City Council Public Hearing
September 2. 2014
COUNCIL CHAMBERS
7:00 PM

AGENDA

1. **Call to Order**

2. **Presentation of Colors by the AMVETS**

   2.1. **Proclamation: POW/MIA Recognition Day P. 7**

3. **AB 29 Resolution Authorizing Supplemental Appropriation to the 2014-2015 Capital Improvements Budget of the City of Rochester, Department of Public Works, for the So-Called Forest Park Drive and Plante Street Drainage Project P. 9**

4. **AB 30 Supplemental Appropriation in Connection with Public Infrastructure Improvements to be made within the So-Called Granite Ridge Development District and Authorizing Bonding and/or Borrowing in Connection Therewith P. 15**

5. **Adjournment**

Regular City Council Meeting
September 2, 2014
COUNCIL CHAMBERS
(Immediately following the Public Hearing)

AGENDA

1. **Call to Order**

2. **Pledge of Allegiance – *Scheduled to Take Place During Public Hearing***

3. **Opening Prayer**

4. **Roll Call**

5. **Acceptance of Minutes**

   5.1. **August 5, 2014, Regular City Council Meeting minutes**

   5.2. **August 19, 2014, Special City Council Meeting Minutes**

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6. **Communications from the City Manager**

   6.1. **Employee of the Month Award P. 20**

   6.2. **City Manager's Report P. 21**

7. **Communications from the Mayor**

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

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

   9.1. **Statement of Interest [School Board, Ward 6, Seat A]**

   - **Thomas O'Connor, MSW P.43**

   9.2. **Appointment: Voting Delegate to the NHMA Legislative Policy Conference**

10. **Reports of Committee**

   10.1. **Appointments Committee P. 51**

   10.2. **Codes and Ordinances Committee P.53**

   10.3. **Community Development – *Forthcoming* P. 178**

   10.4. **Joint Building Committee – *Forthcoming* P. 67**

   10.5. **Public Safety Committee P. 169**

   10.6. **Public Works Committee P. 172**

11. **Old Business**

12. **New Business**

   12.1. **AB 29 Resolution Authorizing Supplemental Appropriation to the 2014-2015 Capital Improvements Budget of the City of Rochester, Department of Public Works, for the So-Called Forest Park Drive and Plante Street Drainage Project – Second Reading and Adoption P. 9**

   12.2. **AB 30 Supplemental Appropriation in Connection with Public Infrastructure Improvements to be made within the So-Called Granite Ridge Development District and Authorizing Bonding and/or Borrowing in Connection Therewith - Second Reading and Adoption P. 15**

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12.3. AB 34 Amendment to Ordinances Repealing the Provisions of Section 17.4 of the General Ordinances of the City of Rochester, Entitled "Water Service Connection Required" P. 83

12.4. AB 31 Resolution Accepting Federal Emergency Management Grant and Making a Supplemental Appropriation in Connection Therewith - First Reading, Second Reading, and Adoption P. 105

12.5. AB 33 Resolution Accepting Grant for Purchase of Bulletproof Vests for the Rochester Police Department and Making a Supplemental Appropriation in Connection Therewith P. 113

12.6. AB 37 Amendment to Chapter 17 of the General Ordinances of the City of Rochester Regarding Water Leakage and Mitigation Procedures and Responsibilities First Reading Refer to a Public Hearing

12.6.1.* CC FY14 AB 41 Amendment to Chapter 17 of the General Ordinances of the City of Rochester Regarding Water Leakage and Mitigation Procedures and Responsibilities *First Reading took place on April 1, 2014. Public Hearing took place at the Codes and Ordinance Committee on May 1, 2014. Second Reading and Further Amended [But not adopted] took place on June 3, 2014, by the City Council. The City Council Sent the Ordinance back to the Codes and Ordinances Committee for further review. TABLED? P. 121

12.6.2. CC FY15 AB 37 AMENDMENT TO: Amendments to the General Ordinances of the City of Rochester Regarding Water Leakage prevention and Mitigation Procedures and Responsibilities" – Reading and Adoption P. 125

12.7. AB 36 Discussion: Legislative Policy Recommendations P.135

12.8. AB 35 Discussion: EDA Grant, Salmon Falls Road Infrastructure Extensions Project P. 167

13. Other

14. Non-Meeting/Non-Public Sessions:

14.1. Non-Meeting, Consultation with Legal Counsel, Land, RSA, 91-A

14.2. Non-Public Session, Personnel, RSA 91-A:3 II (a)

15. Adjournment

Proclamation
POW/MIA RECOGNITION DAY

WHEREAS, throughout American history members America's armed forces have made uncommon sacrifices as Prisoners of War (POW), serving their country under conditions of extreme hardship, while remaining steadfast even when their treatment violated fundamental standards of morality an international code of conduct; and

WHEREAS, Americans held as POW and Americans Missing in Action (MIA) have earned our respect for their courage and devotion to the United States; and

WHEREAS, we honor our POW who, in the act of serving our great nation, relinquished their freedom to protect the liberty we enjoy; and

WHEREAS, we also honor those MIA, and should not forget the pain and suffering of war that continues for their families and friends and for all of us;

WHEREAS, because we must not neglect to honor the men and women who have served their country so faithfully, the United States Congress established the third Friday in the month of September as America's Annual National POW/MIA Recognition Day.

NOW, THEREFORE, I Thomas J. Jean, Mayor of the City of Rochester, New Hampshire do hereby proclaim September 19, 2014 to be POW/MIA Recognition Day in the City of Rochester, New Hampshire and call upon our citizens to join with Americans across the Nation in honoring all present and former American POW and MIA, and their families

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the City of Rochester, New Hampshire on this second day of September in the year of our Lord two thousand fourteen.

Thomas J. Jean
Mayor

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RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION TO THE 2014-2015 CAPITAL IMPROVEMENTS BUDGET OF THE CITY OF ROCHESTER, DEPARTMENT OF PUBLIC WORKS, FOR THE SO-CALLED FOREST PARK DRIVE & PLANTE STREET DRAINAGE PROJECT

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

That the sum of Two Hundred Thousand Dollars ($200,000.00) be, and hereby is, appropriated as a supplemental appropriation to the 2014-2015 capital improvements budget of the City of Rochester, Department of Public Works, for the purpose of providing sums necessary to pay costs and/or expenditures with respect to drainage work and/or repairs needed in the vicinity of 24 and 30 Forest Park Drive and 8 Plante Street (the "Project").

Further, that the Mayor and City Council of the City of Rochester hereby resolve that, in accordance with the provisions of RSA 33:9, the City Treasurer, with the approval of the City Manager, be, and hereby are authorized to borrow the sum of up to Two Hundred Thousand Dollars ($200,000), through the issuance of bonds and/or notes, and/or through other legal form(s), for the purposes of funding the expenditures incident to the implementation of the Project outlined, and referred to, in the preceding paragraph, such borrowing to be on such terms and conditions as the said Treasurer and City Manager may deem to be in the best interest of the City of Rochester. Such borrowing is authorized subject to compliance with the provisions of RSA 33:9 and Section 45 of the Rochester City Charter to the extent required, necessary and/or appropriate. The useful life for the aforesaid Project is 20 years.

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

CC FY15 08-19 AB 29

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City of Rochester Formal Council Meeting

AGENDA BILL

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

AGENDA SUBJECT: Supplemental Highway Funding for Drainage Improvements

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

AGENDA DATE	8/19/14	
DEPT. HEAD SIGNATURE	Peter Nourse Signature on file	
DATE SUBMITTED	8/11/14	
ATTACHMENTS YES ☐ NO ☒	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	Blaine Cox, Signature on file with City Clerk
CITY MANAGER	Dan Fitzpatrick, Signature on file with City Clerk

FINANCE & BUDGET INFORMATION

FINANCE OFFICE APPROVAL	Signature on file with City Clerk
SOURCE OF FUNDS	
ACCOUNT NUMBER	
AMOUNT	
APPROPRIATION REQUIRED YES ☐ NO ☐	

LEGAL AUTHORITY

RSA 658:18 Special Provisions for Cities

SUMMARY STATEMENT

Additional funding is required to address several areas in the City with inadequate drainage. They include No. 24 Forest Park, No. 30 Forest Park and 8 Plante St. The estimated cost to implement drainage improvements at Forest Park is $90K. We do not have an estimate for Plante St. but it is likely to cost $100K. This request is for $200K.

Existing remaining highway funds designated for drainage will be used up on Chamberlain St. and Ryan Circle.

RECOMMENDED ACTION

Recommend supplemental appropriation of $200K.

AGENDA BILL - FUNDING RESOLUTION

EXHIBIT

Project Name: Drainage Improvements

Date: 08/19/2014

Fiscal Year: FY2015

Fund (select):

GF [ ] Water [ ] Sewer [ ] Arena [ ]

CIP [xx] Water CIP [ ] Sewer CIP [ ] Arena CIP [ ]

Special Revenue [ ]

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

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	15xxx	-	-	200,000.00
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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SUPPLEMENTAL APPROPRIATION IN CONNECTION WITH PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE WITHIN THE SO-CALLED GRANITE RIDGE DEVELOPMENT DISTRICT AND AUTHORIZING BONDING AND/OR BORROWING IN CONNECTION THEREWITH

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

That the sum of Five Million Dollars ($5,000,000.00) be, and hereby is, appropriated as a supplemental appropriation to the 2014-2015 fiscal year capital budget for the City of Rochester for Economic Development, such funds to be used for the purpose of paying for costs and expenses incurred with respect to the planning, design, construction, administration, implementation and related actions and activities incident to the construction/reconstruction and extension of certain Public Infrastructure Improvements, including within such undertaking the construction/extension/accommodation of accompanying public and private utilities, including, but not limited to, roads, sidewalks, water and sewer services, drainage and other related infrastructure improvements (the "Project"), the same to be located on the Easterly and Westerly sides of, as well as within, NH Rte. 11, both north and south of its intersection with the so-called Little Falls Bridge Road, within the so-called Granite Ridge Development District, so as to promote economic development, including particularly commercial economic development, for the purposes of furthering the goals and objectives of the so-called "Granite Ridge Development District: Tax Increment Development Program & Financing Plan", and the implementation of the goals set forth therein, as well as to promote the creation and availability of developable land, within the Granite Ridge Development District, for commercial and other economic development purposes.

Further, that the Mayor and City Council of the City of Rochester hereby resolve that, in accordance with the provisions of RSA 33:9, the City Treasurer, with the approval of the City Manager, be, and hereby are authorized to borrow the sum of up to Five Million Dollars ($5,000,000.00), through the issuance of bonds and/or notes, and/or through other legal form(s), for the purposes of funding the expenditures incident to the implementation of the Project outlined, and referred to, in the preceding paragraph, such borrowing to be on such terms and conditions as the said Treasurer and City Manager may deem to be in the best interest of the City of Rochester. Such borrowing is authorized subject to compliance with the provisions of RSA 33:9 and Section 45 of the Rochester City Charter to the extent required, necessary and/or appropriate. The useful life for the aforesaid Project is 30 years.

Additionally, the above borrowing and repayment of the sums expended in furtherance of the Project described in the first paragraph of this resolution, is authorized in, and is to be repaid by utilizing the, tax increment financing mechanism authorized and set forth in Chapter 162-K of the New Hampshire Revised Statutes Annotated (including specifically, but not limited to RSA 162-K:8 through RSA 162-K:10.

Further, to the extent not otherwise provided for in this Resolution the City Manager and/or

his designee(s) is authorized to sign all documents necessary to implement the purposes of this resolution, including the signing of any engineering and/or services, materials, construction and or similar or related type contract(s) necessary to carry out the purposes of this resolution.

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 City reasonably expects to issue tax exempt bonds in the future to finance certain expenses related to this Project, the proceeds of which may be used, in part, to reimburse the City for Project expenses paid prior to the issuance of such bonds, including those authorized above. To that end, without in any way committing the City to issue such bonds, and/or notes, and/or other legal forms of borrowing, this Resolution shall be deemed to constitute the City's "official intent" with respect to such plans within the meaning of IRS Reg. 1.150-2.

CC FY15 08-19 AB 30

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 : SUPPLEMENTAL APPROPRIATION Granite Ridge Development District – Public Infrastructure Improvements	

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

AGENDA DATE	August 19, 2014	
DEPT. HEAD SIGNATURE	Peter C. Nourse, PE – DPW Director Original with Signature is on File at City Clerk	
DATE SUBMITTED	08/11/14	
ATTACHMENTS YES ☐ NO ☒	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	Blaine Cox Original with Signature is on File at City Clerk
CITY MANAGER	Dan Fitzpatrick Original with Signature is on File at City Clerk

FINANCE & BUDGET INFORMATION

FINANCE OFFICE APPROVAL	Original with Signature is on File at City Clerk
SOURCE OF FUNDS	Granite Ridge TIF District
ACCOUNT NUMBER	
AMOUNT	
APPROPRIATION REQUIRED YES ☒ NO ☐	$5,000,000.00

CC FY15 AB 30 - GRD

LEGAL AUTHORITY

A Resolution for a supplemental appropriation of $5,000,000.00 to be Granite Ridge Development TIF funded

SUMMARY STATEMENT

On August 6th, 2014 the City of Rochester entered into an agreement with Waterstone Rochester, LLC and Waterstone Retail, INC. for the purposes of developing a project in the Granite Ridge Development District. The City agreed to pay for up to a maximum of $5,000,000.00 of public infrastructure improvements associated with the project through Tax Increment Financing.

RECOMMENDED ACTION

Resolution for a supplemental appropriation in the amount of $5,000,000.00

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

CITY MANAGER'S REPORT
September 2, 2014

The Employee of the Month is Dennis Strattin of Public Buildings & Grounds. **P. 20**

Please congratulate Marcia Roddy, Deputy City Clerk. She received her Deputy City Clerk Certification on August 15, 2014. **P. 21**

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

- July 28, 2014 **P. 22**
- August 11, 2014 **P. 25**

Contracts and documents executed since last month:

- Engineering Consultant Master Service Agreements **P. 28**
- Water Treatment Plant upgrade project – contract amendment #1 **P. 29**
- Payment in Lieu of Taxes (PILOT) Agreement – Marshview Housing **P. 30**
- Green Infrastructure Grant Sub-Agreement – updated key personnel **P. 32**
- US Geological Survey Joint Funding Agreement – Cocheco River Stream Gage Station **P. 33**
- Northeast Earth Sidewalk contract 13-4 – Change order #2 **P. 34**

Other items received (for your information):

- Resident letter – regarding Metrocast rate increases **P. 35**
- Metrocast channel realignment transition **P. 37**
- Families First – thank you letter **P. 38**
- PSNH letter – regarding charge for relocation of streetlight **P. 39**

The following standard reports have been enclosed:

- Personnel Action Report Summary **P. 40**
- Permission & Permits Issued **P. 41**
- City Council Request & Inquiry Report **P. 42**

EMPLOYEE OF THE MONTH NOMINATION FORM

EMPLOYEE'S NAME ____Dennis Strattin_____

DEPARTMENT _____Public Buildings_____

Provide examples of how the employee has performed actions that were above and beyond those normally expected for the employee's position. The more examples you can give adds to the strength of the nomination. If more room is needed, please use reverse side.

SERVICE TO THE COMMUNITY
(Example: Volunteering at a blood drive, actively participating in the Adopt-a-Spot Program, chairing or sponsoring programs such as Toys For Tots or the Summer Fun Festival.)

Dennis provides a valuable service to the community by working tirelessly to keep the police facility impeccably clean.

QUALITY CUSTOMER SERVICE (EXTERNAL/INTERNAL)
(Example: A City employee helping the elderly to their car in bad weather, creating special events for staff such as the Christmas party or the Chili-Cook-Off.)

Dennis is tasked with keeping the police department clean which is a never ending task. The police facility is open 24 hrs. so his job never ends. As soon as Dennis cleans the building he has to start all over again because the activity in the police department never ceases. Most people would become discouraged over this, but not Dennis. You would be hard pressed to find anyone who could recall a negative interaction with Dennis.

PROFESSIONALISM AND COMMITMENT BEYOND WHAT IS EXPECTED FOR THE EMPLOYEE'S POSITION
(Example: He/she gives extra hours to the job when necessary to get the job done.)

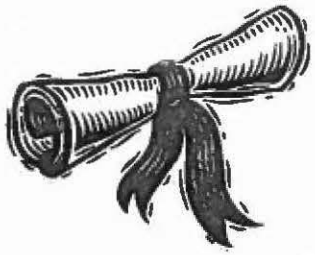
Dennis maintains a positive attitude at all times in spite of the never ending work load he faces. He routinely goes above and beyond to keep this facility clean. It is not uncommon to find Dennis cleaning the holding cell of blood, urine or feces. This demoralizing task would be hated by anyone, but Dennis tackles his job without question. If Dennis is approached with a request he does not hesitate to stop what he is doing to help out.

Nominated by

YOUR NAME: _Rochester Police Department 4-12 shift_ DATE: 03-11-14

PLEASE NOTE: You may use either this form or a letter, whichever is more convenient for you. Thank you for your time and interest in the Employee of the Month Program!

NHTCA/NHCTCA JOINT CERTIFICATION PROGRAM
DIPLOMA



PRESENTED TO: MARCIA RODDY, CERTIFIED DEPUTY CITY CLERK

Kathy L Seaman
Chairman, Certification Committee

8/15/14
Date

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

MANAGEMENT TEAM MEETING
July 28, 2014
9:00 A.M.

PRESENT:

Daniel Fitzpatrick, City Manager
Blaine Cox, Deputy City Manager
Peter Nourse, Director DPW
Danford Wensley, City Attorney
Jim Grant, Director BZLS
Samantha Rodgerson, Executive Asst.
Norm Sanborn, Jr., Chief - Fire
Brian Sylvester, Library Director
Jim Campbell, Chief Planner
Karen Pollard, Economic Development Mgr
Michael Allen, Chief - Police
Chris Bowlen, Director RAYS

MINUTES

City Manager Fitzpatrick called the Management Team meeting to order at 9:05 A.M.

1. **Management Team Minutes – July 21, 2014**

   - Director Grant provided some follow-up to the cat issue on Prospect Street. Still looking into as only one cat was observed at the property at the time of the visit.
   - Attorney Wensley is to provide a letter in regards to whether the city has the authority to waive permit fees.

There was no further discussion, minutes were approved by consensus.

2. **City Council Inquiry Report**

   - There were no new items, no discussion.

3. **City Calendar for Week**

   - Reviewed the upcoming City meetings.

4. **Right to Know Requests**

   - Requests on Lots 88 & 89 – South Main Street had been completed.
   - New request on 58 Summer Street – Building, Zoning & Licensing Services is working on getting information about complaint.

5. Handicap Accessibility

- City Manager Fitzpatrick brought up a concern that occurred with a wheelchair bound user of the public restroom on the 1st floor of City Hall. Discussed the accessibility of door and if it meets ADA guidelines. Staff will review to see if modifications are necessary.

6. Common approvals

- There was some brief discussion about the approval process that is followed and if there was need to have further review of the process.

7. Other

City Manager Fitzpatrick

- Advised that a letter was received by T-Mobile about updating their equipment at 155 Rochester Hill Road. Mr. Nourse advised that they have been in contact with them.

Director Sylvester

- Advised that he has been working with Celeste to do several small videos of the Library.
- Informed the committee about odd letters that the Library has received by the same gentleman in Wisconsin. Several other libraries have also been getting similar letters. Passed along to Chief Allen.

Deputy City Manager Cox

- Informed the committee that Finance has filed 2 of the 3 forms with the DRA and that Tom Mullin was completing the final form (MS-1 Form) for the tax rates.
- Advised that they have been talking with the high school about a possible intern in the department.
- Advised that the first cost containment meeting was held last week.

Manager Pollard

- Advised that they are working on the Route 11 Developers Agreement.
- Advised that she would be attending the Boston retail trade show beginning tomorrow.

Chief Sanborn

- Advised that the new firefighter started today.

Director Bowlen

- Advised that they have 4 weeks left of the Summer programs
- Advised that the Arena bathroom project was on schedule.
- Advised that they toured the Hussey Seating plant in Berwick, Maine. This company is supplying the new bleachers.

Chief Allen

- Advised that it was a busy weekend, there was a knifepoint robbery at service station in East Rochester.
- Advised that there was a foot pursuit with the use of a taser and that the suspect was caught.
- Advised will be conducting promotional interviews.
- Advised that will be conducting IT interviews on Friday.
- Briefly discussed witness fees and how to handle when a former employee that is retired is subpoenaed to testify.

Chief Planner Campbell

- Advised of the items that will be going before the Planning Board.

Director Grant

- Advised that the Zoning Board of Appeals has 2 appeals from AT&T in regards to the denial of new towers.

Director Sylvester had asked to discuss the Poet Laureate program and how to handle the program going forward. After some discussion, it was decided that he should have it put on the next Community Development Committee agenda for discussion.

The Management Team meeting adjourned at 9:47 A.M.

Respectfully submitted,

Samantha Rodgerson
Executive Assistant

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

MANAGEMENT TEAM MEETING
August 11, 2014
9:00 A.M.

PRESENT:
Daniel Fitzpatrick, City Manager
Blaine Cox, Deputy City Manager
Peter Nourse, Director DPW
Karen Pollard, Economic Development Mgr
Jim Grant, Director BZLS
Norm Sanborn, Jr., Chief - Fire
Samantha Rodgerson, Executive Asst.
Jim Campbell, Chief Planner
Brian Sylvester, Library Director
Scott Dumas, Deputy Chief - Police
Lauren Colanto, Asst. Director - RAYS

EXCUSED:
Danford Wensley, City Attorney

MINUTES

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

1. **Management Team Minutes – July 28, 2014**

   There was no discussion, minutes were approved by consensus.

2. **City Council Inquiry Report**

   - Item # 3 has been completed, issue is closed
   - Item # 4 updated, Trustees of the Trust Fund invited to September Finance Committee meeting

3. **City Calendar for Week**

   - Reviewed the upcoming City meetings. City Manager Fitzpatrick will be on vacation next week; Deputy Manager Cox will act on his behalf.

4. **Right to Know Requests**

   - Hanson Street request – file has been pulled for review.
   - Police Department information has been forwarded to the requestor.

5. **Council Action Items**

There was no discussion.

6. Legal Opinion

There was some brief discussion that the waiver of permit fees by the City Council is not permitted. This topic had been held in the Finance Committee.

7. Minutes correction

It was brought up that minutes from the 7/11/2014 Management Team appeared incomplete. Section 7 - under Director Grant was corrected to the following:

- Due to the recent robberies, the Shell station on Milton Road was looking into locking most of their doors. The Building, Zoning & Licensing Services office was looking into the matter, as doing this might cause additional concerns.

8. NH DOT letter

This letter was for informational purposes and specified the amount given for State Highway Block Grant Aid received in 2014 and the amount available for 2015.

9. Other

Director Sylvester

- Advised that the Summer Reading Program has completed. There were over 410 children registered.

Deputy City Manager Cox

- Informed the committee that the City will be using a new audit firm. They had 4 responses to the RFP and the current firm came in 3rd highest. The City has chosen Melanson & Heath.

Assistant Director Colanto

- Advised that they have been notified of a situation with a renter of the community room as they were informed that a Level 3 registered sex offender was employed by that organization. She will further discuss the situation with the Police Department and keep the City Manager in the loop as to how they handle this so that they are within the law but mindful protecting the citizens and children that occupy the building as well.

Manager Pollard

- Advised that the Ms. Engle gave her notice last week and that they will be advertising for that position within the week.
- Discussed a memo about a downtown business resource center that she has circulated, advised that there have been some changes as to the structure of

building ownership. Her department is working on a new downtown attraction strategy.

Deputy Chief Dumas

- Advised that they had a quiet weekend.
- Discussed that they are looking at further options for tablets for the cruisers.

Chief Sanborn

- Advised that they held a successful tabletop drill in conjunction with the school department at Frisbie Conference Center. The drill tested the Emergency Operations Plan for the schools.
- Advised that they have tentatively hired for an open position. The candidate is a fireman for the Seabrook Power Plant and a former fireman for the town of Milton. They hope for him to start next week.

Chief Planner Campbell

- Advised of the items that went before the Planning Board and received approval, such as:
    - Highfields Common
    - Forest Pump & Filter
    - Rides of Rochester (99 Milton Road)
    - Textile Tapes (amendment)

Director Nourse

- Advised that there is a lot of construction to be starting up with a lot on the schedule for next year as well.

Director Grant

- Advised that the bid for the code software has come down to 2 bidders that they hope to meet with next week. Informed that one of the programs is entirely cloud based, reducing costs.

The Management Team meeting adjourned at 9:34 A.M.

Respectfully submitted,

Samantha Rodgerson
Executive Assistant

Revised 9/2/14

City of Rochester
Dept of Public Works

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

CITY OF
Received
AUG 6 2014
City Manager
ROCHESTER

Memo

To: Daniel Fitzpatrick, City Manager

From: Peter Nourse, Director of Public Works

CC: Blaine Cox, Deputy City Manager

Date: 5 August 2014

Re: **Engineering Consultant Master Service Agreements**

---

1. Contained herein are several master service agreements between engineering consultants and the City. These agreements will run the standard 3 year term. Some of the consultants herein are new to Rochester while others have worked with us.

2. The consultants were selected by a DPW panel which conducted extensive review of their experience and qualifications with methods and procedures in accordance with the accepted practices of the New Hampshire Qualifications Based Selection Coalition. Our selections will enable the City's use of these consultants on projects that involve Federal and State funding streams.

3. We reviewed each contract carefully, negotiated changes in language with the consultants, and ensured that the City's best interests are not adversely affected. The language contained within the contracts is largely uniform from consultant to consultant and represents standard their standard contracts with municipalities.

4. I request your signature on each service agreement. We have many upcoming assignments for these consultants and look forward to working with them very soon.

City Of Rochester
Received
AUG 11 2014
City Manager
ROCHESTER

City of Rochester
Dept of Public Works

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

Memo

To: Dan Fitzpatrick.
City Manager

From: Lisa J. Clark LJC

Date: 8/11/2014

Re: DW SRF Contract Amendment #1
WTP Upgrade Project

Attached please find two (2) copies of DWSRF Contract Amendment #1 for the Water Treatment Upgrade Project. The City Council held a public hearing and approved the supplemental appropriation at the 8/6/14 meeting and these executed documents are required by the SRF program.

I ask that you sign the attached and return to DPW for distribution.

Cc: Peter Nourse, PE, City Engineer

Revised 9/2/14

City of Rochester, New Hampshire
Assessor's Office
19 Wakefield Street
Rochester, New Hampshire 03867-1915

Telephone
(603) 332-5109
Fax
(603) 335-7591

CITY OF
Received
AUG 15 2014
City Manager
ROCHESTER

Memo

To: Dan Fitzpatrick

From: Tom Mullin

Date: August 15, 2014

Re: Payment In Lieu annual agreement

Attached is an agreement for a PILOT with Marsh View Housing for the elderly. This type of charitable housing pay the lower of either the Assessment times the Non-School Portion of the tax rate or 8% (normally 10%) of the sheltered rent. I have determined that will be 8% of the sheltered rent. The eight % was seven % last year and a verbal agreement has been made that this will increase by 1% every year until it hits 10%.

Revised 9/2/14

City of Rochester, New Hampshire

Assessor's Office
19 Wakefield Street
Rochester, New Hampshire 03867-1915

Telephone
(603) 332-5109
Fax
(603) 335-7591

August 14, 2014

Stacy Price
Marsh View Housing LP
77 Olde Farm Ln
Rochester, NH 03867

Subject: Payment In Lieu of Tax or Assessment billed at the Non School Portion of the tax rate.

Ref: 194 Brock Street / Map 131 Lot 62-2

Dear Ms. Price:

Based on the analysis below, It appears that a Payment in Lieu of Taxes based on 8% of the shelter rent will be in your clients best interest.

I have provided the following estimates for your review:

At the estimated non-school portion of tax rate:

Marsh View Housing 1,055,600 X .01211 (non-school portion) = $12,783.00

Based on 8% of shelter rent:

Marsh View Housing 30,768 X 8% = $2,461

I took the liberty of preparing the Payment In Lieu of Tax Agreements for both properties. Please endorse all three copies for each property and return two copies of each property to my office.

Respectfully Submitted,

Thomas A. Mullin, CNHA
City Assessor

CITY OF
Received
AUG 18 2014
City Manager
ROCHESTER

Date: 8-18-14

To: Dan Fitzpatrick
City Manager

From: Elena V. Engle
Community Development Specialist

Re: Sub-Agreement for Green Infrastructure Grant – Updated Key Personnel

Attached is a form changing the key personnel on this grant from Elena Engle to Seth Creighton. Seth has been working with the consultants on this grant and is familiar with the reporting and will be the main point of contact going forward. Invoices will be handled by Jennifer Murphy Aubin. Please sign approving this change.

Thank you.

Revised 9/2/14

City of Rochester
Dept of Public Works

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

CITY OF
Received
AUG 22 2014
City Manager
ROCHESTER

Memorandum:

To: **Dan Fitzpatrick**

From: Lisa J. Clark

Date: August 22, 2014

Subject: **USGS – Joint Funding Agreement**
Cocheco River Stream Gage Station

Attached please find three copies (3) of the United States Department of the Interior Geological Survey Joint funding Agreement regarding the Stream Gage Station on the Cocheco River. This station is used to supply data in regards to WWTP permit negotiations and is budgeted annually in the O&M Sewer fund account # 52602074-559000.

Please sign all 3 copies and return to the DPW for Distribution.

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

RECEIVED
AUG 25 2014
FINANCE OFFICE
CITY OF ROCHESTER

CITY OF
Received
AUG 25 2014
City Manager
ROCHESTER

INTEROFFICE MEMORANDUM

TO: Daniel Fitzpatrick, City Manager

THRU: Blaine Cox, Finance Director/Deputy City Manager

FROM: Michael Bezanson, PE, City Engineer

DATE: August 22, 2014

SUBJECT: **Sidewalk Contract 13-4 - Change Order No. 2**

CC: Peter Nourse, PE, Director of Public Works

Attached please find one (1) original of Change Order No. 2 between Northeast Earth, Inc. and the City of Rochester for the Concrete Sidewalk Replacement Contract 13-4. This change order increases the contract price by $149,800.00 for FY15 work; contract time is extended to June 30, 2015.

Northeast Earth has agreed to hold or decrease the unit prices as noted in the attached summary of items. The new item for flaggers is a result of a new approach to compensating the contractor for maintenance and protection of vehicular and pedestrian traffic, which we believe will reduce costs to the City.

If you have any questions, please let me know.

Once signed by the City Manager, please return to DPW for distribution.

Thank you.

Daniel W. Fitzpatrick

Approved: Blaine Cox 8/25/14
(Blaine Cox, Finance Director/Deputy City Manager)

City Mgr. Report

Revised 9/2/14

July 23, 2014

CITY OF
Received
AUG 4 2014
City Manager
ROCHESTER

City of Rochester
Franchise Authority for Metrocast Cablevision
31 Wakefield Street
Rochester NH 03867

To Whom It May Concern:

I received this notice online from Metrocast Cablevision. Seem that as of July 1, 2014, they feel that they aren't making enough money and have to charge us $1.50 monthly for having the local channels on my cable. I just can't feel sorry for them.

Every year around October we get virtually the same letter...I have it nearly memorized now...the gist of which is, "we work hard for you and for that we need oodles more money". Usually there is also something about how they are bringing us yet another channel that we don't give a fig about, but now they are crying that they are starving and need to charge us for local channels that we used to get with rabbit ears, for gosh sake!

We are a captive audience. There isn't really a competitive market in television cable up here in the hinterlands, and some of us live in deed-restricted communities that don't allow those attractive dishes and discs to be attached to our homes. SO...we look to you, our elected representatives, to keep these money- grubbing folks under control.

We already pay more in Rochester for less than we receive from Comcast while wintering in Florida. That's correct: I get a zillion more stations in Florida and pay less. True enough, Comcast is also charging us the $1.50 but I have complained to them also. It's a colossal rip-off that the cable industry just thought of. Doesn't make it right just because others are doing it, or least that's what my parents always told me.

There are other ways that Metrocast makes money that should more than cover the cost of carrying all three local channels we have in NH. For example, they charge a $99 service call for a tech to visit to change to a wireless modem from a wired modem. This ridiculous fee must cover the cost of bringing Channel 9 to Rochester cable subscribers!

By contrast, in Florida, Comcast sent me a box with DTAs, wireless modem, and HD converter box via UPS. They effectively said, "Your home is cable-ready. Plug these items in, attach the coaxial cables, program the remotes for your TVs, and go online to confirm the serial numbers for your account." No service charge! No service tech! No hanging around all day! We were watching TV in two shakes of a lamb's tail. Pretty insulting for Metrocast to tell us that up here, we need a $99 tech to move a coaxial cable from one modem to another.

What I'd like to know is: **when does their current contract expire?** I would like to volunteer to be one of the plain ol' citizens on the next committee that reviews their contract, assuming that it ends before my lifetime draws to a close. In the meantime, please question carefully all their requests for more fees!

Sincerely

Clara Ellen Yeaton Perry

Clara Ellen Yeaton Perry
25 Meadowbrook Village

Revised 9/2/14

For Your Information

Starting July 1, 2014, or with your next billing statement thereafter, all billing statements for customers who subscribe to video services (whether alone or as part of a bundle of services) will include a Broadcast TV Fee of $1.50 per month

This fee will defray the rising cost of retransmission consent fees that your local broadcasters have chosen to charge us. If you are receiving video services on a promotional or contract basis as of June 1, 2014, the Broadcast TV Fee will be applied to your bill at the end of the applicable period at the then-current rate

Your Franchise Authority Is: City Of Rochester 31 Wakefield St Rochester, NH 03867 Community Id# Nh0069

CITY OF
Received
AUG 14 2014
City Manager
ROCHESTER

August 13, 2014

City of Rochester
Daniel Fitzpatrick, City Manager
31 Wakefield Street
Rochester, NH 03867

Dear Mr. Fitzpatrick,

On September 17, 2014 MetroCast will realign channels for our customers with digital ready QAM-tuner TVs. This is the final step of our all digital transition. Enclosed is the customer notification that was mailed out August 12, 2014 explaining in more detail.
Should you have any further questions please don't hesitate to contact me at mcampbell@metrocast.com or I can be reached at 606.527.3634

Sincerely,

Moira Campbell
Regional Manager
21 Jarvis Avenue
Rochester NH 03868

Revised 9/2/14

Families First

support for families...health care for all

CITY OF
Received
AUG 15 2014
City Manager
ROCHESTER

August 7, 2014

City of Rochester
31 Wakefield Street
Rochester, NH 03867

To Whom it May Concern,

Thank you for your gift of $200 to Families First Health & Support Center. As the community health center for the Seacoast, our work to provide prenatal care, primary care, dental care, health care for the homeless, and family and parenting support is essential in creating a healthy Seacoast community for everyone.

Families First provides a safety net for our neighborhoods – treating and educating individuals and families and helping people to navigate the health care system at a time when they may not be at their physical, emotional, or financial best. Care is provided in a respectful, personalized, and high-quality manner. Last year, Families First served over 6,000 men, women, and children. Your support will make it possible for us to continue to help people get the care they deserve, regardless of ability to pay.

Your contribution goes beyond the immediate effect it will have on individuals and families. It is an investment in the enduring wellness and financial health of the Seacoast. Families First gives uninsured patients an effective alternative to making costly visits to hospital emergency departments. Additionally, our treatment of the person as a whole promotes long-term healthy habits like addressing behavioral issues, seeking timely treatment for chronic disease, embracing a nutritious diet, and obtaining preventative dental care, all of which translate into cost savings for local taxpayers and institutions.

We invite you to visit our website at www.FamiliesFirstSeacoast.org, where you can learn more about our programs and sign up for our e-newsletters. Families First is a vital part of the area's social and physical infrastructure but, like all health care providers, we are challenged by great uncertainties in the evolving health care landscape. The work we do would not be possible without *your* ongoing support. Thank you.

Sincerely,

Helen B. Taft
Executive Director

RECEIPT

Contribution Amount: $200
Check #: 138020
Date: July 17, 2014

Please retain this information for your tax files. IRS regulations require us to inform you that Families First of the Greater Seacoast did not provide any goods or services in consideration, in whole or in part, for your contribution.

Families First Health & Support Center • 100 Campus Drive, Suite 12 • Portsmouth, NH 03801 • 603.422.8208
FamiliesFirstSeacoast.org • info@FamiliesFirstSeacoast.org • Facebook.com/Families1st • Twitter.com/Fam1stNH

CM Report

Revised 9/2/14

Public Service
of New Hampshire
A Northeast Utilities Company

Public Service Company of New Hampshire
P.O. Box 330
Manchester, NH 03105-0330
(603) 669-4000
www.psnh.com

CITY OF
Received
AUG 22 2014
City Manager
ROCHESTER

August 21, 2014

Daniel Fitzpatrick, City Manager
City of Rochester
31 Wakefield St.
Rochester, NH 03867

ACCOUNT #: 8001059018

SERVICE ADDRESS:
Pole 3/89 to 3/88
Milton Rd, Rochester
WR# 2382

Dear Mr. Fitzpatrick,

We have received a request from Gretchen Young on August 21, 2014 to remove the street light on pole 3/89 and to relocate it onto pole 3/88 which will put it closer to the intersection of Milton Rd and Cross Rd for illumination of the intersection at the above-noted service address.

Your city/town is currently billed under rate EOL – Energy Efficient Outdoor Lighting. According to the service agreement there will be a charge to the city/town for the relocating any of these streetlights. The cost will be reviewed with you once a field technician visits the location. In addition, the service charges and rates under which you are billed are available upon request.

If you have any questions about this matter, please contact our office immediately at 1-800-362-7764. Our representatives are available 7:00 am – 5:00 pm, Monday through Friday.

Sean O'Brien

Sean G O'Brien
PSNH Construction Services Support Center
60 W. Pennacook St.
PO Box 330
Manchester, NH 03105-9989

9296 1-14

Revised 9/2/14

AUGUST 2014

DEPT	NAME	POSITION	# of Employees	FT	PT	SEASONAL/TEMP	NEW HIRE	REHIRE	RETIREMENT	SEPARATED	STEP (CBA)	COLA (CBA)	MERIT PAY ADJ	NU PAY ADJ	PROMOTION	OTHER	MISC. INFO
COMMUNICATIONS	KERI DEVINE	COMMUNICATIONS SPECIALIST	1	X						X							
COMMUNICATIONS	KERI DEVINE	COMMUNICATIONS SPECIALIST	1			X										X	PER DIEM
COMMUNICATIONS	JOHN LAVALLEE	COMMUNICATIONS SPECIALIST	1	X						X							
ECON DEVELOPMENT	ELENA ENGLE	CD COORDINATOR	1	X						X							
FINANCE	BLAINE COX	DEPUTY CITY MANAGER	1	X									X				REVISED MERIT PLAN
FIRE	DONALD PENNEY	FIRE LT	1	X						X							
FIRE	RICK DUNTON	FIREFIGHTER	1	X							X						
HUMAN RESOURCES	KAY SNYDER	HR/PR SPECIALIST	1	X												X	REVISED MERIT PLAN
HUMAN RESOURCES	DIANE HOYT	HR MANAGER	1	X										X		X	REVISED MERIT PLAN
LIBRARY	SHANNON PERRY	LIBRARY PAGE	1		X									X		X	REVISED MERIT PLAN
LIBRARY	ABIGAIL CHRETIEN	LIBRARY PAGE	1		X									X		X	REVISED MERIT PLAN
LIBRARY	ALAN LAGACE	LIBRARY PAGE	1		X									X		X	REVISED MERIT PLAN
MIS	GEORGE MURRAY	IS TECHNICIAN	1	X			X										
POLICE	PAUL TOUSSAINT	CAPTAIN	1	X												X	REVISED MERIT PLAN
POLICE	GARY BOUDREAU	CAPTAIN	1	X												X	REVISED MERIT PLAN
POLICE	JASON THOMAS	LIEUTENANT	1	X												X	REVISED MERIT PLAN
POLICE	ANNE GOULD	LIEUTENANT	1		X											X	REVISED MERIT PLAN
POLICE	ANTHONY BOSSI	LIEUTENANT	1	X												X	REVISED MERIT PLAN
POLICE	TODD PINKHAM	LIEUTENANT	1	X												X	REVISED MERIT PLAN
POLICE	MICHAEL ALLEN	POLICE CHIEF	1	X									X				REVISED MERIT PLAN
POLICE	SCOTT DUMAS	DEPUTY POLICE CHIEF	1	X									X			X	REVISED MERIT PLAN
POLICE	KENNETH TAPSCOTT	PATROL OFFICER	1	X						X							
POLICE	ANDREW SWANBERRY	SERGEANT	1	X											X		
POLICE	AARON GARNEAU	PATROL OFFICER	1	X									X				
POLICE	BRITTNEY MARVIN	PATROL OFFICER	1	X			X										
POLICE	THOMAS BLAIR	PT HUD OFFICER	1		X								X				
POLICE	STEPHEN KERLEE	EVIDENCE TECHNICIAN	1		X		X										
POLICE	FRANK PORFIDO	PATROL OFFICER	1	X									X				
PUBLIC WORKS	STEPHANIE SIMON	CUSTODIAN	1		X		X										
PUBLIC WORKS	STEPHANIE SIMON	CUSTODIAN/GROUNDS	1		X									X		X	REVISED MERIT PLAN
PUBLIC WORKS	TYLER BEAUDET	CUSTODIAN/GROUNDS	1		X									X		X	REVISED MERIT PLAN
PUBLIC WORKS	GARY GUPPY	CUSTODIAN/GROUNDS	1		X									X		X	REVISED MERIT PLAN
PUBLIC WORKS	DON TIBBETTS	CUSTODIAN/GROUNDS	1		X											X	REVISED MERIT PLAN
PUBLIC WORKS	TOBEY MAGOON	CUSTODIAN/GROUNDS	1		X											X	REVISED MERIT PLAN
RECREATION	QUINN CONNELLEY	JR COUNSELOR	1		X	X											

DATE	DEPARTMENT	PERMISSION PERMITS	MISCELLANEOUS
8/5/2014	City Manager's Office	EVENT	Somersworth Festival Association - Lilac Mall Carnival
8/5/2014	City Manager's Office	EVENT	Crosspoint Church - backpack giveaway
8/7/2014	City Manager's Office	EVENT	Quilter's Guild show
8/12/2014	City Manager's Office	EVENT	Groupe Esprit de Corps - Montreal to Boston running challenge
8/13/2014	City Manager's Office	EVENT	Rochester Main Street - Zoo Encounter exhibit
8/14/2014	City Manager's Office	EVENT	Abnaki District - Daniel Webster Boy Scout -community outreach
8/20/2014	City Manager's Office	EVENT	Angels of Hope - American Cancer Society - toll booth
8/22/2014	City Manager's Office	EVENT	NuDay Syria - James Foley vigil
8/26/2014	City Manager's Office	EVENT	Rosary Rally
7/29/2014	City Manager's Office	TAGGING	Spaulding Football
8/26/2014	City Manager's Office	Permit of Assembly	American Legion Post 7

NUMBER	COUNCIL MEMBER	FORUM	REQUEST/INQUIRY	ACTION
1	Committee	5/15/2014 Public Works Committee	meet with supplier of infrared machine and discuss resolving issues.	**Met with supplier. Discussed at committee meeting. Item closed.**
2	Varney	5/15/2014 Public Works Committee	Suggested getting budgetary number for basic repairs for inspection and evaluation of Dewey St./Hanson Pines pedestrian bridge. Suggested completing CIP Project Sheet and agenda bill for to get on Council agenda to add to FY2015 CIP budget.	**Discussed at committee meeting. Item closed. Item closed.**
3	Keans	7/17/2014 Public Works Committee	Information regarding the level of flouride added to the system.	**Item has been completed. Issue closed.**
4	Committee	7/8/2014 Finance Committee	would like more information about the Trustees of the Trust Fund	have been invited to October Finance Committee meeting.

Revised 9/2/14

RECEIVED
AUG 14 2014
CITY CLERK'S OFFICE
ROCHESTER, NH

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

STATEMENT OF INTEREST
BOARD AND COMMISSION MEMBERSHIP

POSITION DESIRED: Ward 6 - School Board Representative

NEW X RE-APPOINTMENT____ REGULAR____ ALTERNATE____

NAME: Thomas O'Connor, MSW

STREET ADDRESS: 27 Prospect Street, Rochester NH

ZIP 03867

TELEPHONE:(H)____ (W)____ E-MAIL tmoc14@gmail.com

REGISTERED VOTER: (CIRCLE ONE) YES X NO ____ **WARD** 6

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

I am interested in filling the vacancy on the Rochester School Board for the Ward 6 representative. I have been a resident of Rochester 11 years. I have 3 school age children who attend Chamberlain Street School. I have worked with DCYF for 11+ years, and was a Early Childhood Educator and an Afterschool Program Director for 6 years.

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

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

I certify that I am 18 years of age or older: [signature]

THOMAS O'CONNOR
27 Prospect Street
Rochester, NH 03867
Home-(603) 332-1179/Cell-(603) 661-4924/Work-(603) 332-9120 ext. 119

♦♦♦♦♦♦♦♦♦♦

SKILLS/ABILITIES

- Supervisory Skills
- Team Oriented
- Strong Communication Skills
- Organized
- Resourceful
- Quick Learner
- Goal Oriented
- Motivated
- Experience with Microsoft Products
- SBC Certified

EXPERIENCE

2013 – Present **Deputy Compact Administrator, Manager of the Central Registry and Policy writer for the Division for Children, Youth and Families**

Deputy Compact Administrator:

- Compact mission and purposes are promoted
- Appointment is compliant with Statute
- State Council is functioning
- Dues are paid
- Compact Office has adequate resources
- Develop and maintain working relationships with:
    - National Office
    - Judiciary
    - State Council Members
    - Other Commissioners
    - Compact Office & Deputy Compact Administrators

Manager of the Central Registry:

- Manage data entry into the Central Registry for accuracy
- Ensure all court, DCYF forms and certificate are properly signed and dated and are determined appropriate per the outcome of DCYF Assessments and court hearing.
- Input perpetrators of abuse and neglect into the Statewide Central Registry System.
- Support and Collaborate with local District Offices and Courts to help facilitate the Central Registry process.

Policy Writer:

- Facilitate Policy meeting for appropriate revisions with subject matter experts to ensure that policy meets the criteria set forth from legislative and administrative rule changes.
- Review policies to ensure that they are meeting DCYF standards of practice and are aligned with RSA's that govern the Division for Children, Youth and Families.

- Attend Administrative Rule Public Hearings in order to advocate for DCYF when appropriate and necessary.

2005 – 2013 Assistant (Permanency) Supervisor; Rochester District Office

Assistant Supervisor:

- Provide supervision/training to assigned staff to assure the provision of quality mandated services to children in out-of-home placement
- Evaluated and certified staff in development of Solution Based Casework (SBC) skills
- Continually observe and evaluate staff in the on-going development of their SBC practice
- Evaluate the work performance of staff to determine compliance with their job description
- Assure that each assigned staff member has an individualized training plan
- Assign work to the staff to coordinate the equal distribution of workload
- Attend scheduled supervisory meetings to receive/disseminate information and to participate in program development
- Makes important contact with district courts, law enforcement, agencies, and community involved with Child Protective Service Families.
- Prepare and oversee the preparation of required reports of staff to assure their appropriateness and accuracy
- Screen, interview and approve applicants for CPSW positions to ensure hiring of capable staff
- Use the Bridges System and related software to prepare requested reports and statistics
- Approve requests for leave from subordinate staff to assure adequate case coverage
- Conducts unit staff meetings to inform the staff of agency decisions, to explain new policy and to problem solve unit issues
- Initiates interagency/community development activities to enhance provisions of child welfare services to children of families.
- I have also done trainings for the Training Bureau (Core Module VI: Case Planning & Case Work Process (2006-2011), and Independent Living Training (now call the Adolescent Tool Box training; 2005-2006).

2004 – 2005 Assistant (Permanency) Supervisor; Portmouth District Office

Assistant Supervisor:

- Provide supervision/training to assigned staff to assure the provision of quality mandated services to children in out-of-home placement
- Evaluate the work performance of staff to determine compliance with their job description
- Assure that each assigned staff member has an individualized training plan
- Assign work to the staff to coordinate the equal distribution of workload
- Attend scheduled supervisory meetings to receive/disseminate information and to participate in program development
- Makes important contact with district courts, law enforcement, agencies, and community involved with Child Protective Service Families.
- Prepare and oversee the preparation of required reports of staff to assure their appropriateness and accuracy
- Screen, interview and approve applicants for CPSW positions to ensure hiring of capable staff
- Use the Bridges System and related software to prepare requested reports and statistics
- Approve requests for leave from subordinate staff to assure adequate case coverage
- Conducts unit staff meetings to inform the staff of agency decisions, to explain new policy and to problem solve unit issues
- Initiates interagency/community development activities to enhance provisions of child welfare services to children of families.

2003 – 2004 Child Protective Service Worker III; Portmouth, NH

Adolescent Service Worker:

- Supervised an Assessment Worker
- Supported the District Office in the absence of Supervisor/Coordinator
- Provided primary and secondary case management with the implementation of the Independent Living Program
- Wrote court reports, case plans and adult living preparation plans
- Completed needs assessments, career assessments, and skills evaluations for adolescents
- Monitored group homes in my catchment area to ensure that the IL paperwork was completed
- Used the NH Trails training curriculum to develop independent living skills with adolescents.
- Assisted adolescents in obtaining their driver's licenses, finding jobs, completing college applications, preparing to live independently in aftercare housing situations, and understanding the overall responsibilities of adulthood
- Maintained an Excel spreadsheet for tracking the completion of required IL paperwork and educational tasks
- Collaborated with outside agencies by referring adolescents for services
- Recruited and enrolled prospective service providers for the Independent Living Program

2002-2003 Second Year MSW Internship; State Office; Concord, NH

Two aspects to this internship:

- Clinical work on two (2) cases:
  - Became a visiting resource for one case
  - Became a co-worker with the Senior Psychiatric Social Worker for DCYF on the second case
- Community and Administrative Practice:
  - Conducted research on the Permanency Plus Program being run out of the Portsmouth District Office.
  - Used the Bridges System to collect data on historical cases from the Portsmouth and Concord District Office.
  - Wrote a practice manual for the same program to be used by staff and families as a reference/practice guide.
- Attended the Child Welfare League of America National Conference in Washington, D.C.

2001-2002 First Year MSW Internship;Portsmouth, NH

Worked in the Foster Care Unit and was responsible for:

- Completing home and re-licensing visits for prospective foster and current foster families
- Providing in-depth reports on home and re-licensing visits
- Completing three (3) Interstate Compacts
- Managing and providing case plans and court reports of three (3) on-going family service cases
- Attending and participating in review hearings
- Using the Bridges System to input all contacts and other information requested by the District Office Supervisor for all cases
- Attending the Child Welfare League of America National Conference in Washington, D.C.

EDUCATION

2001-2003 University of New Hampshire; Durham, NH

Master of Social Work Degree

1994-1996 **New England College; Dover, NH**
Bachelor of Arts Degree in Human Services

1992-1994 **McIntosh College; Dover, NH**
Associates Degree in Criminal Justice

REFERENCES

References will be provided upon request.

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Reports of Committees
August 2014

- Appointments Committee P. 51
- Codes and Ordinances Committee P. 53
- Community Development Committee P. 178
- Joint Building Committee P. 67
- Public Safety Committee P. 169
- Public Works and Building Committee P. 172

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City of Rochester, New Hampshire
CITY COUNCIL – APPOINTMENTS COMMITTEE
31 Wakefield Street • Rochester, NH 03867
(603) 332-1167
www.RochesterNH.net

Appointments Committee Minutes
August 5, 2014

Committee Members Present:
John Larochelle, Chair
Jake Collins
Donald Hamann
James Gray
Sandra Keans

John Larochelle called the meeting to order at 6:15 p.m. on August 5th.

Kevin Sullivan – Conservation Commission - Alternate Member

Kevin has worked for the NH Fish and Game Department for over a decade as a marine biologist and has a strong interest in preserving our natural heritage. His background gives him a strong base to build on to be an effective member of the Conservation Commission.

The Appointments Committee unanimously recommends Kevin Sullivan for appointment to the Conservation Commission as the Alternate Member, term to expire January 2017.

Robert Pallas - Selectman for Ward 2

Rob has a great deal of experience in working at the polls and would like to fill the vacant position due to expire in 2016.

The Appointments Committee unanimously recommends Robert Pallas for appointment to the vacant position of Selectman for Ward 2, term to expire January 2, 2016.

Robert Pallas was appointed to fill this position at the subsequent meeting of City Council on August 5, 2014.

Respectfully submitted,

John Larochelle, Chair
Appointments Committee

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CODES AND ORDINANCES COMMITTEE
Of the Rochester City Council
Thursday, August 7, 2014
City Council Chambers
31 Wakefield Street, Rochester, NH
7:00 PM

Committee Members Present
Councilor Peter Lachapelle, Chair
Councilor Elaine Lauterborn, Vice Chair
Councilor Ray Varney
Councilor Sandra Keans

Others Present
Commissioner Nourse
Sheldon Perkins, Building, Zoning, and Licensing Services
Councilor Bogan
Bob Goldstein, Resident

MINUTES

1. Call to Order

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

2. Public Input

No member of the public addressed the Codes and Ordinances Committee at this time.

3. Approval of the Codes and Ordinances Committee Minutes

- **June 5, 2014**

Councilor Lauterborn **MOVED** to **ACCEPT** the June 5, 2014, Codes and Ordinances Committee meeting minutes. Councilor Varney seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

4. Amendment to Water Ordinance – Required System Connections

Commissioner Nourse addressed the Committee about the Amendment to the Ordinances Chapter 17 relative to Water Leakage Enforcement. He gave a detailed history of why this ordinance has been brought back to the Committee at this time. *This time-line can be found as an attachment to the Codes and Ordinances Committee packet and it will be included with the City Council packet of September 2, 2014.*

The first reading of the proposed Amendment to Ordinances Chapter 17 relative to Water Leakage Enforcement passed the City Council without much discussion; however, after the second reading, a few Councilors felt that this ordinance amendment should go back to the Committee for review. A few Councilors felt strongly that a water "customer" should not have their water shutoff as part

of the penalty process. At that point, the Public Works Committee drafted another version of the proposed amendment, which is dated as the June 19, 2014, version.

Commissioner Nourse stated that the Public Works Committee felt this final version of the amendment, as written, addresses the concerns of the situation and does not threaten to terminate the customer's use of the water. Councilor Varney **MOVED** to recommend this version, dated as June 16, 2014, of the proposed Amendment, to the City Council for adoption. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Councilor Varney requested to have the marked up version included with the packet and the revised amendment is as follows:

Public Works June 19, 2014 Version

AMENDMENTS TO CHAPTER 17 OF THE GENERAL ORDINANCES OF THE CITY OF ROCHESTER REGARDING WATER LEAKAGE PREVENTION AND MITIGATION PROCEDURES AND RESPONSIBILITIES

THE CITY OF ROCHESTER ORDAINS:

That Chapter 17 of the General Ordinances of the City of Rochester, entitled "Water", as presently amended, be further amended as follows:

I. That Section 17.2 of the General Ordinances of the City of Rochester, as presently amended, and entitled "Definitions", be further amended, by adding to said Section 17.2, the following provision, to be known as Section 17.2 (g) of the General Ordinances of the City of Rochester, to wit:

17.2 Definitions.

"(q) Water Leakage. The loss of City water on the private property (or on other private property(s) over which the customer's water service must pass) of a City water customer due to a compromise of the customer's interior or exterior plumbing."

II. That Section 17.3 of the General Ordinances of the City of Rochester, as presently amended, and entitled "Definitions", be further amended, by adding to said Section 17.3, the following provision, to be known as Section 17.2 (q) of the General Ordinances of the City of Rochester, to wit:

17.3 Policy Statement.

"(g) Treated drinking water produced by City facilities and distributed through the City distribution system is a valuable public resource, funded by water rate payers. It is the obligation of all water customers to correct any leakages which occur on their property in a timely and effective manner. Customer failure to correct leakages on their property (or to have repaired leakage occurring on other private property(s) over which the customer's water service extends) is, after notification of the customer pursuant to the provisions of Section 17.20-A of this Chapter, for purposes of this Chapter, considered willful waste of water."

III. That Chapter 17 of the General Ordinances of the City of Rochester, entitled "Water", as presently amended, be further amended, by adding to said Chapter the following new provision, to be known as Section 17.20-A of the General Ordinances of the City of Rochester, to wit:

"**17.20-A <u>Prevention and Enforcement of Willful Water Waste</u>.**
Treated drinking water produced by City facilities and distributed through the City distribution system is a valuable public resource, funded by water rate payers. It is the obligation of all water customers to correct any leakages which occur on their property (or to have repaired leakage occurring on private property(s) over which the customer's water service extends) in a timely and effective manner. Customer failure to correct leakages on such property is, for purposes of this Chapter, considered willful waste of water. The Department of Public Works shall utilize the following procedures to alert customers experiencing atypical variation increases in water consumption to alert customers to the possibility of leakage in their (or a master reader's) water service.

(a) **<u>Mobile/Manufactured Home Parks and other similar accounts, with Individual Unit Meters and a Master Meter(s)</u>**. Such accounts will have summed, by the Department of Public Works, or by its agent(s), the total consumption value of individual unit meters for each regular billing cycle. This summed value will be compared to the master meter consumption value, or in the event of multiple master meters, the sum value of the master meters. A variation of 10% or more between the sum value of the individual unit meter readings and the master meter value, or sum value of multiple master meter readings, will create/establish the obligation of the customer to investigate and, if necessary, report and correct, at customer's expense, water leakage on their property (or on other private property(s) over which their water service extends). Such variations when identified will be documented by the Department of Public Works and a written notice shall be sent by certified mail, return receipt requested, to customer. Upon receipt of notification, customer will have 90 days to correct any water leakage and report completion of such repairs back to the Department of Public Works. In cases where no leakage is determined to exist, or to have existed, but increased consumption does occur, or is occurring, the customer has the obligation to communicate a credible explanation for the increased consumption to the Department, and to assume responsibility, in writing if requested by the Department of Public Works, for payment responsibility for such increased consumption. Failure of the customer to respond to such notice by communicating to the Department of Public Works the actions needed, and being taken to correct water leakage, and credible explanation for the increased consumption to the Department the time reasonably required to implement repairs, or by communicating a credible explanation for the increased consumption to the Department and indicating the customer's assumption of responsibility for payment responsibility for such increased consumption ***may*** ~~will~~ constitute ***a violation*** ~~grounds for termination of water service~~ following the expiration of the 90 day repair period, until such leakage is corrected or explanation received. In such cases, an appeal to the Utility Advisory Board for abatement of fees during the 90 day period will not be heard.

(b) **<u>Accounts of Individual Unit Meters without Master Meters</u>**. The Department of Public Works monitors average quarterly water consumption reflected by customer's account(s), and such consumption is communicated to the customer in its monthly, quarterly or other regular bill. When monitoring, if above *average* ~~normal~~ consumption, or a situation indicating a potential leakage of water on the customer's property (or on other private property over which the customer's water service extends) is identified, the Department will issue a written advisory to the customer.

The Department of Public Works may, at its discretion, require a response and credible explanation of the increased usage within 90 days of notification. If determined to be a leakage the customer may be required to respond with a plan to repair said leakage within 90 days or as otherwise agreed to by DPW.

Failure of the customer to respond to such notice by communicating to the Department of Public Works the actions needed, and being taken to correct water leakage, and credible explanation for the increased consumption to the Department the time reasonably required to implement repairs, or by communicating a credible explanation for the increased consumption to the Department and indicating the customer's assumption of responsibility for payment responsibility for such increased consumption may constitute a violation following the expiration of the 90 day repair period, until such leakage is corrected or explanation received. In such cases, an appeal to the Utility Advisory Board for abatement of fees during the 90 day period will not be heard.

~~(c) **Water Leaks on Customer Property (or other Private Property over which a Customer's Water Service Extends) Known to Exist by Department of Public Works**. In such cases where it is apparent from the street, or the Department of Public Works otherwise knows of water leakage on the customer's property (or on other private property over which the customer's water service extends), the Department will advise the customer in writing of their obligation to investigate and respond to such leakage at their expense. Failure of the customer to respond to such leakages and inform the Department of their response within 7 days of receipt will constitute grounds for termination of water service until such leakage is addressed by response. In the event of a known leak of significant volume on customer property (or on other private property over which the customer's water service extends) which cannot be isolated on the property, the Department of Public Works will immediately terminate service to the property. Customer shall be responsible for repairs to the leakage prior to resumption of City water service."~~

Penalty Any person who, in any manner, directly or indirectly violates the provisions of this ordinances shall be guilty of a violation. Violations of this ordinance /may be punishable by a fine of One Hundred Dollars ($100.0) per day of offense.

Chapter 17.4 Water Service Connection Required

Commission Nourse addressed the Committee about Chapter 17.4 Water Service Connection Required. He said at one point, the City Council believed that the City's water ordinance should mirror the City's sewer ordinance. He said he does not believe the City can place a regulation on a property owner relative to water hook ups. He noted that the State of New Hampshire has RSA regulates the sewer hook ups but not water hook ups. He said it is the right of the property owner to choose a well vs. City water.

Commissioner Nourse gave a brief history about how this ordinance amendment was adopted earlier this year; however, it has now come to his attention that the City cannot enforce such an ordinance. He read from RSA 362:4, IV and V, "*DES has no authority to require that a lot connect to a public water system if the property owner can adhere to the requirements described in this document*…."

Commissioner Nourse continued to read documentation to back up his theory and informed the Committee that Attorney Wensley agreed that this ordinance could not legally be enforced. He recommended that the language be removed. Councilor Gray asked if language could be written to encourage people to hook up to the City's water supply.

The Committee briefly discussed if the Planning Board had the authority to require a property owner to hook up to the City's water supply at the time of the Notice of Decision. Councilor Gates stated

that the developer is the property owner and the State RSA specifically states that "No property owner shall be required to connect to a municipal corporation furnishing water, provided that such property owner can demonstrate the ability to comply with the requirements of RSA 485-A29 and RSA 485-A:30 b."

Councilor Gray stated that there is still a problem to be addressed. If a water customer has water and sewer hook ups and stops using the water, somehow the customer should at least have to continue to pay for the sewage. The Committee briefly discussed the residential backflow prevention legislation.

Councilor Lauterborn questioned how many property owners currently have sewer service but not water service. Commissioner Nourse replied the City has three such customers and they are charged a flat rate for the sewer service, which is estimated at about $200 each quarterly billing cycle. Councilor Lauterborn **MOVED** to recommend to the full City Council that Chapter 17.4 be "removed." Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. It was recommended that the section be as follows, to alleviate renumbering the entire ordinance:

Chapter 17.4 Water Service Connection Required – REPEALED

5. Proposed Rental Housing Ordinance

Sheldon Perkins, Building, Zoning, and Licensing Services, addressed the Committee regarding the following Amendment:

CHAPTER 44
HOUSING STANDARDS

44.1. Enforcement Authority
44.2. Powers of Enforcement Authority
44.3. Minimum Standards
44.4. Inspections
44.5. Enforcement Process
44.6. Appeal
44.7. Court Action
44.8. Liens
44.9. Effective Date

HOUSING STANDARDS

This Ordinance establishes a housing standards ordinance designed to protect the health and safety of occupants of residential rental properties within the City of Rochester. This would occur when an inspection reveals such a need or by a complaint from a citizen including those set forth in RSA 48-A:7.

44.1 Enforcement Authority

The Director of the Department of Building, Zoning and Licensing Services. Although the day to day operation of the program can be delegated to staff, the Director is ultimately responsible for the administration of the program.

44.2 Powers of Enforcement Authority

The program allows the City, under the direction of the Director of the Department of Building, Zoning and Licensing Services, to pursue increasing safety of rental properties through inspections and enforcement as permitted per state statute 48-A:14. Fines may also be levied through Court action in cases where rental property owners fail to show good faith effort to meet the State minimum standards.

44.3 Minimum Standards

Violations of the International Property Maintenance Code and/or City Ordinances include, but are not limited to dangerous defects; lack of adequate ventilation, light, or sanitary facilities; uncleanliness; overcrowding or lack of ingress or egress; inadequate drainage; violations of health, fire, or safety regulations; insect or rodent infestation; falling plaster from walls or ceilings; dangerous holes in walls, floors, or ceilings; structurally unsound porches, stairs, or railings; excessive accumulation of garbage or rubbish; inadequate water supply or malfunctioning water heaters; gas leaks or defective pilot light ventilation or lack of proper heating or malfunctioning heating systems.

44.4 Inspections

A. Interior inspections may occur upon:

1. Written request by the property owner or tenant

   Upon receipt of a written request by either the property owner or tenant a general inspection may be conducted. This would be a voluntary inspection. The landlord shall be notified in writing of an impending inspection no less than three (3) days prior to the inspection.

2. A written complaint by a tenant of the rental property regarding a violation of the International Property Maintenance Code and/or City Ordinances.

   At the time a complaint is filed regarding alleged violations in rental dwelling units, the tenant shall be required to notify the property owner or management company of all alleged deficiencies via registered mail, with the Department of Building, Zoning and Licensing Services "carbon" copied. The notice from the tenant shall include a reasonable period of time (14 days) for the property owner or Management Company to make any required corrections.

   Once the 14 day time frame has elapsed and the complainant notifies the department that there are still outstanding violations, the property owner will be given a three day notice of an impending inspection to be conducted by the compliance officer. Once a violation has been validated, enforcement shall be in accordance with The Guide to District Court Enforcement of Local Ordinances and Codes, as prepared by the New Hampshire Bar Association and updated March 2001 by The Municipal and Governmental Law Section Members. The complainant shall be notified as to the findings in writing and this notification shall be duly noted on the inspector's report.

   No interior inspections will be initiated without the above criteria having been met.

3. Life safety or health issues

The tenant is still required to notify the property owner or management company; however the 14 day wait period shall be waived in cases where there is imminent danger to occupants or property. These complaints shall be processed and investigated immediately.

B. Exterior Inspections may occur upon:

1. Written request by any concerned party.

Exterior complaints of the Property Maintenance Code or General Ordinances of the City of Rochester may be made by any concerned party. An inspection may be conducted at any reasonable time.

44.5 Enforcement Process

An enforcement process is initiated by the Director of Building, Zoning and Licensing Services or designee, when an inspection of the property reveals such a need or by complaint from a citizen charging that a dwelling is substandard or unfit for human habitation. Service of the complaint would be made in person or by registered mail indicating a hearing before the Director of Building, Zoning, and Licensing Services within thirty days from the date of service. The Director will submit findings and ruling in writing to the owner and, if applicable, explain what must be done to comply with the requirements and provide a reasonable timeframe. Depending on the circumstances, the Director may order the building vacated, or if the costs of repair are unreasonable in relation to the value of the dwelling, may order the building removed or demolished in accordance with RSA 48-A:4.

44.6 Appeals

If aggrieved by the Director's decision, the owner may appeal to the Zoning Board of Adjustment. Appeals must be- filed within thirty days of the Director's decision.

44.7 Court Action

If the owner fails to comply with the order, the Director or designee may file a petition/complaint with either the Rochester Circuit Court or the Strafford County Superior Court.

44.8 Liens

Liens against the real property may be levied whenever the City incurs costs associated with the repair, alteration, improvements, vacating, closing, or for removal or demolition of a dwelling pursuant to RSA 48-A:6.

44.9 Effective Date

This ordinance shall take effect upon adoption by the City Council.

Mr. Perkins noted that one important change is that the Department would enter the building in an emergency situation and then they would notify the landlord after the event occurred. He added that this draft ordinance was presented to the Landlords Association and there was no negative feedback. Councilor Varney recommended amending the draft by removing the word "still" from Section 44.4 A:3. Councilor Lauterborn pointed out that Section 44.6 Appeals should be amended to remove an additional

"dash" in after the word "be." Councilor Varney **MOVED** to recommend the proposed ordinance to the full City Council with the corrections mentioned in the previous paragraph. Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. The draft amendment is as follows:

CHAPTER 44
HOUSING STANDARDS

44.1. Enforcement Authority
44.2. Powers of Enforcement Authority
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44.1 Enforcement Authority

The Director of the Department of Building, Zoning and Licensing Services. Although the day to day operation of the program can be delegated to staff, the Director is ultimately responsible for the administration of the program.

44.2 Powers of Enforcement Authority

The program allows the City, under the direction of the Director of the Department of Building, Zoning and Licensing Services, to pursue increasing safety of rental properties through inspections and enforcement as permitted per state statute 48-A:14. Fines may also be levied through Court action in cases where rental property owners fail to show good faith effort to meet the State minimum standards.

44.3 Minimum Standards

Violations of the International Property Maintenance Code and/or City Ordinances include but are not limited to dangerous defects; lack of adequate ventilation, light, or sanitary facilities; uncleanliness; overcrowding or lack of ingress or egress; inadequate drainage; violations of health, fire, or safety regulations; insect or rodent infestation; falling plaster from walls or ceilings; dangerous holes in walls, floors, or ceilings; structurally unsound porches, stairs, or railings; excessive accumulation of garbage or rubbish; inadequate water supply or malfunctioning water heaters; gas leaks or defective pilot light ventilation or lack of proper heating or malfunctioning heating systems.

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At the time a complaint is filed regarding alleged violations in rental dwelling units, the tenant shall be required to notify the property owner or management company of all alleged deficiencies via registered mail, with the Department of Building, Zoning and Licensing Services carbon copied. The notice from the tenant shall include a reasonable period of time (14 days) for the property owner or Management Company to make any required corrections.

Once the 14 day time frame has elapsed and the complainant notifies the department that there are still outstanding violations, the property owner will be given a three day notice of an impending inspection to be conducted by the compliance officer. Once a violation has been validated, enforcement shall be in accordance with The Guide to District Court Enforcement of Local Ordinances and Codes, as prepared by the New Hampshire Bar Association and updated March 2001 by The Municipal and Governmental Law Section Members. The complainant shall be notified as to the findings in writing and this notification shall be duly noted on the inspector's report.

No interior inspections will be initiated without the above criteria having been met.

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The tenant is required to notify the property owner or management company; however the 14 day wait period shall be waived in cases where there is imminent danger to occupants or property. These complaints shall be processed and investigated immediately.

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Exterior complaints of the Property Maintenance Code or General Ordinances of the City of Rochester may be made by any concerned party. An inspection may be conducted at any reasonable time.

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An enforcement process is initiated by the Director of Building, Zoning and Licensing Services or designee, when an inspection of the property reveals such a need or by complaint from a citizen charging that a dwelling is substandard or unfit for human habitation. Service of the complaint would be made in person or by registered mail indicating a hearing before the Director of Building, Zoning and Licensing Services within thirty days from the date of service. The Director will submit findings and ruling in writing to the owner and, if applicable, explain what must be done to comply with the requirements and

provide a reasonable timeframe. Depending on the circumstances, the Director may order the building vacated, or if the costs of repair are unreasonable in relation to the value of the dwelling, may order the building removed or demolished in accordance with RSA 48-A:4.

44.6 Appeals

If aggrieved by the Director's decision, the owner may appeal to the Zoning Board of Adjustment. Appeals must be filed within thirty days of the Director's decision.

44.7 Court Action

If the owner fails to comply with the order, the Director or designee may file a petition/complaint with either the Rochester Circuit Court or the Strafford County Superior Court.

44.8 Liens

Liens against the real property may be levied whenever the City incurs costs associated with the repair, alteration, improvements, vacating, closing, or for removal or demolition of a dwelling pursuant to RSA 48-A:6.

44.9 Effective Date

This ordinance shall take effect upon adoption by the City Council.

6. Chapter 42 Certification

Councilor Gates **MOVED** to **CERTIFY** Chapter 42, which was adopted on April 22, 2014, by the City Council, and the final version can be found in the City Clerk's office dated 8-8-2014. Councilor Varney seconded the motion. Councilor Varney requested that the older versions be removed from the City's website to avoid confusion.

Councilor Varney stated that he made minor revisions to the charts of Chapter 42 by following a systematic process of the actual adoption on April 22, 2014. He **MOVED** to **AMEND** the August 8, 2014, version of Chapter 42 by replacing the proposed charts with the corrected versions dated 8-7-2014. He said the charts should be further amended by rewording the "sections" opposed to "articles" and to correct the text on page 158 to match was actually adopted on April 22, 2014 as follows:

42.23 Accessory Uses, b *Standards for Specific Accessory* Uses, 3 *Animals and Pets, Keeping of*, F *Chickens, Fowl and Other Small live stalk*, ii No roosters are allowed and the number ***of chickens*** is limited to less than ten in the Residential 1 and 2 Zones.

Councilor Gates seconded the motion. The **MOTION CARRIED** unanimously.

7. Other

Bob Goldstein, resident, addressed the Committee. He said most permits or licenses have to be removed after a certain timeframe; however, this is not true for home occupancy permits. He gave reasons why he felt the idea of requiring a renewal process of a home occupancy would be a good idea. He felt a five-year renewal or review process could be beneficial to the City for businesses in Residential 1 or Residential 2 Zones. He gave the example of a small home business needing to seek a renewal after five

years. The Committee discussed the matter with Mr. Goldstein. Councilor Varney requested that information be provided from the BZLS Department for the next Codes and Ordinances Committee meeting: how many home occupation permits are in the City; what the fee is for the permits: and to seek out information about if any other communities in New Hampshire have anything like this in place.

Councilor Lauterborn stated that the Committee received a letter from Mark Hourihane of Hourihane, Cormier, & Associates LLC, and it should be addressed by someone. It was determined that the BZLS Department should be asked why they do not enforce the off-premises sign ordinance and get back to the Committee in September about how to enforce the sign ordinance that is in place. Councilor Varney understood that the BZLS only responds if there is a complaint.

Councilor Lauterborn asked about the panhandling issue. The Committee decided to check to see if Concord's panhandling ordinance is being challenged by the ACLU or not. If not, the Committee should review that ordinance at the next meeting.

Councilor Gray addressed the Committee about loitering issues, particularly, people who wonder around in the evening checking for unlocked vehicles on their way by someone's home. The neighbors on Heaton Street and Winter Street can hear car-alarms and dogs barking all the way down the street until the noise is close to their own homes. This is an issue that should be addressed with the panhandling issue. The Committee agreed that testing car door handles is illegal; however, they recommended that Councilor Gray or the Recreation Commission bring back some recommendations to the next meeting for discussion.

8. Adjournment

Councilor Gates **MOVED** to **ADJOURN** the Committee meeting at 7:55 PM. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Kelly Walters
City Clerk

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Community Development Committee Meeting Minutes

Forthcoming…

Community Development Committee Meeting Minutes

Forthcoming…

Rochester School Board / Rochester City Council
Joint Building Committee Minutes
East Rochester School
August 18, 2014 DRAFT

Members Present	**Members Absent**	**Also Present**
Mrs. Sandra Keans	Mayor T.J. Jean	Mr. Michael Hopkins
Ms. Elaine Lauterborn	Mr. Ralph Torr	Mr. Richard Bickford
Mr. Raymond Varney	Mr. David Walker	Mr. Dick Drapeau
Dr. Anthony Pastelis	Mr. Paul Lynch	Ms. Coby Troidl
Mr. Daniel Harkinson		Mr. Lance Whitehead
Mrs. Susan O'Connor		Mr. David Ross
Mrs. Audrey Stevens		Press
Mr. Robert Watson		

Mrs. Keans called the meeting to order at 7:00 p.m. with a quorum present. Members participated in the pledge of allegiance.

Tour of Site
Mr. Ross and Mr. Whitehead conducted a tour of the site and gave an update on the construction and an overview of the progress being made. The new entrance, water quality unit, sewer tie in and utility work has been worked on over the past month. Additional under drainage was added to help with the new roadway. All utilities coming into the school are now in.

Paving and restriping will be done over the next week. Foundations for the new additions are in; concrete and foundations for Phase I are finished. Underground plumbing and electrical is in and inspected. They have worked with engineers to build a block wall and the steel is being installed next week; new roof will also be installed in the next week as the existing roof wasn't heavy enough. The walkway will be reconfigured to have better accessibility to the fields.

The building will be red brick when finished. Wetlands were not impacted by the new road way. When school is in session, fencing will be set up so the playground can be used and fire exit is in place. No major issues have been encountered and the project is on time, on schedule and on budget.

Approval of Minutes
Dr. Pastelis moved, second by Mrs. Stevens, to approve the minutes of the May 12, 2014 meeting. The motion passed unanimously.

Adjournment
Mrs. Stevens moved, second by Mrs. O'Connor, to adjourn. On a unanimous vote, the Committee adjourned at 7:31 p.m.

Respectfully submitted,

Michael Hopkins
Board Secretary

Joint Building Committee Meeting Minutes

Forthcoming…

Public Safety Committee minutes - *Forthcoming*

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Public Works Committe Minutes

Forthcoming…

http://www.rochesternh.net/sites/rochesternh/files/minutes/minutes-file/ccpwc08212014min.pdf

Forthcoming…

Revised 9/2/14

City of Rochester
Dept of Public Works

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

Memo

To: Public Works and Buildings Committee

From: Peter Nourse, Director of Public Works

CC: Daniel Fitzpatrick, City Manager, Blaine Cox, Deputy City Manager, Karen Pollard, Economic Development, Chief Norman Sanborn, RFD

Date: 13 August 2014

Re: **Granite State Business Park – Water Distribution Interconnection Analysis**

---

1. I bring to your attention my concern regarding water supply and particularly the available fire flow at this park. I recently directed Wright-Pierce engineers to evaluate several computer modeled scenarios where parts of the existing water storage/delivery system would fail to determine the subsequent firefighting and domestic/process effects on the business park, and, the same scenarios and their effect on the business park with a hypothetical redundant interconnect.
2. The computer model predicted that an emergency break to the single water supply line under Rt. 108, or beneath Airport Dr. between Rochester Hill Tank and the Safran complex, or a failure of the Rochester Hill Tank, or when Rochester Hill Tank would next need to be taken off-line for maintenance, would present a situation where there would be inadequate flow for firefighting at the Safran complex, and for other users' domestic/process or firefighting uses. A failure of the Richardson St. booster pumps alone would result in just meeting the Safran firefighting demand but leaving little water for other park users' firefighting and domestic/process uses.
3. Further, with no equipment failures and the Safran complex under firefighting operations, there is little capacity for additional water use by existing users, or for the park should it expand and additional users come on line. Increased domestic/process consumption by existing users, or park expansion with new

users will cause a dangerous drop in pressure below the minimum required should the Safran complex require firefighting supply.

4. Wright-Pierce examined multiple interconnect alternatives which would provide redundant water supply creating sufficient firefighting flow for Safran complex, while simultaneously providing capacity at sufficient pressure for other users in the park. The least costly and most promising is the proposed interconnect from Whitehall Rd. down Shaw Dr. connecting to the existing water main at the end of Airport Dr.
5. Aside from firefighting, a redundant interconnect should also be considered for domestic uses and process efficiency. With the Whitehall interconnect, available water to the park increases 60% under non-firefighting, regular use conditions.
6. Without a redundant water supply interconnect, the Safran complex and other park users risk a potential of inadequate firefighting supply. If the tank or the delivery line fails, Safran and all other park users do not have adequate firefighting supply. If there are no system failures and there are multiple facility fires to include Safran, it is likely that no one has adequate firefighting supply. From an available fire flow perspective, a redundant interconnect is highly recommended under existing conditions and is absolutely necessary for any park expansion.

Enclosure: Technical Memo, Wright-Pierce, 7/29/14: Granite State Business Park – Water Distribution Interconnection Analysis

WRIGHT-PIERCE
Engineering a Better Environment

MEMORANDUM

TO:	Peter Nourse, PE	DATE:	7/29/2014
FROM:	Christopher Silke, PE Dylan Thisse, EIT	PROJECT NO.:	12586A
SUBJECT:	Granite State Business Park - Water Distribution Interconnection Analysis		

While the Rochester Hill Tank was offline for repairs and re-painting, concerns mounted over the hydraulic capacity of water main serving the Granite State Business Park. Safran, Inc. constructed a nine (9) acre manufacturing facility with a highly sophisticated fire suppression system. At the heart of the Safran fire suppression equipment is a NFPA 20 certified pump designed to deliver 2,300 gallons per minute. Wright-Pierce intervened to manage the City's surveillance of line pressure in the Rochester Hill pressure zone during a fire pump certification test by Hampshire Fire and City / State officials. Our staff also ran several hydraulic model scenarios to evaluate feasible alternatives that would increase the business park estimated available fire flow (EAFF) while sustaining a minimum 20 psi line pressure or more throughout the Rochester Hill service area. Interconnecting the water main in the Granite State Business Park with a second water distribution line will provide redundancy and increased capacity to this area in the event a shutdown is necessary for leak repairs, the 1.0 million gallon tank is offline for maintenance, new connections or other emergencies that would disrupt water service to this vital economic area of the City.

Need for Redundancy

An existing 12" ductile iron (DI) water main running along Route 108 to Airport Drive is currently the only water source for multiple large industrial buildings in the Granite State Business Park. The infrastructure providing pressure and flow to the customers in the pressure zone is comprised of Rochester Hill storage tank, 12" ductile iron water main, Richardson St. Booster pump station and Salmon Falls Booster pump station. The water main running along Airport Drive (Granite State Business Park) is currently a dead end with no interconnection to another source of flow in the Rochester water system. An emergency break repair or maintenance on the section of water main between the Rochester Hill tank and the business park would put the manufacturing facilities in a vulnerable position of no fire protection and impact process / domestic water use.

Need for Additional Flow

Currently, there is very little additional capacity for additional water usage demand to further expand the business park and maintain the required minimum 20 psi within the pressure zone during a fire flow event. The New Hampshire Department of Environmental Services (NHDES), through their adoption of the Recommended Standards for Water Works (10 States Standards), requires a minimum 20 psi at ground level throughout the distribution system during all flow conditions. If the business park continues to expand, increasing normal water demand in this area, residual pressure will drop below 20 psi during a fire flow event at Safran. With the Rochester Hill tank online and level within the recommended range of operation, residual pressure at Albany International Corporation dropped to 20 psi while running the Safran Fire Pump at the required discharge of 2,300 gpm. Also, if the Rochester Hill tank was taken offline for repairs or maintenance, either or both of the Richardson St. booster pumps fail, if the Salmon Falls booster pump station was to run on a jockey pump during an emergency, or if any combination of these events occur, the EAFF at the Safran facility will fall below the sprinkler system permit requirements for occupancy and pressure within the service area will decrease below the required minimum 20 psi.

An interconnection, as discussed in the scenarios below, would provide redundancy in the system, allow for additional water demand capacity and increase the EAFF to the business park. Multiple interconnection options were evaluated under a variety of input boundary conditions to compare existing system fire flows versus interconnect fire flows (Table 1).

Option 1- Shaw Drive Interconnect

A 14" High Density Polyethylene (HDPE) water main would be connected to the existing 12" DI main at the intersection of Whitehall Road and Shaw Drive. The main would be installed along Shaw Drive and an unpaved road extending from Shaw Drive. HDPE water main would be inserted through a 36-inch steel casing pipe jacked under the active rail bed and intersecting an abandoned roadway. The water main would then run southeasterly parallel to the existing utility right of way adjacent to the rail bed until entering a parcel owned by Albany International, Inc. The water main would be reduced to 12" ductile iron pipe prior to bury within the parking lot and re-connect to the existing water main nearby the Albany building. Total length of new water main installed would be approximately 4,500 LF. The estimated total project cost of Option 1 is approximately $1,160,000. Engineering and Project Contingency are factored at 15% each in the total cost.

Option 2A - Somersworth Interconnect

A 12" DI water main would be connected to the Somersworth water system at the intersection of Route 108 and Hideaway Place. The water main would then be installed along Route 108 until it is connected to the Rochester system at the intersection of Route 108 and Airport Drive. A booster pump station would be necessary to overcome the hydraulic grade line differential between Rochester and Somersworth water storage tanks. A booster pump station would increase flow and line pressure to the business park. Total length of new water main installed would be approximately 4,000 LF. The estimated total project cost of Option 2 is approximately $1,450,000. Engineering and Project Contingency are factored at 15% each in the total cost.

Option 2B - Somersworth Interconnect Alternate
An alternate was also priced out to include upgrading approximately 1,600 LF of existing 8" asbestos cement pipe to 12" ductile iron pipe in the Somersworth system at the interconnection point. This would mitigate the loss in normal EAFF in the Somersworth system at the interconnection point as well as mitigate any capacity issues to the booster pump station created by the existing 8" main. The total length of new water main installed if this alternate is added to Option 2 would be 5,600 LF. The estimated total project cost of Option 2B is approximately $1,878,000. Engineering and Project Contingency are factored at 15% each in the total cost.

Hydraulic Modeling
Using the City's hydraulic model and field gathered data, we previously evaluated EAFF at the Safran facility under multiple operational conditions that will not lower pressures below 20 psi in the Rochester Hill Service Area (Table 1 - Existing Conditions). Again, required fire flow at the Safran facility is 2,300 gpm for the fire pump and sprinkler system (Fire Flow Tests Performed at the Granite State Business Park- summer 2013).

The modeled scenarios include a range of potential conditions that can affect the EAFF at Safran's facility. Under fully operational existing conditions (Table 1 - Scenario 1) the EAFF at the Safran building is 2,700 gpm @ 20 psi. Pressure at the more elevated parcels in the business park would be lower than 20 psi. Realistic worst case events would be if the Rochester Tank was to fail/ require maintenance or the Richardson Street booster pump station was offline (Table 1 - Scenario 2 and 3). The controlling scenario occurs when Rochester Hill tank is offline. Under that circumstance the EAFF drops to 1,500 gpm, well below the required fire flow.

Option 1 will increase the EAFF under normal operating conditions to over 4,000 gpm at the Safran facility (Table 1 - Scenario 4). In a worst case

scenario (Table 1 - Scenario 6) the EAFF at the Safran facility would be increased to 2,400 gpm.

Option 2 will increase the EAFF under normal operating conditions to 3,700 gpm at the Safran facility (Table 1 - Scenario 7). In a worst case scenario (Table 1 - Scenario 9) the EAFF would be increased to 3,000 gpm, which is 700 gpm higher than the required fire flow. The alternate (replacing Somersworth 8" asbestos cement pipe with 12" ductile iron water main would slightly lift the fire flow delivery to Safran, Inc. but would increase the EAFF at the Somersworth interconnect location (intersection of Route 108 and Hideaway Place) from 400 gpm to 1,200 gpm. A Somersworth upgrade of water distribution main would enhance EAFF on the suction side of a proposed booster pump station.

Recommendations

1.) Option 1 - Installation of a 14" HDPE interconnection along Shaw Drive, is recommended to increase the available flows to the Granite State Business Park and create redundancy in the Rochester Hill Service Zone.

Table 1

Estimated Available Fire Flows at the Granite State Business Park

Scenario Description	Estimated Available Fire Flow (gpm @ psi)*
EXISTING CONDITIONS	
Scenario 1: Existing Conditions Richardson St Pumps **Online**; Rochester Hill Tank **Online**	2,700 @ 20
Scenario 2: Existing Conditions Richardson St Pumps **Offline**; Rochester Hill Tank **Online**	2,650 @ 20
Scenario 3: Existing Conditions Richardson St Pumps **Online**; Rochester Hill Tank **Offline**	1,500 @ 70
WITH SHAW DRIVE INTERCONNECTION- Option 1	
Scenario 4: W/**14"** DIPS HDPE Shaw Dr. Interconnect; Richardson St Pumps **Online**; Rochester Hill Tank **Online**	4,300 @ 20
Scenario 5: W/**14"** DIPS HDPE Shaw Dr. Interconnect; Richardson St Pumps **Offline**; Rochester Hill Tank **Online**	3,500 @ 75
Scenario 6: W/**14"** DIPS HDPE Shaw Dr. Interconnect; Richardson St Pumps **Online**; Rochester Hill Tank **Offline**	2,400 @ 70
WITH SOMERSWORTH INTERCONNECTION- Option 2	
Scenario 7: W/**12"** DI Interconnect W/Somersworth; **1000 gpm** Booster Station; **No** 8" to 12" Somersworth Main Upgrade; Richardson St Pumps **Online**; Rochester Hill Tank **Online**	3700 @ 20- at Safran 425 @ 20 at 12" interconnect
Scenario 8: W/**12"** DI Interconnect W/Somersworth; **1000 gpm** Booster Station; **No** 8" to 12" Somersworth Main Upgrade; Richardson St Pumps **Offline**; Rochester Hill Tank **Online**	3700 @ 20- at Safran 400 @ 20 at 8" interconnect
Scenario 9: W/**12"** DI Interconnect W/Somersworth; **1000 gpm** Booster Station; **No** 8" to 12" Somersworth Main Upgrade; Richardson St Pumps **Online**; Rochester Hill Tank **Offline**	3000 @ 45- at Safran 1200 @ 20 at 8" interconnect
OPTION 2 WITH ALTERNATE	
Scenario 10: W/**12"** DI Interconnect W/Somersworth; **1000 gpm** Booster Station; 8" to **12"** Somersworth Main Upgrade; Richardson St Pumps **Online**; Rochester Hill Tank **Online**	3800 @ 20- at Safran 1200 @ 23 at 12" interconnect
Scenario 11: W/**12"** DI Interconnect W/Somersworth; **1000 gpm** Booster Station; 8" to **12"** Somersworth Main Upgrade; Richardson St Pumps **Offline**; Rochester Hill Tank **Online**	3800 @ 20- at Safran 1200 @ 23 at 12" interconnect

Scenario 12: W/12" DI Interconnect W/Somersworth; **1000 gpm** Booster Station; 8" to **12"** Somersworth Main Upgrade; Richardson St Pumps **Online**; Rochester Hill Tank **Offline**	3150 @ 45- at Safran 2000 @ 23 at 12" interconnect

*Modeled available fire flows do not reduce pressure at the hydrant below 20 psi or pressure within the service zone below 20 psi. Listed flows are instantaneous values and do not reflect any required duration. All scenarios assume Salmon Falls booster pump station is online. For all scenarios where the Rochester Hill Tank is offline, the location of the limiting zone pressure is at the Rochester Hill Tank site.

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AMENDMENT TO ORDINANCES REPEALING THE PROVISIONS OF SECTION 17.4 OF THE GENERAL ORDINANCES OF THE CITY OF ROCHESTER, ENTITLED "WATER SERVICE CONNECTION REQUIRED"

THE CITY OF ROCHESTER ORDAINS:

That Section 17.4 the General Ordinances of the City of Rochester, entitled "Water Service Connection Required" as presently amended, be further amended, by repealing such Section in its entirety.

CC FY15 09-02 AB 34

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City of Rochester Formal Council Meeting

AGENDA BILL

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

AGENDA SUBJECT Amendment to Water Ordinance Relative to Required Water System Connections

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

AGENDA DATE	9/2/14	
DEPT. HEAD SIGNATURE	P. C. Nourse	
DATE SUBMITTED	8/8/14	
ATTACHMENTS YES ☒ NO ☐	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	

COMMITTEE SIGN-OFF

COMMITTEE	Codes and Ordinances
CHAIR PERSON	Peter Lachepelle

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	Blaine Cox
CITY MANAGER	Daniel Fitzpatrick

FINANCE & BUDGET INFORMATION

FINANCE OFFICE APPROVAL	n/a
SOURCE OF FUNDS	n/a
ACCOUNT NUMBER	n/a
AMOUNT	n/a
APPROPRIATION REQUIRED YES ☐ NO ☒	

LEGAL AUTHORITY

Sent to Attorney Wensley

CC FY15 AB 34

SUMMARY STATEMENT

On 8/7/14 Codes and Ordinances Committee approved amending Chapter 17 to repeal Section 17.4: Water Service Connection Required.

RECOMMENDED ACTION

Recommend placing Section 17.4 into “Repealed” status.

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

WHEREAS, by resolution previously adopted by the Mayor and City Council on May 7, 2013, the sum of Four Thousand Five Hundred Seventy Dollars and Thirty-One Cents ($4,570.31) to be derived from an asset forfeiture distribution from the U.S. Marshall's Service (NH District) to the City of Rochester, Police Department was appropriated as a supplemental appropriation in the 2012-2013 operating budget of Rochester Police Department, and was placed in a special non-lapsing revenue account, for the exclusive purpose of being used for drug law enforcement purposes (the "Project"); and

WHEREAS, Four Hundred Fifty-Seven Dollars and Four Cents ($457.04) of the aforesaid supplemental appropriation for such Project is no longer available for distribution to the Rochester Police Department because of a onetime sequester of 10% of such distribution by the federal government, thereby making such funds unavailable for their Project purposes;

NOW, THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby deauthorize Four Hundred Fifty-Seven Dollars and Four Cents ($457.04) previously appropriated for the said Project, thereby leaving a total appropriation for such Project in the amount of Four Thousand One Hundred Thirteen Dollars and Twenty-Seven Cents ($4,113.27).

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. AB 29

14. New Business

14.1. AB 13 Amendment to Water Ordinance Relative to Required Water System Connections *Second Reading and Possible Adoption*

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

AMENDMENT TO WATER ORDINANCE RELATIVE TO REQUIRED WATER SYSTEM CONNECTIONS

THE CITY OF ROCHESTER ORDAINS:

That chapter 17 of the General Ordinances of the City of Rochester, entitled "Water" as presently amended, be further amended by therefrom deleting

the existing Section 17.4 thereof, entitled "Water Service Connection Required", in its entirety, and by inserting in its stead the following subsection:

"Existing structures within two hundred (200) feet of the public water system of the City, and currently served by private wells shall connect to the public water system at such time as the well fails or the property is transferred, whichever occurs first. For the purposes of this section, existing structures shall mean houses, buildings, or property used for human occupancy, employment, recreation, or other purposes, that are constructed as of January 1, 2012. For the purposes of this section, the term "well fails" shall mean any well failure requiring additional earth disturbance such as digging and/or drilling, other than such activity associated solely with well pump replacement and/or access."

Councilor Walker **MOVED** to **ADOPT** the Amendment. Councilor Varney seconded the motion.

Councilor Larochelle opposed the motion, giving a history of the origins of water as it pertains to well water vs. city water and the matter of choice between the two. Councilor Collins and Councilor Gates agreed with Councilor Larochelle for opposing the proposed Amendment for different reasons. Councilor Varney clarified that the proposed ordinance is not seeking all residents to connect to the City water supply; however, this proposed ordinance would require that persons with a failed well system to connect to the City's water supply only if the well is close enough [200 feet] to the City's water supply. Councilor Walker stated that a person would be required to connect to the City's water supply if the well failed; however, if a person's pump to the well fails, they would not be required to connect to the City's water supply.

Councilor Lauterborn requested that the existing ordinance be included with the packet whenever there is a proposed change to the ordinances for clarity purposes.

Councilor Kittredge stated his opposition over the fact that the proposed ordinance would require one to connect to the City's water supply upon transfer of ownership of said property. He stated this would cause a financial hardship to many people. He added that drilling a second well on the same location should not be prohibited, just because one location has failed, it does not mean it could not be successful on another area nearby. He said there are many reasons for a well to fail and he would not support the motion to adopt.

Councilor Gray concurred that the requirement to connect to the City's water supply in the event of transfer of property should be removed.

Councilor Larochelle read a portion of the existing water ordinances as follows: "*The owners of all houses, buildings, or structures used for human occupancy, employment, recreation, or other purposes, situated within the City and currently connected to the public water system of the City, and the owner of any newly constructed house, building, or structure used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is located the public water system of the City, is hereby required at the owner(s) expense to extend water mains, in order to connect...*"

Councilor Larochelle stated that the existing ordinance does not make sense. Councilor Keans concurred. She said this is why the Utility Advisory Board has brought this proposal forward.

Councilor Varney stated that the practice in the City has been to require new structures to connect to the City's water if said structure is within 200 feet. He added that new housing developments are required to connect to the City's water supply for all new subdivisions.

Councilor Larochelle stated that one should have the right to choose to keep an existing well or connect to the City's water supply. Council debated the motion.

NO HOOK UP NEED'D UPON SALE.

Councilor Gray **MOVED** to Amend the motion by placing a period after the word fails in the third sentence and by striking the rest of that sentence. Councilor Gates seconded the motion. The **MOTION CARRIED** by a majority voice vote.

Councilor Larochelle requested a roll call vote. Councilor Walker seconded the request. Mayor Jean called for a vote on the motion as amended. The **MOTION CARRIED** to adopt the Amendment as further amended by an 11 to 2 roll call vote. Councilors Gray, Lauterborn, Keans, Kittredge, Varney, Hamann, Torr, Collins, Lachapelle, Walker, and Mayor Jean voted in favor of the motion. Councilors Larochelle and Gates voted against the motion. The Amended version is as follows:

AMENDMENT TO WATER ORDINANCE RELATIVE TO REQUIRED WATER SYSTEM CONNECTIONS

THE CITY OF ROCHESTER ORDAINS:

That chapter 17 of the General Ordinances of the City of Rochester, entitled "Water" as presently amended, be further amended by therefrom deleting the existing Section 17.4 thereof, entitled "Water Service Connection Required", in its entirety, and by inserting in its stead the following subsection:

"Existing structures within two hundred (200) feet of the public water system of the City, and currently served by private wells shall connect to the public water system at such time as the well fails. ~~or the property is transferred, whichever occurs first.~~ For the purposes of this section, existing structures shall mean houses, buildings, or property used for human occupancy, employment, recreation, or other purposes, that are constructed as of January 1, 2012. For the purposes of this section, the term "well fails" shall mean any well failure requiring additional earth disturbance such as digging and/or drilling, other than such activity associated solely with well pump replacement and/or access."

14.2. AB 10 Amendment to Water Ordinance Relative to Water Rates *Second Reading and Possible Adoption*

Amend 17.4

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

ORDINANCE AMENDMENT RELATIVE TO WATER USER RATE

THE CITY OF ROCHESTER ORDAINS:

I. That Chapter 17, Section 17.34 of the General Ordinances of the City of Rochester, entitled "Water Rate and Fee Schedule", be amended by deleting the portion of said ordinance entitled "Quarterly Water Rates" and by replacing such portion of the ordinance with the following:

17.34 Water Rate and Fee Schedule

Quarterly Water Rates

Residential Customers without exemption:	$4.67 per 100 cu. ft. of water use
Residential Customers with exemption:	$2.02
Commercial and industrial customers:	$4.67

Unmetered Residential Customers:

Per quarter per unit without exemption:	$124.87

(l) Sewer Deduct Meter. A device installed and owned by the Department of Public Works for the measurement of water that will not be disposed of in the City sewer system.

(m) Utility Advisory Board. The Utility Advisory Board of the City of Rochester, New Hampshire.

(n) Water Meter. A device installed by the Department of Public Works for the measurement of water quantities to be used as a basis for determining charges for water services.

(o) Water Rates and Charges. A separate listing of all deposits, water rates, charges, and violation fees can be obtained from the Department of Public Works or Business Office.

(p) Water Service. The pipe extending from the distribution water main to the customer's building or structure.

17.3 Policy Statement.

(a) To the largest extent possible, the City of Rochester is intended to have a fully metered system with outside readers, all residential, commercial and industrial customers shall be metered, unless it is determined by the Director, not practical to do so.

(b) All school buildings, non-city community facilities, hospitals, etc. shall be considered separate services, metered and billed as commercial customers.

(c) Customers shall be billed in accordance with the provisions of Section 17.19 of this Chapter.

(d) In agreement with any like provision in Chapter 16, Sewer Use Ordinance, an elderly exemption, based on existing property tax requirements for such exemptions, shall be instituted.

(e) For all commercial and industrial customers not presently metered, the installation of a meter will be required. The customer shall pay any costs associated with such installation.

(f) In the event of a meter or reader failure or when in the opinion of the Business Office or Director a flat rate billing is necessary, each unit of a multi-unit dwelling or mobile home park shall be considered a residential customer. The property owner shall be billed for each dwelling unit even if the property has only one service (i.e., the owner of a 10-unit apartment building shall be billed the residential flat rate x 10)

17.4 Water Service Connection Required. **[26]**

The owners of all houses, buildings, or structures used for human occupancy, employment, recreation, or other purposes, situated within the City and currently connected to the public water system of the City, and the owner of any newly constructed

1/15/2002

house, building, or structure used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is located the public water system of the City, is hereby required at the owner(s) expense to extend water mains, in order to connect such house, building, or other structure directly with the public water system of the City, in accordance with the provisions of this ordinance, within ninety (90) days after the date of official notice to do so, provided that said public water system is within two hundred (200) feet of said house, building, or structure. The City Manager may grant a waiver of this requirement if he/she deems that it imposes an unreasonable financial hardship upon the owner.

17.5 Application for Service. **[28]**

(a) All applicants for water service or expansions or fire sprinklers must be made at the Public Works Department Office on an application form, stating fully and truly the uses to which the water is to be applied. The customer or his/her duly authorized representative must sign such application.

(b) An estimate of the cost of work to install the service will be prepared by the Department of Public Works.

(c) A deposit equal to the estimated cost or a payment agreement shall be made with the Business Office before the work is begun. This regulation also applies to repairs on service piping, the setting of new meters, including outside reader, radio read equipment and appurtenances, or the repair of meters already installed if damaged due to the negligence of the owner. All financial obligations involved in such transactions shall be adjusted immediately upon the completion of the work in the interests of all parties involved.

(d) Installation charges and other fees on all new services must be paid or a payment agreement made with the Business Office before the water is turned on. This regulation also applies to repairs on service piping, the setting of new meters, including outside reader, radio read equipment and appurtenances, or the repair of meters already installed if damaged due to the negligence of the owner. All financial obligations involved in such transactions shall be adjusted immediately upon the completion of the work in the interests of all parties involved."

(e) The Director may waive the deposit for emergency repair purposes.

(f) The City of Rochester may allow applicants to enter into agreements with the City to pay all costs in equal installments over a period of time. Interest shall accrue at the same rate charged by the City for overdue property tax bills. Such agreements shall be recorded with the Strafford County Register of Deeds at the expense of the applicant. In the event property is conveyed; all monies owed to the City of Rochester shall be remitted in full.

17.6 Size of Service and Meter Required. The minimum size of service connections and meter installation permitted shall conform with the recommendations of the American Water Association.

3/6/07

ENVIRONMENTAL
Fact Sheet

NEW HAMPSHIRE DEPARTMENT OF Environmental Services

29 Hazen Drive, Concord, New Hampshire 03301 • (603) 271-3503 • www.des.nh.gov

WD-WSEB-21-6 2012

Constructing Wells Within the Service Area of a Public Water System

This document summarizes the state requirements associated with the construction of a potable or non-potable water supply well within the service area of an existing public water system. It is important to note that municipalities may have adopted local regulations that pertain to the location of water supply wells (non-potable and potable) and/or may have attached conditions to local subdivision and/or site plan review approvals that stipulate if and where on-site wells may be located on a particular parcel. This fact sheet does not include any information about local requirements, which in some instances may be more stringent than the state requirements summarized in this document.

Constructing a non-potable water supply well within a service area of a public water system—A water supply well developed on a lot within the service area of a public water system for non-potable use or a geothermal well must comply with the well location and construction requirements stipulated in N.H. Code of Administrative Rules Part We 600 – Standards for the Construction, Maintenance and Abandonment of Wells.

Constructing a potable water supply well on lots: 1) Connected to a community sewer system; and 2) Located within a service area of a public water system—Potable water supply wells may be constructed on lots where wastewater is disposed of off-site, if the construction and location of the well complies with the requirements stipulated in We 600. The rules include setback requirements to property lines and known contamination sources.

Constructing a potable water supply well on lots: 1) With on-site wastewater disposal to septic systems; and 2) Located within a service area of a public water system—Small lots that do not conform to current regulations and that were **established prior to 1967** can receive approval for a two-bedroom septic system and an on-lot potable water supply well provided that the septic system meets the applicable setback requirements to wetlands, surface water, and seasonal high groundwater. The DES Subsurface Bureau will provide a standard condition pertaining to the construction and location of a potable water supply well that will be part of the septic system construction approval. For lots that fit the scenario described above, the well must be 75 feet from the septic system effluent disposal area.

Lots established **after 1967** typically were approved with a stipulation stating whether the lot would be supplied by an on-lot well or by connecting to a community water system. If an owner of a lot that was approved with a stipulation that the lot would be served by a community water system wants to utilize a on-lot private well, then a new subdivision application would need to be submitted to DES demonstrating that: 1) The lot is capable of meeting the wastewater loading

requirements for a four-bedroom home; 2) There is sufficient land area for the sanitary protective well radius on the lot or that easements on adjoining lots will be obtained for the sanitary protective radius of the private well; and 3) The well meets the siting requirements stipulated in We 100-We 1000.

Pursuant to RSA 362:4, IV and V, DES has no authority to require that a lot connect to a public water system if the property owner can adhere to the requirements described in this document.

FOR ADDITIONAL INFORMATION

For additional information please call the DES Drinking Water and Groundwater Bureau at (603) 271-3139. All of the bureau's fact sheets are available at http://des.nh.gov/organization/commissioner/pip/factsheets/dwgb/index.htm.

Note: This fact sheet is accurate as of October 2012. Statutory or regulatory changes or the availability of additional information after this date may render this information inaccurate or incomplete.

CHAPTER 174

HB 517-LOCAL - FINAL VERSION

7june01...1177h

04/16/02 3465s

2002 SESSION

01-0874

08/01

HOUSE BILL ***517-LOCAL***

AN ACT relative to supply of water by village districts, and authorizing Carroll county to operate a public water system.

SPONSORS: Rep. Chandler, Carr 1

COMMITTEE: Municipal and County Government

AMENDED ANALYSIS

This bill provides that the public utilities commission shall hold public hearings concerning expansions of water district franchise areas, and that any change of boundaries be ratified in the same manner as the initial establishment of the district. This bill allows a property owner to connect to municipal water supplies at his or her discretion.

This bill also authorizes Carroll county to operate a public water system.

Explanation: Matter added to current law appears in ***bold italics.***

Matter removed from current law appears [~~in brackets and struckthrough.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

7june01...1177h

04/16/02 3465s

01-0874

08/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Two

AN ACT relative to supply of water by village districts, and authorizing Carroll county to operate a public water system.

Be it Enacted by the Senate and House of Representatives in General Court convened:

174:1 New Section; Village District Water Systems. Amend RSA 38 by inserting after section 25 the following new section:

38:25-a Village District Hearings. Prior to authorizing the expansion of a franchise area of a water company owned or operated by a water village district, the public utilities commission shall, after notice, hold a public hearing in each town or city in which the village district is located, at which it shall hear testimony and receive evidence from any interested party.

174:2 Changing Boundaries. Amend RSA 52:5 to read as follows:

52:5 Changing Boundaries.

I. The selectmen of towns in which any such district has been established upon petition, after notice to parties interested and a hearing, may change the boundaries thereof; and the district shall cause the petition and the return of the selectmen's proceedings and decision thereon to be recorded in the records of the district, and of the towns in which it is situated, within 60 days after the decision.

II. In the case of any district formed for the purpose of impoundment of water, any such change of boundaries shall be ratified before taking effect by the voters residing in the district and in any area proposed to be added to the district in the same manner as is required for the initial establishment of the district.

III. In the case of any district formed for the purpose of the supply of water for domestic and fire purposes, which may include the protection of sources of supply, any such change of boundaries shall be ratified before taking effect by the voters residing in the district and in any area proposed to be added to the district in the same manner as is required for the initial establishment of the district.

174:3 New Paragraph; Water Companies, When Public Utilities. Amend RSA 362:4 by inserting after paragraph IV the following new paragraph:

PERTAINS TO SANITARY RADII

V. No property owner shall be required to connect to a municipal corporation ~~furnishing~~ water, provided such property owner can demonstrate the ability to comply with the requirements of RSA 485-A:29 and RSA 485-A:30-b.

174:4 New Paragraph; Jurisdiction. Amend RSA 23:1-a by inserting after paragraph II the following new paragraph:

III. In addition to the powers conferred by paragraphs I and II, the county of Carroll is further empowered to exercise jurisdiction over, to operate, and maintain a public water system within the borders of the town of Ossipee, notwithstanding that such areas are not adjacent to county buildings.

174:5 Authority for the County of Carroll to Operate and Maintain a Public Water System.

I. The county of Carroll is hereby empowered to exercise jurisdiction over, operate, and maintain a public water system within the borders of the town of Ossipee.

II. In addition to the jurisdiction, authority, and powers conferred by paragraph I, the county of Carroll and the Carroll county commissioners are hereby vested with the like powers and duties held by municipalities of the state of New Hampshire, to the extent not inconsistent with state law relative to the authority of county governments.

III. The county of Carroll and the Carroll county commissioners are authorized and empowered to enter upon, take and appropriate any springs, streams, or ponds, not belonging to the county, to construct reservoirs, to make excavations through, over, in, or upon any land or enclosure, street, highway, way, or lane through which it may be necessary to pass or lay its pipes, to construct reservoirs and water works, and to repair and maintain them.

IV. The county of Carroll and the Carroll county commissioners are authorized and empowered to contract with individuals or corporations for supplying said county with water, to make such other contracts, to establish such regulations, tolls, rates, and charges for the use of water systems and facilities, and to collect charges and create liens upon the real estate where such services are furnished, as may from time to time be deemed proper.

V. All acts taken prior to the effective date of this act by the county of Carroll, the Carroll county commissioners, and the officers and agents of said county, in constructing, maintaining, and operating a public water system within the town of Ossipee are hereby legalized, ratified, and affirmed.

174:6 Effective Date. This act shall take effect upon its passage.

(Approved: May 15, 2002)

(Effective Date: May 15, 2002)

602.05 WELL LOCATION

(2) All regulated substances except gasoline underground storage tank systems shall be located at least 400 feet from a public water supply well and at least 75 feet from a non-public water supply well.

(n) Before construction begins wells constructed as part of a public water system as defined by RSA 485:1-a, XV shall have the location approved pursuant to Env-Ws 372, Env-Ws 373, Env-Ws 378, and Env-Ws 379, or successor rules in Env-Dw.

(o) Private wells shall not be constructed on lots serviced by a public water system as defined by RSA 485:1a, XV, when the provisions of RSA 485-A:30-b cannot be met, or when the construction of the well would violate subdivision approval, pursuant to RSA 485-A:29.

(p) Pursuant to RSA 362:4, IV and V, when the provisions of RSA 485-A:29 and RSA 485-A:30-b are satisfied, no property owner shall be required to connect to a public water system.

(q) Paragraph (o) above shall not apply to closed loop geothermal wells.

Source. #3046, eff 7-2-85; ss by #4730, eff 1-15-90; ss by #4898, eff 8-13-90; EXPIRED: 8-13-96

New. #6327, INTERIM, eff 8-24-96, EXPIRED: 12-22-96

New. #6449, eff 1-29-97; ss by #7307, eff 6-13-00; ss by #9179, eff 6-13-08

We 602.06 Standard Practice for the Construction of Wells Drilled in Bedrock.

(a) Persons constructing wells shall collect information during well construction, enter it onto a well completion report, and submit the well completion report to the board in accordance with We 801.

(b) Care shall be taken to observe and record the following:

(1) Types of unconsolidated materials overlying the bedrock and the thickness of the layers;

(2) Characteristics of the bedrock and noticeable changes in bedrock and depths at which changes occur;

(3) Depths to fractures yielding readily observable amounts of water;

(4) Depth to static water level prior to pump installation; and

(5) Special circumstances encountered in the construction of the well including but not limited to:

a. Soft bedrock;

b. Caving conditions; or

c. Turbid or cloudy water.

(c) Well casings shall be made of a material and weight appropriate to assure adequate performance of the functions for which casing is used.

(d) The major functions and characteristics of the well casing shall be as follows:

TITLE XXXIV
PUBLIC UTILITIES

CHAPTER 362
DEFINITION OF TERMS; UTILITIES EXEMPTED

Section 362:4

362:4 Water Companies, When Public Utilities. –

I. Every corporation, company, association, joint stock association, partnership, or person shall be deemed to be a public utility by reason of the ownership or operation of any water or sewage disposal system or part thereof. If the whole of such water or sewage disposal system shall supply a less number of consumers than 75, each family, tenement, store, or other establishment being considered a single consumer, the commission may exempt any such water or sewer company from any and all provisions of this title whenever the commission may find such exemption consistent with the public good.

II. A municipal corporation furnishing water or sewage disposal services outside its municipal boundaries shall not be considered a public utility under this title for the purpose of accounting, reporting, or auditing functions with respect to said service.

III. A municipal corporation furnishing sewage disposal services shall not be considered a public utility under this title:

(a) If it serves customers outside its municipal boundaries, charging such customers a rate no higher than that charged to its customers within the municipality, and serves those customers a level of sewage disposal service equal to that served to customers within the municipality. Nothing in this section shall exempt a municipal corporation from the franchise application requirements of RSA 374.

(b) If it supplies bulk sewage disposal services pursuant to a wholesale rate or contract to another municipality, village district, or water precinct.

III-a. (a) A municipal corporation furnishing water services shall not be considered a public utility under this title:

(1) If it serves new customers outside its municipal boundaries, charging such customers a rate no higher than 15 percent above that charged to its municipal customers, including current per-household debt service costs for water system improvements, within the municipality, and serves those customers a quantity and quality of water or a level of water service equal to that served to customers within the municipality. Nothing in this paragraph shall exempt a municipal corporation from the franchise application requirements of RSA 374.

(2) If it supplies bulk water pursuant to a wholesale rate or contract to another municipality, village district, or water precinct. This subparagraph shall not apply to bulk water contracts which were in effect before July 23, 1989, or to the renewal of said bulk water contracts.

(b) The commission may exempt a municipal corporation from any and all provisions of this title except the franchise application requirements of RSA 374, and may authorize a municipal corporation to charge new customers outside its municipal boundaries a rate higher than 15 percent above that charged to its municipal customers, if after notice and hearing, the commission finds such exemption and authorization to be consistent with the public good. The commission may not authorize a municipal corporation to charge existing customers outside its municipal boundaries a rate higher than 15 percent above that charged to its municipal customers until any rate agreements in effect for those

customers on May 13, 2002 shall have expired.

(c) A municipal corporation's authority to charge higher rates for new customers outside of its municipal boundaries shall be applied prospectively to new customers taking water service provided by means of a main extension or an expansion of the municipal corporation's system after the effective date of this paragraph.

(d) A municipal corporation's authority to charge higher rates for existing customers outside of its municipal boundaries shall not become effective until any rate agreements in effect on May 13, 2002 have expired.

(e) A municipal corporation serving customers outside of its municipal boundaries and charging a rate no higher than 15 percent above that charged to its municipal customers prior to July 1, 2002, may also be exempted from regulation as a public utility, except for the franchise application requirements of RSA 374, if after notice and hearing, the commission finds such exemption and authorization to be consistent with the public good.

IV. (a) Any customer of a water utility shall have the right to terminate water service and secure water from an alternate source, if the customer can demonstrate the ability to comply with the requirements of RSA 485-A:29 and RSA 485-A:30-b, and the administrative rules adopted to implement these sections.

(b) Any covenant in a deed or contract that restricts the right to terminate water service from a water utility or in any way limits that right, shall be void as against public policy.

V. No property owner shall be required to connect to a municipal corporation furnishing water, provided such property owner can demonstrate the ability to comply with the requirements of RSA 485-A:29 and RSA 485-A:30-b.

VI. (a) For purposes of this chapter, a municipal corporation shall include a regional water district.

(b) During the initial 4 years of its operation, if a regional water district seeks to alter rates other than in a manner that uniformly impacts all customers within the district, any municipality that is a member of the regional water district may seek commission review of the proposed rate change. In order for the proposed rate change to take effect, the commission must determine that the proposed rates are cost-based and that they are not unduly discriminatory.

(c) A regional water district shall adopt and enforce quality of water service standards consistent with the commission's administrative rules.

(d) With respect to regional water districts, the 15 percent benchmark employed in this section shall be calculated in relation to an average of the regional water district's relevant rates as determined by the public utilities commission.

VII. (a) A homeowners association, including but not limited to a condominium unit owners association, shall not be considered a public utility under this title by virtue of providing water service if:

(1) The service is furnished only to members of the association or the occupants of their residential units; and

(2) The association is organized on a not-for-profit basis and is democratically controlled by the owners of the residential units and not the developer or subdivider thereof.

(b) Such a homeowners association is one consumer for purposes of paragraph I, and its individual members or their lessees shall not be treated as individual consumers.

Source. 1913, 145:1. 1917, 76:1. PL 236:5. RL 285:5. 1951, 203:9 par. 4. RSA 362:4. 1957, 33:1. 1971, 333:1. 1973, 546:1. 1988, 134:1. 1989, 240:1. 1992, 170:1. 1993, 248:1. 2001, 237:2. 2002, 141:4, 52; 174:3. 2003, 178:15; 281:12. 2007, 25:2, eff. May 11, 2007.

TITLE L
WATER MANAGEMENT AND PROTECTION

CHAPTER 485-A
WATER POLLUTION AND WASTE DISPOSAL

Sewage Disposal Systems

PERTAINS TO

Section 485-A:30-b

485-A:30-b Protective Well Radii. –

I. All lots, including lots created prior to August 20, 1989, shall be subject to the following conditions:

(a) Rules adopted under this section concerning such lots shall include provisions allowing abutting lot owners to overlap their respective well radii for their mutual benefit and provisions allowing well radii to extend over property lines onto state and locally-mandated property line setbacks, recorded easements, or land which is permanently dedicated to a use which precludes development.

(b) For private wells serving commercial buildings, the entire protective well radius shall be maintained on one or more of the following: on-log, on a recorded easement, on land which is permanently dedicated to a use which precludes development, or on state and locally mandated property line setbacks. For the purposes of this section, the term "commercial building" shall not include a residence which is also used for commercial purposes unless the total water withdrawal exceeds 600 gallons per day.

(c) For private wells serving buildings other than commercial buildings, if the protective well radius cannot be wholly maintained on an existing lot of record due to the size or other physical characteristics of the lot, then the on-lot protective radius shall be maximized to the extent practicable. Subject to the foregoing sentence, the protective well radius shall be maintained on one or more of the following: on-lot, on a recorded easement, on land which is permanently dedicated to a use which precludes development, or on state and locally mandated property line setbacks.

(d) Any person submitting plans and specifications for a sewage or waste disposal system for a property which is or will be served by an on-lot well, shall show the location or proposed location of the well, or a designated area within which the well will be located, on such plans and shall show the protective radius as specified in the department's rules.

(e) Whenever the department approves a septic plan with an on-lot well radius which is less than the optimum standard, the department shall notify the applicant of the consequences of such reduced radius and advise the applicant whether special precautions should be taken relative to well installation.

(f) If the well is not installed prior to the sewage or waste disposal system being constructed, then the property owner shall provide the water well contractor with a copy of the approved plan showing the location of the well, and the water well contractor shall ensure, to the best of his ability that the well is installed in accordance with the approved plan.

(g) When, for reasons of the condition of the lot or the placement of buildings thereon, the well

cannot be installed as shown on the approved plan, the water well contractor shall advise and consult with the property owner, or the property owner's agent, on the best possible alternative location, considering distance to property boundaries and to the sewage or waste disposal system. Using a standard release form prepared by the department, the water well contractor shall alert the owner to the consequences of the alternate installation, including the potential loss of the protection of any portion of the radius which extends over the property line. The owner, or the owner's agent, may defer to the designer of the sewage or waste disposal system or may allow the water well contractor to proceed in the identified alternative location. Prior to installing the well in the identified alternative location, the well contractor shall, using the standard release form, obtain a written acknowledgment, from the property owner, or the owner's agent, that the consequences are understood. The designer shall prepare an amended plan showing the actual location of the well. The property owner shall forward the amended plan, together with a copy of the signed release form, to the department and the local code enforcement officer or other appropriate designated local official prior to using the well. If the on-lot protective well radius is less than the optimum prescribed standard, the owner shall record the release form, upon which the actual protective radius shall be noted, together with a narrative description of the location of the well in the registry of deeds, and a copy of the recorded release form shall be filed with the department.

II. For lots approved under RSA 485-A:29, the rules adopted under this section concerning such lots shall include provisions allowing abutting lot owners to overlap their respective well radii for their mutual benefit by allowing well radii to extend over property lines, onto state and locally mandated property line setbacks, recorded easements, or land which is permanently dedicated to a use which precludes development. If after a lot is created pursuant to this section, the well cannot be installed as shown on the subdivision plan, then the provisions of RSA 485-A:30-b, I(d), (e), (f), and (g) shall apply.

III. For the purposes of this paragraph, the term "cluster development" means a form of residential subdivision that permits dwelling units to be grouped on sites or lots with dimensions, frontages, and setbacks reduced from conventional requirements, provided that the remaining land area is permanently designated as open space for cluster development. For cluster developments the following provisions shall apply:

(a) Where the sewage waste disposal systems are located off of the individual home lots or the cluster development is served by municipal sewers, the wells and associated protective radii serving those home lots need not be confined to the individual lot which each well serves so long as all wells and their associated protective radii are confined within the tract of home lots and common land permanently designated as open space, and shall not encumber property situated outside of the cluster development except by recorded easement.

(b) Where the home lots are serviced by on-lot sewage or waste disposal systems, wells and their protective radii may be located wholly or partially on common land permanently designated as open space, and shall not encumber adjacent lots or property situated outside of the cluster development except by recorded easement. The department shall not approve such off-lot wells and radii unless the lot owner or developer demonstrates to the department's satisfaction, by means of recorded easements, land use restrictions or other appropriate mechanisms, that the well owner will be able to maintain and service the well in perpetuity and that the area covered by the protective well radius is permanently dedicated to a use which precludes development.

IV. The commissioner shall adopt rules under RSA 541-A providing for protective well radii for private water wells, and for regulation of land use within the radii boundary.

Source. 1991, 215:2. 1996, 228:106, 110, eff. July 1, 1996.

Revised 9/2/14

TITLE L
WATER MANAGEMENT AND PROTECTION

CHAPTER 485-A
WATER POLLUTION AND WASTE DISPOSAL

Sewage Disposal Systems

Process

Section 485-A:29

for

485-A:29 Submission and Approval of Plans and Specifications. –

I. Any person proposing either to subdivide land, except as provided in RSA 485-A:33, or to construct a sewage or waste disposal system, shall submit 2 copies of such locally approved plans as are required by the local planning board or other local body having authority for the approval of any such subdivision of land, which is subject to department approval, and 2 copies of plans and specifications for any sewage or waste disposal systems which will be constructed on any subdivision or lot for approval in accordance with the requirements of the department as provided in this paragraph. In the event that such subdivision plans which receive final local approval differ from the plans which are reviewed by the department, the person proposing the subdivision shall resubmit those plans to the department for reapproval. The planning board or other local body having final local approval authority shall submit one copy of such plans which receive final local approval to the department for informational purposes within 30 days of granting such final approval. The department shall adopt rules, pursuant to RSA 541-A, relative to the submission of plans and specifications as necessary to effect the purposes of this subdivision. The rules shall specify when and where the plans and specifications are to be submitted, what details, data and information are to be contained in the plans and specifications, including the location of known burial sites or cemeteries within or adjacent to the property on which the proposed sewage or waste disposal system is to be located, what tests are to be required, what standards, guidelines, procedures, and criteria are to be applied and followed in constructing any sewage or waste disposal system, and other related matters. The rules shall also establish the methodology and review process for approval of innovative/alternative wastewater treatment systems and for approval of a plan for operation, maintenance, and financial responsibility for such operations. For any part or parts of the subdivisions where construction or waste disposal is not contemplated, only the lot lines, property boundaries drawn to scale, and general soil and related data shall be required. The constructed sewage or waste disposal systems shall be in strict accordance with approved plans, and the facilities shall not be covered or placed in operation without final inspection and approval by an authorized agent of the department. All inspections by the department shall be accomplished within 7 business days after receipt of written notification from the builder that the system is ready for inspection. Plans and specifications need not be submitted for subdivision approval for subdivisions consisting of the division of a tract or parcel of land exclusively in lots of 5 or more acres in area. The presence of hydric soils on lots of 5 or more acres in area shall be insufficient, without additional supporting data, to classify these lots as wetlands, or to make such lots unsuitable for sewage or waste disposal systems designed for poorly drained soils. This exemption in no way relieves any person from responsibility for obtaining approval under this chapter for

construction of individual or other sewage or waste disposal systems or both in any exempted lots. In such cases, it shall be the responsibility of the subdivider to provide to the lot purchasers satisfactory assurance as the purchasers may require at the time of sale that lots sold shall be adequate to support individual sewage or waste disposal systems or both in accordance with rules adopted by the department and the requirements of this subdivision.

II. Permitted designers of subsurface sewage disposal systems shall obtain the registry of deeds volume and page numbers for each lot that relates to the septic system application and provide them to the department. The department shall develop and approve an outline of brief instructions for the periodic maintenance, care and proper usage of waste disposal systems, including a warning of the potential public health hazard and pollution of public and private water supplies and surface water of the state from improperly maintained sewage and waste disposal systems.

III. The department shall not approve any plan which will cause a violation of the setback requirements in RSA 289:3, III.

Source. 1989, 339:1. 1991, 379:2. 1993, 172:5. 1994, 198:1. 1995, 93:1. 1996, 228:106; 233:9. 2006, 87:1, 2, eff. July 4, 2006.

RESOLUTION ACCEPTING FEDERAL EMERGENCY MANAGEMENT AGENCY GRANT AND MAKING A SUPPLEMENTAL APPROPRIATION IN CONNECTION THEREWITH

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

That a Federal Emergency Management Agency (FEMA) grant in the amount of Three Hundred Thousand Dollars ($300,000.00) (the "Grant"), made to the City of Rochester, Fire Department, for the purpose of paying costs incurred in connection with the purchase of up to 41 Scott Air Packs, and related items, for use by Rochester firefighters, be, and hereby is accepted, and such grant funds shall be assigned to an account(s) established by the Finance Director in the 2014-2015 capital budget of the Rochester Fire Department. That the aforesaid required Grant amount includes a 10% match amount, from the City of Rochester, in the amount of Thirty Thousand Dollars ($30,000.00).

Further, that the sum of Two Hundred Seventy Thousand Dollars ($270,000.00), from the above referenced FEMA Grant, be, and hereby is, appropriated as a supplemental appropriation to the 2014-2015 capital improvements program budget for the City of Rochester, Fire Department, for the purpose of paying costs incurred in connection with the purchase of up to 41 Scott Air Packs, and related items, for use by Rochester firefighters. The source of the sums necessary to fund such appropriation shall be drawn, from the aforesaid Federal Emergency Management Agency (FEMA) Grant, to the extent of the Two Hundred Seventy Thousand Dollars ($270,000.00) hereby appropriated, and, to the extent of Thirty Thousand Dollars.($30,000.00) to cover the City of Rochester's required 10% Grant matching funds, from funds previously appropriated for the Rochester Fire Department's FY15 capital improvements program budget.

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 are necessary to implement the transactions contemplated by this Resolution.

CC FY15 09-02 AB 31

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City of Rochester Formal Council Meeting

AGENDA BILL

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

AGENDA SUBJECT FEMA Assistant to Firefighters Grant

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

AGENDA DATE	9/2/14	
DEPT. HEAD SIGNATURE	Norm Sanborn, Jr. Signature on file with City Clerk	
DATE SUBMITTED	8/18/14	
ATTACHMENTS YES ☐ NO ☐	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	6

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	Blaine Cox, Signature on file with City Clerk
CITY MANAGER	Dan Fitzpatrick, Signature on file with City Clerk

FINANCE & BUDGET INFORMATION

FINANCE APPROVAL	Roland Connors Signature on file with City Clerk
SOURCE OF FUNDS	Federal
ACCOUNT NUMBER	15012020-773150-15514
AMOUNT	$270,000.00
APPROPRIATION REQUIRED YES ☐ NO ☐	

LEGAL AUTHORITY

Council Action Required

CC FY15 AB 31 FEMA Grant supp app $30,000

SUMMARY STATEMENT

City Council approval to accept funds in the amount of $270,000.00 from FEMA. a ten percent match is required in the amount of $30,000.00 which was already approved by Council as part of the FY 15 Adopted CIP. (15012020-773150-15514. Total amount of grant $300,000.00. This grant is to purchase 41 air paks and related items.

RECOMMENDED ACTION

Acceptance of grant funds.

AGENDA BILL - FUNDING RESOLUTION

EXHIBIT

Project Name: FEMA Assistance to Firefighters Grant

Date: 06/18/2014

Fiscal Year: FY15

Fund (select):

GF [ ] Water [ ] Sewer [ ] Arena [ ]

CIP [xx] Water CIP [ ] Sewer CIP [ ] Arena CIP [ ]

Special Revenue [ ]

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

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	15012020	773150	15514	270,000.00	-	
2				-	-	-
3				-	-	-
4				-	-	-

Revenue

	Org #	Object #	Project #	Fed Amount $	State Amount $	Local Amount $
1	15012020	773150	15514	270,000.00	-	
2				-	-	-
3				-	-	-
4				-	-	-

DUNS # 073960874 CFDA # 97.044

Grant # EMW-2013-FO-05475 Grant Period: From 06/18/2014 To 06/17/2014

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

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

Revised 9/2/14

Amendment Package

Federal Emergency Management Agency
Washington, D.C. 20472

Mr Mark Dupuis
Rochester Fire Department
37 Wakefield Street
Rochester, New Hampshire 03867-1916

Re: Grant No. EMW-2013-FO-05475

Dear Mr Dupuis:

This letter is in written response to your amendment request regarding a cost change within your grant. The approved increase is $105,000 to your total grant request. The total revised grant amount as a result of this amendment is $300,000, $270,000 is the Federal share and $30,000 is your share of the cost. All other terms and conditions of the grant remain unchanged, except as noted per your amendment. Please maintain copies of all bids/quotes, purchase receipts, vouchers, etc., along with a copy of this letter in your grant file. All other terms and conditions remain unchanged.

If you have any further questions and/or concerns please contact Ramesa Pitts, at (202) 786-9760.

Sincerely,

Ramesa Pitts
Grant Management Specialist

Mayor Jean stated that a Public Hearing had been held on November 19, 2013, relative to this amendment. Councilor Walker **MOVED** to **ADOPT** the Amendment to the Ordinances. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

14.2. Resolution Approving FEMA Grant Application by the City of Rochester Fire Department *AB 1*

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

RESOLUTION APPROVING FEMA GRANT APPLICATION BY THE CITY OF ROCHESTER FIRE DEPARTMENT

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

That the Rochester City Council, by adoption of this resolution, hereby authorizes the City of Rochester, Fire Department to apply for a grant from Federal Emergency Management Agency grant in the approximate amount of up to Three Hundred Forty-One Thousand Dollars ($34,100.00), for the purpose of defraying the cost of purchasing up to forty-one (41) Scott Air Packs and accessories, for use by Rochester Fire Department firefighters. This grant requires a ten percent (10%) City funding match, which match would be in an amount of up to Thirty-Four Thousand One Hundred Dollars ($34,100.00), depending on the ultimate grant award, if the grant application is successfully approved, with the remaining ninety percent (90%) of the cost for such Air Packs and accessories in an amount of up to Three Hundred Six Thousand Nine Hundred Dollars ($306,900.00) being derived from the aforesaid Federal Emergency Management Agency grant.

Councilor Keans questioned if the Fire Department has indicated where the City match of ten percent [$34,100] would be coming from. City Manager Fitzpatrick stated that it would be required that the Fire Department would supply the money from their own budget. Councilor Lauterborn stated that the narrative is clear that the Fire Department is constantly repairing the existing air packs. Councilor Varney recalled that purchasing air packs is already listed in next year's CIP budget from the Fire Department. The City Council briefly discussed the matter.

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

14.3. Resolution Changing Funding Source of FY 2011-2012 Sewer Works Capital Improvements Budget for Waste Water Treatment Plant Upgrades and Related Costs and Making a Supplemental Appropriation in Connection Therewith *AB 10*

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

RESOLUTION CHANGING FUNDING SOURCE OF FY 2012-2013 SEWER WORKS CAPITAL IMPROVEMENTS BUDGET FOR WASTE WATER TREATMENT PLANT UPGRADES AND RELATED COSTS

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

WHEREAS, by action of the Mayor and City Council of the City of Rochester in June 2012 a capital improvements budget for the City of Rochester, Department of Public Works, Sewer Works for fiscal year 2012-2013 was adopted with regard to the so-called Waste Water Treatment Plant upgrades and related cost, including costs associated with the City's anticipated new NPDES Permit issuance (the "Project"), which included an appropriation of One Million Five Hundred Thousand Dollars ($1,500,000.00) in funding for costs associated with such Project, which Project funding was originally designated to be financed, to the extent of One Million Five Hundred Thousand Dollars ($1,500,000.00), from the proceeds from borrowing by the City of Rochester, Sewer Works from State of NH Clean Water State Revolving Fund sewer loan program ("NH CWSRF"); and

WHEREAS, the Mayor and City Council have been advised that NH CWSRF funds are not available to finance the Project; and

WHEREAS, the Project is essential and has already begun; the Mayor and City Council of the City of Rochester are desirous of completing the Project;

RESOLUTION ACCEPTING GRANT FOR PURCHASE OF BULLETPROOF VESTS FOR THE ROCHESTER POLICE DEPARTMENT AND MAKING A SUPPLEMENTAL APPROPRIATION IN CONNECTION THEREWITH

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

WHEREAS, the City of Rochester has been awarded a grant in the amount of Four Thousand Fourteen Dollars and Fourteen Cents ($4,014.14), such sums being awarded pursuant to the 2014 Bulletproof Vest Partnership Grant Program administered by the United States Department of Justice, Bureau of Justice Assistance, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, do hereby accept such grant on behalf of the City of Rochester.

Further, that the sum of Four Thousand Fourteen Dollars and Fourteen Cents ($4,014.14) to be received by the City of Rochester as a grant under the provisions of the 2014 Bulletproof Vest Partnership Grant Program be, and hereby is, appropriated as part of the 2014-2015 operating budget of the City of Rochester Police Department, the same to be deposited in a special non-lapsing account by the Finance Director, or his designee(s), for the purpose of purchasing bulletproof vests, all as more specifically set forth in the grant application and/or grant documents, and that the sums necessary to fund the aforesaid appropriation shall be drawn, in their entirety, from funds received from the aforesaid grant to the City of Rochester from the 2014 Bulletproof Vest Partnership Grant Program.

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

CC FY15 09-02 AB 33

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City of Rochester Formal Council Meeting

AGENDA BILL

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

AGENDA SUBJECT: Seeking permission from council to accept $4,014.14 in funds from the 2014 Bulletproof Vest Grant.

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

AGENDA DATE	Next meeting in August 2014.	
DEPT. HEAD SIGNATURE	Signature on file with City Clerk	
DATE SUBMITTED	8/20/14	
ATTACHMENTS YES ☒ NO ☐	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	2

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	Blaine Cox Signature on file with City Clerk
CITY MANAGER	Dan Fitzpatrick Signature on file with City Clerk

FINANCE & BUDGET INFORMATION

FINANCE OFFICE APPROVAL	Roland Connors Signature on file with City Clerk
SOURCE OF FUNDS	Federal 2014 Ballistic Vest Grant
ACCOUNT NUMBER	TBD
AMOUNT	$4,014.14
APPROPRIATION REQUIRED YES ☒ NO ☐	

LEGAL AUTHORITY

Council action required

CC FY15 AB 33

SUMMARY STATEMENT

Seeking permission from council to accept 2014 Ballistic Vest Grant Award in the amount of $4,014.14. This will be a multi-year fund.

RECOMMENDED ACTION

Recommend acceptance of the 2014 Ballistic Vest Grant Award in the amount of $4,014.14.

AGENDA BILL - FUNDING RESOLUTION

EXHIBIT

Project Name: Seeking permission from council to accept the multi-year funds in th amount of $4,014.14 from the 2014 Ballistic Vest Grant.

Date: 08/20/2014

Fiscal Year: FY15

Fund (select one):

GF | Water [ ] | Sewer [ ] | Arena [ ]

CIP [ ] | Water CIP [ ] | Sewer CIP [ ] | Arena CIP [ ]

Special Revenue [X]

Request Type: Supplemental [X] | Deauthorization [ ]

Fund Type: Lapsing [ ] Annual | Non-Lapsing [X] Multi Year

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	TBD	TBD	TBD	$ 4,014.14		
2						
3						
4						

Revenue

	Org #	Object #	Project #	Fed Amount $	State Amount $	Local Amount $
1	TBD	TBD	TBD	$ 4,014.14		
2						
3						
4						

DUNS # TBD

CFDA # TBD

Grant # TBD

Grant Period: From 07/28/2014
To 08/31/2016

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

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

1. Registration
1.1 Agency Information
1.2 Agency Contacts
2. Application
2.1 Application Profile
2.2 Manage Application
2.3 Review Application
2.4 Submit Application
3. Payment
3.1 Bank Information
3.2 Print Bank Form
3.3 Manage Receipts
3.4 Payment Request
3.5 Payment History
4. Status
4.1 Current Status
4.2 LEA Status
4.3 Application History
5. Personal Information
5.1 User Profile
5.2 Change Password

Logout

BVP HELP DESK
(Toll-Free 1-877-758-3787)

NIJ Standards | Glossary | BVP Manuals

Application Profile

Participant	ROCHESTER CITY
Fiscal Year	2014
Number of Agencies Applied	0
Total Number of Officers for Application	60
Number of Officers on Approved Sub-Applications	60
Unspent BVP Funds Remaining	$3,248.00
Unspent BVP Funds Obligated for Vest Purchases	$1,495.00

Sub-Application Profile

Fiscal Year		2014
Vest Replacement Cycle		5
Number of Officers		60
Emergency Replacement Needs	Zylon Replacement	0
	Stolen or Damaged	0
	Officer Turnover	0

Application Details

NIJ#	Quantity	Unit Price	Extended Cost	Tax	Shipping and Handling	Total Cost
GAII	14	$599.00	$8,386.00		$0.00	$8,386.00
Grand Totals	**14**		**$8,386.00**		**$0.00**	**$8,386.00**

Award Summary for FY2014 Regular Fund

Funds Type	Eligible Amount	Award	Date Approved	Status
Regular Fund	$8,386.00	$4,014.14	07/28/14	Approved by BVP
Grand Totals:	$8,386.00	$4,014.14		

Return

1. Registration
1.1 Agency Information
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2. Application
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2.2 Manage Application
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ROCHESTER CITY, NH

This "Status" page shows any pending actions that must be completed prior to program deadlines. It also provides you with payment(s) status for tracking your requests for approved funds.

- Red ✘'s indicate your attention is needed in order to complete a task for action.

CURRENT ACTIVITY STATUS

Application ✔ Approved by BVP View Details

AVAILABLE AWARDS

ATTN	Fiscal Year	Award Amount	Total Paid	Total Requests	Eligible Balance	Expiration Date
✘	2012	$7,370.00	$5,020.50	$0.00	$2,349.50	10/17/2014
	2014	$4,014.14	$0.00	$0.00	$4,014.14	08/31/2016

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AMENDMENTS TO CHAPTER 17 OF THE GENERAL ORDINANCES OF THE CITY OF ROCHESTER REGARDING WATER LEAKAGE PREVENTION AND MITIGATION PROCEDURES AND RESPONSIBILITIES

THE CITY OF ROCHESTER ORDAINS:

That Chapter 17 of the General Ordinances of the City of Rochester, entitled "Water", as presently amended, be further amended as follows:

I. That Section 17.2 of the General Ordinances of the City of Rochester, as presently amended, and entitled "Definitions", be further amended, by adding to said Section 17.2, the following provision, to be known as Section 17.2 (g) of the General Ordinances of the City of Rochester, to wit:

17.2 Definitions.

"(q) Water Leakage. The loss of City water on the private property (or on other private property(s) over which the customer's water service must pass) of a City water customer due to a compromise of the customer's interior or exterior plumbing."

II. That Section 17.3 of the General Ordinances of the City of Rochester, as presently amended, and entitled "Definitions", be further amended, by adding to said Section 17.3, the following provision, to be known as Section 17.2 (q) of the General Ordinances of the City of Rochester, to wit:

17.3 Policy Statement.

"(g) Treated drinking water produced by City facilities and distributed through the City distribution system is a valuable public resource, funded by water rate payers. It is the obligation of all water customers to correct any leakages which occur on their property in a timely and effective manner. Customer failure to correct leakages on their property (or to have repaired leakage occurring on other private property(s) over which the customer's water service extends) is, after notification of the customer pursuant to the provisions of Section 17.20-A of this Chapter, for purposes of this Chapter, considered willful waste of water."

III. That Chapter 17 of the General Ordinances of the City of Rochester, entitled "Water", as presently amended, be further amended, by adding to said Chapter the following new provision, to be known as Section 17.20-A of the General Ordinances of the City of Rochester, to wit:

"**17.20-A <u>Prevention and Enforcement of Willful Water Waste</u>.**

Treated drinking water produced by City facilities and distributed through the City distribution system is a valuable public resource, funded by water rate payers. It is the obligation of all water customers to correct any leakages which occur on their property (or to have repaired leakage occurring on private property(s) over which the customer's water service extends) in a timely and effective manner. Customer failure to correct leakages on such property is, for purposes of this Chapter, considered willful waste of water. The Department of Public Works shall utilize the following procedures to alert customers experiencing atypical variation increases in water consumption to alert customers to the possibility of leakage in their (or a master reader's) water service.

(a)<u>Mobile/Manufactured Home Parks and other similar accounts, with Individual Unit Meters and a Master Meter(s)</u>. Such accounts will have summed, by the Department of Public Works, or by its agent(s), the total consumption value of individual unit meters for each regular billing cycle. This summed value will be compared to the master meter consumption value, or in the event of multiple master meters, the sum value of the master meters. A variation of 10% or more between the sum value of the individual unit meter readings and the master meter value, or sum value of multiple master meter readings, will create/establish the obligation of the customer to investigate and, if necessary, report and correct, at customer's expense, water leakage on their property (or on other private property(s) over which their water service extends). Such variations when identified will be documented by the Department of Public Works and a written notice shall be sent by certified mail, return receipt requested, to customer. Upon receipt of notification, customer will have 90 days to correct any water leakage and report completion of such repairs back to the Department of Public Works. ~~In cases where no leakage is determined to exist, or to have existed, but increased consumption does occur, or is occurring, the customer has the obligation to communicate a credible explanation for the increased consumption to the Department, and to assume~~

~~responsibility, in writing if requested by the Department of Public Works, for payment responsibility for such increased consumption. Failure of the customer to respond to such notice by communicating to the Department of Public Works the actions needed, and being taken to correct water leakage, and credible explanation for the increased consumption to the Department the time reasonably required to implement repairs, or by communicating a credible explanation for the increased consumption to the Department and indicating the customer's assumption of responsibility for payment responsibility for such increased consumption will constitute grounds for termination of water service following the expiration of the 90 day repair period, until such leakage is corrected or explanation received. In such cases, an appeal to the Utility Advisory Board for abatement of fees during the 90 day period will not be heard.~~

(b) **Accounts of Individual Unit Meters without Master Meters**. The Department of Public Works monitors average quarterly water consumption reflected by customer's account(s), and such consumption is communicated to the customer in its monthly, quarterly or other regular bill. When monitoring, if above normal consumption, or a situation indicating a potential leakage of water on the customer's property (or on other private property over which the customer's water service extends) is identified, the Department will issue a written advisory to the customer.

(c) **Water Leaks on Customer Property (or other Private Property over which a Customer's Water Service Extends) Known to Exist by Department of Public Works**. In such cases where it is apparent from the street, or the Department of Public Works otherwise knows of water leakage on the customer's property (or on other private property over which the customer's water service extends), the Department will advise the customer in writing of their obligation to investigate and respond to such leakage at their expense. Failure of the customer to respond to such leakages and inform the Department of their response within 7 days of receipt will constitute grounds for termination of water service until such leakage is addressed by response. In the event of a known leak of significant volume on customer property (or on other private property over which the customer's water service extends) which cannot be isolated on the property, the Department of Public Works will immediately terminate service to the property. Customer shall be responsible for repairs to the leakage prior to resumption of City water service." **CC FY 14 04-01 AB 41**

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AMENDMENT TO:

"AMENDMENTS TO CHAPTER 17 OF THE GENERAL ORDINANCES OF THE CITY OF ROCHESTER REGARDING WATER LEAKAGE PREVENTION AND MITIGATION PROCEDURES AND RESPONSIBILITIES"

THE CITY OF ROCHESTER ORDAINS:

That Sub-Section III of the "Amendments to Chapter 17 of the General Ordinances of the City of Rochester Regarding Water Leakage Prevention and Mitigation Procedures and Responsibilities", and currently before the Rochester City Council, on so-called Second Reading, be amended as follows:

A. That Sub-Section III of the "Amendments to Chapter 17 of the General Ordinances of the City of Rochester Regarding Water Leakage Prevention and Mitigation Procedures and Responsibilities", presently before the Rochester City Council on so-called Second Reading, be amended, by deleting the proposed Section 17.20-A thereof in its entirety, and by substituting in its stead, the following provision, to be known as Section 17.20-A of Chapter 17 of the General Ordinances of the City of Rochester, to wit:

"**17.20-A Prevention and Enforcement of Willful Water Waste.**

Treated drinking water produced by City facilities and distributed through the City distribution system is a valuable public resource, funded by water rate payers. It is the obligation of all water customers to correct any leakages which occur on their property (or to have repaired leakage occurring on private property(s) over which the customer's water service extends) in a timely and effective manner. Customer failure to correct leakages on such property is, for purposes of this Chapter, considered willful waste of water. The Department of Public Works shall utilize the following procedures to alert customers experiencing atypical variation increases in water consumption to alert customers to the possibility of leakage in their (or a master reader's) water service.

(a) **Mobile/Manufactured Home Parks and other similar accounts, with Individual Unit Meters and a Master Meter(s)**. Such accounts will have summed, by the Department of Public Works, or by its agent(s), the total consumption value of individual unit meters for each regular billing cycle. This summed value will be compared to the master meter consumption value, or in the event of multiple master meters, the sum value of the master meters. A variation of 10% or more between the sum value of the individual unit meter readings and the master meter value, or sum value of multiple master meter readings, will create/establish the obligation of the customer to investigate and, if necessary, report and correct, at customer's expense, water leakage on their property (or on other private property(s) over which their water service extends). Such variations when identified will be documented by the Department of Public Works and a written notice shall be sent by certified mail, return receipt requested, to customer. Upon receipt of notification, customer will

have 90 days to correct any water leakage and report completion of such repairs back to the Department of Public Works. In cases where no leakage is determined to exist, or to have existed, but increased consumption does occur, or is occurring, the customer has the obligation to communicate a credible explanation for the increased consumption to the Department, and to assume responsibility, in writing if requested by the Department of Public Works, for payment for such increased consumption. Failure of the customer to respond to such notice by communicating to the Department of Public Works: (a) the actions needed, and being taken, to correct water leakage; (b) a credible explanation for the increased consumption to the Department; (c) a time reasonably required to implement repairs-; (d) or by communicating a credible explanation for the increased consumption to the Department and indicating the customer's assumption of responsibility for payment -for such increased consumption, may constitute a violation following the expiration of the 90 day repair period, until such leakage is corrected or explanation received. In such cases, an appeal to the Utility Advisory Board for abatement of fees during the 90 day period will not be heard.

(b) **Accounts of Individual Unit Meters without Master Meters**. The Department of Public Works monitors average quarterly water consumption reflected by customer's account(s), and such consumption is communicated to the customer in its monthly, quarterly or other regular bill. When monitoring, if above normal consumption, or a situation indicating a potential leakage of water on the customer's property (or on other private property over which the customer's water service extends) is identified, the Department will issue a written advisory to the customer.

The Department of Public Works may, at its discretion, require a response and credible explanation of the increased usage within 90 days of notification. If determined to be leakage, the customer may be required to respond with a plan to repair said leakage within 90 days or as otherwise agreed by the of the Department of Public Works.

Failure of the customer to respond to such notice by communicating to the Department of Public Works: (a) the actions needed, and being taken, to correct water leakage; (b) a credible explanation for the increased consumption to the Department; (c) a time reasonably required to implement repairs-; (d) or by communicating a credible explanation for the increased consumption to the Department and indicating the customer's assumption of responsibility for payment -for such increased consumption, may constitute a violation following the expiration of the 90 day repair period, until such leakage is corrected or explanation received. In such cases, an appeal to the Utility Advisory Board for abatement of fees during the 90 day period will not be heard.

(c) **Penalty** Any person who, in a manner, directly or indirectly violates the provisions of this Section shall be guilty of a violation. Violation of this Section may be punishable by a fine of One Hundred Dollars ($100.00) per day of offence.

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 Amendments to Chapter 17 of the General Ordinances of the City of Rochester Regarding Water Leakage Prevention and Mitigation Procedures and Responsibilities	
COUNCIL ACTION ITEM ☒ INFORMATION ONLY ☐	FUNDING REQUIRED? YES ☐ NO ☒ * IF YES ATTACH A FUNDING RESOLUTION FORM
RESOLUTION REQUIRED? YES ☒ NO ☐	FUNDING RESOLUTION FORM? YES ☐ NO ☒

AGENDA DATE	9/2/14	
DEPT. HEAD SIGNATURE	P. C. Nourse	
DATE SUBMITTED	8/8/14	
ATTACHMENTS YES ☐ NO ☐ x	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	

COMMITTEE SIGN-OFF

COMMITTEE	Codes and Ordinances
CHAIR PERSON	Peter Lachepelle

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	Blaine Cox
CITY MANAGER	Daniel Fitzpatrick

FINANCE & BUDGET INFORMATION

FINANCE OFFICE APPROVAL	n/a
SOURCE OF FUNDS	n/a
ACCOUNT NUMBER	n/a
AMOUNT	n/a
APPROPRIATION REQUIRED YES ☐ NO ☐x	

LEGAL AUTHORITY

CC FY15 AB 37 former CC FY14 AB 41 Chapter 17 Water Leakage

SUMMARY STATEMENT

Amendments to Chapter 17 of the General Ordinances of the City of Rochester Regarding Water Leakage Prevention and Mitigation Procedures and Responsibilities: 1st Hearing was 4/1/14. 2nd Hearing was 6/3/14 but the proposed language was not passed but was deferred back to Codes and Ordinances Committee for further review. On 8/7/14 Codes and Ordinances Committee approved reworked language contained herein.

RECOMMENDED ACTION

Recommend adoption of this language.

3/27/14 DPW approves final version of proposed Chapter 17 leak enforcement language.

3/31/14 Cross-Connection Control Program report sent to DES. Over ½ of survey complete and request extension of completion date from 12/1/13 to 6/30/14.

→ **4/1/14 Council: 1st Reading of proposed language changes to Chapter 17 regarding water leak enforcement as cleared at Codes on 3/6.**

AMENDMENTS TO CHAPTER 17 OF THE GENERAL ORDINANCES OF THE CITY OF ROCHESTER REGARDING WATER LEAKAGE PREVENTION AND MITIGATION PROCEDURES AND RESPONSIBILITIES
THE CITY OF ROCHESTER ORDAINS:
That Chapter 17 of the General Ordinances of the City of Rochester, entitled "Water", as presently amended, be further amended as follows:
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17.2 Definitions.

"(q) Water Leakage. The loss of City water on the private property (or on other private property(s) over which the customer's water service must pass) of a City water customer due to a compromise of the customer's interior or exterior plumbing."
II. That Section 17.3 of the General Ordinances of the City of Rochester, as presently amended, and entitled "Definitions", be further amended, by adding to said Section 17.3, the following provision, to be known as Section 17.2 (q) of the General Ordinances of the City of Rochester, to

17.3 Policy Statement.

"(g) Treated drinking water produced by City facilities and distributed through the City distribution system is a valuable public resource, funded by water rate payers. It is the obligation of all water customers to correct any leakages which occur on their property in a timely and effective manner. Customer failure to correct leakages on their property (or to have repaired leakage

occurring on other private property(s) over which the customer's water service extends) is, after notification of the customer pursuant to the provisions of Section 17.20-A of this Chapter, for purposes of this Chapter, considered willful waste of water."

III. That Chapter 17 of the General Ordinances of the City of Rochester, entitled "Water", as presently amended, be further amended, by adding to said Chapter the following new provision, to be known as Section 17.20-A of the General Ordinances of the City of Rochester, to wit:

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to the Department, and to assume responsibility, in writing if requested by the Department of Public Works, for payment responsibility for such increased consumption. Failure of the customer to respond to such notice by communicating to the Department of Public Works the actions needed, and being taken to correct water leakage, and credible explanation for the increased consumption to the Department the time reasonably required to implement repairs, or by communicating a credible explanation for the increased consumption to the Department and indicating the customer's assumption of responsibility for payment responsibility for such increased consumption will constitute grounds for termination of water service following the expiration of the 90 day repair period, until such leakage is corrected or explanation received. In such cases, an appeal to the Utility Advisory Board for abatement of fees during the 90 day period will not be heard.

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(c) **Water Leaks on Customer Property (or other Private Property over which a Customer's Water Service Extends) Known to Exist by Department of Public Works**. In such cases where it is apparent from the street, or the Department of Public Works otherwise knows of water leakage on the customer's property (or on other private property over which the customer's water service extends), the Department will advise the customer in writing of their obligation to investigate and respond to such leakage at their expense. Failure of the customer to respond to such leakages and inform the Department of their response within 7 days of receipt will constitute grounds for termination of water service until such leakage is addressed by response. In the event of a known leak of significant volume on customer property (or on other private property over which the customer's water service extends) which cannot be isolated on the property, the Department of Public Works will immediately terminate service to the property. Customer shall be responsible for repairs to the leakage prior to resumption of City water service." **CC**

VERSION OFFERED BY PWC 6/19/4 Revised 9/2/14

AMENDMENTS TO CHAPTER 17 OF THE GENERAL ORDINANCES OF THE CITY OF ROCHESTER REGARDING WATER LEAKAGE PREVENTION AND MITIGATION PROCEDURES AND RESPONSIBILITIES

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17.2 Definitions.

* * *

"(q) Water Leakage. The loss of City water on the private property (or on other private property(s) over which the customer's water service must pass) of a City water customer due to a compromise of the customer's interior or exterior plumbing."

II. That Section 17.3 of the General Ordinances of the City of Rochester, as presently amended, and entitled "Definitions", be further amended, by adding to said Section 17.3, the following provision, to be known as Section 17.2 (q) of the General Ordinances of the City of Rochester, to wit:

17.3 Policy Statement.

* * *

"(g) Treated drinking water produced by City facilities and distributed through the City distribution system is a valuable public resource, funded by water rate payers. It is the obligation of all water customers to correct any leakages which occur on their property in a timely and effective manner. Customer failure to correct leakages on their property (or to have repaired leakage occurring on other private property(s) over which the customer's water service extends) is, after notification of the customer pursuant to the provisions of Section 17.20-A of this Chapter, for purposes of this Chapter, considered willful waste of water."

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(b) **Accounts of Individual Unit Meters without Master Meters**. The Department of Public Works monitors average quarterly water consumption reflected by customer's account(s), and such consumption is communicated to the customer in its monthly, quarterly or other regular bill. When monitoring, if above ***average*** ~~**normal**~~ consumption, or a situation indicating a potential leakage of water on the customer's property (or on other private property over which the customer's water service extends) is identified, the Department will issue a written advisory to the customer.

The Department of Public Works may, at its discretion, require a response and credible explanation of the increased usage within 90 days of notification. If determined to be leakage the customer may be required to respond with a plan to repair said leakage within 90 days or as otherwise agreed to by DPW.

Failure of the customer to respond to such notice by communicating to the Department of Public Works the actions needed, and being taken to correct water leakage, and credible explanation for the increased consumption to the Department the time reasonably required to implement repairs, or by communicating a credible explanation for the increased consumption to the Department and indicating the customer's assumption of responsibility for payment responsibility for such increased consumption may constitute a violation following the expiration of the 90 day repair period, until such leakage is corrected or explanation received. In such cases, an appeal to the Utility Advisory Board for abatement of fees during the 90 day period will not be heard.

~~(b) **Water Leaks on Customer Property (or other Private Property over which a Customer's Water Service Extends) Known to Exist by Department of Public Works**. In such cases where it is apparent from the street, or the Department of Public Works otherwise knows of water leakage on the customer's property (or on other private property over which the customer's water service extends), the Department will advise the customer in writing of their obligation to investigate and respond to such leakage at their expense. Failure of the customer to respond to such leakages and inform the Department of their response within 7 days of receipt will constitute grounds for termination of water service until such leakage is addressed by response. In the event of a known leak of significant volume on customer property (or on other private property over which the customer's water service extends) which cannot be isolated on the property, the Department of Public Works will immediately terminate service to the property. Customer shall be responsible for repairs to the leakage prior to resumption of City water service."~~

Penalty Any person who, in any manner, directly or indirectly violates the provisions of this ordinance shall be guilty of a violation. Violations of this ordinance /may be punishable by a fine of One Hundred Dollars ($100.00) per day of offense.

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 **NHMA Legislative Policy Conference Discussion**	
COUNCIL ACTION ITEM ☒ INFORMATION ONLY ☐	FUNDING REQUIRED? YES ☐ NO ☒ * IF YES ATTACH A FUNDING RESOLUTION FORM
RESOLUTION REQUIRED? YES ☐ NO ☒	FUNDING RESOLUTION FORM? YES ☐ NO ☒

AGENDA DATE	**September 2, 2014**	
DEPT. HEAD SIGNATURE		
DATE SUBMITTED	**August 28, 2014**	
ATTACHMENTS YES ☒ NO ☐	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	30

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	Blaine Cox Signature on file with City Clerk
CITY MANAGER	Dan Fitzpatrick Signature on file with City Clerk

FINANCE & BUDGET INFORMATION

DIRECTOR OF FINANCE APPROVAL	**NA - discussion item only.**
SOURCE OF FUNDS	**NA - discussion item only**
ACCOUNT NUMBER	**NA - discussion item only**
AMOUNT	**NA - discussion item only**
APPROPRIATION REQUIRED YES ☐ NO ☐	**NA - discussion item only**

LEGAL AUTHORITY

N/A

CC FY15 AB 36 – NHMA

SUMMARY STATEMENT

Each member municipality has one vote at the Policy Conference. Each governing body is asked to appoint a voting delegate to cast the municipality's vote on the policy proposals presented. The legislative Policy Conference is scheduled for Friday, September 26, 2014, at 9:00 AM at the NHMA's offices at 25 Triangle Park Drive in Concord.

RECOMMENDED ACTION

Discuss the proposed legislation and appoint a voting delegate for the City of Rochester.

2015-2016 Legislative Policy Recommendations

General Administration and Governance

Action Policy Recommendations

1. Right to Know Costs and Specificity Required

To see if NHMA will SUPPORT amendments to RSA 91-A allowing municipalities to recover the actual costs of retrieving, reviewing and reproducing documents, and clarifying the level of specificity required when requesting public records.

2. Regulation of Weapons in the Workplace

To see if NHMA will SUPPORT legislation to provide immunity to local and county governments against acts committed by employees with firearms (except for those employees authorized by that governmental entity to carry a firearm in the course of their official responsibilities).

Municipal interest to be accomplished by proposal: To limit the exposure of municipalities in circumstances where an employee brings a firearm into the workplace, which the municipality cannot prohibit, and injures a citizen or co-worker by discharging the firearm. Example: a firefighter takes a weapon to the workplace and while training on a ladder, someone below is accidentally shot by the holstered gun above. Example: a town office employee brings a weapon to the town office, as it is town property, but accidently or intentionally shoots a co-worker or citizen.

Explanation: In ordinary non-municipal circumstances, employers can easily and lawfully prohibit weapons in the workplace for safety reasons and more (unless the employee has a special permit to do so). In municipal government the law provides that individuals can carry on town property; some employees translate that law into allowing them to carry guns while they are at their municipal workplace. The present wording of RSA 159:26 appears to prohibit local and county governments from prohibiting the possession of firearms in the workplace. This statute leaves local and county governments exposed to significant liability from acts committed by employees with firearms against citizens and other employees. These employees have not been authorized by the municipality to possess or use a firearm in the workplace, nor have they been trained by the municipality in the use of firearms, nor have the firearms been issued or approved by the municipality. This policy recommendation is not intended to affect workers compensation. **Submitted by: Joel Bourassa, Selectman, Woodstock**

3. Welfare Lien Priority

To see if NHMA will SUPPORT legislation to give liens for local welfare payments arising under RSA 165:28 a higher priority position, so that those liens fall immediately after the lien for the first mortgage.

Priority Policy Recommendations

4. Cross-Border Liability.

To see if NHMA will SUPPORT legislation to encourage cooperation between emergency response entities from New Hampshire and bordering states by affording municipalities from bordering states the same limitations on monetary damages in civil actions that are afforded to New Hampshire municipalities.

Municipal interest to be accomplished by proposal: Remove a disincentive for cooperation between emergency responders in New Hampshire and neighboring states.

Explanation: New Hampshire law limits the liability of "governmental units" for bodily injury, personal injury or property damage in civil actions, but the definition of "governmental unit" is limited to political subdivisions "within the state." In one case, the New Hampshire Superior Court ruled that a town in a neighboring state, which had cooperated with a New Hampshire town in responding to an emergency, was not protected by the liability cap. A similar issue could arise in many situations in which New Hampshire municipalities work with neighboring municipalities in Maine, Massachusetts, or Vermont in responding to emergencies. For example, New Hampshire police officers were called upon to assist after the Boston Marathon bombings in 2013, and Maine police officers have responded to recent shooting incidents in New Hampshire. Municipalities are less likely to provide cross-border assistance if they do not have the benefit of liability protection under the neighboring state's laws. Any legislation providing liability protection to municipalities in neighboring states should require reciprocity from the neighboring states. **Submitted by: NHMA staff, based on request from other state municipal leagues.**

5. Consultation with Counsel Expansion Under RSA 91-A

To see if NHMA will SUPPORT legislation to amend RSA 91-A so that exempt consultation with legal counsel would also include discussions about written legal correspondence provided by legal counsel, without requiring the presence of counsel at the meeting.

6. Petition Signature Requirements

To see if NHMA will SUPPORT legislation amending RSA 39:3 to require that in towns with an official ballot referendum town meeting (SB2/RSA 40:13), petitioned warrant articles must be signed by not less than 2% of registered voters, but in no case fewer than 10 voters or more than 150 voters.

7. Clarifying What Information Is to be Included in Town Reports in SB2 Towns

To see if NHMA will SUPPORT legislation to clarify which version of the budget and warrant articles is to be included in town reports in SB2 towns.

8. Public Notice Requirements

To see if NHMA will SUPPORT legislation to amend all public notice requirements to allow the choice of electronic notification and/or newspaper print, as well as posting in public places, for official public legal notification.

9. Amended Warrants in SB 2 Towns

To see if NHMA will SUPPORT statutory changes allowing SB 2 communities to post changes to the warrant to reflect amendments to warrant articles by action of the voters at deliberative session. Further to allow the governing body and the budget committee to change their recommendation due to amendments made at deliberative session.

Municipal interest to be accomplished by proposal: These changes would allow the amended language and dollar amounts to be correctly warned prior to the second session of town meeting. The recommendations of the governing body and the budget committee are there to provide guidance to the voters. Changes made at deliberative session in some cases would cause the governing body and/or the budget committee to change their recommendation. The statutes presently do not allow this change. Therefore the recommendation of those boards may be erroneous. A system that relies on direct democracy is based upon an informed/educated citizenry. If the voters are relying on a warrant that is posted and is no longer correct due to changes made, then citizens cannot properly educate themselves. Additionally, those citizens who value the recommendation of the governing body and/or the budget committee may have an incorrect recommendation before them when they decide which way to vote.

Explanation: During the 2014 deliberative session the voters made changes to the language of several of the warrant articles. The voters present also made amendments to the town and school budgets. Money was added to the town budget and substantial cuts were made to the school budget. After consultation with DRA, NHMA legal staff, and town counsel, it was clear that we could not post an "amended" warrant after the deliberative session that would indicate the changes made. In the case of the school budget the amended budget number was significantly different than what the school board recommended. The warrant still showed the old budget and the previous recommendation. The ballot showed the new budget numbers and language changes; however, the ballot still showed that the school board recommended the budget article, which was no longer the case due to the drastic changes made. **Submitted by: Shaun Mulholland, Town Administrator, Allenstown**

10. Long-Term Storage of Records

To see if NHMA will SUPPORT legislation modifying the requirement that municipal records retained for longer than ten years be transferred to paper, microfilm, or both.

Municipal interest to be accomplished by proposal: Save space and cost, and allow a more practical way to store records.

Explanation: RSA 33-A governs the retention of municipal records, establishing retention periods for many classes of records. Section 5-a states that electronic records must be transferred to either paper or microfilm or both if they are required to be retained longer than ten years. Permanent

storage of paper records creates serious space problems. Storing records on microfilm has been a practical alternative, but microfilm is becoming harder to find and may soon be unavailable entirely. Some within the document storage business have indicated that microfilm may be impossible to obtain within a year. If microfilm is not available, paper storage becomes the only legally permitted method. **Submitted by: NHMA staff, based on inquiry from Linda Smith, Board Administrator, Northwood**

11. <u>Building Plans Under 91-A</u>

To see if NHMA will SUPPORT an amendment to RSA 91-A:5, IV to specifically add "building plans/construction drawings contained within a building permit file and/or building plans/construction drawings submitted as part of a building permit application" as an exempt record under this chapter.

Municipal interest to be accomplished by proposal: There is uncertainty within RSA 91-A:5 as to the status of building plans and/or construction drawings in the possession of municipalities and their code enforcement officials or building inspectors. Since "…personnel practices; confidential commercial, or financial information; test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examinations; and personnel, medical, welfare, library user, videotape sale or rental…" files are specifically exempted from the statute, one would think building plans on file with building permits would fall under the remaining exemption of "…other files whose disclosure would constitute invasion of privacy." We were ordered by a district court to release such plans when an unrelated party requested them.

Explanation: The district court rationale was that the legislature had constructed the statute with specific records stated as being exempt. Conversely, building plans were not expressly exempt so their disclosure had to be subject to a balancing test of the full disclosure vs. the privacy rights of the building owner. The court sided with full disclosure due to the absence of a specific exemption. Building plans can contain a wealth of information considered private. Alarms systems, communication access points, physical access points, safe rooms, structural components like vaults, built-in safes, and secure storage areas are only some of the features that could be exploited if plans showing these features were readily available to the public. Many commercial sites like banks, medical facilities, and defense and Homeland Security contractors would be appalled to know the building plans for their facilities were open to public access. Access to building permit applications would still be available. It is only the plans that are being exempted. The additional benefit would be solving in part the problems of copy right infringement. Many designers (engineers, architects, and the like) have expressed concern about the wide distribution of their work and possible copy right infringement by having publicly accessible building plans on file with municipalities. There is no way for them to enforce their copy right without knowing what unrelated parties are accessing and copying their work product. **Submitted by: Paul Deschaine, Town Administrator, Stratham**

12. <u>Municipal Departments and MV Information</u>

To see if NHMA will SUPPORT legislation to make it clear that municipalities may obtain information about motor vehicles registered to an individual for the purposes of verifying asset levels when the individual is applying for general assistance or asset-based tax relief and in order to determine the ownership of vehicles for official purposes.

Municipal interest to be accomplished by proposal: Allow access to motor vehicle registration and licensing information by municipal departments to verify asset levels when administering public assistance and tax relief programs and when needed for other proper governmental purposes.

Explanation: As RSA260:14 is administered and interpreted departments which administer public assistance programs are denied access to motor vehicle registration records and the opportunity to verify statements made by the applicant(s). It has become problematic as folks game the system and lie about the cars parked or the ownership of the cars parked in their yards. **Submitted by: Susan Snide, Pelham Assessing, Pelham**

13. Blue Lights on Fire Department Vehicles

To see if NHMA will SUPPORT amending RSA ch. 265 and RSA 266:78-b, "Blue Lights Restricted to Law Enforcement," to allow for the inclusion and use of a single rear-facing blue colored light panel on emergency response vehicles owned or leased by municipal, village district or federal fire departments.

Municipal interest to be accomplished by proposal: To enhance the visibility and safety of public emergency responders and the public they are serving by allowing fire and emergency medical vehicles to include a single rear-facing blue colored light panel among the red or amber lights on municipally-owned emergency vehicles to provide clearer and more distinct warnings to the motoring public at various emergency response scenes in all types of lighting and weather conditions. There is significant data documenting the mix of colors utilized in various light and weather conditions (i.e. – dusk, dawn, fog, cloudy, rain, etc.) provides for enhanced safety for emergency responders and the motoring public.

Explanation: This proposal is the result of some experiences the Auburn Fire Department has had at some emergency & motor vehicle accident scenes, particularly on NH Route 101 (from the intersection of I-93 through to Exit 3 / Candia town line. Our firefighters have experienced that the visual of all red flashing emergency lights do not always seem to encourage the motoring public to maintain a safe distance from the emergency responders as they are driving past. The Auburn Fire Chief has indicated other states allow fire and emergency medical vehicles to include a blue light/lens in their light bars and it provides a stronger safety presence for both the emergency responders and the motoring public. This would be similar to the provisions of RSA 266:78-c, where red lights are allowed for police, fire and rescue vehicles. **Submitted by: William Herman, Town Administrator, Auburn**

Standing Policy Recommendations

14. Counting Absentee Ballots

(Legislation pending—SB 271) To see if NHMA will SUPPORT legislation to eliminate the requirement that absentee ballots cannot be counted prior to 1:00 P.M., and instead allow them to be counted throughout the time when polls are open.

15. Swearing in Town Officers

To see if NHMA will SUPPORT legislation to reconcile RSA 669 with RSA 42:3 regarding when certain town officers may be sworn in.

16. Human Resources Record Retention

To see if NHMA will SUPPORT legislation that amends the record retention requirements for successful job applications and personnel records from 50 years after termination or retirement to 20 years after termination or retirement.

17. Modifying the Adoption, Revision, and Amendment of Municipal Charters

(Legislation pending—HB 422) To see if NHMA will SUPPORT legislation similar to HB 379 in 2008 that modifies the adoption, revision, and amendment of municipal charters.

18. Consolidated Policy on Collective Bargaining Items

Evergreen Clause: To see if NHMA will OPPOSE legislation to enact a mandatory so-called "evergreen clause" for public employee collective bargaining agreements.

Binding Arbitration: To see if NHMA will OPPOSE mandatory binding arbitration as a mechanism to resolve impasses in municipal employee collective bargaining.

Right to Strike: To see if NHMA will OPPOSE a right to strike for public employees.

Mandated Employee Benefits: To see if NHMA will OPPOSE any proposals to mandate employee benefits, including any proposal to enhance retirement system benefits which may increase employer costs in future years, for current or future employees.

19. Contracted Services and Bargaining

To see if NHMA will SUPPORT legislation to give public employers greater flexibility to privatize or use contracted services.

20. Maintenance and Policing of State-Owned Property

To see if NHMA will SUPPORT legislation to enable municipalities to recover the expenses of policing publicly-owned land against all illegal activity (including public consumption of alcohol and littering), including the ability to receive reimbursement/compensation from individuals engaged in the illegal activity.

21. Supervisor of the Checklist Sessions

To see if NHMA will SUPPORT legislation to reduce to one the number of required sessions that the supervisors of the checklist must hold prior to town elections.

22. Municipal Recreation Programs

To see if NHMA will SUPPORT the continued exemption from state child care licensing for municipal recreation department programs and also supports the exemption from state camp licensing for municipal recreation department summer programs.

23. Requirement to Hold Elected Office

To see if NHMA will SUPPORT legislation clarifying that to run for and hold a local elected office, one must be a registered voter.

24. Appointment of Town Clerks and Town Clerks/Tax Collectors

To see if NHMA will SUPPORT legislation to allow the legislative body to authorize the governing body to appoint or elect town clerks and town clerk/tax collectors.

25. Warrant Article Language; Adoption by Reference

To see if NHMA will SUPPORT legislation to amend RSA 48-A, Housing Standards, to allow a town to adopt a proposed housing standards ordinance on the ballot by reference, as opposed to printing the entire ordinance on the warrant.

26. Perambulation

To see if NHMA will SUPPORT legislation to eliminate the RSA 51:2 requirement to perambulate town boundaries every 7 years when the abutting municipalities have identified the boundaries and markers by survey quality GPS coordinates or by a certified survey and have filed a return including the survey or GPS coordinates as required by RSA 51:4.

Municipal interest to be accomplished by proposal: Saving of dollars (for repeated surveys) and the saving of substantial time to coordinate with others. Also to determine boundaries by easily reproducible means.

Explanation: Thus procedure has become increasingly archaic over time with a declining number of communities faithfully following the requirement. There is no longer a need to continue to physically walk boundaries given "modern" technology. It is time, at best, to abolish it as Maine has or, at worst, provide an opportunity to be relieved of the obligation upon the filing of a mutual report accompanied by GPS documentation. **Submitted by: Carter Terenzini, Town Administrator, Moultonborough**

Finance and Revenue

Action Policy Recommendations

1. Tax Rate Setting

TO SEE IF NHMA WILL SUPPORT legislation that expedites the receipt of information, including utility values as determined by the Department of Revenue Administration, necessary for the Department to set tax rates beginning October 1st and to improve the overall efficiency and timeliness of the tax rate setting process.

2. Use of RSA 83-F Utility Values

TO SEE IF NHMA WILL SUPPORT changing RSA 83-F to prevent any determination of utility value by the Department of Revenue Administration from being used in any way by either the utility taxpayer or the municipality in any application for abatement of tax under RSA 76:16 or any appeal thereof under RSA 76:16-a or RSA 76:17.

Municipal interest to be accomplished by proposal: To see that any opinion of value generated by the State's Department of Revenue Administration for imposition of the State's Utility Tax under RSA 83-F is not used against another subdivision of the State in a legal proceeding. By eliminating that use, the state and municipalities avoid the expense of all necessary discovery associated with the DRA's 83-F process and the trial testimony of the DRA's representatives concerning the same.

Explanation: The Berlin City Council passed a motion in support of the above amendment to RSA 83-F at their April 21, 2014 City Council Meeting. **Submitted by: James A. Wheeler, City Manager, City of Berlin**

3. Real Estate Income and Expense Statements on Appeal

TO SEE IF NHMA WILL SUPPORT legislation that prohibits the use of real estate income and real estate expense information by a taxpayer in any appeal of value if the taxpayer, after request by the municipality, has not submitted the requested information.

Priority Policy Recommendations

4. Clarification of Elderly Exemption.

TO SEE IF NHMA WILL SUPPORT changes in language for RSA 72:39-a, 72:29, and 72:39-b that define and recognize a household as occupying a property and increasing tenancy requirements for elderly exemption tax relief.

Municipal interest to be accomplished by the proposal: Equitable distribution of property taxes, consistency between statutes offering relief from property taxes.

Explanation: Elderly exemptions are granted for elderly home owners who qualify per income and asset criteria established by the town. Often an extended family will move in and occupy the home and also enjoy the benefit of reduced taxes. The law as currently interpreted does not allow for income or assets from all members of the home to be considered as part of the income or asset test. **Submitted by: Susan Snide, Assessing Assistant, Pelham**

5. <u>Separate Ballot Boxes for Bond Votes</u>.

TO SEE IF NHMA WILL SUPPORT legislation clarifying that separate ballot boxes are not required for bond articles in SB 2 towns.

Municipal interest to be accomplished by proposal:
Avoid confusion and impracticality.

Explanation:
RSA 33:8-a, which governs the procedure for authorizing a bond or note in excess of $100,000, states that articles proposing a bond or note shall appear in consecutive order on the warrant and shall be acted upon before most other business (with exceptions), that polls shall remain open for each article for at least one hour, and that "a separate ballot box shall be provided for each bond article to be voted on pursuant to this section." This statute was enacted before the SB 2 form of town meeting existed and obviously did not contemplate such a system. It makes no sense to require separate ballot boxes when all votes are made on a single ballot. Presumably no SB 2 town actually follows this requirement. **Submitted by: NHMA staff, based on inquiry from Lynne Bonitatibus, Administrative Assistant, Kensington**

6. <u>Expanding 10% Limitation</u>

TO SEE IF NHMA WILL SUPPORT amending RSA 32:18 to expand the 10 percent limitation on increasing the budget committee's appropriation recommendation to include both increasing and decreasing the total amount to be appropriated.

Municipal interest to be accomplished by the proposal: With fewer voters and taxpayers actually participating in the local deliberative forms of municipal government – both traditional town meetings and SB2 communities' Deliberative Sessions – the 10% rule should be expanded to limit both any increase or decrease in proposed appropriations to ensure that a small minority not be able to dramatically alter what the silent majority likely supports.

Explanation: An Auburn resident spoke with me about some sort of protection such as this following the 2014 Allenstown School District Deliberative Session, where a very small number of voters approved by a one-vote margin a near $1 million reduction to the proposed school district budget of approximately $9 million. The Deliberative Session action left the School Board and the Budget Committee with a budget proposal going forward to the voters that neither board supported. As I understand part of the historic logic of the 10% Rule is that voters not present at the meeting had been forewarned of proposed spending levels and their absences could be viewed as a form of support. The limitation protected them. I believe the same could be said in reverse with respect to drastic cuts. **Submitted by: Bill Herman, Town Administrator, Town of Auburn**

7. <u>All Public Real Estate Taxable if Used by Private Occupants</u>

TO SEE IF NHMA WILL SUPPORT legislation to clarify that taxation of a private occupant on public land is required by statute, even if an agreement or lease does not include a tax provision or the specific wording of RSA 72:23, I(b).

Municipal interest to be accomplished by proposal: The amendment would make it clear that taxation of a private occupant on public land is required by statute, even if an agreement or lease does not include a tax provision or specific working of RSA 72:23, I(b). This amendment should even the playing field for all municipalities and all tenants occupying public land, so that all are treated similarly under the same set of laws. It would also help to ensure that municipalities receive tax revenue from private tenants that would pay taxes anyway to the municipality if they owned the real estate.

Explanation: The proposed amendment is intended to make legislative intent clear that all public real estate is taxable if used by private occupants, unless the occupant qualifies for a tax exemption. The use of public land by a private occupant should be deemed to be its consent to the tax by operation of law. It does not make sense for a private company to be tax-free just because it occupies public real estate and does not agree to pay taxes, but the same or similar company on private land has to pay taxes, regardless whether it agrees or not. The current situation is not fair to taxpayers who do have to pay taxes. This amendment also addresses inequity between tenants, if one tenant gets a tax exemption while using public land while a similar tenant of public land must pay taxes. The proposed amendment is patterned after the policy statement made by the Supreme Court in Rochester I. Recent confusion about legislative intent makes this amendment necessary.
Submitted by: Adele Fulton, Attorney, on behalf of City of Lebanon

8. <u>Pollution Control Exemption</u>

TO SEE IF NHMA WILL SUPPORT repeal of the so-called "pollution control exemption" (RSA 72:12-a) or amendment of the statute to impose a term limitation on any exemption granted.

9. <u>Prorating Disabled Exemption</u>

TO SEE IF NHMA WILL SUPPORT legislation prorating the disabled exemption under RSA 72:37-b when a person entitled to the exemption owns a fractional interest in the residence, in the same manner as is allowed for the elderly exemption under RSA 72:41.

10. <u>Penalty for Failure to Submit Current Use Information</u>

TO SEE IF NHMA WILL SUPPORT legislation imposing a penalty for failure to submit current use information as needed to update municipal records—*i.e.,* Marlow matrix.

11. <u>Recording Fees for Elderly Deferrals</u>

TO SEE IF NHMA WILL SUPPORT legislation to reimburse municipalities for recording fees related to the establishment and release of elderly and disabled deferrals under RSA 72:38-a.

12. Flood Control Payments

TO SEE IF NHMA WILL SUPPORT legislation to fully fund flood control payments in lieu of taxes to municipalities, including retroactive payments from the state for Fiscal Years 2012 and 2013.

Standing Policy Recommendations

13. Downshifting of State Costs and State Revenue Structure

TO SEE IF NHMA WILL OPPOSE legislation which will downshift state costs or state program responsibilities, either directly or indirectly, to municipalities and/or counties, resulting in increased municipal and/or county expenditures, whether in violation of Article 28-a or not, and **OPPOSE** any reductions, deferrals and/or suspensions of state revenue to political subdivisions, such as revenue sharing, meals and rooms tax distribution, highway block grants, environmental state aid grant programs, adequate education grants, catastrophic aid, or any other state revenues.

14. State Revenue Structure and State Education Funding

TO SEE IF NHMA WILL SUPPORT asking the state to use the following principles when addressing the state's revenue structure in response to its responsibility to fund an adequate education:

a) That revenues are sufficient to meet the state's responsibilities as defined by constitution, statute, and common law;

b) That revenue sources are predictable, stable and sustainable and will grow with the long term needs and financial realities of the state;

c) That changes to the revenue structure are least disruptive to the long-term economic health of the state;

d) That the revenue structure is efficient in its administration;

e) That changes in the revenue structure are fair to people with lower to moderate incomes.

TO SEE IF NHMA WILL SUPPORT legislation prohibiting retroactive changes to the distribution formula for adequate education grants after the notice of grant amounts has been given.

15. New Hampshire Retirement System (NHRS)

TO SEE IF NHMA WILL SUPPORT the continuing existence of a retirement system for state and local government employees that is strong, secure, solvent, fiscally healthy and sustainable, that both employees and employers can rely on to provide retirement benefits for the foreseeable future. Further, **TO SEE IF NHMA WILL SUPPORT** continuing to work with legislators, employees, and the NHRS to accomplish these goals.

To that end, **TO SEE IF NHMA WILL:**

a) **SUPPORT** legislation that will strengthen the health and solvency of the NHRS and ensure the long term financial sustainability of the retirement system for public employers;

b) **OPPOSE** any legislation that: 1) expands benefits that would result in increases to municipal employer costs; 2) assesses additional charges beyond NHRS board approved rate changes on employers; or 3) expands the eligibility of NHRS membership to positions not currently covered.

c) **SUPPORT** the restoration of the state's 35% share of employer costs for police, teachers, and firefighters in the current defined benefit plan and any successor plan; and

d) **SUPPORT** the inclusion of municipal participation on any legislative study committee or commission formed to research alternative retirement system designs (such as a defined contribution or a hybrid plan) and the performance of a complete financial analysis of any alternative plan proposal in order to determine the full impact on employers and employees.

16. Utility Appraisal Method

TO SEE IF NHMA WILL OPPOSE mandating the exclusive use of the unit method of valuation in the appraisal of utility property, by either administrative or legislative action, and **SUPPORT** the continuing right of municipalities to use any method of appraisal upheld by the courts.

17. Modifying Post-Municipal Appeal Deadline Date

TO SEE IF NHMA WILL SUPPORT legislation to modify the post-municipal appeal deadline date as called for under RSA 72:34-a- "Appeal from Refusal to Grant Exemption, Tax Deferral, or Tax Credit".

Municipal interest to be accomplished by proposal: The current appeal date of a municipal denial of a property tax exemption/credit/deferral is September 1 of the following tax year. For example, municipality A denies a vet credit in March of 2014, the applicant has until September 1, 2015 to appeal that, that is 18 months of appeal window, that sort of timeframe is not found within the property tax appeal RSA's, nor current use appeal RSA's etc. There is no rational basis to have that long a window leaves the municipality at risk on such a long view that it makes it difficult to plan for with legal costs, overlay cost and the like.

Explanation: The appeal window under this RSA for tax exemptions/credits/deferrals should mirror the property tax window. The communities by law have until July 1st to issue a decision, taxpayers have until September 1st to perfect their appeal, the same should be true under RSA 72:34-a as it is under RSA 76:16-a & RSA 76:17. **Submitted by: Jim Michaud, Assistant Assessor, Town of Hudson**

18. Charitable Definition and Mandated Property Tax Exemptions

TO SEE IF NHMA WILL OPPOSE legislation that expands the definition of "charitable" in RSA 72:23-l, unless the state reimburses municipalities for the loss of revenue, and **SUPPORT** creating a method of reimbursement to municipalities for state-owned property.

19. Telecom Company Property Tax Exemption

TO SEE IF NHMA WILL OPPOSE any exemption from the property tax for poles, wires, and conduits owned by telecom companies.

20. Collection of Statewide Education Property Tax

TO SEE IF NHMA WILL TAKE NO POSITION on the collection of the statewide property tax by the state or by municipalities, but will continue to work to ensure that any system based on the property tax coordinates and synchronizes as seamlessly as possible with existing local property tax assessment and collection procedures.

21. Negotiated PILOTs for Water System Property

TO SEE IF NHMA WILL OPPOSE legislation that eliminates the current obligation of the public water entity to make a PILOT equal to what the property taxes would be for the property in the absence of a negotiated PILOT.

22. State Budget Cap

TO SEE IF NHMA WILL OPPOSE the adoption of any variation of a state budget cap which will impose on the Legislature pre-established limitations on state spending.

23. Budget Year Conversion

TO SEE IF NHMA WILL SUPPORT legislation to simplify the process of a municipality's converting from a calendar year budget cycle to a fiscal year budget cycle.

24. Management of Trust Funds

TO SEE IF NHMA WILL SUPPORT amendments to RSA 292-B:2 to include funds held by a town or other municipality under RSA 31:19, RSA 202-A:23, or a fund created by a town or other municipality under RSA 31:19-a to be included in those institutional funds subject to the Uniform Prudent Management of Institutional Funds Act.

25. Minimum Vote Required for Bond Issues

TO SEE IF NHMA WILL OPPOSE legislation to increase the 60% bond vote requirement for official ballot communities.

26. Mandatory Tax Liens

TO SEE IF NHMA WILL SUPPORT legislation to change RSA 80:59 to read: "The real estate of every person or corporation shall be subject to the tax lien procedure by the collector, in case all taxes against the owner shall not be paid in full on or before December 1 next after its assessment, provided that the municipality has adopted the provisions of RSA 80:58-86 in accordance with RSA

80:87. A real estate tax lien imposed in accordance with the provisions of RSA 80:58-86 shall have priority over all other liens."

27. Tax Bill Information

TO SEE IF NHMA WILL SUPPORT legislation to amend RSA 76:11-a to allow those municipalities which have adopted the deaf exemption to include the word "deaf" following the word "blind" in the information contained on tax bills.

Infrastructure, Development, and Land Use

Action Policy Recommendations

1. Restoration of Full General Revenue Funding for Municipal State Aid Grant (SAG) Programs

TO SEE IF NHMA WILL SUPPORT legislation to restore full general revenue funding of municipal wastewater, public drinking water and landfill closure grants administered by the NH Department of Environmental Services.

2. Municipal Use of Structures in the Right-of-Way

TO SEE IF NHMA WILL SUPPORT legislation to authorize municipalities to use, for any municipal purpose, the space designated for municipal good upon all poles, conduit and other structures within their rights-of-way without paying unreasonable make-ready costs. This includes the right to use that space for data and voice transmission to, from, and by the municipal government, schools, library, and other governmental institutions. This includes a requirement that the owners of utility poles and conduit do the necessary work for that space to be available.

3. Regional Water Quality

TO SEE IF NHMA WILL SUPPORT legislation to encourage the State of New Hampshire and its political subdivisions to work cooperatively on a watershed or regional basis in addition to dealing with all water quality issues as individual communities.

Municipal interest to be accomplished by proposal: More efficient use of limited taxpayer resources to deal with achieving compliance under Clean Water Act requirements and state regulations.

Explanation: Many of the impaired water bodies in the state have numerous contributors to the impairments and no individual community can deal with all of the water quality issues within a water body. Also, limited resources should be targeted to the largest water quality improvements to provide the cleanest water resources to our citizens. Around the country various models have been

established, and New Hampshire should assess these various alternatives to see if one or a combination of several models would work for the state. **Submitted by: Carl Quiram, Director of Public Works, Goffstown.**

Priority Policy Recommendations

4. Diversion of Highway Funds.

TO SEE IF NHMA WILL SUPPORT legislation and administrative action to limit or eliminate the diversion of highway funds for non-highway purposes.

5. Site Evaluation Committee and Local Input

TO SEE IF NHMA WILL SUPPORT legislation establishing a procedure similar to RSA 674:54 requiring applicants to the state's Site Evaluation Committee (SEC) to notify and appear before the local planning board prior to the issuance by the SEC of certificates for the construction of energy facilities under RSA 162-H.

6. RSA 162-K: Authority for Inter-municipal Cooperation

TO SEE IF NHMA WILL SUPPORT legislation to provide more explicit authority for inter-municipal cooperation in economic development and revitalization districts (*see* RSA 162-K).

7. Solid Waste Revolving Funds

TO SEE IF NHMA WILL SUPPORT legislation to allow municipalities to establish, by vote of the legislative body, revolving funds for their solid waste programs, including solid waste collection, disposal, and the operation of any municipally operated transfer station, in addition to recycling.

8. Clarify Establishing Highways

TO SEE IF NHMA WILL SUPPORT legislation clarifying that the dedication and acceptance method of highway creation requires express acceptance by vote of the legislative body, or the board of selectmen if so delegated.

9. Water Fund

TO SEE IF NHMA WILL SUPPORT legislation to implement the recommendations of the Commission on Water Infrastructure Sustainability Funding (the "SB 60 Commission"), including (1) the establishment of a water trust fund to ensure adequate annual investment in water infrastructure, and (2) a sustainable revenue source for the water trust fund.

Municipal interest to be accomplished by proposal: Long-term investment in the infrastructure that cleans and carries water is essential to the health and economy of New Hampshire. Water is a resource that cannot be neglected, and a water trust is essential to ensure that large and small

communities can maintain the infrastructure to meet the regulatory limits, and the social and economic goals of communities.

Explanation: The SB 60 Commission worked for three years to develop findings and recommendations for the establishment of a sustainable trust for water infrastructure. NHMA should support this initiative as it affects all New Hampshire municipalities. **Submitted by: Shelagh Connelly, Chair, New Hampshire Water Pollution Control Association.**

Standing Policy Recommendations

10. Adequate Highway Funding

TO SEE IF NHMA WILL SUPPORT legislation to ensure adequate state revenue dedicated to highway improvements, which may include the road toll (gas tax) under RSA 260:32, increased motor vehicle registration fees, or any other source, so long as all additional revenues are used for highway purposes, and provided that the proportionate share of such additional revenues is distributed to cities and towns as required by existing law.

11. Alternative Funding for Transportation

TO SEE IF NHMA WILL SUPPORT the establishment of alternative funding sources to ensure the maintenance and improvement of existing and future state and local transportation infrastructure and to provide greater focus and financial support for all modes of transportation.

12. Conservation Investment

TO SEE IF NHMA WILL SUPPORT permanent funding for the Land and Community Heritage Investment Program and **OPPOSES** any diversion of such funds to other uses.

13. Environmental Regulation and Preemption

TO SEE IF NHMA WILL SUPPORT legislation that (a) recognizes municipal authority over land use and environmental matters, (b) limits state preemption of local environmental regulation, and (c) recognizes that even when local environmental regulation is preempted, compliance with other local laws, such as zoning and public health ordinances and regulations, is still required.

14. Underground Utilities

TO SEE IF NHMA WILL SUPPORT legislation clarifying that municipalities may incur debt for the purpose of removing overhead utilities and replacing them with underground utilities.

15. Energy, Renewable Energy and Energy Conservation

TO SEE IF NHMA WILL SUPPORT legislation encouraging state and federal programs that provide incentives and assistance to municipalities to adopt energy use and conservation techniques that will manage energy costs and environmental impacts, promote the use of renewable energy

sources, and promote energy conservation, and opposes any legislation that overrides local regulation.

16. Open Space Retention and Sprawl Prevention

TO SEE IF NHMA WILL SUPPORT legislation encouraging statewide programs that provide incentives and assistance to municipalities to adopt land use planning and regulatory techniques that will better prevent sprawl, retain existing tracts of open space, and preserve community character.

17. Sludge/Biosolids

TO SEE IF NHMA WILL SUPPORT reliable enforcement of scientifically based health and environmental standards for the management of sludge, septage, and biosolids; and **OPPOSE** any state legislation that would curtail the ability of municipalities to dispose of municipally-generated biosolids through land spreading, when done in accord with such scientifically based health and environmental standards.

18. Current Use

TO SEE IF NHMA WILL OPPOSE any legislative attempt to undermine the basic goals of the current use program and **OPPOSE** any reduction in the 10-acre minimum size requirement for qualification for current use, beyond those exceptions now allowed by the rules of the Current Use Board.

19. Complete Streets

TO SEE IF NHMA WILL SUPPORT legislation providing for consideration and possible implementation of a Complete Streets Policy at the state level, to include accommodating the input and needs of, and the financial impact on, political subdivisions.

Municipal interest to be accomplished by proposal: There is a growing awareness that conventional design, operation and maintenance of transportation facilities have been biased toward accommodating speed and capacity for motor vehicles, and that a more comprehensive approach is needed to adequately support mobility and quality of life for all members of the community. The Complete Streets concept is a response to this concern, which focuses on ensuring that streets are safe, comfortable and convenient for travel for everyone, including motorists, pedestrians, bicyclists and public transportation users, and for all ages and abilities.

In recent years, the City of Portsmouth has been designing its street improvement projects with an increased attention to pedestrian and bicycle safety and convenience, and in 2013 the City adopted a formal Complete Streets policy to formalize this approach. However, it is important that local initiatives such as Portsmouth's be supported by a statewide Complete Streets policy.

Explanation: A statewide Complete Streets policy would require transportation agencies to approach every transportation improvement and project phase as an opportunity to create safer, more accessible streets for all users. These phases include planning, programming, design, right-of-way acquisition, construction engineering, construction, reconstruction, operation and maintenance.

Complete Streets principles can be applied on new projects, but also can be applied incrementally on existing streets through a series of improvements and activities over time.

An effective Complete Streets policy is sensitive to community context. A strong statement about context can help align transportation and land use planning goals, creating livable and resilient villages, towns and neighborhoods.

To date, 27 states have adopted statewide Complete Streets policies, including the New England states of Vermont, Massachusetts, Connecticut and Rhode Island. **Submitted by: Rick Taintor, Planning Director, Portsmouth; Christopher Parker, Director of Planning and Community Development, Dover; Thomas J. Aspell, Jr., City Manager, Concord.**

Revised 9/2/14

CITY OF
Received
AUG 21 2014
City M
ROC

TO: Key Officials

FROM: Judy A. Silva, Executive Director
Cordell A. Johnston, Government Affairs Counsel

DATE: August 20, 2014

RE: **2015-2016 Legislative Policy Conference ~ Friday, September 26, 2014**

Floor Proposals and Legislative Principles

Enclosed please find a copy of the nine floor policy proposals that have been submitted for discussion and vote at the NHMA Legislative Policy Conference. These floor policies supplement the policy recommendations prepared by the three legislative policy committees, which were mailed to each municipality on June 17, 2014. In addition to the policy recommendations and the floor proposals, delegates at the conference will vote on NHMA's Legislative Principles, which also were included in the June 17 mailing. If you need copies of any of these documents, you can find them on the NHMA website, www.nhmunicipal.org. (Near the top of the home page, click on the "Advocacy" tab, then use the menu on the left to find "Legislative Principles," "2015-2016 Legislative Policy Recommendations," and "2015-2016 Floor Policies.")

Voting Delegate

Each member municipality has one vote at the Policy Conference. Each governing body is asked to appoint a voting delegate to cast the municipality's vote on the policy proposals presented. **We are sending a pre-stamped voting delegate card to the chief administrative officer in each municipality (or the governing body chair if no administrative staff) to return to us indicating the governing body's appointment for voting delegate.** Please mail this card back to us no later than Wednesday, September 17. See the Legislative Policy Process Questions & Answers document, also sent with the June 17 mailing and available on the NHMA website, for a description of who will have voting privileges for a municipality in the absence of any formal designation.

Policy Conference

The Legislative Policy Conference is scheduled for **Friday, September 26, 2014 at 9:00 a.m.** at **NHMA's offices at 25 Triangle Park Drive** in Concord.

We urge the governing body of each municipality to discuss the full slate of policy recommendations, along with these floor proposals, and to take a position on each proposal to give guidance to your voting delegate. Otherwise, your voting delegate is free to vote at the Policy Conference as he/she desires! At the conference, delegates may vote to approve, reject, amend, or table a policy proposal. They may also vote to change the order of priority of the various policies.

This is an important opportunity for each member municipality to participate in determining NHMA legislative policy for the 2015-2016 biennium—we count on your input! As always, please do not hesitate to call or e-mail (governmentaffairs@nhlgc.org) the Government Affairs Staff with any questions, comments, or concerns. We look forward to seeing you on September 26th !

1.

New Hampshire Municipal Association
2015-2016 Legislative Policy Process

Floor Policy Proposal

Submitted by (name) Joan Morel **Date** August 11, 2014

City or Town Town of Hinsdale **Title of Person Submitting Policy** Selectman

Floor Policy Proposal approved by vote of the governing body on (date) August 11, 2014

To see if NHMA will SUPPORT/~~OPPOSE~~: The modification of RSA 41:18 to read "Each town shall have a deputy town clerk....."

Municipal interest to be accomplished by proposal: RSA 41:18 currently reads "Each town may have a deputy town clerk....". This change will assure that Towns have a deputy town clerk to fill in town clerk absences and serve the public.

Explanation: Previously this statute left the appointment of a deputy town clerk to the elected town clerk with the approval of the selectmen. The current town clerk was absent many times and refused to appoint a deputy town clerk.

A sheet like this should accompany each proposed floor policy and should record the date of the governing body vote approving the proposal. It should include a brief (one or two sentence) policy statement, a statement about the municipal interest served by the proposal, and an explanation which describes the nature of the problem or concern from a municipal perspective and discusses the proposed action which is being advocated to address the problem. Fax to 224-5406; mail to 25 Triangle Park Drive, Concord, NH 03301; email to governmentaffairs@nhmunicipal.org. Must be received by August 15, 2014.

2.

New Hampshire Municipal Association
2015-2016 Legislative Policy Process

Floor Policy Proposal

Submitted by (name) Joan Morel **Date** August 11, 2014

City or Town Town of Hinsdale **Title of Person Submitting Policy** Selectman

Floor Policy Proposal approved by vote of the governing body on (date) August 11, 2014

To see if NHMA will SUPPORT/OPPOSE: The amendment of RSA 41:9-b, V to add "and officials elected to non-volunteer positions in the municipality".

Municipal interest to be accomplished by proposal: Currently elected officials such as Town Clerk, Tax Collector, and Treasurer are not subject to a background investigation and criminal history record checks. These positions handle the vast majority of funds coming to the municipality.

Explanation: As stated above, an elected Town Clerk, Tax Collector, and Treasurer are not subject to a background investigation and criminal history record checks. Candidates for employment are subject to this procedure. The elected officials stated above should be fiduciary responsible to voters, and to perform a background investigation and criminal history record check prior to being sworn into office would help with some assurance to the voters that the person is responsible for handling of monies.

A sheet like this should accompany each proposed floor policy and should record the date of the governing body vote approving the proposal. It should include a brief (one or two sentence) policy statement, a statement about the municipal interest served by the proposal, and an explanation which describes the nature of the problem or concern from a municipal perspective and discusses the proposed action which is being advocated to address the problem. Fax to 224-5406; mail to 25 Triangle Park Drive, Concord, NH 03301; email to governmentaffairs@nhmunicipal.org. Must be received by August 15, 2014.

3.

New Hampshire Municipal Association
2015-2016 Legislative Policy Process

Floor Policy Proposal

Submitted by (name): *Steve Malizia* Date: *August 12, 2014*

City or Town: *Hudson* Title of Person Submitting Policy: *Town Administrator*

Floor Policy Proposal approved by vote of the governing body on (date) *August 5, 2014*

To see if NHMA will SUPPORT/OPPOSE:

To see if NHMA will support legislation to allow municipal library budgets to appear as a separate warrant article on the Town Meeting SB2 ballot.

Municipal Interest to be accomplished by proposal:

To give the voters greater visibility to the appropriations necessary to operate the municipal library when they vote at the Annual Town Meeting.

Explanation:

Currently, in SB2 communities, the operating budget for the Town appears as a separate warrant article. The article raises and appropriates a sum of money for the operation of the Town and also defines a default budget should the proposed budget not pass. In 2014, separate warrant articles were allowed on the ballot to raise and appropriate funds to run a municipal water utility and a municipal sewer utility. Each of these articles also identified a default budget should the article(s) not pass. The Hudson Board of Selectmen believe that it would be appropriate to allow SB2 communities to put municipal library budgets, separate from the Town's general fund budget, so that the voters would have greater visibility into the cost to operate the library as well as the ability to vote for a library default budget. Another strong argument in favor of allowing the library budget to be a separate warrant article is that the Library Trustees are a separately elected body, not subject to the direction of the Board of Selectmen.

NHMA

New Hampshire Municipal Association
2015-2016 Legislative Policy Process

Floor Policy Proposal

Submitted by: Barrington Board of Selectmen who voted to request and support this floor policy proposal at their meeting July 28, 2014: Town Barrington, NH

Title of Person Submitting Policy: Town Administrator John Scruton on behalf of the Board of Selectmen.

Floor Policy Proposal approved by vote of the governing body on (date) July 28, 2014

To see if NHMA will SUPPORT:

An increase in the amount of a public project before it requires mandatory obtaining of a performance bond so the local governing body could elect to waive the performance bond for any project under $75,000 in RSA447:16. The proposal would allow the governing board on a case by case basis between $35,000 and $75,000 the option to waive the performance bond or to require it.

Municipal interest to be accomplished by proposal:

Inflation has caused many more projects to require a performance bond, including more building repair projects and relatively small road projects. Currently some small companies end up not bidding on these projects because of the challenges of getting a performance bond. If a small company had no subcontractors; the town had assurance the suppliers were paid, and the town did not pay until the work was complete there would be little need for the performance bond, but it is now required regardless of the type of public project.

Explanation:

The provision limits the ability of small local companies to compete for projects. It likely results in higher costs to the community since the cost of the performance bond is passed on to the taxpayers. Allowing the local option for the governing board to waive the bond in this range of project, could save towns money and award the project locally.

A sheet like this should accompany each proposed floor policy and should record the date of the governing body vote approving the proposal. It should include a brief (one or two sentence) policy statement, a statement about the municipal interest served by the proposal, and an explanation which describes the nature of the problem or concern from a municipal perspective and discusses the proposed action which is being advocated to address the problem. Fax to 224-5406; mail to 25 Triangle Park Drive, Concord, NH 03301; email to governmentaffairs@nhmunicipal.org • Must be received by August 15, 2014.

New Hampshire Municipal Association
2015-2016 Legislative Policy Process

Floor Policy Proposal

Submitted by (name) Joan Morel **Date** August 11, 2014

City or Town Town of Hinsdale **Title of Person Submitting Policy** Selectman

Floor Policy Proposal approved by vote of the governing body on (date) August 11, 2014

To see if NHMA will SUPPORT/~~OPPOSE~~: The amendment of RSA 75:1 so that the last sentence will read "The selectmen shall receive and consider all evidence that shall be submitted to them relative to the value of property upon request, including rental income and expenses, the value of which cannot be determined by personal examination."

Municipal interest to be accomplished by proposal: Taxation of property in an equitable manner so that all taxpayers pay their fair share.

Explanation: Currently assessors ask for income and expenses information but receive very few responses. This results in an inaccurate application of income and expenses to all properties with rentals - for instance apartments, rented homes, rental spaces in businesses, etc. - because assessors use the submitted information to apply average incomes and expense to all similar properties.

A sheet like this should accompany each proposed floor policy and should record the date of the governing body vote approving the proposal. It should include a brief (one or two sentence) policy statement, a statement about the municipal interest served by the proposal, and an explanation which describes the nature of the problem or concern from a municipal perspective and discusses the proposed action which is being advocated to address the problem. Fax to 224-5406; mail to 25 Triangle Park Drive, Concord, NH 03301; email to governmentaffairs@nhmunicipal.org. Must be received by August 15, 2014.

New Hampshire Municipal Association
2015-2016 Legislative Policy Process

Floor Policy Proposal

Submitted by (name) Joan Morel **Date** August 11, 2014

City or Town Town of Hinsdale **Title of Person Submitting Policy** Selectman

Floor Policy Proposal approved by vote of the governing body on (date) August 11, 2014

To see if NHMA will SUPPORT/~~OPPOSE~~: Legislation for a penalty for failure to submit requested information relative to the value of property as described in RSA 75:1. The penalty shall be 1% of the assessed value of the property.

Municipal interest to be accomplished by proposal: Collection of information relative to the value of property will be more likely to come in from all property owners, thereby allowing for more equitable taxation of property so that all property owners will pay their fair share.

Explanation: A property owner did not submit income and expenses for a property, then appealed the denial abatement to the BTLA. The case decision is pending.

A sheet like this should accompany each proposed floor policy and should record the date of the governing body vote approving the proposal. It should include a brief (one or two sentence) policy statement, a statement about the municipal interest served by the proposal, and an explanation which describes the nature of the problem or concern from a municipal perspective and discusses the proposed action which is being advocated to address the problem. Fax to 224-5406; mail to 25 Triangle Park Drive, Concord, NH 03301; email to governmentaffairs@nhmunicipal.org. **Must be received by August 15, 2014.**

New Hampshire Municipal Association
2015-2016 Legislative Policy Process

Floor Policy Proposal

Submitted by (name) Scott Dunn **Date** August 14, 2014

City or Town Gilford **Title of Person Submitting Policy** Town Administrator

Floor Policy Proposal approved by vote of the governing body on (date) August 13, 2014

To see if NHMA will SUPPORT: Amending RSA 41:9-a to add a new paragraph VI to read: "A Town may, by vote of the governing body, impose a standard fee of no more than ten dollars ($10.00) and/or require reimbursement for actual postage or shipping costs for any mailing that is provided as a convenience to the public except where such fees or mailings are otherwise prescribed by law. The monies collected under this paragraph shall be transferred to the custody of the treasurer for deposit into the municipality's general fund."

Municipal interest to be accomplished by proposal:

Reimburse municipalities for costs incurred for benefit of others.

Explanation:

Municipalities should have legislative authority to charge for postage when performing services as a convenience.

A sheet like this should accompany each proposed floor policy and should record the date of the governing body vote approving the proposal. It should include a brief (one or two sentence) policy statement, a statement about the municipal interest served by the proposal, and an explanation which describes the nature of the problem or concern from a municipal perspective and discusses the proposed action which is being advocated to address the problem. Fax to 224-5406; mail to 25 Triangle Park Drive, Concord, NH 03301; email to governmentaffairs@nhmunicipal.org. Must be received by August 15, 2014.

NHMA

New Hampshire Municipal Association
2015-2016 Legislative Policy Process

Floor Policy Proposal

Submitted by _____ Barrington Board of Selectmen_____Date June 3, 2014_____

City or Town _____Barrington_____Title of Person Submitting Policy Board of Selectmen_____

Floor Policy Proposal approved by vote of the governing body, Barrington Board of Selectmen, on June 2, 2014

To see if NHMA will SUPPORT changes to RSA 674:41 to allow as a local option greater flexibility so a landowner who has been through the process once for a building permit for a residence or other building permit, obtained approval from the Governing Body to build, and filed the necessary indemnification for that building, the owner of that property does not then have to go through the entire procedure for additions and accessory structures, decks, etc. if the building permit is not an expansion of use that might increase the community's exposure of liability.

Municipal interest to be accomplished by proposal:

Currently property owners on Class VI roads and Private Roads have to go through the process in RSA 674:41 every time the property owner comes for a building permit, even if they have been through the process before for the main residence and filed the indemnification. This would allow the Governing Body the ability to grant the Building Inspector authority to approve the issuance of future permits without requiring the steps of RSA 674:41 each time a building permit for changes occurred on the previously approved property. This would save town boards' and official's time and money involved in a process that seems unnecessarily duplicative. Any expansion of use or change of use creating greater liability would require Governing Board approval under procedures of RSA 674:41 due to the increase in liability exposure.

Explanation:

RSA 674:41 forbids granting a building permit on Class VI and certain Private Roads (sections 1(c & d)) without following a specified procedure to ensure the Governing Body has approved of that building and that there is an indemnification filed by the owner. Currently second building permits on the same property, even for small projects, require the same process. If the Town has approved the building of a residence or other building on the lot and the owner has filed an indemnification, the Governing Body should have authority to authorize future permits for things like barns, garages, decks, etc. without requiring the entire procedure in 674:41.

A sheet like this should accompany each proposed floor policy and should record the date of the governing body vote approving the proposal. It should include a brief (one or two sentence) policy statement, a statement about,the municipal interest.served by the proposal, and an explanation which describes the nature of the problem or concern from a municipal perspective and discusses the proposed action which is being advocated to address the problem. Fax to 224-5406; mail to 25 Triangle Park Drive, Concord, NH 03301; email to governmentalaffairs@nhmunicipal.org. Must be received by August 15, 2014.

New Hampshire Municipal Association
2015-2016 Legislative Policy Process

Floor Policy Proposal

Submitted by (name) Board of Selectmen **Date:** August 13, 2014

City or Town: Fitzwilliam **Title of Person Submitting Policy :** Susan Silverman, Chairman Board of Selectmen

Floor Policy Proposal approved by vote of the governing body on (date) August 11, 2014

To see if NHMA will SUPPORT the revision of elements of RSA 12-E as described below to better address the mandatory integration of local and state regulations.

Municipal interest to be accomplished by proposal: (Concerns and proposed changes in response to Judge Kissinger's ruling March 17, 2014 that determined RSA 12-E preempts all local ordinances with regard to mining.) TO enhance the local taxpayers and residents input in the State process of regulating mining within its boundaries. Mining is distinctly different from other activities that serve the public good such as utilities in which the state preempts local regulations. We would suggest a similar relationship between local and state regulations as described in RSA 483 B:3, II (Shoreland Protection) which states: "When the standards and practices established in this chapter conflict with other local or State laws and regulations, the more stringent standard shall control".

Explanation: In addition, the following should be considered for revision:

1. RSA 12-E:1, XIII Pre-application hearing currently allows for only one representative from the town to attend, and does not produce any official record that is covered under 91-A.
2. RSA 12-E:1 IX (a) defines an exemption for mining under 2000 cubic yards per year and less than 5 acres in area. This type of commercial operation should be regulated by local ordinances just as any other business operating in town and should fall under site plan review much as excavation does. Towns should have the ability to create mining regulations that make the operation compatible with the municipality, while not prohibiting mining.
3. RSA 12-E:4 VII: This part of the statute should address more clearly public safety caused by damage to public roads not built for mining vehicle use, and the mining plan defined here should include the filing of an engineering plan of relevant access roads that addresses the condition of the roads before, after and during the operation. This should allow for the town to be compensated for any damage to the roads.
4. RSA 12-E:4 X (d) should be amended to add "or it lies in a residential neighborhood"
5. RSA 12-E:5 There needs to be more time before a public hearing on the application, and it should state clearly that the hearing should be held in the affected community. Under the current regulation, the hearing could be held with as little as 5 days notice, hardly enough time to disseminate or evaluate any propose activity. We would suggest a 10 day notice as a minimum notice period.

6. RSA 12-E:6 The financial assurance plan should include monies for municipal road repair, as well as land reclamation.
7. There should be some consideration of a revenue stream as part of the process to flow from the applicant/operator to the municipality, such as a tax on stone removed (cu yds), similar to the excavation tax and timber tax.
8. The State still has not defined its own rules and regulations surrounding this type of activity and that should be required of DRED and DES, especially as they are now receiving requests for permits, holding pre-application meetings and making determinations on whether or not a proposed operation requires a permit.

A sheet like this should accompany each proposed floor policy and should record the date of the governing body vote approving the proposal. It should include a brief (one or two sentence) policy statement, a statement about the municipal interest served by the proposal, and an explanation which describes the nature of the problem or concern from a municipal perspective and discusses the proposed action which is being advocated to address the problem. Fax to 224-5406; mail to 25 Triangle Park Drive, Concord, NH 03301; email to governmentaffairs@nhmunicipal.org. **Must be received by August 15, 2014.**

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City of Rochester Formal Council Meeting

AGENDA BILL

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

AGENDA SUBJECT **EDA Grant Salmon Falls Road Infrastructure Extensions Project**

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

AGENDA DATE	**September 2, 2014**	
DEPT. HEAD SIGNATURE		
DATE SUBMITTED	**August 26, 2014**	
ATTACHMENTS YES ☐ NO ☐	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	Blaine Cox Signature on file with City Clerk
CITY MANAGER	Dan Fitzpatrick Signature on file with City Clerk

FINANCE & BUDGET INFORMATION

DIRECTOR OF FINANCE APPROVAL	**NA - discussion item only.**
SOURCE OF FUNDS	**NA - discussion item only**
ACCOUNT NUMBER	**NA - discussion item only**
AMOUNT	**NA - discussion item only**
APPROPRIATION REQUIRED YES ☐ NO ☐	**NA - discussion item only**

LEGAL AUTHORITY

NA - discussion item only.

CC FY15 AB 35 – EDA SRF

SUMMARY STATEMENT

Discussion Item: Infrastructure improvements project to be partially funded by EDA grant funds.

1. **The project is currently gross appropriated at $3,892,200.**
2. **The remaining action item needing completion is the commitment letters/ agreements from the private sources of funding. Specifically, $500k each from two private contributors totaling $1M.**
3. **The resolutions appropriating the funds in August of 2013 for this project were supplemental appropriations. By City Charter, all supplemental appropriations are required to specify the sources of funds from which any/ all appropriations are to be funded. As described in item 2 above, $1M of the total $3.8M is contemplated to be funded by private donations.**
4. **If one or both of these private contributions is unavailable, the supplemental appropriation has a shortfall that must be made up or the project abandoned. The EDA program does not stipulate the source of these funds. The shortfall could be made up by additional City funds and remain in compliance with the EDA guidelines.**
5. **Additional City Funds might come from (a) undesignated General Fund fund balance, (b) Water Fund retained earnings, (c) Sewer Fund retained earnings, and (d) re-purposed unspent bond proceeds from the Granite State Business Park Bridge Project (approximately $500k available).**
6. **The current financing scheme, as approved by Council, is as follows:**

EDA Grant Budget

	Total Estimated Expense	EDA Grant (@ 50%)	Corporate Donations (fixed amts)	City Portion (bond/cash)
Sewer	$ 2,398,500	$ 1,199,250	$ 616,232	$ 583,018
Water	$ 707,200	$ 353,600	$ 181,697	$ 171,903
Highway	$ 786,500	$ 393,250	$ 202,070.81	$ 191,179
Subtotals	$ 3,892,200	$ 1,946,100	$ 1,000,000	$ 946,100
% of Project	100%	50%	26%	24%

7. **The City's sources of funds for the above are derived as follows:**
   Sewer portion of $583,018 comes from General Fund undesignated fund balance
   Water portion of $171,903 comes from ED Fund fund balance
   Highway portion of 191,179 comes from ED Fund fund balance

RECOMMENDED ACTION

NA - discussion item only

Public Safety Committee
Council Chambers
August 20, 2014
7:00 PM

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

OTHERS PRESENT
Gretchen Young, PE Construction Engineer
Scott Dumas, Deputy Chief P.D.
Adams Krans #8 Broadview St.
Bobby Judson #352 Salmon Falls Rd.
Sherry Hall #352 Salmon Falls Rd.

Minutes

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

1. Public Input

Adam Krans of # 8 Broadway Street was present to voice his concerns about people turning around in his driveway because they don't realize that Broadway Street is a dead end. He is the last house on the street. There have been times when the vehicles have almost hit his vehicles in his driveway and the fire hydrant. He also stated there is a lot of wear and tear in the area due to the vehicles constantly turning around.
Councilor Hamann made a motion to place a "dead end" sign on Broadway Street. The motion was seconded by Councilor Gates. Unanimous voice vote carried the motion.

2. Tebbetts Road-Truck Usage

Elaine Burns would like the road posted because the big trucks are using Tebbetts Road to get to the airport. Councilor Walker said this had been brought up before and there is nothing that can be done because it is a quarter mile from a state route. There are federal laws that state that a road can not be posted if it is a certain distance from a state route. No action was taken.

3. Vernon Avenue

Councilor Walker stated that Vernon Avenue goes straight through the neighborhood then connects to Watson Drive and jets off. Deputy Chief Scott Dumas and Ms. Young both stated that there should be a "stop sign" there and if it is missing it will just need to be replaced. Ms. Young said she would look into getting the "stop sign" replaced.

4. Route 202/Highfield Commons-Speed Concern

Councilor Walker summarized the issue. Deputy Chief Dumas said that they did not put the speed trailer in this area because of software issues with it. They did do some directed patrols and they didn't see a problem in the area. Councilor Walker said that a letter could be sent to the State to request them to review the area to see if they should place a "reduce speed" sign. Deputy Chief Dumas said that the Police Department would do a traffic study in the area now that the speed trailer is up and running again.

5. South Main Street-Bank of America-Curbing (update)

Ms. Young said that the curbed has been removed and that there still is a lip there. Ms. Young said that the Bank of America is redoing the inside of the bank and the parking lot to make it ADA accessible. Councilor Walker asked if the curbing was on private property or city right of way. Ms. Young said it's right on the line. Ms. Young is going to meet with the contractor on Thursday. No action was taken.

6. Salmon Falls Road-Signage (update)

Bobby Judson and Sherry Hall from #352 Salmon Falls Road were present to discuss the need for signage. Mr. Judson stated that his child goes to the Monarch School and that he gets picked up by one of the small school buses at the same time every morning. There have been 4 incidents since school started last year where cars either pass the bus or stop short because they do not see the bus stopped until late. The bus can take up to two minutes loading the child on the bus by the chair lift. Ms. Hall said that the bus driver is the one that loads her son into the bus so she cannot look out for vehicles or get license plate numbers of the vehicles. Ms. Young said that a "school bus stop ahead" sign can be placed near the hill by the turn. She also stated that the sign can be modified to say something a little different as long as the dimensions of the sign stay the same. **Councilor Lachapelle made a motion to place 2 "school bus stop ahead" signs on both sides of the road at the discretion of the Public Works Department. The motion was seconded by Councilor Gates. Unanimous voice vote carried the motion.** The Police Department will do a directed patrol in the area. Ms. Hall said that he is picked up for school at 8:03 AM and dropped off at 2:30 PM. The new school year starts on Wednesday August 27, 2014.

7. Other

Dry Hill Road-Councilor Gates

Councilor Gates said that a neighbor of his spoke to him regarding a young lady, Jessica Holland who has been speeding up and down Dry Hill Road. It has been going on for over a year and a half. Councilor Gates said he has been told that the

police have been called before. The neighbor that spoke with Councilor Gates said the rate of speed that she goes is scary and that her and her boyfriend race each other down Dry Hill Road. Councilor Walker said to get with the neighbors to see if they can tell him what times that Ms. Holland is doing the speeding and then e-mail the Police Department. The Police Department will do a directed patrol based on the times that there seems to be an issue.

Old Gonic Road-Councilor Walker

Councilor Walker said there is still a problem getting out of Cedar Brook Village. Councilor Walker said a letter should be sent to Cedar Brook Village requesting the "stop signs" as this is private property.

Councilor Lachapelle made a motion to adjourn the meeting, seconded by Councilor Gates. The motion passed and the meeting adjourned at 7:25PM.

Respectfully submitted by
Laura Miller
Secretary II, DPW

Public Works and Buildings Committee
August 21, 2014
Council Chambers
7:00 PM

MEMBERS PRESENT
Councilor Torr, Chairman
Councilor Ray Varney, Vice-Chairman
Councilor David Walker
Councilor Donald Hamann
Councilor Sandy Keans

OTHERS PRESENT
Mayor TJ Jean
Councilor James Gray
Councilor Jake Collins
Councilor Donna Bogan
Peter Nourse, Director DPW
Gretchen Young, Construction Engineer
Gary Pomerleau - #6 Old Tebbetts Road
Joseph Pomerleau - #2 Old Tebbetts Road

Minutes

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

1. **Approve Minutes from July 17, 2014 Meeting**
   Chairman Torr requested a recommendation on last month's minutes.

   Councilor Walker motioned to accept minutes as presented for the meeting of July 17, 2014. The motion was seconded by Councilor Hamann. The motion passed unanimously.

2. **Old Tebbetts Road Water Issue** – Mayor Jean summarized the issue as follows. He stated that Mr. Pomerleau called him regarding issues with his 50+ year well. Mayor Jean stated that Mr. Pomerleau had said that he had tested his well and that it tested extremely high for chlorides and sodium. Mayor Jean stated that Mr. Pomerleau had an artesian well drilled for himself and for his father and he is seeking reimbursement from the Cityfor the cost of both drilled wells because he believes that the City's salting of the roads caused the problem with their shared well. Mayor Jean asked Mr. Pomerleau to speak. Mr. Pomerleau stated that his well had extremely high levels of chloride and sodium. He stated that Mike Dennis at the State of NH DOT has ruled out the State as having caused

any problems and he believes that the problem with his well was caused by the City of Rochester winter road salt maintenance. Mr. Pomerleau gave an extensive history of the shared dug well on his father's property at #2 Old Tebbetts Road (Joe Pomerleau). He stated that the previous well was dug in 1948 and was damaged by the blasting for the Spaulding Turnpike. He state that the state did concede that the blasting may have caused the well to fail and that the State had contracted the City of Rochester to assist and a new well was dug around 1957. Mr. Pomerleau stated in 1959 his Grand parents built a home at #6 Old Tebbetts Road, which is adjacent to number #2 and ran a line from the well to the new house. It is approximately 150-200 feet away. Mr. Pomerleau stated for approximately fifty years they had no problems with water, it was plentiful and clean. Mr. Pomerleau stated the first time that there was an issue was in the spring of 2008. He stated that they noticed there was a taste of salt in the water and when tested there were high levels of sodium. He stated they pumped it out several times in order to flush the well and the salt water taste went away. He stated until this spring (2014) he has not had any additional problems. Chairman Torr asked the distance from the road to the well. Mr. Pomerleau stated it is approximately 25 feet. Councilor Varney asked Mr. Pomerleau if they had done any other testing since 2008. Mr. Pomerleau stated they had not. Chairman Torr asked if there were any other negative findings in the tests. Mr. Pomerleau stated that there was coliform found as well. Chaiman Torr stated that he would not be in favor of reimbursing someone for a well that was probably long since needed. Chairman Torr stated that there is a City water main near enough to that property and asked why they had not tied into the City line. Mr. Pomerleau asked if he had done that would the City have allowed him to have free water. The Committee was in agreement that they would not be able to do that. Mr. Pomerleau stated that the City caused the problem with the well and that they City should pay for the solution. Chairman Torr stated that Mr. Pomerleau has gone about this the wrong way. Chairman Torr stated that Mr. Pomerleau should not have decided to drill wells and then expect the City to pay for them. Mr. Pomerleau stated that his well had issues and that DPW staff was not responsive. He stated that he did not want to wait for the City to figure out what to do, he wanted his family to have potable water. Mr. Nourse stated that it was untrue that the City was non responsive. He stated The City Engineer, Mike Bezanson, had gone to Mr. Pomerleau's house to meet with him. He stated that Mr. Bezanson has been talking with Mr. Dennis at the NHDOT and that Mr. Dennis has not acknowledged any responsibility for the well failure. Mr. Nourse stated that the City staff had met with Mr. Pomerleau in regards to tying into the City's water main. Mr. Pomerleau told staff he did not want have City water, or receive quarterly invoices for water. Mr. Nourse stated that Pomerleau has stated that he has been told that his issue does not meet the criteria for the State assisted Well Replacement Program. Councilor Keans stated that she thinks that should be looked into more

closely. Mayor Jean stated that he sympathized with the Pomerleau's situation, but does not recommend that the City reimburse them. Mayor Jean stated that it appears there were other routes to follow. Mayor Jean suggested that the City Staff continue to help the Pomerleau's seek State assistance. Councilor Keans stated that someone in authority at NHDOT and NHDES should be contacted.

Councilor Varney made a motion for the full council to direct the City Manager to contact the State of NH regarding the Well Replacement Program. Mayor Jean, seconded the motion. The motion passed unanimously.

3. **Public Input:** Norbert & Constance Hamann spoke to the committee regarding the drainage issues that have occurred on their property at 8 Plante Street. Councilor Varney stated that the Council is in the process of setting funding the work to be done and it should be fully funded at the September 2, 2014 Council meeting. Gretchen Young stated that she has been discussing the permitting issues with the State of NH and that she will be contacting the Hamann's soon to facilitate a meeting with State and DPW staff to determine the scope and schedule for the work to be completed.
4. **Dewey Street Pedestrian Bridge:** Mr. Nourse stated that the consultant has looked at the pedestrian bridge. He stated with just a cursory look the bridge appears safe. The Consultant estimated forty thousand dollar to do a full evaluation and a report with recommendations. Mr. Nourse stated that the department had put in bollard to keep ATV's and snow machines off the bridge. He stated they were removed as they were restricting handicapped access. Mr. Nourse stated he would be adding the bridge evaluation to the FY2016 CIP.
5. **GSBP Water** – Mr. Nourse distributed a memo from himself and a report from Wright Pierce engineers in support of the water main extension to the business park **(attached)**. He stated that he is advocating for the water line extension down Whitehall Road to Shaw Drive and then cross country to the industrial park. Mr. Nourse stated that the looping of the system is required for fire flows and future expansion. He stated that he has concern was for safety of the businesses and the homes in the area in the event of a water main break or if the Rochester Hill tank is taken off line. Councilor Varney stated that he is concerned about the debt service and the cost to rate payers. He stated that the city should be trying to find alternate sources of funds for the project.

Councilor Varney made a motion that the full Council recommend that the City Manager direct staff to explore possible grants or local partnerships in regards to funding, and to direct the finance office to update the debt service numbers to include the expense. The motion

was seconded by Councilor Hamann. The motion passed unanimously.

6. **Utility Extension Policy -** Mr. Nourse stated that he had presented a difficult equation to the Committee last month and he has been exploring an alternate method to determine a policy for extending the water and sewer mains. He stated that the state RSA's that limit the amount of debt the City can incur may be use as a principle by which a utility extension policy comd be predicated on. Councilor Walker stated that as there are no absolutes regarding the construction costs how will this equation make it any easier. Mr. Nourse agreed with the Councilor. He stated that the construction cost will vary based on conditions. Mr. Nourse stated that he is looking for guidance to create the policy. Councilor Walker stated that it probably could not be written based on the variables. Councilor Varney stated that as the debt service fluctuates that will need to be taken into account each time it is considered.
7. **Police Department Front Entrance** – Mr. Nourse stated that his department had done repairs to the stairway at the Police Station. He stated that at the time he noted that the front entrance is unattractive porous and rough concrete and he would like to see a nice brick type veneer. Councilor Keans stated that is exactly like the Police Department wanted and she is not interested in fixing that. Mr. Nourse stated that he had obtained pricing to do this type of work but it more than could be added to the O&M budget. Councilor Walker suggested Mr. Nourse add it to the FY2016 CIP.
8. **Infrared Pavement Machine** – Mr. Nourse stated that Raytec came out to retrain staff on the use of the infrared machine. He stated that staff was operating it at higher temperatures than suggested in order to keep it from getting too hard over night. Raytec suggested that the high heat was what was causing the mix to be ruined. He stated that the machine is typically used in the colder months and it is useful for patches in parking lots. He stated there is a timer type switch that could be added so that the machine will heat up intermittently over night and that staff might to make better use of the machine. Councilor Keans and Councilor Torr suggested the use of hand tamps or rolls in order to complete pothole repairs when cold patching.
9. **Chamberlain Drainage Improvements** – Mr. Nourse stated that SUR and the City are working to get wetland permit in place and will be working to get the drainage repairs done in time for October paving.
10. **City Hall Annex** – Mr. Nourse stated that on August 19, 2014 the masonry expert was out at the site and the preliminary thoughts are that they mortar is in pretty good shape for the age of the building. The believe that the exterior would be salvageable.
11. **WWTP – Floating Wetlands** – Mr. Nourse stated that the one year pilot study at the WWTP has started. He presented pictures of the rolloff dumpters (donated by WM) being used to facilitate the project. He stated

the pilot study is being conducted to use as a low cost method of reducing the nitrogen levels discharged to the Cocheco.

12. **Other**

City Hall Façade – Mr. Nourse stated that he had put a project to paint the City Hall Façade and front upper windows. He hopes to award and get that completed before winter. There was discussion regarding the current paint of raised letters. Mr. Nourse suggested gold. There were no objections to that color.

Strafford Square – Mr. Nourse stated he sent a letter to Rochester Housing Authority requesting the tenants in 2-4 Walnut Street be given notice to vacate. Councilor Keans asked about progress on the project. Mr. Nourse stated that new consultant has been selected. It is Fay, Spofford and Thorndike. He said NH DOT is going to be sending an approval letter for the selection and staff will be working toward negotiating the contract and the project schedule.

Community Development – Councilor Gray stated that the Community Development committee is putting together a proposal asking that bike lanes and share the road signs be painted on pavement in downtown.

Salmon Falls Road Shim paving – Councilor Varney commented that Brox had done a good job with the shimming of Salmon Falls Road. He stated that the intersection of Salmon Falls Road and Milton Road looked good too.

New DPW - Councilor Varney asked the progress of the DPW Facility Study. Mr. Nourse stated that they had looked at the City Concrete site off from Chestnut Hill Road as suggested by Councilor Torr. He stated it had be ruled out due to wetlands, well site proximately and lack of sewer to the area.

DPW Responsiveness – Councilor Collins stated that he has been please with the responsiveness of the DPW in general. He stated when work is requested the work is completed quickly and well.

Paving Brock Street – Councilor Walker stated that the manholes were raised too early. The cars were forced to navigate raised covers weeks in advance of actual paving.

Maple Street – Councilor Hamann stated he would like to no parking lines on Maple Street painted and he mentioned a pot hole at the end of the school yard near

Trinitiy Circle - Councilor Walker asked about the status of Trinity Circle Sub-division. Mr. Nourse stated that the Pump Station has been looked at and is all set now. The remaining amount that is available will be used to complete as much of the roadway work as possible.

Tailgate Spreader – Councilor Torr suggested that the DPW may consider purchasing a tailgate spreader to make graveling roadsides easier. Mr. Nourse stated he would look into the cost and get back to the Councilor.

Colonial Pines Subdivision Sewer – Councilor Keans asked if this project would be starting soon. Mr. Nourse stated that the consultant has

been issue the purchase order to proceed with evaluation and preliminary design.

Councilor Walker made a motion for adjournment at 9:01PM. Councilor Hamann seconded the motion. The motion passed unanimously.

Minutes respectfully submitted by Lisa J. Clark, Rochester DPW

Rochester City Council

Community Development Committee

DRAFT

MEETING MINUTES

James Gray, Chairperson
Elaine Lauterborn, Vice-Chair
Sandra Keans
Jake Collins
Donna Bogan

Meeting Date:	August 28, 2014	
Members Present:	Councilor Gray Councilor Lauterborn Councilor Collins Councilor Keans Councilor Bogan	**Members Absent:**
Staff:	Elena Engle - Community Development Specialist Karen Pollard Economic Development Manager Brian Sylvester Library Director	
Guests:	Mike Provost Rochester Main Street Newton Kershaw - 1st Regional Funding LLC	

Councilor Gray called the meeting to order at 6:00PM. **Motion was made to approve the July 24, 2014 Community Development Committee minutes by Councilor Lauterborn and seconded by Councilor Keans, minutes were approved unanimously.**

Public Input	None
RSA 79-E – Community Tax Relief Incentive:	<u>2-6 North Main St (Hayes Opera Block).:</u> Karen Pollard presented an application for RSA 79-E Tax Relief for the building at 2-6 North Main Street. She introduced Newton Kershaw of 1st Regional Funding LLC whose company rehabbed this deteriorating building in the downtown into affordable apartments now being marketed to young professionals and college students. This building used to be the center of negative attention in the city and with these renovations, these issues have been eliminated. Mr. Kershaw explained that when he was mostly through the project he was told by the Fire Department that he needed to add a sprinkler system to the building. The sprinkler cost alone is approx. $59k without the cost of the hookups and other added expenses. It was at this time that he decided to apply for this tax relief incentive and with the $59k sprinkler system in addition to the other associated costs and any work that has been completed since April 1st, Mr. Kershaw would qualify. Ms. Pollard stated that there is an error on the application because when she initially met with Mr. Kershaw and had pulled the value of the property post renovations, the Patriot Properties listed the value at $386k but when she went back in a few days ago, the value was changed to $695k. Ms. Pollard stated that in her conversation

with the Tax Assessor that the $695k is not the official number and that there might be some change and that he will need to sit down with Mr. Kershaw to discuss how the numbers were derived. Ms. Pollard provided the Committee with a form that outlines the requirements for the program and how this property would meet the requirements, showing that they would be eligible for up to 15 years of tax relief. Councilor Gray voiced concern over the length of 15 years and suggested looking at just one of the additional categories for which they are eligible. Ms. Pollard stated that it is up to the council what they decide is an appropriate timeframe, she was just demonstrating what they were eligible for. Councilor Keans requested a spreadsheet with a breakdown of the assessment and the tax savings so that it is clear to the council when they review. Ms. Pollard stated that once the Tax Assessor meets with Mr. Kershaw and she receives his final numbers she will create this spreadsheet for the council. Ms. Pollard suggested that in the interest of time that the Public Hearing be set for September 16, 2014 and a City Council vote in October. Councilor Gray asked for input from each committee member. Councilor Keans is in agreement with Karen s statements about the value of projects like this one and providing this incentive. Councilor Lauterborn noted that the City will receive more money if the assessed value is higher. She also inquired as to whether the incentive would carry over if the owners changed hands and Ms. Pollard stated that it would not. Councilor Collins noted the fires in the downtown buildings and the importance of these sprinkler systems but is concerned with the accuracy of the numbers and would like to make sure the business owner has a clear understanding of the impact. Councilor Bogan stated she was new to this information and is taking it all in but has seen programs like this in other communities and would support it. Councilor Gray stated that the committee seemed to support this application for 2-6 North Main, but his biggest concern is around the timeframes and that a recommendation on timeframes cannot be made until more information is provided. Councilor Gray requested that this information be made available for the next CD Committee Meeting at which time the committee can discuss the timeframe in more detail. The Tax Assessor arrived at the meeting and discussed the program and the building briefly and was able to meet with Mr. Kershaw to discuss the assessment further. **Motion was made by Councilor Lauterborn to recommend to the council to hold a public hearing on September 16, 2014 with a vote by the council on October 7, 2014. Motion was seconded by Councilor Collins and carried unanimously.**

Review of RSA 79-E District Boundaries:

Karen Pollard discussed the current boundaries of the RSA 79-E District and noted how there are several blighted neighborhoods that could benefit from this tax relief incentive. These neighborhoods are not within the Historic District Boundaries and would not receive the additional years for that part of the incentive, however they would potentially receive some tax relief if an investor made improvements within those neighborhoods. The neighborhoods she has requested be given

	consideration for extension of the boundaries include the neighborhood over by the Fairgrounds and the neighborhood behind Signal Street. Councilor Gray stated that the consideration should be made for all blighted neighborhoods to be included and asked to put this item back on the next agenda for further review. Mr. Kershaw also noted that he is on a similar Board in Manchester that deals with these projects and suggested looking at any areas where there are condemned buildings.
Poet Laureate Program	Karen Pollard gave a history of the Poet Laureate Program stating that it was created through the Community Development Committee many years back when she was the staff person on the committee. Somehow, over the years the program ended up with the Library at some point before there was the presence of an Arts and Culture Commission. Brian Sylvester from the Library stated that the current Poet Laureate s appointment ended in July and there needs to be a new appointment. Mr. Sylvester also indicated that he would still like to be part of the involvement in this program, however, it might be better if managed somewhere more appropriately. There was discussion around moving the management of the position to the Arts and Culture Commission but leaving the funds for the position with the Library since Arts and Culture does not have a budget they manage. Councilor Keans mentioned that there is an ordinance for Arts and Culture **(Chapter 3; Section 3.15 of the General Ordinances)** and that the committee should review this ordinance as it may need more information added to it. The review of this ordinance will be added to the next meeting agenda and Councilor Gray asked Mr. Sylvester to contact the current Poet Laureate to remain in the position until this is reviewed further.
Rochester Main Street	Mike Provost from Rochester Main Street provided an update on the City s Branding Project. Mr. Provost noted that the goal is to hire a consultant, costing $40k. Currently they have raised $15k and have a commitment from the Economic Development Committee to add $10k once the remaining $15k is raised. The $10k from Economic Development was approved in the last budget, however, the remaining funds are not raised by the end of the fiscal year, the $10k will have to be requested again in the next budget. Mr. Provost also noted that the Chair of the Steering Committee has resigned so the committee has not met all summer and there are no active projects at this time. They are currently searching for a Committee Chair.
Community Development	**<u>Community Development Project Status</u>** Ms. Engle gave the committee updates on current Community Development projects, grant updates and JOB Loan updates and current CDBG balances (see Community Development, August, 2014 Attachment). Ms. Engle stated she has developed a resource book for her replacement that will assist with getting caught up to speed and assist with training. Ms. Engle stated that the main priority of the person in this position through the end of May will need to be the 5 year Consolidated Plan and the 2015-2016 CDBG Application Process and

Action Plan. She noted that there are already two projects in the pipeline for discussion for next year s Action Plan including the bike rack project that she has already begun work on with this committee and DPW and Planning as well as a request from the Library regarding automatic/handicap accessible doors. Councilor Keans inquired about the Library Doors stating they already had automatic doors. Ms. Engle stated that the Library Director, Brian Sylvester will come to one of the next meetings to discuss what doors are needed.

5 Year Plan Ms. Engle provided a proposed timeline for completing the 5 year Consolidated Plan and stated that she has finally received access from HUD to the online template and has downloaded it and filled in the information that she completed in the most recent Action Plan and Performance Report. She also noted that the Rochester Housing Authority also just completed their 5 year plan to HUD and will be sharing the report to assist with some of the public housing areas that need to be completed. In addition, Ms. Engle noted that she has gathered some documents that will be helpful in completing this plan and solicited some input from funded public services during her annual monitoring and has noted this information as well. Ms. Engle suggested the CD Coordinator work with Portsmouth and Dover over the winter as previously discussed to collaborate with all shared public services in the area and to hold neighborhood listening sessions at the Ward meetings to get public input into the plan. Councilor Keans voiced concern with the level of participation from the Ward meetings. Ms. Engle stated that the meetings will need to be well publicized for this purpose.

Carney Medical Building: Karen Pollard explained to the committee that due to Mr. Keefe s declining health, the business is in bankruptcy and there is a balance on the JOB Loan to the City of 31,042.70. She explained that the City is in 2nd place on the mortgage of $157k and that the building would have to sell for more than $200k to recover funds (currently listed $219k). There have been 3 potential interests in the property, none of which have worked out. There is some equipment in the building and the possibility of maybe recover $5k or less. After meeting with the City Manager, Finance Director and City Attorney, the consensus is that it is not wise to hold out on the hope of recovering funds and that the City should release the lien on the property to HRCU so that they can continue to try to market and sell the building. This would allow the bank to drop the price, helping them through the winter. The City has tried to assist with marketing the building and was looking into a possible Business Resource Center, however, that project is no longer viable. The City will continue to assist the HRCU with marketing this building. At this time, the JOB Loan Committee has been made aware of the situation and once a consensus has been reached as to whether or not to release the lien, their decision will be forwarded to the City Manager. Ms. Pollard stated that she welcomes any ideas from the committee or council on this matter. Councilor Collins suggested cleaning up the storefront window and using it to put displays or advertisements until it is sold to improve the look. Mike Provost from Rochester Main Street stated they would like to do something like that but it is private property and would need permission.

Nuisance Ordinance	The Committee recommended this item be brought back to the Ward 2 meeting to be discussed with the PD. In addition, the Committee would like to know what the feedback is from the Recreation Commission.
Other	Mike Provost from Rochester Main Street distributed a pamphlet on the Historic Highlights of Downtown and states it will be available in the Chamber and will also be available at the Library. He also distributed the Restaurant Promotion Card.
NEXT MEETING	September 25, 2014 at 6pm in the Conference Room at City Hall. - Automatic Doors at the Library Brian Sylvester - Review of Arts and Culture Ordinance - Discussion about the timeframe for the RSA 79-E (2-6 N. Main) - Review of RSA 79-E District Boundaries

Motion to adjourn made by Councilor Collins and seconded by Councilor Lauterborn. The meeting was adjourned at 8:20 pm.

OFFICIAL DOWNTOWN DISTRICT UNDER RSA 79E
ADOPTED BY ROCHESTER CITY COUNCIL OCTOBER 7, 2008
Revised 9/2/14
NORTH ST
WALNUT STREET
NORTH MAIN ST
HUSSEY ST.
RAY DR.
DOMINICUS YEAGLEY WAY
DOMINICUS COURT
ROUTE 125
COCHECO RIVER
WASHINGTON STREET
JACKSON STREET
MAPLE STREET
NORTH MAIN
COVE COURT
GLENWOOD AVENUE
ORCHARD STREET
PLEASANT STREET
PINE STREET
WALDRON AVENUE
CHESTNUT STREET
RIVER STREET
BRIDGE ST.
UNION ST.
WAKEFIELD STREET
COLUMBUS AVENUE
LINSCOTT ST.
ALLEN STREET
CIRCLE
ADRIENNE
EASTERN AVE
LAFAYETTE STREET
MOORES CT.
GAGNE STREET
FACTORY COURT
BARKER COURT
SUMMER ST.
STILLINGS COURT
KIMBALL ST.
SUMMER STREET
DANIELL COURT
MUSEUM WAY
HANSON STREET
ROUTE 125
SIGNAL
OLDE FARM LANE
COCHECO RIVER
BEAUDOIN AVENUE
CH
ELA
CONGRESS STREET
PORTLAND
SOUTH STREET
AVE
CENTRAL AVENUE
LEONARD STREET
HARRISON AVE
NORTON AVE
SQUARE
COXEDER
COW CT.
SARAH COURT
WOODMAN
MYRTLE ST.
LIBERTY ST.
MAIN STREET
CROSS
COLUMBUS
DAVEYANNE LOCKE LN.
SHERIDAN AVE
DREYER
WAY
HOYT COURT
WALLACE ST
OLSEN WAY
HEATON ST
SILVER
GERRISH CT.
HASKELL AVE.
SCHOOL ST
MORRILL COURT
GRANITE ST
GLEN
CHARLES ST
ACADEMY STREET
WINTER STREET
CATHERINE STREET
KNIGHT STREET
SOUTH MAIN
HUBBUSH ST.
KING STREET
COURT STREET
SPRUCE STREET
WINTER STREET
FIRST ST
FURBER ST.
SECOND ST
UPHAM ST
MAY ST.
COLUMBUS AVENUE
LAMBERT COURT
FARRINGTON ST.
FERN AVE
LINCOLN STREET
LINDEN STREET
WESTERN AVENUE
THIRD ST
FOURTH ST
FIFTH ST
GRANT ST.
BRYANT
BLAKE ST
DUBLIN WAY
UPHAM
WILLOW BROOK
COMMON ST.
SAWYER AVENUE
SLEEPER ST.
HUNTER CT.
FRANKLIN STREET
PLANT STREET
BROOK ST.
SMALL AVE.
TERR.
DUSTIN
ROUTE
SOUTH MAIN ST.
RICHARDSON ST

Revised 9/2/14

Rochester City Council
Community Development Committee

James Gray, Chairperson
Elaine Lauterborn, Vice Chairperson
Sandra Keans
Jake Collins

AGENDA

Thursday, August 28, 2014
6:00pm - City Hall - Conference Room

I. Call to Order

II. Approval of Agenda

III. Approval of Minutes – July 24, 2014

IV. PUBLIC INPUT

V. RSA 79-E

- Application Review for 2-6 North Main
- Discussion about Historic District boundaries

VI. POET LAUREATE PROGRM

- Management and Revitalization
- Vacant Position

VII. ROCHESTER MAIN STREET

- Update on Branding

VIII. COMMUNITY DEVELOPMENT

- 5 Year Plan
- CDBG Projects for FY 15-16
- Update on Carney Medical Building

IX. REVIEW OF NUISANCE ORDINANCE

X. OTHER

XI. NEXT MEETING TOPICS

- Downtown Master Plan

XII. ADJOURNMENT

Preliminary Outline of Steps to Develop the 5-Year Consolidated Plan
And the First Year Action Plan for FY 15-16
Community Development Block Grant Program

Tasks Completed: Review of Con Plan Desktop Manual, discussion with Portsmouth and Dover Community Development regarding collaborating on aspects of the 5 year plan over the winter, Plan initiated in HUD IDIS system, Con Plan template downloaded into Word Document and information filled in where available, timeline created, input collected from current public service grantees.

Ongoing

- Meet and collaborate with Seacoast Entitlement Communities (Dover/Portsmouth)
- Gather relevant local/regional documents/reports on Housing, Homelessness, Planning, etc.
- Consultation with Local Housing Authority, Continuum of Care, Strafford Regional Planning
- Ongoing discussion with Community Development Committee and Community Development Department regarding priorities for funding.

Proposed Timeline

November, 2014
-Neighborhood Listening Sessions/Public Input
-Reach out to Dover/Portsmouth about a regional meeting with local providers and collaboration on areas of plan applicable to the region.

December 2015
-Mid – Late December – send out CDBG funding applications
- Organize sub-committee to discuss/develop priorities for plan

January 2015
-End of 2nd week – CDBG applications due to CD Coordinator
-CD Coordinator to review and prepare summaries to be sent to CD Committee
-Community Development Committee
- Public Service presentations to CD Committee
- Discussion/Recommendations/Projects for FY 15-16 Action Plan

February 2015
-Committee rating of public services – submitted to CD Coordinator
-Community Development Committee
- Ratings distributed
-Final recommendations on Con Plan and Action Plan

March 2015
-Neighborhood Listening Sessions/Public Input
-Final Preparation of Con Plan/Action Plan

April 2015
-1st Reading of Draft Action Plan and Consolidated Plan
-Public Hearing

May 2015
- 2nd Reading and Adoption
-Submission of Action Plan and Consolidated Plan to HUD (by May 15th)

Community Development – August, 2014

The Community Development Coordinator has prepared detailed procedures and training materials for the individual who will replace this position in order to minimize interruption in delivery of and management of the CDBG grant and other activities handled by this position.

Current Status of Projects:

5 Year Consolidated Plan (2015-2020): Completed activities have included; Review of Con Plan Desktop Manual, discussions with Portsmouth and Dover Community Development about collaborations on the Consolidated Plan process during the winter, Plan initiated in HUD IDIS system, Con Plan template downloaded into Word Document and current information from most recent Action Plan and Performance Reports filled in, timeline created, during annual monitoring public service agency input into plan was collected and documented.

First Year Action Plan for FY 15-16: New application and evaluation process was developed over last two years which can be utilized for this next fiscal year. A listing of all those invited to apply has been left in the Community Development office. Two projects have already been discussed with the Community Development Committee for FY 15-16 (bike racks and automatic/handicap accessible doors at the Library). There is also a listing of potential projects to look into on file in Community Development. The timeline for the 5 year Consolidated Plan includes timeframes for the Action Plan which is due concurrently. (Note): Community Development Coordinator, with direction from the Community Development Committee has been working with DPW and Planning to determine locations for bike racks in the City. Pictures and locations are on file in Community Development and direction can also be provided by Gretchen Young with DPW and Michelle Mears with Planning if project is approved for FY 15-16.

JOB Loans: JOB Loan reports are provided quarterly based on how Finance runs the updated financial reports. The last report was submitted to the Community Development Committee and City Council in June, 2014, however, Community Development has attached an update to this report that includes a memo from Economic Development Manager, Karen Pollard regarding the status of the Carney Medical Building and JOB Loan.

Gonic School Playground Project: The bid has been awarded for this project and the equipment is currently in production. A Community Build is planned for October; however, the exact date will depend on delivery of equipment. Once the build begins, Community Development follow up will include tracking of certified payrolls and on-site worker interviews for Davis Bacon wages.

Library Rooftop Heating/Cooling Unit Project: Preparation for this project, including environmental reviews and bid documents have been completed and forwarded to DPW. Project is planned for the springtime at which time follow up for Community Development will include tracking of certified payrolls and on-site worker interviews for Davis Bacon wages.

Hanson Pines Pavilion Project: Preparation for this project, including environmental reviews and bid documents have been completed and forwarded to DPW with the exception of the scope of work and specs for the structure. The Recreation Dept. is working with DPW to develop the specs for the bid. Project will likely be planned for the springtime at which time follow up for Community Development will include tracking of certified payrolls and on-site worker interviews for Davis Bacon wages.

Community Development Committee: During the transition, the Executive Assistant for Economic Development will be covering the committee meetings and taking the minutes. The new CD Coordinator will resume this role once on board.

RSA 79-E: Community Development assisted with facilitating the application process of the RSA 79-E Tax Relief Incentive Program for Studley's Flower Garden. Currently there is another application for 2-6 North Main Street in process which will be followed through by Economic Development. Community Development will continue to manage this process along with Planning and Economic Development once the position is filled.

Green Infrastructure Grant: The main point of contact for this grant and reporting has been changed from the Community Development Coordinator to Seth Creighton (Planner) through the remainder of the grant agreement of September 30, 2014. Jennifer Murphy Aubin, Executive Assistant for Economic Development will handle all invoicing for this grant going forward.

CDBG Budget/PO's and Invoicing: The Executive Assistant for Economic Development will handle any PO's or Invoicing for the CDBG until the CD Coordinator position is filled at which time that person will resume responsibility for this process.

IDIS/HUD Reporting System: All activities that have been completed and funds drawn have been reported and closed out in the IDIS Reporting System. The only prior year activities that are open are activities still in progress. All activities for this fiscal year of 2014-2015 have been setup in the system and funded.

Annual CAPER (Performance Report to HUD): This report is due every year by September 30th and has already been completed and sent to HUD for FY 13-14 along with additional reports that will be due during the transition of this position including the; Semi Annual Enforcement Report, Contractor/Sub-Contractor Activity Report (2516), Section 3 Reporting and HUD 4949 Financial Summary Performance Report.

Quarterly Reporting from Public Services: Currently all reporting and payments to public services are up to date and no reporting is due to be submitted until October, 2014. During the transition, the Executive Assistant for Economic Development has been trained to review the reports and pay invoices. Reporting into the HUD IDIS system will be handled by the CD Coordinator once on board.

TIF Reporting: The CD Coordinator completed the first annual report (2012) for the GSBP TIF District and held an Advisory Board Meeting in January, 2014. A draft report for (2013) was also prepared and is on file in Community Development pending updates and review by the Economic Development Manager.

Grants:

319 Watershed Assistance Grant: A grant application was submitted for low impact designs in stormwater management in the Willowbrook Watershed in conjunction with the reconstruction of the Western/Adams Neighborbood drainage reconstruction project. Due to the competitiveness of this grant round, the City was not selected for funding this year, however the review team felt the City was an excellent candidate for the SRF Stormwater Loan for this project. Information on the loan program was brought to DPW for consideration, however, DPW determined that the risks outweighed the benefits for this specific project.

Green Infrastructure- The Planning Department and Public Works have been working closely with the consultants on this project to update city stormwater documents. The Planning Board reviewed the proposed draft Stormwater document on August 18th and was in support of the changes with a few minor recommendations. Changes will be made and brought back to the Planning Board in September and the final draft will be brought to City Council after final Planning Board approval.

*See Attached overview of grant activity over the last 22 months.

CDBG Budget Balances: See next page

Community Development Report- Grant Activity
Grant Activity (2013-August, 2014)
Submitted August, 2014

GRANTS MANAGED

- CDBG Entitlement Grant
- Green Infrastructure Grant
- Neighborhood Stabilization Closeout Reporting
- CDBG-R Closeout Reporting

GRANTS RECEIVED IN FY14

- **Community Funds Grant**
  $12,000 to install bus shelter pads in 2 locations on Wakefield Street
- **Green Infrastructure Grant**
  Phase II $16,000 to hire a consultant to review and recommend revisions to current stormwater documents
- **Source Water Protection Grant – managed through SRPC**
  $12,677.56 awarded to SRPC for revisions to the City of Rochester's Aquifer Protection Zone Project.

GRANTS APPLIED FOR/NOT RECEIVED

- **Green Infrastructure Grant**
  Phase I- not funded
- **Watershed Assistance Grant** – Watershed Assistance in the Willow Brook watershed - funding through NH DES. Community Development has already written/prepared the pre-proposal for this grant- awaiting City Council approval to submit pre-proposal. If selected, the funds will be used to implement low impact designs in the drainage portion of the CIP Project titled "Franklin/Western/Adams Street Reconstruction" to minimize environmental impacts/pollutants into the watershed.

GRANTS REVIEWED

- **FEMA Grant**- Grant reviewed for Fire Dept. by CD Specialist, however the application stated the funding for the Risk Assessment that was being requested was considered to be a "low priority" for funding, so FD did not move forward with this particular grant round in January, 2013.
- **LCHIP**- CD Specialist attended a workshop for LCHIP funding. An inquiry was made to look for funding for the Annex building, however, at the time of the grant availability, there wasn't a clear project defined for the building and PW was already working on the roof.
- **319 Funds (2013)** – Watershed Assistance in the Willow Brook watershed- Opportunity not available in time to solicit support and write the grant.
- **NH Charitable Foundation**- Funding requested to purchase food for the Teen Night Program. CD Specialist researched the need and found potential source through the NH Charitable Foundation, however, the PD received funds from the State Advisory Group in the meantime.

Community Development Report- Grant Activity
Grant Activity (2013-August, 2014)
Submitted August, 2014

- **Community Development Finance Authority - State CDBG Funds** (EDA Project) – Met with CDFA and a consultant to present this project. Due to the requirements for "Regional" job creation within an 18 month period, this grant source was determined not to be an option at this time.
- **Community Development Finance Authority - State CDBG Funds** (Water Loop/GSBP Project) - Met with CDFA and a consultant to present this project, however, it was determined that this project was not eligible (letter from CDFA on file with City Manager).
- **NH Division of Historical Resources – Certified Local Government Grant** – Grant opportunity reviewed by Community Development. The Historic District Commission was informed of grant opportunity and eligibility requirements but there weren't any eligible projects identified for this year's grant.
- **HOPE VI Main Street Program (HUD)-** Program seeks to provide funding to small communities to assist in the renovation of an historic or traditional central business district or "Main Street" – Opportunity reviewed and based on requirements for population size and number of public housing units, Rochester was not eligible.

OTHER GRANT WORK

- Researched grants for Codification, Software and City Records Management- no grants identified at this time
- Attended MAP 21 Workshop in March regarding tips on writing grant applications for the new Federal bicycling and pedestrian funds (MAP-21)
- Ongoing management of Green Infrastructure Grant
- Data gathered and provided to FD for FEMA Grant for 2014
- Attended workshop on LCHIP funding
- Attended Grant Writing workshop
- Grant Project Worksheet developed and provided to Department Heads to submit requests for grants.

JOB Loan Program Update
August, 2014

The Job Opportunity Benefit (JOB) Loan program provides a source of funding for businesses to expand, modernize or relocate within Rochester. These funds are almost always used as "gap" financing for businesses to add additional debt to their conventional financing. Eligible applicants include Rochester businesses that commit to hiring (*per HUD Regulation 24 CFR 570.209*) one full-time or full-time equivalent worker per $50,000 of CDBG funds or one full-time or full-time equivalent worker per $35,000 of CDBG funds if calculated in the aggregate for the year across all JOB Loans.

The JOB Loan account balance as of June 30, 2014 was **$74,428** and the account is currently receiving **$5,033** in monthly payments.

There was one business interested in a JOB Loan, however the business will not be moving forward at this time. There are no new JOB Loans are under evaluation. The Economic Development Specialist will be looking to identify eligible businesses that would benefit from this loan program.

Annual monitoring of businesses with active JOB Loans was conducted throughout the summer, 2014. With the addition of a new Economic Development Specialist, JOB Loan recipients will be visited again in the next few months to touch base.

Note: Job Loan balances are run on a quarterly basis- the principal balances below are through June 30, 2014.

Recipient Name	Original Loan Amount	Origination Date	FY14 Principal Balance as of March 31, 2014	Is Loan Currently Up to Date?
Custom Banner	$50,000.00	5/12/2009	$8,761.95	Yes
Distinctive Forest Creations	$30,000.00	11/12/2005	$17,358.94	Yes
Carney Medical	$50,000.00	8/12/2009	$31,042.70	* No
Phone Booth, LLC	$25,000.00	3/12/2010	$3,947.14	Yes
Blue Oasis	$50,000.00	4/12/2010	$31,042.70	Yes
Country Tire & Service Center	$40,000.00	8/22/2011	$24,158.20	Yes
Thompson Tool Company	$70,000.00	10/12/2012	$53,603.30	Yes
LHR Sporting Arms	$100,000.00	1/14/2014	$98,464.08	Yes
Public House	$10,000	3/6/14	$9,370.56	Yes
	$425,000		**$277,749.57**	

***See attached memo from Karen Pollard regarding current status of Carney Medical Building and JOB Loan.**

CDBG Budget- Balances		
Fiscal Year & Account	**Budgeted Amount**	**Remaining Amount Available** *(Does not include funds encumbered)*
FY13 Admin	$45,192.00	$8,409.87
FY12 Admin	$53,084.98	$254.37
FY11 Admin	$62,020.14	$2,076.00
FY14 Public Facilities	$90,471.00	$31,963.13
FY13 Public Facilities	$94,875.00	$813.49
FY12 Public Facilities	$2,187.02	$2,187.02
FY11 Public Facilities	$6,657.80	$4043.80
FY10 Public Facilities	$864.13	$864.13
FY 09 Public Facilities	$10,091.78	$6,591.78
FY14 Residential Rehab Weatherization	$43,458.00	$178.30
FY12 Residential Rehab Weatherization	$43,458.00	$65.36
FY11 Residential Rehab Weatherization	$40,000.00	$34.39
FY11 Residential Rehab (Codes)	$10,000.00	$-0-
TOTAL:	**$508,549.35**	**$57,481.64**
	FY 15- YTD	*(Does not include funds encumbered)*
FY15 Admin	$47,800	$43,068.47
FY15 Public Services	$35,850	$35,850
FY15 Residential Rehab Weatherization	$50,000	$50,000
FY15 Econ. Development NH Small Business Dev Center	$12,000.00	$12,000
FY15 Public Facilities	$93,350	$93,350
TOTAL:	**$239,000**	**$234,268.47**

Revised 9/2/14

City of Rochester, New Hampshire

Division of Community Development
31 Wakefield Street, Rochester NH 03867
(603) 335-7522 www.thinkrochester.biz

Date: August 14, 2014

To: Community Development Committee Members
City Manager Dan Fitzpatrick
Planning, Finance, Economic & Community Development
Holy Rosary Credit Union
Rochester Main Street Program
Greater Rochester Chamber of Commerce

From: Economic Development Manager Karen Pollard Karen Pollard

Project: Business Resource Center

During the past month we have been exploring the opportunity of utilizing the Carney Medical Building as a business resource center and potential home base for the Rochester Main Street Program. I have visited with the Main Street Board and Holy Rosary Credit Union as part of this evaluation.

All parties agree that the Downtown real estate market is not in a position for the credit union and the city to recoup their investments in the short term. The building has been on the market for 9 months without movement. HRCU will be getting a deed in lieu of foreclosure and will have carrying costs while waiting for an offer. They have the ability to be somewhat selective about buyers, but will have to sell it regardless of who the tenant may be if there is a minimally acceptable offer. The economic development staff will collaborate with HRCU and any real estate broker they choose to work with in order to identify owners and tenants who will improve the Downtown Business District.

The Rochester Main Street Board, while working to help attract private investment into the Downtown, does not wish to own the building long-term. They would be willing to be a temporary occupant as long as they bore no responsibility for building costs or maintenance.

The economic development department had the willingness to facilitate the initial investment into the building as it could have potentially led to a long-term solution. In revising it to a short-term project, the time and investment required by the city would impact other much needed Downtown projects, such as seeking long-term investors and businesses and the much needed updating of the 2001 Downtown Master Plan.

We recommend the city authorize release of the lien on 32 North Main Street so that Holy Rosary Credit Union can take ownership through a deed in lieu of foreclosure. Our role will be to aid in marketing the building to a permanent owner.

CHAPTER 79-E
COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE

Section 79-E:1

79-E:1 Declaration of Public Benefit. –

I. It is declared to be a public benefit to enhance downtowns and town centers with respect to economic activity, cultural and historic character, sense of community, and in-town residential uses that contribute to economic and social vitality.

II. It is further declared to be a public benefit to encourage the rehabilitation of the many underutilized structures in urban and town centers as a means of encouraging growth of economic, residential, and municipal uses in a more compact pattern, in accordance with RSA 9-B.

III. Short-term property assessment tax relief and a related covenant to protect public benefit as provided under this chapter are considered to provide a demonstrated public benefit if they encourage substantial rehabilitation and use of qualifying structures as defined in this chapter.

Source. 2006, 167:1, eff. April 1, 2006.

Section 79-E:2

79-E:2 Definitions. – In this chapter:

I. ""Qualifying structure" means a building located in a district officially designated in a municipality's master plan, or by zoning ordinance, as a downtown, town center, central business district, or village center, or, where no such designation has been made, in a geographic area which, as a result of its compact development patterns and uses, is identified by the governing body as the downtown, town center, or village center for purposes of this chapter.

II. ""Substantial rehabilitation" means rehabilitation of a qualifying structure which costs at least 15 percent of the pre-rehabilitation assessed valuation or at least $75,000, whichever is less.

III. ""Tax relief" means that for a period of time determined by a local governing body in accordance with this chapter, the property tax on a qualifying structure shall not increase as a result of the substantial rehabilitation thereof.

IV. ""Tax relief period" means the finite period of time during which the tax relief will be effective, as determined by a local governing body pursuant to RSA 79-E:5.

Source. 2006, 167:1, eff. April 1, 2006.

Section 79-E:3

79-E:3 Adoption of Community Revitalization Tax Relief Incentive Program –

I. Any city or town may adopt the provisions of this chapter by voting whether to accept for consideration requests for community revitalization tax relief incentives. Any city or town may do so by following the procedures in this section.

II. In a town, other than a town that has adopted a charter pursuant to RSA 49-D, the question shall be placed on the warrant of a special or annual town meeting, by the governing body or by petition under RSA 39:3.

III. In a city or town that has adopted a charter under RSA 49-C or RSA 49-D, the legislative body may consider and act upon the question in accordance with its normal procedures for passage of resolutions, ordinances, and other legislation. In the alternative, the legislative body of such municipality may vote to place the question on the official ballot for any regular municipal election.

IV. If a majority of those voting on the question vote ""yes," applications for community revitalization tax relief incentives may be accepted and considered by the local governing body at any time thereafter, subject to the provisions of paragraph VI of this section.

V. If the question is not approved, the question may later be voted on according to the provisions of paragraph II or III of this section, whichever applies.

VI. The local governing body of any town or city that has adopted this program may consider rescinding its action in the manner described in paragraph II or III of this section, whichever applies.

A vote terminating the acceptance and consideration of such applications shall have no effect on incentives previously granted by the city or town, nor shall it terminate consideration of applications submitted prior to the date of such vote.

Source. 2006, 167:1, eff. April 1, 2006.

Section 79-E:4

79-E:4 Community Revitalization Tax Relief Incentive. –

I. An owner of a qualifying structure who intends to substantially rehabilitate such structure may apply to the governing body of the municipality in which the property is located for tax relief. The applicant shall include the address of the property, a description of the intended rehabilitation, any changes in use of the property resulting from the rehabilitation, and an application fee.

II. Upon receipt of an application, the governing body shall hold a duly noticed public hearing to take place no later than 60 days from receipt of the application, to determine whether the structure at issue is a qualifying structure; whether the proposed rehabilitation qualifies as substantial rehabilitation; and whether there is a public benefit to granting the requested tax relief and, if so, for what duration.

III. No later than 45 days after the public hearing, the governing body shall render a decision granting or denying the requested tax relief and, if so granting, establishing the tax relief period.

IV. (a) The governing body may grant the tax relief, provided:

(1) The governing body finds a public benefit under RSA 79-E:7; and

(2) The specific public benefit is preserved through a covenant under RSA 79-E:8; and

(3) The governing body finds that the proposed use is consistent with the municipality's master plan or development regulations.

(b) If the governing body grants the tax relief, the governing body shall identify the specific public benefit achieved under RSA 79-E:7, and shall determine the precise terms and duration of the covenant to preserve the public benefit under RSA 79-E:8.

V. If the governing body, in its discretion, denies the application for tax relief, such denial shall be accompanied by a written explanation. The governing body's decision may be appealed either to the board of tax and land appeals or the superior court in the same manner as provided for appeals of current use classification pursuant to RSA 79-A:9 or 79-A:11 provided, however, that such denial shall be deemed discretionary and shall not be set aside by the board of tax and land appeals or the superior court except for bad faith or discrimination.

Source. 2006, 167:1, eff. April 1, 2006.

Section 79-E:5

79-E:5 Duration of Tax Relief Period. –

I. The governing body may grant such tax assessment relief for a period of up to 5 years, beginning with the completion of the substantial rehabilitation.

II. The governing body may, in its discretion, add up to an additional 2 years of tax relief for a project that results in new residential units and up to 4 years for a project that includes affordable housing.

III. The governing body may, in its discretion, add up to an additional 4 years of tax relief for the substantial rehabilitation of a qualifying structure that is listed on or determined eligible for listing on the National Register of Historic Places, state register of historic places, or is located within and important to a locally designated historic district, provided that the substantial rehabilitation is conducted in accordance with the U.S. Secretary of Interior's Standards for Rehabilitation.

Source. 2006, 167:1, eff. April 1, 2006.

Section 79-E:6

79-E:6 Resumption of Full Tax Liability. – Upon expiration of the tax relief period, the

property shall be taxed at its market value in accordance with RSA 75:1.

Source. 2006, 167:1, eff. April 1, 2006.

Section 79-E:7

79-E:7 Public Benefit. – The proposed substantial rehabilitation must provide at least one of the following public benefits in order to qualify for tax relief under this chapter:

I. It enhances the economic vitality of the downtown;

II. It enhances and improves a structure that is culturally or historically important on a local, regional, state, or national level, either independently or within the context of an historic district, town center, or village center in which the building is located;

III. It promotes development of municipal centers, providing for efficiency, safety, and a greater sense of community, consistent with RSA 9-B; or

IV. It increases residential housing in urban or town centers.

Source. 2006, 167:1, eff. April 1, 2006.

Section 79-E:8

79-E:8 Covenant to Protect Public Benefit. –

I. Tax relief for the substantial rehabilitation of a qualifying structure shall be effective only after a property owner grants to the municipality a covenant ensuring that the structure shall be maintained and used in a manner that furthers the public benefits for which the tax relief was granted.

II. The covenant shall be coextensive with the tax relief period. The covenant may, if required by the governing body, be effective for a period of time up to twice the duration of the tax relief period.

III. The covenant shall include provisions requiring the property owner to obtain casualty insurance, and flood insurance if appropriate. The covenant may include, at the governing body's sole discretion, a lien against proceeds from casualty and flood insurance claims for the purpose of ensuring proper restoration or demolition or damaged structures and property. If the property owner has not begun the process of restoration, rebuilding, or demolition of such structure within one year following damage or destruction, the property owner shall be subject to the termination of provisions set forth in RSA 79-E:9, I.

IV. The local governing body shall provide for the recording of the covenant to protect public benefit with the registry of deeds. It shall be a burden upon the property and shall bind all transferees and assignees of such property.

V. The applicant shall pay any reasonable expenses incurred by the municipality in the drafting, review, and/or execution of the covenant. The applicant also shall be responsible for the cost of recording the covenant.

Source. 2006, 167:1, eff. April 1, 2006.

Section 79-E:9

79-E:9 Termination of Covenant; Reduction of Tax Relief; Penalty. –

I. If the owner fails to maintain or utilize the building according to the terms of the covenant, or fails to restore, rebuild, or demolish the structure following damage or destruction as provided in RSA 79-E:8, III, the governing body shall, after a duly noticed public hearing, determine whether and to what extent the public benefit of the rehabilitation has been diminished and shall determine whether to terminate or reduce the tax relief period in accordance with such determination. If the covenant is terminated, the governing body shall assess all taxes to the owner as though no tax relief was granted, with interest in accordance with paragraph II.

II. Any tax payment required under paragraph I shall be payable according to the following procedure:

(a) The commissioner of the department of revenue administration shall prescribe and issue

forms to the local assessing officials for the payment due, which shall provide a description of the property, the market value assessment according to RSA 75:1, and the amount payable.

(b) The prescribed form shall be prepared in quadruplicate. The original, duplicate, and triplicate copy of the form shall be given to the collector of taxes for collection of the payment along with a special tax warrant authorizing the collector to collect the payment under the warrant. The quadruplicate copy of the form shall be retained by the local assessing officials for their records.

(c) Upon receipt of the special tax warrant and prescribed forms, the tax collector shall mail the duplicate copy of the tax bill to the owner responsible for the tax as the notice of payment.

(d) Payment shall be due not later than 30 days after the mailing of the bill. Interest at the rate of 18 percent per annum shall be due thereafter on any amount not paid within the 30-day period. Interest at 12 percent per annum shall be charged upon all taxes that would have been due and payable on or before December 1 of each tax year as if no tax relief had been granted.

Source. 2006, 167:1, eff. April 1, 2006.

Section 79-E:10

79-E:10 Lien for Unpaid Taxes. – The real estate of every person shall be held for the taxes levied pursuant to RSA 79-E:9.

Source. 2006, 167:1, eff. April 1, 2006.

Section 79-E:11

79-E:11 Enforcement. – All taxes levied pursuant to RSA 79-E:9 which are not paid when due shall be collected in the same manner as provided in RSA 80:1-80:42-a.

Source. 2006, 167:1, eff. April 1, 2006.

Section 79-E:12

79-E:12 Rulemaking. – The commissioner of the department of revenue administration shall adopt rules, pursuant to RSA 541-A, relative to the payment and collection procedures under RSA 79-E:9.

Source. 2006, 167:1, eff. April 1, 2006.

Section 79-E:13

79-E:13 Extent of Tax Relief. –

I. Tax relief granted under this chapter shall pertain only to assessment increases attributable to the substantial rehabilitation performed under the conditions approved by the governing body and not to those increases attributable to other factors including but not limited to market forces; or

II. Tax relief granted under this chapter shall be calculated on the value in excess of the original assessed value. Original assessed value shall mean the value of the qualifying structure assessed at the time the governing body approves the application for tax relief and the owner grants to the municipality the covenant to protect public benefit as required in this chapter.

Source. 2006, 167:1, eff. April 1, 2006.

Section 79-E:14

79-E:14 Other Programs. – The provisions of this chapter shall not apply to properties whose rehabilitation or construction is subsidized by state or federal grants or funds that do not need to be repaid totaling more than 50 percent of construction costs from state or federal programs.

Source. 2006, 167:1, eff. April 1, 2006.

City of Rochester, New Hampshire

Division of Community Development
31 Wakefield Street, Rochester NH 03867
(603) 335-7522 www.thinkrochester.biz

Review Form: For RSA 79e Community Revitalization Tax Relief Incentive

Building Name (if any): "Hayes Opera Block" Building Address: 2-6 No. Main St., Rochester NH Owner Name(s): 1st Regional Funding LLC Owner Address(es): 440 Hanover St., Manchester, NH 03104	Map# 0120 Lot# 0360 Year Built 1890 Square Footage of Building 16,778
Contact Name: Newton Kershaw III, Manager Phone # 603-666-8534 Email address: lkafka@elmgrovecompanies.com	Applicant Name(s) (if different from owner): Applicant Address: Phone # Email address:
	Application Fee Paid: X Yes ____ No
Existing Uses (describe number of units by type and size) Is there a change of use associated with this project? ___ Yes X No If so, please describe: 3 floors of efficiency and 1 bed-room apts, with a single 2 bed-room unit. 4,195 square feet of 1st floor retail/service bsuiness.	Is the building eligible or listed on the State or National Register of Historic Places or located in a Local, State, or Federal Historic District? Yes X No ____ Provide historic district name: Downtown Rochester
Will the project include rehabilitation of residential units? X Yes ___ No If yes, how many: 24 If yes, please describe: Units are being cleaned, painted and repaired for potential use by college students and others. Rochester Fire Dept. is requiring new installation of sprinkler system. But for the owner's investment, this building would not be allowed to remain housing and would become vacant on the upper floors, potentially contributing to negative Downtown activity.	Will the project involve affordable residential units? X Yes ___ No If yes, please describe: Portsmouth-Rochester, NH 60% RENT LIMIT **EFFIC.** $925/ **1 BR** $991/ **2 BR** $1,189 NHHFA RENTS EFFECTIVE DATE: 5/1/2014 Rental rates are below the above maximums.
Other Reviews (if necessary) Historic District Review: N/A Special Downtown Review: N/A Minor Site Review: N/A Planning Board Review: N/A	Section 79:E-4 Application Date: 7/30/14 Staff Review: 8/7/14 Community Development Committee: 8/29/14 Public Hearing Date: TBD 9/16/14 *Required within 60 days of receipt of application City Council: TBD 9/16/14 or 10/7/14 *Required within 45 days of Public Hearing

Does this application meet the appropriate tests?

Is it a qualifying structure located in a designated downtown zone? _X_ Yes ____ No

Pre-rehabilitation assessed value (from most recent City Assessment): $ 386,200

Total estimated cost of rehabilitation (from application): $ 59,150
Construction estimates do not include added costs for second water line and connection to the city's infrastructure, alarm fees and required alarm permits. Final costs will exceed estimates above.

Percentage of rehabilitation costs to assessment valuation: 15.32 %

Does the estimated cost of rehabilitation exceed 15% of pre-rehabilitation assessed valuation, or $75,000, whichever is lower? YES_X_ NO_____

Is there public benefit? Must satisfy at least 1 of the conditions below. (Section 79-E:7)

_X_ It enhances the economic vitality of the Downtown District.
_X_ It enhances and improves a structure that is culturally or historically important on a local, regional, state, or national level, either independently or within the context of an historic district.
_X_ It promotes development of municipal centers, providing for efficiency, safety, and a greater sense of community.
_X_ It increases residential housing in urban or town centers.
(*But for this investment, Downtown Affordable Housing would be reduced by 24 units)
_X_ **In a Local, State, or Federal Historic District?**

Are other funding programs being applied to this project? _____ **Yes** _X_ **No**

Other Programs. – The provisions of this chapter shall not apply to properties whose rehabilitation or construction is subsidized by state or federal grants or funds that do not need to be repaid totaling more than 50 percent of construction costs from state or federal programs.

ELIGIBILITY: Yes _X_ No _____	
1) Substantial Rehabilitation Tax Relief Incentive (Up to 5 Years)	5
2) Additional Tax Relief Incentive for New Residential Units (Up to 2 Years)	2
3) Additional Tax Relief Incentive for Affordable Housing (Up to 4 Years)	4
4) Additional Tax Relief for rehabilitation of historic places* (Up to 4 Years)	4
* Rehabilitation in accordance with the in accordance with Secretary of Interior's Standards for Rehabilitation.	15 (Total)

Name & Title: **Karen Pollard, Economic Development Manager** **Date:** **8/22/14**

The Standards (Department of the Interior regulations 36 CFR 67) pertain to all historic properties listed in or eligible for listing in the National Register of Historic Places.

1) A property shall be used for its intended historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

8) Significant archeological resources affected by a project, shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Comments from the Reviewer:

I have toured this property along with the owner on several occasions and admire his thorough care in highlighting and repairing the historic elements of this building. On the fourth floor he was able to repair a skylight rather than replace it. He has uncovered and restored the wood floors and panels in the apartments, rehabilitating the wood trim, Murphy-beds and built-in elements where they have remained intact over the years. The defining characteristics of the structure have not been altered by him, and his repairs to the interior are in keeping with the original intended purposes of residential and commercial use. Installation of the sprinkler system will be done to continue the building functioning with the same historic use, and with respect to the historic character. Significant changes to the interior and exterior will be avoided in order to meet the required sprinkler installation by the Rochester Fire Department, and will avoid impacting the historic character of the structure. As little will be disturbed as possible.

In this reviewer's opinion, this project proposal satisfies the requirement of meeting the Department of the Interior's Standards for Historic Rehabilitation.

Name & Title: **Karen Pollard, Economic Development Manager** **Date:** **8/22/14**

Town Name	Rochester
Commission	Historic District
Link to Commission	Commission Site
Link to Ordinance	Zoning Ordinance
Zoning Section	Section 42.33
Link to Master Plan	Master Plan
Master Plan Section	
Link to Guidelines	
Link to Map	District Map
District Name	Rochester Historic District
Year Established	2003
No. Properties	
Est. Acreage	
Zoning Type(s)	Commercial, Industrial
District History	
District Characteristics	
Other Comments	The Historic Overlay District, encompassing the greater downtown area, includes the following properties: (1) Tax Map 116, Lots 156-162, and 201-204; (2) Tax Map 120, Lots 322-324, 332-340, 342, 342-1, 343, 346, 347, 351, 352, 354, 355, 358- 367, 379-381, 383-390, 392-408, and 419-422; (3) Tax Map 121, Lots 9-18, 28, 29, 361-364, 366-368, 368-1, 369-400; and (4) Tax Map 125, Lots 1, 181, 182, and 202-204
NR Districts	Rochester Commercial and Industrial District - 19830408
Inventoried Areas (NHDHR files)	Willow Brook Brick Culverts - 08-23-2000, Rochester Commercial and Industrial HD - 01-24-2001, Strafford Square Historic District (SD) - 12-14-2005
Other Surveys	
Submitted by	JP
Last Modified Time	06-29-2012 13:42:34

FHR-8-300 (11-78)

United States Department of the Interior
Heritage Conservation and Recreation Service

National Register of Historic Places
Inventory—Nomination Form

For HCRS use only
received
date entered

Continuation sheet Item number 7 Page 22

Site Number Description

North Main Street

81. The Hayes Block - 2 North Main Street - c. 1878 - Victorian Commercial: 4-story brick commercial block, 4 x 9 bays. Facade and first 2 bays of south elevation are characterized by 1/1 sash windows topped by stone arches with incised ornamentation. Roofline is marked by arched corbelling. Storefront remodeled c. 1950. Rear portion of building appears earlier due to differing window treatment and corbelling. The upper stories of the Hayes Block originally housed the Hayes Opera House. (42/3).

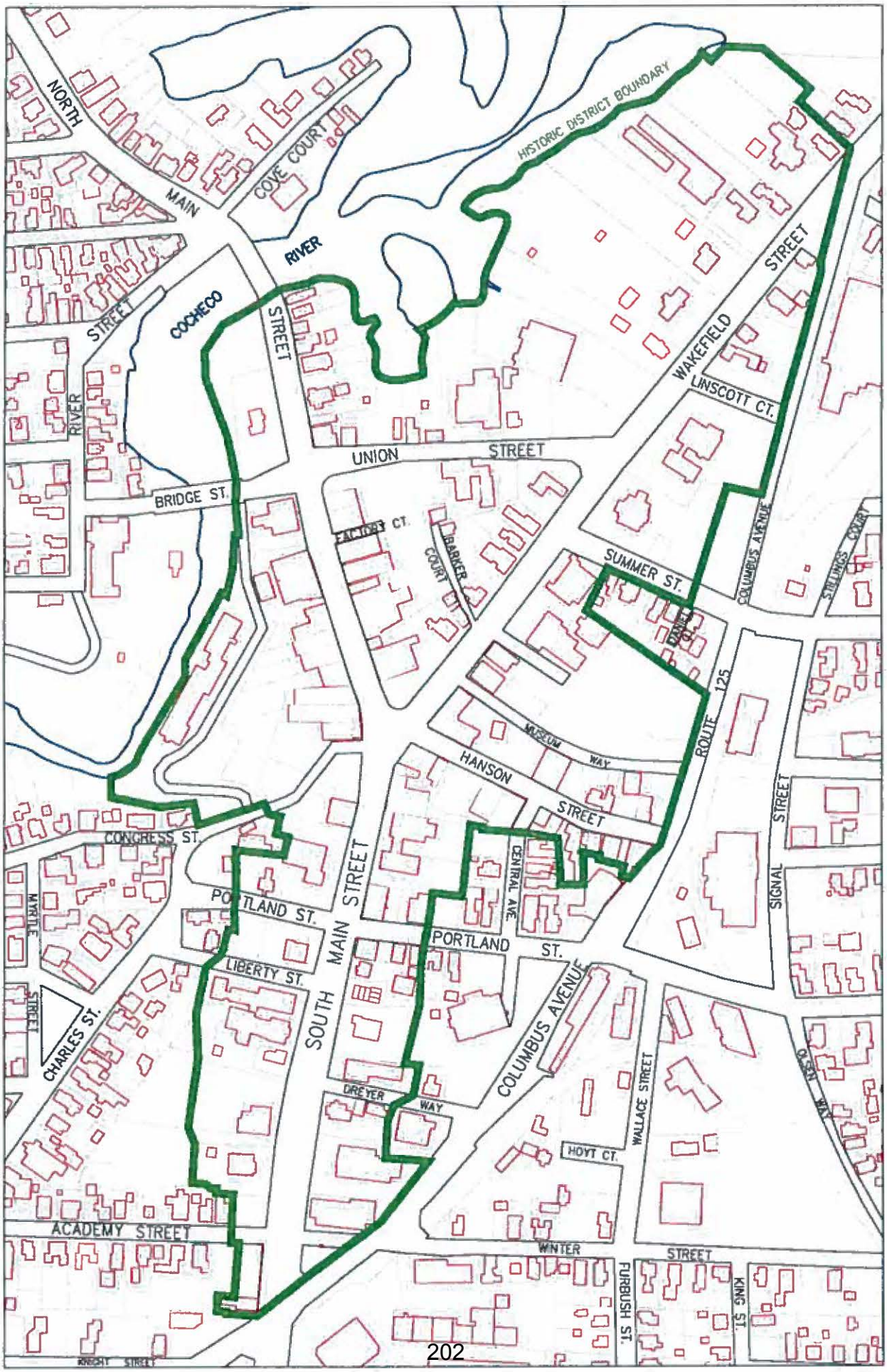
82. The Salinger Block - 10 North Main Street - c. 1900 - NeoClassical: 4-story commercial block, asymmetrical 6-bay wide facace with veneer of white glazed brick. Third story window treatment dominates facade, each window being topped by semicircular arches embellished with egg and dart moldings and spandrel panels with raised floral decoration. Windows have 1/1 sash. Other features include brick pilasters rising across the second and third stories supporting a cornice at the third story. A fully articulated cornice of pressed metal articulates the roofline. Facade was applied c. 1900 to an earlier commercial building. (42/4).

83. The Scenic Theatre - 14 North Main Street - c. 1912 - Vernacular Georgian Revival: 3-story building with Georgian Revival motifs including flat back arches above the windows and a pressed metal cornice at the roofline. The facade is laid in rusticated brick. The Scenic Theatre was built in 1912 and was able to accommodate both plays and movies. (42/5).

84. Commercial Structure - 16 North Main Street - c. 1920 - Early 20th Century Commercial: 2-story, 5 bay facade characterized on upper story by rectangular windows with transoms. Other features obscured by aluminum siding. Two northern bays of facade were originally part of adjacent building of same period.

85. The Snow Block - 26 North Main Street - c. 1870/1917 - Georgian Revival: Existing 3-story brick facade was applied to a Second Empire block in 1917. Present facade consists of rectangular windows with transoms, topped by flat arches on the second story, and 1/1 sash topped by a stone lintel course on the third story. A 1917 datestone is centered above the center bay. Roofline is marked by corbelling and a projecting cornice. (42/6).

ROCHESTER HISTORIC DIST. (HDC MAP - 2001)



City of Rochester Planning Department
31 Wakefield Street
Rochester, NH 03867
(603) 335-1338
Michael.Behrendt@rochesternh.net

Application
Community Revitalization Tax Relief (per RSA 79E)
City of Rochester, New Hampshire

Date: 7-30-14 *[Office use only. Fee submitted: _____ Final action: _____]*

Property information

Property address/location: 2-6 NORTH MAIN ST. ROCHESTER NH

Name of building (if applicable): UNOFFICIALLY REBRANDED "HAYES OPERA BLOCK"

Tax map #: 0120; Lot #('s): 0360; Year built (if known): 1890

Property owner

Name (include name of individual): 1ST REGIONAL FUNDING, LLC (NEWTON KERSHAW III MANAGER)

Mailing address: 440 HANOVER STREET MANCHESTER NH 03104

Telephone #: 603-666-8534 Email: lKafka@elmgrovecompanies.com

Applicant/developer (if different from property owner) or Agent

Name (include name of individual): _____

Mailing address: _____

Telephone #: _____ Email: _____

Proposed project

Explain project: INSTALL SPRINKLER SYSTEM

Building uses. Existing: MIXED USE RES/COMM MULTI FAMILY; RETAIL; Proposed: SAME

Nonresidential square footage. Existing: Approx. 4,194.5 SQ. FT.; Proposed: SAME

# of residential dwelling units. Existing: 24; Proposed: SAME

Expected construction dates. Start: AFTER 79E APPROVAL; Finish: WITHIN 4 YEARS

(Continued *Tax Relief (79E)* application - Tax Map: 0120 Lot: 0360)

Project costs

Describe work that will constitute the substantial rehabilitation and estimated/projected costs. Please attach written estimates, if available.

Structural: _____ Cost: $_____

Electrical: _____ Cost: $_____

Plumbing: INSTALL SPRINKLER SYSTEM Cost: $ 59,150

Mechanical: _____ Cost: $_____

Other: _____ Cost: $_____

Total project cost: $ 59,150

Other Information

Name of contractor (if known): KINOLER DEVELOPMENT GROUP

Will the project include any affordable housing units? YES AFFORDABLE BUT NOT INCOME RESTRICTED; If so, how many? 24

Will any state or federal grants or funds be used in this project? No

What are the public benefits associated with this project (in accordance with RSA 79-E:7)?

SEE ADDENDUM 1

Submission of application

Note: This program is available for projects where the rehabilitation cost equals or exceeds 15 percent of the pre-rehabilitation assessed valuation or $75,000, whichever is less. Please attach any plot plans, building plans, elevation drawings, sketches, or photographs which help illustrate the project. A $50.00 application fee (made out to "City of Rochester") must be submitted with this application. This application must be signed by the property owner.

I (we) hereby submit this application under the Community Revitalization Tax Relief Incentive Statute (NH RSA 79-E) and attest that to the best of my (our) knowledge all of the information herein and in the accompanying materials is true and accurate. I (we) have reviewed the statute and understand that: a) there will be a public hearing to evaluate the merits of this application; b) I (we) will need to enter into a covenant with the City; and c) I (we) may be required to pay reasonable expenses associated with the creation of the covenant.

Signature of property owner (1): 1ST REGIONAL FUNDING, LLC - Clinton Keshaw III MGR

Date: 7/30/14

Signature of property owner (2): _____

Date: _____

Tax Relief Application – Rochester, NH Tax Map 0120 Lot 0360

Addendum 1: 2-6 North Main Street, Rochester, NH

Title V Taxation

Chapter 79-E – Community Revitalization Tax Relief Incentive

Section 79-E:7

79-E:7 Public Benefit – In order to qualify for tax relief under this chapter, the proposed substantial rehabilitation must provide at least one of the public benefits, and the proposed replacement must provide one or more of the public benefits to a greater degree than would a substantial rehabilitation of the same qualifying structure, as follows:

I. It enhances the economic vitality of the downtown;

II. It enhances and improves a structure that is culturally or historically important on a local, regional, state, or national level, either independently or within the context of an historic district, town center, or village center in which the building is located;

II-a. It promotes the preservation and reuse of existing building stock throughout a municipality by the rehabilitation of historic structures, thereby conserving the embodied energy in accordance with energy efficiency guidelines established by the U.S. Secretary of the Interior's Standards for Rehabilitation.

III. It promotes development of municipal centers, providing for the efficiency, safety and greater sense of community, consistent with RSA 9-B; or

IV. It increases residential housing in urban town centers.

2-6 North Main Street, Rochester, NH:

Located in downtown Rochester, the Hayes Opera Block at 2-6 N Main St has stood for nearly 125 years. Rather than standing proudly all that time, though, previous owners had lately allowed it to fall into disrepair. By renovating this building without marring its statuesque façade, 1st Regional Funding is enhancing this historic structure and providing safe affordable housing to revitalize downtown Rochester.

John L. Carter
SPRINKLER COMPANY INC.

Design • Service • Installation

June 19, 2014

Elm Grove Company
440 Hanover Street
Manchester, NH 03104
Attn: Roger Carter

Re: 2 – 6 North Main Street
Rochester, NH

Dear Roger:

We are pleased to quote the firm price of $61,250.00 to completely sprinkler the above based on plan received and walk-thru and provide N.F.P.A. 13R type wet protection. Work to be done in two phases.

Phase No. 1: $34,400.00 – for riser equipment, alarms, switches, plan, permit, etc. and sprinkler the basement and first floor only.

Phase No. 2: $26,850.00 – to sprinkler second, third and fourth floors.

Price No. 2: $59,150.00 – if we do the whole project at once.

Add Alternate: $6,250.00 – to provide one standpipe exposed in the stairwell. Note this is required by code when your top floor is over 30'-0" above lowest grade. You will need a variance from fire department to omit this.

The prices include labor and material for:

1. Work to start at 6" flange 1'-0" above finish floor.
2. Straight pipe riser with approved trim.
3. Indicator control valve with tamper switch.
4. Backflow preventer.
5. Local electric bell alarms.
6. Exposed type 4" storz fire department connection.
7. Retarding water flow and low-pressure switch for alarms tied into fire department.
8. Wet type sprinkler protection based on N.F.P.A. 13R and 13 light and ordinary hazard group no. II requirements. Pipe to be run exposed with brass upright or sidewall sprinklers on second, third, fourth floors and basement areas and concealed with white semi-recessed pendent sidewall heads and escutcheons in the first floor. All areas where pipe has been installed should be maintained at a minimum temperature of 40 °F to prevent freezing.
9. 1 – 4" standpipe with 2 ½" fire valves 2 ½" x 1 ½" reduce cap and chain, rough brass exposed in stairway if Add Alternate is accepted.
10. Permit fees.
11. Plans for fire department approval.

ph: 603.224.5438
fax: 603.224.6481
Free Estimates
www.cartersprinkler.com
9 Dunklee Rd.
Bow, NH 03304

12. Our insurance coverage as is.
13. Broom clean only.

The prices do not include:

1. Underground entrance, 6".
2. Electrical wiring of local electric bell or alarms.
3. Sprinklers in roof space, residential closet less than 24 square feet and less than 3'-0" wide, bathrooms less than 55 square feet, porches, decks and residential ceiling spaces per code.
4. Alarms tied to fire station. We supply switch only.
5. Painting of pipe or equipment.
6. Soffitting or boxing of pipe.
7. Professional cleaning of premises.

Price includes our existing insurance and is good for thirty days without review. Terms: Net 30 days. A financial charge of 2% per month will be imposed against all overdue accounts with an Annual Percentage Rate of 24%. The purchase agrees to pay all collection costs including reasonable attorney fees. All work will be done in good workmanship like manner using only U/L listed materials. All work is under warranty for one year providing others have not altered the system.

Thank you for the opportunity to provide this proposal. We would certainly appreciate the chance to work with you on this project.

Very truly yours,

John Carter
Vice President

Approved by _____ date _____
Please sign and return copy to us. Thank you.

TITLE V
TAXATION

CHAPTER 79-E
COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE

Section 79-E:7

79-E:7 Public Benefit. – In order to qualify for tax relief under this chapter, the proposed substantial rehabilitation must provide at least one of the public benefits, and the proposed replacement must provide one or more of the public benefits to a greater degree than would a substantial rehabilitation of the same qualifying structure, as follows:

I. It enhances the economic vitality of the downtown;

II. It enhances and improves a structure that is culturally or historically important on a local, regional, state, or national level, either independently or within the context of an historic district, town center, or village center in which the building is located;

II-a. It promotes the preservation and reuse of existing building stock throughout a municipality by the rehabilitation of historic structures, thereby conserving the embodied energy in accordance with energy efficiency guidelines established by the U.S. Secretary of the Interior's Standards for Rehabilitation.

III. It promotes development of municipal centers, providing for efficiency, safety, and a greater sense of community, consistent with RSA 9-B; or

IV. It increases residential housing in urban or town centers.

Source. 2006, 167:1. 2009, 200:13, eff. July 15, 2009. 2013, 78:3, eff. April 1, 2013.

ELM GROVE COMPANIES HONORED

Created on Wednesday, 22 August 2012 01:17

ELM GROVE COMPANIES HONORED WITH NEIGHBORHOOD IMPROVEMENT AWARD

Elm Grove Companies was recently honored with the Neighborhood Improvement Award for the rehabilitation of Allyson Apartments, 307 Merrimack St. The circa 1889 Victorian apartment building includes ornate columns at the entryways and the decorative brackets on the roof overhang. Original wood siding was preserved in a recent remodeling. The 21st Annual Historic Preservation Awards Dinner was held on April 17th, 2013 at the Center of New Hampshire Radisson.

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NEWS AND CHARITY

Torch Awards Winners!

Created on Tuesday, 15 July 2014 15:38

Elm Grove Companies Receive 2014 Better Business Bureau TORCH AWARD!

Each year, BBB accepts nominations for the BBB Torch Awards for Marketplace Ethics. This is the highest honor presented by BBB and is given to businesses that demonstate exceptional trust and ethics in the marketplace

1 2 3

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CHAPTER 28

PUBLIC NUISANCES

SECTION ANALYSIS

28.1 Burning of Refuse and Garbage
28.2 Abatement of Amplified Sounds
28.3 Removal of Dog Excrement
28.4 Penalty

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

28.2 Abatement of Amplified Sounds.

(a) No person, partnership, association, or corporation shall use or operate or cause to be used or operated any mechanical device, machine, apparatus, or instrument for the reproduction, intensification or amplification of the human voice, music, or any sound or noise from any public or private place in such manner that the peace and good order of the neighborhood is disturbed or that persons owning, using or occupying property in the neighborhood are disturbed or annoyed.

(b) No person shall operate any sound or public address system upon the streets, lanes, alleys or sidewalks of the City without first securing a permit for the same from the Chief of Police. Such permit shall state the time, place, nature of the material to be broadcast, and such other details as the Chief of Police shall determine. The fee for such permit shall be Two Dollars ($2.00).

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

28.4 Penalty.
Any person, partnership, association or corporation violating any of the provisions of this Chapter shall be fined not more than One Hundred Dollars ($100.00) for each offense unless herein otherwise provided.

For State statute relative to Prevention and Removal of Nuisances, See RSA Ch. 147 6/6/95