as the governing body must adopt the Certificate of Authorizing Resolution (Exhibit A) of the Application and Participation Agreement which is required for membership and/or continuing membership in Health Trust and participation in its coverage lines - health Insurance, COBA and Retiree Billing.

RECOMMENDED ACTION

Adoption of the Certificate of Authorizing Resolution.

EXHIBIT A

CERTIFICATE OF AUTHORIZING RESOLUTION

I hereby certify to *HealthTrust, Inc.* ("HealthTrust"), that the following is a true copy of a resolution adopted by the Governing Body of City of Rochester at a meeting duly held on June 2, 2015.

RESOLVED: That City of Rochester shall participate as a Member in the HealthTrust pooled risk management program for the provision of group medical and/or other benefit plans in accordance with the "Application and Membership Agreement" and NH RSA 5-B.

RESOLVED: That City Manager Daniel Fitzpatrick is hereby authorized and directed to execute and deliver to HealthTrust, on behalf of City of Rochester, the "Application and Membership Agreement" in substantially the form presented to this meeting.

RESOLVED: That City Manager Daniel Fitzpatrick is hereby authorized and directed to execute and deliver to HealthTrust a certificate of this resolution.

I further certify that the foregoing resolution remains in full force and effect without modification.

APPLICANT: CITY OF ROCHESTER

Date: _____

By: _____
Duly Authorized

Name: _____

Title: _____

**HEALTHTRUST, INC.
APPLICATION AND MEMBERSHIP AGREEMENT**

City of Rochester

This Application and Membership Agreement (“Membership Agreement”) is made by and between City of Rochester ("Applicant") and HealthTrust, Inc., a New Hampshire voluntary corporation (“HealthTrust”), effective as of July 1, 2015 (“Effective Date”). This Membership Agreement sets forth the terms and conditions of Applicant’s membership and/or continuing membership in HealthTrust.

Preamble

HealthTrust is a pooled risk management program operating pursuant to RSA 5-B and offering its member political subdivisions the opportunity to participate in its Coverage Programs and related services including, but not limited to, group medical, dental, short-term disability, long-term disability, and life coverages.

Applicant is eligible and wishes to become or remain a Member of HealthTrust and participate in certain Coverage Programs offered by HealthTrust and therefore is entering this Membership Agreement.

Agreement

Applicant and HealthTrust hereby mutually agree as follows:

1. **Application.** Applicant applies for membership (including continuing membership if applicable) in HealthTrust for the provision of group medical and/or other benefit plans as may be selected by Applicant from time to time.
2. **Eligibility.** Applicant hereby represents and warrants to HealthTrust that Applicant is an entity eligible for membership in HealthTrust in accordance with the HealthTrust Bylaws.
3. **Contingent on Acceptance.** Applicant understands and agrees that its membership in HealthTrust is contingent on HealthTrust’s acceptance and execution of this Agreement.
4. **Governing Provisions.** Applicant shall be bound by the provisions of this Membership Agreement, the HealthTrust Articles of Incorporation, Bylaws, Rules, any applicable Coverage Documents, and any other agreements pursuant or incident thereto, all as amended and in effect from time to time (known collectively in the Bylaws as the “Operative Documents”). Applicant acknowledges receipt of the HealthTrust Bylaws.
5. **Member Rights.** As a Member, Applicant will have the rights provided in the Operative Documents including, without limitation, the right to participate in HealthTrust’s Coverage Programs and the right to vote for the HealthTrust Board of Directors at annual meetings of the Members. Applicant acknowledges that pursuant to the current HealthTrust Bylaws, the person serving as the top administrative official of Applicant, or his or her designee, shall be entitled to cast a vote on behalf of Applicant at any meetings of the Members of HealthTrust unless and until

Applicant's Governing Board appoints, by resolution, a different representative to cast such a vote prior to the meeting(s) to which the designation relates.

6. **Selection of Coverage Programs and Services.** Subject to the terms and conditions of the Operative Documents, Applicant may select and periodically change the Coverage Programs and related services in which Applicant participates without amending this Membership Agreement. Applicant's participation (or continuing participation) in any of the Coverage Programs and/or related services is subject to:

- (a) The proper and timely completion and execution by an authorized representative of Applicant of the documents, agreements, and forms for such participation as required by HealthTrust, and
- (b) The policies, procedures, guidelines and Operative Documents that apply to any selected coverages including, without limitation, any applicable minimum participation requirements for such Coverage Program.

7. **Contributions.** Applicant agrees to pay in a timely manner all Contributions required to participate in HealthTrust and/or the applicable Coverage Programs pursuant to the terms of the Operative Documents.

8. **Surplus.** Applicant hereby acknowledges and agrees that any distribution of surplus, or a Member's rights thereto, shall be governed by the applicable terms of the HealthTrust Bylaws and/or other Operative Documents, as they may be amended from time to time. Applicant further agrees that HealthTrust may first apply any surplus due to Applicant to pay any unpaid and overdue Contributions or other amounts owed by Applicant to HealthTrust prior to returning the balance remaining of such surplus to Applicant.

9. **Health Plan Coverage Program Responsibilities.**

- (a) Applicant acknowledges that, with respect to the group health (medical and/or dental) plan(s) offered to its Employees through HealthTrust, Applicant is responsible for complying with all applicable provisions of federal and state law governing such health plan(s) including, without limitation: (i) the continuation of coverage provisions set forth in Sections 2201 through 2208 of the Public Health Service Act ("COBRA"), (ii) the retiree medical coverage provisions set forth in New Hampshire RSA 100-A:50, and (iii) the Patient Protection and Affordable Care Act of 2010, as amended and implemented ("ACA").
- (b) To assist Applicant in satisfying certain of its COBRA coverage obligations, HealthTrust provides base COBRA services on behalf of Applicant pursuant to a separate COBRA administrative services agreement which Applicant must sign as a condition of participating in HealthTrust's medical and/or dental Coverage Programs. In addition, Applicant may elect to receive additional COBRA billing services offered by HealthTrust pursuant to the separate COBRA administrative services agreement.
- (c) To assist Applicant in satisfying certain of its retiree coverage obligations, HealthTrust may offer to provide and Applicant may elect and contract with HealthTrust to receive retiree billing services on behalf of Applicant pursuant to a separate retiree billing administrative services agreement.

10. **Provision of Information.** Applicant agrees to provide HealthTrust in a timely and accurate manner any and all information HealthTrust deems necessary or desirable with regard to HealthTrust's provision of the Coverage Programs and related services selected by Applicant, including but not limited to, all required eligibility and enrollment data.

11. **Safeguarding Personal Information.** HealthTrust may provide Applicant certain non-claims related information, including enrollment, billing, and payment information relevant to the administration of the medical and dental Coverage Programs in which Applicant participates. Some of this information may constitute protected health information, as defined by the Health Insurance Portability and Accountability Act of 1996, as amended and implemented. Examples of information HealthTrust may disclose to Members include: monthly invoices detailing coverage types and cost, payment and enrollment confirmation, and information necessary to assist Applicant in completing its IRS reporting required by the ACA. HealthTrust, at its discretion, also may provide Applicant with non-individually identifiable summary claims information in a manner consistent with state and federal law and applicable HealthTrust policies and procedures.

Applicant hereby certifies that with respect to any protected health information received from HealthTrust, Applicant will:

- (a) Safeguard the privacy and security of the information,
- (b) Not use or disclose the information beyond that which is necessary to administer the selected coverage(s),
- (c) Not use the information for employment-related actions or decisions, and
- (d) Restrict access to the information to only those individuals who require the information to administer the coverage(s).

Applicant also acknowledges and agrees that:

- (e) HealthTrust will only provide such information to those individuals specifically identified in HealthTrust's database as authorized to receive such information on behalf of Applicant,
- (f) HealthTrust does not share individually identifiable claims information unless authorized in writing by the covered person or otherwise permitted by applicable laws, and
- (g) HealthTrust reserves the right to decide what, if any, information is provided to Applicant.

12. **Term and Termination.** The term of Applicant's membership (or continuing membership) in HealthTrust under this Membership Agreement begins on the Effective Date. Applicant's participation in specific Coverage Program(s) shall begin on the effective dates for such coverage as indicated in the Coverage Documents executed by Applicant in order to participate in such coverage. Membership in HealthTrust and participation in any Coverage Program shall continue until such coverage is terminated or cancelled in accordance with the terms of the HealthTrust Bylaws, Coverage Documents and/or other Operative Documents.

13. **Miscellaneous Provisions.**

- (a) This Membership Agreement is governed by New Hampshire law and may only be modified by a written amendment signed by all applicable parties.
- (b) All capitalized terms utilized but not defined herein shall have the same meaning as set forth in the HealthTrust Bylaws.
- (c) Section headings contained in this Membership Agreement are solely for the purpose of reference, are not part of the agreement of the parties and shall not in any way affect the meaning or interpretation of this Membership Agreement.

14. **Certificate of Authorizing Resolution.** This Membership Agreement shall be accompanied by a certificate of authorizing resolution (or a copy of the resolution) of the Governing Body of Applicant in substantially the same form and content as contained in the attached Exhibit A that indicates Applicant has duly authorized its membership in HealthTrust in accordance with RSA 5-B and the execution and delivery of this Membership Agreement by the individual signing, which authorization is legally binding and remains in full force and effect as of the date hereof.

IN WITNESS WHEREOF, Applicant and HealthTrust have caused this Membership Agreement to be executed by their duly authorized officials:

For APPLICANT:

CITY OF ROCHESTER

Authorized Official Signature

Daniel Fitzpatrick
Print Name

City Manager
Title

Date

For HEALTHTRUST, INC.:

Peter Bragdon
Executive Director

Date

HEALTHTRUST, INC.
COBRA ADMINISTRATIVE SERVICES AGREEMENT

City of Rochester

This COBRA Administrative Services Agreement (“COBRA Agreement”) is made by and between City of Rochester (“Member”) and HealthTrust, Inc. (“HealthTrust”) effective as of July 1, 2015 (“Effective Date”).

Preamble

HealthTrust is a pooled risk management program operating pursuant to RSA 5-B and offering its member political subdivisions the opportunity to participate in its Coverage Programs and related services. HealthTrust and Member are parties to a separate Application and Membership Agreement (“Membership Agreement”). Member is participating in HealthTrust’s group medical and/or dental Coverage Program(s) and will receive (or continue to receive) certain COBRA administrative services offered by HealthTrust to its members in accordance with this COBRA Agreement.

Agreement

Subject to the terms and conditions specified herein and in the Membership Agreement between the parties, the Member and HealthTrust hereby agree that HealthTrust shall provide (or continue to provide) on behalf of the Member the base COBRA administrative services described below in Section 1 and, if elected, Section 2, with respect to all Employees of the Member who are covered under the medical and dental Coverage Programs offered by the Member through HealthTrust:

1. Base COBRA Administrative Services. HealthTrust shall provide the following base COBRA administrative services (“Base COBRA Services”):

- a. Delivery of an initial notice of COBRA continuation coverage rights to each employee (and spouse thereof) of the Member who become covered under the Member’s medical and/or dental plan(s) offered through HealthTrust upon their enrollment by the Member.
- b. Upon notification of HealthTrust by the Member of a COBRA qualifying event, HealthTrust shall provide each qualified beneficiary eligible for COBRA coverage with timely notice of his/her right to elect COBRA continuation coverage and the terms, conditions and election procedures for COBRA coverage.
- c. Provision of information, forms and support to the Member’s Benefits Administrator regarding administration of COBRA continuation coverage, including applicable notice, eligibility, enrollment and payment rules.
- d. Upon expiration of the maximum COBRA continuation period or notification of HealthTrust by the Member of a COBRA cancellation, HealthTrust shall notify the

affected COBRA beneficiary of (i) the termination of his/her COBRA continuation coverage due either to the expiration of the maximum COBRA continuation period or to an event causing early termination of COBRA coverage, and (ii) any rights of the COBRA beneficiary to convert to an individual health benefits plan coverage.

No Additional Charge for Base COBRA Services. There will be no additional charge to the Member or its COBRA beneficiaries for the Base COBRA Services provided by HealthTrust under this Section 1.

2. COBRA Billing Services. HealthTrust makes available to its Members on an elective basis the additional COBRA administrative services listed below related to direct billing of and collection of payment from COBRA beneficiaries (“COBRA Billing Services”).

If elected, in addition to the Base COBRA Services, HealthTrust shall provide the following additional COBRA Billing Services:

- a. Direct billing of the Member’s COBRA beneficiaries on a monthly basis of the applicable amounts due for their COBRA continuation coverage.
- b. Collection of amounts billed and due from COBRA beneficiaries in accordance with applicable COBRA rules.
- c. Direct enrollment of eligible qualified beneficiaries who elect COBRA continuation coverage, and ongoing maintenance of such beneficiary’s enrollment and membership changes until cancellation/termination of COBRA coverage.
- d. Provision of monthly reports to the Member listing COBRA beneficiaries who have been billed by HealthTrust, along with their medical and/or dental plan(s), coverage type and COBRA contribution amounts.
- e. Notification of COBRA beneficiaries at annual open enrollment of contribution rate change information.
- f. Termination of COBRA beneficiaries for nonpayment and notice of such termination to Member.

The Member understands and agrees that if COBRA Billing Services are elected, the billing services shall be performed by HealthTrust for all of the Member’s COBRA beneficiaries who are covered through HealthTrust.

Charges for COBRA Billing Services. The Member understands and agrees that HealthTrust will bill the COBRA beneficiary directly for his or her COBRA continuation coverage as follows:

- The applicable monthly contribution amount due for the COBRA continuation coverage selected by the COBRA beneficiary, and

- An administrative fee computed as 2% of the applicable monthly contribution amount as allowed by federal law.

The Member agrees that HealthTrust will retain the 2% administrative fee as its compensation for the COBRA Billing Services rendered by HealthTrust. There will be no other separate charge to the Member or its COBRA beneficiaries for the additional COBRA Billing Services provided by HealthTrust under this Section 2.

Member understands and agrees that initial commencement of COBRA Billing Services requires at least 60 days advance notice to HealthTrust and the provision of all necessary information for commencement of such services.

3. Member Responsibilities. As a condition of HealthTrust performing the Base COBRA Services and COBRA Billing Services (if elected) specified in Sections 1 and 2 above, the Member agrees to perform the following responsibilities:

- a. Make available to COBRA beneficiaries the same medical and dental plan coverage options through HealthTrust as are available to eligible active Employees of the Member.
- b. Upon the Member's initial participation in HealthTrust's health benefit programs, provide information to HealthTrust on the Member's then existing COBRA beneficiaries.
- c. Notify HealthTrust in a timely manner when Employees experience a COBRA qualifying event and provide HealthTrust with necessary forms and information in accordance with applicable COBRA administrative policies and procedures established by HealthTrust.
- d. Perform all COBRA compliance and administrative obligations of the Member with respect to its Employees other than those COBRA services provided by HealthTrust hereunder.
- e. Upon Member (or a subunit of Member) ceasing to participate in the medical and/or dental Coverage Programs offered through HealthTrust, to carry out the transition of Member's (or subunit's) COBRA beneficiaries and covered Employees out of their coverage through HealthTrust.
- f. Provide HealthTrust with at least 60 days advanced written notice of the Member's decision to elect to receive the COBRA Billing Services made available by HealthTrust and, in such event, assist with the transition of such COBRA Billing Services to HealthTrust.
- g. Provide HealthTrust in a timely manner with any and all other information HealthTrust reasonably deems necessary or desirable with regard to HealthTrust's performance of the Base COBRA Services and COBRA Billing Services (if elected) on behalf of the Member.

HealthTrust shall be entitled to rely on any information provided by the Member pursuant hereto as accurate, valid and complete, and shall not be responsible for errors, delays or additional costs resulting from the receipt of inaccurate, invalid, incomplete or untimely information.

HealthTrust reserves the right to request additional information from the Member at any time in order to satisfy HealthTrust's COBRA administrative service obligations. The Member agrees to provide any requested information to HealthTrust in a timely manner.

4. Amendments to Services and Responsibilities. HealthTrust and the Member acknowledge and agree that the COBRA services and responsibilities herein are intended to assist the Member in satisfying its obligations under federal COBRA law. HealthTrust agrees to perform its COBRA administrative services in accordance with a reasonable good faith interpretation of the applicable requirements of COBRA. HealthTrust reserves the right to amend its COBRA administrative procedures and policies and the services and responsibilities provided herein as it deems necessary or appropriate without amending this COBRA Agreement. HealthTrust will notify the Member of any changes that will materially affect either HealthTrust services or the Member's responsibilities.

5. Other Terms and Conditions. HealthTrust and the Member further acknowledge and agree that:

- a. The COBRA administrative services performed by HealthTrust hereunder will be performed only with respect to Employees of the Member who are covered under the medical and/or dental Coverage Programs offered by the Member through HealthTrust. In no event shall HealthTrust be responsible for providing any COBRA administrative services with respect to Employees of the Member who are covered under a medical or dental plan coverage option offered by the Member through another insurer or provider.
- b. The performance of COBRA administrative services by HealthTrust on behalf of the Member does not and is not intended to make HealthTrust the plan sponsor, plan administrator or other fiduciary of the Member's group health benefit plans for COBRA purposes under any applicable law or regulation, and the Member will not identify or refer to HealthTrust as such.
- c. HealthTrust shall not have any obligation or liability with respect to any COBRA administrative services described herein before the effective date of the Application and Membership Agreement or this COBRA Agreement, or with respect to any COBRA compliance obligations of the Member other than HealthTrust's administrative service obligations hereunder.
- d. All confidential information disclosed by the parties pursuant to this Agreement will remain the exclusive and confidential property of the disclosing party. The receiving party will not disclose the confidential information of the disclosing party and will use at least the same degree of care in protecting the confidential information of the other party as it uses with respect to its own confidential information. The receiving party will limit access to confidential information to its employees and advisors with

a need to know and will instruct such employees and advisors to keep such information confidential. Notwithstanding the foregoing, the receiving party may disclose confidential information to the extent necessary to comply with any law, ruling, regulation or rule applicable to it or to the extent necessary to enforce its rights hereunder. HealthTrust also may disclose confidential information of the Member to the extent that disclosure of such information is required to perform its COBRA administrative service obligations hereunder.

For purposes of this subsection (d), “confidential information” shall mean all information of a confidential or proprietary nature provided by the disclosing party to the receiving party for use in connection with the service obligations and responsibilities hereunder, but does not include (i) information that is already known by the receiving party without obligation of confidentiality; (ii) information that becomes generally available to the public other than as result of disclosure by the receiving party in violation of this Agreement; and (iii) information that becomes known to the receiving party from a source other than the disclosing party on a non-confidential basis.

- e. All capitalized terms utilized but not defined herein shall have the same meaning as set forth in the HealthTrust Bylaws.

6. Term and Termination.

- a. The term of this COBRA Agreement shall commence on the Effective Date, and shall continue during the Member’s participation in HealthTrust’s medical and/or dental Coverage Program or until earlier terminated by either party with 60 days prior written notice to the other party.
- b. Notwithstanding anything contained herein, if the Member defaults in the performance of any of its responsibilities hereunder, HealthTrust may, upon written notice to the Member, terminate this COBRA Agreement.
- c. Notwithstanding any other provision of the Membership Agreement or this COBRA Agreement, HealthTrust’s agreement and obligation to provide COBRA administrative services as set forth herein shall automatically cease upon termination of the Member’s (or subunit’s) participation in HealthTrust’s medical and/or dental Coverage Programs, and HealthTrust shall not provide and shall not be obligated to provide any further services with respect to the COBRA beneficiaries and covered Employees of the terminating Member (or subunit) pursuant hereto other than transition of COBRA administration to the Member or a successor COBRA administrator.

7. **Election of COBRA Billing Services (Section 2)** [check one of the two boxes below]:

- The Member hereby elects to receive the COBRA Billing Services described in Section 2 of this COBRA Agreement. The Member understands and agrees that HealthTrust will be charging COBRA beneficiaries an administrative fee of 2% of the applicable monthly contribution amount as allowed by federal law.

Only for Members initially electing COBRA Billing Services: If the Member has existing COBRA beneficiaries who are covered (or to be covered) through HealthTrust, the Member **(please initial below)**:

_____ **does**

_____ **does not intend**

to transfer billing responsibilities for those beneficiaries to HealthTrust as of the effective date of HealthTrust's COBRA Billing Services. This paragraph is not applicable to Members renewing ongoing COBRA Billing Services.

- The Member elects not to receive COBRA Billing Services described in Section 2, at this time.

IN WITNESS WHEREOF, the Member and HealthTrust have caused this COBRA Agreement to be executed by their duly authorized officials.

For the MEMBER:

CITY OF ROCHESTER

Duly Authorized

Daniel Fitzpatrick

Print Name

City Manager

Title

Date

For HEALTHTRUST, INC.:

Peter Bragdon

Executive Director

Date

HEALTHTRUST, INC.
RETIREE BILLING ADMINISTRATIVE SERVICES AGREEMENT

City of Rochester

This Retiree Billing Administrative Services Agreement (“Retiree Billing Agreement”) is made by and between City of Rochester (“Member”) and HealthTrust, Inc., (“HealthTrust”) effective as of July 1, 2015 (“Effective Date”).

Preamble

HealthTrust is a pooled risk management program operating pursuant to RSA 5-B and offering its member political subdivisions the opportunity to participate in its Coverage Programs and related services. HealthTrust and Member are parties to a separate Application and Membership Agreement (“Membership Agreement”). Member is participating in HealthTrust’s group medical and/or dental Coverage Program(s) and will receive (or continue to receive) certain retiree billing administrative services offered by HealthTrust to its members in accordance with this Retiree Billing Agreement.

Agreement

Subject to the terms and conditions specified herein and in the Membership Agreement between the parties, the Member and HealthTrust hereby agree that HealthTrust shall provide (or continue to provide) retiree billing services described in Section 1 below (“Retiree Billing Services”) on behalf of the Member with respect to all Retirees of the Member who are covered through HealthTrust’s medical and dental Coverage Programs.

As used herein, “Retiree” means a person who is retired from active employment with the Member and who the Member has determined is eligible to continue medical and/or dental plan coverage with the Member pursuant to NH RSA 100-A:50 and/or the applicable rules of the Member and HealthTrust governing eligibility for Retiree coverage.

1. Retiree Billing Services.

HealthTrust shall provide the following Retiree Billing Services:

- a. Direct billing of the Member’s covered Retirees on a monthly basis of the applicable contribution amounts due from the Retirees for their coverage through HealthTrust.
- b. Billing of the Member on a monthly basis of any contribution amounts due from the Member for coverage of its Retirees, including any contribution amounts due in excess of amounts received from the Retirees and the New Hampshire Retirement System (“NHRS”).
- c. Collection of contribution amounts billed and due from Retirees and/or the Member.

- d. Collection and processing of NHRS subsidy and annuity deduction amounts for subsidy-eligible Retirees and Retirees who have elected payment of contributions by annuity deduction.
- e. Provision of monthly reports to the Member listing each Retiree who has been billed by HealthTrust, along with their medical and/or dental plan(s) and coverage type. A listing of the applicable coverage contribution amounts for the Member, the Retiree and NHRS also will be provided for each billing period.
- f. Notification of retirees of annual open enrollment.
- g. Notification of the Member regarding a Retiree's failure to pay billed contribution amounts prior to cancellation of the Retiree's coverage for nonpayment.
- h. Termination of Retiree coverage, pursuant to HealthTrust's rules and policies, as amended from time to time, for any of Member's Retirees due to non-payment of the applicable contributions due from such Retiree.

The Member understands and agrees that the Retiree Billing Services shall be performed by HealthTrust for all of the Member's Retirees who are covered through HealthTrust's medical and dental Coverage Programs.

Member understands and agrees that initial commencement of Retiree Billing Services requires at least 60 days advance notice to HealthTrust and the provision of all necessary information for commencement of such services.

No additional charge for Retiree Billing Services. There will be no additional charge to the Member or its Retirees for the Retiree Billing Services provided by HealthTrust under this Retiree Billing Agreement.

2. Member Responsibilities. As a condition of HealthTrust performing the Retiree Billing Services specified in Section 1 above, the Member agrees to perform the following responsibilities:

- a. Identification and enrollment of eligible Retirees who elect coverage through HealthTrust, and ongoing maintenance of such Retirees' enrollment changes until cancellation/termination of each Retiree's coverage.
- b. Upon first electing to receive Retiree Billing Services and whenever contribution rate changes occur, the Member shall complete and provide to HealthTrust a Retiree Contribution Allocation Table in the form provided by HealthTrust to the Member for such purpose or by another mutually agreed upon format, and otherwise assist with the transition of such Retiree Billing Services to HealthTrust.

- c. Pay the Member's portion of coverage contribution amounts on a monthly basis exactly as billed by HealthTrust. Any pending adjustments at the time of payment will be reflected on future bills.
- d. **Retain ultimate responsibility for payment to HealthTrust of coverage contribution amounts due from the Member's Retirees to the extent not otherwise paid by the Retirees or NHRS including, without limitation:**
 - i. **Reimbursement of HealthTrust for any amounts due from the Member's Retirees for their coverage through HealthTrust that remains unpaid and overdue. Member shall pay HealthTrust for such Retiree non-payment within 30 days of HealthTrust invoicing Member for the applicable amount(s) due and shall have sole responsibility for collecting any such amount(s) due from the Retiree.**
 - ii. **Reimbursement of HealthTrust for any amounts of subsidy and annuity deductions paid by NHRS toward Member's Retirees' coverage contributions that are subsequently retroactively recovered directly from HealthTrust by NHRS and not repaid in a timely manner by the Retiree(s). Member shall pay HealthTrust for any such NHRS retroactive recoveries that remain unpaid within 30 days of HealthTrust invoicing Member for the applicable amount(s) due and shall have sole responsibility for collecting any such amount(s) due from the Retiree. Member's responsibility to reimburse HealthTrust for any retroactive recovery by NHRS of subsidy or annuity paid on behalf of Member's Retirees shall continue even after Member no longer receives Retiree Billing Services, participates in HealthTrust's group medical and/or dental Coverage Program(s) or is a Member of HealthTrust.**
- e. Perform all applicable Retiree coverage obligations of the Member in accordance with NH RSA 100-A:50 and/or the Rules of HealthTrust and the Member governing coverage for Retirees other than the Retiree Billing Services provided by HealthTrust hereunder.
- f. Upon Member (or a subunit of Member) ceasing to participate in the medical and/or dental Coverage Programs offered through HealthTrust, to carry out the transition of Member's (or subunit's) covered Retirees out of their coverage through HealthTrust.
- g. Provide HealthTrust in a timely manner with any and all other information HealthTrust reasonably deems necessary or desirable with regard to HealthTrust's performance of Retiree Billing Services on behalf of the Member. HealthTrust reserves the right to request additional information from the Member at any time in order to satisfy HealthTrust's Retiree Billing Services obligations.

HealthTrust shall be entitled to rely on any information provided by the Member pursuant hereto as accurate, valid and complete, and shall not be responsible for errors, delays or additional costs resulting from the receipt of inaccurate, invalid, incomplete or untimely information.

3. **Amendments to Services and Responsibilities.** Member acknowledges that the Retiree Billing Services and related responsibilities herein are intended to assist the Member in satisfying its obligations under NH RSA 100-A:50. HealthTrust agrees to perform its Retiree Billing Services in accordance with a reasonable good faith interpretation of NH RSA 100-A:50 and HealthTrust's Rules governing coverage of Retirees. HealthTrust reserves the right to amend its Rules and procedures governing Retiree coverage and the services and responsibilities provided herein as it deems necessary or appropriate without amending this Retiree Agreement. HealthTrust will notify the Member of any changes in Retiree Billing Services that will materially affect the Member's responsibilities hereunder.

4. **Other Terms and Conditions.** HealthTrust and the Member further acknowledge and agree that:

- a. Retiree Billing Services will be performed by HealthTrust only with respect to Retirees of the Member who are covered under the medical and/or dental Coverage Programs offered by the Member through HealthTrust. In no event shall HealthTrust be responsible for providing any Retiree Billing Services with respect to Retirees of the Member who are covered under a medical or dental plan coverage option offered by the Member through another insurer or provider.
- b. Retirees who have their coverage cancelled for nonpayment of required contribution amounts may not be eligible for reinstatement to the Member's retiree coverage plan(s) through HealthTrust.
- c. The performance of Retiree Billing Services by HealthTrust on behalf of the Member does not and is not intended to make HealthTrust the plan sponsor, plan administrator or other fiduciary of the Member's group health plans for Retiree coverage obligations under any applicable law or regulation, and the Member will not identify or refer to HealthTrust as such.
- d. HealthTrust shall not have any obligation or liability under this Retiree Billing Agreement with respect to any Retiree Billing Services before the Effective Date or the Effective Date of the Application and Membership Agreement, or with respect to any Retiree coverage compliance obligations of the Member other than HealthTrust's Retiree Billing Service obligations under Section 1.
- e. All confidential information disclosed by the parties pursuant to this Retiree Billing Agreement will remain the exclusive and confidential property of the disclosing party. The receiving party will not disclose the confidential information of the disclosing party and will use at least the same degree of care in protecting the confidential information of the other party as it uses with respect to its own confidential information. The receiving party will limit access to confidential information to its employees and advisors with a need to know and will instruct such employees and advisors to keep such information confidential. Notwithstanding the foregoing, the receiving party may disclose confidential information to the extent

necessary to comply with any law, ruling, regulation or rule applicable to it or to the extent necessary to enforce its rights hereunder. HealthTrust also may disclose confidential information of the Member to the extent that disclosure of such information is required to perform its Retiree Billing Services obligations.

For purposes of this subsection (e), "confidential information" shall mean all information of a confidential or proprietary nature provided by the disclosing party to the receiving party for use in connection with the service obligations and responsibilities set forth in this Retiree Billing Agreement, but does not include (i) information that is already known by the receiving party without obligation of confidentiality; (ii) information that becomes generally available to the public other than as the result of disclosure by the receiving party in violation of this Retiree Billing Agreement; and (iii) information that becomes known to the receiving party from a source other than the disclosing party on a non-confidential basis.

- f. All capitalized terms utilized but not defined herein shall have the same meaning as set forth in the HealthTrust Bylaws.

5. Term and Termination.

- a. The term of this Retiree Billing Agreement shall commence on the Effective Date, and shall continue during the Member's participation in HealthTrust's medical and/or dental Coverage Program or until earlier terminated by either party with 30 days prior written notice to the other party.
- b. Notwithstanding anything contained herein, if the Member defaults in the performance of any of its responsibilities as set forth herein, HealthTrust may, upon written notice to the Member, terminate this Retiree Billing Agreement.
- c. Notwithstanding any other provision of this Retiree Billing Agreement or the Application and Membership Agreement, HealthTrust's agreement and obligation to provide Retiree Billing Services on behalf of the Member as set forth herein shall automatically cease upon termination of the Member's (or subunit's) participation in HealthTrust's medical and/or dental Coverage Programs, and HealthTrust shall not provide and shall not be obligated to provide any further services to the terminating Member (or subunit) pursuant hereto other than transition of Retiree billing administration to the Member or a successor administrator.
- d. Member's contribution obligations pursuant to Sections 2 (c) and (d) shall survive termination of this Retiree Billing Agreement.

IN WITNESS WHEREOF, the Member and HealthTrust have caused this Retiree Billing Agreement to be executed by their duly authorized officials.

For the MEMBER:

CITY OF ROCHESTER

Duly Authorized

Daniel Fitzpatrick

Print Name

City Manager

Title

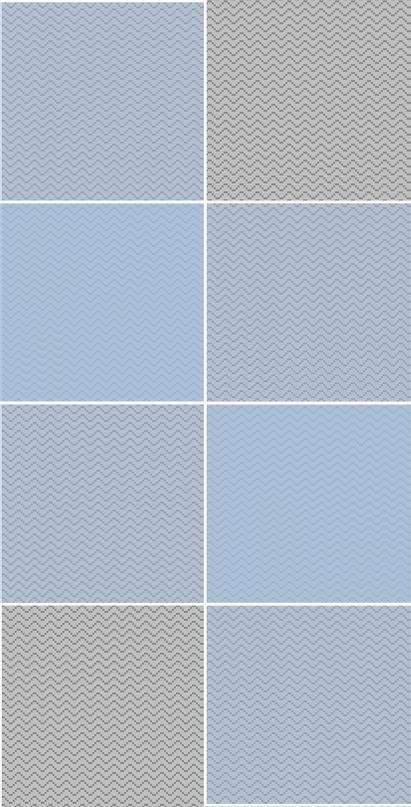
Date

For HEALTHTRUST, INC.:

Peter Bragdon
Executive Director

Date

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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 Presentation of the Dog Warrant to the City Council.
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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	June 2, 2015	
DEPT. HEAD SIGNATURE	Kelly Walters, City Clerk, signature on file	
DATE SUBMITTED	May 22, 2015	
ATTACHMENTS YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	Dog Warrant

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	Blaine Cox, signature on file
CITY MANAGER	Dan Fitzpatrick, signature on file

FINANCE & BUDGET INFORMATION

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

LEGAL AUTHORITY

RSA 466:14 Warrants; Proceedings

SUMMARY STATEMENT

466:14 Warrants Proceedings

The town or city clerk shall annually, between June 1 and June 20, present to the local governing body a list of those owners of dogs that have failed to license or not renewed their dog licenses pursuant to RSA 466:1. The local governing body shall, within 20 days from June 20, issue a warrant to a local official authorized to issue a civil forfeiture for each unlicensed dog. The warrant may also authorize a local law enforcement officer to seize any unlicensed dog. The civil forfeiture may be sent by certified mail, or delivered in hand, or left at the abode of the dog owner. The cost of service shall not exceed \$5 and may be recovered by the city or town in addition to the amount of the civil forfeiture. If the unlicensed dog is seized, it shall be held in a town or city holding facility for a period of 7 days, after which time full title to the dog shall pass to the facility, unless the owner of the dog has, before the expiration of the period, caused the dog to be licensed. The owner shall pay the facility a necessary and reasonable sum per day, as agreed upon by the governing body of the town or city and the facility, for each day the dog has been kept and maintained by the facility, plus any necessary veterinary fees incurred by the facility for the benefit of the dog. Before a local law enforcement officer seizes any unlicensed dog, a written warning shall be given to the dog owner.

RECOMMENDED ACTION

Motion to send the Dog Warrant to the Rochester Police Department for action.