



**Regular City Council Meeting  
October 2, 2018  
Council Chambers  
7:00 PM**

**Agenda**

- 1. Call to Order**
- 2. Opening Prayer**
  - 2.1 Opening Prayer led by the Roland E. Patnode Jr.  
American Legion Color Guard**
- 3. Presentation of the Colors**
  - 3.1 Pledge of Allegiance led by the Roland E. Patnode  
Jr. American Legion Color Guard**
- 4. Roll Call**
- 5. Acceptance of Minutes**
  - 5.1. Regular City Council Meeting: Meeting Minutes  
September 4, 2018 *consideration for approval*  
P. 11**
  - 5.2. Special City Council Meeting Minutes: September  
18, 2018 *consideration for approval* P. 37**
- 6. Communications from the City Manager**
  - 6.1 Employee of the Month Award P. 39**
  - 6.2 City Manager's Report P. 41**
  - 6.3 Presentation: New Strafford Regional Planning  
Commission Executive Director (Jen Czysz)**
  - 6.4 Grant Application Policy Change P. 69**

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**7. Communications from the Mayor**

**7.1. Proclamation: "Extra Mile Day," November 1, 2018 P. 71**

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

- 8.2      *Petition:*** Request for Amendment to the Zoning Ordinances – David R. Whitcher Builders ***motion to accept or reject the petition; if the petition is accepted the matter shall be referred to the Legal Department and to the Planning Board P. 73***

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

- 9.1      *Appointment:*** Susan C. Bailey, Ward 3 Selectman P. 77
- 9.2      *Appointment:*** Sarah Bailey, Ward 3 Selectman P. 79
- 9.3      *Appointment:*** Don Hamann, Elevate from an Alternate to a Regular Member of the Planning Board P. 81

**10. Reports of Committees**

**10.1. Codes & Ordinances Committee**

- 10.1.1. Remote Participation During Council & Board meetings P. 83**

**10.2. CTE Joint Building Committee P. 91**

- 10.2.1. Construction Update and Overall Budget P. 93**

**10.3. Public Safety P. 103**

- 10.3.1      *Committee Recommendation:*** To install two "deaf Person" signs near the poles at the corner of Front Street and Cocheco Avenue and at the discretion of DPW ***consideration for approval P. 103***

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- 10.3.2 **Committee Recommendation:** To Place a "Dead End" sign on Violet Court at the discretion of DPW *consideration for approval* P. 104
- 10.3.3 **Committee Recommendation:** To install a "blind driveway" sign at 737 Salmon Falls Road at the discretion of DPW and for DPW to trim the brush on the curve and in the easement *consideration for approval* P. 104
- 10.3.4 **Committee Recommendation:** To extend the no parking crosshatch area on Washington Street to the end of the retaining wall *consideration for approval* P. 104
- 10.3.5 **Committee Recommendation:** To Place two temporary "30 Minute Parking" signs on the fence closest to the Annex *consideration for approval* P. 105

#### 10.4 Public Works & Buildings Committee P. 109

- 10.4.1 **Committee Recommendation:** Granite State Business Park Water Main Extension project funding, Refer to the Finance Committee *consideration for approval* P. 119
- 10.4.2 Resolution Authorizing Supplemental Appropriation in the amount of \$50,000.00 for the Community Center Alarm Panel and Sensors Project *first reading, consideration for second reading and adoption* P. 121
- 10.4.3 **Committee Recommendation:** To Approve new Department of Public Works Facility site at 209 Chestnut Hill Road *consideration for approval* P. 125
- 10.4.4 Resolution Authorizing Supplemental Appropriation in the amount of \$135,000.00 for the Sidewalk Replacement Project *first reading, consideration for second reading and adoption* P. 129
- 10.4.5 **Committee Recommendation:** To authorize the Department of Public Works to proceed

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with the Construction of the Strafford Square Project as Designed **consideration for approval** P. 135

10.4.6 Resolution Authorizing supplemental Appropriation in the amount of \$50,000.00 for the Demolition and Removal of 13 Magic Avenue **first reading, consideration for second reading and adoption** P. 137

10.4.7 Resolution Deauthorizing General Fund Capital Improvement Project Funding For Various Projects in the Amount of \$388,955.74 **first reading, consideration for second reading and adoption** P. 143

10.5 Tri-City Mayors' Task Force on Homelessness P. 149

## 11. Old Business

11.1 Resolution Authorizing the Renumbering of Addresses of Eastern Avenue in Compliance with E911 Standards **second reading, consideration for adoption** P. 159

11.2 Atlantic Broadband Cable Franchise Agreement **consideration for approval** P. 163

## 12. Consent Calendar

## 13. New Business

13.1. Resolution Accepting NH Department of Environmental Services (NHDES) Grant in Connection with 2019 Household Hazardous Waste Day and Authorizing the City Manager to Enter into a Contract with NHDES not to exceed \$14,000.00 **first reading, consideration for second reading and adoption** P. 199

13.2. Resolution Authorizing the Acceptance of a \$5,500 Grant by the Rochester Police Department (RPD) Supplemental Appropriation in Connection Therewith, and Authority to Enter into a Contract with New Hampshire Juvenile Court Diversion Network **first reading, consideration for second reading and adoption** P. 203

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- 13.3.      Renaming of Main Street in East Rochester and Main Street in Gonic. *Discussion and Refer to public hearing* P. 209
- 13.4.      Auction Results for 58 Maple Street and 82 Strafford Road *consideration for approval* P. 229
- 13.5.      Resolution Establishing Polling Places and Times for the November 6, 2018 State General Election *first reading and consideration for adoption* P. 231
- 14.      Non-Meeting/Non-Public Session
- 15.      Other
- 16.      Adjournment

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**Regular City Council Meeting  
September 4, 2018  
Council Chambers  
7:00 PM**

**COUNCILORS PRESENT**

Councilor Abbott  
Councilor Gates  
Councilor Gray  
Councilor Keans  
Councilor Hamann  
Councilor Hutchinson  
Councilor Lachapelle  
Councilor Lauterborn  
Councilor Torr  
Councilor Walker  
Mayor McCarley

**OTHERS PRESENT**

Blaine Cox, City Manager  
Peter Nourse, Department  
of Public Works  
Chief Toussaint, Rochester PD

**COUNCILORS EXCUSED**

Councilor Bogan  
Councilor Varney

**MINUTES**

**1. Call to Order**

Mayor McCarley called the Regular City Council Meeting to order at 7:00 PM.

**2. Opening Prayer**

Mayor McCarley asked all those gathered to bow their heads for a moment of silence.

**3. Presentation of the Colors**

Mayor McCarley led the Pledge of Allegiance.

**4. Roll Call**

Deputy City Clerk Cassie Givara took the roll call. All Councilors were present except for Councilor Bogan and Councilor Varney, who were both excused.

## 5. Acceptance of Minutes

### 5.1 Special City Council Meeting Minutes: June 19, 2018 (Revised) *consideration for approval*

Councilor Lachapelle **MOVED** to **ACCEPT** the June 19, 2018, Special City Council revised meeting minutes. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

### 5.2 Regular City Council Meeting, Meeting Minutes: August 7, 2018 *consideration for approval*

Councilor Lachapelle **MOVED** to **ACCEPT** the August 7, 2018, Regular City Council meeting minutes. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

### 5.3 Special City Council Meeting, Meeting Minutes: August 21, 2018 *consideration for approval*

Councilor Lachapelle **MOVED** to **ACCEPT** the August 21, 2018, Special City Council meeting minutes. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

## 6. Communications from the City Manager

### 6.1 Employee of the Month Award

City Manager Cox announced that Dawn Maskell of the Department of Public Works was the Employee of the Month for September 2018.

### 6.2 City Manager's Report

### 6.3 Non-Union Employment Policy Handbook Recommended Amendments

City Manager Cox gave an overview of several of his recommended amendments to the Non-Union Employment Policy.

Item #1: A recommendation to move the completion date of the employee performance evaluations from March to May 15 to allow supervisors more time to complete the evaluations.

Item #2: A recommendation to add a fourth tier for employees with



25 or more years which would allow for a fifth week of vacation.

Item #3: Currently the City has a 30-day “use it or lose it” policy. There are many employees who save time right up until the end of the year for unforeseen absences. The new wording proposes allowing an additional two months for employees to use saved time beyond the end of the year. This change will not affect an employees pay if they were to leave employment with the City.

Mayor McCarley inquired if it was up to the direct Supervisor’s discretion whether or not to allow this additional two months to use saved time. City Manager Cox said it would be a general policy and not up to supervisor’s discretion.

Councilor Walker asked what the difference was between vacation and paid leave. City Manager Cox responded that for employees on PTO, there is no difference.

Councilor Gray asked if these changes would affect both unionized and non-unionized employees. It was clarified that these changes were for non-union employees.

City Manager Cox reported that the City Council has 60-days to review these amendments and make a decision. No decisions is being made at this meeting.

Item #4: A provision for shortening the window from one year to six months for non-union employees to accumulate a personal day.

Councilor Keans inquired about “earned time” and if it was something the City of Rochester offered. City Manager Cox clarified that the City of Rochester does not have “earned time” but rather paid time off, which is essentially the same thing. It lumps all paid time off into one category.

Item #6: This amendment would remove the stipulation that the bereavement days need to be consecutive.

City Manager Cox briefly outlined some other minor changes in wording as well as the change from Matthew Thornton insurance to Anthem.

Councilor Keans asked for clarification on the schedule for raises given to City staff, and which employees receive step increases. City Manager Cox stated that all employee evaluations would be due on July 1, 2018, not on the employees' anniversary hire date and all increases are merit increases. Mr. Cox also stated that there are no departments receiving step increases.

It was verified that the only department which does increases on the employee anniversary date is the Police Department for Union employees. The non-union Police Department employees receive increases in July.

## **7. Communications from the Mayor**

### **7.1. Proclamation: "National Recovery Month" September, 2018**

Mayor McCarley announced that September 2018 would be recognized as National Recovery Month in the City of Rochester. Elizabeth Atwood of SOS Recovery came forward to receive the proclamation.

### **7.2. Proclamation: "National Thank a Police Officer Day" September 15, 2018**

Mayor McCarley announced that Saturday September 15, 2018, would be National Thank a Police Officer Day in the City of Rochester. She encouraged citizens to show their support to Rochester Police officers by featuring blue on their properties and thanking our law enforcement officers. Chief Toussaint came forward to accept the Proclamation on behalf of the Rochester Police Department.

Mayor McCarley reminded everyone that the Rochester Fair was opening on Thursday September 6, 2018, for four days and reopening again on Thursday September 13. She encouraged everyone to go out and support the fair.

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

No Discussion.

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

### **9.1. Appointment: Councilor Elaine Lauterborn, Voting Delegate to the NHMA Legislative Policy Conference**

Mayor McCarley **MOVED** to **ACCEPT** the appointment of Elaine Lauterborn as the voting delegate to the NHMA Legislative Policy Conference. Councilor Lachapelle seconded the motion. Councilor Lachapelle **MOVED** that nominations cease. Councilor Gates seconded the motion. Councilor Lachapelle **MOVED** that the Clerk cast one ballot for Councilor Lauterborn. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**9.2.        Resignation: Kyle Starkweather, Planning Board**

Councilor Walker **MOVED** to **ACCEPT** with regret the resignation of Kyle Starkweather, Planning Board. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**9.3.        Resignation: Missi D'Arcy, Ward 5 Ward Clerk**

Councilor Walker **MOVED** to **ACCEPT** with regret the resignation of Missi D'Arcy, Ward Clerk of Ward 5. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**9.4.        Appointment: Jim Grant, Supervisor of the Checklist, Ward 6**

Mayor McCarley **MOVED** to **ACCEPT** the appointment of Jim Grant as Supervisor of the Checklist for Ward 6. Councilor Lachapelle seconded the motion. Councilor Lachapelle **MOVED** that nominations cease. Councilor Walker seconded the motion. Councilor Lachapelle **MOVED** that the Clerk cast one ballot for Mr. Grant. Councilor Walker seconded the motion. The **MOTION CARRIED** by a majority voice vote.

**9.5.        Nomination: Therese Hickman, NHDES Local River Management Advisory Committee**

Mayor McCarley **MOVED** to **ACCEPT** the nomination of Therese Hickman to the NHDES Local River Management Advisory Committee. Councilor Keans seconded the motion. Councilor Walker **MOVED** that nominations cease. Councilor Lachapelle seconded the motion. Councilor Lachapelle **MOVED** that the Clerk cast one ballot for Ms. Hickman. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**10.    Reports of Committees**

**10.1.        Codes & Ordinances Committee**

Councilor Lachapelle reported that the Codes & Ordinances Committee met in August and there are no action items. The Codes meeting for Thursday September 6, 2018, has been canceled and they will next meet on Thursday October 4, 2018.

## **10.2. Community Development Committee**

Elaine Lauterborn stated that there were no action items resultant from the Community Development Committee.

There had been a presentation by COAST in regards to a new initiative which they're starting for a comprehensive operations analysis. There will be public meetings scheduled for input over the next year and a half.

The next Community Development Committee meeting for Monday September 10, 2018, has been canceled and they will meet again sometime after the housing charrette which takes place September 26<sup>th</sup> – 28<sup>th</sup> 2018.

There was a brief discussion held by Council to clarify wording about parking signage and where the signs would be placed in the City.

Councilor Keans referenced a section of the minutes which stated that the Wayfinding task force would approve the sign locations. Councilor Keans suggested that the final decision on sign placement come back to full Council for a vote as opposed to be being decided by a separate commission.

## **10.3. CTE Joint Building Committee**

The Joint Building Committee met in August and had a chance to review the status of work on the building. There is some ongoing testing on flooring and the final decision has been delayed slightly. Mayor McCarley reported that overall, things are progressing quite well.

## **10.4. Finance Committee**

### **10.4.1. Resolution Authorizing Supplemental Appropriation to the 2018-2019 Capital Improvements Plan (CIP) of the City of Rochester, Department of Public works CIP Fund, Water CIP Fund, and Sewer CIP Fund in the**

**Amount of \$180,000.00 for the Asset Management Software Project *first reading, consideration for second reading and adoption***

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

**Resolution Authorizing Supplemental Appropriation to the 2018-2019 Capital Improvements Plan (CIP) of the City of Rochester, Department of Public Works CIP Fund, Water CIP Fund, and Sewer CIP Fund in the Amount of \$180,000.00 for the Asset Management Software Project**

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

That the sum of One Hundred Eighty Thousand Dollars (\$180,000.00) is hereby appropriated as a supplemental appropriation to the 2018-2019 capital improvements budgets of the City of Rochester, Department of Public Works as follows: Sixty Thousand Dollars (\$60,000.00) to the Department of Public Works CIP Fund; Sixty Thousand Dollars (\$60,000.00) to the Department of Public Works Water CIP Fund; Sixty Thousand Dollars (\$60,000.00) to the Department of Public Works Sewer CIP Fund. The purpose of this supplemental appropriation is to pay for costs and expenditures related to the Asset Management Software Project. This Project had previously been funded by bond authority which will be deauthorized by subsequent Council action.

Further, the One Hundred Eighty Thousand Dollars (\$180,000.00) supplemental appropriation shall be derived as follows: Sixty Thousand Dollars (\$60,000.00) from the General Fund Unassigned Fund Balance, Sixty Thousand Dollars (\$60,000.00) from the Water Fund Retained Earnings Balance, and Sixty Thousand Dollars (\$60,000.00) from the Sewer Fund Retained Earnings Balance.

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

Councilor Lachapelle **MOVED** to suspend the rules and read the resolution for a second time by title only. Councilor Walker seconded the

motion. The **MOTION CARRIED** by a majority voice vote. Mayor McCarley read the resolution for a second time by title only.

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

**10.4.2. Resolution in Accordance with RSA 33:9 Deauthorizing \$180,000.00 in Bond Authority Related to the 2018-2019 Capital Improvements Plan (CIP) of the City of Rochester, Department of Public Works CIP Fund, Water CIP Fund, and Sewer CIP Fund for the Asset Management Software Project *first reading, consideration for second reading and adoption***

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

**Resolution in Accordance with RSA 33:9 Deauthorizing \$180,000.00 in Bond Authority Related to the 2018-2019 Capital Improvements Plan (CIP) of the City of Rochester, Department of Public Works CIP Fund, Water CIP Fund, and Sewer CIP Fund for the Asset Management Software Project**

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

Pursuant to RSA 33:9, Sixty Thousand Dollars (\$60,000) of previous bond authority is deauthorized from the 2018-2019 Department of Public Works CIP Fund, Sixty Thousand Dollars (\$60,000) of previous bond authority is deauthorized from the 2018-2019 Department of Public Works Water CIP Fund, and Sixty Thousand Dollars (\$60,000) of previous bond authority is deauthorized from the 2018-2019 Department of Public Works Sewer CIP Fund for costs associated with the so-called Asset Management Software Project.

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

Councilor Lachapelle **MOVED** to suspend the rules and read the resolution for a second time by title only. Councilor Walker seconded the motion. The **MOTION CARRIED** by a majority voice vote. Mayor McCarley read the resolution for a second time by title only.

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

**10.4.3. Committee Recommendation: To not move forward with switching the Assessing software from Patriot to Avitar *consideration for approval***

Mayor McCarley stated she would be voting against this recommendation. Mayor McCarley felt that it had been presented well to the finance committee and that any unanswered questions had been covered.

Councilor Walker stated he felt there were certain costs which hadn't been calculated into the switch from Patriot software to Avitar, such as costs for overtime for cleaning up the software and making it integrate with Munis.

Mayor McCarley **MOVED** to continue the use of Patriot Properties. Councilor Walker seconded the motion. The **MOTION CARRIED** by a majority voice vote.

**10.5. Public Safety**

**10.5.1. Committee Recommendation: To Add a Crosswalk on Wakefield Street at the Walkway to the Spaulding High School Cafeteria Entrance *consideration for approval***

Councilor Walker **MOVED** to add a crosswalk on Wakefield Street at the Walkway to the Spaulding High School Cafeteria entrance. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**10.5.2. Committee Recommendation: To Deny the Request for a Streetlight on Yvonne Street *consideration for approval***

Councilor Walker **MOVED** to deny the request for a streetlight on Yvonne Street. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous/majority voice vote.

**10.5.3. Committee Recommendation: To deny the Installation of a "Blind Driveway" sign on Four Rod Road *consideration for Approval***

Councilor Walker **MOVED** to deny the installation of a Blind Driveway sign on Four Rod Road. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**10.5.4. Committee Recommendation: To Install a "Stop" Sign on City Property facing Dustin Homestead at the discretion of DPW *consideration for Approval***

Councilor Walker **MOVED** install a Stop sign on City Property facing Dustin Homestead at the discretion of DPW. Councilor Hutchinson seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**10.5.5. Committee Recommendation: To send a letter to the State for action with the intersection of Tebbetts Road and Old Dover Road *consideration for Approval***

Councilor Walker **MOVED** to approve the sending of a letter to the State for action with the intersection of Tebbetts Road and Old Dover Road. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**10.6. Public Works & Buildings Committee**

Councilor Torr reported that there were no action items from the Public Works & Buildings Committee.

Councilor Torr discussed the repeated vandalism of the planks on the Dewey Street Bridge and spoke about a similar bridge which is in the plans for the Riverwalk. Councilor Torr suggested installing cameras at this location to deter vandalism.

Councilor Gray requested an action item from Public Works for the installation of cameras so Council can determine whether it is feasible and what the cost would be.

City Manager Cox reported that Sonja Gonzalez, CIO, had been researching this item and would report back to Council.



**10.7. Tri-City Mayors' Task Force on Homelessness**

Councilor Hutchinson reported that the Tri-City Mayors' Task Force on Homelessness met on August 9, 2018. At this meeting, the Mayors elected Terra Stewart, a member of the homeless community, to serve as a voting member of the committee.

Councilor Hutchinson reminded Council that the Task Force will not be contracting with Strafford Regional Planning Commission for the development and writing of the Master Plan. Instead, the Task Force is meeting with the County Commissioners and will be looking in-house for assistance with drafting the Master Plan. Councilor Hutchinson reported that this new plan may necessitate pushing back the November 1, 2018, deadline.

Councilor Keans inquired about the chart of resources which was included in the Task Force minutes and how it had been developed. Councilor Hutchinson stated that the chart was neither comprehensive nor indefinite. It was resultant from a request from Dover's Mayor Weston for a basic spreadsheet showing which resources offered which services and to whom.

**11. Old Business****11.1. Amendment to Chapter 42 of the General Ordinances of the City of Rochester Regarding Development and Construction Signs *second reading and consideration for adoption***

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

**Amendment to Chapter 42 of the General Ordinances of the City of Rochester Regarding Development and Construction Signs**

THE CITY OF ROCHESTER ORDAINS:

That Chapter 42 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows (changes in italics):

**42.29 Signs****m. Specific Sign Requirements.**

- 6.1. 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, no 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 no later than 24 hours following issuance of an occupancy permit for an or all portions of the project.
- 6.2. Planned Unit Development Signs.** *These signs shall be used to identify a project and/or inform the public of the name of a development.*
- A. Such signs shall only be used for Planned Unit Developments.
  - B. Such signs shall be no greater than 16 square feet.
  - C. Such signs may not be lit.
  - D. Such signs are allowed in Open Space.
  - E. Such signs shall require approval from the Planning Board. The Board may require specific materials, landscaping, or other features.
  - F. This section shall also apply to previously approved Planned Unit Developments.

**The effective date of these amendments shall be upon passage.**

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

**11.2. Amendment to Chapter 42 of the General Ordinances**

**of the City of Rochester Regarding the Location and Boundaries of Zoning Districts and to Table 18-B, Permitted Uses *second reading and consideration for adoption***

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

**Amendment to Chapter 42 of the General Ordinances of the City of Rochester Regarding the Location and Boundaries of Zoning Districts and to Table 18-B, Permitted Uses**

THE CITY OF ROCHESTER ORDAINS:

WHEREAS, Chapter 42.1, Section J establishes that the location and boundaries of zoning districts within the City of Rochester are established as shown on a map titled, "City of Rochester Zoning Map."

WHEREAS, Chapter 42.1, Section J further declares that the City of Rochester Zoning Map is incorporated by reference as party of Chapter 42 of the General Ordinances of Rochester regarding zoning.

WHEREAS, the Mayor and City Council of Rochester desire to amend the City of Rochester Zoning Map to convert the Neighborhood Mixed Use Zone between North Main Street Bridge and Holy Rosary Church to Downtown Commercial Zone.

WHEREAS, the Mayor and the City Council of Rochester desire to amend the City of Rochester Zoning Map to expand the boundaries of the Special Downtown Overlay district to encompass the entire Downtown Commercial Zone.

WHEREAS, the Mayor and the City of Rochester desire to amend the City of Rochester Zoning Ordinance Table 18-B, Sales-Service-Office-Institutional Uses to eliminate "Gas Station" and "Vehicle Service" as permitted uses in the Downtown Commercial Zone.

THEREFORE, the Mayor and City Council of Rochester ordain that the Neighborhood Mixed Use Zone in the City of Rochester between North Main Street Bridge and Holy Rosary Church shall be converted to Downtown Commercial Zone in accordance with the Attached Exhibit. (Exhibit A).

FURTHER, the Mayor and City Council of Rochester ordain that Special Downtown Overlay District shall be expanded to cover the entirety of the Downtown Commercial Zone in accordance with the Attached Exhibit. (Exhibit B).

STILL FURTHER, the City of Rochester Zoning Map shall be amended and updated to reflect that the above shown changes ordained by the Mayor and the City Council.

FINALLY, the Mayor and the City Council of Rochester ordain that "Gas Station" and "Vehicle Service" shall be eliminated as permitted uses in the Downtown Commercial Zone and that Table 18-B shall be reflect said change as shown in the Attached Exhibit. (Exhibit C).

**The effective date of these amendments shall be upon passage.**

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

## **12. Consent Calendar**

No Discussion.

## **13. New Business**

### **13.1. Resolution Authorizing the City Manager to Enter into a Lease Agreement with Fresh Vibes Café, LLC *first reading and consideration for adoption***

#### **• Exhibit A 13.1**

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

#### **Resolution Authorizing the City Manager to Enter Into a Lease Agreement with Fresh Vibes Café, LLC**

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

That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, authorize the City Manager to enter into a One (1) year lease agreement with Fresh Vibes Café, LLC from September 5, 2018 to September 5, 2019 for a 575 square foot portion of Union Street Parking consistent with the terms of Exhibit A.

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

Councilor Keans asked what the boundaries would be for this outdoor dining area. She stated that based on the design, it looked as though it extended in to the parking lot which could be a problem with the already-limited parking downtown.

**13.2. Resolution Authorizing the Creation of a Riverwalk Account in order to Receive Donations up to \$5,000.00 and Supplemental Appropriation in Connection Therewith *first reading, consideration for second reading and adoption***

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

**Resolution Authorizing the Creation of a Riverwalk Account in order to Receive Donations up to \$5,000.00 and Supplemental Appropriation in Connection Therewith**

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

That the City Manager and the Finance Director are hereby authorized to create a Riverwalk Account to allow the Riverwalk Committee to accept donations toward the Riverwalk Project.

Further, the City Council hereby authorizes a supplemental appropriation in the amount of Five Thousand Dollars (\$5,000.00) to the newly created Riverwalk Account. The appropriation will be derived in its entirety from donations received by the Riverwalk Committee.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts and

or account numbers as are necessary to implement the transactions contemplated in this Resolution and to establish special revenue, non-lapsing, multi-year fund account(s) as necessary to which said sums shall be recorded.

Councilor Lachapelle **MOVED** to suspend the rules and read the resolution for a second time by title only. Councilor Walker seconded the motion. The **MOTION CARRIED** by a majority voice vote. Mayor McCarley read the resolution for a second time by title only.

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

### **13.3. E911 Committee Recommendations**

#### **13.3.1. Resolution Authorizing the Renumbering of Addresses on Eastern Avenue in Compliance with E911 Standards *first reading and refer to a public hearing***

- **Exhibit A 13.3.1**

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

#### **Resolution Authorizing the Renumbering of Addresses on Eastern Avenue in Compliance with E911 Standards**

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

That pursuant to RSA 231:133, RSA 231:133-a, and consistent with the State of New Hampshire's E911 standards, the City Council hereby authorizes the renumbering of street addresses on Eastern Avenue as shown in Exhibit A.

#### **13.3.2. Resolution Authorizing the Renumbering of 31 Main Street to 33 Main Street in Compliance with E911 Standards *first reading and refer to a public hearing***

Councilor Lachapelle **MOVED** to read the resolution for the first time by title only and refer to public hearing. Councilor Walker seconded the motion.

The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the resolution for a first time by title only as follows:

**Resolution Authorizing the Renumbering of 31 North Main Street to 33 North Main Street in Compliance with E911 Standards**

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

That pursuant to RSA 231:133, RSA 231:133-a, and consistent with the State of New Hampshire's E911 standards, the City Council hereby authorizes the renumbering of 31 North Main Street to 33 North Main Street.

**13.4. Resolution Deauthorizing \$1,038 in Funding Related to the 2017-2018 Victims of Crime Act Grant *first reading, consideration for second reading and adoption***

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

**Resolution Deauthorizing \$1,038.00 in funding related to the 2017-2018 Victims of Crimes Act Grant**

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

That the amount of One Thousand Thirty Eight Dollars (\$1,038.00) appropriated as part of the 2017-2018 Victim of Crimes Act (VOCA) Grant is hereby deauthorized. Eight Hundred Thirty and 41/100 Dollars (\$830.41) of the deauthorization is grant reimbursement which will not be sought from the New Hampshire Department of Justice. Two Hundred Seven and 59/100 Dollars (\$207.59) of the deauthorization is derived from the City's required local match and shall be returned to the General Fund Unassigned Fund Balance.

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

Councilor Lachapelle **MOVED** to suspend the rules and read the resolution for a second time by title only. Councilor Walker seconded the motion. The **MOTION CARRIED** by a majority voice vote. Mayor McCarley read the resolution for a second time by title only.

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

**13.5. Resolution Authorizing Supplemental Appropriation to the 2018-2019 Rochester Police Department Operating Budget and Acceptance of a United States Department of Justice (USDOJ) Justice Assistance Grant (JAG) in the amount of \$26,029.00 *first reading, consideration for a second reading and adoption***

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

**Resolution Authorizing Supplemental Appropriation to the 2018-2019 Rochester Police Department Operating Budget and Acceptance of a United States Department of Justice (USDOJ) Justice Assistance Grant (JAG) in the amount of \$26,029.00**

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

That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, accept a grant in the amount of Twenty Six Thousand Twenty Nine Dollars (\$26,029.00) from the United States Department of Justice Justice Assistance Grant program in order to fund crime scene forensic training and the purchase of related equipment.

Further, the Mayor and City Council authorize the Rochester Police Department to enter into an inter-local agreement with the City of Somersworth to act as fiscal agent for this grant in exchange for 5% or One Thousand Three Hundred One Dollars (\$1,301.00) of the City of Rochester's grant award.

Still further, that the sum of Twenty Six Thousand Twenty Nine Dollars (\$26,029.00) be, and hereby is, appropriated as a supplemental appropriation



to the 2018-2019 operating budget for the City of Rochester Police Department. The source of the sums necessary to fund such appropriation shall be drawn, in their entirety, from the grant.

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

Councilor Lachapelle **Moved** to suspend the rules and read the resolution for a second time by title only. Councilor Walker seconded the motion. The **MOTION CARRIED** by a majority voice vote. Mayor McCarley read the resolution for a second time by title only.

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

**13.6. Resolution Authorizing the Department of Public Works to Submit a New Hampshire Department of Transportation (NHDOT) Transportation Alternatives (TAP) Grant Application in an amount not to exceed \$500,000.00 *first reading and consideration for adoption***

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

**Resolution Authorizing the Department of Public Works to Submit a New Hampshire Department of Transportation (NHDOT) Transportation Alternatives (TAP) Grant Application in an amount not to exceed \$500,000.00**

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

That the Department of Public Works is thereby authorized to submit a NHDOT TAP Grant Application in an amount not to exceed Five Hundred Thousand Dollars (\$500,000.00) to pay for the costs associated with the Portland Street Sidewalk Project. If the grant is awarded, the City will be required to provide

a Twenty Percent (20%) match not to exceed One Hundred Thousand Dollars (\$100,000.00).

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

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

**13.7. Land SELT – Water Supply Land Purchase & Conservation Easements**

**13.7.1. Resolution Authorizing the City Manager to place 95 acres of City property into a Conservation Easement with the Southeast Land Trust *first reading, consideration for second reading and adoption***

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

**Resolution Authorizing the City Manager to place 95 acres of City property into a Conservation Easement with the Southeast Land Trust**

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

The City Manager is hereby authorized to transfer Ninety Five (95) acres of City property located in Farmington, New Hampshire (Farmington Tax Map R-9, Lot 8; R-10, Lot 19; and R-26, Lot 3) as part of the City's water reservoir into a Conservation Easement with SELT. The City Manager is further authorized to execute all documents necessary to complete the above transaction on behalf of the City.

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

Councilor Lachapelle **MOVED** to suspend the rules and read the resolution for a second time by title only. Councilor Walker seconded the motion. The **MOTION CARRIED** by a majority voice vote. Mayor McCarley read the resolution for a second time by title only.

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

Councilor Keans asked for some more information on the process, the ownership and the responsibilities once this conservation easement goes into place.

Peter Nourse, Department of Public Works, stated that the Southeast Land trust will perform the monitoring that is required and the City of Rochester will maintain the property and grant the easement to SELT to monitor. The City of Rochester retains all authority to manage the property as they would manage the watershed. The City is also responsible for maintenance and operation of any structures on the property, such as dams.

Councilor Keans inquired what the advantage would be to putting the land into the conservation trust with SELT.

Mr. Nourse stated that the major advantage is that the City gets a better tax assessment.

**13.7.2. Supplemental Appropriation to the 2018-2019 Department of Public Works, Water Capital Improvement Plan Fund in an amount not to exceed \$122,000.00 for Water Reservoir Land Protection *first reading, consideration for second reading and adoption***

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

**Supplemental Appropriation to the 2018-2019 Department of Public Works, Water Capital Improvement Plan Fund in an amount not to exceed \$122,000.00 for Water Reservoir Land Protection**

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

That an amount not to exceed One Hundred Twenty Two Thousand Dollars (\$122,000.00) is hereby appropriated as a supplemental appropriation to the 2018-2019 Department of Public Works, Water Capital Improvement Plan Fund for the purpose of paying costs associated with Southeast Land Trust's (SELT) acquisition of a conservation easement on the so-called Bullwinkle Property in Farmington, a fee interest in the so-called Stuart Property in Farmington, as well as costs associated with the City's donation of Ninety Five (95) acres of land in Farmington to be put in conservation easement by SELT. All land transfers are for the protection of the City's water reservoir.

The funds for this supplemental appropriation shall be derived in their entirety from the Water Fund retained earnings balance.

Further, the City Manager is hereby authorized to execute all documents necessary to complete the above transactions on behalf of the City.

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

Councilor Lachapelle **MOVED** to suspend the rules and read the resolution for a second time by title only. Councilor Walker seconded the motion. The **MOTION CARRIED** by a majority voice vote. Mayor McCarley read the resolution for a second time by title only.

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

**13.8 2019-2020 Final Legislative Policy Recommendations**

Councilor Keans stated that the recommendations make a lot of sense as written and does not recommend any changes.

**13.9 Resolution for Supplemental Appropriation to the Conservation Fund for Fiscal Year 2017-2018 Pursuant to the Provisions of Section 11.21(c) of the General Ordinances of the City of Rochester *first reading, consideration for second reading and***

***adoption***

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

**Resolution for Supplemental Appropriation to the  
Conservation Fund for Fiscal Year 2017-2018  
Pursuant to the Provisions of Section 11.21(c) of  
the General Ordinances of the City of Rochester**

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

As a supplemental appropriation to the 2017-2018 fiscal year operating budget of the City of Rochester, the sum of Sixty Seven Thousand Two Hundred Ninety Dollars (\$67,290.00); from annual excess Land Use Change Tax funds for fiscal year 2017-2018 to the City of Rochester Conservation Fund, the sums necessary to fund such supplemental appropriation to be drawn in their entirety from the aforesaid annual excess Land Use Change Tax revenues received during fiscal year 2017-2018.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution. The effective date of this Resolution shall be June 30, 2018.

Councilor Hamann inquired why Council needed to vote on this item. City Manager Cox stated that each years as part of the budget process, the City appropriates a certain amount of land use change taxes to the conservation fund, typically around \$10,000.00. Usually the City collects more than the \$10,000.00 in land use change taxes, so the option is then brought back to Council to put the excess into the conservation fund. Otherwise the excess will go into the Fund Balance.

Councilor Walker **MOVED** to suspend the rules and read the resolution for a second time by title only. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a majority voice vote. Mayor McCarley read the resolution by the second time by title only.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Walker seconded the motion. The **MOTION CARRIED** by majority roll call vote with Councilors Lachapelle, Hutchinson, Gates, Hamann, Keans, Lauterborn, Gray, Walker, Abbott and Mayor McCarley voting in favor and Councilor Torr voting against.

#### **14 Non-Meeting/Non-Public Session**

There is no non-meeting/Non-public session this evening.

#### **15 Other**

Mayor McCarley announced that Anita Greene had passed away and the service for her will be held Wednesday September 5 at 10:00 AM.

Councilor Keans stated that she'd received communications from some constituents regarding the proposed public works facility on Chestnut Hill Road. The constituents had expressed concerns that there would be dumping of road salt on the grounds of the new facility and if it would affect their wells.

Councilor Gates spoke about the Fire Department wanting to require all new single family homes to have either sprinkler systems or a cistern if they are outside the City water supply. Councilor Gates reported that he had done some research and received price quotes from several companies ranging from \$7,000.00 to \$10,000.00 for a 2,000 sqf home outside the Rochester water supply to have a sprinkler system installed. For a cistern with all associated materials and services, the cost was upwards of \$26,000.00. Councilor Gates stated that this additional cost could make home ownership unattainable for some potential buyers in Rochester.

Councilor Lauterborn asked if these fire safety measures were State requirements. It was determined that the fire safety measures were State required and had been since 2008, but they had not been enforced perhaps in part due to the additional costs which are prohibitive.

Councilor Gates questioned how many fires occurred in the City each year which fall outside the City's water supply.

Councilor Lauterborn suggested a report be presented at a future meeting outlining the specifics of this issue such as what the state requirement entails, why these requirements have not been enforced and what are other Cities doing.

#### **16 Adjournment**

DRAFT

09/27/2018  
Regular City Council Meeting  
September 4, 2018

Councilor Walker **MOVED** to **ADJOURN** the meeting at 8:13 PM. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully Submitted,

Cassie Givara  
Deputy City Clerk

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left blank...*

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City Clerk's Office

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**Rochester City Council Special Meeting  
September 18, 2018  
Council Chambers  
7:18 PM**

**COUNCILORS PRESENT**

Councilor Abbott  
Councilor Bogan  
Councilor Gates  
Councilor Gray  
Councilor Hamann  
Councilor Hutchinson  
Councilor Keans  
Councilor Lauterborn  
Councilor Torr  
Councilor Varney – via phone  
Councilor Walker  
Mayor McCarley

**OTHERS PRESENT**

Blaine Cox, City Manager

**COUNCILORS EXCUSED**

Councilor Lachapelle

**Minutes**

**1. Call to Order**

Mayor McCarley called the meeting to order at 7:18 PM.

**2. Roll Call**

Deputy City Clerk Cassie Givara took the roll call. All Councilors were present except Councilor Lachapelle, who was excused. Councilor Varney was connecting remotely via phone.

**3. Resolution Authorizing Acceptance and Appropriation of Victims of Crime Act (VOCA) Grant Supplemental Award for FY 2018-2019 *first reading, consideration for second reading and adoption***

Councilor walker **MOVED** to read the resolution for the first time by title only. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the resolution for the first time by title only as follows:

**RESOLUTION AUTHORIZING ACCEPTANCE AND APPROPRIATION OF VICTIMS OF CRIME ACT (VOCA) GRANT SUPPLEMENTAL AWARD FOR FY 2018-2019**

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

WHEREAS, that a Victims of Crime Act (VOCA) supplemental grant in the amount of One Thousand Seven Hundred Ninety Dollars (\$1,790.00) awarded to the City of Rochester's Legal Department is hereby accepted by the City of Rochester;

FURTHER, that the sum of One Thousand Seven Hundred Ninety Dollars (\$1,790.00) be, and hereby is, appropriated to a non-lapsing Special Revenue Fund to be created for the purpose of carrying out the purposes of the Victims of Crime Act grant;

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

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

Councilor Walker **MOVED** to suspend the rules and read the resolution for a second time by title only. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a majority voice vote.

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

#### **4. Adjournment**

Councilor Walker **MOVED** to **ADJOURN** the City Council Special Meeting at 7:20 PM. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully Submitted,

Cassie Givara  
Deputy City Clerk

\* October 2018 \*  
09/27/2018  
Eom

City of Rochester, NH  
Employee Recognition Committee  
31 Wakefield Street  
Rochester, NH 03867

Dear Nomination Committee,

We are writing this letter to nominate Jen Murphy Aubin for Employee of the Month. She works as Executive Secretary in the Economic Development Department. Jen played an instrumental part in this year's Wings and Wheels event, which was hosted by the Rochester Police Department, Rochester Rotary and Pease Development Authority.

We asked Jen to help design a logo for the event in which she did despite the amount of work she already had at her desk. Once we realized Jen's expertise in designing marketing materials we asked her to help with more of the marketing materials, programs, website and t-shirt designs. We have attached an example of her work to this letter.

Jen went beyond just helping us with the marketing materials and designs. She took home programs that needed folding she also worked on her own personal time to ensure materials were completed in a timely manner and ready when we needed them. She was quick to respond to additional requests for her assistance and ensuring all loose ends were completed without asking. Jen took great pride in her work and was a great spokesperson for the event in which she attended with her family.

It is with great pleasure that we nominate Jen for the Employee of the Month.

Sincerely,

Michelle Mears, Planning Department  
Jenn Marsh, Economic Development

RECEIVED

JUN 11 2018 \*

FINANCE OFFICE  
CITY OF ROCHESTER

\* Is a Monday, rec'd  
from City Clerk; will  
be eligible for July.

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City Clerk's Office

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## *City of Rochester, New Hampshire*

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

### **6.2. CITY MANAGER'S REPORT P. 41** **October 2, 2018**

The Employee of the Month is: Jennifer Murphy-Aubin – Economic Development **P. 39**

Contracts and documents executed since last month:

- City Manager
  - Fresh Vibes Lease – Outdoor Dining **P. 43**
- Department of Public Works
  - 13 Magic Avenue - demolition contract – SUR Construction **P. 44**
  - Brown & Caldwell Engineers – WWTF Dewatering facility – Task Order Amendment 19A – Additional Engineering \$57,540 **P. 45**
  - Colonial Pines Sewer Proj.– Railroad Avenue Change Order Easements **P. 46**
  - Normandeau Associates – Cocheco & Bellamy River Monitoring Study **P. 47**
  - North East Earth Mechanics – Franklin St/Western Ave Proj. Substantial Completion **P. 48**
  - Repayment Plan – 82 Salmon Falls Road **P. 49**
  - Route 125 Pedestrian Bridge – Substantial & Final Completion **P. 50**
  - US Department of Interior – Geological Survey Contract **P. 51**
  - Weston & Sampson Engineers – DPW Facility Site Engineering **P. 52**
  - CWSRF Asset Management SRF/Grant Stormwater & Wastewater Time Extension request **P. 53**
- Economic & Community Development
  - 38 Hanson Street – Real Estate Contract **P. 54**
  - 2018/2019 Non-CDBG Contract – SOS Recovery **P. 55**
  - 2018-2019 CDBG Grant Agreement **P. 56**
  - Certifications for VOCA Grant **P. 57**
  - Right of Entry – Pease Development Authority to Utilize Space at Skyhaven Airport for Seacoast manufacturing Exchange **P. 58**
  - Special Provisions for VOCA Grant **P. 59**
- Finance
  - Melanson Heath Audit Engagement Letter **P. 60**
- Legal Department
  - 3 Ridgewood Drive - Redemption **P. 61**
  - Waterstone TIF Documents – Amended & Restated Developers Agreement **P. 62**

Other documents for information:

- Grant Application Process Submittal to City Council **P. 63**
- Mears, M – Planning – Tuition Reimbursement **P. 65**

The following standard reports have been enclosed:

- City Council Request & Inquiry Report - **none**
- Monthly Overnight Travel Summary - **P. 66**
- Permission & Permits Issued **P. 67**
- Personnel Action Report Summary **P. 68**

09/27/2018



*Diamond Sponsor:*



*When:*

SATURDAY, JUNE 2, 2018  
10 AM - 3 PM

*Where:*

SKYHAVEN AIRPORT  
238 ROCHESTER HILL ROAD

*Also Featuring:*

KID PLAY ZONES  
GIVEAWAYS  
50/50 RAFFLES  
AVIATION ADVENTURES  
CONCESSIONS & FOOD TRUCKS  
TROPHIES!

*Suggested:*

DONATIONS  
BENEFITS LOCAL  
NONPROFITS

*And more!*



**Rotary**  
Club of Rochester NH



09/27/2018



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

**MEMORANDUM**

**Date:** September 7, 2018  
**To:** Blaine M. Cox, City Manager  
**From:** Samantha Rodgerson, Senior Executive Assistant  
**Subject:** Fresh Vibes Lease Agreement

CITY OF  
Received  
SEP 7 2018  
City Manager  
ROCHESTER

Attached for signature is the Lease Agreement between the City of Rochester and Fresh Vibes Café, LLC. The City Council approved the agreement at the September 4, 2018 City Council meeting. The lease will be valid from September 5, 2018 through September 5, 2019.



## City of Rochester, New Hampshire

### PUBLIC WORKS DEPARTMENT

45 Old Dover Road • Rochester, NH 03867

(603) 332-4096

Fax (603) 335-4352

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

09/27/2018

CITY OF  
Received  
SEP 19 2018  
City Manager  
ROCHESTER

### INTEROFFICE MEMORANDUM

**TO:** Blaine M. Cox, City Manager  
Roland E. Connors, Interim Finance Director

**FROM:** Lisa J. Clark, Admin Supervisor *LJC*

**DATE:** September 10, 2018

**SUBJECT:** SUR Construction Contract  
Demolition 13 Magic Ave

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

Attached please the SUR Construction quote for the proposed demolition of 13 Magic Avenue. SUR Construction was awarded the bid for Construction Services per pricing in Bid #17-30.

The expense will be charged to the Highway Gen O&M 13010057-533000

\*\*\*If you have any questions please call, if not please sign and pass on to the City Manager for signature. Please return document to me at the DPW for distribution

(Roland E. Connors, Interim Finance Director)





# City of Rochester, New Hampshire

## PUBLIC WORKS DEPARTMENT

45 Old Dover Road • Rochester, NH 03867  
 (603) 332-4096 Fax (603) 335-4352  
[www.rochesternh.net](http://www.rochesternh.net)

### INTEROFFICE MEMORANDUM

**TO:** Blaine M. Cox, City Manager  
 Roland E. Connors, Interim Finance Director

**FROM:** Lisa J. Clark, Admin Supervisor *RJC*

**DATE:** August 21, 2018

**SUBJECT:** Brown & Caldwell Engineers  
 WWTF Biosolids Dewatering Facility & Carbon Storage  
 Task Order 19A Amendment - Additional Engineering \$57,540

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

CITY OF  
 Received  
 AUG 28 2018  
 City Manager  
 ROCHESTER

Attached please the Brown & Caldwell Amendment for the Biosolids Dewatering Facility and Carbon Storage Building Projects for signature. This amendment is an estimate for the additional engineering associated with the CWSRF Loan requirements and management. The principal forgiveness for this estimated \$8-10 Million dollar project is 10% or approximately \$900,000. DPW Staff has evaluated the cost benefits for cash flow and principal forgiveness and recommend CWSRF for this project.

There is sufficient funding for this amendment in the following account lines

55026020-772000-16545 \$57,540

\*\*\*If you have any questions please call, if not please pass on to the City Manager for signature. Documents should be returned to DPW for Distribution.

*Roland E. Connors*

(Roland E. Connors, Interim Finance Director)



## City of Rochester, New Hampshire

### PUBLIC WORKS DEPARTMENT

45 Old Dover Road • Rochester, NH 03867

(603) 332-4096

Fax (603) 335-4352

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

09/27/2018

CITY OF  
Received  
AUG 30 2018  
City Manager  
ROCHESTER

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### INTEROFFICE MEMORANDUM

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**TO:** Blaine Cox, City Manager

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

**DATE:** August 30, 2018

**SUBJECT:** **Colonial Pines Sewer - Spaulding Turnpike Crossing Project  
(Contract 17-18), Railroad Avenue Change Order Easements**

**CC:** Peter Nourse, PE, Director of City Services  
Terence O'Rourke, City Attorney

---

Attached are easement documents associated with the construction of Railroad Avenue Change Order to the Colonial Pines Sewer - Spaulding Turnpike Crossing project. The City Attorney has reviewed and approved the language in each of these easement documents. One easement is with L.P. Gas Equipment, Inc. (Eastern Propane) for the property at 46 Railroad Avenue. The other easement is with Michael F. Kirouac for the property across the street at 0 Railroad Avenue. Please sign and return the original signed documents to me at DPW for distribution.

Thank you.



## City of Rochester, New Hampshire

### PUBLIC WORKS DEPARTMENT

45 Old Dover Road • Rochester, NH 03867

(603) 332-4096

Fax (603) 335-4352

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

### INTEROFFICE MEMORANDUM

**TO:** Blaine M. Cox, City Manager

**FROM:** Lisa J. Clark, Admin Supervisor

**DATE:** September 10, 2018

**SUBJECT:** Normandeau Associates  
Cocheco and Bellamy River Monitoring Study \$72,340

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

City Manager  
SEP 17 2018  
Received  
CITY OF  
ROCHESTER

Attached please find the Normandeau Associates contract and scope of service related to the Cocheco and Bellamy Rivers Monitoring Study. The cost for this work is to be split 50/50 with the City of Dover and the work is associated with the Great Bay Coalition and the Rochester NPDES permit negotiations.

The City of Rochester will be using the following account for these expenses:

NPDES Permit 55026020-771000-18536

NPDES Permit 55026020-771000-19550

**\*\*\*If you have any questions please call, if not please pass on to the City Manager for signature and return to the DPW for distribution.**

(Roland Connors, Interim Finance Director)



# City of Rochester, New Hampshire

## PUBLIC WORKS DEPARTMENT

45 Old Dover Road • Rochester, NH 03867

(603) 332-4096

Fax (603) 335-4352


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

09/27/2018

CITY OF  
Received  
SEP 11 2018  
City Manager  
ROCHESTER

### INTEROFFICE MEMORANDUM

**TO:** Blaine M. Cox, City Manager

**FROM:** Lisa J. Clark, Admin Supervisor 

**DATE:** September 10, 2018

**SUBJECT:** North East Earth Mechanics (NEEM)  
Franklin St Area & Western Ave PS Construction  
Substantial Completion – August 24, 2018

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

Attached please find three (3) copies of the NEEM Substantial Completion Document. The project is substantially completed with the punch list items need to reach final completion by end of the 2018 construction season. This document and punch list has been reviewed and recommended for signature by both the City Engineer, Michael S. Bezanon, PE and the Project Manager from Brown & Caldwell Engineering, Mark Allenwood, PE.

\*\*\*If you have any questions please call, if not please sign and return to the DPW for distribution.



## *City of Rochester, New Hampshire*

### PUBLIC WORKS DEPARTMENT

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09/27/2018

CITY OF  
Received  
AUG 28 2018  
City Manager  
ROCHESTER

---

### INTEROFFICE MEMORANDUM

---

**TO:** Blaine Cox, City Manager  
**Date:** August 27<sup>th</sup>, 2018  
**From:** Owen Friend-Gray PE, Assistant City Engineer  
**SUBJECT:** Repayment Plan for 82 Salmon Falls Road  
**CC:** Terence O'Rourke, City Attorney

---

Please see the attached security agreement for the sewer connection to 82 Salmon Falls Road. This repayment plan is the first to use the newly created Sewer Service Connection Funds created this fiscal year for connections outside of capital projects.

If you have any questions please let me know, if not, please sign and send to the Legal Department.



## City of Rochester, New Hampshire

PUBLIC WORKS DEPARTMENT

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(603) 332-4096

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09/27/2018

CITY OF  
Received

AUG 30 2018


City Manager  
ROCHESTER

---

### INTEROFFICE MEMORANDUM

---

**TO:** Blaine M. Cox, City Manager

**FROM:** Lisa J. Clark, Admin & UB Office Supervisor 

**DATE:** August 30, 2018

**SUBJECT:** Route 125 Pedestrian Bridge.  
Substantial & Final Completion

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

---

Attached please find the substantial & final acceptance documents for the Rt125 Pedestrian Bridge Guardrail and Approach Replacement Project. These documents require City Manager signature.

This project is completed and recommended for acceptance by City Engineer, Michael S. Bezanson.

**These documents should be returned to the DPW for distribution.**

Thank you



09/27/2018



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



CITY OF  
Received

SEP 19 2018

City Manager  
ROCHESTER

---

## INTEROFFICE MEMORANDUM

---

**TO:** Blaine Cox, City Manager  
Roland E. Connors, Interim Finance Director

**FROM:** Lisa J. Clark, Admin & Utility Billing Supervisor *LJC*

**DATE:** September 18, 2018

**SUBJECT:** US Department of Interior-Geological Survey Contract

---

Enclosed please find two (2) copies of the U.S. Department of Interior Geological Survey joint funding Agreement for signature.

The contract is for flow monitoring on the Cocheco River and has been funded half in the sewer fund and half in the water fund O & M accounts.

52602074-559000=~~\$8,000.00~~ *\$7,500*  
51601073-533000=~~\$7,000.00~~ *\$7,500*

If you have any questions please let me know, if not, please sign and pass on to the City Manager for signatures. These documents should be returned to the DPW for distribution.

Signature \_\_\_\_\_

*Roland E. Connors*

(Roland E. Connors, (Interm Finance Director)

09/27/2018



## City of Rochester, New Hampshire

### PUBLIC WORKS DEPARTMENT

45 Old Dover Road • Rochester, NH 03867

(603) 332-4096

Fax (603) 335-4352

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CITY OF  
Received  
SEP 4 2018  
City Manager  
ROCHESTER

### INTEROFFICE MEMORANDUM

**TO:** Blaine M. Cox, City Manager  
Roland E. Connors, Interim Finance Director

**FROM:** Lisa J. Clark, Admin Supervisor

**DATE:** August 31, 2018

**SUBJECT:** Weston & Sampson Engineers  
DPW Facility Site Engineering  
Amendment #1 \$15,500

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

Attached please find the Weston & Sampson Engineering amendment to the DPW Facility Scope of Services Agreement. This additional engineering is related to the Geotechnical Feasibility Study in regards to the current property in consideration. This work includes the exploration of subsurface conditions and will included the cost for test pits and borings.

There are sufficient funds available in the appropriated accounts for this project. The fund for this amendment is as follows:

15013010-771000-16526 = \$6,277.12

15013010-771000-17524 = \$9,222.88

\*\*\*If you have any questions please call, if not please pass on to the City Manager for signature. Documents should be returned to DPW for Distribution.

(Roland E. Connors, Interim Finance Director)





## City of Rochester, New Hampshire

### PUBLIC WORKS DEPARTMENT

45 Old Dover Road • Rochester, NH 03867  
(603) 332-4096 Fax (603) 335-4352

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

CITY OF  
Received  
SEP 17 2018  
City Manager  
ROCHESTER

### INTEROFFICE MEMORANDUM

**TO:** Blaine M. Cox, City Manager

**FROM:** Lisa J. Clark, Admin Supervisor *ljc*

**DATE:** September 10, 2018

**SUBJECT:** CWSRF – CS33030122-13  
Asset Management SRF/Grant Stormwater & Wastewater  
Time Extension request.

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

Attached please find the time extension request for the CWSRF Asset Management Project. The extension is necessary as there is additional drainage work outside the scope of this project that the City is currently working to integrate into our GIS to enhance the result of the this projects Asset Management effort. There are no additional fees but it will require additional time for field data collection. The new expected completion date will be January 30, 2019.

\*\*\*If you have any questions please call, if not please sign and return to the DPW for distribution.



09/27/2018

# ***City of Rochester, New Hampshire***

*Division of Community Development*

*31 Wakefield Street, Rochester NH 03867*

*(603) 335-7522 [www.RochesterEDC.com](http://www.RochesterEDC.com)*

CITY OF  
Rochester  
Received  
SEP 18 2018  
City Manager  
ROCHESTER

Date: July 9, 2018

To: Blaine Cox, City Manager

From: Karen Pollard, Economic Development Manager

*K. Pollard*

Re: Real Estate Contract for 38 Hanson Street

Attached please find the standard contract for to enter into an agreement to market for sale 38 Hanson Street on behalf of the city. Features of the contract include:

1. Exclusive contract with a commission sharing arrangement
2. An 8% commission payable upon the successful sale of the property
3. Marketing support of \$1,000 from the existing Economic Development budget

The Marketing Plan is being developed by the Keller Williams Coastal Marketing Specialist.

Please sign and return to me for return to Jameson Paine and David Garvey.

09/27/2018

Date: September 19, 2018  
To: Blaine Cox  
City Manager  
From: Julian Long  
Community Development Coordinator/Grants Manager

CITY OF  
Received  
SEP 19 2018  
City Manager  
ROCHESTER

Re: FY 2018-2019 Non-CDBG Contract – SOS Recovery Center

Please see attached the signed FY 2018-2019 contract between the City of Rochester and the SOS Recovery Center (for whom Goodwin Community Health serves as fiscal agent). City Council approved funding for this activity at the August 7, 2018 City Council meeting.

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

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

OK *Hand* 9/19/2018

09/27/2018  
Received  
SEP 19 2018  
City Manager  
ROCHESTER

Date: September 19, 2018  
To: Blaine Cox  
City Manager  
From: Julian Long  
Community Development Coordinator/Grants Manager

Re: FY 2018-2019 CDBG Grant Agreement

Please see attached two copies of the FY 2017-2018 Community Development Block Grant agreement with the U.S. Department of Housing and Urban Development. The copies of the agreement require the signature of the City Manager and can be returned to Julian after signing.

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

OK TO SIGN *Julian Long* 9/19/18

Date: September 19, 2018  
To: Blaine Cox  
City Manager  
From: Julian Long  
Community Development Coordinator/Grants Manager



Re: Certifications for Victims of Crime Act (VOCA) Assistance Grant

Please see attached the federal certifications regarding lobbying, debarment, suspension, and drug-free workplace requirements that are required to be submitted to the New Hampshire Department of Justice as a condition of the awarded FY 2018-2019 VOCA Grant. City Council voted to approve acceptance of the awarded grant at the June 10, 2018 City Council meeting.

The certifications require the signature of the City Manager before submittal. Please sign and date the attached certifications as the authorized official and return the signed documents to Julian.

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

09/27/2018



City of Rochester, New Hampshire  
Office of Economic Development  
33 Wakefield Street  
Rochester, NH 03867  
(603) 335-7522 [www.RochesterEDC.com](http://www.RochesterEDC.com)



CITY OF  
Received  
SEP 11 2018  
City Manager  
ROCHESTER

## MEMO

**TO:** Blaine Cox, City Manager  
**FROM:** Jennifer Murphy Aubin, Economic Development Executive Secretary  
**DATE:** Tuesday, September 11, 2018  
**RE:** Pease International Development Authority, Signature for the Right of Entry for Use of Portion of Skyhaven Airport to host the Seacoast Manufacturing Exchange

The Office of Economic Development organized a networking forum for Rochester and regional manufacturers, hosted at Skyhaven Airport, Pease International Development Authority (PDA) on Wednesday, September 12<sup>th</sup> 2018, 11:30 AM – 1:00 PM.

In order to conduct the event at Skyhaven Airport, the PDA requests a signature from the City Manager to accept a Right of Entry Authorization, specifying the nature of the event, date and time, along with a Certificate of Insurance from the City, for the use of the facilities.

The event is networking luncheon to connect local businesses in the City of Rochester, to build awareness of the Skyhaven Airport and its value to the local community.

CHOOSE ROCHESTER  
NEW HAMPSHIRE  
[www.RochesterEDC.com](http://www.RochesterEDC.com)

Date: September 19, 2018

To: Blaine Cox  
City Manager

From: Julian Long  
Community Development Coordinator/Grants Manager



Re: Special Provisions for Victims of Crime Act (VOCA) Assistance Grant

Please see attached the special provisions to be submitted to the New Hampshire Department of Justice as a condition of the awarded VOCA Grant. City Council voted to approve acceptance of the most recently awarded VOCA grant at the June 10, 2018 City Council meeting.

The provisions require the signature of the City Manager before submittal, as well as initials and dates at the bottom of each page. Please sign and date the attached provisions as the authorized official and return the signed documents to Julian.

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



## City of Rochester, New Hampshire

Finance Office

31 Wakefield Street • Rochester, NH 03867-1917

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

CITY OF  
Received  
SEP 11 2018  
City Manager  
ROCHESTER

Date: September 11, 2018

To: Blaine Cox, City Manager

From: Roland Connors, Interim Finance Director

RE: Melanson Heath Audit Engagement Letter – FY19 & FY20 Audits

Please find the attached engagement letter for fiscal years 2019 and 2020 between the City of Rochester and Melanson Heath. The City of Rochester last pursued bid proposals for independent auditor services in July 2014. Melanson Heath was selected from the four firms that submitted proposals. Melanson Heath has since provided audit services for fiscal years 2014 through 2017 and fiscal year 2018 is currently happening. Prior to the 2014 audit, Vachon Clukay was the City's audit firm for twelve fiscal years (2002 through 2013).

- Changing audit firms is a big undertaking, which would require considerable City staff time to explain Rochester's processes to a new auditor.
- This Melanson Heath proposal allows for very modest cost increases.
- The GASB75 reporting requires additional analysis on the part of the audit firm.
- The City needs to retain the audit services for accounting related matters during the current fiscal year (FY19).

I recommend that the City sign this engagement letter and extend the Melanson Heath audit services agreement for two additional fiscal years.

Roland Connors, Interim Finance Director

Blaine Cox, City Manager





## City of Rochester, New Hampshire

OFFICE OF THE CITY ATTORNEY

31 Wakefield Street • Rochester, NH 03867

(603) 335-7599

[www.RochesterNH.net](http://www.RochesterNH.net)

CITY OF  
Received  
SEP 20 2018  
City Manager  
ROCHESTER

# Memorandum

To: Blaine Cox, Deputy City Manager  
From: Terence O'Rourke, City Attorney  
Date: September 20, 2018  
Re: Redemption of 3 Ridgewood Drive

On August 30, 2018, the Tax Collector issued a Tax Deed for 3 Ridgewood Drive. On September 20, 2018, the former owner, Donna Hussey redeemed the property in full. In order to complete the redemption process, the City must issue Ms. Hussey a Quitclaim Deed which must be signed by the City Manager.

A. Property Taxes owed:	\$7,532.93 – Parcel 0251-0199-A000
B. Interest	\$2,263.61
C. Property Taxes owed:	\$2,720.12 – Parcel 0251-0199-0000
D. Interest	\$283.06
E. Notice Cost:	\$10.00
F. Registry Fees:	\$26.00

---

**TOTAL:** **\$12,835.72**

09/27/2018

W

CITY OF  
Received  
SEP 18 2018  
City Manager  
ROCHESTER

Mr. Terrence O'Rourke  
City Counsel  
City of Rochester, New Hampshire  
19 Wakefield Street  
Rochester, NH 03867

**RE: Executed TIF Documents**

Hello Terrence;

Enclosed please find two sets of executed documents for the TIF consisting of the Amended & Restated Developer's Agreement, the First Amendment to the Guaranty and the First Amendment to the Escrow Agreement.

Please execute and return one set of original documents.

Thank you,



Greg Day  
Director

Cc: Robert Orsi, Esq.

CITY MANAGER  
OFFICE OF THE CITY MANAGER  
31 WAKEFIELD STREET  
ROCHESTER NH 03867

BLAINE COX  
VOICE 603.332.1167  
FAX 603.335.7589  
E-MAIL: [blaine.cox@rochesternh.net](mailto:blaine.cox@rochesternh.net)

## LETTER OF TRANSMITTAL

TO: Mayor & City Council  
FROM: Blaine Cox, City Manager  
DATE: September 10, 2018

NUMBER Of PAGES: 2 (including this cover page)

I am sending you: ☒ Attached ☐ Under Separate Cover

The following items:

### **Proposed Grant Application Process & Form**

These are transmitted as checked below:

<input checked="" type="checkbox"/>	For Approval	<input type="checkbox"/>	For Your Use/Information
<input type="checkbox"/>	As Requested	<input type="checkbox"/>	For Review & Comment
<input type="checkbox"/>	Approved as Submitted	<input type="checkbox"/>	Approved as Noted
<input type="checkbox"/>	Returned for Corrections		
<input type="checkbox"/>			

### REMARKS:

**The policy of the City Council has been to require any/ all grant *APPLICATIONS OVER \$10,000* to be first approved by the City Council before being submitted. Grant applications of \$10,000 or less can be submitted with only City Manager approval.**

**I am hereby requesting the City Council alter this policy. Specifically, I seek the City Council allow all grant applications to require only City Manager approval provided said applications do not obligate the City to accept any funds. All grant acceptances would still require City Council approval.**

**Any/ all grant application approvals granted by the City Manager would be documented on the attached form and included in the City Manager's monthly report to the City Council.**



09/27/2018

## City of Rochester Grant **Application**

### City Manager Approval

GRANT SUBJECT & AMOUNT:

TODAY'S DATE:	
DEPT. HEAD SIGNATURE:	
APPLICATION DEADLINE:	
ATTACHMENTS      Yes <input type="checkbox"/> No <input type="checkbox"/>	

#### COMMITTEE SIGN-OFF

COMMITTEE:	
CHAIR PERSON:	

#### ADMINISTRATIVE APPROVALS

CHIEF FINANCIAL OFFICER:	
CITY MANAGER:	

#### MATCHING FUNDS BUDGET INFORMATION

SOURCE OF MATCHING FUNDS (if required):	
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

--

#### RECOMMENDED ACTION

--



# City of Rochester, New Hampshire

Office of Finance and Administration

31 Wakefield Street • Rochester, NH 03867-1917

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

## Tuition Reimbursement Pre-Approval Form

1. Applicant's Name: Michelle Mears
2. Department: Planning + Development Department
3. The course(s) is(are) related to the employee's job or as part of a career development program: Yes X No
4. Number of Courses for this employee already approved for the current fiscal year is: 0 (attach copies of prior approvals)
5. Course(s) for which reimbursement is now being requested:
  - a. Name of Course Creative Placemaking; Cost: \$3,995; and  
 dates of Course: from 9/4/18 to 5/19
  - b. Name of Course                                     ; Cost:                     ; and  
 dates of Course: from                      to
  - c. Name of Course                                     ; Cost:                     ; and  
 dates of Course: from                      to
6. Reimbursement for only the cost of the course will be as follows:  
 100% for an A grade; 90% for a B grade; 70% for a C grade.
7. Upon course completion, proof of course completion and grade attainment must be submitted for reimbursement.
8. Department head approval signature: [Signature]
9. Date of Department head's approval: 8/31/18
10. Finance Director approval signature: [Signature]
11. Date of Finance Department approval: 9/4/2018
12. City Manager's approval Signature: [Signature]
13. Date of City Manager's Signature: 9-4-2018

Plan NH  
scholarship  
\$2500  
NH CDFA  
Fellowship  
\$1000  
- Total  
Cost  
\$495

## MONTHLY DEPARTMENT TRAVEL SUMMARY

09/27/2018

[illegible]

DATE RECEIVED	DATE ISSUED	PERMISSION PERMITS	MISCELLANEOUS	DATE OF EVENT
8/31/2018	8/31/2018	TAGGING	Rochester Youth Football League	10/19, 10/20, 10/21
8/31/2018	8/31/2018	EVENT	Rochester Police Dept.	10/1/2018
9/17/2018	9/19/2018	EVENT	Rochester NH Riverwalk Committee	9/26/2018
9/17/2018	9/19/2018	EVENT	Rochester Main Street - Trick-or-Treat & Zombie Walk	10/26/2018
9/17/2018	9/19/2018	EVENT	Lilac Mall - Food Truck Festival	10/28/2018
9/5/2018	9/19/2018	EVENT	Rochester Recreation - Halloween Bash	10/13/2018
9/6/2018	9/19/2018	EVENT	Rochester Opera House - Porch Fest - public locations	9/30/2018
9/18/2018	9/19/2018	TAGGING	SHS - Girls Soccer Boosters	9/19/2018
9/18/2018	9/19/2018	EVENT	Frechette - CVHS fundraiser - Roch. Common	9/19/2018
9/10/2018	DENY	EVENT	Sports Car Club of America - rallycross	DENY 10/27/2018

ELECTRONIC MESSAGE BOARD REQUESTS				
9/12/2018		MESSAGE	First Church Congregational - Pancake Brekafast	10/6/2018
9/12/2018		MESSAGE	James Foley 5K	10/20/2018
9/1/2018		MESSAGE	GSC - new singers	through 9/23/2018
9/1/2018		MESSAGE	GSC - membership scholarships	9/9/2018
9/1/2018		MESSAGE	Rochester Fair	through 9/16/2018
9/17/2018		MESSAGE	First United Methodist Church - Turkey Supper	10/6/2018
9/24/2018		MESSAGE	Rochester Recreation - Teen Night	10/6/2018

[illegible]



CITY MANAGER  
OFFICE OF THE CITY MANAGER  
31 WAKEFIELD STREET  
ROCHESTER NH 03867

BLAINE COX  
VOICE 603.332.1167  
FAX 603.335.7589  
E-MAIL: [blaine.cox@rochesternh.net](mailto:blaine.cox@rochesternh.net)

## LETTER OF TRANSMITTAL

TO: Mayor & City Council  
FROM: Blaine Cox, City Manager  
DATE: September 10, 2018

NUMBER Of PAGES: 2 (including this cover page)

I am sending you: ☒ Attached ☐ Under Separate Cover

The following items:

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<input type="checkbox"/>	Returned for Corrections		
<input type="checkbox"/>			

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**I am hereby requesting the City Council alter this policy. Specifically, I seek the City Council allow all grant applications to require only City Manager approval provided said applications do not obligate the City to accept any funds. All grant acceptances would still require City Council approval.**

**Any/ all grant application approvals granted by the City Manager would be documented on the attached form and included in the City Manager's monthly report to the City Council.**



09/27/2018

## City of Rochester Grant **Application**

### City Manager Approval

GRANT SUBJECT & AMOUNT:

TODAY'S DATE:	
DEPT. HEAD SIGNATURE:	
APPLICATION DEADLINE:	
ATTACHMENTS      Yes <input type="checkbox"/> No <input type="checkbox"/>	

#### COMMITTEE SIGN-OFF

COMMITTEE:	
CHAIR PERSON:	

#### ADMINISTRATIVE APPROVALS

CHIEF FINANCIAL OFFICER:	
CITY MANAGER:	

#### MATCHING FUNDS BUDGET INFORMATION

SOURCE OF MATCHING FUNDS (if required):	
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

--

#### RECOMMENDED ACTION

--



*City of Rochester, New Hampshire*  
OFFICE OF THE MAYOR  
31 Wakefield Street • Rochester, NH 03867  
(603) 332-1167  
[www.RochesterNH.net](http://www.RochesterNH.net)



## **EXTRA MILE DAY PROCLAMATION**

**WHEREAS,** Rochester, NH, is a community which acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively “go the extra mile” in personal effort, volunteerism, and service; and

**WHEREAS,** Rochester, NH, is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their individual ambitions, family, friends, and community; and

**WHEREAS,** Rochester, NH, is a community which chooses to shine a light on and celebrate individuals and organizations within its community who “go the extra mile” in order to make a difference and lift up fellow members of their community; and

**WHEREAS,** Rochester, NH, acknowledges the mission of Extra Mile America to create 550 Extra Mile cities in America and is proud to support “Extra Mile Day” on November 1, 2018.

**NOW THEREFORE,** I, Caroline McCarley, Mayor of Rochester, NH, do hereby proclaim November 1, 2018, to be Extra Mile Day. I urge each individual in the community to take time on this day to not only “go the extra mile” in his or her own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place.

**IN WITNESS WHEREOF** I have hereunto set my hand and have caused the great seal of the City of Rochester to be affixed this 2<sup>nd</sup> day of October, in the year of our Lord, Two Thousand Eighteen.

Caroline McCarley  
Mayor

---

*Intentionally  
left blank...*

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City Clerk's Office

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# Petition for Zoning Ordinance Amendment

Date: Aug 13 2018

The fillings of this petition and payment of the required fees, hereby propose a change in Chapter 42, Section \_\_\_\_\_, of the General Ordinances of the City of Rochester.

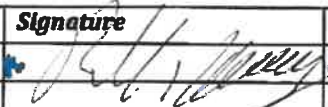

It is respectfully requested that the Honorable Mayor and City Council amend the above as follows:

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

WE would REQUEST To change From  
AGRICULTURE To OFFICE COMERCIAL

CONTACT Michael Whitcher 664 5577 x 13

Each petitioner must supply, printed name, signature, street address, and Map and Lot Number.

	Printed Name	Signature	Street Address	Map & Lot Number
1	Patrick Murray		0 Rochester Hill	<del>0015</del>
2				0255-0015-0000
3				
4	Michael Whitcher		287 Rochester Hill	
5	MACARDI LLC			0254-0018-0000
6				
7				
8				
9				
10				

RECEIVED

AUG 31 2018

CITY CLERK'S OFFICE  
ROCHESTER, NH



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

**Planning & Development Department**  
**City Hall - Second Floor**  
**31 Wakefield Street**  
**ROCHESTER, NEW HAMPSHIRE 03867-1917**  
**(603) 335-1338 - Fax (603) 335-7585**  
**Web Site: <http://www.rochesternh.net>**

## PROCEDURES FOR AMENDING THE ZONING ORDINANCE (CHAPTER 42)

1. **Procedure.** The procedure for amending this chapter is specified in RSA 675:2 and 675:7. Amendments to this Zoning Ordinance may be initiated by any citizen, the Planning Board, the City Council, the Mayor, the City Manager, or any department or other City board or commission in accordance with this chapter. The chronological steps for enacting zoning amendments are as follows:

- A. **Petition Form.** A blank petition form is obtained from the Planning Department.
- B. **Submission.** The petition is completed and returned to the City Clerk's office along with a fee of \$100.00 and any other pertinent materials. In the case of text amendments (See subsection 2, below) the petition shall include specific proposed language.

The fee is not charged, and the formal petition form need not be used, for amendments initiated by any board, commission, department, or other City official acting in an official capacity.

- C. The City Clerk's office forwards a copy of the petition to the Planning Department.
- D. **Deadline.** See RSA 675:2 and 675:7.
- E. **Council Consideration.** The petition is placed on the City Council agenda for consideration. At its discretion, the Council may deny the petition at this stage. If acceptable, it is sent to the City Attorney to place it into legal form. .

At the discretion of the City Manager, this step may be skipped and the petition may be sent directly to the City Attorney to place into legal form.

- F. **Legal Form.** The City Attorney places the petition into legal form.
- G. **First Reading.** City Council holds first reading on the petition. At its discretion the Council may deny the petition at this stage. When a petition is denied at any stage, the Council may elect to initiate an alternative amendment or to request that the Planning Board formulate an alternative amendment.
- H. **Planning Board Recommendation.** The Planning Board makes a formal recommendation on the petition. The board must make its recommendation within 45 days of first reading. At its discretion, the City Council may extend this timeframe up to an additional 30 days.

If the Planning Board recommends against a zoning amendment, a 2/3 vote of the City Council shall be required to adopt the amendment. If the Planning Board does not submit a recommendation within 45 days

of first reading (or as may be extended by the City Council) or if it does not make a recommendation, then it shall be deemed a favorable recommendation for the purpose of this paragraph herein. Where the Planning Board initiates an amendment, the proposal shall not be sent to the board for a recommendation.

- I. **Public Hearing.** A public hearing is held, either by the full City Council or by a subcommittee of the City Council. The public notice must be placed in a newspaper of general circulation at least 10 days prior to the public hearing and it must be posted in at least 2 public locations. The full text of the proposed amendment need not be included in the notice if an adequate statement describing the proposal is included.
- J. **Second Reading.** Second reading is held and the amendment is either adopted or denied. Any proposed amendment shall require a majority affirmative vote of Council members present in order to pass except where the Planning Board has recommended denial (as discussed above). The City Council shall take final action on any petition within 120 days of first reading (except in the case of protest petitions; See Subsection 3, below).

The Council may make minor changes to the proposed amendment at second reading/adoption, provided the amendment remains substantially the same as that which was advertised for the public hearing.

- K. **Filing.** A copy of any approved zoning amendments is placed on file with the City Clerk for public inspection. A copy is also sent to the New Hampshire Office of Energy and Planning.

2. **Types of Amendments.** There are two types of zoning amendments as follows. The procedure for amendments is the same except where noted.

- A. Map amendment (also called a “rezoning”), where the zoning district for a lot, parcel, multiple lots, or a part of a lot is changed.
- B. Text amendment where written language in this chapter is changed.

### 3. **Protest Petition.**

- A. In accordance with RSA 675:5, adoption of an amendment that is the subject of a protest petition shall require a favorable vote of 2/3 of all the members of the City Council present and voting. In order to qualify as a protest petition, a protest against a proposed map amendment must be signed by either:
  - i. The owners of 20% of the gross land area included in the proposed change; or
  - ii. The owners of 20% of the land area situated within 100 feet immediately adjacent to the land contained in the proposed change or land across a road from the land contained in the proposed change.
- B. The address of the subject property must be included on the petition and the property owners signing the petition must identify themselves on the petition by name and address so that the City Clerk may identify them as interested and affected parties.
- C. The protest petition must be submitted to the City Clerk at least 7 days prior to the date at which second reading is scheduled. Copies of the protest petition will be distributed to City Council members.
- D. Any individual protest petition may apply to only one proposed zoning amendment. Separate protest petitions must be submitted for multiple amendments.
- E. In the case of a protest petition, the City Council shall act within 120 days of the date of first reading.

RECEIVED

AUG 31 2018

CITY CLERK'S OFFICE  
ROCHESTER, NH

09/27/2018

# MUNIS RECEIPT

MICHELE SUE CASSIE KELLY DIANE MARCIA

MARRIAGE

THIS CHECK IS VOID WITHOUT A COLORED BACKGROUND AND SECURE DOCUMENT WATERMARK ON THE BACK - HOLD AT ANGLE TO VIEW

DAVID R WHITCHER BLDRS  
254 DRAKE HILL ROAD  
STRAFFORD, NH 03884  
603.664.5577

TD BANK

136375

54-7/114

DATE 8 29 18

PAY  
TO THE  
ORDER OF

City of Rochester, Planning & Dev.  
One hundred dollars

\$ 100. -

DOLLARS

MEMO

OTHER

Zoning Refitition  
David R. Whitcher Bldrs  
\$100 - Check # 136375

CASH

CHECK

CREDIT

RECEIVED

AUG 30 2018

CITY CLERK'S OFFICE  
ROCHESTER, NH





09/27/2018

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

**STATEMENT OF INTEREST  
BOARD AND COMMISSION MEMBERSHIP**

**POSITION DESIRED:** Selectman - ward 3

NEW ☒ RE-APPOINTMENT ☐ REGULAR ☐ ALTERNATE ☐

**NAME:** Susan Bailey

**STREET ADDRESS:** 68A Church St. Gonlc

**ZIP** 03839

**TELEPHONE:** (H) 161-3022 (W) \_\_\_\_\_ **E-MAIL** \_\_\_\_\_

**REGISTERED VOTER:** (CIRCLE ONE) YES ☐ NO ☐ **WARD** 3

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

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

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

I certify that I am 18 years of age or older: Susan C. Bailey

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City Clerk's Office

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09/27/2018

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

**STATEMENT OF INTEREST  
BOARD AND COMMISSION MEMBERSHIP**

**POSITION DESIRED:** Selectman - Ward 3

NEW ☒ RE-APPOINTMENT \_\_\_\_\_ REGULAR \_\_\_\_\_ ALTERNATE \_\_\_\_\_

**NAME:** Sarah M. Bailey

**STREET ADDRESS:** 68 A Church St, Rochester

**ZIP:** 03839

**TELEPHONE:** (H) 603-781-8523 **E-MAIL:** Sarahmbailey@hotmail.com

**REGISTERED VOTER:** (CIRCLE ONE) YES ☒ NO \_\_\_\_\_ **WARD** 3

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

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

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City Clerk's Office

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

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

**Board Members**

Nel Sylvain, *Chair*  
Dave Walker, *Vice Chair*  
Matthew Kozinski, *Secretary*  
Mark Collopy  
A. Terese Dwyer  
Tim Fontneau  
Robert May  
Mark Sullivan  
Joyce Bruckner, *Alternate*  
James Gray, *Alternate*  
Donald Hamann, *Alternate*

**To:** Blaine Cox, City Manager

**From:** James Campbell, Director of Planning & Development

**Re:** Planning Board Recommendation

**Date:** September 14, 2018

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At their September 10, 2018 meeting, the Planning Board voted to ***recommend*** Don Hamann to fill the regular member position on the Planning Board to replace Kyle Starkweather.

If you have any questions please or need any addition information please do not hesitate to ask.

**Cc:** Kelly Walters, City Clerk  
City Council

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City Clerk's Office

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09/27/2018

**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 Rules of Order:

Section 1.4 Remote Participation During Council and Board Meetings

COUNCIL ACTION ITEM ☒  
INFORMATION ONLY ☐FUNDING REQUIRED? YES ☐ NO ☒  
\* IF YES ATTACH A FUNDING RESOLUTION FORMRESOLUTION REQUIRED? YES ☒ NO ☐FUNDING RESOLUTION FORM? YES ☐ NO ☒

AGENDA DATE	10/2/2018		
DEPT. HEAD SIGNATURE	Kelly Walters, City Clerk		
DATE SUBMITTED	9/26/2018		
ATTACHMENTS	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	

**COMMITTEE SIGN-OFF**

COMMITTEE	
CHAIR PERSON	

**DEPARTMENT APPROVALS**

DEPUTY CITY MANAGER	
CITY MANAGER	

**FINANCE & BUDGET INFORMATION**

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

**SUMMARY STATEMENT**

**Action Item from the June 7, 2018 the Codes and Ordinances Committee:**

**Legal Department:** Review the proposed language for the “Remote Participation During Council and Board Meetings” and send the final draft to the full City Council for consideration to adopt.

**Please note: The final draft includes all new changes approved by the Legal Department except for the following:**

~~OTHER~~

~~Section “4 Additional Conditions” in this document:~~

~~Shall Council allow or not allow remote call in member to participate in non public session?~~

~~One example of a town’s non public participation policy states:~~

~~Since the privacy, confidentiality, and security of remote communications and participation by a Board member utilizing electronic means cannot be assured with currently available technology, remote participation by board members in executive sessions are NOT permitted.~~

~~Section 2) PERMISSIBLE REASONS FOR REMOTE PARTICIPATION~~

~~Please comment if you would like to restrict reasons or limit number of times per year.~~

**Recommended Action:**

Council approval.



## **SECTION 1.4 REMOTE PARTICIPATION DURING COUNCIL AND BOARD MEETINGS**

### **a) INTRODUCTION / PURPOSE**

The City Council strongly encourages board members to be physically present for all board and committee meetings. The Council recognizes, however, that extenuating circumstances may occasionally prevent a member from being physically present at a meeting. Therefore, to promote full participation of board members while ensuring access and transparency for the public as required by NH RSA 91-A:2 Access to Governmental Records and Meetings, the Council authorizes remote participation in board meetings subject to the following procedures and requirements.

### **b) PERMISSIBLE REASONS FOR REMOTE PARTICIPATION**

Remote participation is not to be used solely for a board member's convenience or to avoid attending a particular meeting in person. Any Board member who is unable to physically attend a meeting of the board may make arrangements to remotely participate in the meeting under the following conditions:

1. personal illness or disability;
2. out-of-town travel;
3. unexpected lack of child-care;
4. family member illness or emergency;
5. weather conditions;
6. military service;
7. employment obligations; or
8. a scheduling conflict.

~~No board member may participate remotely more than three times during a calendar year; However, in justifiable circumstances, the board may, by two-thirds vote, agree to waive this limitation.~~

### **c) CONDITIONS per (state NH RSA 91-A:2) / Authority**

(State NH RSA 91-A:2):

*III. A public body may, but is not required to, allow one or more members of the body to participate in a meeting by electronic or other means of communication for the benefit of the public and the governing body, subject to the provisions of this paragraph.*

*(a) A member of the public body may participate in a meeting other than by attendance in person at the location of the meeting only when such attendance is not reasonably practical. Any reason that such attendance is not reasonably practical shall be stated in the minutes of the meeting.*

*(b) Except in an emergency, a quorum of the public body shall be physically present at the location specified in the meeting notice as the location of the meeting. For purposes of this subparagraph, an "emergency" means that immediate action is imperative and the physical presence of a quorum is not reasonably practical within the period of time requiring action. The determination that an emergency exists shall be made by the chairman or*

*presiding officer of the public body, and the facts upon which that determination is based shall be included in the minutes of the meeting.*

*(c) Each part of a meeting required to be open to the public shall be audible or otherwise discernable to the public at the location specified in the meeting notice as the location of the meeting. Each member participating electronically or otherwise must be able to simultaneously hear each other and speak to each other during the meeting, and shall be audible or otherwise discernable to the public in attendance at the meeting's location. Any member participating in such fashion shall identify the persons present in the location from which the member is participating. No meeting shall be conducted by electronic mail or any other form of communication that does not permit the public to hear, read, or otherwise discern meeting discussion contemporaneously at the meeting location specified in the meeting notice.*

*(d) Any meeting held pursuant to the terms of this paragraph shall comply with all of the requirements of this chapter relating to public meetings, and shall not circumvent the spirit and purpose of this chapter as expressed in RSA 91-A:1.*

*(e) A member participating in a meeting by the means described in this paragraph is deemed to be present at the meeting for purposes of voting. All votes taken during such a meeting shall be by roll call vote.*

#### **d) Additional Conditions**

A board member considered present through remote participation will be permitted to vote on any action item at the meeting except:

Any item for which the member was not participating remotely during the entire discussion and deliberation of the matter preceding the vote; and

Any item that was being discussed when an interruption to the electronic communication occurred, if the board's discussion was not suspended during the interruption. A brief loss of simultaneous communication, such as a few seconds, will not disqualify the member from voting on the matter under discussion.

Per RSA 91-A:1 All votes taken during such a meeting shall be by roll call vote.

A board member may participate remotely in a closed session of the board provided the member provides assurance to the board that no other person is able to hear, see, or otherwise participate in the closed session from the remote location. ~~(option to be considered by City Council, please see notes at end)~~

The City of Rochester staff will not be held liable for failed technology or things beyond our control that would interfere with the remote communication.

Board member wishing to engage in remote participation shall adhere to following procedures: section (d).

#### **e) PROCEDURE FOR REMOTE PARTICIPATION**

1. *With the exception of an emergency*, a member of the board who desires to participate in a meeting remotely shall notify the board chair at least one week in advance of the meeting.
2. At the time of this writing, because current mode of phone call in only allows one member at a time, remote participation will be on first come first serve basis, when criteria is met.
3. Meeting Chair will contact the City Manager's office as soon as possible and state they have allowed board member to participate remotely (state meeting date) based on criteria laid out in this document.
4. City Manager's office will send participant call in phone number along with a copy of this policy / procedure document and arrange tentative "test date" for phone call. City Manager's office shall notify Government Channel Coordinator.
5. Previous to the meeting, the Chair will inform board members of the request and intention to allow remote participation of such board member.
6. A test a few days prior to the meeting should be performed to ensure that the caller's device will suffice, and that they can hear on their device at their remote location. While not always possible, it is recommended a land line phone be used with external speaker.
7. The participant shall initiate the phone call in to designated phone number at 6:45pm eastern standard time or 15 minutes prior to the meeting start. Caller should be aware of not to be near televised or live streaming audio during the meeting.
8. The chair shall announce the remote participant after the Call to Order and follow suggested script: "Board member (name) is participating in this meeting by telephone. (name) are you there? (participant– "yes I am here") (name) was it reasonably impractical for you to be physically present at this meeting? (participant) – yes, it was impractical for me to be physically present)."
9. The meeting chair may decide how to address technical difficulties that arise when utilizing remote participation, but whenever possible, the chair should suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location. If, however, the technical difficulties distract from or impede the orderly progress of the meeting, a majority of the members physically present may vote to end the remote participation.
9. A member participating remotely shall notify the chair if leaving the meeting before it is adjourned or rejoining the meeting after a period of absence.
10. All votes taken will be by voice vote. \*(NH RSA)
11. Remote participant may partake in non-public and non-meetings sessions, but in most cases will require participant to end the call to Council Chambers, call into Council conference room, and call back into Council Chambers, if required to do so per voting reasons of Council rules of Order.

12. Participation by remote communication will be noted in the official board minutes. Any interruption to or discontinuation of the member's participation will also be noted in the minutes.

13. Any telephone costs associated with remote participation shall be borne by the remote participant.

### **SECTION 1.4 1.5 ORDER OF BUSINESS**

(a) The order of business for regular meetings of the City Council shall be as follows:

1. Call to order
2. Pledge of Allegiance
3. Prayer
4. Roll Call
5. Approval of the minutes of the previous meeting(s)
6. Communications from the City Manager
7. Communications from the Mayor
8. Presentation of Petitions and Council Correspondence [and Disposal thereof by Reference or Otherwise]
9. Nominations, Appointments and Elections
10. Report of Committees
11. Old Business [Items Remaining from Prior Meetings]
12. Consent Calendar
13. New Business
14. Other
15. Adjournment

(b) New Business: Items requiring Council action may be introduced by any member of the City Council, but may not be acted upon at the meeting in which they are introduced unless the items are properly filed in accordance with Article 4, Section 4.1 herein. The Council may act upon said items if they have not been filed in advance by suspending Council Rules by a two-third (2/3) vote of the City Council.

### **SECTION 1.5 1.6 PUBLIC HEARINGS**

Public Hearings: To receive citizen input and feedback on certain specific matters

that have been placed on the meeting agenda for consideration and action by the City Council, Public Hearings will be scheduled and held as required by law and/or whenever referred for a public hearing by simple majority vote of Council Members present. Upon being referred by Council vote, Public Hearings will be noticed for and held during a subsequent Regular and/or Special Meeting or Committee Meeting. At the request of the presiding officer, Ordinances or Resolutions scheduled on an agenda for public hearing will be briefly introduced with appropriate explanations by staff. Citizens will then have the opportunity to address the Council speaking to the specific item(s) subject to public hearing, subject to the following guidelines: [6/4/2013]

- I. All speakers shall be residents of the City of Rochester, property owners in the City of Rochester, and/or designated representatives of recognized civic organizations or businesses located and/or operating in the City of Rochester;
  - ii. All speakers shall address their comments to the presiding officer and the Council as a body and not to any individual member;
  - iii. Speakers shall first recite their name and address for the record, and, if applicable, the name and address of the civic organization and/or business they have been designated to represent;
  - iv. For each public hearing item, a speaker shall be provided a single opportunity for comment;
  - v. Public Hearings are not intended to be utilized for a two-way dialogue between speaker(s), Council Member(s), and/or the City Manager, or administrative staff; and
  - vi. The presiding officer shall preserve strict order and decorum for and by all
- AMENDED AND ADOPTED BY CITY COUNCIL March 6, 2018 (1.4 12&13), (4.25)

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City Clerk's Office

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**Rochester School Board / Rochester City Council**  
CTE Joint Building Committee Minutes  
September 24, 2018  
Richard Creteau Technology Center, Room T200

**DRAFT**

**Members Present:**

School Board

Mr. Matthew Pappas, Chair  
Mr. Paul Lynch  
Mr. Matthew Beaulieu  
Mr. Robert Watson  
Mr. Raymond Turner

City Council

Mr. James Gray  
Mr. Raymond Varney

**Also Present:**

Mr. Michael Hopkins, Superintendent  
Ms. Cherie Mann  
Ms. Anne Ketterer  
Ms. Kathy Miskoe  
Mrs. Michele Halligan-Foley  
Mrs. Anne Grassie  
Mr. David Totty  
Mr. Lance Whitehead  
Mr. Richard Drapeau  
Guests

**Members Absent:**

Mr. Thomas Abbott  
Mr. Geoffrey Hamann  
Mr. Jeremy Hutchinson  
Mayor Caroline McCarley  
Mrs. Audrey Stevens

Mr. Pappas called the meeting to order at 7:06 p.m. with a quorum present. Members participated in the pledge of allegiance.

**Approval of Minutes**

Mr. Lynch moved, second by Mr. Beaulieu, the Committee approve the minutes of the August 8, 2018 CTE Joint Building Committee meeting. The motion carried unanimously.

**Update from Lavallee/Brensinger & Harvey Construction**

Ms. Kathy Miskoe from Harvey Construction reviewed the Phases on the Construction Update document. Phase 1 is completed.

Mr. Lance Whitehead, Lavallee Brensinger, reviewed the change orders included with the distributed backup. The flooring options for the corridors were discussed. The Committee agreed by consensus on the floor choice for engineering and the hallways. A price will be provided at the next meeting.

**Next Meeting** – The next meeting of the Committee was scheduled for October 29<sup>th</sup> at 7:00 pm.

**Other**– The construction is on schedule. Mr. Whitehead will provide an updated schedule for the next meeting.

**Public Comment**

None

**Adjournment**

Mr. Lynch moved, second by Mr. Varney to adjourn at 7:41 am. The motion passed unanimously.

Respectfully submitted,

Michael Hopkins  
Board Secretary

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City Clerk's Office

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## Spaulding HS Creteau TC Construction Update

September 24, 2018

### Phase 1 Demolition – completed





## Phase 2 2nd Floor Classrooms

- Added scope being reviewed
  - PCO 21 Added curtain track and curtains
  - PR#12.2 Casework furniture
- Staff returned successfully 8/27/18







### Phase 3 New Front Addition

- Sitework / utility connections ongoing
- Excavation for footings/foundations
- Form and place concrete footings
- Form and place concrete foundation walls
- CMU masonry work has begun

- Foundation dampproofing and insulation scheduled for next week
- Concrete Slab on grade work in October
- Structural steel to begin early November
- Summer 2019 completion scheduled





#### Phase 4 1<sup>st</sup> Floor Engineering

- In wall electrical work ongoing
- Above ceiling MEP rough in ongoing
- Sheetrock and tape walls beginning this week
- Floor mitigation will be required mid-November
- 12/31/18 completion anticipated





### **Phase 5 1<sup>st</sup> Floor Maker Space**

- Phase originally scheduled for January through April
- School district has asked this phase be push to summer work due to corridor shoring required

### **Phase 6 1<sup>st</sup> Floor Graphic Arts**

- Phase originally scheduled for April through June, after completion of phase 5
- This phase will be pushed due to phase 5 shift

### **Phase 8 1<sup>st</sup> Floor Lab Renovations including Small Wonders**

- Phase scheduled for June through August next summer

### **Phase 8A 1<sup>st</sup> Floor Automotive Addition & 1<sup>st</sup> Floor Corridor Upgrades**

- Phase scheduled for June through August next summer

### **Phase 9 2nd Floor Criminal Justice, Photo, Environmental Science Renovation & 2nd Floor Corridor Upgrades**

- Phase scheduled for September through December next year (2019)







Harvey Construction  
10 Harvey Rd  
Bedford, New Hampshire 03110  
Phone: (603) 624-4600  
Fax: 603-668-0389

Project: 2017-018 - Spaulding High School - Creteau Tech Center  
130 Wakefield St.  
Rochester, New Hampshire 03867

## Prime Contract Change Order #001: PCCO #001

TO:	Rochester School Department 150 Wakefield Street Suite #8 Rochester, New Hampshire 03867	FROM:	Harvey Construction 10 Harvey Road Bedford New Hampshire 03110
DATE CREATED:	8/24/2018	CREATED BY:	Ken Lemarier (Harvey Construction)
CONTRACT STATUS:	Approved	REVISION:	0
DESIGNATED REVIEWER:	Kathy Miskoe (Harvey Construction)	REVIEWED BY:	Kathy Miskoe (Harvey Construction)
DUE DATE:		REVIEW DATE:	08/24/2018
INVOICED DATE:	08/24/2018	PAID DATE:	
SCHEDULE IMPACT:	0 days	EXECUTED:	No
REVISED SUBSTANTIAL COMPLETION DATE:			
CONTRACT FOR:	2017018:Spaulding High School - Creteau Tech Center Prime Contract	TOTAL AMOUNT:	\$ 32,450.33

### DESCRIPTION:

This Prime Contract Change Order is comprised of previously approved PCO's for the project.

### ATTACHMENTS:

Executed PCOs - PCCO #001.pdf

### POTENTIAL CHANGE ORDERS IN THIS CHANGE ORDER:

PCO #	Title	Schedule Impact	Amount
001	Provide Data cable		(7,430.00)
002	PR-004 Networking Lab 224		4,437.84
003	Gas Service and Solar Panel Allowance Reconciliations		(2,364.00)
004	Business Classroom 232 Floor Replacement		8,636.40
006	RFI 14 Added Shear Wall Scope		33,468.29
007	RFI 16 Bond beam demo and rebuild		3,275.15
008	Replace flooring in Accounting room 228 with new VCT		7,213.34
009	Exhaust Hood Substitution <i>ALUMINUM</i>		(12,500.00)
010	VE Trench Drain Substitution		(8,000.00)
011	RFI 19 Add HSS at second floor		829.59
012	Relocate machine shop equipment <i>TEACHER REQ</i>		3,794.83
013	PR-009 - Paint Accent Walls in 2nd Floor Classrooms	1 days <i>NOT</i>	1,344.00
014	CE #034 - Delete DMH-20		(2,785.00)
017	Relative Humidity Slab Testing - Business 232 & Accounting 228		2,529.89
TOTAL:			\$32,450.33

### CHANGE ORDER LINE ITEMS:

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City Clerk's Office

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Rochester RW Creteau		Overall Budget	24-Sep-18	State	Local
Based on Harvey Construcion Schedule of Values 05/29/2018					
83,233sf of Renovated or Added Space, 543sf of High School Space					
Project is 99.35% CTE Space, 00.65% High School Space				74.51%	25.49%
Upfront Costs, Utility Charges, and Permit Fees		Bid (04/30/2018)	Notes		
Insurance Fees		\$0	Jobsite Insurance in CM General Conditions		
Bond and Legal Council and Site Permitting		\$23,500	Not applicable for State Funding		
Planning Board Fee		\$0	Estimate to be verified by School District		
Re-zoning Fees		\$0	Verify w/ Local Authorities		
Water System Permit		\$0	Existing		
Other Permitting and Utility Tie Ins		\$3,000	Existing		
Elevator Tie In		\$0	Verify w/ Local Authorities		
Telephone and Data Connection		\$0	Existing		
1 Subtotal - Upfront Costs, Utility Charges, and Permit Fees		\$26,500	On Budget - Still to be Verified		
Site Data					
Survey, Wetlands mapping, Environmental, Traffic Studies		\$8,000	Not applicable for State Funding		
Geotechnical investigations		\$12,500	Hayner Swanson		
2 Subtotal - Site Data		\$20,500	SW Cole		
Professional Fees					
Architectural/ Structural / Civil / MEP / FP Engineering Fees		\$1,033,700	Lavallee Brensinger Architects		
A/E Reimbursable expenses (estimate)		\$51,000	Printing, Shipping, Etc		
Existing Assessment & Drawings		\$36,375	Completed under separate contract- Local Side Funded		
Assessment, Programming, Equipment Review			by previous Budget		
Conceptual Design		\$36,375	Completed under separate contract		
Additional Services: Studio Lighting and AV, Intercom, Phone, Security System		\$20,000	Completed under separate contract- Local Side Funded		
Furniture design/selection services		\$0	by previous Budget		
Existing Equipment Inventory services		\$0	Allowance - to be carried if needed		
Record Documents		\$0	To be determined if Needed		
3 Subtotal - Design and Engineering Costs		\$1,177,450	Under CM Contract		
Independent Consultants					
Commissioning Agent		\$15,000	Partial Fee Listed - To be Determined if Required		
Construction Inspection & Testing		\$28,044	Based on SW Cole's Proposal		
Owner's Clerk of the Works		\$90,000	Not applicable for State Funding		
4 Subtotal - Independent Consultants		\$133,044	Based on Drapeau Proposal of \$500/mos x 18 Mos		
Furnishings & Equipment					
Technology (cpu, infrastructure, cable, wireless, etc.)		\$100,000	Allowance - To Be Determined		
CTE Furniture		\$800,000	Requests total \$1,300,000		
Office/Meeting Furniture		\$20,000	Allowance - To Be Determined		
Custodial Equipment		\$12,000	\$7500 VCT Equipment, \$4400 Carpet		
5 Subtotal - FF&E		\$932,000			
Construction Costs		\$			
Site construction (Earthwork Bid + Ext Improvements)		\$616,066	Earhwork Bid= \$518,265 Exterior Improvements= \$97,801		
Builders Risk Insurance		\$20,713	Per Harvey Schedule of Values 5/29/2018		
Flooring at Bridge - Deduct Alternate - Declined (below)		\$3,528	Not applicable for State Funding		
General Condiitons			Based on HCC Contract		
Building Demolition			HS Only Area - carried as an Alternate for bidding		
Culinary Kitchen Equipment					
CTE Additions					
CTE Renovation Level 2 (MEP, Interiors, new partitions)					
CTE Renovation Level 1 (MEP, Interiors, limited partition changes)		\$13,168,363	Based on Bid results and Harvey Construction		
CTE Renovation - Limited Changes (MEP only)			Guaranteed Maximum Price Contract		
CTE Core Areas- Unchanged (MEP only)					
Performance and Payment Bonds					
CM Fees					
Construction Contingency					
6 Subtotal - Construction Costs		\$13,808,670	GMP Contract with Harvey Constuction		
7 TOTAL- Soft costs and Construction Costs		\$16,098,164			
8 Owners Construction Contingency		\$600,000	Initial Contingency Amount		
Alternates to come out of contingency			Notes		
1 ADD Concrete Slab Moisture Barrier System for Resilient Flooring - \$163,355- Tabled by JBC 04/30/18			Recommended by LBA, JBC Decision Pending		
2 ADD - Change to LVT Flooring \$47,817 -Tabled by JBC 04/30/18 - Revised via Proposal request (Presented 8/8/2018)			JBC Decision Pending		
3 ADD - Change to Stained concrete floor finish at corridors- \$71,092 - Tabled by JBC 04/30/18			JBC Decision Pending		
7 ADD- New paving Overlay - \$29,388, Declined by JBC 4/30/18			Declined - JBC to re-evaluate at a later date		
Change Orders / Change Proposals					
Change Order 1		\$ (32,450.33) ✓			
Misc PCO's-Pending Change Order		\$ (6,089.80) ✓			
Remaining Contingency		\$561,460			
Rebates through Electric Company		-\$30,000	Subject to availability		
9 Total Project Estimate		\$16,668,164			
Likely State Funded Portion		\$11,851,827	Assuming 75% Maximum applied to Applicable Expenses - Capped Per Budget Request		
Likely Community Funded Portion		\$4,797,794	Costs for renovations related to improvements for High School Areas and Sitework		
			Plus \$18542.97 Funded from Previous Budgets (not bonded)		

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City Clerk's Office

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Public Safety Committee  
Council Chambers  
September 19, 2018  
7:00 PM

**MEMBERS PRESENT**

Councilor David Walker  
Councilor Robert Gates  
Councilor Geoff Hamann  
Councilor Jeremy Hutchinson  
Councilor Peter Lachapelle

**OTHERS PRESENT**

Michael Bezanson, PE, City Engineer  
Gary Boudreau, Deputy Police Chief  
Dan Camara, GIS/Asset Mgmt. Technician  
Mark Klose, Fire Department  
Sandra Rowley, 2 Front Street  
Peter Merrick, 2 Front Street  
Ray Wood, 13 Violet Court  
Carl Bergstrom, 8 Violet Court  
Bob Dicarlo, 737 Salmon Falls Road

Minutes

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

1, Public Input

Sandra Rowley and her son, Peter, live at the corner of Front Street and Cocheco Avenue. They were present to discuss the safety issues in their area. Ms. Rowley said that her 8-year-old granddaughter is legally deaf; even with her hearing aids she can only hear 30 percent. The main concern is that there is a lot of traffic with speeding vehicles. They are requesting a “deaf person” sign to make people aware that there is a deaf child in the area. Another concern is DPW only plows from the end of the sidewalk to the pole and the children have to walk in the streets. Her son Peter put a stonewall up where the steps meet the sidewalk. Councilor Hamann asked what the approved sign was for a deaf person and Mr. Bezanson said DPW could install a “deaf child” sign. Councilor Walker said it should be a “deaf person” sign. Councilor Walker also noted that there are lots of roads and sidewalks in Rochester to plow. Mr. Bezanson said he would make sure the full length of the sidewalks in her area are on the plow route. ***Councilor Lachapelle made a motion to install 2 “deaf person” signs near the poles suggested and at the discretion of DPW. Councilor Gates seconded the motion. Unanimous voice vote carried the motion.***

Ray Wood of 13 Violet Court and Carl Bergstrom of 8 Violet Court were present to request getting a “no outlet” sign or a “dead end” sign. Mr. Wood who is the president of the Grandview Association said there is a lot of traffic that comes down Betts Road and they would like a “no outlet” or “dead end” sign. Councilor Walker said that a “no outlet” sign would be used if there were multiple streets, it would have to be a “dead end” sign. **Councilor Lachapelle made a motion to place a “dead end” sign on Violet Court at the discretion of DPW. The motion was seconded by Councilor Gates. Unanimous voice vote carried the motion.**

2. 737 Salmon Falls Road-Blind Drive Concerns

Robert Dicarlo was present to discuss the line-of-sight issue in this area. He said you cannot see vehicles coming; it’s dangerous even if you are doing the speed limit. Councilor Lachapelle said a “blind driveway” sign may be needed, as well as trimming back the brush in the area. Mr. Dicarlo said he did some trimming, but when he was doing it he had a close call with a vehicle. DPW also did some trimming last week. Mr. Bezanson said the City does have an easement for line-of-sight behind the rock wall that they can trim. **Councilor Lachapelle made a motion to install a “blind driveway” sign at the discretion of DPW and for DPW to trim the brush on the curve and in the easement. Unanimous voice vote carried the motion.**

3. Sylvain/Washington Street-Line of Sight Issue (kept in committee)

Councilor Walker summarized the issue. Deputy Chief Boudreau said he looked at the accident data for the past year for this area and there was 1 accident and it was ice related. He said the van was legally parked, it moves and is registered. **Councilor Lachapelle made a motion to extend the no parking crosshatch area on Washington Street to the end of the retaining wall. The motion was seconded by Councilor Hutchinson. Unanimous voice vote carried the motion.** Councilor Hamann wanted it noted that it is not about the van being parked there; it is about the line-of-sight that is being restricted.

4. Annex-Temporary Parking in Back-Signage

Councilor Walker summarized the issue. He recalled the discussion about limiting the installation of sign posts in the City Hall parking lot because of the

impact to snow removal operations, but now there are handicap parking sign posts installed. Mr. Bezanson stated that the “handicap” signs are required in addition to the painted symbol on the pavement. Mr. Bezanson said that City staff have requested 2 to 3 “30 minute Parking” signs for those conducting business at the City Hall Annex; he said the whole parking lot is currently posted for 2-hour parking Monday to Friday 8am-5pm. Mr. Bezanson proposed that the signs be placed on the fence closest to the door of the Annex. Councilor Hamann said 2 hours is short enough and that the 30-minute signs are not needed. ***Councilor Lachapelle made a motion to place 2 temporary 30 minute parking signs on the fence closest to the Annex. The motion was seconded by Councilor Gates. The motion passed 4 to 1 with Councilor Hamann opposed.***

5. Other

NH State Fire Mobilization Plan

Chief Klose said The City of Rochester went to the City of Lawrence, MA to help out. It was the first time that the City of Rochester participated in the NH State Fire Mobilization Plan. They were part of NH Task Force 4, the city sent an engine and Assistant Chief Wilder and Deputy Chief Dube also went and they responded to calls while they were there. While that was going on the fire department covers Rochester, Somersworth and Dover. Chief Klose said that is something to be very proud of.

Chief Klose said The Emergency Preparedness Grant will be ready to submit by the end of the month.

Chief Klose said there was an attempted River Rescue on Sunday and they had to deploy the boat. Unfortunately the person was under the influence of some kind of substance. The police were able to get the person when he walked out of the River but the incident used a lot of resources. There were multiple calls that day and they had to have a fair detail leave to take calls and the city had to utilize mutual aid.

## E911 Update

Chief Klose and Deputy Chief Boudreau talked about the E911 hearing and they are moving forward had the public hearing last night. It was brought up about renaming Main Streets.

## Comcast Fiber Optic Cable Installation

Councilor Gates said he noticed flaggers while Comcast was installing the fiber optic cables he asked if police officers were supposed to help. Deputy Chief Boudreau said generally it's up to the Chief of Police, but usually flaggers are sufficient.

## Old Dover Road/Tebbetts Road

Deputy Chief Boudreau updated the committee on the Old Dover Road/Tebbetts Road Intersection. The speed trailer was out in the area for 35 days with 90,282 vehicles passed in the area. The average speed of north and south bound combined is 35.2 mph. South bound the average speed is 40.9 mph and north bound the average is 40.81 mph. There is no real speed issue, it mostly line of site issue. Councilor Walker asked Deputy Chief Boudreau to have the data available to the State, if they requested it.

## Downtown Data

Deputy Chief Boudreau gave an update on the downtown area. The streets that are being focused on are Commons, Lafayette Street, George & Eds, Chestnut, Pine, River, Wakefield to Signal Street. Not just North Main Street. Raw numbers since mid-July 944 officer initiated contacts. This includes bicycle patrols directed patrols, extra patrols, foot beat, and patrol. 149 arrests for these areas. The arrest have been public intoxication, public urination, stalking, protective custody, previous warrants, possession of liquor, fugitive from justice, and driving while intoxicated. This is a fairly good number of arrests for this area. Police have been extremely active, when they have extra time they are in this area making contact and there has been a lot more police presence; they are more visible.

Councilor Hamann asked if the parking spaces down town are the correct size, they didn't have lines before now they do. Mr. Bezanson said yes they are sized based on a standard.

#### Cross Road Line of Site Issue Update

Mr. Bezanson said DPW have been out doing the clearing and moved the stop sign and stop bar. They have cleared the rocks and put grass seed down and will keep this area on the list for keeping up with.

#### Bickford Road

Mr. Bezanson said the stop sign passed through councilor and he met with reps of Dustin Homestead for line of sit. Some clearing was done of lower brush and trees were tagged to be taken down.

#### Installation of Crosswalks Downtown

Mr. Bezanson said that the company is working on the installation of crosswalks downtown, it will take about 6 days. Chief Klose said they were in front of the Fire Department and they were very good to work with and explained the process to them. Councilor Gates asked the longevity of the crosswalks. Mr. Bezanson said with the product being used, he hoped to get many years out of them.

#### Sherman Street-speed Issue

Councilor Lachapelle said there is a speeding issue and that residents are requesting a 15 mph sign. Councilor Walker said you can only do 15 mph in a school zone. Councilor Lachapelle said maybe a directed patrol may help. Deputy Chief Boudreau said there wouldn't be much to do for a directed patrol in that area, that the speed trailer would help more without the display on.

#### Disc Golf – Squamanagonic Recreation Area - Gate Issue

Councilor Lachapelle said the gate has been left open and people are partying in the area. Councilor Walker said it may be in the lease to lock it every day, and to check with the City Manager.

#### Collins Circle - Streetlight

Councilor Hutchinson asked Mr. Bezanson about the status of the streetlight for Collins Circle. Mr. Bezanson said they have hired an electrician; they had to get 3 quotes and they went with the lowest bidder. The parts are on order and this is moving forward.

#### Signs Downtown

Councilor Walker said there is sign pollution downtown and people are paying attention to the signs and not the road and would like the signs removed.

***Councilor Hamann made a motion to remove the crosswalk signs and arrows downtown. The motion was seconded by Councilor Gates. The vote passed 4 to 1 with Councilor Lachapelle opposed.***

Councilor Lachapelle made a motion to adjourn the meeting at 7:50 PM. Councilor Gates seconded the motion. The motion passed unanimously.

Minutes respectfully submitted by Laura Miller, Secretary II.



**Public Works & Buildings Committee  
Meeting Minutes  
September 20, 2018  
Council Chambers**

**MEMBERS PRESENT**

Councilor Ralph Torr – Chairman  
Councilor Ray Varney- Vice Chairman via  
Councilor Sandy Keans  
Councilor David Walker  
Councilor Geoffrey Hamann

**OTHERS PRESENT**

Blaine Cox, Deputy City Manager  
Peter C. Nourse PE, Director of City Service  
Daniel Camara, GIS / Asset Management  
Donna Martineau, 23 Crosswind Lane  
Troy Brown, 44 Winkley Farm Lane  
Judy Stewart Noonan, 147 Winkley Farm Lane  
Sandy Averill, 97 Maple Street  
Thomas Willis, 35 Shakespeare Rd  
Jan Nelson, 9 Whispering Wind

**MINUTES**

Chairman Torr called the Public Works and Buildings Committee to order at 7:00 PM.

**1. Approve minutes from the August 16, 2018 Public Works & Building Meeting.**

Chairman Torr requested comments or a recommendation on the last meeting's minutes.

***Councilor Walker made a motion to accept minutes as presented for the August 16, 2018 Public Works Committee meeting. Councilor Hamann seconded the motion. The Motion passed unanimously.***

**2. Public Input**

**Donna Martineau of 23 Crosswind Lane** came to speak about the building of the DPW Facility at the recently purchase property of 209 Chestnut Hill Road. She stated that she was President of the Board of the Stony Brook Cooperative Mobile Home Park adjacent to the 209 Chestnut Hill Property. Ms. Martineau stated concerns for the mobile home park's drinking water wells due to salt and snow storage on DPW Facility Property. She also mention additional truck traffic and noise concerns due to DPW operations.

**Troy Brown, 44 Winkley Farm Lane.** Mr. Brown stated that he is a resident of the Winkley Farm Road Subdivision that has been in front of the Public Works Committee before. He stated he was here to discuss the water quality issues regarding high levels of iron and manganese in their well water. He thanked the Committee and the Public Works

Director for their efforts in seeking out the available Trust Fund Grants and brought a water sample showing the color and poor quality of the water and he brought a section of pipe to show the level of corrosion that exists in the plumbing of the 31 homes on Winkley Farm. Mr. Brown also discussed the impacts of the water on septic systems. He stated there have been 6 septic failures in this 12 year old subdivision. He asked that the Committee and Council approve the offered NHDES Grant and work to provide the subdivision with City water.

**Judy Noonan, 147 Winkley Farm Lane.** Mrs. Noonan stated that she was present to discuss the water quality issues at her home. She brought a part of her washing machine to demonstrated the discoloration within the appliance due to the iron and manganese. Mrs. Noonan noted that this discoloration extends to all fixtures including tub, showers, toilets and sinks. She stated concerns for the absorption of these deposits into the human body and stated she believe it is a health issue. Mrs. Noonan stated that this discoloration ruins clothes, dinnerware and other household items.

**Thomas Willis, 35 Shakespeare Road, Chesley Farms Subdivision.** Mr. Willis stated he was here with a list of 4 items to be discussed. Mr. Willis began by thanking the Council and Staff for the Downtown Crosswalk Safety Improvement Project. He stated that the markings, signage and crosswalks look fantastic and he stated he is pleased that the City has adopted the recommended signs to delineate the crosswalks. Mr. Willis then discussed the Chesley Hill Road pavement patch that has not been completed. He stated that he believe it was supposed to have happened this season. He stated he would like an email update on the status of that. Mr. Willis then discussed the status of the road acceptancs at Chesley Farm Estates. He stated that the subdivision is reaching 75% build out and that that the development is in its 11 year. He stated he did not know if the developer has put up the additional surety requested, but he would like an email update on the road acceptances and he stated he is hopefully this development and all of the new owners can expect the City to assume maintenance. Next Mr. Willis stated that he was really brought to the meeting to discuss the acceptance of the New Hampshire Department of Environmental Services (NHDES) Trust Fund Grant. He stated that he was at this meeting as a resident, not a NHDES employee, nor did he have any input into the grant award process. He believes there is a perception that the City has a reputation of previously turning down awards for State of NH funding and he does not want to see the City of Rochester do that again. He stated that the grant would assist many homes with significant water quality issues, include the Winkley Farm Road, Dustin Homestead Condominiums, the seven Rt. 202A homes with mtbe contamination and assist with the City's water pressure concerns at the Highfields Common Development.

**Sandy Averill, 97 Maple Street.** Mrs. Averill spoke to support the residents of Winkley Farms Lane and she stated she too was pleased with the improvements in the downtown safety. Mrs. Averill encouraged the Stoney Brook Cooperative to stay informed as the the building process of the new DPW facility located next to their mobile home park.

She stated that by watching the City Council Meetings and Public Works Committee Meetings they could keep better informed as the information is out there and is being discussed.

**Jan Nelson, 9 Whispering Winds Lane.** Ms. Nelson stated she is on the Board of Directors of Stony Brook Cooperative and she stated he home is on the road directly abutting the 209 Chestnut Hill Road property. She stated that although they are not speaking there are many others from their park present to listen to the discussions. She stated that to her knowledge there has been no soils testing or traffic survey in this area. Ms. Nelson stated her concerns for the drinking water wells that serve 200 people in the park.

### 3. **2018 Groundwater / Drinking Water Trust Fund Grant Application Status**

**Granite State Business Park (GSBP) Water Loop** - Mr. Nourse stated that this project is one of two projects that the City submitted for the trust fund grants. He stated that this was one of 88 submissions and that there were 19 project that were granted some level of funding. He stated that this project was not selected. Mr. Nourse advised that currently the design has been funded for this 1.6 million dollar project and he stated that staff will proceed with that design, as it is necessary to market the City owned properties. He also stated that a recent planned sale was lost due to the insufficient water. Mr. Nourse explained that the he has discussed with the staff accountant, and he has been advised that this TIF District could support a 1 million dollar project and as much as a 1.3 million dollar project if it allowed to go slightly into the negative until the end of the bond. The 1.3 million scenario assumes \$300,000 in additional funding, which could be one property sale within the 10-year bond Cycle. Assuming the one sale, the fund would go back into the positive in the last year of the 10 year bond. Mr. Nourse stated that there are options for the shortage and listed the water fund retained earnings, the economic development funds, and the general fund that would be paid back with any land sale that might happen while the design is process or in the future. Mr. Cox summarized the issue and stated that staff will proceed with the design and continue to explore options for the six hundred thousand shortfall. Councilor Walker asked if there were other options for funding. Mr. Cox mentioned that marketing the properties is difficult due to the water issues and Mr. Cox re-stated Mr. Nourses summary including the Economic Development Fund from Host Fees, the Water Fund Retained Earning, or a transfer from the General Fund could be used. Councilor Walker stated that he is not in favor of the TIF running in the negative. Councilor Keans asked if the front lots in the industrial park would also require the water line extension to be in place. Mr. Cox stated that yes, the water line extension is necessary for development of those lots as well. Mr. Nourse confirmed Mr. Cox's answer. Councilor Varney suggested that this issue go to Finance Committee to explore funding options."

***Councilor Walker made a motion to recommend that the full City Council send the funding of the Water Loop Project at the GSBP to the Finance Committee for***

*discussion. Councilor Hamman seconded the motion. The motion passed unanimously.*

**Rt 202A Water Main Extension Project** – Mr. Nourse stated that this project has receive the Trust Fund Grant in the amount of 3.8 million dollars. He had a graphic that displayed the multiple funding sources for the 7.6 million dollar project. He stated that he believed the multiple funding sources and the water quality issues that would be solved are why this grant submission was successful. He also stated that of all 19 projects this was the largest award in the State. The funding sources are as follows: Trust Fund Grant 3.8 million, MTBE State funding 2.3 million, City Water Fund SRF Loan 1.3 million and \$200 thousand dollar private contributions. There was discussion regarding a developer contribution from the Highfields Common developer. Whether it is a monetary contribution or by funding the construction of the water tower that's Cost is included in the current \$7.6 million estimate. Mr. Nourse discussed the history of the project and showed three options that had been considered. He stated that after discussions with our contracted engineers and NHDES the option that we submitted would extend the water cross country from 202 to 202A through the Highfields development and down through Bickford Road to 202A. It would then go west up 202A to the homes with wells contaminated by MTBE's. He stated this option would bring water to Dustin Homestead, which includes approximately 65 homes, and to the 31 homes on Winkley Farm Road. He stated in all there are more than 100 to 130 homes that could be served by this water line extension. Mr. Nourse stated that State law does not mandate that any of these homes connect. Mr. Nourse stated that 30 of the 31 owners on Winkley Farm Road had sent correspondence to support the grant application and they were requesting help with the water quality issues in the development. Mr. Nourse stated that an acceptance vote and funding would be required next month, but we had not received the official notification of award. Councilor Walker asked if Fiddlehead Lane water line was part of the project. Mr. Nourse stated it was not. He stated that the NHDES Study conducted for Fiddlehead Lane had demonstrated that the contaminants that noted could be treated better than those on Winkley Farm Road. Mr. Nourse stated that he could include Fiddlehead in the project but it is not included in the \$7.6 million estimate. Councilor Walker asked that it be included in the next cost estimate. Councilor Varney asked what the commitments would be for a time line and whether the cost estimates are firm. Councilor Varney stated that the Council and Staff would need to look at the water fund current projects planned and this project to determine the priorities. Councilor Hamann asked if there would be a significant impact to the Water Treatment Plant (WTP) capacity limit. Mr. Nourse stated that it would have a minimal impact on capacity, and could be supported by the current Water Treatment Plant's ability to treat water. Mr. Cox summarized the issue stating that Mr. Nourse would come back to the Committee with a preliminary cost estimate and will layout the Commitments required for Grant Acceptance and funding for the next Public Works Committee Meeting.

#### 4. Community Center Alarm Panel Supplemental

Mr. Nourse summarized the issue stating that the project dated back to the FY16 CIP budget of \$20,000 for design of the system and then the FY19 appropriation of \$150,000 for installation of the Alarm Panel System with Sensors. Mr. Nourse stated we went out to bid for the project and that there were four bidders at the mandatory walk through and only one bid receive for \$200,006. He stated that there is \$10,800 left from design and with FY19 appropriation of \$150,000 we have a short fall of \$45,200. He stated that this project is for the alarm panel system only, without extras. Mr. Nourse stated that he is requesting a supplemental from fund balance in order to award the bid and install the system. Councilor Varney asked if this was a cash or bonded project. Mr. Nourse stated the \$150,000 is bonded, but he is asking for cash supplemental from the general fund balance as he would like to expedite the award and construction of the project.

*Councilor Walker made a motion to recommend that the full City Council authorize a supplemental appropriation from the general fund unassigned fund balance for the Community Center Alarm Panel System Project at the Community Center. Councilor Varney seconded the motion. There was a roll call vote 4-1 as follows.*

*Councilor Torr Yes Councilor Varney Yes*

*Councilor Keans No Councilor Walker Yes Councilor Haman Yes*

#### 5. New DPW – Status

Chairman Torr moved Item 8 on the agenda for the DPW New Facility Status up on the agenda. He stated there were numerous residents still present from the Stoney Brook Cooperative that were awaiting this discussion. Chairman Torr stated that he believed their largest item of concern was for on-site storage of snow and the possibility of it, or stored salt leaching to their wells at the Stony Brook Mobile Home Cooperative. He asked Mr. Nourse to address that concern. Mr. Nourse stated there would not be snow storage on the site. Mr. Nourse stated that the site is excellent geographically as it provides access to Rt11, Rt202 and Rt16 giving us quicker access to both East Rochester and Gonic and we will only be 2 miles from the downtown. He state that the lot has plenty of room for our current needs and future growth. He stated this lot has already been cleared and the recent soils testing revealed excellent conditions. He also stated that the lot is level, there are no environmental concerns, and there are few wetlands on the property. Mr. Nourse stated that there is a relatively new industrial garage on the site that we will make use of. Mr. Nourse put a draft site plan up on the display. The plan showed the planned orientation of the facility on the lot. He stated the working side of the building is furthest away from the mobile home park abutters and has the large vehicle storage bay between the working side of building and the park. Mr. Nourse stated that the engineers and City Staff have been working to have as minimal an impact as possible to abutters. See attached draft plan. Mr. Nourse briefly described the draft plan and he noted that there stringent environmental requirements to building the facility. Councilor Keans stated that her understanding was that this site would have room for the

possibility of a future fire substation. Mr. Nourse stated that while he has not received any specifications regarding how much space it would take, the engineers are leaving room for that possibility in the front of the lot. Mr. Nourse stated that the current time line for the building construction has the bidding one year from now, and an estimated 16 month construction period to follow. Mr. Nourse stated the move in date being early 2021. Mr. Cox asked if the Committee has made a motion for acceptance of the 209 Chestnut Hill Road site as the location for the new DPW Facility.

***Councilor Walker made a motion to recommend that the full City Council approve 209 Chestnut Hill Road for the construction of the New DPW Facility. Councilor Hamann seconded the motion. There was a roll call vote 4-1 as follows.***

<b><i>Councilor Torr</i></b>	<b><i>Yes</i></b>	<b><i>Councilor Varney</i></b>	<b><i>Yes</i></b>		
<b><i>Councilor Keans</i></b>	<b><i>No</i></b>	<b><i>Councilor Walker</i></b>	<b><i>Yes</i></b>	<b><i>Councilor Haman</i></b>	<b><i>Yes</i></b>

Councilor Varney asked how far from the existing mobile home parks well was from the City's water main. Chairman Torr stated that it was approximately 7-800 feet. Chairman Torr pointed out Jan Nelson's home on the map, He asked Mr. Nourse the distance from there to the facility. Mr. Nourse stated about 100 yards or 3-400 feet. Donna Martineau suggested relocating the salt shed to the other side of the building, further from the parks wells. Councilor Varney pointed out that the salt shed is a covered building and should not be an issue for abutters.

#### **6. City Hall Glass Enclosure – Supplemental Appropriation Request \$7,800**

Mr. Nourse stated that this project includes the replacement of 27 panels of glass in the enclosure above the City Hall elevator and stairwell on the Annex side of the building. He stated that the department had a budget of \$22,000. He further stated that there were two bids, one was \$37,500 and the other low bid was \$29,800. He stated this leaves a short fall of \$7,800. Mr. Nourse stated that he is requesting a supplemental of \$7,800 from the general fund unassigned fund balance in order to award and complete the project. Councilor Keans asked why the replacements were necessary, and if this project is to redesign the area or if we are replacing it the way it is. Mr. Nourse stated that he believe that the ice falling from the roof and the removed walkway had caused the cracking and leaking it the glass panels. He stated that the project is to replace the glass panels and did not require design. Councilor Walker asked if it we are just replacing as is, will it happen again. Mr. Nourse stated that he could look at redesigning the area, but that would be much more costly. He stated that the current panels have been there since 1988. Councilor Walker asked if the changes made by the construction of the Annex have made things better or worse for the ice issue. Councilor Walker asked Mr. Nourse to look at other alternatives to keeping the ice off the enclosure. Mr. Nourse stated he would look into it. The discussion was to be kept in Committee for November's meeting pending additional information.

#### **7. Sidewalk Replacement Supplemental -**

Mr. Nourse explained that the City has gone out to bid for the Portland Street Sidewalk

Replacements from the area of Signal Street to Chamberlain. He state that the department has also requested a Transportation Alternative Program (TAP) Grant to fund a sidewalk from Chamberlain Street to the Salmon Falls Road. The grant project is to connect the sidewalk from where we leave off on Portland Street to where we left off at Salmon Falls Road. Mr. Nourse stated that staff believed we had sufficient funds to complete the Signal Street to Chamberlain Street portion of the project. He stated that the current available funding is \$251, 000 and the low bid is \$386,954.00, leaving a short fall of approximately \$135,500. He stated the cost per linear foot has risen significantly to approximately \$100. Councilor Varney asked Mr. Cox if he knew what the closing out of FY18 would due for the general fund unassigned fund balance. Mr. Cox stated that it could be an increase of as much as 2 million. Councilor Keans asked if the sidewalks were to be concrete or asphalt. Mr. Nourse stated concrete.

***Councilor Walker made a motion to recommend that the full City Council authorize a supplemental appropriation from the general fund unassigned fund balance for the sidewalk replacement project for 135,500. Councilor Varney seconded the motion.***

***There was a roll call vote 5-0 as follows.***

***Councilor Torr            Yes    Councilor Varney    Yes***

***Councilor Keans        Yes    Councilor Walker    Yes    Councilor Haman    Yes***

#### **8. Strafford Square -**

Mr. Nourse stated that he is pleased to update the Committee with the information that the City has received a proposal from Consolidated, formally Fairpoint, for the underground utility relocations. He stated it has taken over a year to get this information from Consolidated.. He stated proposal is \$350,000. Councilor Walker asked if this was the amount expected. Mr. Nourse stated it was a bit higher than expected but also stated that it is a major hub to Consolidated's network. He stated that the cost for Eversource was approximately \$172,000 and Metrocast was \$41,000. Mr. Nourse stated that there is also a large amount of work that Consolidated will have to do in the area in general and on Walnut Street that is not at the City's expense. Councilor Keans asked if we would have to consider Comcast as well. Mr. Nourse stated that yes we would. Mr. Nourse displayed some of the options for the Grondin's Funeral Home access in and out of the Round a bout on the monitor. He stated that the City will work with the owner, but he believe that the owner will not want any of the options as he does not want a Round A Bout in the area. Councilor Keans expressed concerns for the business owner and the owner of the two multi-family properties in the project area. Councilor Varney asked if the City had met with the owner of those two properties. Mr. Nourse state that yes, we have met with them and they do not have any issues that have not been worked out. Mr. Nourse stated that there is still a lot of right of way work to be completed including the land swaps previously discussed. He stated that one of the land swap properties has a new owner so will be starting over at that location. Mr. Nourse stated there is also some sewer repairs that to be completed during the utilities phase of the project. He stated we

are still planning on the utility work during the construction season of 2019.

*Councilor Walker made a motion to recommend that the full City Council approve the DPW proceed with the Construction of the Strafford Square Round a Bout as planned.*

*Councilor Hamann seconded the motion. There was a roll call vote 5-0 as follows.*

*Councilor Torr Yes Councilor Varney Yes*

*Councilor Keans Yes Councilor Walker Yes Councilor Haman Yes*

#### **9. MS4 Permit Status**

Mr. Nourse stated that this new Storm Water Permit is in place as of July 1, 2018. He stated that this is a 5-year permit. Mr. Nourse stated one of the requirements is a notice of Intent to Discharge is due on October 1, and we will be compliant with that. He stated that Rochester is still part of a large group of communities acting as the Storm Water Coalition. He stated that this coalition requested a ‘stay’ of the permit and were denied by the EPA and that denial was supported by the courts. Mr. Nourse mentioned that he appreciates the City Councils financial support to date and will keep the City Council in the loop. Mr. Nourse stated that the permit is confusing and it contradicts itself at times and staff is working through this.

#### **10. Whitehouse Road Update**

Mr. Nourse stated that Unitil is still working on their portion of this project. They have completed and pressure tested the main line and they are now tying in individual services. He stated the service work should be done by the last week in September and the City’s project to reduce the hills and pave is intended to start up immediately following. Councilor Keans stated that she is not happy with the length of the road closure and hopes that Until will return to working weekends as requested. She also suggested that the City’s contractor for the road construction should do the same. Councilor Walker asked if we would be completed and base paved by the end of October. He had concerns for paving in cold November temperatures. Mr. Nourse stated that the goal is to be completed as soon as possible.

#### **11. Other**

**13 Magic Avenue Demolition Supplemental** - Mr. Nourse stated that the building at 13 Magic is condemned. He stated that the City would be using the construction services bid to work with SUR to demolish the building. He stated that there has be some asbestos noted there and that we have a worst-case proposal from SUR for \$49,113.25. He stated that he is requesting a general fund supplemental appropriation from the unassigned fund balance of \$50,000. Mr. Cox stated that as we do not own the building we would place a lien on the property, which would require repayment to the City at the time of the next sale.

*Councilor Keans made a motion to recommend that the full City Council authorize a \$50,000 supplemental appropriation from the general fund unassigned fund balance to the DPW O&M for demolition of 13 Magic Ave. Councilor Walker seconded the motion. There was a roll call vote 5-0 as follows.*



*Councilor Torr*      *Yes*      *Councilor Varney*      *Yes*  
*Councilor Keans*      *Yes*      *Councilor Walker*      *Yes*      *Councilor Haman*      *Yes*

**Hydrant Flushing** – Mr. Nourse stated he wanted to remind the Committee and any viewers that staff is conducting fall water main flushing. Please call the DPW at 332-4096 with any discoloration or any other concerns.

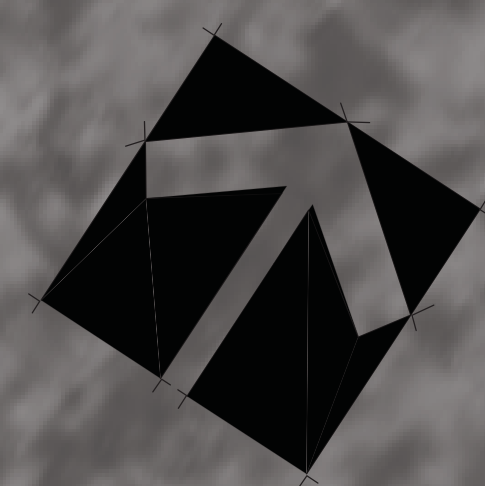
**Chestnut Hill Road Pavement Cut near turnpike** – Councilor Torr requested that Mr. Nourse follow up with a pavement patch in this area. He said this is the second time it has been cut recently and he has concerns for the pavement patch for this one. .

**De-authorizations Listing – General Fund** – Councilor Varney asked if the presented list for general fund de-authorizations will be on the City Council Agenda for October. Ms. Clark stated that if approved by the Interim Finance Director in time, this would be on the agenda if not it will be November.

*Chairman Torr made a motion to adjourn the Committee meeting at 8:36 pm.*  
*Councilor Varney seconded the motion. The motion passed unanimously.*

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





# PROPOSED SITE PLAN





09/27/2018

**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

CITY COUNCIL TO REFER FUNDING OF GSBP LOOP TO FINANCE COMMITTEE

COUNCIL ACTION ITEM ☒  
INFORMATION ONLY ☐FUNDING REQUIRED? YES ☐ NO ☒  
\* IF YES ATTACH A FUNDING RESOLUTION FORMRESOLUTION REQUIRED? YES ☒ NO ☐FUNDING RESOLUTION FORM? YES ☐ NO ☒

AGENDA DATE	October 2, 2018	
DEPT. HEAD SIGNATURE	Peter C. Nourse, PE signature on File City clerks office	
DATE SUBMITTED	9/21/18	
ATTACHMENTS YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> <b>SPREADSHEET</b>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	1

**COMMITTEE SIGN-OFF**

COMMITTEE	Public Works Committee
CHAIR PERSON	Councilor Ralph Torr

**DEPARTMENT APPROVALS**

DEPUTY CITY MANAGER	
CITY MANAGER	

**FINANCE & BUDGET INFORMATION**

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

**LEGAL AUTHORITY**

City Council Resolution

**SUMMARY STATEMENT**

This agenda bill request that the full City Council vote to forward the funding of the Granite State Business Park Water Loop Project to the Finance Committee to discuss and plan construction funding for the project. Design to continue during this time with the FY19 Engineering Funds Appropriated.

**RECOMMENDED ACTION**

1. City Council vote referring the Granite State Business Park Water Main Extension project funding to the Finance Committee.

**Resolution Authorizing Supplemental Appropriation to the Fiscal Year 2018-2019  
Department of Public Buildings Capital Improvements Project Fund 1501 in the Amount  
of \$50,000.00 for the Community Center Alarm Panel & Sensors Project**

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

That Fifty Thousand Dollars (\$50,000.00) is hereby appropriated as a supplemental appropriation to the Fiscal Year 2018-2019 Department of Public Buildings Capital Improvements Project Fund 1501 to pay for costs and expenditures related to the Community Center Alarm Panel & Sensors Project. The supplemental appropriation shall be derived in its entirety from the General Fund unassigned fund balance.

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

**AGENDA BILL - FUNDING RESOLUTION****EXHIBIT**Project Name: Date: Fiscal Year: 

Fund (select):

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

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

**Appropriation**

	Org #	Object #	Project #	Fed Amount \$	State Amount \$	Local Amount \$
1	15011090	772000	19551	-	-	50,000.00 -
2				-	-	-
3				-	-	-
4				-	-	-

**Revenue**

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

DUNS # CFDA # Grant # Grant Period: From   
To 

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

Reimbursement Request will be reduced Funds will be returned

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City Clerk's Office

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09/27/2018

**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**

Community Center Alarm Panel &amp; Sensors - General Fund Supplemental Appropriation

COUNCIL ACTION ITEM ☒  
INFORMATION ONLY ☐FUNDING REQUIRED? YES ☒ NO ☐  
\* IF YES ATTACH A FUNDING RESOLUTION FORMRESOLUTION REQUIRED? YES ☒ NO ☐FUNDING RESOLUTION FORM? YES ☒ NO ☐

AGENDA DATE	October 2, 2018		
DEPT. HEAD SIGNATURE	Peter C. Nourse, PE signature on File City clerks office		
DATE SUBMITTED	9/24/18		
ATTACHMENTS AB-FRF	YES <input checked="" type="checkbox"/> NO <input checked="" type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	1

**COMMITTEE SIGN-OFF**

COMMITTEE	Public Works Committee
CHAIR PERSON	Councilor Ralph Torr

**DEPARTMENT APPROVALS**

DEPUTY CITY MANAGER	
CITY MANAGER	

**FINANCE & BUDGET INFORMATION**

FINANCE OFFICE APPROVAL	
SOURCE OF FUNDS	General Fund - Unassigned Fund Balance
ACCOUNT NUMBER	15011090-772000-19551
AMOUNT	50,000.00
APPROPRIATION REQUIRED	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

**LEGAL AUTHORITY**

City Council Resolution



**SUMMARY STATEMENT**

This agenda bill request a supplemental appropriation from the General Fund-un-assigned Fund Balance (cash). The requested amount of \$50,000 and is to fund the work associated with the Community Center Alarm Panel and Sensors. This project dates back to an original appropriation in the FY16 budget of \$20,000 for the design and bidding of the Community Center Alarm Panel and Sensor System. There is \$10,800 remaining of that appropriation and an additional appropriation \$150,000 was completed for construction in the current FY19 budget. The City went out to bid and the Scarponi Electric bid is \$200,006.00. This leaves a shortfall of \$45,200 and we are requesting \$50,000 in case there are any unforeseen issues.

This alarm system panel has failed and if there was a fire in the building the alarm panel would not direct the Fire Department to the location of the fire.

**RECOMMENDED ACTION**

Resolution authorizing a supplemental appropriation in the amount of \$50,000 from the General Fund - Un-assigned Fund balance for Community Center Alarm Panel & Sensors.

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City Clerk's Office

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09/27/2018

**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

CITY COUNCIL APPROVAL OF NEW DPW FACILITY AT 209 CHESTNUT HILL ROAD

COUNCIL ACTION ITEM ☒  
INFORMATION ONLY ☐FUNDING REQUIRED? YES ☐ NO ☒  
\* IF YES ATTACH A FUNDING RESOLUTION FORMRESOLUTION REQUIRED? YES ☒ NO ☐FUNDING RESOLUTION FORM? YES ☐ NO ☒

AGENDA DATE	October 2, 2018		
DEPT. HEAD SIGNATURE	Peter C. Nourse, PE signature on File City clerks office		
DATE SUBMITTED	9/21/18		
ATTACHMENTS YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> <b>SPREADSHEET</b>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	1	

**COMMITTEE SIGN-OFF**

COMMITTEE	Public Works Committee
CHAIR PERSON	Councilor Ralph Torr

**DEPARTMENT APPROVALS**

DEPUTY CITY MANAGER	
CITY MANAGER	

**FINANCE & BUDGET INFORMATION**

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

**LEGAL AUTHORITY**

City Council Resolution

**SUMMARY STATEMENT**

This agenda bill request that the full City Council vote to approve the New DPW Facility be located at 209 Chestnut Hill Road as recommended by the Public Works and Buildings Committee.

**RECOMMENDED ACTION**

1. City Council vote approving the 209 Chestnut Hill Road site for the construction of the new City of Rochester Department of Public Work Facility.

**Resolution Authorizing Supplemental Appropriation to the Fiscal Year 2018-2019**  
**Department of Public Works Capital Improvements Project Fund 1501 in the Amount of**  
**\$135,000.00 for the Sidewalk Replacement Project**

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

That One Hundred Thirty Five Thousand Dollars (\$135,000.00) is hereby appropriated as a supplemental appropriation to the Fiscal Year 2018-2109 Department of Public Works Capital Improvements Project Fund 1501 to pay for costs and expenditures related to the Sidewalk Replacement Project. The supplemental appropriation shall be derived in its entirety from the General Fund unassigned fund balance.

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

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City Clerk's Office

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09/27/2018

**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

Sidewalk Replacements - General Fund Supplemental Appropriation

COUNCIL ACTION ITEM ☒  
INFORMATION ONLY ☐FUNDING REQUIRED? YES ☒ NO ☐  
\* IF YES ATTACH A FUNDING RESOLUTION FORMRESOLUTION REQUIRED? YES ☒ NO ☐FUNDING RESOLUTION FORM? YES ☒ NO ☐

AGENDA DATE	October 2, 2018		
DEPT. HEAD SIGNATURE	Peter C. Nourse, PE signature on File City clerks office		
DATE SUBMITTED	9/24/18		
ATTACHMENTS AB-FRF	YES <input checked="" type="checkbox"/> NO <input checked="" type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	1

**COMMITTEE SIGN-OFF**

COMMITTEE	Public Works Committee
CHAIR PERSON	Councilor Ralph Torr

**DEPARTMENT APPROVALS**

DEPUTY CITY MANAGER	
CITY MANAGER	

**FINANCE & BUDGET INFORMATION**

FINANCE OFFICE APPROVAL	
SOURCE OF FUNDS	General Fund - Unassigned Fund Balance
ACCOUNT NUMBER	15013010-771000-195XX
AMOUNT	135,500
APPROPRIATION REQUIRED	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

**LEGAL AUTHORITY**

City Council Resolution

**SUMMARY STATEMENT**

This agenda bill request a supplemental appropriation from the General Fund un-assigned Fund Balance (cash). The requested amount of \$135,000 is to fund the work associated with Sidewalk Replacements. The City went out to bid and received two bids. SUR Construction was the lowest with a total bid amount of \$386,954.00. The current funding available is \$251,558.00.

\$135,500 is needed to award the bid and construction will start in the spring.

**RECOMMENDED ACTION**

1. Resolution authorizing a supplemental appropriation in the amount of \$135,500 from the General Fund - Un-assigned Fund balance for City Sidewalks.



## AGENDA BILL - FUNDING RESOLUTION

## EXHIBIT

Project Name: Sidewalks Replacements

Date: 9/24/18

Fiscal Year: FY2019

Fund (select):

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

## Deauthorization

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

## Appropriation

	Org #	Object #	Project #	Fed Amount \$	State Amount \$	Local Amount \$
1	15013010	771000	19XXX	-	-	135,500.00 -
2				-	-	-
3				-	-	-
4				-	-	-

## Revenue

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

DUNS # CFDA # Grant # Grant Period: From   
To 

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

Reimbursement Request will be reduced ☐Funds will be returned ☐

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City Clerk's Office

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09/27/2018

**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

CITY COUNCIL APPROVAL OF STRAFFORD SQUARE PROJECT AS DESIGNED

COUNCIL ACTION ITEM ☒  
INFORMATION ONLY ☐FUNDING REQUIRED? YES ☐ NO ☒  
\* IF YES ATTACH A FUNDING RESOLUTION FORMRESOLUTION REQUIRED? YES ☒ NO ☐FUNDING RESOLUTION FORM? YES ☐ NO ☒

AGENDA DATE	October 2, 2018		
DEPT. HEAD SIGNATURE	Peter C. Nourse, PE signature on File City clerks office		
DATE SUBMITTED	9/21/18		
ATTACHMENTS YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> <b>SPREADSHEET</b>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	1	

**COMMITTEE SIGN-OFF**

COMMITTEE	Public Works Committee
CHAIR PERSON	Councilor Ralph Torr

**DEPARTMENT APPROVALS**

DEPUTY CITY MANAGER	
CITY MANAGER	

**FINANCE & BUDGET INFORMATION**

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

**LEGAL AUTHORITY**

City Council Resolution

**SUMMARY STATEMENT**

This agenda bill request that the full City Council vote to authorize the Public Works Department to proceed to construction as previously presented and designed. The department will continue to work with the residents and business owners toward R.O.W. issues and keep the Public Works & Building Committee informed.

**RECOMMENDED ACTION**

1. City Council vote authorizing the Department of Public works proceed with the construction of the Strafford Square Project as designed.

**Resolution Authorizing Supplemental Appropriation to the Fiscal Year 2018-2019**  
**Department of Public Works Operating Budget in the Amount of \$50,000.00 for the**  
**Demolition and Removal of 13 Magic Avenue**

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

That Fifty Thousand Dollars (\$50,000.00) is hereby appropriated as a supplemental appropriation to the Fiscal Year 2018-2019 Department of Public Works operating budget to pay for costs and expenditures related to the demolition and removal of the buildings located at 13 Magic Avenue as ordered by the 7<sup>th</sup> Circuit Court-District Division-Rochester. The supplemental appropriation shall be derived in its entirety from the General Fund unassigned fund balance.

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

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City Clerk's Office

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09/27/2018

**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

13 Magic Ave - General Fund Supplemental Appropriation

COUNCIL ACTION ITEM ☒  
INFORMATION ONLY ☐FUNDING REQUIRED? YES ☒ NO ☐  
\* IF YES ATTACH A FUNDING RESOLUTION FORMRESOLUTION REQUIRED? YES ☒ NO ☐FUNDING RESOLUTION FORM? YES ☒ NO ☐

AGENDA DATE	October 2, 2018		
DEPT. HEAD SIGNATURE	Peter C. Nourse, PE signature on File City clerks office		
DATE SUBMITTED	9/24/18		
ATTACHMENTS AB-FRF	YES <input checked="" type="checkbox"/> NO <input checked="" type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	1

**COMMITTEE SIGN-OFF**

COMMITTEE	Public Works Committee
CHAIR PERSON	Councilor Ralph Torr

**DEPARTMENT APPROVALS**

DEPUTY CITY MANAGER	
CITY MANAGER	

**FINANCE & BUDGET INFORMATION**

FINANCE OFFICE APPROVAL	
SOURCE OF FUNDS	General Fund - Unassigned Fund Balance
ACCOUNT NUMBER	13010057-533000
AMOUNT	50,000
APPROPRIATION REQUIRED	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

**LEGAL AUTHORITY**

City Council Resolution

**SUMMARY STATEMENT**

This agenda bill request a supplemental appropriation from the General Fund un -assigned Fund Balance (cash). The requested amount of \$50,000 is to fund the work associated with the building demolition and any asbestos remediation or removal necessary at the 13 Magic Avenue property. There are no funds currently budgeted. A lien will be place on the property to be collected when property is sold.

**RECOMMENDED ACTION**

1. Resolution authorizing a supplemental appropriation in the amount of \$50,0000 from the General Fund un-assigned Fund balance for the demolition of the condemned building at 13 Magic Avenue.



## AGENDA BILL - FUNDING RESOLUTION

## EXHIBIT

Project Name: 13 Magic Avenue

Date: 9/24/18

Fiscal Year: FY2019

Fund (select):

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

## Deauthorization

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

## Appropriation

	Org #	Object #	Project #	Fed Amount \$	State Amount \$	Local Amount \$
1	13010057	533000		-	-	50,000 -
2				-	-	-
3				-	-	-
4				-	-	-

## Revenue

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

DUNS # CFDA # Grant # Grant Period: From   
To 

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

Reimbursement Request will be reduced ☐Funds will be returned ☐

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City Clerk's Office

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**Resolution Deauthorizing Department of Public Works and Public Buildings Capital  
Improvement Fund 1501 Project Funding For Various Projects in the Amount of  
\$388,955.74 and Deauthorization of Bond Authority**

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

That Three Hundred Eighty Eight Thousand Nine Hundred Fifty Five and 74/100 Dollars (\$388,955.74) of previously appropriated funds is deauthorized from the Department of Public Works and Public Buildings Capital Improvement Project Fund 1501 for the costs associated with various completed projects consistent with Exhibit A.

Further, as part of the overall deauthorization, in accordance with RSA 33:9, the City withdraws bond authority in the amount of One Hundred Eighty Seven Thousand Sixty One and 32/100 Dollars (\$187,061.32).

Further, the amount of Forty Five Thousand Seven Hundred Forty One and 31/100 Dollars (\$45,741.31) in cash funding shall be returned to the General Fund unassigned fund balance and Eighty Seven Thousand One Hundred Two and 37/100 Dollars (\$87,102.37) in cash funding shall be returned to the Granite State Business Park TIF District Fund 7028 unassigned fund balance.

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

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City Clerk's Office

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09/27/2018

**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-AUTHORIZATIONS GENERAL CIP FUND 1501 PROJECT ACCOUNTS

COUNCIL ACTION ITEM ☒  
INFORMATION ONLY ☐FUNDING REQUIRED? YES ☐ NO ☒  
\* IF YES ATTACH A FUNDING RESOLUTION FORMRESOLUTION REQUIRED? YES ☒ NO ☐FUNDING RESOLUTION FORM? YES ☐ NO ☒

AGENDA DATE	October 2, 2018	
DEPT. HEAD SIGNATURE	Peter C. Nourse, PE signature on File City clerks office	
DATE SUBMITTED	9/24/18	
ATTACHMENTS YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> <b>SPREADSHEET</b>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	1

**COMMITTEE SIGN-OFF**

COMMITTEE	Public Works Committee
CHAIR PERSON	Councilor Ralph Torr

**DEPARTMENT APPROVALS**

DEPUTY CITY MANAGER	
CITY MANAGER	

**FINANCE & BUDGET INFORMATION**

FINANCE OFFICE APPROVAL	
SOURCE OF FUNDS	Fund 1501
ACCOUNT NUMBER	Several Accounts Per Spreadsheet
AMOUNT	\$388,995.74
APPROPRIATION REQUIRED YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	

**LEGAL AUTHORITY**

City Council Resolution

**SUMMARY STATEMENT**

This agenda bill request the de-authorizations of previously appropriated Capital Improvement Fund 1501 projects that are completed. The total de-authorizations are per spreadsheet attached as page 3 of the agenda bill.

**RECOMMENDED ACTION**

1. City Council Resolution for de-authorization of CIP Fund 1501 project accounts for projects that have been completed per the attached spreadsheet totaling \$388,995.74.
2. City Council Resolution to return \$45,741.37 in cash from the cash funded de-authorizations to the General Fund.
3. City Council Resolution to return \$87,102.37 in cash from cash funded project de-authorization to the TIF Fund 7028.

## CIP FUND 1501 PROJECTS READY FOR DE-AUTHORIZATION

Account Number	Project Name	Revised Budget	Expended	Deauthorize			Total De-authorization	To Be Bonded	Comment
				Cash	Bond	Grant/other			
15011090-772000-16559	City Hall Annex Project	\$ 3,734,000.00	\$ 3,622,317.09		\$ 111,682.91		\$ 111,682.91	\$ 56,317.09	April 2017 Series A \$3,566,000
15011090-772000-17516	Library Rehabilitation	\$ 35,000.00	\$ 17,784.00		\$ 17,216.00		\$ 17,216.00		August 2018 Series A \$17,784
15011090-772000-17551	Community Center Renovations	\$ 100,000.00	\$ 68,536.00		\$ 31,464.00		\$ 31,464.00	\$ 68,356.00	
15011090-772000-18511	Ductless Heat Legal Dept	\$ 30,000.00	\$ 25,800.00	\$ 4,200.00			\$ 4,200.00		Transfer back to GF
15011090-773800-16514	Honeywell EBI Upgrade	\$ 37,000.00	\$ 36,243.27	\$ 756.73			\$ 756.73		Transfer back to GF
15011090-771000-13521	HSIP	\$ 664,796.00	\$ 607,588.56		\$ 5,720.76	\$ 51,486.68	\$ 57,207.44		August 2018 Series A \$60,758.84
15013010-771000-16573	Franklin Willow Brook Grant	\$ 120,000.00	\$ 102,396.00			\$ 17,604.00	\$ 17,604.00		
15013010-771000-17531	GSBP Lighting	\$ 100,000.00	\$ 87,897.63	\$ 12,102.37			\$ 12,102.37		Transfer back to TIF Fund 7028
15013010-771000-17579	Dewey St Pedestrian Bridge	\$ 170,000.00	\$ 149,022.35		\$ 20,977.65		\$ 20,977.65	\$ 29,713.48	August 2018 Series A \$119,308.87
15013010-771000-18544	Design install GSBP lighting	\$ 75,000.00	\$ -	\$ 75,000.00			\$ 75,000.00		Transfer back to TIF Fund 7028
15013010-771000-18551	Olde Farm Lane Lighting	\$ 150,000.00	\$ 109,215.36	\$ 40,784.64			\$ 40,784.64		Transfer back to GF
				\$ 132,843.74	\$ 187,061.32	\$ 69,090.68	\$ 388,995.74	\$ 154,386.57	

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City Clerk's Office

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**Tri-City Joint Mayor's Task Force on Homelessness**  
**City Hall, Council Chambers**  
**1 Government Way**  
**Somersworth, NH**  
**September 13, 2018**  
**6:00 PM**

**MAYORS**

**Chairman**  
 Jeremy Hutchinson

Mayor Caroline McCarley  
 Mayor Karen Weston  
 Mayor Dana Hilliard

**Vice Chair**  
 Marcia Gasses

**Rochester Members**

Elizabeth Atwood

Rev. Eliza Tweedy

Jeremy Hutchinson

T.J. Jean

**Dover Members**

Phyllis Woods

Betsey Andrews Parker

Andrew Howard

Marcia Gasses

**Somersworth Members**

Todd Marsh

Laura Hogan

Rick Michaud

Dina Gagnon

**Alternate:**

Lindsey Williams

<b>Survival Shelter Sub-Task Group</b>	<b>Master Plan Sub-Task Group</b>
Marcia Gasses	Betsey Andrews-Parker
Todd Marsh	Todd Marsh
Elizabeth Atwood	Dina Gagnon
Andrew Howard	Eliza Tweedy
	Phyllis Woods
	Lena Nichols
	Laura Hogan
	Rich Michaud

## MINUTES

### **1. Call to Order**

Chairman Hutchinson called the meeting to order at 6:05 PM. Cassie Givara, Deputy City Clerk of Rochester, took the roll. The following members were present: Betsey Andrews Parker, Dina Gagnon, Todd Marsh, Rich Michaud, Eliza Tweedy, Lindsey Williams, Phyllis Woods, Terra Stewart, Elizabeth Atwood, Chairman Hutchinson, Vice Chair Gasses, Mayor Weston and Mayor Hilliard. The following members were absent: Mayor McCarley, Laura Hogan, Andrew Howard and TJ Jean.

### **2. Public Input**

Chairman Hutchinson invited members of the public to address the committee.

Denise Ambrose spoke about the possibility of using some of the areas vacant and derelict buildings as potential housing for the homeless population.

Chairman Hutchinson closed public input at 6:08 PM and noted that there would be additional opportunity for public input at the end of the meeting.

### **3. Approval of Minutes**

#### **3.1 Tri-City Task Force Meeting August 9, 2018, consideration for approval**

Ms. Givara noted that a revised set of minutes had been sent out prior to the meeting which clarified the member list of each subcommittee. Phyllis Woods indicated there was a redundant name listing in the Master Plan sub-Task Group listing. Chairman Hutchinson requested a motion to approve the August 9, 2018, minutes with the clerical error corrected.

Phyllis Woods **MOVED** to approve the August 9, 2018, revised minutes. Andrew Howard seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

### **4. Communications from the Mayors**

Mayor Hilliard reported that there had been a productive meeting at the Community Action Partnership with Betsey Andrews-Parker. He stated that he is very optimistic and excited with the progress being made on the draft Master Plan developed by Ms. Andrews-Parker.

Mayor Weston and Mayor Hilliard both expressed that the original deadline of November 1, 2018, can be extended and additional time added. The quality of the final product and making sure it is done correctly is far more important than sticking to an established time frame. The

plan may also be completed in parts, with certain projects approved first and varying pieces being completed at different stages.

#### **4.1 Appointment of Terra Stewart**

Chairman Hutchinson welcomed Terra Stewart as the newly-appointed voting member of the Task Force.

Ms. Stewart stated that she looked forward to acting as an advocate for the homeless community and a liaison to the community to help locate available resources.

Ms. Stewart outlined her plan to clean up certain camp sites in Rochester where the homeless population congregate and to eventually move onto Somersworth and Dover for similar clean ups. Ms. Stewart stated that volunteers and supply donations would be necessary for the project to be more effective. Ms. Stewart reported that there had been an article published in Foster's detailing the cleanup plan as well as supplies needed. Anyone wishing to make donations or volunteer their time to this effort can contact Tri-City Co-op in Rochester at (603) 948-1043.

#### **5. Communications from the Task Force Chairs**

Chairman Hutchinson reported a news item in which he read that Jeff Bezos, CEO of Amazon, has established a Two-Billion Dollar fund to help fight homelessness nationwide. Chairman Hutchinson said he intended to draft a letter to reach out and potentially get the Task Force involved with this opportunity. Funding is the number 1 item which currently limits the Task Force, so acquiring some additional funding might take some of the pressure off and allow the process to move along more efficiently and quickly.

Chairman Hutchinson referenced the recent State Primary Election and the candidates from each party which would be advancing to the State General ballot in November. He stated that he is planning on inviting a few of the candidates to one of the upcoming Task Force meetings and welcoming comment on what their plan for the homelessness issue would be if they were to be elected. Alternately, having these candidates at a meeting would emphasize to them how important this issue is to the Tri-City area.

There was a brief discussion in Committee in regards to partisan politics and whether it may be problematic to invite politicians actively running for office to have a seat at the table or even the appearance that the Task Force is showing favor. Chairman Hutchinson stated that it is not known whether the candidates running for office even know the Task Force on Homelessness exists. He restated that the candidates would be invited to have a voice at the table, but rather would be invited to listen and participate in public input if they so desired. The distinction being that these people will potentially sit in a position which could directly affect the community the Task Force is trying to help.

Betsey Andrews-Parker suggested that rather than invite the candidates to a meeting, the Task Force could write a letter outlining what the Task Force is trying to accomplish and what they need. The letter would explain that the Task Force is developing a master plan and indicate that updates can be provided as well as contact information if the candidate wishes to receive more information.

The consensus of the committee was that a letter should be sent to the candidates as opposed to an open invitation for them to listen or speak at the upcoming meeting. Chairman Hutchinson stated he would draft a letter and bring it back to Committee for approval prior to sending it to the candidates.

Mayor Weston inquired if the grant request being submitted to Amazon CEO Bezos would be from Rochester specifically or from the Tri-City Task Force as a body. Chairman Hutchinson stated he would defer to those City staff in Rochester with experience with the grant writing process, but likely it would originate from the Task Force representing all three cities.

Julian Long, grant manager for the City of Rochester, offered assistance with the submission to Amazon.

Mayor Hilliard asked that the committee be kept informed of any candidates who respond to the letter from the Task Force or accept invitations to attend meetings.

Chairman Hutchinson asked for an update on the meeting with the Strafford County Commissioners.

Betsey Andrews-Parker reported that not everyone was able to meet, but they did have Tory Jennison at the meeting this evening representing the Commissioners. Ms. Jennison does emergency planning, population health, and was closely involved with the cold weather shelter. The idea moving forward is that Ms. Jennison will be available to assist the Task Force with her expertise and compiling relevant data to help develop the master plan. Ms. Jennison will also serve as a liaison between the Commissioners and the Task Force. When the Master Plan is further along, at that point members of the Task Force can meet directly with the Commissioners.

Mayor Weston read a statement from the Strafford County Commissioners endorsing Ms. Jennison's involvement with the Task Force.

## **6. Report of Data**

Chairman Hutchinson referenced the chart of resources generated by the Greater Strafford Coalition to end homelessness which had appeared in the previous meeting minutes. A Rochester Councilor had inquired why the list of resources included data from Rockingham County.

Ms. Andrews-Parker stated that homelessness does not have a border. Resources outside of Strafford County are listed because these organizations often need to collaborate and share resources to help and house the homeless community. These organizations are all interconnected and inter-dependent.

Chairman Hutchinson stated he had received communication from a constituent about the possibility of developing a phone app for finding local resources, or alternately for volunteer opportunities and areas of need for those looking to assist.

Terra Stewart reported that she, along with the help of Tri City Co-Op, was developing a Facebook page as well as a website which would list available resources, have relevant articles and information, donation requests, and volunteer opportunities.

Todd Marsh stated that NH 211 has a website where people can search for resources and the Greater Seacoast Coalition for Ending Homelessness is developing a website.

Don McCullough told the Committee that SAMHSA (Substance Abuse and Mental Health Services Administration) has a free app which deals with finding resources for mental health and substance use.

Elizabeth Atwood stated that Nhtreatment.org also has an app for assistance with substance use.

## **7. Report from Sub-Task Groups**

Todd Marsh, Rochester Welfare Director, and Lena Nichols of Dover Welfare gave a presentation\*\* detailing the mission of local welfare organizations, the services and resources they provide, and the benefits and concerns those in the field encounter.

*\*\*see addendum A*

Mr. Marsh and Ms. Nichols outlined some of the myths which are often cited when discussing problems with the welfare system:

- The assertion that recipients are living off the system. Mr. Marsh stated the majority of his clientele are gainfully employed but just do not make enough money to make ends meet.
- The idea that there is rampant abuse in the welfare system. Although Mr. Marsh stated there is occasional fraud encountered, it is not prevalent and City welfare does their due diligence in verifying any information given.
- That welfare recipients are given cash to spend however they please. The majority of assistance given is in the form of vouchers.

Mr. Marsh detailed how welfare organizations in the area collaborate not only with each other, but with other agencies to provide assistance. Ms. Nichols stated it is important to be aware of all programs and resources available because welfare isn't always able to help in every situation. The SHARE fund is one such local organization providing assistance during emergencies or hardships.

Ms. Nichols discussed the Community Care Team which is a gathering of personnel from multiple support organizations to discuss specific cases and brainstorm possible assistance solutions. Ms. Andrews-Parker clarified that the Community Care Team was a medical model assisting those who are medically fragile. It is not an opportunity for average welfare cases.

Mr. Marsh concluded that there is no wrong door for seeking assistance. Through welfare and collaboration with neighboring resources, those seeking help can be connected with assistance regardless of where they start.

## **8. Master Plan Writing Proposal Document Review**

Betsey Andrews-Parker gave a Power Point presentation outlining her draft version of the Master Plan\*\* and detailing seven primary strategies contained therein. Ms. Andrews-Parker explained that each of these strategies would be presented as succinct summary pages containing the particular issue being addressed, potential solutions as well as the potential challenges which may be encountered, cost estimates, funding sources and other relevant information.

*\*\*see addendum B for draft proposal*

Ms. Andrews-Parker stated that this draft proposal is just a preliminary version, a work in progress. It would have an introduction explaining what the committee hops to accomplish, the members, the methodology explaining how the Task Force arrived at their mission.

Data as provided through Ms. Jennison will be integrated into the plan as concrete factual information to back up the work being done. Data points include but are not limited to number of homeless shelter encampments, number of homeless served in kitchens, children in schools, absences from schools, free and reduced lunch recipients and Medicaid.

Strategies may need to be added, removed, changed or combined depending on need.

Ms. Andrews-Parker stated that the plan is aggressive, but plausible, and she is optimistic that it can be accomplished. If the Task Force approves the draft master plan, she suggested choosing two or three of the strategies which the Task Force deems most pressing and forming subcommittees to focus on these strategies.

The newly formed work groups can meet between now and the next Task Force meeting and work to further the strategies with a provided template. They will then present to the Task

Force at the October meeting. This same process will be followed to flesh out other strategies at future meetings. In December, there may be a more complete draft master plan forming, at which point it can be sent to a public hearing and charrette and finally tweaking and cleaning up the plan to be submitted to the municipalities by January 2019.

Chairman Hutchinson **MOVED** to **ADOPT** the draft Master Plan. Terra Stewart seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

There was a lengthy discussion in Committee regarding which strategies would be the first tackled and which members would like to be involved.

Ms. Jennison inquired if the Master Plan is crafting expectation that the strategies are things that municipalities have control over. Some of the items may involve changing ordinances or funding from Cities. With some agencies potentially involved not having a representative on the Task Force, it can be difficult to plan on their behalf. Ms. Andrews-Parker stated that the Cities can't be depended on to do this. There is not enough money. It's a collective project, a partnership between Cities and resources.

Strategy #1: A seasonal cold weather shelter. Ms. Andrews-Parker clarified that this is not an emergency shelter, it is not with the fire chiefs. It is a long-term cold weather shelter which doesn't necessarily mean creating a new facility. Rather, it may entail increasing capacity on an existing shelter.

***Members of the Seasonal Cold Weather Strategy work group: Group lead Marcia Gasses. Todd Marsh, Phyllis Woods, Elizabeth Atwood, Don McCullough, Lena Nichols and Barbara Holstein.***

Strategy #4: Substance Use work group. Supporting efforts to decrease substance use disorder and increase prevention.

***Members of Substance Use Work Group: Group Lead Elizabeth Atwood. Eliza Tweedy, Barbara Holstein, and Jeremy Hutchinson.***

Terra Stewart discussed access to showers, laundry and hygiene as a major roadblock for the homeless community in getting a job and staying healthy. Ms. Stewart detailed some options for support in these areas and talked about the work she would be doing on this issue.

Todd Marsh reported that the extreme cold weather subcommittee met on August 13, 2018, at the Salvation Army and they are moving forward with Plans for the Salvation Army to be the extreme cold weather shelter. There may be parallel plans for emergency management to open a shelter as well, but this a separate option. The cold weather subcommittee will meet again at the Salvation Army on October 15, 2018.

## **9. Other**

Chairman Hutchinson requested that the next Task Group meeting be rescheduled to October 18, 2018. The next meeting will take place at the City Hall Annex in Rochester.

Terra Stewart stated that the cleanup she is organizing is focused on the homeless community taking accountability for their own sites, but that outside help would be welcomed. Ms. Stewart agreed to develop a summary statement on what is needed to be added to the next Task Force agenda with any applicable action items.

Mayor Weston spoke about the City of Dover clean up day

Don McCullough spoke about the state of NH RSA 165 stating that a City's public welfare SHALL provide support for those unable to support themselves. He asserted that it is a City's responsibility to care for those in need. He also spoke about City ordinances which don't allow camping on City-owned property.

#### **10. Adjournment**

Chairman Hutchinson **ADJOURNED** the meeting at 8:33 PM.

Respectfully Submitted,

Cassie Givara  
Deputy City Clerk, Rochester



**Resolution Authorizing the Renumbering of Addresses on Eastern Avenue in Compliance  
with E911 Standards**

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

That pursuant to RSA 231:133, RSA 231:133-a, and consistent with the State of New Hampshire's E911 standards, the City Council hereby authorizes the renumbering of street addresses on Eastern Avenue as shown in Exhibit A.

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City Clerk's Office

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09/27/2018

**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

Eastern Ave Renumbering to meet State of New Hampshire E911 Standards

COUNCIL ACTION ITEM ☒  
INFORMATION ONLY ☐FUNDING REQUIRED? YES ☐ NO ☒  
\* IF YES ATTACH A FUNDING RESOLUTION FORMRESOLUTION REQUIRED? YES ☒ NO ☐FUNDING RESOLUTION FORM? YES ☐ NO ☒

AGENDA DATE	September 04, 2018		
DEPT. HEAD SIGNATURE			
DATE SUBMITTED	August 20, 2018		
ATTACHMENTS	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	8

**COMMITTEE SIGN-OFF**

COMMITTEE	E-911 Committee
CHAIR PERSON	Tim Wilder

**DEPARTMENT APPROVALS**

DEPUTY CITY MANAGER	
CITY MANAGER	

**FINANCE & BUDGET INFORMATION**

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

**LEGAL AUTHORITY**City of Rochester, NH General Ordinance Chapter 15, Sections 15.9-a & 15.9-b &  
New Hampshire RSA's 231:133 & 231:133-a

**SUMMARY STATEMENT**

The current configuration of address numbers along Eastern Avenue do not meet the standards for the State of New Hampshire. We are proposing a renumbering to the entire street of Eastern Avenue to ultimately minimize confusion for Emergency Responders as well as comply with the State of New Hampshire Addressing Regulations.

Reasons the current addressing does not comply:

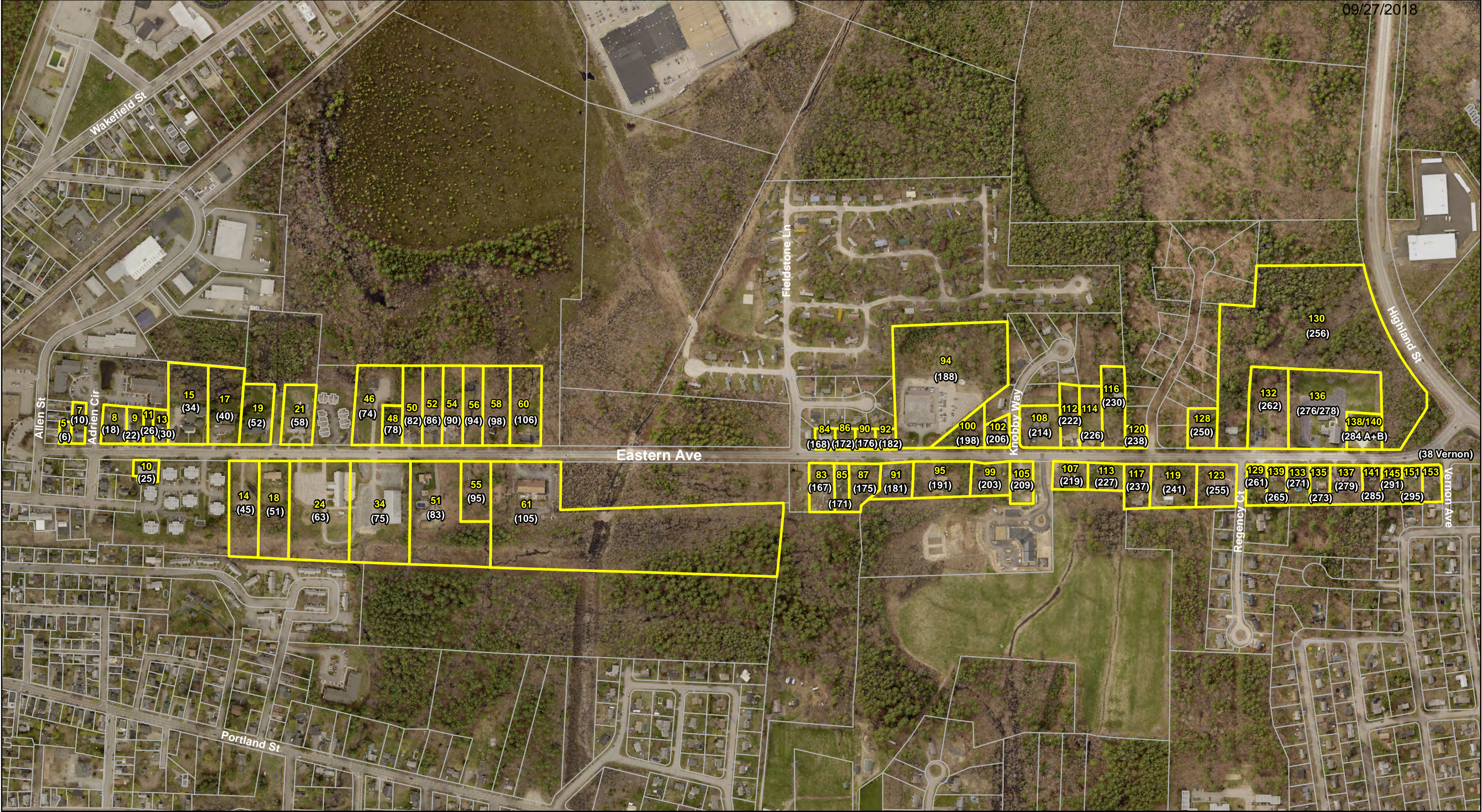
1. There is a section of the road that is not in sequential order. On the right side of the road, it goes from 129 to 139, back to 133.
2. There are BOTH odd and even numbers on BOTH sides of the road.
3. The current addressing does not go by a 50 foot increment. This standard is in place to have available addresses, should the road be further developed in the future.

**\*\*Please reference the attached Addressing Standards Guide\*\***



**RECOMMENDED ACTION**

Approve the renumbering of the street to maximize the safety of residents in the event of an emergency.





Legend

-  Parcels with Proposed Street Number Changes
-  Parcel Boundary

Labels

**Existing Number**  
**(Proposed Number)**



This map is intended for planning purposes only.  
All features shown should be considered approximate.  
Date: 8/16/2018  
Author: DC - DPW, Rochester  
Source: NHGRANIT, City of Rochester

Proposed Street Number Changes  
Eastern Avenue

Rochester, NH



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City Clerk's Office

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**CABLE TELEVISION FRANCHISE**

**GRANTED TO**

**ATLANTIC BROADBAND (NH-ME), LLC**

**BY THE**

**CITY COUNCIL  
CITY OF ROCHESTER, NEW HAMPSHIRE**

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**AGREEMENT**

This Agreement, made this \_\_ day of \_\_\_\_\_, 2018, between the City Council of the City of Rochester, NH as statutory Franchising Authority pursuant to RSA: 53-C, and Atlantic Broadband (NH-ME), LLC ("Atlantic Broadband").

**WITNESSETH**

WHEREAS, the Franchising Authority of the City of Rochester, New Hampshire, pursuant to RSA Chapter 53-C and the Cable Act, is authorized to grant one or more nonexclusive, revocable cable television franchises to construct, upgrade, operate and maintain a cable television system within the City of Rochester; and

WHEREAS, On \_\_\_\_\_2017, the Franchising Authority conducted a public hearing and there has been opportunity for public comment, pursuant to Section 626(a) of the Cable Act, on \_\_\_\_\_, to ascertain the future cable-related community needs and interests of Rochester; and

WHEREAS, the Franchising Authority and Atlantic Broadband did engage in good faith negotiations and did agree on the terms and conditions contained in this Franchise Agreement.

NOW THEREFORE, in consideration of the mutual covenants herein contained and intending to be legally bound, the parties agree as follows:

**ARTICLE 1****DEFINITIONS****Section 1.1-DEFINITIONS**

For the purpose of this Franchise, the following words, terms, phrases and their derivations shall have the meanings given herein, unless the context clearly requires a different meaning. When not inconsistent with the context, the masculine pronoun includes the feminine pronoun, words used in the present tense include the future tense, words in the plural number include the singular number and words in the singular number include the plural number. The word shall is always mandatory and not merely directory.

(1) Access: The right or ability of any Rochester resident and/or any Persons affiliated with a Rochester non-commercial institution to use designated facilities, equipment and/or channels of the Cable Television System, subject to the conditions and procedures established for such use.

(2) Access Channel: A video channel which the Franchisee shall make available to the Franchising Authority and/or its designees, without charge, for the purpose of transmitting non-commercial programming by members of the public, City departments and agencies, public schools, educational, institutional and similar organizations.

(3) Affiliate or Affiliated Person: When used in relation to any person, means another person who owns or controls, is owned or controlled by, or is under common ownership or control with, such person, excluding any entity related to the operations of NBC Universal.

(4) Basic Service: Any service tier which includes the retransmission of local television broadcast signals.

(5) Cable Act: Public Law No. 98-549, 98 Stat. 2779 (1984)(the Cable Communications Policy Act of 1984), as amended by Public Law No. 102-385, 106 Stat. 1460 (1992) (the Cable Television Consumer Protection and Competition Act of 1992), as further amended by Public Law No. 104-458, 110 Stat. 110 (1996) (the Telecommunications Act of 1996).

(6) Cable Service or Service: The one-way transmission to Subscribers of Video Programming or other Programming services, together with Subscriber interaction, if any, which is required for the selection or use of such Video Programming or other programming services, which the Franchisee may make available to Subscribers generally.

(7) Cable System or System: A facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide Cable Service which includes Video Programming and which is provided to multiple Subscribers within the City, but such term does not include (A) a facility that serves only to retransmit the television signals of one or more television broadcast stations; (B) a facility that serves subscribers without using any public right-of-way; (C) a facility of a common carrier which is subject, in whole or in part, to the provisions of Title II of the Cable Act, except that such facility shall be considered a cable system (other than for purposes of section 621(c) of the Cable Act) to the extent such facility is used in the transmission of video programming directly to subscribers unless the extent of such use is solely to provide interactive on-demand services; or (D) an open video system that complies with Section 653 of the Communications Act, or (E) any facilities of any electric utility used solely for operating its electric utility systems.

(8) City: The City of Rochester, New Hampshire.

(9) City Council: The City Council of the City of Rochester, New Hampshire.

(10) Commercial Subscriber: A commercial, non-residential Subscriber to Cable Television Service.

(11) Complaint: Complaint: Any written or verbal contact with the Franchisee in connection with

subscription in which a Person expresses dissatisfaction with an act, omission, product or service that is (1) within the Franchisee's control, and (2) requires a corrective measure on the part of the Franchisee.

(12) Converter: Any device changing the frequency of a Signal. A Subscriber Converter may expand reception capacity and/or unscramble coded Signals distributed over the Cable System.

(13) Department of Public Works ("DPW"): The Department of Public Works of the City of Rochester, New Hampshire.

(14) Digital Terminal Adapter ("DTA") A set-top box deployed by the Franchisee that converts digital service to analog to support video to analog television sets. The DTA can also deliver digital video distribution to digital television sets via the cable input. The DTA does not support Video on Demand services, Digital Video Recorder (DVR) or Premium Services.

(15) Downstream Channel: A channel over which PEG Signals travel from the Cable System Headend to an authorized recipient of Programming.

(16) Drop: The cable that connects each home or building to the feeder line of the Cable System.

(17) Educational Access Channel: A specific channel(s) on the Cable System which is made available for use by, among others, educational institutions and/or educators wishing to present non-commercial educational programming and/or information to the public.

(18) Effective Date of Franchise : "Effective Date" is sixty (60) working days following the approval of this Agreement by the Franchising Authority and Atlantic Broadband.

(19) FCC: The Federal Communications Commission, or any successor agency.

(20) Franchise: The non-exclusive Cable Television Franchise granted to the Franchisee by this instrument.

(21) Franchise Fee: The payments to be made by the Franchisee to the City, which shall have the meaning as set forth in Section 622(g) of the Cable Act.

(22) Franchisee: Atlantic Broadband (NH-ME), LLC, or any successor or transferee in accordance with the terms and conditions in this Franchise.

(23) Franchising Authority: The City Council of the City of Rochester, New Hampshire.

(24) Government Access Channel: A specific channel(s) on the Cable System which is made available for use by the Franchising Authority and/or its designee(s) wishing to present non-commercial government Programming and/or information to the public.

(25) Gross Annual Revenues: All revenues derived by the Franchisee and/or its Affiliates, calculated in accordance with Generally Accepted Accounting Principles ("GAAP"), from the operation of the Cable System for the provision of Cable Service(s) over the Cable System including, without limitation: the distribution of any Service over the Cable System; Basic Service monthly fees and all other Service fees; any and all Cable Service fees and/or charges received from Subscribers; installation, reconnection, downgrade, upgrade and any similar fees; all digital Cable Service revenues; all Commercial Subscriber revenues; all Pay Cable, Pay-Per-View revenues; any other services now or in the future deemed to be Cable Services for purposes of computing Gross Annual Revenues by a court or forum of appropriate jurisdiction; video-on-demand Cable Services; fees paid for channels designated for commercial use; Converter, remote control and other cable-related equipment rentals and/or leases and/or sales;. Gross Annual Revenues shall also include the gross revenue of any other Person which is received directly or indirectly from or in connection with the operation of the Cable System to the extent that said revenue is

received, through a means which has the effect of avoiding payment of Franchise Fees to the City that would otherwise be paid herein. It is the intention of the parties hereto that Gross Annual Revenues shall only include such revenue of such Affiliates and/or Persons relating to Signal carriage over the Cable System and not the gross revenues of any such Affiliate(s) and/or Person(s) itself, where unrelated to such Signal carriage. Gross Annual Revenues shall not include actual bad debt that is written off, consistent with GAAP; provided, however, that all or any part of any such actual bad debt that is written off, but subsequently collected, shall be included in Gross Annual Revenues in the period so collected. Gross Annual Revenues shall also include fees paid on Subscriber fees ("Fee on Fee") and home shopping revenues and advertising revenues on a pro-rata basis.

(26) Headend: The electronic center of the Cable System containing equipment that receives, amplifies, filters and converts incoming Signals for distribution over the Cable System.

(27) Hub or Hub Site: A sub-Headend, generally located within a cable television community, used for the purpose of either (i) Signal processing or switching, or (ii) placement of a fiber node, microwave link or transportation super trunk.

(28) Leased Channel or Leased Access: A video channel which the Franchisee shall make available pursuant to Section 612 of the Cable Act.

(29) Normal Business Hours: Those hours during which most similar businesses in the City are open to serve customers. In all cases, Normal Business Hours shall include some evening hours at least one (1) night per week and/or some weekend hours.

(30) Origination Capability: An activated cable and connection to an Upstream Channel, which allows User(s) to transmit a Signal(s) upstream to a designated location.

(31) Outlet: An interior receptacle, generally mounted in a wall that connects a Subscriber's or User's equipment to the Cable System.

(32) Pay Cable or Pay Service(s): Programming delivered for a fee or charge to Subscribers on a per-channel or group-of-channels basis.

(33) Pay-Per-View: Programming delivered for a fee or charge to Subscribers on a per-program or per-event basis.

(34) PEG: The acronym for "public, educational and governmental," used in conjunction with Access Channels, support and facilities.

(35) Pedestal: An environmental protection unit used in housing Cable Television System equipment and/or amplifiers.

(36) Person: An individual, partnership, association, joint stock company, trust, corporation, or governmental entity.

(37) Prime Rate: The prime rate of interest at Bank of America, or its successor.

(38) Programming or Video Programming: Programming provided by, or generally considered comparable to programming provided by, a television broadcast station.

(39) Public Access Channel: A specific channel(s) on the Cable System which is made available for use by, among others, Rochester individuals and/or organizations wishing to present non-commercial programming and/or information to the public.

(40) Public Way or Street: The surface of, as well as the spaces above and below, any and all public

streets, avenues, highways, boulevards, concourses, driveways, bridges, tunnels, parks, parkways, waterways, bulkheads, piers, dedicated public utility easements, and public grounds or waters and all other publicly owned real property within or belonging to the City, now or hereafter existing. Reference herein to "Public Way" or "Street" shall not be construed to be a representation or guarantee by the City that its property rights are sufficient to permit its use for any purpose, or that the Franchisee shall gain or be permitted to exercise any rights to use property in the City greater than those already possessed by the City.

(41) Scrambling/encoding: The electronic distortion of a Signal(s) in order to render it unintelligible or unreceivable without the use of a Converter or other decoding device.

(42) Signal: Any transmission of electromagnetic or optical energy which carries information from one location to another.

(43) State: The State of New Hampshire.

(44) Subscriber: Any Person, firm, corporation or other entity in the City who or which elects to subscribe to, for any purpose, a Service provided by the Franchisee by means of, or in connection with, the Cable System.

(45) Subscriber Network: The Cable System that is owned, operated and maintained by the Franchisee, over which Signals can be transmitted to Subscribers.

(46) Transfer: The disposal by the Franchisee, directly or indirectly, by gift, assignment, sale, merger, consolidation or otherwise, of ownership resulting in a change of control of the Cable System or of this Franchise, to a Person or a group of Persons.

(47) Trunk and Distribution System: That portion of the Cable System for the delivery of Signals, but not including Drops to Subscriber's residences.

(48) Upstream Channel: A channel over which PEG Signals travel from an authorized location to the System Headend.

(49) User: A Person utilizing the Cable System, including all related facilities for purposes of production and/or transmission of electronic or other Signals as opposed to utilization solely as a Subscriber.

## **ARTICLE 2**

### **GRANT OF FRANCHISE**

#### **Section 2.1-GRANT OF FRANCHISE**

Pursuant to the authority of RSA Chapter 53-C of the laws of the State of New Hampshire, and subject to the terms and conditions set forth herein, the City Council of the City of Rochester, New Hampshire, as the Franchising Authority of the City, hereby grants a non-exclusive Cable Television Franchise to the Franchisee, authorizing and permitting the Franchisee to upgrade, install, operate and maintain a Cable System within the corporate limits of the City of Rochester.

This Franchise is subject to the terms and conditions contained in Chapter 53-C of the Laws of New Hampshire; the Cable Act; the regulations of the FCC; and all City, State and federal statutes and ordinances of general application, all as may be amended during the term of this Franchise.

Subject to the terms and conditions herein, the Franchising Authority hereby grants to the Franchisee, the right to construct, upgrade, install, operate and maintain a Cable System in, under, over, along, across or upon the streets, lanes, avenues, alleys, sidewalks, bridges, highways and other public places under the jurisdiction of the City of Rochester within the municipal boundaries and subsequent additions thereto, including property over which the City has an easement or right-of-way, for the

purpose of reception, transmission, collection, amplification, origination, distribution, and/or redistribution of Signals in accordance with the laws of the United States of America, the State of New Hampshire and the City of Rochester. In exercising rights pursuant to this Franchise, the Franchisee shall not endanger or interfere with the lives of Persons, interfere with any installations of the City, any public utility serving the City or any other Persons permitted to use Public Ways and places.

Grant of this Franchise does not establish priority for use over other present or future permit holders or the City's own use of Public Way and places. Any references herein to "Public Way" or "Street" shall not be construed to be a representation or guarantee by the City that its property rights are sufficient to permit its use for any purpose, or that the Franchisee shall gain or be permitted to exercise any rights to use property in the City greater than those already possessed by the City.

#### **Section 2.2-TERM OF FRANCHISE**

The term of this Franchise shall be for ten (10) years, commencing on the Effective Date and expiring on \_\_\_\_\_, 202\_, unless sooner terminated as provided herein.

#### **Section 2.3-NON-EXCLUSIVITY OF THE FRANCHISE**

(a) This Franchise shall not affect the right of the Franchising Authority to grant to any other Person a franchise or right to occupy or use the Public Ways or streets, or portions thereof, for the construction, installation, operation or maintenance of a Cable Television System within the City of Rochester; or the right of the Franchising Authority to permit the use of the Public Ways and places of the City for any lawful purpose whatsoever. The Franchisee hereby acknowledges the Franchising Authority's right to make such grants and permit such uses.

(b) Pursuant to RSA Chapter 53-C: 3-b(I), the grant of any additional Cable Television franchise(s) shall not be on terms more favorable or less burdensome than those contained in this Franchise.

#### **Section 2.4-POLICE AND REGULATORY POWERS**

By executing this Franchise, the Franchisee acknowledges that its rights are subject to the powers of the City to adopt and enforce generally applicable by-laws necessary to the safety and welfare of the public. The Franchisee shall comply with all generally applicable DPW regulations, and any generally applicable ordinances enacted by the City. Any conflict between the terms of this Franchise and any present or future lawful exercise of the City's police and generally applicable regulatory powers shall be resolved by a court of appropriate jurisdiction.

#### **Section 2.5-REMOVAL OR ABANDONMENT**

Upon termination of this Franchise by passage of time or otherwise, and unless (1) the Franchisee renews its franchise for another term or (2) the Franchisee Transfers the Cable Television System to a transferee approved by the Franchising Authority, the Franchisee shall remove all of its supporting structures, poles, transmission and distribution systems, and all other appurtenances from the Public Ways and places and shall restore the areas, as close as possible, to their original condition. If such removal is not complete within six (6) months after such termination, the Franchising Authority may deem any property not removed as having been abandoned and may dispose of any such property in any way or manner it deems appropriate. Franchisee shall not be required to remove its Cable System or to sell the Cable System, or any portion thereof as a result of revocation, denial of renewal, or any other lawful action to forbid or disallow Franchisee from providing Cable Service, if the Cable System is actively being used to facilitate any other services not governed by the Cable Act.

#### **Section 2.6-AMENDMENT BY MUTUAL AGREEMENT**

This Franchise may only be amended by the mutual agreement of the Franchising Authority and the Franchisee, in writing, duly executed and signed by both parties, and attached hereto and made a part of this Franchise.



**ARTICLE 3****TRANSFER AND ASSIGNMENT OF FRANCHISE****Section 3.1-TRANSFER OF THE FRANCHISE**

(a) Subject to applicable law and compliance with the provisions in this Section 3.1, neither this Franchise, nor control thereof, nor any right thereto, shall be transferred, assigned or disposed of in any manner, voluntarily or involuntarily, directly or indirectly, or by transfer of control of any Person, company and/or other entity holding such Franchise to any other Person, company and/or other entity, without the prior written consent of the Franchising Authority, which consent shall not be unreasonably withheld or delayed. Such consent shall be given upon a written application therefor on forms prescribed by the FCC.

(b) The application for consent to a Transfer or assignment shall be signed by the Franchisee and by the proposed transferee or assignee or by their representatives, evidence of whose authority shall be submitted with the application.

(c) The Franchisee shall submit to the Franchising Authority an original and two (2) copies, unless otherwise directed, of its FCC Form 394 (or such other or successor form used to request consent to any such Transfer or assignment). The request for approval of Transfer or assignment shall also contain all reasonably appropriate documentation and such additional information as the Franchising Authority may reasonably require.

(d) The consent of the Franchising Authority shall be given only after a public hearing, if such a hearing is scheduled by the Franchising Authority, in writing, in a timely manner, or requested by the Franchisee, in writing, in a timely manner, to consider the written request for Transfer. The Franchising Authority shall complete review of the request for Transfer and make a decision thereto no later than one hundred twenty (120) days after receipt of the request for Transfer. If the Franchising Authority fails to render a final decision on such request within said 120 days, such request shall be deemed granted unless both parties hereto agree to an extension of time.

(e) For purposes of determining whether it shall consent to any such change of control and ownership, the Franchising Authority shall consider the legal, financial and technical qualifications of the prospective controlling or owning Person, and any other criteria allowable under State and/or federal law(s).

(f) Any proposed controlling or owning Person or transferee approved by the Franchising Authority shall be subject to all of the terms and conditions contained in this Franchise.

**Section 3.2-EFFECT OF UNAUTHORIZED ACTION**

(a) The taking of any action in violation of Section 3.1 herein shall be null and void, and shall be deemed a material breach of this Franchise.

(b) If the Franchising Authority denies its consent to any such action and a Transfer has nevertheless occurred, the Franchising Authority may revoke and terminate this Franchise.

(c) The grant or waiver of any one or more of such consents shall not render unnecessary any subsequent consent or consents, nor shall the grant of any such consent constitute a waiver of any other rights of the City.

**Section 3.3-NO WAIVER OF RIGHTS**

The consent or approval of the Franchising Authority to any assignment, lease, Transfer or sublease of the Franchise granted to the Franchisee shall not constitute a waiver or release of the rights of the City in and to the streets and Public Ways or any other rights of the City under this Franchise, and any such Transfer shall, by its terms, be expressly subordinate to the terms and conditions of the Franchise.

**ARTICLE 4****SYSTEM DESIGN****Section 4.1-SUBSCRIBER NETWORK**

(a) In accordance with the requirements of Article 5, the Franchisee shall construct, operate, maintain and make available to all residents of the City a Subscriber Network of at least 860 MHz.

(b) The Franchisee shall transmit all of its Signals to Subscribers in stereo, provided that such Signals are delivered to the Franchisee in stereo.

(c) The system design of the Cable Television System shall conform to all applicable FCC technical specifications.

**Section 4.2-EMERGENCY ALERT SYSTEM**

The Subscriber Network shall be in compliance with the FCC's Emergency Alert System ("EAS") regulations and in accordance with applicable New Hampshire laws and/or regulations.

**Section 4.3-PARENTAL CONTROL CAPACITY**

The Franchisee shall provide, upon request, Subscribers with the capability to control the reception of any channels being received on their television sets, at a cost, if any, pursuant to applicable law(s).

**ARTICLE 5****CONSTRUCTION, INSTALLATION, LINE EXTENSION  
AND MAINTENANCE STANDARDS****Section 5.1-SERVICE AVAILABILITY**

(d) Installation charges shall be non-discriminatory. A standard aerial installation charge shall be established by the Franchisee which shall apply to any residence located not more than three hundred feet (300') from the existing aerial Trunk and Distribution System and additions thereto. The Franchisee may charge residents located more than three hundred (300') feet from the existing aerial Trunk and Distribution System, and additions thereto, time and materials charges including a rate of return in accordance with applicable law in addition to the standard installation charge. The Franchisee shall have ninety (90) days to survey, design and install non-standard installations that are more than three hundred (300') feet from the existing Trunk and Distribution System, subject to Force Majeure. Underground installations are considered non-standard installations and may be subject to additional charge(s).

(f) Any dwelling unit owner located in an area of the City without Cable Service may request such Service from the Franchisee. In areas meeting the requirements of Section 5 (c) and (d) above, the Franchisee shall extend Service to the area subject to Force Majeure and the performance of make ready. In those areas with less than twenty (20) dwelling units per aerial or thirty (30) dwelling units per underground mile, both as measured from termination of the existing Trunk and Distribution System, the Franchisee shall, within thirty (30) days following a request for Service, conduct a survey to determine the number of dwelling units in the area and shall inform the requesting dwelling unit owner of the contribution in aid of construction (see Section 5 (d) above) that will be charged. The Franchisee shall apply for all necessary permits and pole attachment licenses within thirty (30) days of receiving the contribution in aid of construction from all participating dwelling units. Cable Service(s) shall be made available and fully

activated to all requesting dwelling units who made a contribution in aid of construction within ninety (90) days of receipt of all necessary permits and pole attachment licenses by the Franchisee, subject to Force Majeure (including the performance of make-ready work).

(g) The Franchising Authority shall make its best efforts to provide the Franchisee with written notice of the issuance of building permits for planned housing developments in the City.

#### **Section 5.2-LOCATION OF CABLE TELEVISION SYSTEM**

The Franchisee shall operate and maintain the Cable Television System within the City of Rochester. Poles, towers and other obstructions shall be erected so as not to interfere with vehicular or pedestrian traffic over Public Ways and places. The erection and location of all poles, towers and any other obstructions shall be in accordance with applicable City ordinances and regulations.

#### **Section 5.3-UNDERGROUND FACILITIES**

(a) In the areas of the City having telephone lines and electric utility lines underground, whether required by law or not, all of the Franchisee's lines, cables and wires shall be underground. At such time as these facilities are placed underground by the telephone and electric utility companies or are required to be placed underground by the City, the Franchisee shall likewise place its facilities underground at its sole cost and expense.

(b) Underground cable lines shall be placed beneath the pavement subgrade in compliance with applicable City ordinances, rules, regulations and/or standards. It is the policy of the City that existing poles for electric and communication purposes shall be utilized wherever possible and that underground installation is preferable to the placement of additional poles.

#### **Section 5.4-TREE TRIMMING**

In the installation of amplifiers, poles, other appliances or equipment and in stringing of cables and/or wires as authorized herein, the Franchisee shall avoid all unnecessary damage and/or injury to any and all shade trees in and along the streets, alleys, Public Ways and places, and private property in the City. The Franchisee shall comply with all generally applicable rules and/or regulations established by the Franchising Authority or its designee during the term of this Franchise regarding tree and/or root trimming and/or pruning.

#### **Section 5.5-RESTORATION TO PRIOR CONDITION**

Whenever the Franchisee takes up or disturbs any pavement, sidewalk or other improvement of any Public Way or place, the same shall be replaced and the surface restored in as good condition as before entry as soon as practicable. If the Franchisee fails to make such restoration within a reasonable time, the Franchising Authority may fix a reasonable time for such restoration and repairs and shall notify the Franchisee in writing of the restoration and repairs required and the time fixed for performance thereof. Upon failure of the Franchisee to comply within the specified time period, the Franchising Authority may cause proper restoration and repairs to be made and the reasonable expense of such work shall be paid by the Franchisee upon demand by the Franchising Authority.

#### **Section 5.6-TEMPORARY RELOCATION**

The Franchisee shall temporarily raise or lower its wires or other equipment upon the reasonable request of any Person holding a building moving permit issued by the City. The expense of such raising or lowering shall be paid by the party requesting such move. The Franchisee shall be given reasonable notice necessary to maintain continuity of service.

#### **Section 5.7-DISCONNECTION AND RELOCATION**

The Franchisee shall, without charge to the Franchising Authority and/or the City, protect, support, temporarily disconnect, relocate in the same street, or other Public Way and place, or remove from any street or any other Public Ways and places, any of its property as required by the Franchising Authority or its designee by reason of traffic conditions, public safety, street construction, change or establishment of street grade, or the construction of any public improvement or structure by any City

department acting in a governmental capacity.

#### **Section 5.8-SAFETY STANDARDS**

The Franchisee shall construct, upgrade, install, operate, maintain and remove the Cable Television System in conformance with Occupational Safety and Health Administration regulations, the National Electric Code, the National Electrical Safety Code, Bell Telephone Systems Code of Pole Line Construction (when applicable), the rules and regulations of the FCC, all applicable building codes and land use restrictions as the same exist or may be amended hereafter.

#### **Section 5.9-PEDESTALS**

In any cases in which Pedestals housing passive devices are to be utilized, in City Public Ways or within the City public lay-out, such equipment must be installed in accordance with applicable regulations of the City; provided, however, that the Franchisee may place active devices (amplifiers, line extenders, power supplies, etc.) in a low-profile electronic control box at City approved locations to be determined when the Franchisee applies for a permit. All such equipment shall be shown on the Cable System maps submitted to the City in accordance with Section 5.12 below.

#### **Section 5.10-PRIVATE PROPERTY**

The Franchisee shall be subject to all generally applicable laws, by-laws and/or regulations regarding private property in the course of constructing, upgrading, installing, operating and maintaining the Cable Television System in the City. The Franchisee shall promptly repair or replace all private property, real and personal, damaged or destroyed as a result of the construction, upgrade, installation, operation or maintenance of the Cable Television System without charge to the Franchising Authority or the affected Subscriber(s).

#### **Section 5.11-RIGHT TO INSPECTION OF CONSTRUCTION**

(a) The Franchising Authority and/or its designee(s) shall have the right to inspect all construction and installation work performed subject to the provisions of this Franchise in order to ensure compliance with the terms and conditions of this Franchise and all other applicable law. Any such inspection shall not interfere with the Franchisee's operations, except in emergency situations.

(b) Any inspections conducted by the Franchising Authority and/or its designee(s) shall be at the sole cost and expense of the City and shall have the prior written approval of the Franchisee, which approval shall be given in a timely manner and which approval shall not be unreasonably denied or withheld. Unless otherwise mutually agreed upon, the City shall give at least fourteen (14) days prior notification to the Franchisee of its intention to conduct any inspection. The Franchisee shall be afforded the opportunity to be present during all such inspections.

#### **Section 5.12-CABLE SYSTEM MAPS**

(a) Upon written request, the Franchisee shall file with the Franchising Authority strand maps of the Cable System plant. Said strand maps shall include the routing of the Cable System, including all underground and aerial plant.

#### **Section 5.13-COMMERCIAL ESTABLISHMENTS**

The Franchisee shall make Cable Service(s) available to any commercial establishments in the City provided that said establishment(s) agrees to pay for installation and monthly subscription costs as lawfully established by the Franchisee, in accordance with applicable law(s) and/or regulation(s).

#### **Section 5.14-SERVICE INTERRUPTION**

Except where there exists an emergency situation necessitating a more expeditious procedure, the Franchisee may interrupt service for the purpose of repairing or testing the Cable System, only during periods of minimal use and, if practical, only after a minimum of twenty-four (24) hour notice to all affected Subscribers.

## ARTICLE 6

### SERVICES AND PROGRAMMING

#### **Section 6.1-BASIC SERVICE**

The Franchisee shall provide a Basic Service which shall include all Signals which are required to be carried by a Cable System serving the City pursuant to applicable statute or regulation.

#### **Section 6.2-PROGRAMMING**

(a) Pursuant to Section 624 of the Cable Act, the Franchisee shall maintain the mix, quality and broad categories of Programming.

(b) The Franchisee shall provide the Franchising Authority and all Subscribers with thirty (30) days advance written notice of any change in its Rochester Programming line-up, if the change is within the control of the Franchisee.

#### **Section 6.3-LEASED CHANNELS FOR COMMERCIAL USE**

Pursuant to Section 612 (b)(1)(B) of the Cable Act, the Franchisee shall make available channel capacity for commercial use by Persons unaffiliated with the Franchisee.

#### **Section 6.4-CABLE COMPATIBILITY**

The Franchisee shall continue to maintain equipment compatibility in accordance with applicable law and regulation.

#### **Section 6.5-CONTINUITY OF SERVICE**

It shall be the right of all Subscribers to receive Service insofar as their financial and other obligations to the Franchisee are honored. The Franchisee shall ensure that all Subscribers receive continuous, uninterrupted Service, except for necessary Service interruptions. When necessary Service interruptions can be anticipated, the Franchisee shall notify Subscribers, if practical, in advance.

#### **Section 6.6-FREE CONNECTIONS AND MONTHLY SERVICE TO PUBLIC BUILDINGS AND SCHOOLS**

(a) The Franchisee shall, upon written request, provide and maintain one (1) standard aerial installation Subscriber Cable Drop of 300 feet, (1) Outlet and monthly Basic Service to public schools, public libraries and other public buildings along the Cable System Trunk and Distribution System included in **Exhibit 1**, attached hereto and made a part hereof, and any other public buildings and schools as designated by the Franchising Authority. The Franchisee shall coordinate the location of each Drop and Outlet with each of the aforementioned institutions newly receiving Service. There shall be no costs to the City or any designated institution for the standard installation and provision of monthly Basic Service and related maintenance.

(b) The Franchisee shall supply one (1) Digital Transport Adapter for each Outlet, if necessary, without charge to the City, for the reception of monthly Basic Service. The Franchisee shall maintain such Outlets and Converters for normal wear and tear, at its sole cost and expense; provided, however, that the City shall be responsible for repairs and/or replacement necessitated by any acts of vandalism or theft.

(c) The Franchisee shall discuss the location of each Drop and/or Outlet with the proper officials in each of the buildings, schools and/or institutions entitled to such Drops and Outlets, prior to any such installation. The Franchisee shall provide installation of such Drops and/or Outlets within sixty (60) days of any such requests from the Franchising Authority, subject to Force Majeure.

## ARTICLE 7

**PUBLIC, EDUCATIONAL AND GOVERNMENTAL ACCESS CHANNELS AND CAPITAL FUNDING****Section 7.1-PEG ACCESS PROGRAMMING**

The Franchising Authority and/or its designee(s) shall be responsible for the provision of PEG Access Programming to Subscribers in the City.

**Section 7.2-PEG ACCESS CHANNELS**

(a) Subject to Section 7.2 (c) below the Franchisee shall make available to the Franchising Authority and/or its designee(s) three (3) Downstream Channels for Rochester PEG Access use, as follows:

(b) The Franchisee shall provide the three (3) activated Downstream Channels for PEG Access use in standard digital ("SD") format in the Franchisee's Basic Service, the Franchising Authority and/or its designee(s) shall be responsible for providing the PEG Access Channel Signal(s) in SD format to the demarcation point at the designated point of origination for the PEG Access Channel(s). The Franchisee shall distribute the PEG Access Channels Signal(s) on its Cable System in SD format without substantial alteration or deterioration. The Cable System shall be capable of transmitting color video signals received at the Headend in color, stereo audio signals received at the Headend in stereo and properly formatted closed captioned signals received at the Headend.

(c) Within eighteen (18) months of making Cable Service available to Subscribers in the City, in order to provide PEG Access Programming to subscribers, Franchisee and Franchising Authority shall utilize one of the following three methods of bringing PEG Access programming content onto the System:

1. from a City identified and designated point of demarcation;
2. via direct connections provided by Franchisee from specified PEG origination locations as set forth below in Section 7.3; or
3. by entering into an interconnection agreement with the existing provider of Cable Service in the city as set forth in Section 7.2(d).

(d) The Franchisee may, with the City's written approval (which will not be unreasonably withheld) and at Franchisee's expense, interconnect its Cable System with the existing cable operator's cable system(s) in order to cablecast, on a live basis, all PEG Access Programming carried by the existing cable operator consistent with this Agreement. Interconnection may be accomplished by reasonable method of connection that permits Franchisee to cablecast PEG programming concurrent with delivery to Franchisee's System, in substantially the form delivered to the Franchisee, without material alteration or deterioration in audio or video signal quality. Franchisee shall negotiate in good faith with the existing cable operator(s) respecting reasonable, mutually convenient, cost-effective, and technically viable interconnection points, methods, terms and conditions. If requested by Franchisee, the city shall make a good faith effort to have the existing cable operator(s) provide such interconnection to the Franchisee on reasonable terms and conditions. The Franchisee and the existing cable operator(s) shall negotiate the specific terms and conditions of the interconnection agreement. If requested by Franchisee, the City may use reasonable efforts to assist in informally mediating disputes.

(e) Said PEG Access Channels shall be used to transmit PEG Access Programming to Subscribers at no cost to the City and/or PEG Access Users.

(f) The Franchisee shall not move or otherwise relocate the channel location(s) of the PEG Access Channel(s), once established, without the advance, written notice to the Franchising Authority and/or its designee(s); such notice shall be at least thirty (30) days. The Franchisee shall use its best efforts, in good faith, to minimize any PEG Access Channel(s) relocations.

(g) The Franchising Authority and/or its designee(s) shall be responsible for the picture quality of PEG

Access Programming at the input of the video transmitters that will be permanently located at each origination location listed below, which is the demarcation point between the video origination equipment owned, operated and maintained by the Franchisee and the Franchising Authority's and/or its designee(s) end-user equipment. The Franchisee may require access to said video transmitter(s) for the purpose of testing, maintaining, and/or adjusting output levels of the video transmitter; the Franchisee shall test and adjust the levels of such output as reasonably needed to ensure good picture quality. The Franchisee may request that the Franchising Authority and/or its designee(s) first test and determine if end-user equipment is the source of any apparent Signal problems.

### **Section 7.3-ORIGINATION POINTS**

CITY HALL- 31 Wakefield Street

COMMUNITY CENTER-150 Wakefield Street

ROCHESTER SCHOOL DEPARTMENT- 150 Wakefield Street

Rochester City Hall Annex - 33 Wakefield Street

Richard Creteau Technology Center – 140 Wakefield Street

### **Section 7.4 Intentionally Omitted**

### **Section 7.5-EQUIPMENT OWNERSHIP AND MAINTENANCE**

The City shall own and maintain (i) all PEG Access equipment in its possession, as of the Effective Date of this Franchise and (ii) all PEG Access equipment purchased with funding pursuant to this Franchise.

### **Section 7.6-PEG ACCESS CHANNEL(S) MAINTENANCE**

The Franchisee shall monitor the PEG Access Channels for technical quality and shall ensure that they are maintained at standards commensurate with those which apply to the Cable System's commercial channels; provided, however, that the Franchisee is not responsible for the technical quality of PEG Access Programming. Upon written request, the Franchisee shall make available a copy of its most recent annual performance tests.

### **Section 7.7-CENSORSHIP**

The Franchisee shall not engage in any program censorship or any other control of the content of the PEG Access Programming on the Cable System, except as otherwise required or permitted by applicable law.

### **Section 7.8-PEG ACCESSCABLECASTING**

(a) In order that PEG Access Programming can be cablecast over the PEG Access Downstream Channels, all PEG Access Programming shall be encoded and then transmitted from the PEG Access Origination Locations specified herein to the Headend or Hub, where such PEG Access Programming shall be retransmitted in the downstream direction on one of the PEG Access Downstream Channel(s).

(b) It shall be the Franchisee's sole responsibility to ensure that said PEG Access Programming is properly switched electronically to the appropriate PEG Access Downstream Channel(s), in an efficient and timely manner. Any manual switching shall be the responsibility of the Franchising Authority and/or its designee(s). The Franchisee shall not charge the Franchising Authority and/or its designee(s) for such switching responsibility. The Franchisee and the Franchising Authority shall negotiate in good faith any difficulties that arise regarding cablecasting of PEG Access Programming.

(c) The Franchisee shall provide and maintain all other necessary switching and/or processing equipment located in its Headend facility in order to switch upstream PEG Access Signals from the City and/or its designee(s) to the designated Downstream PEG Access Channel(s). Nothing herein shall require the Franchisee to provide any other switching equipment or any other end-user equipment.

(d) In accordance with applicable law, the Franchisee reserves the right to pass-through or line-item costs associated with this Franchise, including the provision of PEG Access Programming to Subscribers.

## **ARTICLE 8**

### **FRANCHISE FEES**

#### **Section 8.1-FRANCHISE FEE PAYMENTS**

(a) The Franchisee shall pay to the Franchising Authority, throughout the term of this Franchise, a Franchise Fee equal to three percent (3%) of the Franchisee's Gross Annual Revenues, derived during each year of this Franchise. The Franchisee shall not be liable for Franchise Fees in excess of five percent (5%) of its Gross Annual Revenues; provided, however, that said five percent (5%) cap shall not include (i) the PEG Access capital funding (Section 7.4); (ii) any interest due herein to the Franchising Authority and/or its designee(s) because of late payments; and/or (iii) any damages (Section 12.2).

(b) Said payments shall be made to the Franchising Authority on the following quarterly basis: (i) on or before May 15<sup>th</sup> of each year of this Franchise for the previous (3) month period of January, February and March; (ii) on or before August 15<sup>th</sup> of each year of this Franchise for the previous three (3) month period of April, May and June; (iii) on or before November 15<sup>th</sup> of each year of this Franchise for the previous three (3) month period of July, August and September; and (iv) on or before February 15<sup>th</sup> of each year of this Franchise for the previous three (3) month period of October, November and December.

(c) The Franchisee shall file with each such payment a statement, prepared by a financial representative of the Franchisee, documenting, in detail, the total of all Gross Annual Revenues of the Franchisee during the preceding year.

(d) In the event that the payments required herein are not tendered on or before the dates fixed herein, interest due on such payments shall accrue from the date due at the rate of two percent (2%) above the Prime Rate.

(e) In accordance with Section 622(h) of the Cable Act, nothing in the Cable Act or this Franchise shall be construed to limit any authority of the Franchising Authority to impose a tax, fee or other assessment of any kind on any Person (other than the Franchisee) with respect to Cable Service provided by such Person over the Cable System for which charges are assessed to Subscribers but not received by the Franchisee. For any twelve (12) month period, the fees paid by such Person with respect to any such Cable Service or any other communications service shall not exceed five percent (5%) of such Person's gross revenues derived in such period from the provision of such service over the Cable System.

#### **Section 8.2-OTHER PAYMENT OBLIGATIONS AND EXCLUSIONS**

The Franchise Fee payments shall be in addition to and shall not constitute an offset or credit against any and all taxes or other fees or charges which the Franchisee or any Affiliated Person shall be required to pay to the City, or to any State or federal agency or authority, as required herein or by law; the payment of said taxes, fees or charges shall not constitute a credit or offset against the Franchise Fee payments all of which shall be separate and distinct obligations of the Franchisee and each Affiliated Person. The Franchisee herein agrees that no such taxes, fees or charges shall be used as offsets or credits against the Franchise Fee payments in accordance with applicable federal law.

#### **Section 8.3-LATE PAYMENT**

In the event that the fees herein required are not tendered on or before the dates fixed in Section 8.1 above, interest due on such fee shall accrue from the date due at the rate of two percent (2%) above the Prime Rate. Any payments to the City pursuant to this Section 8.3 shall not be deemed to be part of the Franchise Fees to be paid to the City pursuant to Section 8.1 hereof and shall be within the



exclusion to the term "franchise fee" for requirements incidental to enforcing the franchise pursuant to Section 622(g)(2)(D) of the Cable Act.

#### **Section 8.4-RECOMPUTATION**

(a) Tender or acceptance of any payment required herein shall not be construed as an accord that the amount paid is correct, nor shall such acceptance of payment be construed as a release of any claim that the City may have for additional sums including interest payable under this Section 8.4. All amounts paid shall be subject to audit and recomputation by the Franchising Authority and shall occur in no event later than two (2) years after each quarterly Franchise Fee is tendered with respect to such fiscal year.

(b) If the Franchising Authority has reason to believe that any such payment(s) are incorrect, the Franchising Authority shall notify the Franchisee of such belief in writing and the Franchisee shall have thirty (30) days from receipt of such written notification to provide the Franchising Authority with additional information documenting and verifying the accuracy of any such payment(s). In the event that the Franchising Authority does not believe that such documentation supports the accuracy of such payment(s), the Franchising Authority may conduct an audit of such payment(s). If, after such audit and recomputation, an additional fee is owed to the Franchising Authority, such fee shall be paid within thirty (30) days after such audit and recomputation. The interest on such additional fee shall be charged from the due date at the rate of two percent (2%) above the Prime Rate during the period that such additional amount is owed.

#### **Section 8.5-AFFILIATES USE OF SYSTEM**

Use of the Cable System by Affiliates shall be in compliance with applicable State and/or federal laws, and shall not detract from Services provided to Rochester.

#### **Section 8.6-METHOD OF PAYMENT**

All Franchise Fee payments by the Franchisee to the Franchising Authority pursuant to this Franchise shall be made payable to the City.

### **ARTICLE 9**

#### **RATES AND CHARGES**

##### **Section 9.1-RATE REGULATION**

The Franchising Authority reserves the right to regulate the Franchisee's rates and charges to the extent allowable under applicable federal law.

##### **Section 9.2-NOTIFICATION OF RATES AND CHARGES**

(a) The Franchisee shall file with the Franchising Authority schedules which shall describe all Services offered by the Franchisee, all rates and charges of any kind, and all terms or conditions relating thereto. The Franchisee shall notify all Subscribers and the Franchising Authority of any impending rate increases no later than thirty (30) days prior to such increase(s) and provide each Subscriber with a schedule describing existing and proposed rates for each Service offered; provided, however, that this Section 9.2 shall not prohibit the Franchisee from offering or discontinuing promotional discounts upon less than thirty (30) day notice. No rates or charges shall be effective except as they appear on a schedule so filed.

(b) At the time of initial solicitation of Service, the Franchisee shall also provide each Subscriber with a detailed explanation of downgrade and upgrade policies and the manner in which Subscribers may terminate Cable Service. Subscribers shall have at least thirty (30) days from receipt of notification of any rate increase to either downgrade Service or terminate Service altogether without any additional charge.

(c) At least once a year during the term of this Franchise, the Franchisee shall distribute a written rate brochure to all Rochester Subscribers, which brochure shall list the lowest cost of Cable Service.

**Section 9.3-PUBLICATION AND NON-DISCRIMINATION**

All rates for subscriber Services shall be published and non-discriminatory. A written schedule of all rates shall be available upon request during business hours at the Franchisee's business office. Nothing in this Franchise shall be construed to prohibit the reduction or waiver of charges in conjunction with promotional campaigns for the purpose of attracting or maintaining subscribers.

**Section 9.4-CREDIT FOR SERVICE INTERRUPTION**

Under Normal Operating Conditions, in the event that the Franchisee's Service to any Subscriber is interrupted for twenty-four (24) or more consecutive hours, provided that said interruption is not caused by the Subscriber, the Franchisee shall grant such Subscriber upon request a pro rata credit or rebate in compliance with applicable law(s).

**ARTICLE 10****INSURANCE AND BONDS****Section 10.1-INSURANCE**

From the Effective Date and at all other times during the term of the Franchise, including the time for removal of facilities provided for herein, the Franchisee shall obtain, pay all premiums for, and file with the Franchising Authority, on an annual basis, copies of the certificates of insurance for the following policies:

- (1) A comprehensive general liability policy naming the Franchising Authority, the City, its officers, boards, committees, commissions, and employees as additional insured on a primary and noncontributory basis for all claims on account of injury to or death of a Person or Persons occasioned by the construction, installation, maintenance or operation of the Cable System or alleged to have been so occasioned, with a minimum liability of One Million Dollars (\$1,000,000.00) for injury or death or property damage in any one occurrence. The amount of such insurance for excess liability shall be Five Million Dollars (\$5,000,000.00) in umbrella form. Overall limits of liability may be met through any combination of primary and excess liability insurance policies.
- (2) Automobile liability insurance for owned automobiles, non-owned automobiles and/or rented automobiles in the amount of:
  - (a) One Million Dollars (\$1,000,000.00) combined single limit for bodily injury, consequent death and property damage per occurrence;
- (3) Worker's Compensation and Employer's Liability in the minimum amount of:
  - (a) Statutory limit for Worker's Compensation; and
- (4) The following conditions shall apply to the insurance policies required herein:
  - (a) Such insurance shall commence no later than the Effective Date of this Franchise.
  - (b) Such insurance shall be primary with respect to any insurance maintained by the City and shall not call on the City's insurance for contributions.
  - (c) Such insurance shall be obtained from brokers or carriers authorized to transact insurance business in New Hampshire.
  - (d) The Franchisee's failure to obtain to procure or maintain the required insurance shall constitute a material breach of this Franchise under which the City may immediately suspend operations under this Franchise, subject to the provisions of Section 12.1 herein.

**Section 10.2-PERFORMANCE BOND**

(a) The Franchisee shall obtain and maintain at its sole cost and expense throughout the entire term of the Franchise a faithful performance bond running to the City, with good and sufficient surety Franchised to do business in the State of New Hampshire in the sum of One Hundred Thousand Dollars (\$100,000.00). Said bond shall be conditioned upon the faithful performance and discharge of all of the obligations imposed by the Franchise.

(b) The performance bond shall be effective throughout the term of the Franchise, including the time for removal of all of the facilities provided for herein, and shall be conditioned that in the event that the Franchisee shall fail to comply with any one or more provisions of the Franchise, or to comply with any order, permit or direction of any department, agency, commission, board, division or office of the City having jurisdiction over its acts, or to pay any claims, liens or taxes due the City which arise by reason of the construction, maintenance, operation or removal of the Cable Television System, the City shall recover from the surety of such bond all damages suffered by the City as a result thereof, pursuant to the provisions of Sections 12.1 and 12.2 infra.

(c) The performance bond shall be a continuing obligation of this Franchise. In the event that the City recovers from the surety, the Franchisee shall take immediate steps to reinstate the performance bond to the \$100,000.00 required coverage herein. Neither this section, any bond accepted pursuant thereto or any damages recovered thereunder shall limit the liability of the Franchisee under the Franchise.

### **Section 10.3-REPORTING**

The Franchisee shall submit to the Franchising Authority, or its designee(s), upon written request, copies of all current certificates regarding (i) all insurance policies as required herein, and (ii) the performance bond as required herein.

### **Section 10.4-INDEMNIFICATION**

The Franchisee shall, at its sole cost and expense, indemnify and hold harmless the Franchising Authority, the City, its officials, boards, commissions, committees, agents and/or employees against all claims for damage due to the actions of the Franchisee, its employees, officers or agents arising out of the construction, installation, maintenance, operation and/or removal of the Cable Television System under the Franchise, including without limitation, damage to Persons or property, both real and personal, caused by the construction, installation, operation, maintenance and/or removal of any structure, equipment, wire or cable installed. Indemnified expenses shall include all reasonable attorneys' fees and costs incurred up to such time that the Franchisee assumes defense of any action hereunder. The Franchising Authority shall give the Franchisee timely written notice of its obligation to indemnify and defend the Franchising Authority. Any settlement requiring City remuneration must be with the advance, written consent of the Franchising Authority, which shall not be unreasonably denied

## **ARTICLE 11**

### **ADMINISTRATION AND REGULATION**

#### **Section 11.1-REGULATORY AUTHORITY**

The Franchising Authority and/or its designee(s) shall be responsible for the monitoring and oversight of the Cable Television System. The Franchising Authority shall enforce the Franchisee's compliance with the terms and conditions of this Franchise. The Franchising Authority shall notify the Franchisee in writing of any instance of non-compliance pursuant to Section 12.1 infra.

#### **Section 11.2-PERFORMANCE EVALUATION HEARINGS**

(a) The Franchising Authority may hold a performance evaluation hearing during each year of this Franchise. The Franchisee shall be provided timely notice of any such hearing. All such evaluation hearings shall be open to the public. The purpose of said evaluation hearing shall be to, among other things, (i) review the Franchisee's compliance with the terms and conditions of this Franchise, customer service and Complaint response, and PEG Access Channels, facilities and support; and (ii) hear comments, suggestions and/or Complaints from the public. The Franchising Authority shall provide the Franchisee with reasonable, advance notice regarding the hearing date and compliance matters.

(b) The Franchising Authority shall have the right to question the Franchisee on any aspect of this

Franchise including, but not limited to, the operation, maintenance and/or removal of the Cable Television System. During review and evaluation by the Franchising Authority, the Franchisee shall cooperate fully with the Franchising Authority and/or its designee(s), and produce such documents or other materials as are reasonably requested from the City. Any Subscriber or other Person may submit comments during such review hearing, either orally or in writing, and such comments shall be duly considered by the Franchising Authority.

(c) Within sixty (60) days after the conclusion of such review hearing(s), the Franchising Authority shall issue a written report with respect to the adequacy of Cable System performance and quality of Service. If inadequacies are found which result in a violation of any of the provisions of this Franchise, the Franchising Authority shall notify the Franchisee in writing of any instance of non-compliance pursuant to Section 12.1 infra. The Franchisee shall subsequently respond and propose a plan for implementing any changes or improvements necessary, pursuant to Section 12.1 infra.

### **Section 11.3-NONDISCRIMINATION**

The Franchisee shall not discriminate against any Person in its solicitation, Service or access activities, if applicable, on the basis of race, color, creed, religion, ancestry, national origin, geographical location within the City, sex, sexual orientation, disability, age, marital status, or status with regard to public assistance. The Franchisee shall be subject to all other requirements of federal and State laws or regulations, relating to nondiscrimination through the term of the Franchise.

### **Section 11.4-EMERGENCY REMOVAL OF PLANT**

If, in case of fire or disaster in the City at any time, it shall become necessary in the reasonable judgment of the Franchising Authority or any designee, to cut or move any of the wires, cables, amplifiers, appliances or appurtenances of the Cable Television System, the City shall have the right to do so at the sole cost and expense of the Franchisee.

### **Section 11.5-REMOVAL AND RELOCATION**

The Franchising Authority shall have the authority at any time to order and require the Franchisee to remove or relocate any pole, wire, cable or other structure owned by the Franchisee that is dangerous to life or property. In the event that the Franchisee, after notice, fails or refuses to act within a reasonable time, the Franchising Authority shall have the authority to remove or relocate the same, which cost the Franchisee shall reimburse to the City.

### **Section 11.6-JURISDICTION**

Jurisdiction and venue over any dispute, action or suit shall be in any court of appropriate venue and subject matter jurisdiction located in the State of New Hampshire and the parties by this instrument subject themselves to the personal jurisdiction of said court for the entry of any such judgment and for the resolution of any dispute, action, or suit.

## **ARTICLE 12**

### **DETERMINATION OF BREACH, LIQUIDATED DAMAGES-FRANCHISE REVOCATION**

#### **Section 12.1-DETERMINATION OF BREACH**

(a) In the event that the Franchising Authority has reason to believe that the Franchisee has defaulted in the performance of any or several provisions of this Franchise, except as excused by Force Majeure, the Franchising Authority shall notify the Franchisee in writing, by certified mail, of the provision or provisions which the Franchising Authority believes may have been in default and the details relating thereto. The Franchisee shall have sixty (60) days from the receipt of such notice to:

(b) Respond to the Franchising Authority in writing, contesting the Franchising Authority's assertion of default and providing such information or documentation as may be necessary to support the Franchisee's position; or

(c) Cure any such default (and provide written evidence of the same), or, in the event that by nature of the default, such default cannot be cured within such thirty (30) day period, to take reasonable steps to cure said default and diligently continue such efforts until said default is cured. The Franchisee shall report to the Franchising Authority, in writing, by certified mail, at twenty-one (21) day intervals as to the Franchisee's efforts, indicating the steps taken by the Franchisee to cure any such default and reporting the Franchisee's progress until any such default is cured.

(d) In the event that (i) the Franchisee fails to respond to such notice of default; (ii) the Franchisee fails to cure the default or to take reasonable steps to cure the default within the required thirty (30) day period; and/or (iii) the Franchising Authority is not satisfied with the Franchisee's response(s) or the Franchisee's efforts to cure, the Franchising Authority shall promptly schedule a public hearing no sooner than fourteen (14) days after written notice, by certified mail, to the Franchisee. The Franchisee shall be provided reasonable opportunity to offer evidence and be heard at such public hearing. Within thirty (30) days after said public hearing, the Franchising Authority shall determine whether or not the Franchisee is in default of any provision of this Franchise.

(e) In the event that the Franchising Authority, after such hearings, determines that the Franchisee is in default, the Franchising Authority may determine to pursue any of the following remedies, by written notice to the Franchisee:

- i. seek specific performance of any provision of the Franchise which reasonably lends itself to such remedy as an alternative to damages;
- ii. commence an action at law for monetary damages;
- iii. foreclose on all or any appropriate part of the security provided pursuant to Section 10.2 herein;
- iv. declare the Franchise to be revoked subject to Section 12.3 below and applicable law;
- v. invoke any other remedy available to the City.

#### **Section 12.2-REVOCATION OF THE FRANCHISE**

In the event that the Franchisee fails to comply with any material provision of this Franchise, the Franchising Authority may revoke the Franchise granted herein, subject to the procedures of Section 12.1 above and applicable law.

#### **Section 12.3-TERMINATION**

The termination of this Franchise and the Franchisee's rights herein shall become effective upon the earliest to occur of: (i) the revocation of the Franchise by action of the Franchising Authority, pursuant to Section 12.1 and 12.3 above; (ii) the abandonment of the Cable System, in whole or material part, by the Franchisee without the express, prior approval of the Franchising Authority; or (iii) the expiration of the term of this Franchise, unless the Franchisee is otherwise permitted to continue operating the Cable System pursuant to applicable law(s).

#### **Section 12.4-NOTICE TO OTHER PARTY OF LEGAL ACTION**

In the event that either party intends to take legal action against the other party for any reason, such moving party shall first, except where injunctive relief is sought, (i) give the other party at least forty-five (45) day notice that an action will be filed, (ii) meet with the other party before it files any such action, and (iii) negotiate the issue, which is the subject of any proposed legal action, in good faith with the other party.

#### **Section 12.5-NON-EXCLUSIVITY OF REMEDY**

No decision by the Franchising Authority or the City to invoke any remedy under the Franchise or under any statute, law or ordinance shall preclude the availability of any other such remedy.

#### **Section 12.6-NO WAIVER-CUMULATIVE REMEDIES**

(a) Subject to Section 626(d) of the Cable Act, no failure on the part of the Franchising Authority to exercise, and no delay in exercising, any right in this Franchise shall operate as a waiver thereof, nor

shall any single or partial exercise of any such right preclude any other right, all subject to the conditions and limitations contained in this Franchise.

(b) The rights and remedies provided herein are cumulative and not exclusive of any remedies provided by law, and nothing contained in this Franchise shall impair any of the rights of the Franchising Authority under applicable law, subject in each case to the terms and conditions in this Franchise.

(c) A waiver of any right or remedy by the Franchising Authority at any one time shall not affect the exercise of such right or remedy or any other right or remedy by the Franchising Authority at any other time. In order for any waiver of the Franchising Authority to be effective, it shall be in writing. The failure of the Franchising Authority to take any action in the event of any breach by the Franchisee shall not be deemed or construed to constitute a waiver of or otherwise affect the right of the Franchising Authority to take any action permitted by this Franchise at any other time in the event that such breach has not been cured, or with respect to any other breach by the Franchisee.

(d) Acceptance of the terms and conditions of this Franchise will not constitute, or be deemed to constitute, a waiver, either expressly or implied, by the Franchisee of any constitutional or legal right which it may have or may be determined to have, either by subsequent legislation or court decisions.

## **ARTICLE 13**

### **SUBSCRIBER RIGHTS & CONSUMER PROTECTION**

#### **Section 13.1-TELEPHONE ACCESS**

(a) The Franchisee shall comply with the FCC's Customer Service Obligations, at 47 C.F.R. 76.309(c)(1)(A)-(D).

(b) The Franchisee's business-customer service office shall have a publicly listed local or toll-free telephone number.

#### **Section 13.2-CUSTOMER CALL CENTER**

(a) The Franchisee shall maintain and operate its customer service call center twenty-four (24) hours a day, seven (7) days a week, including holidays. The Franchisee reserves the right to modify its business operations with regard to such customer service call center. The Franchisee shall comply with all State and federal requirements pertaining to the hours of operation of such customer service call center.

#### **Section 13.3-FCC CUSTOMER SERVICE OBLIGATIONS**

The Franchisee shall comply with the FCC's Customer Service Obligations, codified at 47 U.S.C. Section 76.309

#### **Section 13.4-BUSINESS PRACTICE STANDARDS**

The Franchisee shall provide the Franchising Authority and all of its Subscribers with the following information:

- (i) Notification of its Billing Practices;
- (ii) Notification of Services, Rates and Charges;
- (iii) Equipment Notification;
- (iv) Form of Bill;
- (v) Advance Billing and Issuance of Bills;
- (vi) Billing Due Dates, Delinquency, Late Charges and Termination of Service;
- (vii) Charges for Disconnection or Downgrading of Service;
- (viii) Billing Disputes; and
- (ix) Service Interruptions; and
- (x) Security Deposits.

**Section 13.5-COMPLAINT RESOLUTION PROCEDURES**

Complaints by any Person as to the operation of the Cable System may be filed in writing with the Franchising Authority, which shall within ten (10) days, forward copies of such complaints to the Franchisee. Franchisee will comply with RSA 53-C:3-d and RSA 53-C:3-e.

**Section 13.6-CONSUMER SALES STANDARDS**

At the time of initial solicitation or installation of service, the Franchisee shall provide written information to the prospective customer that lists (i) all rates and charges for all levels of Service; (ii) all tiers and other programming packages with a listing of channels or Services; and (iii) billing policies and procedures.

**Section 13.7-BILLING PRACTICES INFORMATION AND PROCEDURES**

(a) Billing procedures shall be as follows:

- (i) The Franchisee shall bill all Subscribers to its Cable Television System in a uniform, non-discriminatory manner, regardless of a Subscriber's level of Service(s). The bill shall have an explicit due date.
- (ii) The Franchisee shall provide all Subscribers with itemized bills that contain the information required by federal law and/or regulation.
- (iii) Subscribers shall have thirty (30) days from the due date of a bill in which to register a complaint or dispute concerning said bill.
- (iv) In the event that a bona fide billing dispute arises, the Franchisee shall respond to each Complaint within fifteen (15) days of receiving a written notification of said dispute from the Subscriber and shall make its best efforts to resolve each dispute within forty-five (45) days of receiving a written notification of said dispute from said Subscriber. If said dispute cannot be settled within the forty-five (45) day period and/or the results of the Franchisee's investigation into said dispute are unacceptable to the Subscriber, the Franchisee shall notify, and deliver to, the affected Subscriber its proposed resolution of the dispute
- (v) The affected Subscriber shall be responsible for paying only that portion of the bill that is not in dispute. In no event shall the Franchisee, prior to the resolution of a billing dispute, disconnect, assess a late payment charge or require payment of a late payment charge from the Subscriber for failure to pay bona fide disputed bills, or portions thereof, provided the Subscriber notifies the Franchisee of said dispute within thirty (30) days following the beginning of the billing period for which service was rendered under the disputed bill.

**Section 13.8-DISCONNECTION AND TERMINATION OF CABLE SERVICES**

In no event shall the Franchisee disconnect a Subscriber's Cable Service for nonpayment unless (1) the Subscriber is delinquent, (2) the Franchisee has given said Subscriber written notice of such past due amount in a clear and conspicuous manner and (3) said Subscriber has been given a second notice of delinquency, which may be as part of a monthly bill. Disconnection and/or termination of Cable Services shall be subject to applicable federal and/or State law(s) and regulation(s).

**Section 13.9-CHANGE OF SERVICE**

(a) Upon notification by a Subscriber to disconnect or downgrade Service, the Franchisee shall cease and/or adjust said Subscriber's monthly Service charges immediately or as of the Subscriber's specified disconnect or downgrade date. In no case shall said Subscriber be charged for Service(s) requested to be changed after the Franchisee is notified of said change(s). In the event that

(b) Subscribers request disconnection or downgrade of Service(s), the Franchisee's charges, if any, shall comply with applicable federal law or regulation.

**Section 13.10-EMPLOYEE AND AGENT IDENTIFICATION CARDS**

All of the Franchisee's employees and agents entering upon private property, in connection with the construction, installation, maintenance and operation of the Cable System, including repair and sales personnel, shall be required to carry an employee identification card issued by the Franchisee.

**Section 13.11-PROTECTION OF SUBSCRIBER PRIVACY**

The Franchisee shall comply with applicable federal and State laws including, but not limited to, the provisions of Section 631 of the Cable Act and regulations adopted pursuant thereto.

**Section 13.12-PRIVACY WRITTEN NOTICE**

At the time of entering into an agreement to provide Cable Service to a Subscriber and at least once a year thereafter, the Franchisee shall provide all Subscribers with the written notice required in Section 631(a)(1) of the Cable Act.

**ARTICLE 14****REPORTS, AUDITS AND PERFORMANCE TESTS****Section 14.1-GENERAL**

(a) Upon the written request of the Franchising Authority, the Franchisee shall promptly submit to the City any information regarding the Franchisee, its business and operations, or any Affiliated Person, with respect to the Cable System, any Service, in such form and containing such detail as may be specified by the City pertaining to the subject matter of this Franchise which may be reasonably required to establish the Franchisee's compliance with its obligations pursuant to this Franchise.

(b) If the Franchisee believes that the documentation requested by the Franchising Authority involves proprietary information, then the Franchisee shall submit the information to its counsel, who shall confer with the City Solicitor for a determination of the validity of the Franchisee's claim of a proprietary interest. If the City Solicitor agrees that the material is of a proprietary nature, the information furnished shall not be a public record, but the Franchisee shall make it available, on its premises, to the Franchising Authority, at times convenient for both parties. The Franchisee may require the Franchising Authority and/or its representatives to execute a confidentiality agreement before making any such information available. In the event of a disagreement, the parties may submit the matter to the appropriate appellate entity.

**Section 14.2-SUBSCRIBER COMPLAINT LOG**

(a) The Franchisee shall keep a record or log of all written Complaints received regarding quality of Service, equipment malfunctions, billing procedures, employee relations with Subscribers and similar matters. Such records shall be maintained by the Franchisee for a period of two (2) years.

(b) Such record(s) shall contain the following information for each Complaint received:

- (i) Date, time and nature of the Complaint;
- (ii) Investigation of the Complaint; and
- (iii) Manner and time of resolution of the Complaint.
- (iv) If the Complaint regards equipment malfunction or the quality of reception, the Franchisee shall file a report to the Franchising Authority, upon written request, indicating the corrective steps it has taken, with the nature of the problem stated.
- (v) Upon written request, the Franchisee shall make available to the Franchising Authority records of such Complaints, as allowed by applicable law.

**Section 14.3-INDIVIDUAL COMPLAINT REPORTS**

The Franchisee shall, within ten (10) business days after receiving a written request from the City, send a written report to the Franchising Authority with respect to any Complaint. Such report shall provide a full explanation of the investigation, finding(s) and corrective steps taken, as allowed by applicable law.

**Section 14.4-ANNUAL PERFORMANCE TESTS**

Upon request, the Franchisee shall provide copies of its Rochester Cable System performance tests to the Franchising Authority in accordance with applicable FCC regulations, as set out in 47 C.F.R. Section 76.601 et seq.



**Section 14.5-QUALITY OF SERVICE**

Where there exists evidence which, in the reasonable judgment of the Franchising Authority, casts doubt upon the reliability or technical quality of Cable Service(s), the Franchising Authority shall cite specific facts which casts such doubt(s), in a notice to the Franchisee. The Franchisee shall submit a written report to the Franchising Authority, within thirty (30) days of receipt of any such notice from the Franchising Authority, setting forth in detail its explanation of the problem(s).

**Section 14.6-DUAL FILINGS**

(a) Upon written request, and pursuant to Section 14.1(b), the Franchisee shall make available to the City, copies of any petitions or communications with any State or federal agency or commission pertaining to any material aspect of the Cable System operation hereunder.

(b) In the event that either the Franchising Authority or the Franchisee requests from any State or federal agency or commission a waiver or advisory opinion pertaining to any material aspect of the Cable System operation hereunder, it shall immediately notify the other party in writing of said request, petition or waiver.

**Section 14.7-ADDITIONAL INFORMATION**

At any time during the term of this Franchise, upon the reasonable written request of the Franchising Authority, the Franchisee shall not unreasonably deny any requests for further information which may be reasonably required to establish the Franchisee's compliance with its obligations pursuant to the Franchise, subject to Section 14.1 supra.

**Section 14.8-INVESTIGATION**

The Franchisee and any Affiliated Person(s) shall cooperate fully and faithfully with any lawful investigation, audit, or inquiry conducted by a City governmental agency as it related to Franchisee's compliance with the terms and conditions of this Franchise Agreement.

**Section 14.9-ANNUAL CITY REVIEW**

At the City's request, the Franchisee shall attend annual meetings with authorized City official(s) to review compliance with the terms of this Franchise and matters of interest to either party. No later than five (5) days prior to such meeting either party may submit a list of items to be reviewed.

**ARTICLE 15****EMPLOYMENT****Section 15.1-EQUAL EMPLOYMENT OPPORTUNITY**

The Franchisee shall comply with all applicable State and federal laws regarding Equal Employment Opportunity.

**Section 15.2-NON-DISCRIMINATION**

The Franchisee shall adhere to all federal, State and local laws prohibiting discrimination in employment practices.

**ARTICLE 16****MISCELLANEOUS PROVISIONS****Section 16.1-ENTIRE AGREEMENT**

This instrument contains the entire agreement between the parties, supersedes all prior agreements or proposals except as specifically incorporated herein, and cannot be changed orally but only by an instrument in writing executed by the parties.

**Section 16.2-CAPTIONS**

The captions to sections throughout this Franchise are intended solely to facilitate reading and reference to the sections and provisions of the Franchise. Such captions shall not affect the meaning or interpretation of the Franchise.

**Section 16.3-SEPARABILITY**

If any section, sentence, paragraph, term or provision of this Franchise is determined to be illegal, invalid or unconstitutional, by any court of competent jurisdiction or by any State or federal regulatory agency having jurisdiction thereof, such determination shall have no effect on the validity of any other section, sentence, paragraph, term or provision hereof, all of which shall remain in full force and effect for the term of this Franchise.

**Section 16.4-ACTS OR OMISSIONS OF AFFILIATES**

During the term of this Franchise, the Franchisee shall be liable for the acts or omission of its Affiliates while such Affiliates are involved directly in the construction, upgrade, maintenance or operation of the Cable System for the provision of Service as if the acts or omissions of such Affiliates were the acts or omissions of the Franchisee.

**Section 16.5-FRANCHISE EXHIBITS**

The Exhibits to this Franchise, attached hereto, and all portions thereof, are incorporated herein by this reference and expressly made a part of this Franchise.

**Section 16.6-WARRANTIES**

The Franchisee warrants, represents and acknowledges, that, as of the Effective Date of this Franchise:

- (a) The Franchisee is duly organized, validly existing and in good standing under the laws of the State of New Hampshire;
- (b) The Franchisee has the requisite power and authority under applicable law and its by-laws and articles of incorporation and/or other organizational documents, is authorized by resolutions of its Board of Directors or other governing body, and has secured all consents which are required to be obtained as of the Effective Date of this Franchise, to enter into and legally bind the Franchisee to this Franchise and to take all actions necessary to perform all of its obligations pursuant to this Franchise; and
- (c) To the best of the Franchisee's knowledge, there is no action or proceedings pending or threatened against the Franchisee which would interfere with performance of this Franchise.

**Section 16.7-FORCE MAJEURE**

If by reason of force majeure either party is unable in whole or in part to carry out its obligations hereunder, said party shall not be deemed in violation or default during the continuance of such inability. The term "force majeure" as used herein shall mean the following: acts of God; acts of public enemies; orders of any kind of the government of the United States of America or of the State of New Hampshire or any of their departments, agencies, political subdivision, or officials, or any civil or military authority; insurrections; riots; epidemics; landslides; lightening; earthquakes; fires; hurricanes; volcanic activity; storms; floods; washouts; droughts; civil disturbances; explosions; strikes; hazardous safety conditions; and unavailability of essential equipment and/or materials beyond the control of the Franchisee, the Franchising Authority and/or the City.

**Section 16.8-APPLICABILITY OF FRANCHISE**

All of the provisions in this Franchise shall apply to, and are enforceable against, the City, the Franchisee, and their respective successors and assignees.

**Section 16.9-NOTICES**

(a) Every notice to be served upon the Franchising Authority shall be delivered or sent shall be delivered or sent by certified mail (postage prepaid) or via nationally recognized overnight courier service to:

- (i) City of Rochester  
Attn: City Manager  
31 Wakefield Street,  
Rochester, NH 03867

or such other address(es) as the Franchising Authority may specify in writing to the Franchisee. The delivery shall be equivalent to direct personal notice, direction or order, and shall be deemed to have been given at the time of receipt of such notice(s).

(b) Every notice served upon the Franchisee shall be delivered or sent by certified mail (postage prepaid) or via nationally recognized overnight courier service to:

- (i) Atlantic Broadband  
Attn: Legal Department  
2 Batterymarch Park Suite 205  
Quincy, MA 02169

with copies to:

- (ii) Atlantic Broadband  
Attn: General Manager  
9 Apple Road  
Belmont, NH 03220

or such other address(es) as the Franchisee may specify in writing to the Franchising Authority. The delivery shall be equivalent to direct personal notice, direction or order, and shall be deemed to have been given at the time of receipt of such notice(s).

(c) All required notices shall be in writing.

#### **Section 16.10-CITY'S RIGHT OF INTERVENTION**

The City hereby reserves to itself, and the Franchisee acknowledges the City's right as authorized by applicable law or regulation to intervene in any suit, action or proceeding involving this Franchise, or any provision in this Franchise.

#### **Section 16.11-NO RECOURSE AGAINST THE FRANCHISING AUTHORITY**

Pursuant to Section 635A(a) of the Cable Act, in any court proceeding involving any claim against the Franchising Authority or other governmental entity or any official, member, employee, or agent of the Franchising Authority or such governmental entity, arising from the regulation of cable service or from a decision of approval or disapproval with respect to a grant, transfer, or amendment of this Franchise, any relief, to the extent such relief is required by any other provision of federal, State or local law, shall be limited to injunctive relief and declaratory relief.

#### **Section 16.12-TERM**

All obligations of the Franchisee and the Franchising Authority set forth in the Franchise shall commence upon the execution of this Franchise and shall continue for the term of the Franchise except as expressly provided for herein.

#### **Section 16.13-NO THIRD PARTY BENEFICIARIES**

Nothing in this Franchise is intended to confer third-party beneficiary status on any member of the public to enforce the terms of this Franchise.

## **EXHIBITS**

**EXHIBIT 1****FREE CONNECTIONS AND SERVICE TO PUBLIC BUILDINGS AND SCHOOLS**

The following schools and public buildings shall receive Drops and the monthly Basic Cable Service at no charge \*.

<b>ROCHESTER - FREE CABLE TV ACCOUNTS</b>		
<b>LOCATION</b>	<b>ADDRESS</b>	<b>VIDEO SERVICES</b>
Haven Violence Prevention & Support Services	19 Summer St, Apt A	Basic - A/O
Rochester Fire Dept	37 Wakefield St, #14	Basic/Exp Basic, 15 A/O, 16 DTAs
Rochester Professional Firefighters Local 1451RF	37 Wakefield St	Basic/Expanded Basic (free)
Rochester Professional Firefighters Local 1451RF	74 Main St, #1, Gonic	Basic/Exp Basic, 1 A/O
Rochester Police Dept (ICAC) (Main office)	23 Wakefield St	Basic/Exp Basic, 6 A/O, 6 DTA
McClelland Elementary School	59 Brock St	Basic/Exp Basic, 4 A/O
Chamberlain Elementary School	65 Chamberlain St	Basic
Maple St. Magnet School	27 Maple St	Basic, one DTA
School St Elementary School	13 School St	Basic, 2 A/O, 2 DTA
William Allen Elementary School	23 Granite St	Basic, 6 A/O
Rochester Middle School	47 Brock St	Basic, 2 A/O
Spaulding High School	130 Wakefield St	Basic/Expanded Basic, 20 A/O, 20 DTA
Spaulding High School	130 Wakefield St	Basic/Expanded Basic, 20 A/O, 20 DTA
Rochester Recreation Dept (Historical Museum)	58 Hanson St	Basic, 2 A/O
Rochester Housing Authority	59 Columbus Ave	Basic, 2 A/O
St. Charles Children's Home (non-profit)	19 Grant St	Basic/Exp Basic, 7 A/O, 7 DTA
Rochester Public Works	45 Old Dover Rd	Basic, 3 A/O, 3 DTA
St. Elizabeth Seton School (Private K-8)	16 Bridge St	Basic, 1 A/O, 1 DTA

Wellsweep Community Center	77 Olde Farm Ln	Basic, DTA
Rochester Ice Arena	63 Lowell St	Basic/Exp Basic, 2 A/O, 2 DTA
Roberge Community Center	41 North Main St	Basic, 2 A/O, 2 DTA
Rochester Water Treatment Plant	64 Strafford Rd	Basic/Exp Basic, 2 A/O, 2 DTA
New Hampshire DOT, #603	25 Cemetery Rd	Basic, 2 A/O, 2 DTA
Rochester School Dept	150 Wakefield St, Suite 1	Basic/Exp Basic, 11 A/O, 11 DTA
Rochester Town Hall	31 Wakefield St	Basic/Exp Basic, Digi Basic, 2 Digi converters, 2 A/O
Rochester Economic Development Office	150 Wakefield St, #203	Basic/Exp Basic, DTA
East Rochester Annex Elementary School	5 Cocheco Ave	Basic, 1 A/O, 1 DTA
East Rochester Elementary School	773 Portland St	Basic/Exp Basic, 1 A/O, 1 DTA
Gonic Elementary School	10 Railroad Ave	Basic /Exp Basic, 1 A/O, 1 DTA
Rochester Sewage Dept	63 Pickering Rd	Basic/Exp Basic, 2 A/O, 2 DTA

**SIGNATURE PAGE**

In Witness Whereof, the Franchise is hereby issued as of \_\_\_\_\_, 2018 by the City Council of the City of Rochester, New Hampshire, as Franchising Authority, and all terms and conditions are hereby agreed to by Atlantic Broadband (NH-ME), LLC

THE CITY OF ROCHESTER, NH

\_\_\_\_\_  
Blaine Cox, City Manager

Atlantic Broadband (NH-ME), LLC

By:

\_\_\_\_\_  
Leslie J. Brown, Senior Vice President/General Counsel



September 11, 2018

City of Rochester  
 ATTN: Terence O'Rourke  
 31 Wakefield Street  
 Rochester, NH 03867

Dear Mr. O'Rourke:

During the term of the Cable Franchise Agreement (the "Agreement") between City of Rochester ("City") and Atlantic Broadband (NH-ME), LLC ("Atlantic Broadband") dated \_\_\_\_\_, 2018, Atlantic Broadband shall continue to provide one (1) complimentary level cable modem internet access service with the speeds and services indicated in the side letter to the Permitted Free Locations (as listed on the attached sheet). No charge shall be made for the service except that Atlantic Broadband may charge for installation if the location is requested to be moved to another Permitted Free Location and/or that location is beyond One Hundred and Twenty-Five (125) feet aerial distance from the cable plant. Atlantic Broadband may charge for service related issues caused by networking of this service beyond the approved networking standards. Should the City desire to upgrade to a higher Atlantic Broadband's Business Internet Service at such Permitted Free Locations as its designated complimentary internet access service, then Atlantic Broadband will credit the City with the current level cable modem internet access equivalent portion of the City's recurring monthly charge.

For the courtesy internet service as described herein, the City understands that any required upgrade or requests for any additional locations other than those listed in the attachment of internet service will be at the sole cost of the City, at Atlantic Broadband's rates indicated in the side letter (as listed on the attached sheet). Such upgrades may include, but not be limited to, new static IP addresses and increased internet speeds that require other services offered by Atlantic Broadband, including Atlantic Broadband's Business Internet Services. Use of the courtesy internet service shall be in accordance with Atlantic Broadband's standard terms and conditions, including its acceptable use policy, which can be found at [www.atlanticbb.com](http://www.atlanticbb.com). This letter shall become effective upon the Effective Date of the Agreement and shall run concurrently with the Agreement.

If you have any questions, please do not hesitate to contact me.

Sincerely,

\_\_\_\_\_  
 Edward Merrill, General Manager  
 Atlantic Broadband (NH-ME), LLC

Agreed to on Behalf of: City of Rochester

Signature: \_\_\_\_\_

Print: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_





CITY OF ROCHESTER -		SERVICES
LOCATION	ADDRESS	
Rochester Central Fire Dept.	37 Wakefield St, #14	50/5 wireless modem
East Rochester Fire Dept **	19 Main St **	50/5 wireless modem
Rochester Police Dept. (ICAC) (Main office)	23 Wakefield St	50/5 wireless modem
Spaulding High School	130 Wakefield St	50/5 wireless modem
Rochester Public Library	65 South Main St	50/5 wireless modem
Rochester Water Treatment Plant	64 Strafford Rd	50/5 wireless modem / Static IP
Rochester Pump Station **	8 Bridge St **	25/5 wireless modem / Static IP
Rochester School Dept.	150 Wakefield St, Suite 1	50/5 wireless modem
Rochester Pump Station	742 Columbus Ave	25/5 wireless modem / Static IP
Rochester Pump Station	20 Thomas St	25/5 wireless modem / Static IP
Rochester Pump Station	25 Farmington Rd	25/5 wireless modem / Static IP
Rochester Pump Station	62 River St	25/5 wireless modem / Static IP
Rochester Pump Station	91 Airport Dr	25/5 wireless modem / Static IP
Rochester Pump Station	36 Chestnut Hill Rd	25/5 wireless modem / Static IP
Rochester Pump Station **	80 Millers Farm Road **	25/5 wireless modem / Static IP
Rochester Pump Station	19 Ryan Circle	25/5 wireless modem / Static IP
Rochester Pump Station	40 Lowell St	25/5 wireless modem / Static IP
Rochester Pump Station	15 A Capital Circle	25/5 wireless modem / Static IP
Rochester Pump Station	5 First St	25/5 wireless modem / Static IP
Rochester Pump Station	2 A Ray Drive	25/5 wireless modem / Static IP
Rochester Pump Station	6 A Weeping Willow Dr.	25/5 wireless modem / Static IP
Rochester Pump Station	15 Sawyer Ave	25/5 wireless modem / Static IP
Rochester Pump Station	23 Kirsten Ave	25/5 wireless modem / Static IP
Rochester Pump Station	182 South Main St	25/5 wireless modem / Static IP
Rochester Pump Station	23 Sterling Drive	25/5 wireless modem / Static IP
Rochester Pump Station	121 Washington St	25/5 wireless modem / Static IP
Cocheco Treatment Plant	153 Farmington Rd	50/5 wireless modem / Static IP
Rochester Pump Station	155 Rochester Hill Rd	25/5 wireless modem / Static IP
Rochester Pump Station	201 South Main St	25/5 wireless modem / Static IP
Rochester Pump Station	2 Industrial Way	25/5 wireless modem / Static IP
Rochester Pump Station	91 innovation Dr.	25/5 wireless modem / Static IP
Rochester Pump Station	117 Marketplace Blvd	25/5 wireless modem / Static IP
Rochester Pump Station	235 Salmon Falls Rd	25/5 wireless modem / Static IP
Rochester Pump Station	724 Salmon Falls Rd	25/5 wireless modem / Static IP
Rochester Pump Station	48 Autumn St	25/5 wireless modem / Static IP
Rochester Pump Station	13 Front St	25/5 wireless modem / Static IP
Rochester Pump Station	89 Main St, #A	25/5 wireless modem / Static IP
Rochester Pump Station	23 Walbridge Ct	25/5 wireless modem / Static IP



Rochester Pump Station	247 Gonic Rd	25/5 wireless modem / Static IP
Rochester Pump Station	175 Pickering Rd	25/5 wireless modem / Static IP
Rochester Pump Station	54 Ledgeview Dr., #A	25/5 wireless modem / Static IP
Rochester Pump Station	2 Matildas Way	25/5 wireless modem / Static IP
Rochester Pump Station	181 Chesley Hill Rd	25/5 wireless modem / Static IP
Rochester Pump Station	217 Washington St	25/5 wireless modem / Static IP
Rochester Pump Station **	18 Community Way **	25/5 wireless modem / Static IP
Rochester Historical Society	58 Hanson St	50/5 wireless modem
Gonic Fire Station	74 Main St	50/5 wireless modem
Rochester Sewage Dept.	63 Pickering Rd	50/5 wireless modem
202A BPS	0 Eisenhower Drive	25/5 wireless modem / Static IP
Rochester Recreation & Arena	63A Lowell Street	50/5 wireless modem
Rochester Economic Development Office	150 Wakefield Street #203	50/5 wireless modem
Rochester Pump Station **	Gina Drive **	25/5 wireless modem / Static IP
Rochester Pump Station **	Highfield Commons #1**	25/5 wireless modem / Static IP
Rochester Pump Station **	Highfield Commons #2**	25/5 wireless modem / Static IP
Rochester Pump Station **	Highfield Commons #3**	25/5 wireless modem / Static IP
Rochester Pump Station **	Homemakers **	25/5 wireless modem / Static IP
DPW **	Quonset Hut **	25/5 wireless modem / Static IP
Dewey Street Security Camera **	Dewey Street Bridge **	25/5 wireless modem / Static IP
Commons Webcam **	Commons Gazebo **	25/5 wireless modem / Static IP
Rochester Pump Station **	Homemakers **	25/5 wireless modem / Static IP
Traffic Signal Junction Box**	Columbus and S Main	25/5 wireless modem / Static IP
Traffic Signal Junction Box**	Union and N. Main	25/5 wireless modem / Static IP
Rochester Police Dept. (Chief's office)	23 Wakefield St	50/5 wireless modem

#### \*\* Future Locations

- 1.) City to provide written request notice and courtesy cable modem service to be provided subject to construction costs with responsibility of those costs by the City.

#### Additional Connections

- 1.) Any additional locations or connections not listed above, that are requested to be added through the term of the agreement will be subject to construction cost as listed above with monthly reoccurring costs listed here:

25/5 connections	\$39.95 + modem costs per month
50/5 connections	\$59.95 + modem costs per month
Static IP Address	\$15.00 per IP per month

**Resolution Accepting**  
**NH Department of Environmental Services (NHDES) Grant,**  
**in Connection with 2019 Household Hazardous Waste Day**  
**and Authoring City Manager to Enter Into a**  
**Contract with NHDES not to exceed \$14,000**

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

That a NHDES Grant, in the amount not to exceed Fourteen Thousand Dollars (\$14,000.00) to the City of Rochester, for the purpose of hosting hazard mitigation, is hereby accepted by the City of Rochester and, when received, such grant funds shall be assigned to account number 13010057-533007 previously approved by the Council in the 2019 operating budget of the City of Rochester.

Additionally, the City Manager of the City of Rochester, be, and hereby is authorized to enter into a contract with the NHDES with respect to such grant and the conduct of the aforementioned 2019 Household Hazardous Waste Day.

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

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City Clerk's Office

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09/27/2018

**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

Household Hazardous Waste Grant-Contract Authorization

COUNCIL ACTION ITEM ☒  
INFORMATION ONLY ☐FUNDING REQUIRED? YES ☐ NO ☒  
\* IF YES ATTACH A FUNDING RESOLUTION FORMRESOLUTION REQUIRED? YES ☒ NO ☐FUNDING RESOLUTION FORM? YES ☐ NO ☒

AGENDA DATE	October 2, 2018	
DEPT. HEAD SIGNATURE	Peter C. Nourse, P.E., Director of City Services	
DATE SUBMITTED	August 22, 2018	
ATTACHMENTS YES <input type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	

**COMMITTEE SIGN-OFF**

COMMITTEE	
CHAIR PERSON	

**DEPARTMENT APPROVALS**

DEPUTY CITY MANAGER	
CITY MANAGER	

**FINANCE & BUDGET INFORMATION**

FINANCE OFFICE APPROVAL	
SOURCE OF FUNDS	O & M-Highway Gen Fund
ACCOUNT NUMBER	13010057-533007
AMOUNT	
APPROPRIATION REQUIRED YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	

**LEGAL AUTHORITY**

City Council Resolution

**SUMMARY STATEMENT**

The Department of Public Works has an annual grant for the Household Hazardous Waste Day Event. The annual cost for FY2019 is estimated at \$28,000.00 The grant will pay half of the eligible cost up to \$14,000.00 The other half of all expenses is split per capita between the 10 participating Communities. The participating communities include Barrington, New Durham, Strafford, Farmington, Wakefield, Somersworth, Milton, Middleton, Northwood and Rochester.

**RECOMMENDED ACTION**

Request for a resolution authorizing the City Manager to apply for, enter into an agreement and to accept grant funds from NHDES.

**Resolution Authorizing the Acceptance of a \$5,500 Grant by the Rochester Police Department (RPD), Supplemental Appropriation in Connection Therewith, and Authority to Enter into a Contract with New Hampshire Juvenile Court Diversion Network**

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

That a Five Thousand Five Hundred Dollars (\$5,500.00) State Governor's Commission on Alcohol Fund Grant is hereby accepted by the City on behalf of the RPD. Further, the City Council authorizes a supplemental appropriation to the RPD operating budget in the amount of Five Thousand Five Hundred Dollars (\$5,500.00) with the entirety of the supplemental appropriation being derived from said Grant.

Still further, the City Council authorizes the RPD to enter into a two (2) year contract with the New Hampshire Juvenile Court Diversion Network as part of accepting said Grant to provide resources to the RPD's Juvenile Diversion Program.

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

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City Clerk's Office

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09/27/2018

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

Seeking permission from Council to enter into a subcontract with the NH Juvenile Court Diversion Network and to accept the funding.

COUNCIL ACTION ITEM ☒  
INFORMATION ONLY ☐FUNDING REQUIRED? YES ☒ NO ☐  
\* IF YES ATTACH A FUNDING RESOLUTION FORMRESOLUTION REQUIRED? YES ☒ NO ☐FUNDING RESOLUTION FORM? YES ☒ NO ☐

AGENDA DATE	October, 2018 meeting		
DEPT. HEAD SIGNATURE			
DATE SUBMITTED	9/18/17		
ATTACHMENTS	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	6

**COMMITTEE SIGN-OFF**

COMMITTEE	
CHAIR PERSON	

**DEPARTMENT APPROVALS**

DEPUTY CITY MANAGER	
CITY MANAGER	

**FINANCE & BUDGET INFORMATION**

FINANCE OFFICE APPROVAL	
SOURCE OF FUNDS	State Governor's Commission Alcohol Fund Grant
ACCOUNT NUMBER	Fund 6128 Project 195XX
AMOUNT	\$5,500.00
APPROPRIATION REQUIRED	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

**LEGAL AUTHORITY**

Council action required.

### **SUMMARY STATEMENT**

Seeking permission from Council to enter into a two-year subcontract with the NH Juvenile Court Diversion Network and to accept funding up to \$5,500.00

The passing of Senate Bill 533 allocated funds to assist Accredited Juvenile Court Diversion Programs in broadening outreach efforts. The City of Rochester's Juvenile Court Diversion program is one of 16 programs in the State actively serving youth. The State is looking to provide programs with the needed resources to help conduct outreach activities to area law enforcement. We will share results of recidivism and study effectiveness to help develop much-needed programming in Strafford County.

We will use this funding for prevention programming during the Summer Teen Travel Camp; an extension of the Rochester Teen Night program. Summer Teen Travel camp is currently funded via a Safe Schools Healthy Students grant. Those funds are due to expire.

Access to these funds being sought through this subcontracted partnership are significant for covering the cost of youth activities and expenses incurred in providing a unique opportunity not afforded anywhere in our community for the 14-16 year old population, which puts them at risk during the summer months for delinquency and substance use.

Our Diversion program will utilize an evidence-based practice known as SBIRT to enhance already existing practices to identify and address alcohol and other drug misuse early on. These funds will be used to help strengthen existing Teen Programming and allow for our Juvenile Diversion program to participate in data collection that is already being done at the State level, such data to be used in national conversations on the use of SBIRT in juvenile justice. NH is one of the first States to participate in this level of screening and intervention.

### **RECOMMENDED ACTION**

Allow the Police Department to accept the funds awarded to us through the NH Juvenile Court Diversion Network.

## AGENDA BILL - FUNDING RESOLUTION

## EXHIBIT

Project Name: Date: Fiscal Year: 

Fund (select):

GF  Water  Sewer  Arena

CIP  Water CIP  Sewer CIP  Arena CIP

Special Revenue

Fund Type: Lapsing  Non-Lapsing 

## Deauthorization

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

## Appropriation

	Org #	Object #	Project #	Fed Amount \$	State Amount \$	Local Amount \$
1	61282010	589007	195XX	-	\$5,500.00	-
2				-	-	-
3				-	-	-
4				-	-	-

## Revenue

	Org #	Object #	Project #	Fed Amount \$	State Amount \$	Local Amount \$
1	6128002	402148	195XX	-	\$5,500.00	-
2				-	-	-
3				-	-	-
4				-	-	-

DUNS # CFDA # Grant # Grant Period: From   
To 

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

Reimbursement Request will be reduced Funds will be returned

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City Clerk's Office

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09/27/2018

**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

Renaming "Main Street" in East Rochester and Gonic

COUNCIL ACTION ITEM ☐  
INFORMATION ONLY ☒FUNDING REQUIRED? YES ☐ NO ☒  
\* IF YES ATTACH A FUNDING RESOLUTION FORMRESOLUTION REQUIRED? YES ☐ NO ☒FUNDING RESOLUTION FORM? YES ☐ NO ☒

AGENDA DATE	October 02, 2018		
DEPT. HEAD SIGNATURE			
DATE SUBMITTED	September 24, 2018		
ATTACHMENTS	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	10

**COMMITTEE SIGN-OFF**

COMMITTEE	E-911 Committee
CHAIR PERSON	Tim Wilder

**DEPARTMENT APPROVALS**

DEPUTY CITY MANAGER	
CITY MANAGER	

**FINANCE & BUDGET INFORMATION**

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

**LEGAL AUTHORITY**City of Rochester, NH General Ordinance Chapter 15, Sections 15.9-a & 15.9-b &  
New Hampshire RSA's 231:133 & 231:133-a

### **SUMMARY STATEMENT**

The E911 Committee is requesting that City Council consider making name changes to each Main Street in Rochester: one in East Rochester; one in Gonic.

RSA 231:33, which you can find attached states the following: "No name for a highway or street shall be selected which is already in use, or which is confusingly similar to any such existing name, or which otherwise might delay the locating of any address in an emergency."

After much thought and review by the committee, we are proposing the following suggestions:

First, we propose that Main St in Gonic be renamed by continuing Pickering Road to the Gonic Rd/Route 125 intersection. In order to do this, Main Street and Pickering Road would be renumbered to the State of New Hampshire Addressing Standards. This not only resolves the Main Street issue, but will resolve 8 numbering inconsistencies on Pickering Road.

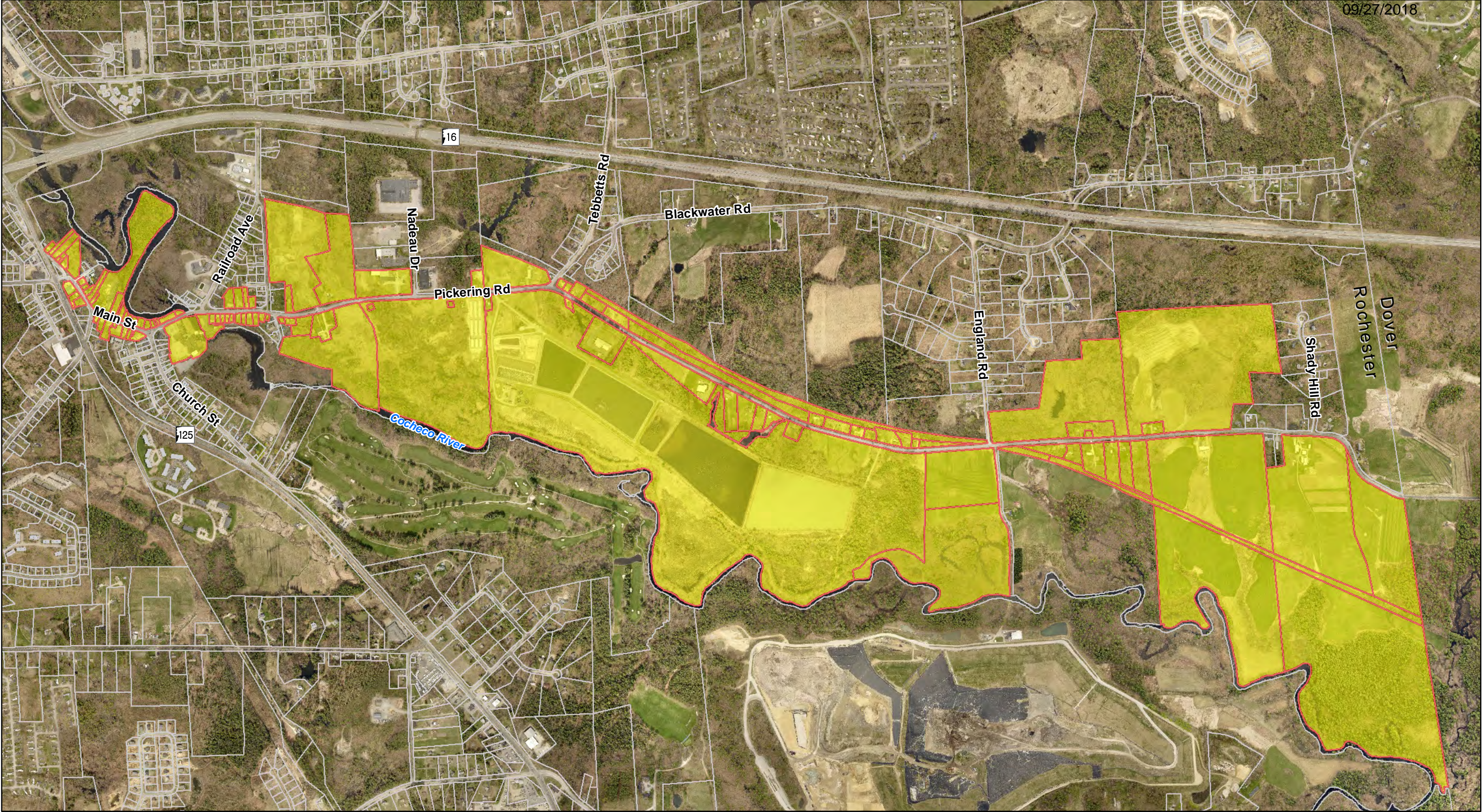
Secondly, we propose that Main Street in East Rochester be renamed by continuing Portland Street to the intersection with Highland Street. Currently, Main Street continues on the other side of the Highland St intersection but then that road name abruptly ends at the curve in the road and the road name changes to Autumn St. For that short segment Main St the committee is proposing to be renamed Autumn St, and simultaneously renumber Autumn St. This resolves the fact that Autumn Street's numbering does not radiate out from the center of Rochester as well as 3 numbering inconsistencies.

The renaming of these streets will eliminate confusion in the event of an emergency. The State's Addressing Standards are attached for your reference, as well as some maps that illustrate the changes mentioned above.



### **RECOMMENDED ACTION**

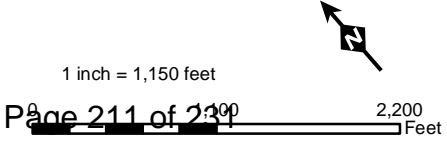
No action required at this time, this is for informational purposes only.





Legend

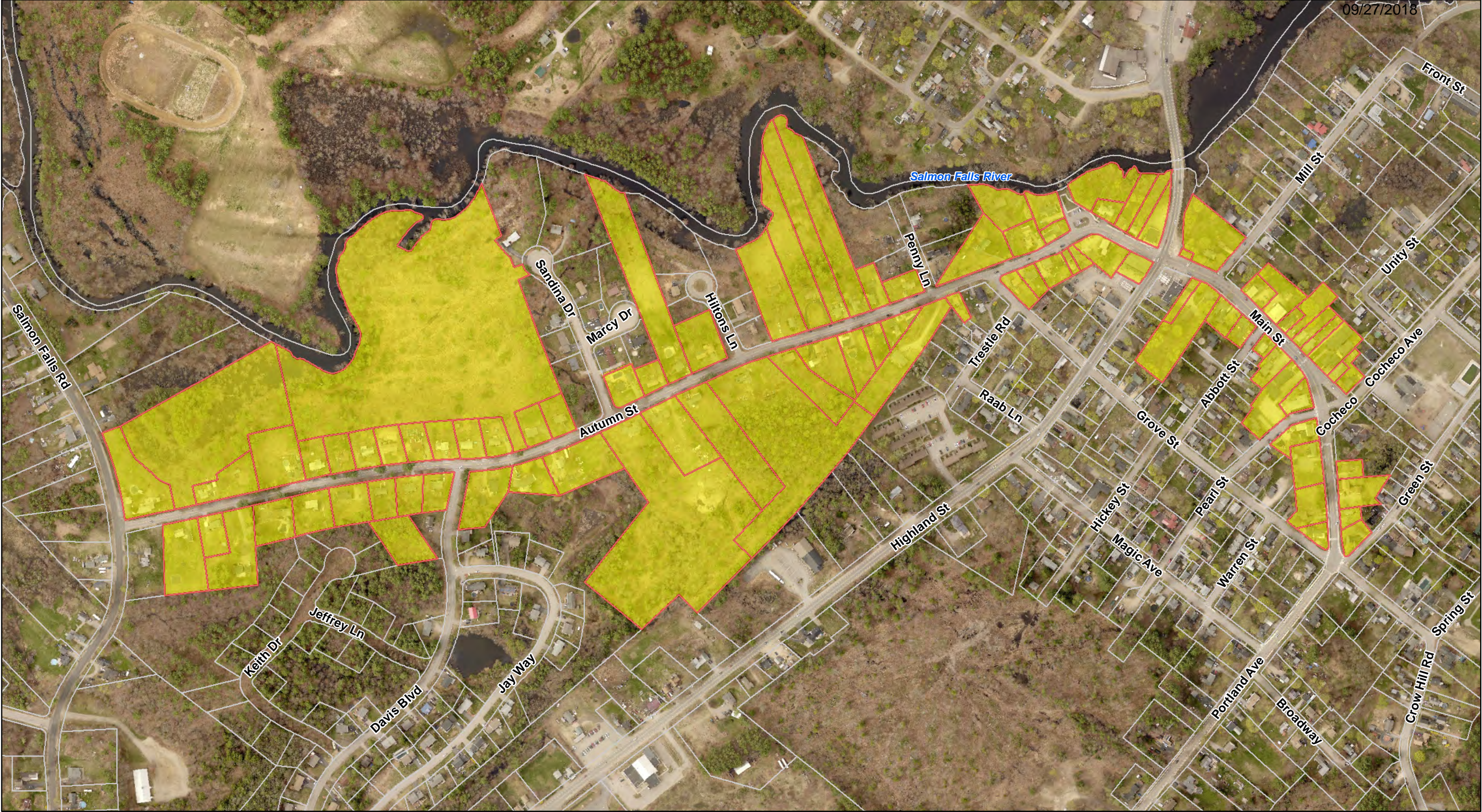
-  Parcels Affected by Road Name Change (114)
-  Parcel Boundary



This map is intended for planning purposes only.  
All features shown should be considered approximate.  
Date: 9/24/2018  
Author: DC - Rochester, NH  
Source: NHGRANIT, City of Rochester

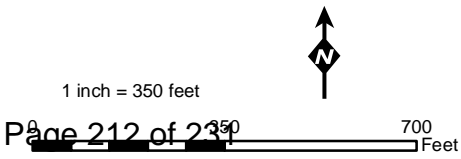
Main Street and Pickering Road  
Gonic  
Rochester, NH





Legend

- Parcels Affected by Road Name Change (93)
- Parcel Boundary



This map is intended for planning purposes only.  
All features shown should be considered approximate.  
Date: 9/24/2018  
Author: DC - Rochester, NH  
Source: NHGRANIT, City of Rochester

Main and Autumn Streets  
East Rochester  
  
Rochester, NH



# TITLE XX

## TRANSPORTATION

### CHAPTER 231

#### CITIES, TOWNS AND VILLAGE DISTRICT HIGHWAYS

#### Street Names and Markers

#### Section 231:133

##### **231:133 Names; Changes; Signs. –**

I. In all towns, cities, and those village districts which maintain public highways, every highway and street under the control of the town, city, or village district shall have a name which shall be given it by the governing body. Said name shall be legibly marked on a suitable signboard or other marker and placed in at least 2 conspicuous places on said street. The governing body may change the name of any such street or highway at any time when in its judgment there is occasion for so doing. The governing body may change the name of a private street or highway when the name change is necessary to conform to the requirements of the enhanced 911 telecommunications system. In towns and village districts the governing body may at its discretion provide for public hearing and submit such names for approval at any meeting of the legislative body, and voters may submit a petitioned warrant article for such a name change under the procedure of RSA 39:3.

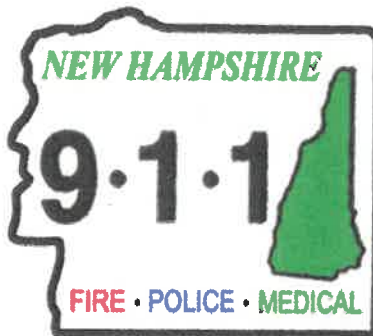
II. The naming of any new street or highway shall form a part of the return of the layout of the street or highway, or of the acceptance of any dedicated way. The municipality shall not be bound by any name previously assigned to the street or highway by any private owner, developer, or dedicator. No name for a highway or street shall be selected which is already in use, or which is confusingly similar to any such existing name, or which otherwise might delay the locating of any address in an emergency.

III. Whenever a name is assigned to any new street or highway, or a change is made in the name of any street or highway, the governing body shall make a return of the same to the town, city, or village district clerk, who shall make a record of the new name or name change, and shall forward a copy of such record to the commissioner of transportation.

**Source.** 1911, 79:1. PL 93:5. RL 109:5. 1945, 188:1, part 21:1. RSA 251:1. 1981, 87:1. 1991, 53:1. 2005, 113:1, eff. Aug. 14, 2005.



## **Addressing Standards Guide**



**Prepared by  
State of New Hampshire  
Department of Safety  
Division of Emergency Services and Communications**

**June 2013**

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## **Purpose**

**A central goal of the New Hampshire Division of Emergency Services and Communications (DESC) Data Operations Unit is to eliminate possible confusion for all emergency personnel when responding to an emergency call.**

The intention of this document is to clearly catalogue for all parties involved in the addressing process or the standards used by the DESC when formulating addressing recommendations. Time is a critical factor in the delivery of emergency services, and can mean the difference between life and death. A confusing, misleading or ambiguous addressing system could slow response times, possibly with disastrous consequences. To help ensure that New Hampshire emergency calls receive the fastest emergency response possible, the DESC has developed the following addressing standards because a clear, rational, and unambiguous addressing system will help minimize both response time and errors.

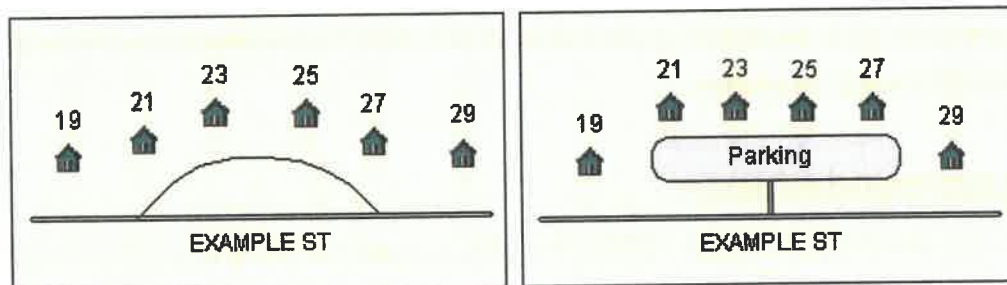
All of the standards found in this document have been adopted from the addressing standards of the National Emergency Number Association (NENA). Many of these standards have been expanded upon to meet the needs of New Hampshire, with its mixture of urban and rural settings, and its sometimes irregular road network. These standards will not address every situation encountered in a given municipality; instead they are intended to serve as a guide through which DESC personnel will evaluate both typical and atypical situations.

## **Recommendations**

The recommendations that the DESC provides to a municipality are designed to help improve the local addressing system. In the State of New Hampshire each city or town is responsible for the naming of the roads and the addressing of the buildings within its jurisdiction (RSA 231:133 and RSA 231:133-a). As the naming and addressing authority, the municipality can adopt any naming or addressing system it chooses that does not conflict with the pertinent RSA's. Because the naming of streets and the addressing of buildings are a municipality's responsibility, the DESC can only make addressing recommendations to the municipality. The municipality can then choose to adopt those recommendations or institute some other system of their own devising.

## Streets

- It is the recommendation of the DESC to have a municipality-wide standard for which side of the road odd and even addresses are assigned. The strong preference of the DESC is to have odds on the left side and evens on the right side, however the opposite is also acceptable. Regardless of which method is chosen, the odd/even standard should be consistent throughout the entire community
- If a section of road is impassable, creating two separate segments each of which is mutually independent, each of these disconnected sections should receive its own unique road name.
- Any road, either publicly or privately maintained, or in a development such as an apartment complex, which may be traversed by an emergency service vehicle, and provide access to three or more addressable structures should be named and assigned address ranges.
  - Exception: Short drives and shared parking areas providing access to three or more structures that are all clearly visible from the main road, and which present no questions regarding the sequence of the structures may be addressed from the main road.



## Street Naming

Each street within a municipality should be given its own unique road name to prevent confusion on the part of emergency responders. In the case of a new road, the municipality is prohibited from choosing a name "which is already in use, or which is confusingly similar to any such existing name or which otherwise might delay the location of any address in an emergency" per RSA 231:133.

In the case of existing road names which are identical or confusingly similar, the DESC recommends that the municipality rename one or more of these roads to eliminate the

potential confusion in responding to an emergency at these locations. However, the municipality is not bound by the RSA to make any changes to road names that were assigned before August 14<sup>th</sup>, 2005.

When naming or renaming roads, the municipality should take the following recommendations into consideration:

- Avoid duplicate street names. A duplicate street name is one in which the main part of the name is shared by more than one street, even if the designators, or directional information is different. Road names can be considered duplicate even if they are spelled differently when they are phonetically identical. SMITH ST, SMYTH ST, SMITH RD, NORTH SMITH ST, SMITH ST SOUTH, SMITH ST EXT are all duplicate road names.
- Avoid confusingly similar street names. A confusingly similar street name is one in which either a large part of the name is shared by more than one street, or the names of more than one street are phonetically similar. OLD COUNTRY RD and COUNTRY LN would be similar sounding road names, as would COUNTRY LN and COUNTY LN and LAUREL AV and LAUREN AV.
- If the road is continuous, avoid changing names at an intersection or a curve or some other point. Also if a road continues through an intersection into diverse directions, the road name should only continue in one of these directions. The other road, or roads, would be their own entities requiring separate, unique identifying names.
- Avoid family names or individual's names, especially living persons and politicians.
- Street names should not contain any special characters such as hyphens, apostrophes, or dashes.
- All road names should contain a suffix which complies with the USPS Postal Standards [Publication 28](#).
- Avoid the use of directional's and USPS standard suffixes as road/street names (e.g. EAST ST , NORTH BLVD and PLAZA LN)

- All words within the main body of a street name should be spelled out completely and not abbreviated. This includes valid street suffixes and cardinal directions which are part of the main body of the name, rather than modifiers of the street name. Examples of street names which meet this criteria include WEST ALTON MARINA RD (west in this street name refers to the locality of West Alton, rather than the western section of ALTON MARINA RD), FIRE LANE 24 (LANE is not a designator in this situation), KEARSARGE MOUNTAIN RD (MOUNTAIN should not be abbreviated MTN).

## Street Numbering

Address ranges describe the valid addresses on each side of the street for a given road or segment of road. Address ranges should be created and maintained for all roads through the use of a distance based system in which one address is generated on each side of the street for every distance interval (increment). The DESC recommends the use of a fifty (50) foot increment in New Hampshire municipalities. Using a 50 foot increment, a road 4173 feet in length would yield a range of 1/2 to 167/168.

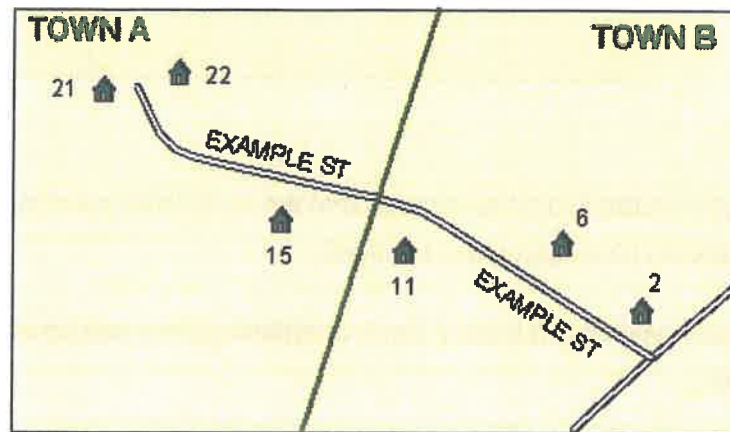
- Exception: In high density areas where 50 feet is not adequate a 10 (ten) foot increment is recommended.

*Address ranges help to form the Master Street Address Guide (MSAG). The MSAG is a data set containing all of the street names in a municipality with each street's address range. Accurate and up to date address ranges will help to ensure that the appropriate emergency service agency is dispatched to a street when the need arises there.*

When possible, addressing should radiate out from the center of the municipality, with numbers increasing on a given street as one approaches the municipality's borders. To assist with street numbering, municipalities are encouraged to utilize the following suggestions:

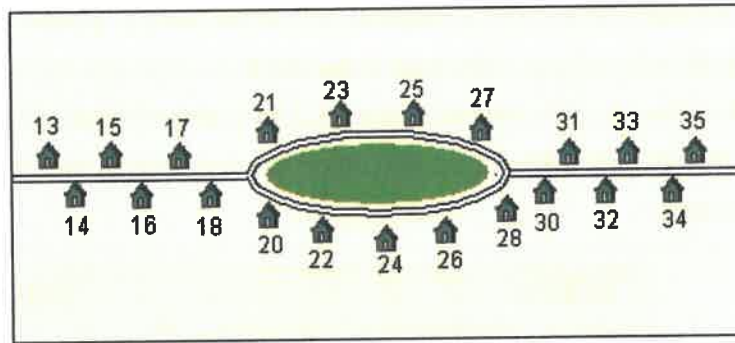
- Main thoroughfares which cross a municipality should be numbered from one border to another.
- Whenever possible, addressing conflicts will be minimized on roads that continue from one municipality to another, including the continuation of addressing when necessary.

- Roads beginning in one municipality and terminating in another municipality should be named and addressed consistently. The two municipalities should agree upon a single name for the road, and addressing should continue from the municipality where the road originates to the municipality where the road terminates.



- Streets which form the border between municipalities, or which closely parallel the border should be numbered to prevent the assignment of conflicting or confusing addresses. The street should be addressed as a single entity with the direction of addressing consistent on both sides of the street, one side generating odd addresses, the other side generating even addresses.
- Cul-de-sacs should be numbered in a counter clockwise direction.
- Semicircular or loop streets should be addressed with numbers increasing in the same direction as numbers on the main street that the semicircular street intersects.
- Roads that split around a central median, park, or common area with traffic traveling in only one direction on either side of park should be numbered and addressed as a single unified road (example: parkway).





## Islands

Islands are considered to be land masses that are completely surrounded by water.

Each island should be individually addressed.

Addressing for islands can fall into 2 (two) categories; one access point or multiple access points.

- One access point – DESC recommends the main access point be assigned the address of #2.
- Multiple access points – DESC recommends the numbering begin at the northern most point of the island as #2 and continue with even numbers, counter clockwise, around the island using a 50' increment to determine the address. A 10' increment can be used for small congested islands.

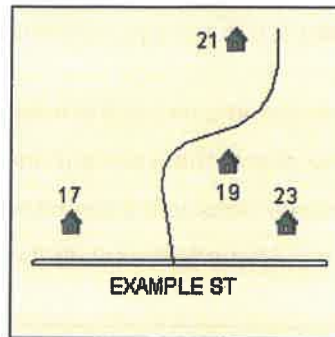
## Driveways

Driveways are intended solely to communicate the location of addressable structures. Driveways do not have their own address ranges. Structures accessed from driveways should obtain their addresses from the street with which the driveway intersects. If only one structure is accessed from a driveway, that structure should derive its address from the increment where the driveway intersects the street. For each additional structure accessed from a driveway an additional address on the main street will be consumed, either above or below the point of intersection. These addresses will no longer be available for assignment to structures with road frontage. This could result in addressing conflicts between structures accessed from the driveway and structures accessed directly from the road.

- When the address range of a road is unable to support the number of structures that are accessed from it due to the presence of driveways with multiple

addressable structures, the DESC recommends that the driveways be named and that the structures be addressed from the newly named road.

- Structures accessed from a driveway should be numbered with addresses increasing away from the intersecting street from which the addresses have been derived.

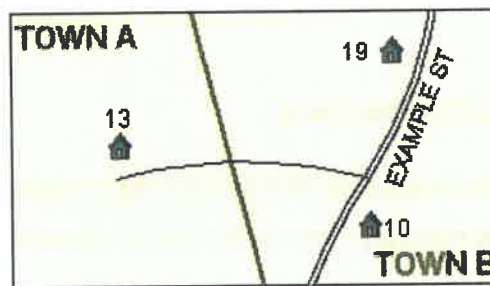


## Addressable Structures

Addressable structures are any buildings currently occupied, or which may in the future be occupied, to which emergency services may be dispatched.

- In most situations, the primary access is the point where the structure's driveway meets the road. In densely populated areas such as town and city centers, the primary access is the front door of the structure being addressed.
- Structures on corner lots that are visible from two intersecting roads but only accessible from one road should be addressed from the road it is accessed from.
  - Exception: Structures that can be accessed from the road in which they face should be addressed from the road they face regardless of the access point.
- Structures on corner lots that are visible from only one of the two intersecting roads, however accessible from both roads, should be addressed from the road where the structure is visible.
- Structures on corner lots that are not visible from either intersecting road but which can be accessed via driveway from both streets should be addressed from the road the structure is closer to.

- Structures accessed from semicircular driveways are addressed at the midpoint between the two driveway accesses, assuming that there are no buildings or buildable lots between the structure being addressed and the road.
- Structures should be addressed from the municipality where the building is located, even if the driveway access point falls in a neighboring municipality. In these cases, the structure will receive a street address consistent with the addressing system in use by the municipality where the access point is located.
  - Exception: If the road name used by the neighboring municipality is duplicate or similar sounding to any of the issuing municipality's road names, the driveway that provides access to the structure should become a named road and the structure should be addressed off the newly named driveway.



- Individual structures within campgrounds will be considered addressable if the structure is independent of the main office or building, or the structure is left at a site year round.
- Addresses should not contain either fractional numbers or letters. Addresses containing either of these should be reassigned a numeric address.
- Communities should refrain from assigning an address that is already in use even when there are multiple buildings on the same parcel.

## Multi-unit Structures

Structures containing multiple units within one discrete building, regardless of whether the building is residential, commercial, industrial, or governmental, should receive a single address, with each tenant within that structure receiving a subaddress. A subaddress is defined as "a unique location designation inside of a structure which has multiple tenants in one street address, for the purpose of identifying each tenant's area within that structure." Subaddresses should contain qualifiers to identify the type of unit within the structure, such as APT or STE. The subaddress qualifiers should conform to USPS standards for secondary units and the proper abbreviations.

Secondary Unit Designator	Approved Abbreviation
APARTMENT	APT
BASEMENT	BSMT *
BUILDING	BLDG
DEPARTMENT	DEPT
FLOOR	FL
FRONT	FRNT *
HANGAR	HNGR
LOBBY	LBBY *
LOT	LOT
LOWER	LOWR *
OFFICE	OFC *
PENTHOUSE	PH *
PIER	PIER
REAR	REAR *
ROOM	RM
SIDE	SIDE *
SLIP	SLIP
SPACE	SPC
STOP	STOP
SUITE	STE
TRAILER	TRLR
UNIT	UNIT
UPPER	UPPR *

\* Does not require secondary range number to follow

Subaddresses should increase away from the point of primary access. In small multi-unit structures including duplexes and townhouses, the subaddress should be alpha. In large multi-unit structures subaddresses should be numeric with the first number in the subaddress indicating the floor of the unit or at a minimum, some other type of floor designator. For example, in these buildings, units on the first floor would receive subaddresses between 101 and 199; units on the second floor would receive subaddress between 201 and 299.

- Exception: On a case by case basis row houses, strip malls, or downtown congested store fronts may be addressed at the front door of each adjoining unit, and each unit is treated as its own independent building rather than as a part of a multi-unit structure.
- Basement floors should receive a floor designator of B with a subaddress between 01 and 99.
  - Exception: Within multiple building complexes, each building which meets the definition of an addressable structure should receive its own individual address. The DESC recommends that multiple structures sharing a single address each be reassigned separate addresses
- Special case: Single discrete structures, which have tenants that can only be accessed from separate streets with no internal connecting hall, should be treated as though each access is a separate structure receiving its own unique address.
- Hotels/motels with cottages or cabins or other multi-building complexes, should receive a single address when there is a central building or office, upon which all other structures are dependent. All dependent detached structures should be issued a subaddress.

## Landmarks

The following features should not automatically receive an address. They primarily serve to provide a greater context for emergency responders traveling to the scene of an incident.

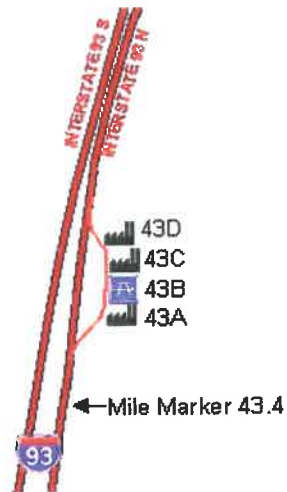
<b>Features Not Requiring Addresses</b>
Boat Launch
Boundary
Bridge
Cemetery
Dam
Entrance
Gate
Helipad
Hydrant
Outbuilding
Recreation Area
Rest Area
Tower
Trail head
Windmill

## Interstate and Freeway Addressing

Interstates and Freeways, defined as roads that do not have “at-grade interactions”, are generally exempt from other addressing standards discussed in this guide.

Interstates and Freeways can only be accessed through interchanges, utilizing on-ramps and off-ramps. They cannot be accessed from adjacent properties or cross roads, and under most circumstances have no stoplights or stop signs.

- If an address for a structure is needed, one should be derived from the mile marker at the access point or the start of the off ramp to which the structure is located.
- If there are multiple structures at a location, each structure should share the same address and receive a unique address suffix. The suffix should start with the letter “A” and increment with each additional structure.
- The street name for the address should be the name of the highway followed by the direction.



- The additional location field in the ALI (Automatic Location Identification) record will hold the exact mile marker /tenth closest to the off-ramp.

Examples of structures needing an address would include rest areas or visitor information centers.

*A rest area structure located on I-93 North with an off ramp starting at mile marker 43.4 will have an address of: 43 Interstate 93 N.*

*If there are multiple structures at this location, they would be addressed as 43A, 43B, 43C, etc...*

**In the example, all four structures would have an Additional Location Field entry of: Mile Marker 43.4**

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City Clerk's Office

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**Confirmation of Results of Public Auction Pursuant to Ordinance 4.4 (a)****BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF ROCHESTER, AS FOLLOWS:**

That pursuant to Rochester City Ordinance 4.4 (a), the Mayor and City Council confirm the results of the public auction held on September 21, 2018 as follows:

<b><u>Address</u></b>	<b><u>Sold to</u></b>	<b><u>Sale Price</u></b>
58 Maple Street	Joseph Murray	\$20,000
82 Strafford Road	Timothy Wilder	\$4,000

Further, the City Manager and City Attorney are authorized to execute all necessary paperwork to complete the transfer of property confirmed herein.

**The effective date of this Resolution shall be upon passage.**

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City Clerk's Office

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**Resolution Establishing Polling Places and Times for the  
November 6, 2018 State General Election**

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

That the following polling places are hereby established for the City of Rochester for the upcoming November 6, 2018 State General Election.

- WARD 1:     East Rochester Elementary School**  
773 Portland Street, East Rochester
- WARD 2:     St. Mary's Parish Center**  
71 Lowell Street, Rochester
- WARD 3:     Gonic Elementary School**  
10 Railroad Avenue, Rochester
- WARD 4:     McClelland Elementary School**  
59 Brock Street, Rochester
- WARD 5:     Rochester Community Center**  
150 Wakefield Street/Community Way, Rochester  
*Located on the Chestnut Hill Road Side of Building*
- WARD 6:     Elks Lodge #1393**  
295 Columbus Avenue, Rochester

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