



**Rochester City Council  
November 1, 2016  
Public Hearing  
Council Chambers  
7:00 PM**

**Agenda**

1. **Call to Order**
2. **AB 58 Amendment to the General Ordinances of the City of Rochester Relative to Chapter 17.34 (Water User Rates) P. 7**
3. **AB 59 Amendment to the General Ordinances of the City of Rochester Relative to Chapter 16.25 (Sewer User Rates) P. 9**
4. **Adjournment**

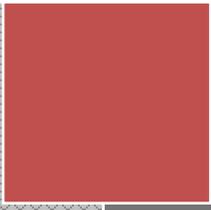
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**Regular City Council Meeting  
November 1, 2016  
Council Chambers**

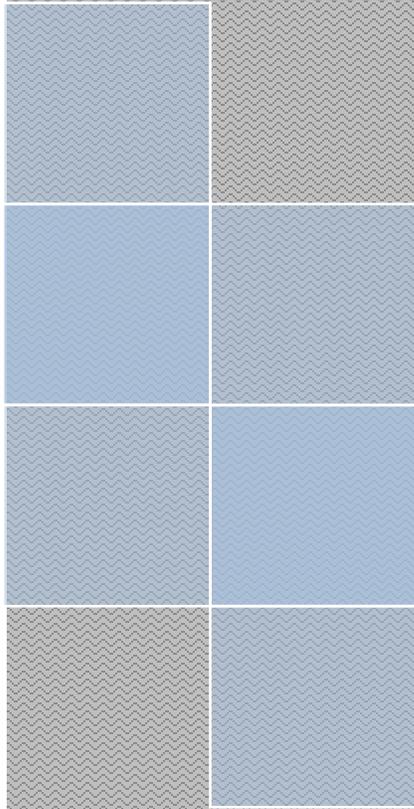
*immediately following Public Hearing*

**Agenda**

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Opening Prayer**
4. **Roll Call**
5. **Acceptance of Minutes**
  - 5.1 **Regular City Council Meeting - October 4, 2016 P. 11**



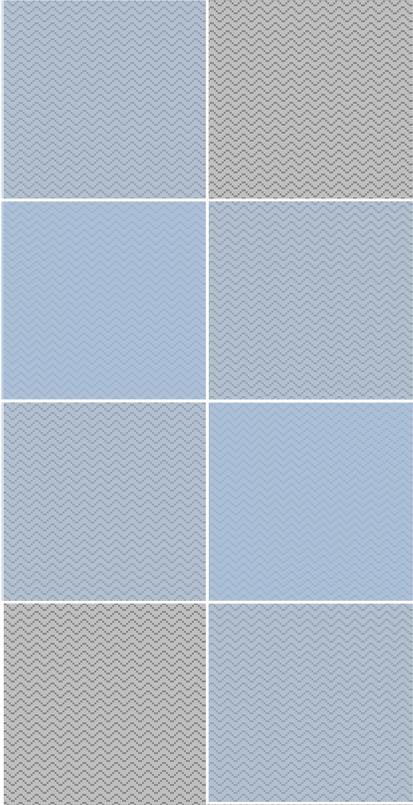
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6. **Communications from the City Manager**
  - 6.1. **Employee of the Month Award P. 38**
  - 6.2. **City Manager's Report P. 37**
7. **Communications from the Mayor**
8. **Presentations of Petitions and Council Correspondence**
9. **Nominations, Appointments, Resignations, and Elections**
10. **Reports of Committees**
  - 10.1. **Appointments Committee P. 59**
  - 10.2. **Codes and Ordinances P. 61**
    - 10.2.1. **Chapter 45 - Overnight parking, occupancy, and camping on City property – First Reading, Second Reading, and Adoption P. 87**
    - 10.2.2. **Chapter 23, City-wide ban on fireworks - First Reading P. 91**
    - 10.2.3. **Chapter 23, Further restrictions - First Reading P. 93**
    - 10.2.4. **Amendment to Chapter 3 of the General Ordinances of the City of Rochester Regarding the Composition of the Conservation First Reading, Second Reading, and Adoption P. 103**
    - 10.2.5. **Codification Review - Motion to Approve P. 71**
  - 10.3. **Finance Committee P. 105**
    - 10.3.1. **AB 66 Resolution Authorizing the Acceptance of a New Hampshire Department of Safety (NHDOS) E-ticket Equipment Grant and Supplemental Appropriation in Connection Therewith First reading, second reading, and adoption P. 109**
    - 10.3.2. **AB 60 Resolution Authorizing the Acceptance of a New Hampshire Department of Safety (NHDOS) Opioid Abuse Reduction Initiative (OARI) Grant Supplemental Appropriation Connected Therewith First reading, second reading, and adoption P. 115**



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**10.3.3. AB 46 Resolution Authorizing the Acceptance of United States Department of Justice (USDOJ) COPS Hiring Program (CHP) Grant **First reading, second reading, and adoption** P. 119**

**10.5. Public Safety Committee P. 123**

**10.6. Public Works Committee P. 129**

**11. Old Business**

**11.1. Amendments**

**11.1.1. AB 58 Water User Rates, Ch. 17.34, **Second reading, and adoption** P. 7**

**11.1.2. AB 59 Sewer User Rates, Ch. 16.25, **Second reading, and adoption** P. 9**

**12. Consent Calendar**

**13. New Business**

**13.1. AB 62 CDBG Conflict of Interest Policy - **Adoption** P. 137**

**13.2. AB 61 East End Dam on Rochester Reservoir - Change of Funding Source - **First reading and refer to Public Hearing** P. 143**

**13.4. AB 43 JAG Grant - \$22,617, **First reading, second reading, adoption** *Resolution is Forthcoming* P. 147**

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

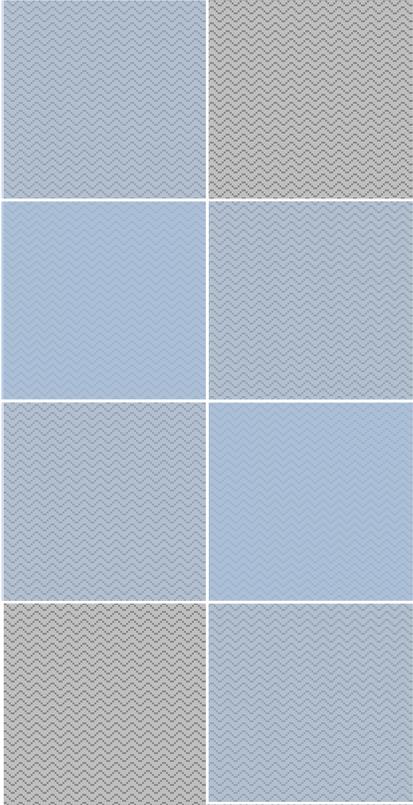
**14.1. Non-Public Session, Personnel, RSA 91-A:3,II (a)**

**15. Other**

**16. Adjournment**



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**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**

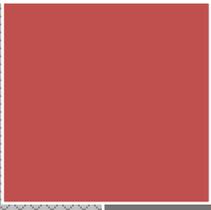
Quarterly Water Rates

Residential Customers without exemption:	\$5.29	per 100 cu. ft. of water use
Residential Customers with exemption:	\$2.29	
Commercial and industrial customers:	\$5.29	

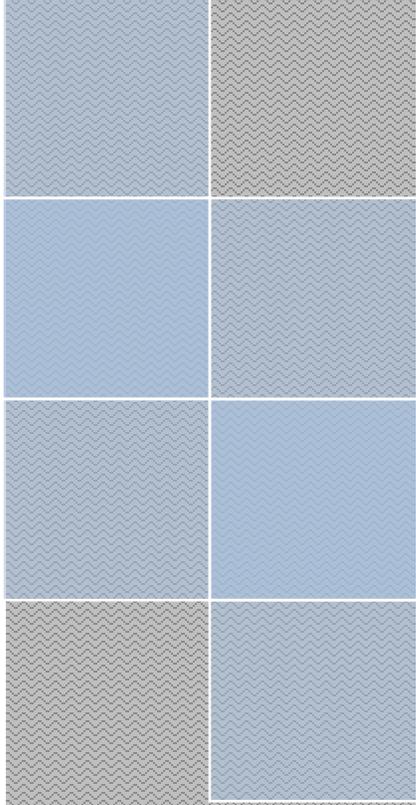
Unmetered Residential Customers:	
Per quarter per unit without exemption:	\$141.46
Per quarter per unit with exemption:	\$70.71

Minimum Fee:	
Per quarter per unit without exemption:	\$20.09
Per quarter per unit with exemption:	\$16.10

**II. That this ordinance amendment shall take effect on December 1, 2016**



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**ORDINANCE AMENDMENT  
RELATIVE TO SEWER USER RATE**

**THE CITY OF ROCHESTER ORDAINS:**

I. That Chapter 16, Section 16.25 of the General Ordinances of the City of Rochester, entitled "Wastewater Rate and Fee Schedule", be amended by deleting the portion of said ordinance entitled "Quarterly Wastewater Rates" and by replacing such portion of the ordinance with the following:

**16.25 Wastewater Rate and Fee Schedule**

Quarterly Wastewater Rates

Residential Customers without exemption:	\$6.52 per 100 cu. ft. of water use
Residential Customers with exemption:	\$4.34 per 100 cu. ft. of water use
Commercial and industrial customers:	\$6.52 per 100 cu. ft. of water use
High Volume Customer (I.e. customers using more than 5,000 units **monthly)	\$5.87 per 100 cu. ft. of water use

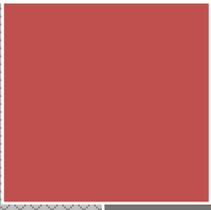
Unmetered Residential Customers:	
Per quarter per unit without exemption:	\$208.61
Per quarter per unit with exemption:	\$104.29

Sewer-Metered Customers:	\$6.52 per 100 cu. Ft.
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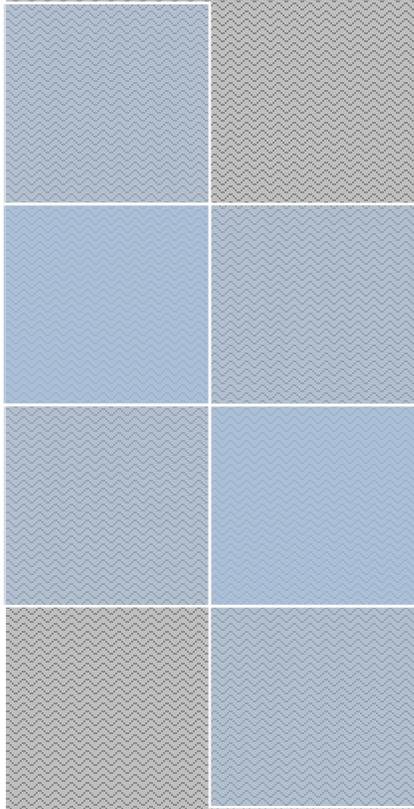
Minimum Fee:	
Per quarter per unit without exemption:	\$31.19
Per quarter per unit with exemption:	\$24.83

Septage Discharge:	\$ 50.00 per 500 gal. or portion thereof
RV Septage Discharge:	\$ 14.00 flat fee
Graywater Disposal	\$ 27.00 per 2000 gal. or portion thereof

**II. That this ordinance amendment shall take effect on December 1, 2016**



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**Regular City Council Meeting  
October 4, 2016  
Council Chambers  
7:02 PM**

**COUNCILORS PRESENT**

Councilor Abbott  
Councilor Barnett  
Councilor Bogan  
Councilor Gates  
Councilor Hamann  
Councilor Keans  
Councilor Lachapelle  
Councilor Lauterborn  
Councilor Torr  
Councilor Varney  
Councilor Willis  
Mayor McCarley

**OTHERS PRESENT**

City Manager Daniel Fitzpatrick  
Deputy City Manager Blaine Cox  
City Attorney Terence O'Rourke  
Commissioner John Storer  
Karen Pollard, Economic Developer  
Julian Long, Community Development  
Coordinator/Grant Manager  
Michael Riley, Director of the Building  
and Grounds Department

**MEMBERS EXCUSED**

Councilor Gray

**MINUTES**

**1. Call to Order**

Mayor McCarley called the Regular City Council Meeting to order at 7:02 PM.

**2. Pledge of Allegiance**

Mayor McCarley led the Pledge of Allegiance.

**3. Opening Prayer**

Mayor McCarley called for a moment of silence for all military personnel and for the residents of Haiti, who are expected to deal with a major hurricane over the next few days.

**4. Roll Call**

Kelly Walters, City Clerk, took a roll call. All Council members were present except for Councilor Gray, who had been excused.

**5. Acceptance of Minutes**

## **5.1 Regular City Council Meeting - September 6, 2016**

Councilor Lachapelle **MOVED** to **ACCEPT** the September 6, 2016, Regular City Council meeting minutes. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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

### **6.1. Employee of the Month Award**

City Manager Fitzpatrick invited John Storer, Director of City Services and Michael Riley, Director of Buildings and Grounds to come forward. City Manager Fitzpatrick said both of these men have made a positive impact on City services and both started working for the City of Rochester about a year ago. He announced that he has chosen both men as Employee of the Month for October.

### **6.2. City Manager's Report**

City Manager Fitzpatrick read the following report:

#### **Contracts and documents executed since last month:**

- City Clerk's Office
  - Codification - Change Order 1 – add Rules of Order
- Department of Public Works
  - Annex – contract amendment for additional engineering
  - DPW Building Study – scope of services
  - East End Dam – Notice of Bid Award
  - Fieldstone Village boundary and easement surveying
  - Honeywell Contract Renewal Service Agreement
- Economic & Community Development
  - CDBG Contract amendment – Hope on Haven Hill
  - CDBG – Moose Plate Grant
  - CDBG Contract – Strafford County CAP Weatherization Assistance Program
- Police Department
  - Highway Safety Grant – Bike/Pedestrian Safety
  - Highway Safety Grant – DWI patrols
  - Highway Safety Grant – E-Ticket Equipment
  - Highway Safety Grant – traffic enforcement

- City Council Request & Inquiry Report - there are no items
- Monthly Departments Travel Summary Report
- Permission & Permits Issued
- Personnel Action Report Summary

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

Mayor McCarley declared October 13, 2016, as Manufacture Day in the City of Rochester, New Hampshire, and read the full proclamation to be delivered to Karen Pollard, Economic Development Manager, following the Regular City Council meeting.

Mayor McCarley stated the the next City Council Workshop is to be held on October 18, 2016, at the Creteau Technology Center. More information is forthcoming.

Mayor McCarley announced that the Second Annual James W. Foley Freedom Run is to be held on October 15, 2016.

Mayor McCarley announced that the attempt to break the Guinness World Record for *Simultaneously Disc Throw* is to be held on Sunday, October 16, 2016.

Councilor Keans announced that the October Fest for the City of Rochester is to be held on October 8, 2016.

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

No discussion.

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

### **9.1 Resignation: Daniel S. Peterson, Utilities Advisory Board**

Mayor McCarley announced that Daniel S. Peterson has volunteered to serve on the Utility Advisory Board for many years; however, he has submitted a resignation to be effective at the end of this calendar year. Councilor Lachapelle **MOVED** to **ACCEPT** the resignation with regret and to send a letter of thanks. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley invited the public to notify the City if they have any interest in serving on the Utility Advisory Board or any other Board or Commission.

## **10. Reports of Committees**

### **10.1. Appointments Committee**

Councilor Keans reviewed the August Appointments Committee meeting minutes. Mayor McCarley nominated Robert May to be appointed as a Regular Member of the Planning Board with a term to expire on January 2, 2019. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** that nominations cease. Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley announced that Mr. May has been appointed as a Regular Member of the Planning Board with a term to expire on January 2, 2019, by a unanimous ballot vote.

Councilor Keans reviewed the September Appointments Committee meeting minutes. Mayor McCarley nominated Nancy Carignan to serve on the Recreation and Arena Commission with a term to expire on January 2, 2017. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** to have nominations cease. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley announced that Ms. Carignan has been appointed to serve on the Recreation and Arena Commission for a term to expire on January 2, 2017, by a unanimous ballot vote.

Councilor Keans said the Appointments Committee received a Statement of Interest for an Alternate Position for the Conservation Commission; however, the current board only allows for one Alternate Position [General Ordinances], which is already filled. Councilor Keans **MOVED** to refer an Amendment to the General Ordinances to the Codes and Ordinances Committee to allow for two Alternate Positions for the Conservation Commission rather than only one. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

### **10.2. Codes and Ordinance**

Councilor Lachapelle said the Committee voted to send the Amendment to Chapter 11 and Chapter 46 to the full City Council this evening under New Business. He announced that a few items have been held in Committee including a discussion of the General Ordinances relative to setting off fireworks will be covered at the October 6, Codes and Ordinances Committee meeting. He noted that the time of the meeting will be 6:00 PM.

### **10.3. Community Development**

Councilor Lauterborn reviewed the meeting minutes of September. She said the only action item is to accept the Conflict of Interest Policy for the CDBG Project. She said the City Council will need to vote upon the policy by the Regular City Council meeting in November.

Councilor Keans made a grammar suggestion for the second to last sentence in the second paragraph of the first page. Councilor Lauterborn agreed to make the question at the time the minutes are accepted at the November Community Development Committee meeting.

**10.4. Finance Committee**

Mayor McCarley reviewed the Committee meeting minutes and stated that most of the action items are to be taken up under New Business. One action item needs to be taken care of now relative to selling the retired Fire Engine Number 7 to Acton Maine for the amount \$8,000. Mayor McCarley **MOVED** to sell the Fire Engine as previously stated. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**10.5. Government Channel Committee**

Councilor Willis reviewed the September Committee meeting minutes. There are no action items at this time.

**10.6. Public Safety Committee**

Councilor Hamann stated that there are no action items.

**10.7. Public Works Committee**

Councilor Varney briefed the City Council about the Public Works Committee meeting. He said it is important for the City Council to make a decision about having the utility lines buried under ground for the project. He believed the project is on hold until a decision is made about the utility lines. The City Council discussed the financial aspects of the Wakefield Street Project. Councilor Keans said it would make sense to bury the utility on lines since this is the only gateway of the City remaining with overhead utilities. Commissioner Storer confirmed that figures associated with the installation of the potential underground utility lines on Wakefield Street would be available for the next Public Works Committee meeting. He added that the plan is also to reach out to the residents of the neighborhood and the School Department. He gave some details about the research that has been done so far.

**11. Old Business**

No discussion.

**12. Consent Calendar**

No discussion.

### 13. New Business

Mayor McCarley said the last item of the New Business items is relative to a Collective Bargaining Agreement. She said if the City Council did not object she would entertain to deal with that resolution at this time. Seeing no objection she invited the Council to vote on the matter.

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

**A RESOLUTION APPROVING COST ITEMS ASSOCIATED WITH  
PROPOSED CITY OF ROCHESTER  
MULTI-YEAR COLLECTIVE BARGAINING AGREEMENT WITH  
INTERNATIONAL BROTHERHOOD OF TEAMSTERS LOCAL 633  
(Library Personnel)**

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

That pursuant to, and in accordance with, the provisions of Chapter 273-A of the New Hampshire Revised Statutes Annotated, the cost items associated with the multi-year year collective bargaining agreement between the City of Rochester and the INTERNATIONAL BROTHERHOOD OF TEAMSTERS Local 633 Bargaining Unit, covering the period July 1, 2016 to June 30, 2019, as set forth in the proposed contract, and as more particularly detailed on the attached "EXHIBIT A: TEAMSTERS LOCAL 633 – SEPTEMBER 2016," which includes a summary financial analysis of the annual costs of the contract to the City provided by the Rochester Director of Finance, is hereby approved. The provision of funds necessary to fund the aforementioned, and hereby approved, collective bargaining agreement "cost items" in the first year of the agreement will be contained in the Fiscal Year 2017 operating budget of the City. Exhibit A can be found as Addendum A of this set of minutes.

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

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

**13.1. AB 50 Resolution Authorizing Supplemental Appropriation to the Department of Public Works Capital Improvements Fund for the Purchase of 0 Dry Hill Road First Reading, Second Reading, and Adoption**

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

**RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION FOR THE EAST END DAM REPAIR PROJECT**

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

That the sum of One Hundred Thousand Dollars (\$100,000.00) be, and hereby is, appropriated as a supplemental appropriation to the Capital Improvement Project (CIP) fund of the City of Rochester Department of Public Works, Water Works for the purpose of providing funds necessary to pay costs and/or expenditures with respect to the so-called East End Dam Repair Project. The funds shall be derived in their entirety from the Water Fund unreserved retained earnings.

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 FY17 10-04 AB 45**

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

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Bogan seconded the motion. Councilor Varney asked where is "0" Dry Hill Road located. Attorney O'Rourke confirmed the location of said property is in Barrington, NH. The **MOTION CARRIED** by a unanimous voice vote.

**13.2. AB 42 Resolution Accepting New Hampshire Department of Safety Bicycle and Pedestrian Grant to the Rochester Police Department First Reading, Second Reading, and Adoption**

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

**RESOLUTION ACCEPTING NEW HAMPSHIRE DEPARTMENT OF SAFETY  
BICYCLE AND PEDESTRIAN GRANT  
TO THE ROCHESTER POLICE DEPARTMENT**

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

That a New Hampshire Department of Public Safety Bicycle and Pedestrian Grant of Four Thousand Five Hundred Six and 37/100 Dollars (\$4,506.37) to the City of Rochester Police Department is hereby accepted by the City of Rochester.

**Further,** that the sum of Four Thousand Five Hundred Six and 37/100 Dollars (\$4,506.37) be, and hereby is, appropriated as a supplemental appropriation to the 2016-2017 operating budget for the City of Rochester Police Department. The source of the sums necessary to fund such appropriation shall be drawn, in their entirety, from the Grant.

**Furthermore,** to the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution and to establish a special revenue, non-lapsing, multi-year fund to which said sums shall be transferred. **CC FY 17 10-04 AB 42**

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

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

**13.3. AB 41 Resolution Accepting New Hampshire Department of Safety DWI Patrol Grant to the Rochester Police Department First Reading, Second Reading, and Adoption**

Councilor Lachapelle **MOVED** to read the resolution only for the first

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

**RESOLUTION ACCEPTING NEW HAMPSHIRE DEPARTMENT OF SAFETY  
DWI PATROL GRANT  
TO THE ROCHESTER POLICE DEPARTMENT**

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

That a New Hampshire Department of Public Safety DWI Patrol Grant of Six Thousand One Hundred Forty-Five and 04/100 Dollars (\$6,145.04) to the City of Rochester Police Department is hereby accepted by the City of Rochester.

**Further,** that the sum of Six Thousand One Hundred Forty-Five and 04/100 Dollars (\$6,145.04) be, and hereby is, appropriated as a supplemental appropriation to the 2016-2017 operating budget for the City of Rochester Police Department. The source of the sums necessary to fund such appropriation shall be drawn, in their entirety, from the Grant.

**Furthermore,** to the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution and to establish a special revenue, non-lapsing, multi-year fund to which said sums shall be transferred. **CC FY 17 10-04 AB 41**

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

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

**13.4. AB 40 Resolution Accepting New Hampshire Department of Safety Sustained Traffic Enforcement Patrol (STEP) Grant to the Rochester Police Department  
First Reading, Second Reading, and Adoption**

Councilor Lachapelle **MOVED** to read the resolution only for the first time by title only. Councilor Bogan seconded the motion. The **MOTION**

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

**RESOLUTION ACCEPTING NEW HAMPSHIRE DEPARTMENT OF SAFETY  
SUSTAINED TRAFFIC ENFORCEMENT PATROL (STEP) GRANT  
TO THE ROCHESTER POLICE DEPARTMENT**

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

That an New Hampshire Department of Public Safety STEP Grant of Eight Thousand One Hundred Ninety-Three and 40/100 Dollars (\$8,193.40) to the City of Rochester Police Department is hereby accepted by the City of Rochester.

**Further,** that the sum of Eight Thousand One Hundred Ninety-Three and 40/100 Dollars (\$8,193.40) be, and hereby is, appropriated as a supplemental appropriation to the 2016-2017 operating budget for the City of Rochester Police Department. The source of the sums necessary to fund such appropriation shall be drawn, in their entirety, from the Grant.

**Furthermore,** to the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution and to establish a special revenue, non-lapsing, multi-year fund to which said sums shall be transferred. **CC FY 17 10-04 AB 40**

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

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

**13.5. AB 51 Resolution Accepting Disbursement from the State of New Hampshire to the Rochester Police Department First Reading, Second Reading, and Adoption**

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

for the first time by title only as follows:

**RESOLUTION ACCEPTING DISBURSEMENT FROM THE STATE OF  
NEW HAMPSHIRE  
TO THE ROCHESTER POLICE DEPARTMENT**

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

That an Disbursement from the State of New Hampshire from the case of *State v. Andrew Clement* in the amount of Two Thousand Nine Hundred Ninety-Seven and 45/100 Dollars (\$2,997.45) to the City of Rochester Police Department is hereby accepted by the City of Rochester.

**Further,** that the sum of Two Thousand Nine Hundred Ninety-Seven and 45/100 Dollars (\$2,997.45) be, and hereby is, appropriated as a supplemental appropriation to the 2016-2017 operating budget for the City of Rochester Police Department. The source of the sums necessary to fund such appropriation shall be drawn, in their entirety from the above named case.

**Furthermore,** to the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution and to establish special revenue, non-lapsing, multi-year fund to which said sums shall be transferred. **CC FY 17 10-04 AB 51**

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

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

**13.6. AB 52 Resolution Authorizing the Application for, and Acceptance of, a State of NH Department of Environmental Services (NHDES) Clean Water State Revolving Fund (CWSRF) Loan First Reading, Second Reading, and Adoption**

Councilor Lachapelle **MOVED** to read the resolution only for the first time by title only. Councilor Bogan seconded the motion. The **MOTION**

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

**RESOLUTION AUTHORIZING THE APPLICATION  
FOR AND ACCEPTANCE OF A STATE OF NH DEPARTMENT OF  
ENVIRONMENTAL SERVICES (NHDES) CLEAN WATER  
STATE REVOLVING FUND(CWSRF) LOAN**

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

That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, authorize the Department of Public Works to submit a loan application in the amount of Three Million Four Hundred Thousand Dollars (\$3,400,000.00) to the NHDES CWSRF Loan program in order to fund the Woodman and Myrtle Street Area Reconstruction project.

It is further resolved that the Mayor and City Council of the City of Rochester, by adoption of this Resolution, accept the loan amount of Three Million Four Hundred Thousand Dollars (\$3,400,000.00) from the NHDES CWSRF Loan program which is eligible for 100% principal forgiveness.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution and to establish special revenue, non-lapsing, multi-year fund account(s) as necessary to which said sums shall be recorded. **CC FY17 10-04 AB 52**

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

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

**13.7. AB 53 Resolution Authorizing the Application for an Acceptance of a State of NH Department of Environmental Services (NHDES) Drinking Water State Revolving Fund (DWSRF) Loan First Reading, Second Reading, and Adoption**

Councilor Willis wished to abstain from voting on this matter due to a

conflict of interest. Councilor Lachapelle **MOVED** to read the resolution only for the first time by title only. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote, with Councilor Willis abstaining from the vote. Mayor McCarley read the resolution for the first time by title only as follows:

**RESOLUTION AUTHORIZING THE APPLICATION FOR AND  
ACCEPTANCE OF A STATE OF NH DEPARTMENT OF ENVIRONMENTAL  
SERVICES (NHDES) DRINKING WATER STATE REVOLVING FUND  
(DWSRF) LOAN**

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

That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, authorize the Department of Public Works to submit a loan application in the amount of One Million Five Hundred Thousand Dollars (\$1,500,000.00) to the NHDES DWSRF Loan program in order to fund the Woodman and Myrtle Street Area Reconstruction project.

It is further resolved that the Mayor and City Council of the City of Rochester, by adoption of this Resolution, accept the loan amount of One Million Five Hundred Thousand Dollars (\$1,500,000.00) from the NHDES DWSRF Loan program which is eligible for 100% principal forgiveness.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution and to establish special revenue, non-lapsing, multi-year fund account(s) as necessary to which said sums shall be recorded. **CC FY17 10-04 AB 53**

Councilor Lachapelle **MOVED** to suspend the rules and read the resolution for the second time by title only. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote, with Councilor Willis abstaining from the vote. Mayor McCarley read the resolution for the second time by title only.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Bogan seconded the motion. Councilor Barnett questioned if the City is guaranteed to be reimbursed. Councilor Varney replied that the City is planning to complete the project in hopes of being reimbursed. Councilor Willis agreed and explained the process for the City Council. Deputy City Manager Cox added that the City Council has appropriated the funds for this project and this resolution is allowing the City Council to file an application to

the State Revolving Loan Fund. This should assist the City Council in receiving a lower interest rate and a chance to seek principle forgiveness. The **MOTION CARRIED** by a unanimous voice vote, with Councilor Willis abstaining from the vote.

**13.8. AB 45 Proposal Authorizing Supplemental Appropriation for the East End Dam Repair Project First Reading, Second Reading, and Adoption**

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

**RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION FOR THE EAST END DAM REPAIR PROJECT**

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

That the sum of One Hundred Thousand Dollars (\$100,000.00) be, and hereby is, appropriated as a supplemental appropriation to the Capital Improvement Project (CIP) fund of the City of Rochester Department of Public Works, Water Works for the purpose of providing funds necessary to pay costs and/or expenditures with respect to the so-called East End Dam Repair Project. The funds shall be derived in their entirety from the Water Fund unreserved retained earnings.

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 FY17 10-04 AB 45**

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

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Bogan seconded the motion. Councilor Torr requested clarification. Commissioner Storer replied that this is essentially the entire eastern side of the reservoir, which the Department of Environmental Services considers to be a dam and subsequently has sent a letter of deficiency. This resolution should authorize any construction costs and the DES Mandated Inspection Service. The **MOTION CARRIED** by a unanimous voice vote.

**13.9. AB 18 City of Rochester Accounting Policy Manual  
Motion to Approve**

Councilor Lachapelle **MOVED** to accept the Accounting Policy Manual. The **MOTION CARRIED** by a unanimous voice vote. Councilor Keans said Roland Connors, Deputy Finance Director, excelled with this completed task.

**13.10. AB 44 Amendment to Chapter 46 of the General Ordinances Regarding Graffiti on Private Property First Reading, Second Reading, and Adoption**

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

**AMENDMENT TO CHAPTER 46 OF THE GENERAL ORDINANCES OF THE CITY OF ROCHESTER REGARDING GRAFFITI ON PRIVATE PROPERTY**

**THE CITY OF ROCHESTER ORDAINS:**

That Chapter 46 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows:

**CHAPTER 46  
GRAFFITI ON PRIVATE PROPERTY**

**SECTION ANALYSIS**

- 46.1 Authority
- 46.2 Purpose
- 46.3 Acts Prohibited
- 46.4 Definitions
- 46.5 Enforcement
- 46.6 Severability
- 46.7 Effective Date

**46.1 Authority.**

In accordance with and under the authority of New Hampshire Revised Statute Annotated 47:17, the City Council of the City of Rochester hereby adopts the following ordinance for the regulation of graffiti on private property.

**46.2 Purpose.**

This purpose of this Ordinance is to promote the health, safety and general

welfare of the community by creating an aesthetically pleasing environment in which graffiti is declared a nuisance which must be promptly abated by property owners and imposing penalties on vandals.

**46.3 Acts Prohibited.**

It shall be a nuisance for any person to place graffiti upon any property located within the City of Rochester. Any owner of property within the City of Rochester shall remove any graffiti on his/her property within five days of notice of its placement on such property. Maintenance of property in violation of this section is a public nuisance.

**46. 4 Definitions.**

(a) *Graffiti*: Any inscription, word, figure, marking or design that is written, marked, etched, scratched, drawn or painted on any real property that was not authorized in advance by the owner of the real property.

(b) *Owner*: Any person in possession of the affected property and any person having or claiming to have, any legal or equitable interest in the property.

(c) *Person*: Any individual, firm, partnership, corporation, association, or any other organization or entity, however formed.

(d) *Property*: All residential, industrial, or commercial real property, and other property, including but not limited to, fences, poles, signs, rocks, trees, paving, etc.

**46.5 Enforcement.**

(a) Any person who violates this Ordinance shall be guilty of a violation and shall be fined not less than One Hundred Dollars (\$100.00) or more than One Thousand Dollars (\$1,000.00).

(b) Any duly appointed police officer for the City of Rochester and the City of Rochester Code Enforcement Officer may enforce this Ordinance by utilizing any process authorized by state law, including but not limited to a Local Ordinance Citation pursuant to RSA 31:39-d and Chapter 44 of the City of Rochester Ordinance.

(c) All penalties collected for violations of this Ordinance shall be for the use of the City and deposited into the City's general fund.

**46.6 Severability.**

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

**46.7 Effective Date.**

This Ordinance shall take effect upon passage. **The effective date of these**

**amendments shall be upon passage. CC FY 17 AB 44**

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

*Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Bogan seconded the motion. Councilor Lachapelle **MOVED** to **AMEND** the Amendment as follows:*

**46.3 Acts Prohibited.**

*It shall be a nuisance for any person to place graffiti upon any property located within the City of Rochester. Any owner of property within the City of Rochester shall remove any graffiti on his/her property within five **business** days of notice of its placement on such property. Maintenance of property in violation of this section is a public nuisance.*

*Councilor Bogan seconded the motion. A discussion ensued about extending the notification notice from "five" to "ten" business days. Councilor Lachapelle **WITHDREW** the above motion. Councilor Bogan **WITHDREW** her second to the motion.*

*Councilor Lachapelle **MOVED** to **AMEND** the Amendment as follows:*

**46.3 Acts Prohibited.**

*It shall be a nuisance for any person to place graffiti upon any property located within the City of Rochester. Any owner of property within the City of Rochester shall remove any graffiti on his/her property within five **ten business** days of notice of its placement on such property. Maintenance of property in violation of this section is a public nuisance.*

Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Councilor Keans strongly opposed adopting any type of ordinance against a property owner with regards to the removal of graffiti, and believed this could be unconstitutional. Councilor Gates agreed, and it seems the City would be punishing the victim. Councilor Willis stated that this proposed amendment originated with some vulgar graffiti, which had been painted on a stonewall at the entrance of a particular development near his residence. The graffiti was visible and offensive; however, because the graffiti was on private property, law enforcement could not address the issue without a supporting ordinance.

Councilor Abbott believed this type of regulation may already exist within the Property Maintenance Code adopted by the City Council many

years ago. Mayor McCarley called for a vote on the motion as amended. Councilor Gates requested a roll call vote. Councilor Torr seconded the motion. The **MOTION** as **AMENDED FAILED** by a 1 to 11 roll call vote. Councilor Willis voted in favor of the motion and Councilors Abbott, Lauterborn, Keans, Bogan, Varney, Hamann, Torr, Barnett, Lachapelle, Gates, and Mayor McCarley voted against the motion. It was determined that the Building, Zoning, and Licensing Services Department should review the Building Property Maintenance Code and report back to the City Council.

**13.11. AB 46 Amendment to Chapter 11 of the General Ordinance of the City of Rochester Regarding the School Department Capital Reserve Fund First Reading, Second Reading, and Adoption**

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

**AMENDMENT TO CHAPTER 11 OF THE GENERAL ORDINANCES OF THE CITY OF ROCHESTER REGARDING SCHOOL DEPARTMENT CAPITAL RESERVE FUND**

**THE CITY OF ROCHESTER ORDAINS:**

That Chapter 11 of the General Ordinances of the City of Rochester regarding the School Department Capital Reserve Fund and currently before the Rochester City Council, be amended as follows:

**11.24 City of Rochester School Department Capital Reserve Fund.**

**1.** By adoption of a Resolution on December 15, 2015, the City Council established a Capital Reserve Fund pursuant to RSA 34:1 for the purpose of rehabilitating, enlarging, replacing, and/or constructing new school facilities and/or the purchase of land for the enlargement of existing school facilities and/or siting of new school facilities. The name of such fund shall be the School Building Fund.

**2.** The City Council, at its sole discretion, may appropriate monies to said School Building Fund through the annual budgeting process. The City Council may also by favorable vote of  $\frac{3}{4}$  of its members, transfer to such fund after a public hearing with notice as provided in RSA 34:2, not more than  $\frac{1}{2}$  of its unencumbered surplus funds remaining on hand at the end of

the fiscal year, within limits as provided in RSA 34:4. No transfer from the City's unencumbered surplus funds to the School Building Fund shall be considered until after the annual audit presentation by the independent auditor and confirmation of the stated surplus. The City Council may also accept and appropriate gifts, legacies and trusts to the School Building Fund by majority vote.

**3.** Expenditure of funds from the School Building Fund is at the sole discretion of the City Council.

**4.** Pursuant to RSA 34:6, the Trustees of Trust Funds shall have custody of all capital reserves transferred to the School Building Fund. The Trustees of the Trust Fund will hold the monies appropriated to the School Building Fund in a separate account. Appropriations made to the School Building Fund will be paid over to the Trustees of the Trust Fund after July 1 but prior to June 30 of the fiscal year of the appropriation.

**5.** The City Council may dissolve the School Building Fund at its sole discretion. Upon dissolution of any portion of said fund appropriated from the General Fund said funds will lapse to surplus (Unassigned General Fund fund balance) and cannot be repurposed directly to a different capital fund or project. Any funds contained in the School Building Fund accepted and appropriated from gifts, legacies or trusts may be redirected at the discretion of the City Council. **The effective date of these amendments shall be upon passage.**

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

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Bogan seconded the motion. Councilor Lachapelle gave a brief explanation of why the Codes and Ordinances Committee sent this to the City Council for adoption. The creation of the Capital Reserve Fund for the School Department had been adopted last year and this is the creation of the guidelines for that specific reserve fund. The **MOTION CARRIED** by a unanimous voice vote.

**13.12. AB 54 Zoning Map Change Motion to refer to Planning Board**

Councilor Lachapelle **MOVED** to refer the Zoning Map Change to the Planning Board. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**13.13. AB 55-A Resolution Authorizing Supplemental Appropriation for the Purchase of 0 Rochester Hill Road**

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

**RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION FOR THE PURCHASE OF 0 ROCHESTER HILL ROAD**

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

That the sum of One Hundred Sixty Thousand Dollars (\$160,000.00) be, and hereby is, appropriated as a supplemental appropriation to the CIP Fund 1501 (account # 15011081-771000-175xx) Land Acquisitions for the purpose of providing funds necessary to pay costs and/or expenditures with respect to the purchase of 0 Rochester Hill Road, Rochester, New Hampshire by the City of Rochester. The entirety of the supplemental appropriation shall be derived from the General Fund unassigned fund balance.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution. **CC FY17 10-04 AB 55-A**

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

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Bogan seconded the motion. Councilor Varney **MOVED** to **AMEND** the resolution to ensure the money shall be derived from the Economic Development Reserve Fund fund balance.

Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. The **MOTION** as **AMENDED CARRIED** by a unanimous voice vote. The resolution as adopted is as follows:

**RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION FOR THE PURCHASE OF 0 ROCHESTER HILL ROAD**

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

That the sum of One Hundred Sixty Thousand Dollars (\$160,000.00) be, and hereby is, appropriated as a supplemental appropriation to the CIP Fund 1501 (account # 15011081-771000-175xx) Land Acquisitions for the purpose of providing funds necessary to pay costs and/or expenditures with respect to the purchase of 0 Rochester Hill Road, Rochester, New Hampshire by the City of Rochester. Fifty Seven Thousand Nine Hundred Thirty Three and 64/100 Dollars (\$57,933.64) of the supplemental appropriation shall be derived from the Economic Development Reserve Fund fund balance and One Hundred Two Thousand Sixty Six and 36/100 Dollars (\$102,066.36) of the supplemental appropriation shall be derived from the General Fund unreserved fund balance.

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

**13.14 AB 55-B Resolution Authorizing Supplemental Appropriation for the Purchase of 296 Rochester Hill Road**

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

**RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION FOR THE PURCHASE OF 296 ROCHESTER HILL ROAD**

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

That the sum of no more than Two Hundred Fifty Thousand Dollars (\$250,000.00) be, and hereby is, appropriated as a supplemental appropriation to the CIP Fund 1501 (account # 15011081-771000-175xx) Land Acquisitions for the purpose of providing funds necessary to pay costs and/or expenditures with respect to the purchase of 296 Rochester Hill Road, Rochester, New Hampshire by the City of Rochester. The entirety of the supplemental appropriation shall be derived from the General Fund unassigned fund balance.

To the extent not otherwise provided for in this Resolution, the Finance

Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution. **CC FY17 10-04 AB 55-B**

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

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

**13.15. AB 58 Amendment to the General Ordinances of the City of Rochester Relative to Chapter 17.34 (water rates) First Reading and Refer to Public Hearing**

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

**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**

Residential Customers without exemption:	\$5.29 per 100 cu. ft. of water use
Residential Customers with exemption:	\$2.29
Commercial and industrial customers:	\$5.29

Unmetered Residential Customers:	
Per quarter per unit without exemption:	\$141.46
Per quarter per unit with exemption:	\$70.71

Minimum Fee:  
 Per quarter per unit without exemption: \$20.09  
 Per quarter per unit with exemption: \$16.10

**II. That this ordinance amendment shall take effect on November 1, 2016**

It was determined that the effective date could be adjusted at the time of the time of the adoption.

**13.16. AB 59 Amendment to the General Ordinances of the City of Rochester Relative to Chapter 16.25 (sewer rates) First Reading and Refer to Public Hearing**

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

**ORDINANCE AMENDMENT RELATIVE TO SEWER USER RATE**

**THE CITY OF ROCHESTER ORDAINS:**

I. That Chapter 16, Section 16.25 of the General Ordinances of the City of Rochester, entitled "Wastewater Rate and Fee Schedule", be amended by deleting the portion of said ordinance entitled "Quarterly Wastewater Rates" and by replacing such portion of the ordinance with the following:

**16.25 Wastewater Rate and Fee Schedule**

**Quarterly Wastewater Rates**

<b>Residential Customers without exemption:</b>	<b>\$6.52 per 100 cu. ft. of water use</b>
<b>Residential Customers with exemption:</b>	<b>\$4.34 per 100 cu. ft. of water use</b>
<b>Commercial and industrial customers:</b>	<b>\$6.52 per 100 cu. ft. of water use</b>
<b>High Volume Customer (I.e. customers using more than 5,000 units **monthly)</b>	<b>\$5.87 per 100 cu. ft. of water use</b>

**Unmetered Residential Customers:**

<b>Per quarter per unit without exemption:</b>	<b>\$208.61</b>
<b>Per quarter per unit with exemption:</b>	<b>\$104.29</b>

Sewer-Metered Customers: \$6.52 per 100 cu. Ft.

Minimum Fee:

Per quarter per unit without exemption:	\$31.19
Per quarter per unit with exemption:	\$24.83
Septage Discharge:	\$50.00 per 500 gal. or portion
RV Septage Discharge:	\$14.00 flat fee
Graywater Disposal	\$27.00 per 2000 gal. or portion thereof

**II. That this ordinance amendment shall take effect on November 1, 2016**

**13.17. AB 57 Resolution Approving Cost Items Associated with Proposed City of Rochester Multi-Year Collective Bargaining Agreement with the International Brotherhood of Teamsters Local 633 [Local Personnel] First Reading, Second Reading, and Adoption**

This resolution had been adopted at the beginning of the New Business items.

**6. Non-Meeting/Non-Public Session**

**14.1. Non-Meeting: Consultation with Legal Counsel, RSA 91-A:2,I(b)**

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

Mayor McCarley said there is no need for a Non-Public Session this evening and entertained a motion to enter into the Non-Meeting. Councilor Lauterborn **MOVED** to enter into a Non-Meeting Session, Consultation with Legal Counsel, under RSA 91-A:2,I(b). Councilor Bogan seconded the motion. The **MOTION CARRIED** by a 12 to 0 roll call. Councilors Hamann, Gates, Keans, Varney, Gates, Barnett, Bogan, Lauterborn, Abbott, Willis, Lachapelle, and Mayor McCarley voted in favor of the motion. Councilor Willis **MOVED** to exit the Non-Meeting at 8:47 PM. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**7. Other**

Councilor Varney **MOVED** to request that the City Attorney file a Motion for Rehearing with the ZBA regarding application # 2016-21. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

## 8. Adjournment

Councilor Gates **MOVED** to **ADJOURN** the Regular City Council meeting at 8:48 PM. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Kelly Walters, CMC  
City Clerk

**EXHIBIT A: TEAMSTERS LOCAL 633 – SEPTEMBER 2016**

**TEAMSTERS - TA Cost Data**

Addendum A

City Health Contribution	80/20	85/15		
Health Plan	HMO \$20 copay RX 10/20/45 DED \$250/750	NNEBT	NNEBT	NNEBT
Projected Health Increase		RATE	FY17\$ +3%	FY18\$ +3%
MERIT		0-4%	0-4%	0-4%
	<b>Current FY16</b>	<b>FY17</b>	<b>FY18</b>	<b>FY19</b>
<b>Wages</b>				
Base Wage	581,043	598,474	616,428	634,921
Longevity	5,900	6,025	6,850	7,075
Total Wages	586,943	604,499	623,278	641,996
Dollar Change		17,556	18,779	18,718
<b>% Change</b>		<b>2.99%</b>	<b>3.11%</b>	<b>3.00%</b>
<b>Benefits</b>				
FICA	36,390	37,479	38,643	39,804
Medicare	8,511	8,765	9,038	9,309
Health Insurance	64,860	65,846	67,821	69,856
Opt Out	6,400	6,400	6,400	6,400
Dental*	1,750	750	750	750
Total Rollups	81,521	81,761	84,009	86,315
Dollar Change		241	2,248	2,306
<b>% Change</b>		<b>0.30%</b>	<b>2.75%</b>	<b>2.75%</b>
<b>Totals</b>				
Total Wages Benefits and F	668,463	686,260	707,287	728,311
Dollar Change		17,797	21,027	21,024
<b>% Change</b>		<b>2.66%</b>	<b>3.06%</b>	<b>2.97%</b>

20 Total Employees - 40% FT

\*Dental - NNEBT plan includes dental; FY17-FY19 costs are for employees enrolled in dental only.



*City of Rochester, New Hampshire*

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

**CITY MANAGER'S REPORT  
November 1, 2016**

The Employee of the Month is: Roy Edgerly, Recreation Department

City Manager's Citation: Ginny Gray, Tax Collector's office

Contracts and documents executed since last month:

- Department of Public Works
  - East End Dam Modifications - Contract to Proceed
  - Geological Survey Contract
  - Lowell Street Culvert – Drainage – Change Order #1 (\$12,276)
- Economic & Community Development
  - CDBG – Certified Local Government Grant and Moose Plate Grant Awards
  - CDBG – MOU between Bridging the Gaps and Rochester School Dept.
  - CDBG – Watershed Assistance Grant
  - Purchase and Sales Agreement – 296 Rochester Hill Road
- Finance Department
  - Water Treatment Plant upgrade – supplemental loan agreement
- Fire Department
  - Brush Permit reappointment forms

Computer Lease/Purchase and Tuition Reimbursements:

- Police Department – Frechette, R – computer purchase
- City Manager's office – Rodgerson, S – tuition reimbursement
- Planning Department – Mears, M – tuition reimbursement

The following standard reports have been enclosed:

- City Council Request & Inquiry Report
- Monthly Departments Travel Summary Report
- Permission & Permits Issued
- Personnel Action Report Summary

**Lisa Clark**

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**From:** Art Jacobs  
**Sent:** Thursday, October 06, 2016 2:18 PM  
**To:** Lisa Clark  
**Subject:** employee of the month nomination

I would like to nominate Roy Edgerly for employee of the month. Roy is a hard worker and team player. He is always willing to help with any task in or outside of his job description. He has been an asset to the department with addition of our new software program called max galaxy. He has been working hard with training, web design and set up. without him, this huge endeavor would not be possible. Please consider him for the next employee of the month.

Thank You

Art jacobs

**Art Jacobs**  
Recreation Supervisor  
Rochester Recreation & Arena  
(603)332-4120  
[www.RochesterRec.com](http://www.RochesterRec.com)

**From:** [Dan Fitzpatrick](#)  
**To:** [Samantha Rodgerson](#)  
**Subject:** FW: Deputy Tax Collector Certification  
**Date:** Tuesday, October 04, 2016 9:25:16 AM

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Please prepare cm citation

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**From:** Blaine Cox  
**Sent:** Tuesday, October 04, 2016 9:02 AM  
**To:** Dan Fitzpatrick  
**Cc:** Doreen Jones  
**Subject:** Deputy Tax Collector Certification

Dan – The City Clerk just shared with me that her Deputy, Ginny Gray, recently scored well above average on her Tax Collector Certification test (Ginny scored a 94 and the average was 85). I would recommend recognition – pen/ commendation.

Blaine M Cox, ICMA-CM  
Deputy City Manager/  
Director of Finance & Administration  
City of Rochester, New Hampshire  
31 Wakefield Street  
Rochester, NH 03867  
Telephone: (603)335-7609  
Email: [blaine.cox@rochesternh.net](mailto:blaine.cox@rochesternh.net)

The Right-To-Know Law (RSA 91-A) provides that most e-mail communications, to or from City employees regarding the business of the City of Rochester, are government records available to the public upon request. Therefore, this e-mail communication may be subject to public disclosure.



# City of Rochester, New Hampshire

PUBLIC WORKS DEPARTMENT

45 Old Dover Road • Rochester, NH 03867

(603) 332-4096

Fax (603) 335-4352

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

CITY OF  
Received  
OCT 4 2016  
City Manager  
ROCHESTER

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## INTEROFFICE MEMORANDUM

---

**TO:** Daniel Fitzpatrick, City Manager  
**FROM:** Michael S. Bezanson, PE, City Engineer *MJS*  
**DATE:** October 4, 2016  
**SUBJECT:** Rochester Reservoir East End Dam Modifications -  
Construction Contract & Notice To Proceed  
**CC:** John Storer, PE, Director of City Services

---

Enclosed, please find four (4) copies of the contract for the construction of the Rochester Reservoir East End Dam Modifications project, which includes the Agreement between Nelson Communications Services, Inc. and the City of Rochester, the Notice To Proceed, applicable copies of bonds and an insurance certificate. This project was publicly bid and awarded to Nelson Communications Services, Inc. on September 20, 2016.

Please sign all four (4) copies of the Agreement and the Notice To Proceed, and return the entire package to me for processing.

Please call me with any questions. Thank you.



# City of Rochester, New Hampshire

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

CITY OF  
Received

OCT 6 2016

City Manager  
ROCHESTER

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## INTEROFFICE MEMORANDUM

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**TO:** Dan Fitzpatrick, City Manager  
Blaine Cox, Deputy City Manager

**FROM:** Lisa J. Clark, DPW Office Manager *LJC*

**DATE:** October 5, 2016

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

**CC:** John B. Storer, PE, Director of City Services

---

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

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

52602074-559000=\$15,000

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

Signature *Blaine Cox*  
(Blaine Cox, Finance Director / Deputy City Manager)



# City of Rochester, New Hampshire

PUBLIC WORKS DEPARTMENT

45 Old Dover Road • Rochester, NH 03867

(603) 332-4096 Fax (603) 335-4352

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

CITY OF  
Received  
OCT 13 2016  
City Manager  
ROCHESTER

---

## INTEROFFICE MEMORANDUM

---

**TO:** Dan Fitzpatrick, City Manager  
Blaine M. Cox, Deputy City Manager

**FROM:** Lisa J. Clark, DPW Office Manager

**DATE:** October 12, 2016

**SUBJECT:** Pike Industries Change Order 1-C \$12,726.00  
Lowell Street Culvert-Drainage

**CC:** Michael Bezanson, PE City Engineer  
John B. Storer, PE, Director of City Services

---

Attached please find (1) original of Change Order 1-C between Pike Industries Inc, and the City of Rochester for the additional drainage and culvert work necessary on Lowell Street in order to complete the street paving project.

The funds for the culvert work and drainage issues associated are budgeted in the General Fund CIP account 15013010-771000-16529.

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

Signature   
Blaine M. Cox, Deputy City Manager

Date: September 27, 2016  
To: Dan Fitzpatrick  
City Manager  
From: Julian Long  
Community Development Coordinator/Grants Manager



Re: Environmental Certification for Certified Local Government (CLG) Grant and  
Moose Plate Grant Awards for the City Hall Annex

Please see attached the environmental certification form that will be submitted to the New Hampshire Division of Historical Resources for the awarded Certified Local Government (CLG) Grant and Moose Plate Grant, both of which will be funding historic restoration work on the City Hall Annex building. City Council voted to approve acceptance of the CLG Grant at the June 7, 2016 City Council meeting and voted to approve acceptance of the Moose Plate Grant at the September 6, 2016 City Council meeting.

The environmental certification requires the signature of the City Manager as the designated City official. Please sign and date the form before returning to Julian.

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

Date: October 12, 2016  
To: Dan Fitzpatrick  
City Manager  
From: Julian Long  
Community Development Coordinator/Grants Manager

CITY OF  
Received  
OCT 13 2016  
City Manager  
ROCHESTER

Re: Request for Signature on Memorandum of Understanding between Bridging the Gaps and the Rochester School Department

Please see attached two copies of the completed memorandum of understanding between Bridging the Gaps and the Rochester School Department, regarding collaborative work in the youth drug prevention groups in the school system. This memorandum of understanding been reviewed and approved by the Bridging the Gaps' Coalition Coordinator, the City of Rochester's Grants Manager, and the City of Rochester's attorney.

The memorandum of understanding requires the signature of the City Manager as the authorized City official. Thank you very much. Please contact Julian with any questions or concerns.

Date: October 5, 2016  
To: Dan Fitzpatrick  
City Manager  
From: Julian Long  
Community Development Coordinator/Grants Manager

CITY OF  
Received  
OCT 5 2016  
City Manager  
ROCHESTER

Re: Award Amendment Documents for Watershed Assistance Grant

Please see attached the completed grant amendment documents that will be submitted to the NHDES for the awarded Watershed Assistance Grant. The City Council approved the submittal of the original grant application on July 1, 2014 and approved acceptance of the grant award at the February 2, 2016 City Council meeting.

The grant amendment documents require the signature of the City Manager *before a notary* before submittal. Please sign the attached grant amendment *before a notary* as the authorized official and return the signed documents to Julian.

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



# *City of Rochester, New Hampshire*

*Economic & Community Development*

151 Wakefield Street, Rochester NH 03867

(603) 335-7522 [www.thinkrochester.biz](http://www.thinkrochester.biz)

Date: September 28, 2016

To: Dan Fitzpatrick, City Manager

From: Karen Pollard, Economic Development Manager

Re: Purchase & Sale Agreement 296 Rochester Hill Road

CITY OF  
Received  
SEP 30 2016  
City Manager  
ROCHESTER

---

Enclosed please find the signed Purchase & Sale Agreement for 296 Rochester Hill, owned by Bruce and Charlotte Moreau. As directed by the City Council, the purchase price is \$250,000 and has a provision for up to one year of free rent. Certain other terms and conditions were included as directed by Council.

The Purchase and Sale awaits your signature, and the documents forwarded to the Legal Department to work towards the closing. The date has yet to be determined.

# City of Rochester

OFFICE OF THE DIRECTOR OF FINANCE  
FINANCE OFFICE  
41 WAKEFIELD STREET  
ROCHESTER NH 03867

BLAINE COX  
VOICE 603.332.7609  
FAX 603.335.7589  
E-MAIL: [blaine.cox@rochesternh.net](mailto:blaine.cox@rochesternh.net)

### LETTER OF TRANSMITTAL

TO: City Manager Fitzpatrick  
FROM: Roland Connors, Deputy Finance Director  
DATE: October 17, 2016

CITY OF  
Received  
OCT 17 2016  
City Manager  
ROCHESTER

I am sending you:  Attached  Under Separate Cover  
The following items:  Available at the following link

DWSRF Loan Project # 2001010-09  
Water Treatment Plan Upgrades - Supplemental Loan Agreement \$2,248,453.75

These are transmitted as checked below:

- For Approval  For Your Use/Information
- As Requested  For Review & Reply
- Approved as Submitted  Approved as Noted
- Returned for Corrections
- Re-submit  Copies for approval
- Submit  Copies for distribution

REMARKS:

Please authorize the attached supplemental loan agreement for the completed Water Treatment Plant Upgrades - Drinking Water State Revolving Loan (DWSRF) Project # 2001010-09.

COPY TO: Blaine Cox, Deputy City Manager

\_\_\_\_\_  
\_\_\_\_\_



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

Norman Sanborn, Jr.  
Chief of Department

Tel (603) 335-7545  
Fax (603) 332-9211

October 6, 2016

CITY OF  
Received  
OCT 6 2016  
City Manager  
ROCHESTER

TO: City Manager Dan Fitzpatrick  
FROM: Fire Chief Norman Sanborn, Jr. *Norm Sanborn Jr.*  
SUBJECT: Re-appoint forms

Your signature is needed for the attached re-appointment form that needs to be updated for the Division of Forest and Lands for the firefighters to be able to sign brush permits.

Thank you

**FORM A**

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

**TO: DAN FITZPATRICK, CITY MANAGER**

**FROM: Robert E. Frechette, Police Department, Detective**

*(name, department & title)*

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

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

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

The estimated cost of the equipment to be acquired: \$ 817 (not to exceed \$2,000)

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

This is for an updated Apple iPad and accessories. I routinely use the iPad for note taking, presentations and other tasks related to my work at the PD and Family Justice Center. Tablets are becoming more and more common place and an easy way to carry large amounts of notes and documents needed for meetings.

I have  X  have not \_\_\_\_\_ (check one) previously purchased equipment under this program

9/29/16  
Date

  
Employee Signature

I have reviewed and recommend this request:

9/29/16  
Date

  
Supervisor or Department Head

OCT 03 2016  
Date

  
City Manager or designee







# City of Rochester, New Hampshire

Office of Finance and Administration  
31 Wakefield Street • Rochester, NH 03867-1917  
(603) 335-7609 Fax (603) 335-7589

## Tuition Reimbursement Pre-Approval Form

1. Applicant's Name: Michelle Mears
2. Department: Planning + Development
3. The course(s) is(are) related to the employee's job or as part of a career development program: Yes  No
4. Number of Courses for this employee already approved for the current fiscal year is: 1 (attach copies of prior approvals)
5. Course(s) for which reimbursement is now being requested:
  - a. Name of Course Communication <sup>For Public + Non profit sectors</sup>; Cost: \$1950; and dates of Course: from 10/19/16 to 12/14/16
  - b. Name of Course \_\_\_\_\_; Cost: \_\_\_\_\_; and dates of Course: from \_\_\_\_\_ to \_\_\_\_\_
  - c. Name of Course \_\_\_\_\_; Cost: \_\_\_\_\_; and dates of Course: from \_\_\_\_\_ to \_\_\_\_\_
6. Reimbursement for only the cost of the course will be as follows:  
100% for an A grade; 90% for a B grade; 70% for a C grade.
7. Upon course completion, proof of course completion and grade attainment must be submitted for reimbursement.
8. Department head approval signature: [Signature]
9. Date of Department head's approval: 10/18/16
10. Finance Director approval signature: [Signature]
11. Date of Finance Department approval: 10/18/2016
12. City Manager's approval Signature: [Signature]
13. Date of City Manager's Signature: OCT 19 2016

This is in place of leadership Theory Practise which I signed up for July 6 2016.



# City of Rochester, New Hampshire

Office of Finance and Administration  
31 Wakefield Street • Rochester, NH 03867-1917  
(603) 335-7609 Fax (603) 335-7589

## Tuition Reimbursement Pre-Approval Form

1. Applicant's Name: Michelle Mears
2. Department: Planning + Development
3. The course(s) is(are) related to the employee's job or as part of a career development program: Yes  No
4. Number of Courses for this employee already approved for the current fiscal year is: 0 (attach copies of prior approvals)
5. Course(s) for which reimbursement is now being requested:
  - a. Name of Course Leadership Theory + Practice; Cost: 1950; and dates of Course: from 8/30/16 to 12/13/16
  - b. Name of Course Human Resource Management; Cost: 1950; and dates of Course: from 8/24/16 to 10/12/16
  - c. Name of Course \_\_\_\_\_; Cost: \_\_\_\_\_; and dates of Course: from \_\_\_\_\_ to \_\_\_\_\_
6. Reimbursement for only the cost of the course will be as follows:  
100% for an A grade; 90% for a B grade; 70% for a C grade.
7. Upon course completion, proof of course completion and grade attainment must be submitted for reimbursement.
8. Department head approval signature: [Signature]
9. Date of Department head's approval: 7/5/16
10. Finance Director approval signature: [Signature]
11. Date of Finance Department approval: 7/6/2016
12. City Manager's approval Signature: [Signature]
13. Date of City Manager's Signature: JUL 06 2016

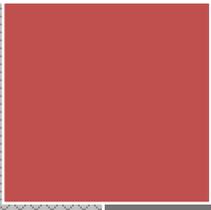
**VOIDED**

NUMBER	COUNCIL MEMBER	FORUM	REQUEST/INQUIRY	ACTION
1	Gray	Public Works Committee 9/18/2016	Would like ot know about repainting the Winter Street yellow line and what the decision is.	Lines will not be repainted at this time. Item closed.

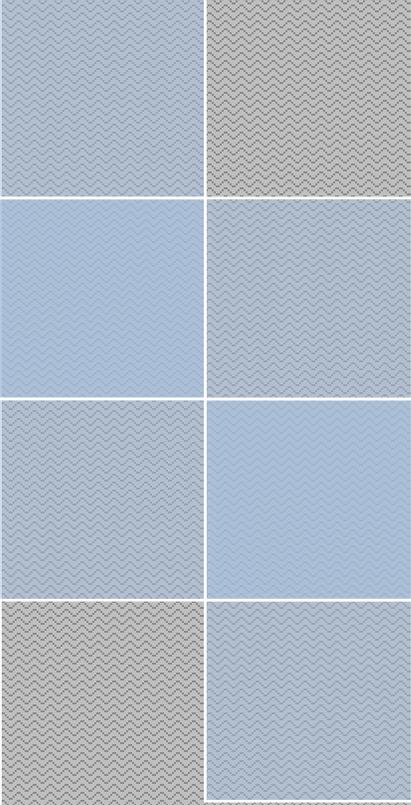




DEPT	NAME	POSITION	# of Employees	FT	PT	SEASONAL/TEMP	NEW HIRE	REHIRE	RETIREMENT	SEPARATED	STEP (CBA)	COLA (CBA)	MERIT PAY ADJ	NU PAY ADJ	PROMOTION	OTHER	MISC. INFO
ARENA	BRIANNA RYBINSKI	SUPPORT STAFF	1		X											X	
ARENA	MATHEW BAILEY	ARENA ATTENDANT	1			X	X										
ASSESSING	THOMAS MULLIN	TEMP	1							X							
ASSESSING	LEONA ALAMEDA	CLERK TYPIST	1		X											X	INCREASED HOURS
COMMUNICATIONS	CANDACE HOLMBERG	COMM SPECIALIST	1	X						X							
COMMUNICATIONS	CANDACE HOLMBERG	PER DIEM SPECIALIST	1		X	X											
FIRE	JOSEPH POLOZZI	FIREFIGHTER	1	X						X							
LIBRARY	JEAN PAULY	LIB ASSISTANT	1		X					X							
LIBRARY	JENNIFER FOGG	LIB ASSISTANT	1		X		X										
POLICE	JENNIFER ARRAJJ	PATROL OFFICER	1	X						X							
POLICE	ANTHONY DELUCA	PATROLSERGEANT	1	X					X								
POLICE	JOHN HARDIN	PATROL OFFICER	1	X					X								
POLICE	KEITH MACKENZIE	PATROL OFFICER	1	X									X				
POLICE	SPENCER WILLIAMS HURLEY	PATROL OFFICER	1	X									X				
POLICE	JACOB GARSTIN	PATROL OFFICER	1	X									X				
PUBLIC WORKS	STEPHEN LENOX	GROUND	1		X											X	WINTER HOURS
PUBLIC WORKS	MATTHEW RUSSELL	GROUND	1		X											X	WINTER HOURS
PUBLIC WORKS	BARRY WILLEY	HEO	1	X					X								
PUBLIC WORKS	TIMOTHY GREEN	LEAD OPERATOR	1	X						X							
PUBLIC WORKS	ZEKE LAPIERRE	WTP LEAD OPER.	1	X											X		
PUBLIC WORKS	CHRISTOPHER GOODWIN	WWTP OPERATOR	1	X				X									
PUBLIC WORKS	SAM GRENIER	HEO	1	X											X		



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**Appointments Committee Minutes**

October 5, 2016

**Committee Members Present:**

Sandra Keans, Chair  
James Gray, Vice-Chair  
Ray Barnett  
Tom Abbott  
Donna Bogan

**Also present:**

Kelly M. Gray  
Ralph Sanders

Chairman Keans called the meeting to order at 6:15 p.m. on October 5, 2016.

**Kelly M. Gray – Chair of the Supervisors of the Checklist**

Ms. Gray is a teacher at the middle school. She has worked elections since 1996 in various capacities. The last few years she has been Supervisor of the Checklist in Ward 2. Given that she is a good candidate for Chair, she will be a big help to City Clerk Walters on Election Day.

Councilor Abbott moved to recommend; Councilor Barnett seconded Ms. Gray to be nominated for the Chair of the Supervisors of the Checklist. The Appointments Committee unanimously recommends Kelly M. Gray for appointment as the Chair of the Supervisors of the Checklist, pending approval of salary.

**Esther Turner – Trustees of the Trust Fund**

Ms. Turner was unable to make it to this meeting and will be put on the agenda for the next Appointments Committee meeting, scheduled for November 2, 2016.

**Ralph Sanders – Utility Advisory Board**

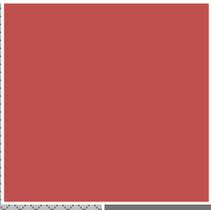
Mr. Sanders is a long-term employee of NHDOT and has a B.S in Civil Engineering. He works out of the District 6 office in Durham so will be able to easily make the meetings. Through his job, he is very familiar with Rochester. He has long family ties to the community and feels it is time to become involved.

Councilor Abbott moved to recommend; Councilor Bogan seconded Mr. Sanders to be nominated as a member of the Utility Advisory Board. The Appointments Committee unanimously recommends Mr. Sanders for appointment to the Utility Advisory Board, term to expire 1/2/2018.

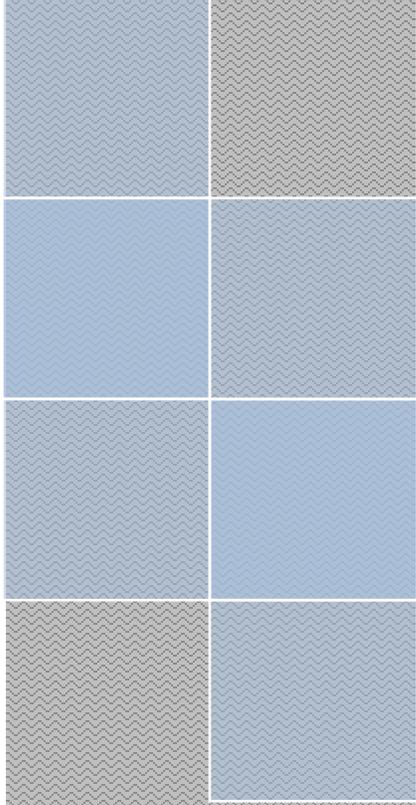
The meeting was adjourned at 6:55pm.

Respectfully submitted,

Sandra Keans, Chair



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**CODES AND ORDINANCES COMMITTEE**

Of the Rochester City Council

**Thursday, October 6, 2016**

City Council Chambers

31 Wakefield Street, Rochester, NH

6:00 PM

**Codes and Ordinances Committee**

Councilor Peter Lachapelle, Chair  
Councilor Elaine Lauterborn, Vice Chair  
Councilor Thomas Abbott  
Councilor Donna Bogan  
Councilor Robert Gates

**Others Present**

Attorney O'Rourke  
Councilor Gray  
Councilor Willis

**Others Present Continued**

Police Commission Bruce Lindsay  
Police Commission Lucien Levesque  
Police Commission Derek Peters  
Dennis Hancock, Resident  
Margie Hancock, Resident  
Michael Cormier, Resident  
Lea Dill, Resident  
Lisa Stanley, Resident  
Phil Jacques, Resident  
Barbary Soley, Resident

**MINUTES**

**1. Call to Order**

Councilor Lachapelle called the meeting to order at 6:00 PM. All members of the Committee were present.

**2. Public Input**

Councilor Lachapelle invited the public to speak about any City topic that is not currently listed on the Agenda. He noted that any citizen would be allotted time to speak during each topic listed on the agenda.

**3. Approval of the Codes and Ordinances Committee Minutes [September 1, 2016]**

Councilor Lauterborn **MOVED** to **APPROVE** the September 1, 2016, Committee meeting minutes. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**4. Discussion about Fireworks**

Councilor Lachapelle opened the discussion about setting off fireworks. He said he is not in favor of placing a complete ban of setting off fireworks in the City of Rochester; however, he supports having the Committee review the ordinance one more time.

Several Councilors agreed that it seems to be more of an enforcement issue. Councilor Gray asked if the Police Department could take any action against illegal fireworks displays if the violation was no longer in progress at the time the authorities reached the property in

question. Chief Allen replied that a neighbor could submit a written statement and photos in order to assist the Police Department with making the offender accountable.

Chief Allen said out of the 65 fireworks-related phone calls received in 2015, zero citations were issued. Similarly, to date in 2016 there have been 68 fireworks-related calls and zero citations have been given out this year.

Chief Allen said he met with the Director of Building, Zoning, and Licensing Services, the Fire Marshall, and the Police Commission to find ways to make the fireworks ordinance more enforceable. It was determined that a permitting process for fireworks displays, attaching a fee to the permitting process, limiting the permits to property owners, and requesting a lead time for obtaining a permit would be effective. Councilor Bogan asked if this would assist with “repeat” offenders. Chief Allen replied yes.

Councilor Abbott wished to clarify that no matter what ordinance is in place, the fireworks-related calls to the Rochester Police Department would still be low on the priority call list. Chief Allen replied that is correct.

Councilor Willis mentioned that Somersworth, NH, has had some success with an ordinance they have been using. It had been provided in one of the past Codes and Ordinances Committee meeting packets.

Councilor Lachapelle invited the public to come forward to speak about the topic.

Dennis Hancock, resident, gave reasons why he supported a total ban of fireworks. He said it is a quality of life issue.

Margie Hancock, resident, agreed with a total ban of fireworks and said implementing a permit fee of \$5 would do nothing to stop residents from setting off illegal fireworks since they spend thousands of dollars each year on fireworks.

Jackie Raab, resident, supported a total ban of setting off fireworks. She mentioned that her elderly mother has a difficult time hearing the loud noise. She questioned why the City would not ban fireworks during Mandatory Water Use Restrictions. She gave other reasons why fireworks should be prohibited in Rochester and why it was a quality of life issue.

Michael Cormier, resident, gave a lengthy heartfelt testimony of why setting off fireworks should be prohibited in the City of Rochester. He added that fireworks are being set off no matter the weather [30 mph winds] and in the middle of Mandatory Water Use Restrictions.

Lea Dill, resident, addressed the Committee about setting off fireworks. She asked if she submitted evidence to the Police Department, such as a video and/or trash bag filled with fireworks debris, would anything be done at that point. Chief Allen agreed that any evidence could be used to assist the Police Department in the ability to issue a citation.

Bruce Lindsay, Police Commission, addressed the Committee. He gave reasons why this is a quality of life issue. One neighbor can disturb the entire neighborhood for 5 or 6 hours at a

time. He questioned what is the benefit to the City of Rochester for allowing residents to set off fireworks.

Lisa Stanley, resident, said she listened to the testimony this evening and is in favor of banning fireworks all together or at least placing further restrictions on setting them off would be a step in the right direction. The current ordinance is too lenient.

Phil Jacques, resident, addressed the Committee, and said setting off fireworks should be reduced to only a few holidays a year, if not, a total ban. The current ordinance allows too many hours of letting off fireworks and among other things in Rochester it has become a quality of life issue.

Barbara Soley, resident, addressed the Committee about the impact setting off fireworks has on her son [military], animals, and elderly people in her neighborhood. She has been awoken in the middle of the night due to neighbors setting off fireworks and woken up in the morning to find small debris fires on her lawn. She added that many out of the State residents visit the Grand View Camping Area to set off fireworks.

Lucien Levesque, Police Commission, addressed the Committee and supported the permitting process. He said this has become a quality of life issue for many residents. The permitted fireworks display should be narrowed down to the one holiday a year in which the Country celebrates freedom.

Derek Peters, Police Commission, addressed the Committee and supported decreasing the permitted hours of setting off fireworks; however, he did not support an outright ban of the displaying of fireworks in the City of Rochester. He encouraged the Committee to seek legal advice from the legal Department and that a fine must be included in order to assist the local authorities to enforce the issue.

Councilor Lachapelle said that banning fireworks all together did not seem like a reasonable option. Councilor Abbott and Gates agreed.

It was determined that the following two motions would be brought to the Regular City Council Meeting in November:

Councilor Lachapelle stated that he did not support an outright ban; however, for the sake of bringing this matter to the City Council for a vote, he **MOVED** that the City of Rochester ban setting off fireworks. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a majority voice vote. The Amendment is as follows:

**23.1 Prohibition and Regulation of Fireworks.**

- A. In accordance with the provisions of RSA 160-C, it shall be illegal for any person, firm, partnership or corporation to offer for sale, expose for sale, sell at retail, purchase, possess, use, explode or display any permissible fireworks within the City of Rochester.

- B. The Police Chief and/or Fire Chief are authorized to seize, take, remove or cause to be removed, at the expense of the owner, all firework devices that are being discharged in violation of this ordinance.

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Councilor Lachapelle stated for the purpose of giving an option to the City Council if an outright ban fails at the City Council level, he **MOVED** that the current ordinance is amended as follows:

**23.2 Prohibition and Regulation of Fireworks.**

- A. In accordance with the provisions of RSA 160-C, it shall be illegal for any person, firm, partnership or corporation to offer for sale, expose for sale, sell at retail, purchase, possess, use, explode or display any permissible fireworks within the City of Rochester, except as specifically provided for in this ordinance.

- B. As used in this ordinance:

- i. “Display” means the use, explosion, activation, ignition, discharge, firing or any other activity which is intended to cause or which causes a firework to do what it was manufactured to do.
- ii. “Permissible fireworks” means those consumers firework devices defined as “permissible fireworks” in RSA 160-C, as the same currently exists or as, from time to time, hereinafter amended.
- iii. “Fire Chief” means the Fire Chief of the City of Rochester or his/her designee.
- iv. “Police Chief” means the Police Chief of the City of Rochester or his/her designee.

- C. Permit Required. No Person shall use discharge or explode any permissible fireworks without a permit issued by the City of Rochester.

- i. Any person wishing to obtain a permissible fireworks display permit shall apply to the Police Chief and the Fire Chief at least 15 days prior to the display. The time frame may be waived at the discretion of the Police and Fire Chief.
- ii. The applicant shall provide the following information:
  - a. Date of application
  - b. Name, address, and telephone number of applicant
  - c. Address of location where the display will be held

- d. Diagram of the display location, showing the location of all nearby property lines, nearby buildings, public ways, nearby trees, electrical and telephone lines or other overhead obstructions, and the location of any nearby storage of flammable or combustible liquids or gases
  - e. Name of the owner of the property where the display will be held
  - f. Intended date and time of display, including a possible rain date
  - g. Written authorization of the property owner, if different from the applicant
  - h. Signature of the applicant
- iii. Permit fee. The fee for a permissible fireworks display shall be five dollars (\$5.00) per event. The fee shall be paid at the time of application and is non-refundable.
  - iv. Site inspections:
    - a. Prior to issuing a permit, the Police Chief or the Fire Chief may conduct an inspection of the display site to determine whether a permissible fireworks display can be held in a safe manner.
    - b. If, in the opinion of the Police Chief or Fire Chief, the proposed site is not suitable for the safe display of permissible fireworks, the application for a permit shall be denied.
- D. Subject to, and in accordance with the provisions of Chapter 160-C of the New Hampshire Revised Statutes Annotated it shall be lawful to possess and/or display permissible fireworks upon compliance with the following requirements:
- v. A person who is 21 years of age or older may display permissible fireworks on private property with the written consent of the owner or in the owner's presence, subject to the provisions of this ordinance and RSA Chapter 160-C, and any other applicable ordinance regulation or statute.
  - ii. No display of permissible fireworks shall be permitted within the City except between the hours of 6 PM and 11 PM on the following holiday: , Fourth of July (including the evening of July 3<sup>rd</sup> beginning at 6PM, including from such time until midnight on any rain date established for the annual city-wide fireworks display held at the Rochester Fairgrounds), after obtaining a permit.
  - iii. The display of permissible fireworks shall be of such a character, and so located and conducted, that it shall not be hazardous to property or endanger any person. In accordance with the provisions of RSA Chapter 160-C no permissible fireworks shall be permitted on public property and must be at least 50 feet from nearby buildings, nearby trees, electrical and telephone lines or other overhead obstructions, and the location of any nearby storage of flammable or combustible liquids or gases.
  - iv
  - v. No permissible fireworks may be used, discharged, exploded, or displayed during periods of very high or extreme fire danger as determined by the Fire Chief or the NH Division of Forests and Lands.

- v. Permissible fireworks may be used, discharged, exploded, or displayed in a manner such that any all discharge debris shall remain within the property lines of the lot on which the display originates.
  - vi. Anyone using permissible fireworks shall be responsible for removing any debris accumulated due to the discharge of fireworks that fall onto the public way, public property, and any private property within twenty-four hours. Anyone failing to remove such debris shall be financially responsible for its clean up.
  - vii. Display of permissible fireworks shall be permitted on public property the evening of July 3rd beginning at 6PM, including from such time until midnight on any rain date established for the annual city-wide fireworks display held at the Rochester Fairgrounds, provided that such display shall be authorized in a duly issued Block Party Application/Permit from the City's Licensing Board covering the public property on which the display is to occur."
- E. A violation of this ordinance shall be subject to the penalties provided for in Chapter 23, Section 23.11, Penalty, of the City of Rochester General Ordinance.
- F. This ordinance shall be construed consistently with NH Code of Administrative Rules Sa f c 2600, as made applicable by state statute and as adopted by reference in Section 23.1, of the General Ordinances of the City of Rochester, and is not meant to repeal any section thereof. Nothing in this ordinance shall be interpreted so as to conflict with the provisions of Chapters 160-B or 160-C of the New Hampshire Revised Statutes Annotated, as currently written, or as from time to time hereafter amended. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct independent provision and such holding shall not affect the validity of the remaining portions thereof.11-9-10
- G. The Police Chief or Fire Chief may suspend the use of permissible fireworks for any of the following reasons:
- vi. Unfavorable weather conditions, including but not limited to, lightning storms or high wind conditions exceeding 20 miles per hour or higher.
  - vii. If any person under the age of 21 possesses, uses, discharges or explodes, used, discharged or exploded any permissible firework device.
  - viii. If any person who is using, discharging, exploding, or displaying the permissible fireworks appears to be under the influence of alcohol or drugs;
  - ix. If, in the opinion of the Police Chief or Fire Chief, the use, discharge, exploding, or display of permissible fireworks would create a threat to public safety.

- H. The Police Chief and/or Fire Chief are authorized to seize, take, remove or cause to be removed, at the expense of the owner, all firework devices that are being discharged in violation of this ordinance.”
- I. The City Manager, Mayor, and/or the City Council may declare a Special Event of cultural or civic significance and authorize the display of fireworks on the same terms as Section D. ii on particular days to celebrate those Special Events.

In accordance with NFPA 1:2009 1.13, or the applicable adopted section of the current Code, the Rochester Fire Department enacts the Listed Agent Program. The Fire Chief or his designee shall promulgate administrative rules for the management of the Listed Agent Program.”

Councilor Bogan seconded the motion. The **MOTION CARRIED** by a majority voice vote.

Councilor Lachapelle thanked the public for attending the meeting.

**5. Proposed Amendment to the General Ordinances Relative to Chapter 45 Overnight Parking Occupancy and Camping on City owned property**

Councilor Lachapelle introduced the following Amendment and invited the public to speak on the topic:

**AMENDMENT TO CHAPTER 45 OF THE GENERAL ORDINANCES OF THE CITY OF ROCHESTER REGARDING OVERNIGHT PARKING, OCCUPANCY AND CAMPING ON CITY OWNED PROPERTY**

**THE CITY OF ROCHESTER ORDAINS:**

That Chapter 45 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows:

**CHAPTER 45  
OVERNIGHT PARKING, OCCUPANCY AND CAMPING ON CITY OWNED  
PROPERTY**

**SECTION ANALYSIS**

- 45.1 Authority
- 45.2 Purpose
- 45.3 Acts Prohibited
- 45.4 Definitions
- 45.5 Exceptions
- 45.6 Responsibility
- 45.7 Removal
- 45.8 Enforcement
- 45.9 Severability
- 45.10 Effective Date
- 45.1 Authority.**

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

**45.2 Purpose.**

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

**45.3 Acts Prohibited.**

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

**45.4 Definitions.**

- (a) *Camp*: Includes pitching a tent, placing or erecting any other camping device, or sleeping in or on the City-owned property.
- (b) *Recreational vehicle*: Any vehicle fitting the definition in RSA 216-I:1, VIII.
- (c) *City-owned property*: All properties owned by the City of Rochester.

**45.5 Exceptions.**

Restrictions in this ordinance shall not apply when permission has been granted by the City Manager or the Chief of Police for official or emergency purposes or in conjunction with a special event.

**45.6 Responsibility.**

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

**45.7 Removal.**

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

**45.8 Enforcement.**

- (a) Any person who violates this Ordinance shall be guilty of a violation and shall be fined One Hundred Dollars (\$100.00).
- (b) Any duly appointed police officer for the City of Rochester may enforce this Ordinance by utilizing any process authorized by state law, including but not limited to a Local Ordinance Citation pursuant to RSA 31:39-d and Chapter 44 of the City of Rochester Ordinance.
- (c) All penalties collected for violations of this Ordinance shall be for the use of the City and deposited into the City's general fund.

**45.9 Severability.**

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

**45.10 Effective Date.**

**This Ordinance shall take effect upon passage.**

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

human, resident, addressed the Committee. He did not support this proposed ordinance. He said there should be some type of licensing for campers on City property; however, restricted any overnight camping is not moving in the right direction.

Councilor Abbott **MOVED** to recommend this proposed amendment to the full City Council for approval at the November 1, 2016, Regular City Council Meeting. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**6. Codification Review**

The Committee made a Sense of Committee on the following codification review questions:

Charter:

- Section A: Include the Adoption date for the City Charter
- Section B: Do not include attachment; revise note to state that the Exhibit A is on file in the City Clerk's office.

It was further recommended that the City Rules of Order should not be included with the Codification. This should be a separate document noted as an attachment on file with the City Clerk's office. The Sense of the Committee is to send the Codification to the full City Council for Approval.

**7. Other**

Councilor Lachapelle briefly updated the Committee about the recommendation to have the Codes and Ordinances Committee review an Amendment to Chapter 3 of the General Ordinances of the City of Rochester Regarding Composition of the Conservation Commission. The proposed amendment would increase the amount of "alternate" positions from only having one to two alternate positions. Councilor Lauterborn **MOVED** to recommend to the full City Council that this amendment be approved. Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**AMENDMENT TO CHAPTER 3 OF THE GENERAL ORDINANCES OF THE CITY OF ROCHESTER REGARDING THE COMPOSITION OF THE CONSERVATION COMMISSION**

THE CITY OF ROCHESTER ORDAINS:

That Chapter 3 of the General Ordinances of the City of Rochester regarding the composition of the Conservation Commission and currently before the Rochester City Council, be amended as follows:

3.9 **Conservation Commission.**

(a) -----

(b) The Conservation Commission shall consist of seven (7) members, one of whom may be a member of the Planning Board. Members of the Commission shall be appointed by the Mayor in accordance with the provisions of Section 74 of the Rochester City Charter for terms of three years. The terms of members of the Commission shall be so arranged that two regular members of said Commission shall be appointed annually and a chairperson shall be appointed every third year by the Mayor. Vacancies shall be filled for the unexpired terms. Two (2) alternate members of the Commission shall be appointed in the same manner as regular members of the Commission for a terms of three years, and when such alternates serve in the absence or disqualification of a regular member, he or she shall have full voting powers.

(c) ----

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

Councilor Gray asked if the discussion about political signage could be discussed at the next meeting. Councilor Lachapelle asked the City Clerk to add this topic to tentative agenda for November Codes and Ordinances Committee.

Councilor Gates **MOVED** to **ADJOURN** the Codes and Ordinances Committee at 7:50 PM. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Kelly Walters, CMC  
City Clerk



*Deadline extended until November 2, 2016*

August 31, 2016

Ms. Kelly Walters  
Clerk, City of Rochester  
31 Wakefield Street  
Rochester, NH 03867

Dear Ms. Walters:

As the first step of the project to prepare the new City Code I have reviewed the Charter and the current City Code and now have some preliminary questions for your review. Please see the enclosed Organizational Analysis. The purpose of this first step is simply to ensure that we have all necessary materials and information to move forward with the project.

Under the terms of our agreement, the City has 30 business days to review the Organizational Analysis. We should receive a response by October 21, 2016. If you find that more time is needed, please let me know. Once the Organizational Analysis is completed we will begin the next phase of the project, the preparation of the Manuscript (rough draft) of the new Code and the Editorial and Legal Analysis, which will provide a more in-depth review of the Charter and Code.

If you have any questions about the materials or any aspect of the codification project please do not hesitate to contact me at 800-836-8834 or [dtuszynski@generalcode.com](mailto:dtuszynski@generalcode.com). An invoice is also enclosed for completion of this step of the codification project.

Sincerely,  
GENERAL CODE

A handwritten signature in cursive script that reads "Debora J. Tuszynski".

Debora J. Tuszynski  
Editor

DJT:lac

Enc.

## **Organizational Analysis**

***Return to General Code by October 21, 2016***

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

Project Editor: Deb Tuszynski  
dtuszynski@generalcode.com

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## **INTRODUCTION**

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### **Purpose**

The City of Rochester has contracted with General Code to update and republish the City Code. The purpose of this Organizational Analysis is to ensure that we have all materials necessary to prepare the new Code and to reach agreement with the City on the contents and organization of the new Code.

### **Legal Advice**

Please note that it is not the intent of General Code to give legal advice or opinions by way of this Organizational Analysis but rather to provide as much information as possible to enable City officials to make necessary decisions. Any questions as to the validity or legal sufficiency of legislation, or as to interpretation of statutes, will properly remain the responsibility of the City Attorney.

### **Review by City; Next Steps**

The City has 30 business days (by October 21, 2016) to review and respond to this Organizational Analysis. If additional time is needed please contact the project editor, Deb Tuszynski, at 800-836-8834 or dtuszynski@generalcode.com.

Once the City has provided its response we will proceed with the next phase of the project, the preparation of the Manuscript (rough draft) of the new Code and the Editorial and Legal Analysis. The Editorial and Legal Analysis will provide a review of the Code for inconsistencies, duplications, conflicts with current state law, and outdated or unclear wording.

The time frame for submission of the Manuscript and Editorial and Legal Analysis is 120 business days from receipt of the completed Organizational Analysis.

**PROJECT MATERIALS**

**Charter**

--

- A. We received a copy of the City Charter as last amended at the referendum on November 6, 2012, effective January 1, 2013. No changes will be made to the Charter. We would like to include a statement at the beginning as to the original adoption date of the Charter. Section 80 states that the Charter went into effect on January 2, 1990, but there is currently no indication as to the date on which the Charter was passed.

**Decision:**

- Adoption date of Charter: \_\_\_\_\_
- This information does not need to be included

- B. There is a note following Section 3 in the Charter which refers to an attached "Exhibit A" regarding ward line revisions adopted in 2002. The copy we received for the Charter did not include this attachment. If this attachment should be included in the new Code please provide a copy.

**Decision:**

- Copy of attachment enclosed
- Do not include attachment; revise note to state that Exhibit A is on file in the City Clerk's office
- Other:

**City Code**

--

- A. The current City Code was adopted in 1995. In June 2016 we received the files for Chapters 1 through 67 of the Code with amendments through April 5, 2016. We also received updated copies of Chapter 42, Zoning, in July and Chapter 11, Finance, in August. These files will be used as the basis for the new City Code. From this point forward we should receive amendments to the Code as they are adopted, and we will incorporate the amendments into the Code.

## City of Rochester, NH

- B. The Administrative Code currently appears as Chapters 1 through 14. In the new Code the Administrative Code will be designated as a single chapter. See Chapter 7 on the enclosed Table of Contents. Each of the current chapters will be designated as an article within Chapter 7 in the new Code, as follows:

**Chapter 7, Administrative Code**

Article I, Legal Basis and Departmental Organization

Article II, Municipal Departments

Article III, Boards and Committees

Article IV, Purchases and Contracts

Article V, Salaries

Article VI, Legislative Body

Article VII, Finance

Article VIII, Municipal Elections

Article IX, Appointment, Election and Removal of City Officers

Article X, Bonds of City Officials

- C. The Traffic Code (current Chapters 60 to 65) will also be included as a single chapter as follows:

**Chapter 254, Vehicles and Traffic**

Article I, Definitions

Article II, Operation of Motor Vehicles

Article III, Stopping, Standing and Parking

Article IV, Rights and Duties of Pedestrians

Article V, Enforcement

Article VI, Penalties

- D. We will be combining § 26.4, Junk dealer's license, with Chapter 34, Junk and Secondhand Dealers, so that all provisions relating to junk dealers are in the same chapter. Likewise we will be combining § 26.7, Moving of buildings through streets, with § 15.7, Moving of buildings through streets.
- E. City Council Rules of Order. We received a copy of the Rules of Order adopted on March 1, 2016. If the City elects to add these rules to the Code, they will be included as a chapter in the Code Appendix.

---

## ORGANIZATION OF NEW CODE

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### Organization Generally

---

The standard organization and numbering systems used by General Code are somewhat different from the current City Code. Before we can proceed with preparation of the Manuscript (rough draft) for the new City Code, we need to reach agreement with the City on the organization of the new Code. Please refer to the "Proposed Table of Contents" enclosed and review the following information:

- The City Charter will appear first in the Code. No changes will be made to the Charter.
- The City ordinances will follow the Charter and make up the main body of the Code. The ordinances will be arranged in alphabetical order by chapter title (with the exception of Chapter 1, General Provisions, which applies to the entire Code and therefore appears first). It is General Code's experience that alphabetical order is a structure that is easy for most code users, including members of the public, to recognize and use. It is also a flexible structure that allows new topics to be added to the Code simply by inserting them in the proper alphabetical order (see "Chapter Numbers" below). It is important that the Code be designed to accommodate not only the City's existing ordinances but also ordinances that will be added in the future.
- One of the primary goals of our organizational system is to create smaller, more subject-specific chapters in order to make material easier to locate and access. So, for example, the ordinances dealing with pawnbrokers, bowling alleys and outdoor dining establishments, which are not really related topics, are included in separate chapters rather than being lumped together under a general heading such as "licenses and permits" or "licensing."

### Chapter Numbers

---

Because the chapters are in alphabetical order, when chapter numbers are assigned the numbers are staggered (there are gaps) instead of consecutive in order to provide room for new chapters to be added in the future in the proper alphabetical order. The numbers that are not used are considered "reserved" chapters available for future use. Example:

Ch. 40. Building Construction and Property Maintenance

Ch. 49. Cemeteries

Ch. 54. Citations

Ch. 75. Fires and Fire Safety

Using the above example, if a new chapter on emergency management needed to be added, it could be assigned as Chapter 68, Emergency Management, to put in the proper order between "Citations" and "Fires and Fire Safety."

### **Numbering and Formatting**

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The section numbering system used by General Code is similar to the current numbering, except that a hyphen is used instead of a decimal. Examples: the first section of Chapter 4 would be § 4-1 (instead of § 4.1); the fifth section in Chapter 16 would be § 16-5 (instead of § 16.5), and so on.

Each section in the City Code, including the Zoning Ordinance, will be renumbered to reflect the new organization (the new chapter numbers). Note that tickets, signs, software and other City documents that refer to the existing Code numbering will need to be updated once the new Code is adopted.

See the "Sample Code Page" provided which explains the various features of the Code. A number of codes are posted on our website and can also be reviewed with respect to the organization and numbering. For New Hampshire codes see: <http://www.generalcode.com/ecode360/NH>

### **Derivation Table**

---

To assist in the transition to the new Code's organization, a Derivation Table (parallel table) will be included in the new Code which indicates where each chapter of the former Code has been included in the new Code. We will also make all necessary updates to cross-references to reflect the new numbering.

### **Disposition List**

---

The Code will also include a list of all ordinances we receive from the City during this project (the "Disposition List"). This list will show, for each ordinance, its adoption date, subject matter and location in the Code. After the Code is published, this list will continue to be updated with each supplement to include all ordinances added with that supplement.

**Proposed Table of Contents**

---

We have prepared a Proposed Table of Contents for the new Code based on our review of the existing City Code and in accordance with our standard organizational system. A copy of this document is enclosed for the City's review. The "Source" column on the Proposed Table of Contents shows the location of the material in the current City Code.

Please note that once the Table of Contents is approved and we have prepared the Manuscript, any requests by the City to alter the overall organization of the Code or for special numbering or formatting, including requests to change back to the original numbering, will be subject to additional charges based on the time and materials required to make the changes requested.

If the City would like a different organizational structure for the Code that determination needs to be made now, before the Manuscript of the new Code is prepared. Please contact the project editor if a different organization is desired or if more information is needed.

**Decision:**

- Proposed Table of Contents is approved; the City understands that all chapters, sections and subsections will be renumbered and that other City documents may need to be updated accordingly
- Table of Contents is approved with revisions shown on enclosed copy
- Please call to discuss

---

## PROJECT STEPS

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### **Manuscript and Editorial and Legal Analysis**

---

As the next step in the codification project we will create the Manuscript (rough draft) of the new Code based on the approved Table of Contents. The Manuscript will then be reviewed by the project editor and the Editorial and Legal Analysis prepared. The Analysis will provide a review of the Code for inconsistencies, duplications, conflicts with the City Charter and current state law, and outdated or unclear wording. The Manuscript and Analysis will be submitted within 120 business days of receipt of the completed Organizational Analysis. The City will have 90 business days to review the Manuscript and Editorial and Legal Analysis.

### **Final Draft**

---

Once the City has completed its review of the Manuscript and Editorial and Legal Analysis we will incorporate any requested changes to the Manuscript and submit a final Draft for the City's review. The Draft will be submitted within 100 business days of receipt of the City's response to the Editorial and Legal Analysis, and the City will have 30 business days to review the Draft.

### **Publication; Adoption of Code**

---

Following the City's review and approval of the Draft we will proceed with final publication of the new City Code. The City is scheduled to receive 20 hard copies of the Code and eCode360® (Code on the Internet), along with copies in pdf and Word format.

In conjunction with the final publication of the Code we will provide a draft ordinance for adoption of the new Code by the City.

## Proposed Table of Contents

### Code of the City of Rochester, New Hampshire

*\*NOTE: Chapter and article titles and numbers may change at final editing depending on new subject matter legislated and/or input from municipal officials.*

New Ch. Number	New Title	Source
<b>THE CHARTER</b>		
--	Charter	Charter
<b>THE CODE</b>		
1.	General Provisions	
	Art. I, General Penalty	Ch. 30
	Art. II, Adoption of Code	<i>New</i>
7.	Administrative Code	Ch. 1 to Ch. 14
11.	Adult-Oriented Establishments	Ch. 25, Art. 4
16.	Alarm Systems	Ch. 33
22.	Amusements and Entertainment	
	Art. I, Theaters	§ 26.2
	Art. II, Boxing and Wrestling Exhibitions	§ 26.5
	Art. III, Public Dances, Circuses and Parades	§ 26.6
	Art. IV, Bowling Alleys and Billiard Tables	§ 26.8
	Art. V, Pinball and Video Games	Ch. 27
28.	Animals	Ch. 29
40.	Building Construction and Property Maintenance	Ch. 40
49.	Cemeteries	Ch. 36
54.	Citations	Ch. 44
75.	Fires and Fire Safety	
	Art. I, Fire Department	Ch. 22
	Art. II, Fire Prevention	Ch. 23

<b>New Ch. Number</b>	<b>New Title</b>	<b>Source</b>
80.	Food and Food Service	
	Art. I, Food Service Establishments	Ch. 25, Art. 3
	Art. II, Outdoor Dining Establishments	§ 26.10
94.	Health and Sanitation	Ch. 25, Arts. 1 and 2
110.	Junk and Secondhand Dealers	§ 26.4; Ch. 34
123.	Licensing Board	§ 26.1
135.	Mobile Home Parks	Ch. 43
149.	Nuisances	Ch. 28
158.	Parks, Recreation and Arena	Ch. 21
162.	Pawnbrokers	§ 26.3
167.	Peace and Good Order	Ch. 24
171.	Peddling and Soliciting	
	Art. I, Hawkers, Peddlers and Itinerant Vendors	Ch. 32
	Art. II, Soliciting Funds	§ 26.9
176.	Planning Board	Ch. 41
183.	Public Buildings	Ch. 20
200.	Sewers	Ch. 16
210.	Solid Waste	Ch. 19
218.	Stormwater Management and Erosion Control	Ch. 50
223.	Streets and Sidewalks	
	Art. I, General Regulations	Ch. 15; § 26.7
	Art. II, Newsracks and Public Way Obstructions	Ch. 35
230.	Taxicabs	Ch. 66
237.	Towing Services	Ch. 67
254.	Vehicles and Traffic	Ch. 60 to Ch. 65
260.	Water	
	Art. I, Use Regulations and Rates	Ch. 17
	Art. II, Cross-Connections	Ch. 18
275.	Zoning	Ch. 42

<b>New Ch. Number</b>	<b>New Title</b>	<b>Source</b>
<b>APPENDIX</b>		
A300.	City Council Rules of Order	
<b>DERIVATION TABLE</b>		
<b>DISPOSITION LIST</b>		
<b>INDEX</b>		

Section numbers reflect both the number of the chapter in which the legislation is included and the location of the section within that chapter. This facilitates referencing and indexing sections.

Page heads indicate which sections appear on a particular page, making sections quick to locate.

§ 198-1

**Chapter 198  
TAXICABS**

§ 198-3

**§ 198-1. License required.**  
**§ 198-2. Licensing authority; revocation; records.**

**§ 198-3. Rates of fare.**  
**§ 198-4. Licensing conditions.**  
**§ 198-5. Use of public ways.**

Every chapter is preceded by a Scheme, which lists each section by title. Taken together, the titles serve as a summary of the contents of the chapter.

**[HISTORY: Adopted by the City Council of the City of Springfield. Amendments noted where applicable.]**

The History indicates the specific legislative source from which the chapter is derived.

**GENERAL REFERENCES**

Vehicle noise restrictions — See Ch. 75.

Vehicle and traffic regulations — See Ch. 111.

A table of General References directs the reader to related chapters.

**§ 198-1. License required.**

No person shall set up, use, or drive in the City any unlicensed taxicab or motor vehicle for the conveyance of passengers for hire from place to place.

**§ 198-2. Licensing authority; revocation; records.**

City Council may license taxicabs or motor vehicles for the conveyance of persons for hire from place to place within the City. It may revoke such licenses at its discretion. A record of all licenses so granted or revoked shall be kept by the City Council.

For precision of reference, section titles are repeated as headings in the text.

**§ 198-3. Rates of fare.**

A. Minimum zone rates. **[Amended 2-12-1980 by Ord. No. 80-73 <sup>1</sup>]**

Amendments to individual sections or subsections are noted in the text at the location which most precisely pinpoints the amended material.

(1) On all trips originating or terminating north of Riverside Cemetery, the following minimum zone rates may be charged for distances north of said cemetery, which portion of the City is hereby divided into three zones as follows:

- (a) Zone A, from Riverside Cemetery to and including Boxart Street: \$2.50, plus \$1 for each additional passenger.
- (b) Zone B, from Boxart Street to and including Denise Road: \$3.50, plus \$1 for each additional passenger.
- (c) Zone C, from Denise Road to and including Beach Avenue: \$4, plus \$1 for each additional passenger.

(2) Each zone shall include all areas lying between the lines of its boundary streets extended to the easterly and westerly limits of the City. The minimum rates

A simple internal numbering system presents material in a clear, easy-to-read format.

**1. Editor's Note: This ordinance provided an effective date of 3-31-1980.**

Editor's Notes provide supplementary information for the Code user.

198:1

The page-numbering system reflects the chapter number plus the page sequence. This allows the insertion of new chapters without affecting the existing Code organization.

01 - 15 - 2010

The dateline indicates the date the page was printed.



*Information made civil.*

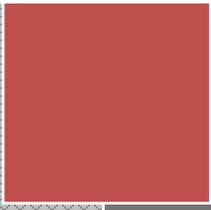
Debora J. Tuszynski  
Editor

Revised Agenda 10/28/2016

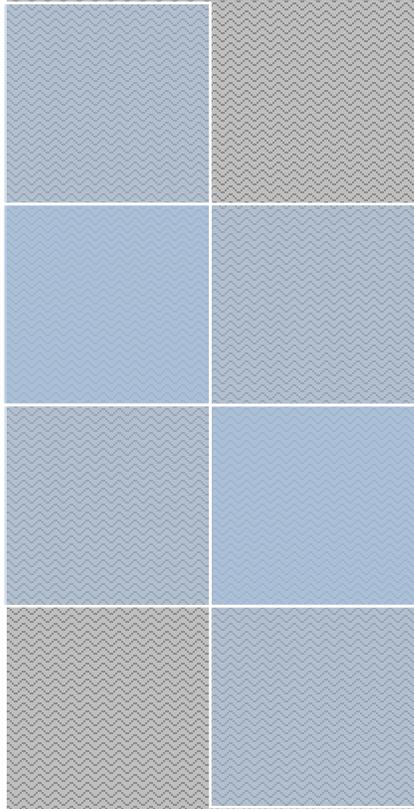
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**AMENDMENT TO CHAPTER 45 OF THE GENERAL ORDINANCES OF THE CITY  
OF ROCHESTER REGARDING OVERNIGHT PARKING, OCCUPANCY AND  
CAMPING ON CITY OWNED PROPERTY**

THE CITY OF ROCHESTER ORDAINS:

That Chapter 45 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows:

**CHAPTER 45**

**OVERNIGHT PARKING, OCCUPANCY AND CAMPING ON CITY OWNED  
PROPERTY**

**SECTION ANALYSIS**

45.1 Authority

45.2 Purpose

45.3 Acts Prohibited

45.4 Definitions

45.5 Exceptions

45.6 Responsibility

45.7 Removal

45.8 Enforcement

45.9 Severability

45.10 Effective Date

**45.1 Authority.**

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

**45.2 Purpose.**

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

**45.3 Acts Prohibited.**

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

**45.4 Definitions.**

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

(b) *Recreational vehicle*: Any vehicle fitting the definition in RSA 216-I:1, VIII.

(c) *City-owned property*: All properties owned by the City of Rochester.

**45.5 Exceptions.**

Restrictions in this ordinance shall not apply when permission has been granted by the City Manager or the Chief of Police for official or emergency purposes or in conjunction with a special event.

**45.6 Responsibility.**

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

**45.7 Removal.**

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

**45.8 Enforcement.**

(a) Any person who violates this Ordinance shall be guilty of a violation and shall be fined One Hundred Dollars (\$100.00).

(b) Any duly appointed police officer for the City of Rochester may enforce this Ordinance by utilizing any process authorized by state law, including but not limited to a Local Ordinance Citation pursuant to RSA 31:39-d and Chapter 44 of the City of Rochester Ordinance.

(c) All penalties collected for violations of this Ordinance shall be for the use of the City and deposited into the City's general fund.

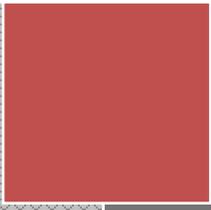
**45.9 Severability.**

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

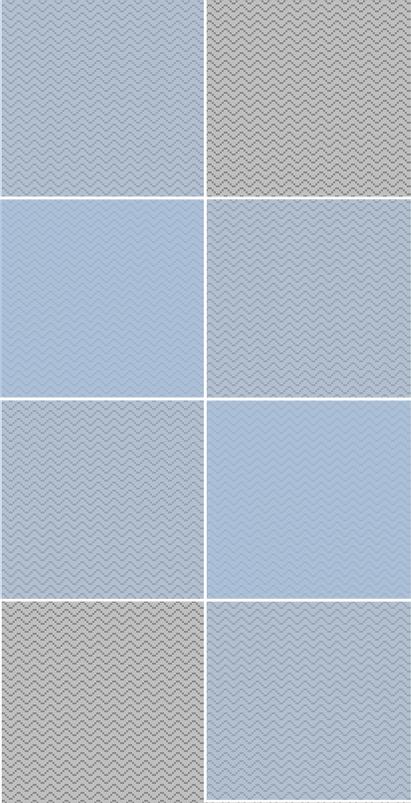
**45.10 Effective Date.**

This Ordinance shall take effect upon passage.

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



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**CHAPTER 23**

**FIRE SAFETY MEASURES**

**SECTION ANALYSIS**

- 23.1 Fire Safety Rules and Regulations
- 23.2 Smoke Detector Wiring
- 23.3 Enforcement Officer
- 23.4 Control of Outdoor Fires
- 23.5 Knox Box Installations
- 23.6 Public Safety Amplification System Required in Large Facilities
- 23.7 Administration and Enforcement
- 23.8 Means of Escape
- 23.9 Fire Department Access
- 23.10 Control of Fire Hazards
- 23.11 Penalty
- 23.12 Sprinkler Requirements for Certain Single-family Dwelling Units
- 23.13 **Prohibition and Regulation of Fireworks**
- 23.14 Listed Agent Program
- 23.15 Regulation of Fire Alarms

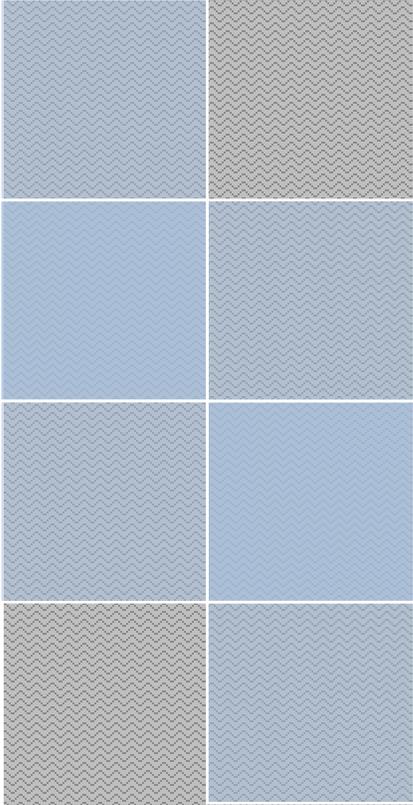
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**23.1 Prohibition and Regulation of Fireworks.**

- A. In accordance with the provisions of RSA 160-C, it shall be illegal for any person, firm, partnership or corporation to offer for sale, expose for sale, sell at retail, purchase, possess, use, explode or display any permissible fireworks within the City of Rochester.
- B. The Police Chief and/or Fire Chief are authorized to seize, take, remove or cause to be removed, at the expense of the owner, all firework devices that are being discharged in violation of this ordinance.



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**CHAPTER 23**

**FIRE SAFETY MEASURES**

**SECTION ANALYSIS**

- 23.1 Fire Safety Rules and Regulations
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- 23.10 Control of Fire Hazards
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- 23.12 Sprinkler Requirements for Certain Single-family Dwelling Units
- 23.13 Prohibition and Regulation of Fireworks
- 23.14 Listed Agent Program
- 23.15 Regulation of Fire Alarms

**23.1 Fire Safety Rules and Regulations.**

The rules and regulations of the State Fire Marshal as they are now constituted and as they are from time to time amended are hereby adopted as and for the Fire Safety Rules and Regulations of the City of Rochester. The full text of such rules and regulations may be obtained by any person at the office of the Chief of the Fire Department of the City of Rochester.

**23.2 Smoke Detector Wiring.**

When installing 120 volt, hard-wired smoke detectors in any type occupancy, the smoke detector shall be wired to a lighting circuit.

**23.3 Enforcement Officer.**

The words “officer” and/or “local authorities” wherever used in the rules and regulations of the State Fire Marshall adopted in the foregoing section shall be deemed to refer to the Chief of the Rochester Fire Department.

**23.4 Control of Outdoor Fires.**

No person shall kindle, light, or otherwise start an outdoor fire in the City of Rochester for any purpose whatsoever without first having obtained a written permit, without cost, from the Chief of the Rochester Fire Department. All such permits shall be in writing and in such form as the Chief of the Rochester Fire Department shall prescribe and shall set forth any conditions or restrictions which, in the opinion of the Fire Chief, shall be reasonably necessary and prudent to insure the safe performance of permitted activities.

**23.5 Knox Box Installations.**

For purposes of rapid entry in cases of emergencies or required access to buildings after hours, any new construction on the following type occupancies occurring after the date of the adoption of this ordinance will require a KNOX BOX to be installed on such premises:

1. Assembly
2. Educational
3. Mercantile
4. Business
5. Industrial
6. Apartment Complex

The Fire Chief shall have authority to require any other type of building, not listed above, to install a KNOX BOX to meet rapid entry requirements, if in his discretion public safety considerations require such installation.

### **23.6 Public Safety Amplification System Required in Large Facilities**

The purpose of this system is to provide minimum standards to insure a reasonable degree of reliability for emergency services communications from within certain buildings and structures within the City to and from emergency communications centers. It is the responsibility of the emergency service provider to get the signal to and from the building site.

#### (a) Applicability

The provisions of this article shall apply to:

- (1) New buildings greater than fifty thousand (50,000) square feet;
- (2) Existing buildings over fifty thousand (50,000) square feet when modifications, alterations or repairs exceed fifty percent (50%) of the value of the existing building(s) and are made within any twelve (12) month period or the usable floor area is expanded or enlarged by more than fifty percent (50%); and
- (3) All sublevels, regardless of the occupancy, over ten thousand (10,000) square feet.

#### (b) Radio coverage

- (1) Except as otherwise provided in this article, no person shall erect, construct or modify any building or structure or any part thereof, or cause the same to be done, which fails to support adequate radio coverage for firefighters and police officers.
- (2) The City's fire department with consideration of the appropriate police, fire and emergency medical department services shall determine the frequency range or ranges that must be supported.
- (3) For the purposes of this section, adequate radio coverage shall constitute a successful communications test between the equipment in the building and the communications center for all appropriate emergency service providers for the building.

#### (c) Inbound into the Building

- (1) A minimum average in-building field strength of 2.25 micro-volts (-100 dbm) for analog and five (5) micro-volts (-93 dbm) for digital systems throughout eighty-five percent (85%) of the area of each floor of the building when transmitted from

the City's police dispatch center and the appropriate emergency service dispatch centers which are providing fire and emergency medical protection services to the building.

- (2) If the field strength outside the building where the receive antenna system for the in-building system is located is less than (-100 dbm) for analog, or (-93 dbm) for digital systems, then the minimum required in-building field strength shall equal the field strength being delivered to the receive antenna of the building.

- (3) As used in this article, eighty-five percent (85%) coverage or reliability means the radio will transmit eighty-five percent (85%) of the time at the field strength and levels as defined in this article.

(d) Outbound from the Building

A minimum average signal strength of 112 micro-volts (-6 dbm) for analog and five (5) micro-volts (+1 dbm) for digital systems as received by the City's Police dispatch center and the appropriate emergency service dispatch centers, which are providing fire and emergency medical protection services to the building.

FCC authorization. If amplification is used in the system, all FCC authorizations must be obtained prior to use of the system. A copy of these authorizations shall be provided to the City's Fire Department.

(e) Enhanced amplifications systems

- (1) Where buildings and structures are required to provide amenities to achieve adequate signal strength, they shall be equipped with any of the following to achieve the required adequate radio coverage; radiating cable system(s), internal multiple antenna system(s) with an acceptable frequency range and an amplification system(s) as needed, voting receiver system(s) as needed, or any other City approved system(s).
- (2) If any part of the installed system or systems contains an electrically powered component, the system shall be capable of operation on an independent battery or generator system for a period of at least eight (8) hours without external power input or maintenance. The battery system shall automatically charge in the presence of external power.
- (3) Amplification equipment must have adequate environmental controls to meet the heating, ventilation, cooling and humidity requirements of the equipment that will be utilized to meet the requirements of this code. The area where the amplification equipment is located almost must be free of hazardous materials such as fuels, asbestos, etc.

All communications equipment, including amplification systems, cable and antenna systems shall be grounded with a single point ground system of five (5) ohms or less. The ground system must include an internal tie point within three (3) feet of the amplification equipment. System transient suppression for the telephone circuits, ac power, radio frequency (RF) cabling and grounding protection are required as needed.

(4) The following information shall be provided to the Fire Department by builder:

- (A) A blueprint showing the location of the amplification equipment and associated antenna systems which includes a view showing building access to the equipment; and
- (B) Schematic drawings of the electrical, backup power, antenna system and any other associated equipment relative to the amplification equipment including panel locations and labeling.

(f) Testing procedures – Method to Conducts Tests

- (1) Tests shall be made using frequencies close to the frequencies used by the Police and appropriate emergency services. If testing is done on the actual frequencies, then this testing must be coordinated within the City's Fire Department. All testing must be done on frequencies authorized by the FCC. A valid FCC license will be required if testing is done on frequencies different from the Police, Fire or emergency medical frequencies.

(g) Measurements Shall be Made Using the Following Guidelines

- (1) With a service monitor using a unity gain antenna on a small ground plane;
- (2) Measurements shall be made with the antenna held in a vertical position at three (3) to four (4) feet above the floor;
- (3) A calibrated service monitor (with a factory calibration dated within twenty-four (24) months may be used to do the test);
- (4) The telecommunications unit representative for the City may also make simultaneous measurements to verify that the equipment is making accurate measurements. A variance of 3 db between the instruments will be allowed; and
- (5) If measurements in one location are varying, then average measurements must be used.
  - (A) All testing shall be done in the presence of a Fire Department representative at no expense to the City or appropriate emergency services department.
  - (B) Signal strength, both inbound and outbound as defined above, shall be measured on each and every floor above and below ground including stairwells, basements, penthouse facilities and parking areas of the structure. The structure shall be divided into fifty (50) foot grids and the measurements shall be taken at the center of each grid.

(h) Annual Tests

Annual tests will be conducted by the City’s telecommunications unit or appropriate emergency services department. If communications appear to have degraded or if the tests fail to demonstrate adequate system performance, the owner of the building or structure is required to remedy the problem and restore the system in a manner consistent with the original approval criteria. The re-testing will be done at no expense to the City or the appropriate emergency services departments as required in the original testing procedures.

(i) Field Testing

Police and Fire personnel, after providing reasonable notice to the owner or his/her representative, shall have the right to enter onto the property to conduct field testing to be certain the required level of radio coverage is present. Certificates of Occupancy may be denied for new and existing buildings for failure to comply with these requirements.

**23.7 Administration and Enforcement.**

The authority having jurisdiction for the administration and enforcement of this chapter shall be Fire Prevention of the City of Rochester. The fee schedule under this chapter shall be as follows:

Tank Removal	\$25.00
Blasting	\$25.00
Incident Report	\$5.00
Fire Marshal’s Investigation Report	\$25.00
Photographs (Fire Scene)	\$15.00
CD Photos (Fire Scene)	\$15.00
Fire Alarm System Plan Review	\$1.00 per device or \$50.00 minimum
Sprinkler System Plan Review	\$1.00 per device or \$50.00 minimum
Commercial Hood Fire Suppression	\$1.00 per device or \$50.00 minimum
Clean Agent Initial Inspection	\$1.00 per device or \$50.00 minimum Free of Charge
Re-Inspections (Sprinkler Systems, Fire Alarm Systems, Commercial Hood Fire Suppression, Clean Agent)	\$50.00 per person with \$100.00 minimum
Fine	\$175.00 (working without a permit or license)
Listed Agent	\$25.00 per year, per restriction
False Alarm, Fire Alarm Activation	\$175 after 2 Consecutive, per calendar year

**23.8 Means of Escape.**

All factories, hotels, tenement houses, public halls, schoolhouses and other buildings used as places of public resort in the City shall be provided with ample means of escape in case of a fire and adequate facilities for entrance and exits on all occasions; and be so erected as not to endanger the health and safety of persons who occupy them.

**23.9 Fire Department Access**

Before construction on commercial buildings, a residential street or a private street with two (2) or more duplexes or single-family dwellings may begin, Fire Department access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface suitable for all-weather driving capabilities.

**23.10 Control of Fire Hazards**

The Chief of his/her designee shall examine, or cause to be examined, at regular intervals, all places where combustible material may be collected or deposited and cause the same to be removed by the tenants, occupants or owners of such place, at their expense, whenever, in the opinion of the Fire Chief, such removal is necessary for the security of the City against fires. A record of all such inspections shall be kept by the Chief or his/her designee.

**23.11 Penalty**

Any person, persons, firm, corporation or partnership who shall violate any provision of Chapter 23 shall be guilty of a violation punishable by a fine of not less than one hundred dollars (\$100) or not more than five hundred dollars (\$500). Each day that the violation continues to exist shall constitute a separate offense.

**23.12 Sprinkler Requirements for Certain Single-family Dwelling Units.**

In addition to sprinkler requirements for structures under the provisions of the applicable N.F.P.A. (National Fire Protection Association) Code and/or any other applicable law or regulation all newly constructed duplexes, triplexes and single-family dwelling unit combination structures that are attached to each other, shall be sprinkled in accordance with National Fire Protection Association (N.F.P.A.) Code standards as contained in the New Hampshire State Fire Code.

**23.13 Prohibition and Regulation of Fireworks.**

- A. In accordance with the provisions of RSA 160-C, it shall be illegal for any person, firm, partnership or corporation to offer for sale, expose for sale, sell at retail, purchase, possess, use, explode or display any permissible fireworks within the City of Rochester, except as specifically provided for in this ordinance.
- B. As used in this ordinance:
  - i. “Display” means the use, explosion, activation, ignition, discharge, firing or any other activity which is intended to cause or which causes a firework to do what it was manufactured to do.
  - ii. “Permissible fireworks” means those consumers firework devices defined as “permissible fireworks” in RSA 160-C, as the same currently exists or as, from time to time, hereinafter amended.
  - iii. “Fire Chief” means the Fire Chief of the City of Rochester or his/her designee.
  - iv. “Police Chief” means the Police Chief of the City of Rochester or his/her designee.

C. Permit Required. No Person shall use discharge or explode any permissible fireworks without a permit issued by the City of Rochester.

- i. Any person wishing to obtain a permissible fireworks display permit shall apply to the Police Chief and the Fire Chief at least 15 days prior to the display. The time frame may be waived at the discretion of the Police and Fire Chief.
- ii. The applicant shall provide the following information:
  - a. Date of application
  - b. Name, address and telephone number of applicant
  - c. Address of location where the display will be held
  - d. Diagram of the display location, showing the location of all nearby property lines, nearby buildings, public ways, nearby trees, electrical and telephone lines or other overhead obstructions, and the location of any nearby storage of flammable or combustible liquids or gases
  - e. Name of the owner of the property where the display will be held
  - f. Intended date and time of display, including a possible rain date
  - g. Written authorization of the property owner, if different from the applicant
  - h. Signature of the applicant
- iii. Permit fee. The fee for a permissible fireworks display shall be five dollars (\$5.00) per event. The fee shall be paid at the time of application and is non-refundable.
- iv. Site inspections:
  - a. Prior to issuing a permit, the Police Chief or the Fire Chief may conduct an inspection of the display site to determine whether a permissible fireworks display can be held in a safe manner.
  - b. If, in the opinion of the Police Chief or Fire Chief, the proposed site is not suitable for the safe display of permissible fireworks, the application for a permit shall be denied.

D. Subject to, and in accordance with the provisions of Chapter 160-C of the New Hampshire Revised Statutes Annotated it shall be lawful to possess and/or display permissible fireworks upon compliance with the following requirements:

- v. A person who is 21 years of age or older may display permissible fireworks on private property with the written consent of the owner or in the owner's presence, subject to the provisions of this ordinance and RSA Chapter 160-C, and any other applicable ordinance regulation or statute.
- ii. No display of permissible fireworks shall be permitted within the City except between the hours of 6 PM and 11 PM on the following holiday: , Fourth of July (including the evening of July 3<sup>rd</sup> beginning at 6PM, including from such time until midnight on any rain date established for the annual city-wide fireworks display held at the Rochester Fairgrounds), after obtaining a permit.
- iii. The display of permissible fireworks shall be of such a character, and so located and conducted, that it shall not be hazardous to property or endanger any person. In accordance with the provisions of RSA Chapter 160-C no permissible fireworks shall be permitted on public property and must be at least 50 feet from nearby buildings, nearby trees, electrical and telephone lines or other overhead

obstructions, and the location of any nearby storage of flammable or combustible liquids or gases.

- iv. No permissible fireworks may be used, discharged, exploded, or displayed during periods of very high or extreme fire danger as determined by the Fire Chief or the NH Division of Forests and Lands.
- v. Permissible fireworks may be used, discharged, exploded, or displayed in a manner such that any all discharge debris shall remain within the property lines of the lot on which the display originates.
- vi. Anyone using permissible fireworks shall be responsible for removing any debris accumulated due to the discharge of fireworks that fall onto the public way, public property, and any private property within twenty-four hours. Anyone failing to remove such debris shall be financially responsible for its clean up.
- vii. Display of permissible fireworks shall be permitted on public property the evening of July 3<sup>rd</sup> beginning at 6PM, including from such time until midnight on any rain date established for the annual city-wide fireworks display held at the Rochester Fairgrounds, provided that such display shall be authorized in a duly issued Block Party Application/Permit from the City's Licensing Board covering the public property on which the display is to occur."

E. A violation of this ordinance shall be subject to the penalties provided for in Chapter 23, Section 23.11, Penalty, of the City of Rochester General Ordinance.

F. This ordinance shall be construed consistently with NH Code of Administrative Rules Section 2600, as made applicable by state statute and as adopted by reference in Section 23.1, of the General Ordinances of the City of Rochester, and is not meant to repeal any section thereof. Nothing in this ordinance shall be interpreted so as to conflict with the provisions of Chapters 160-B or 160-C of the New Hampshire Revised Statutes Annotated, as currently written, or as from time to time hereafter amended. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct independent provision and such holding shall not affect the validity of the remaining portions thereof.11-9-10

G. The Police Chief or Fire Chief may suspend the use of permissible fireworks for any of the following reasons:

- vi. Unfavorable weather conditions, including but not limited to, lightning storms or high wind conditions exceeding 20 miles per hour or higher.
- vii. If any person under the age of 21 possesses, uses, discharges or explodes, used, discharged or exploded any permissible firework device.
- viii. If any person who is using, discharging, exploding, or displaying the permissible fireworks appears to be under the influence of alcohol or drugs;
- ix. If, in the opinion of the Police Chief or Fire Chief, the use, discharge, exploding, or display of permissible fireworks would create a threat to public safety.

H. The Police Chief and/or Fire Chief are authorized to seize, take, remove or cause to be removed, at the expense of the owner, all firework devices that are being discharged in violation of this ordinance.”

I. The City Manager, Mayor, and/or the City Council may declare a Special Event of cultural or civic significance and authorize the display of fireworks on the same terms as Section D. ii on particular days to celebrate those Special Events.

**23.14 Listed Agent Program**

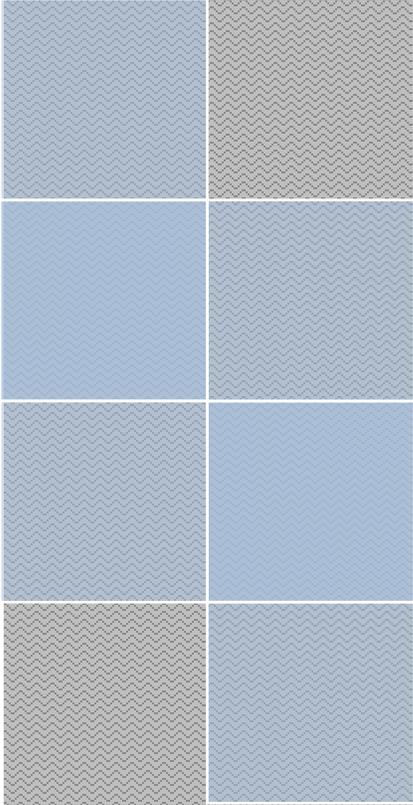
In accordance with NFPA 1:2009 1.13, or the applicable adopted section of the current Code, the Rochester Fire Department enacts the Listed Agent Program. The Fire Chief or his designee shall promulgate administrative rules for the management of the Listed Agent Program.”

**23.15 Regulation of Fire Alarms**

The Fire Chief or his designee shall promulgate administrative rules for the management of the installation and maintenance of Fire Alarms.



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**AMENDMENT TO CHAPTER 3 OF THE GENERAL ORDINANCES OF THE CITY OF ROCHESTER REGARDING THE COMPOSITION OF THE CONSERVATION COMMISSION**

THE CITY OF ROCHESTER ORDAINS:

That Chapter 3 of the General Ordinances of the City of Rochester regarding the composition of the Conservation Commission and currently before the Rochester City Council, be amended as follows:

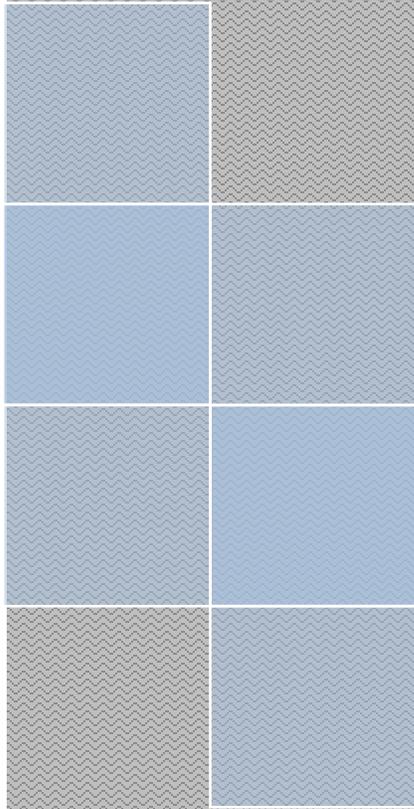
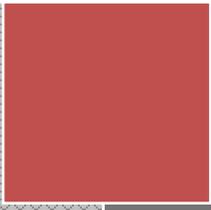
**3.9 Conservation Commission.**

(a) -----

(b) The Conservation Commission shall consist of seven (7) members, one of whom may be a member of the Planning Board. Members of the Commission shall be appointed by the Mayor in accordance with the provisions of Section 74 of the Rochester City Charter for terms of three years. The terms of members of the Commission shall be so arranged that two regular members of said Commission shall be appointed annually and a chairperson shall be appointed every third year by the Mayor. Vacancies shall be filled for the unexpired terms. Two (2) alternate members of the Commission shall be appointed in the same manner as regular members of the Commission for a terms of three years, and when such alternates serve in the absence or disqualification of a regular member, he or she shall have full voting powers.

(c) ----

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



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## FINANCE COMMITTEE

### Meeting Minutes

#### Meeting Information

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Date: October 11, 2016  
Time: 7:00 P.M.  
Location: City Council Chambers  
31 Wakefield Street  
Rochester, New Hampshire

Committee members present were: Mayor McCarley, Deputy Mayor Varney, Councilor Keans, Councilor Torr, Councilor Lauterborn, Councilor Hamann and Councilor Gray (arrived at 7:27pm). Other City Councilors present were: Councilor Barnett. Other elected officials present were: School Board Vice Chair Pappas. City staff present were: City Manager Fitzpatrick, Deputy City Manager Cox, Police Chief Allen, Deputy Police Chief Toussaint and School Superintendent Hopkins.

#### Agenda & Minutes

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1. Call to Order

Mayor McCarley called the meeting to order at 7 PM.

2. Public Input

There were no members of the public that addressed the Committee.

3. Unfinished Business

There was no unfinished business taken up by the Committee.

4. New Business

4.1 E-Ticket Grant

**Deputy Mayor Varney moved to recommend to the full City Council acceptance of the E-Ticket Grant. The motion was seconded by Councilor Hamann and then adopted by the Committee.**

4.2 OARI Grant

Councilor Hamann moved to recommend to the full City Council acceptance of the Opioid Abuse Reduction Initiative Grant. The motion was seconded by Deputy Mayor Varney and then adopted by the Committee.

#### 4.3 COPS Grant

Councilor Gray moved to recommend to the full City Council acceptance of the COPS Hiring Program Grant. The motion was seconded by Councilor Lauterborn and then adopted by the Committee.

#### 4.4 Fairgrounds Police & Fire Detail Service Fees

Mayor McCarley explained to the Committee that a meeting occurred on July 5<sup>th</sup> between City representatives and representatives of the board that governs the Rochester Fairgrounds. The Mayor explained that the majority of the "administrative fee" portion of Police & Fire detail rates is in fact retirement system payments that the City has no control over. The City Manager explained that the Police Chief has sole discretion to determine what police agencies provide officers for police details. Councilor Keans suggested the concept of a "design charrette" as a means to explore alternatives. No decisions were made and no actions taken on this item.

#### 4.5 November Finance Committee Meeting Date

**The Mayor determined that with the November 8<sup>th</sup> elections the consensus of the Committee was to move the Committee's November 8<sup>th</sup> meeting and the new meeting date & time would be November 15<sup>th</sup> at 6:30 PM (just before the November 15<sup>th</sup> 7:00 P.M. Council Workshop Meeting).**

#### 5. Finance Director's Report

Deputy City Manager Cox reviewed one items from his written report to the committee regarding the Assessing Office. Mr. Cox detailed the concept of utilizing the services of a part time contracted chief assessor and reclassifying the remaining

positions to better address the functions within the Assessing Department. Councilor Lauterborn stated that assessing was a topic discussed by the Tri-City Coalition group and Councilors Lauterborn and Hamann both suggested that the City Manager discuss collaboration opportunities with Somersworth and Dover. Deputy Mayor Varney raised concerns regarding a part time department head and questioned how available a part time chief assessor would be. The Deputy Mayor suggested that the City would be better served by raising the salary of the chief assessor to attract a fulltime in-house candidate. Councilor Gray raised concerns about organizational structure and who would be in charge during the majority of the week during those periods the part time contract assessor was not on site. The consensus of the Committee was (1) that a part time contract assessor could be utilized on a trial basis through the end of the fiscal year at which time the trial experience would be used to make a long term decision and (2) the full City Council would need to be consulted before any existing staff positions are re-classified.

6. Monthly Financial Statements

There was no discussion regarding the monthly financial statements.

7. Other

Deputy Mayor Varney expressed a desire to discuss at a later meeting of the Committee the consequences of the Recreation Department's move of their main offices out of the Community Center.

8. Non-Public

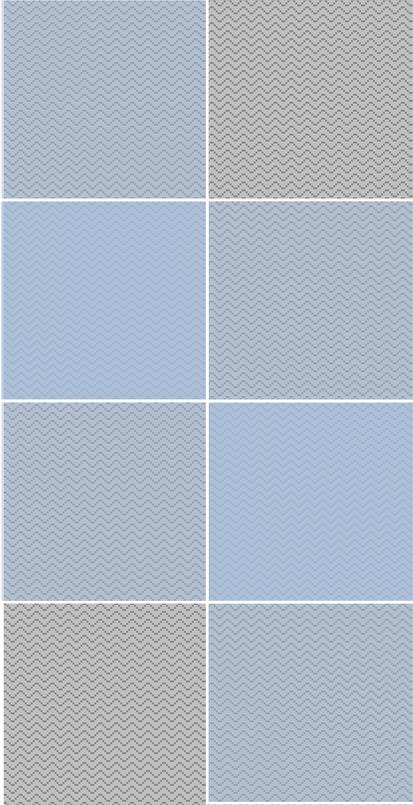
The Committee had no non-public business items.

9. Adjournment

Councilor Torr moved to adjourn the meeting. Councilor Gray provided a second to the motion which was then adopted. The meeting adjourned at 7:50 PM.



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**RESOLUTION AUTHORIZING THE ACCEPTANCE OF A NEW HAMPSHIRE  
DEPARTMENT OF SAFETY (NHDOS) E-TICKET EQUIPMENT GRANT AND  
SUPPLEMENTAL APPROPRIATION CONNECTED THEREWITH**

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

That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, accept the grant in the amount of Nine Thousand Dollars (\$9,000.00) from the NH DOS E-Ticket Equipment Grant program in order to fund the purchase of in-cruiser ticket processing equipment.

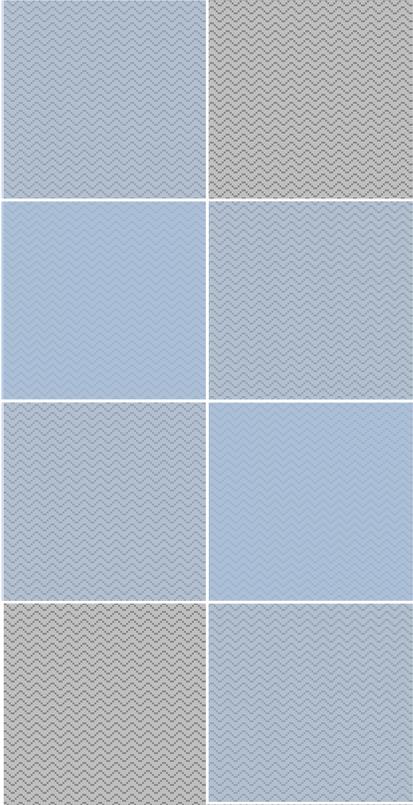
Further, that the sum of Nine Thousand Dollars (\$9,000.00) be, and hereby is, appropriated as a supplemental appropriation to the 2016-2017 operating budget for the City of Rochester Police Department. The source of the sums necessary to fund such appropriation shall be drawn, in their entirety, from the Grant.

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

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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 E-Ticket Equipment Grant
--

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

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

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

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

AGENDA DATE	October 4, 2016 meeting		
DEPT. HEAD SIGNATURE			
DATE SUBMITTED	9/20/16		
ATTACHMENTS YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	3	

**COMMITTEE SIGN-OFF**

COMMITTEE	
CHAIR PERSON	

**DEPARTMENT APPROVALS**

DEPUTY CITY MANAGER	
CITY MANAGER	

**FINANCE & BUDGET INFORMATION**

FINANCE OFFICE APPROVAL	
SOURCE OF FUNDS	Federal through State
ACCOUNT NUMBER	Fund 6121 Proj. 175XX
AMOUNT	\$9,000.00
APPROPRIATION REQUIRED YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	

**LEGAL AUTHORITY**

Council action required.
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**SUMMARY STATEMENT**

Seeking acceptance from the Council to accept the E-Ticket Equipment Grant in the amount of \$9,000.00 These funds will be dedicated to the purchase of 10 printers, bar code scanners and the USB GPS receivers to be placed in assigned cruisers. There is a 20% in kind match. The total project amount is \$11,250.00. We will receive reimbursement up to \$9,000.00. The 20% in kind match is what the department will have to contribute to this project in order to receive the full reimbursement award amount of \$9,000.00. This in kind contribution will be accomplished through training and installation of the equipment. There is no cash match to this grant. See breakdown below.

Total hard cash award amount	\$ 9,000.00
In kind match amount	+\$ 2,250.00
Total project award amount	\$11,250.00

**RECOMMENDED ACTION**

Accept the grant funds.

**AGENDA BILL - FUNDING RESOLUTION**

**EXHIBIT**

Project Name:

Date:

Fiscal Year:

Fund (select):

GF       Water       Sewer       Arena   
 CIP       Water CIP       Sewer CIP       Arena CIP   
 Special Revenue

Fund Type:      Lapsing       Non-Lapsing

**Deauthorization**

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

**Appropriation**

	Org #	Object #	Project #	Fed Amount \$	State Amount \$	Local Amount \$
1	61212010	573900	175XX	-	\$6,145.04	-
2				-	-	-
3				-	-	-
4				-	-	-

**Revenue**

	Org #	Object #	Project #	Fed Amount \$	State Amount \$	Local Amount \$
1	6121003	573900	175XX	-	\$6,145.04	-
2				-	-	-
3				-	-	-
4				-	-	-

DUNS #

CFDA #

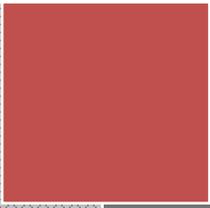
Grant #

Grant Period: From   
 To

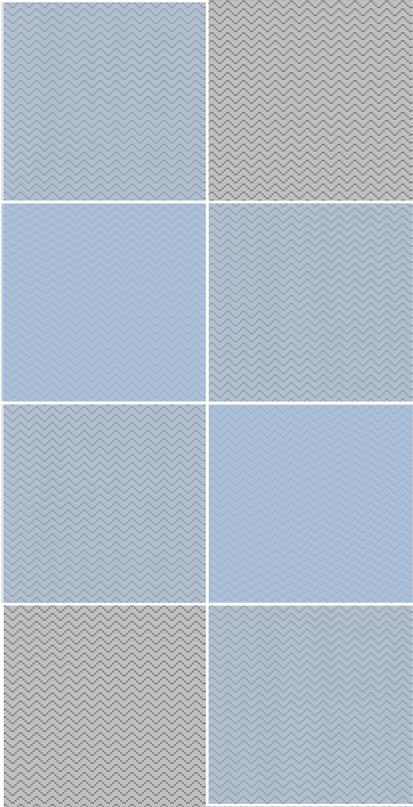
If de-authorizing Grant Funding appropriations: (select one)

Reimbursement Request will be reduced

Funds will be returned



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**RESOLUTION AUTHORIZING THE ACCEPTANCE OF A NEW HAMPSHIRE  
DEPARTMENT OF SAFETY (NHDOS) OPIOID ABUSE REDUCTION  
INITIATIVE(OARI) GRANT AND SUPPLEMENTAL APPROPRIATION  
CONNECTED THEREWITH**

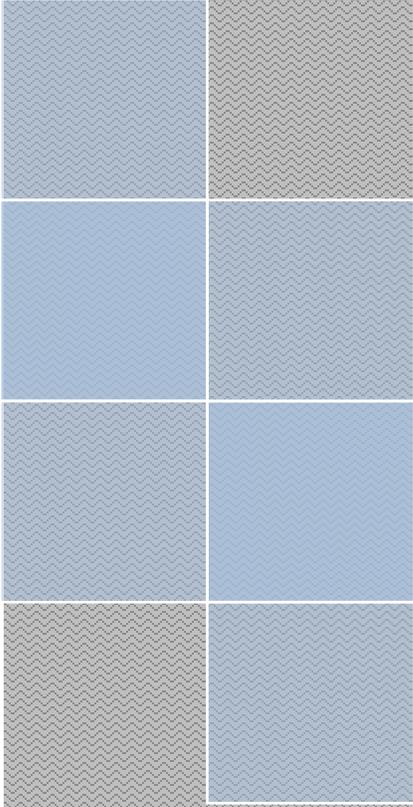
**BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF ROCHESTER, AS FOLLOWS:**

That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, accept the grant in the amount of Twenty Thousand Dollars (\$20,000.00) from the NH DOS OARI Grant program in order to fund opioid related drug investigations.

Further, that the sum of Twenty Thousand Dollars (\$20,000.00) be, and hereby is, appropriated as a supplemental appropriation to the 2016-2017 operating budget for the City of Rochester Police Department. The source of the sums necessary to fund such appropriation shall be drawn, in their entirety, from the Grant.

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

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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 2017 Law Enforcement Opioid Abuse Reduction Initiative (OARI) Grant
---

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

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

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

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

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

**COMMITTEE SIGN-OFF**

COMMITTEE	
CHAIR PERSON	

**DEPARTMENT APPROVALS**

DEPUTY CITY MANAGER	
CITY MANAGER	

**FINANCE & BUDGET INFORMATION**

FINANCE OFFICE APPROVAL	
SOURCE OF FUNDS	State
ACCOUNT NUMBER	Fund TBD
AMOUNT	Estimate \$20,000.00
APPROPRIATION REQUIRED YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	

**LEGAL AUTHORITY**

Council to allow us to accept funding from the OARI grant.

**SUMMARY STATEMENT**

Seeking permission from council to accept funding for the 2017 Law enforcement Opioid Abuse Reduction Initiative (OARI) grant. Strafford County has received \$83,000.00 through a State grant for the purpose of drug investigations throughout the County. We are seeking permission to utilize portions of this grant funding to complete drug investigations in conjunction with the County Task Force as well as Federal Agencies within the City of Rochester. At this point we are estimating our share to be approximately \$20,000.00.

**RECOMMENDED ACTION**

Accept OARI grant estimated funding in the amount of \$20,000.00.

**RESOLUTION AUTHORIZING THE ACCEPTANCE OF A UNITED STATES  
DEPARTMENT OF JUSTICE (USDOJ) COPS HIRING PROGRAM (CHP) GRANT  
AND SUPPLEMENTAL APPROPRIATION CONNECTED THEREWITH**

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

That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, accept the grant in the amount of One Hundred Twenty Five Thousand Dollars (\$125,000.00) from the USDOJ CHP Grant program in order to fund the addition of an Elementary School Resource Officer to the Rochester Police Department over a three (3) year period.

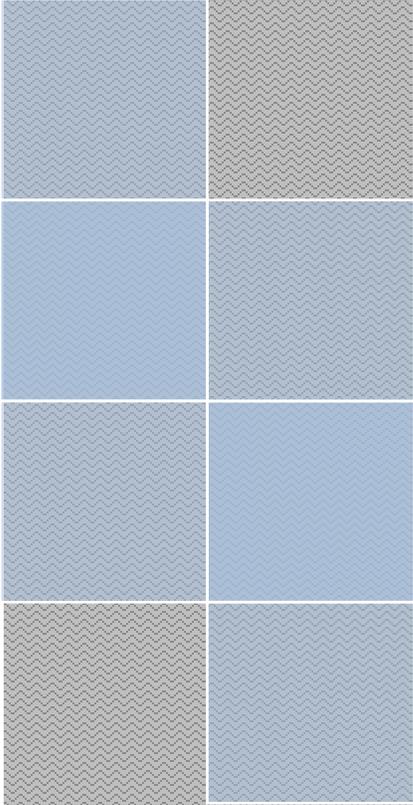
Further, that the sum of Forty One Thousand Six Hundred Sixty Seven and 67/100 Dollars (\$41,667.67) be, and hereby is, appropriated as a supplemental appropriation to the 2016-2017 operating budget for the City of Rochester Police Department. The source of the sums necessary to fund such appropriation shall be drawn, in their entirety, from the Grant and represents the first year of the grant monies.

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

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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 COPS Hiring Program (CHP) Grant
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COUNCIL ACTION ITEM <input checked="" type="checkbox"/> INFORMATION ONLY <input type="checkbox"/>
--

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

AGENDA DATE	Next October 2016 meeting		
DEPT. HEAD SIGNATURE			
DATE SUBMITTED	10/6/16		
ATTACHMENTS YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	4	

**COMMITTEE SIGN-OFF**

COMMITTEE	
CHAIR PERSON	

**DEPARTMENT APPROVALS**

DEPUTY CITY MANAGER	
CITY MANAGER	

**FINANCE & BUDGET INFORMATION**

FINANCE OFFICE APPROVAL	
SOURCE OF FUNDS	Federal
ACCOUNT NUMBER	Fund TBD
AMOUNT	\$349,855.86
APPROPRIATION REQUIRED YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	

**LEGAL AUTHORITY**

Council action required.
--------------------------

**SUMMARY STATEMENT**

The Police Department is seeking approval to accept the FY2016 COPS Hiring Program (CHP) Grant. The grant will reimburse up to \$125,000.00 over a 3 year period. These funds will be dedicated to the salary and benefits for the Elementary School Resource Officer. The grant requires us to retain the officer for an additional year which will cost \$90,367.91. The total cost to the City over 4 years will be \$224,855.86. See breakdown below.

Year 1  
 \$84,533.36 (Salary + Benefits) \$41,666.67 (Grant Portion) \$42,866.69 (City Portion)

Year 2  
 \$86,507.33 (Salary + Benefits) \$41,666.67(Grant Portion) \$44,840.66 (City portion)

Year 3  
 \$88,447.26 (Salary + Benefits) \$41,666.66 Grant Portion) \$46,780.60 (City Portion)

Year 4  
 \$90,367.91 Total City Cost

Total Cost for 1 Officer over the 4 year period \$349,855.86.  
 Grant Reimbursement \$125,000.00  
 City Cost \$224,855.86

The attached award letter from the COPS Office indicates that the local cash match over the three year award period will be \$141,056. This number was based upon estimated salary figures during the application process which were higher than actual salary numbers. The actual cost to the city over the three year period will be \$134,487.95. The maximum grant award of \$125,000 does not change.

The earliest we could expect to hire someone to fill this position would be January. This is half way through this fiscal year. The impact to the FY17 budget would have to be adjusted accordingly.

\$42,266.88 (Salary + Benefits) \$20,833.34 (Grant Portion) \$21,433.35 (City Portion)

**RECOMMENDED ACTION**

Accept the grant funds.

Public Safety Committee  
Council Chambers  
October 19, 2016  
7:00 PM

**MEMBERS PRESENT**

Councilor Donald Hamann, Chair  
Councilor Ray Barnett

Councilor Robert Gates  
Councilor James Gray

**MEMBERS ABSENT**

Councilor Peter Lachapelle (excused)

**OTHERS PRESENT**

John Storer, PE, Director of City Services  
Michael Bezanson, PE, City Engineer  
Deputy Chief Toussaint, Police Dept.  
Christopher Berg, PE, Wright-Pierce

Minutes

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

1. Approve Minutes from September 21, 2016

The first order of business was to approve the September 21, 2016 minutes. ***Councilor Gates made a motion to approve the September 21, 2016 minutes. The motion was seconded by Councilor Barnett. Unanimous voice vote carried the motion.***

2. Public Input

There were no members of the public present.

3. Eastern Avenue Ditch by Culvert Under Road-possible guardrail needed

This item was taken off the agenda.

4. Public Tree Removal - 71 Stillwater Circle

Councilor Hamann summarized the issue. Mr. Storer, Director of City Services, was present to discuss this particular tree issue and to present a draft tree removal policy. Mr. Storer said that a letter was received from Richard Langis of 71 Stillwater Circle explaining his concern regarding some of the pine trees located near his home that are on City property. He said that his home “is located in an area that is like a wind tunnel”. He

said one of the pine trees in particular scares him and his family. It is leaning toward his home and his children's bedrooms; he also stated it is a sandy area and the ground is unstable in this area. He would like that one tree taken down at a minimum. Mr. Storer stated that he and the Highway supervisor have looked at the tree. Urban Tree who holds the bid for tree pruning and tree removal deemed the tree healthy. Mr. Langis stated he had a well known tree company come out himself to get another opinion and have a quote to take all the pine trees down for less than \$1,000.00. Mr. Storer presented the Public Safety Committee with a draft policy and procedure memo for tree removal. He said it was similar to the one that Portsmouth has in place. He wanted to know how the committee would feel about adopting the policy; if a resident disagreed with a decision to not remove a tree, they could have a hearing at the next scheduled Public Safety Committee meeting. Councilor Hamann said he didn't see a problem with that. Councilor Gates stated that Mr. Langis's letter did not state what tree company that he had come look at the trees, nor whether they evaluated the health of the trees. Councilor Gray said the resident could petition to take the tree down themselves. Mr. Storer stated that the City Attorney counseled against allowing residents to enter City property to take matters into their own hands, given the liability. Councilor Hamann said he did look at the tree and if it were to fall in the right direction, it is close enough to hit the house. He stated that there is no way to eliminate the possibility of a severe storm causing damage. Deputy Chief Toussaint raised the possibility of another abutter objecting to the removal of a public tree. Councilor Gray said it should follow a similar process to the Planning Board, where all abutters are notified. Mr. Bezanson said the tree itself could be posted. Mr. Storer said he would revise the draft policy based upon this discussion. Councilor Gates said he should run it by the City Attorney for a legal perspective. Councilor Hamann asked Mr. Storer to keep him in the loop. ***Councilor Gates made a motion to keep the public tree removal policy and procedure, as well as this particular tree removal request in committee until next month. The motion was seconded by Councilor Barnett. Unanimous voice vote carried the motion.***

5. Traffic Flow - Myrtle/Woodman Area

Councilor Hamnan summarized the issue. Chris Berg of Wright-Pierce was present to discuss the design of the infrastructure improvement project and the change of traffic flow in the Myrtle/Woodman Street area. Mr. Berg said that the design includes Academy Street, Liberty Street, Myrtle Street, Woodman Street, Davyanne Locke Lane, Beaudoin Avenue, Ela Court, and portions of Congress and Charles Streets. He stated that they are proposing traffic changes to Myrtle Street and Congress Street between Charles St. and Myrtle St. These areas would change from a two-way street to a one way street. Councilor Hamann asked if school busses would be affected. Mr. Berg said

busses come in through Woodman Street and the parent drop off route is along Granite Street in front of the school. Mr. Storer asked if they would lose parking on Woodman Street. Mr. Berg said yes to accommodate sidewalks and two way traffic on Woodman Street, the right-of-way is not wide enough for on-street parking. There is a plan to add parking at Woodman Park along Myrtle Street. Mr. Berg said they will have a public meeting in the next couple of months, which will allow residents to hear the plan, ask questions, and voice any concerns. Councilor Gray asked that rather than sidewalks on both sides of Woodman, could one sidewalk, two way traffic and one parking lane fit in the right-of-way width. Mr. Bezanson stressed the importance of the sidewalks given the proximity of the school. He also stated that they had looked at this arrangement and recalled that it would not fit in the right-of-way width, but that they would take another look at this. Concerning the need for two way traffic on this end of Woodman (between Myrtle and Davyanne Locke), he stated that there is presently School Department staff parking is at the end of Woodman Street; further discussion with the School Department is planned regarding their future usage of this lot. Councilor Gray said that the School Department had a plan drawn up about 5 years ago that included extending Davyanne Locke Lane north to Congress Street. Mr. Bezanson said they would report back after the public meeting and further discussions with the School Dept. Councilor Hamann asked if this was going to be brought up at the Public Works Committee meeting on Thursday night. Mr. Storer said just an overview of the project. Mr. Storer asked what the tentative timeline is for breaking ground. Mr. Berg said they have some permitting and easement issues to work through, but we are hopeful it will be a spring start. Councilor Hamann asked what the plan was during the school year. Mr. Berg said the plan is to limit work in the immediate vicinity of the school to summer months and that bus traffic will be accommodated during the school year.

6. Corner of Charles Street & McIntyre Street - No Parking Sign Request

Councilor Hamman summarized the issue. Councilor Hamann said he checked out the area and there were 2 vehicles parked near the corner. Deputy Chief Toussaint said there was only 1 car near the daycare on Charles Street when he went by. Councilor Hamann thought the no parking request was for McIntyre Street. Mr. Bezanson stated that as well. Mr. Bezanson said it is a low volume road. Mr. Hamann said he will check with Samantha in the City Manager's office to see if she has a contact for this request to get more information. Kept in committee until next month.

7. Other

Crosswalk Near Parson Main

Councilor Gray said that someone spoke to him about the Parson Main crosswalk. The complaint was that vehicles travelling south on North Main Street that are turning to head north on Wakefield Street are not looking for pedestrians in the crosswalk because their attention is focused on the northbound traffic. Mr. Storer said there may be money in the budget for crosswalk safety. Originally the focus was on North Main Street and South Main Street from Lilac City Grille to the library. Councilor Hamann will make sure that this item is on next month's agenda.

#### No Parking - Waldron Street

Mr. Storer said that DPW was looking into the history of the "no parking" sign on Waldron Street. It looks like a City sign, however there are on-street parking spaces available. When someone tried to park there recently, they were told by an area resident that they could not because of the sign posted. Councilor Gray said that there could be a record of the decision to place the sign in City Council meeting minutes or on the deed.

#### Parking on South Main Street near Commons and Sanel Auto Parts.

Mr. Bezanson said that Mr. Storer and he met with Councilor Lauterborn regarding on street parking. A local businessman had requested that the parking along South Main Street across from the Commons be delineated more clearly, so that people were more aware that there was on street parking in the area. Mr. Bezanson stated that the parking lane is only 7 ft. wide and a parallel parking space needs to be a minimum of 8 ft. wide. Because significant restriping of the roadway would be needed to properly delineate parallel parking spaces in this area, DPW is proposing no changes until such time as the entire area can be restriped. Mr. Bezanson also stated that the businessman requested additional enforcement of the 30 minute parking restriction that is posted in this area. Deputy Chief Toussaint stated that additional enforcement beyond what is currently practiced is difficult due to the frequency that this area would need to be patrolled. This item was for informational purposes; no action taken on this item.

#### Franklin Street/Western Avenue-Project - Temporary One Way at Winter/Adams

Mr. Bezanson informed the committee when the Western Avenue culvert replacement portion of the project begins, Western Avenue will be shut down to traffic in the area. Pedestrian traffic in the area will be forced to use Winter Street to Adams Avenue, which includes a narrow culvert crossing and a narrow corner with very little sight distance. DPW is planning to limit vehicular traffic to one way between the culvert on Winter

Street and the Adams Avenue/First Street intersection. Temporarily limiting vehicular traffic flow to one direction from Winter Street to Adams Avenue will provide a much safer condition for pedestrian travel in this area. Councilor Gray express concern over yet another restriction on traffic flow in the area given that the residents are already having to deal with the on-going construction in the area. Mr. Bezanson stated that fortunately those that travel through the area are now aware of the on-going construction and will try to avoid the area when possible. He stressed that this change is being made for pedestrian safety. Councilor Gray asked how long this one way restriction would be in place. Mr. Bezanson stated that this would likely be in place through the winter and into the spring. Councilor Gray asked whether the time period could be shortened. Mr. Bezanson said the whole road would be opened up and that there is an extensive amount of work that the contractor needs to complete in the area of the culvert. Councilor Gray stated that the residents are getting hit from both ends. Mr. Bezanson stated the importance of keeping pedestrians away from the construction zone. Councilor Hamann said the children's safety is more important than a temporary traffic inconvenience.

#### Portland/Salmon Falls Road Intersection

Councilor Hamann said that Councilor Varney mentioned the four-way Portland/Salmon Falls Intersection. Deputy Chief Toussaint said there is a lot of enforcement done in the area. Councilor Gray said they would need a full engineering traffic study of the area to determine whether a traffic signal would be warranted. Consensus of the committee was that this would not be necessary at this intersection.

#### Update on Lupine Lane

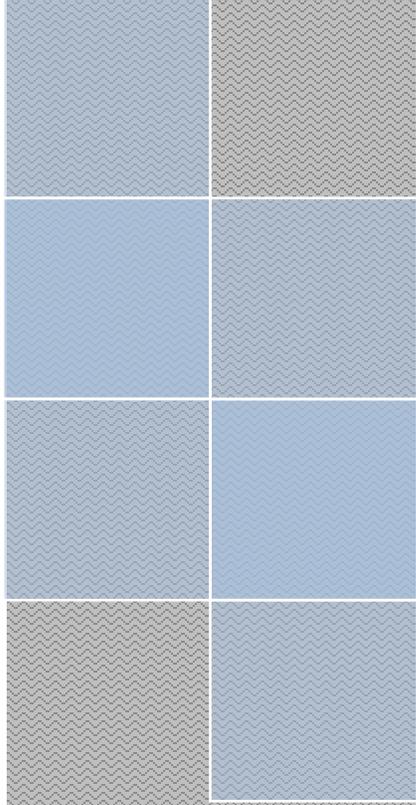
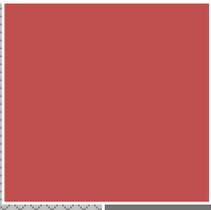
Deputy Chief Toussaint said there is traffic in the morning for 15 minutes, but there is still a two way flow.

#### Tebbetts / Blackwater Road

Mr. Bezanson said that the City does have enough right-of-way in the area to clear trees and brush so that the stop sign is visible from further back on Blackwater Road. DPW is proceeding with the clearing in this area.

Councilor Gates made a motion to adjourn the meeting at 8:02 PM. Councilor Barnett seconded the motion. The motion passed unanimously.

Minutes respectfully submitted by Laura Miller, Secretary II.



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**Public Works and Buildings Committee**  
**October 20, 2016 6PM**  
**Council Chambers**

**MEMBERS PRESENT**

Councilor Ralph Torr – Chairman  
Councilor Ray Varney- Vice Chairman  
Councilor Sandy Keans  
Councilor Donald Hamann  
Councilor Thomas Willis

**OTHERS PRESENT**

Councilor James Gray  
Dan Fitzpatrick, City Manager  
John B. Storer, Director of City Services  
Joanne Crawford, Fieldstone Village

**MINUTES**

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

**1. Approve minutes from September 15, 2016 meeting -**

The Vice-Chairman requested comments or a recommendation on last month's minutes. *Councilor Hamann made a motion to accept minutes as presented for the September 15, 2016 Meeting. The motion was seconded by Councilor Keans. The Motion passed unanimously.*

**2. Public Input**

There was no public input.

**3. Fieldstone Village Flat Rate Water & Sewer Charges**

Joanne Crawford spoke for Fieldstone Village Co-op. She stated that two years ago the City funded a project to put in a master meter at this private mobile home park. Ms. Crawford stated that due to the City's inability to get the project completed the park has had to continue to pay over \$10,000 per month in flat rate fees. She stated that according to her calculations based on estimated averages provided by the City Services Director, John Storer, the park is paying two times the cost of the expected rates of other residential users. Ms. Crawford expressed frustration with the City and stated that the City's delays are costing the park owners more than five thousand dollars a month if these calculations are correct. She suggested some sort of abatement or credit should be given as the City is at fault for not having the meters in place. Mr. Storer stated that there was a delay on the City's part due to the turnover in Directors at the DPW. He said the project has been moving forward but will not take place until May or June in 2017. There was discussion regarding abating the account going forward or waiting for the

meter installation and abating the prior bills.

*Councilor Varney made a motion to recommend that the full City Council abate 50% of the water and 50% of the Sewer charges beginning in November until completion of the water line and meter installation project. The motion was seconded by Councilor Hamann. The motion passed unanimously*

#### **4. City Tree Policy**

Mr. Storer stated that this is an FYI on the policy being developed by the Department of Public Works and the Legal Department. Mr. Storer stated that there was a recent wind storm that brought down some City trees that fell on to the abutting property. He stated that the City had checked in with our property liability insurance and that these issues should be addressed through homeowner's insurance policies and that City Staff should avoid involvement. Mr. Storer further stated that it had brought up a separate issue as a homeowner wanted the City to remove other trees that they felt were hazardous. Mr. Storer stated that the City Staff and our contracted Arborist had determined the trees to be healthy and not hazardous, as this is our current policy but the property owner really wanted them removed. He stated that this written policy would give them an appeals avenue when they were unhappy with the Department's determination. Mr. Storer reiterated that this was informational only and he wanted the Council to know that if we are aware of any hazards and that there was any sense of a safety hazards it is always the department's policy to have it removed. If an immediate health issue was involved notification would have already been made.

#### **5. Flat Rock Bridge Road**

Mr. Storer stated Councilor Varney had made the DPW aware of an issue with motorists in the turning lane cutting the corner and getting off the pavement into the gravel area and causing problems with gravel and debris getting into the roadway at this newly constructed / aligned intersection. He stated that he is working on a plan that includes curbing, striping and possibly signage. He stated that he is confident that he can keep the vehicles from getting off the pavement. Councilors Varney and Willis both stated that they were pleased with the outcome of the project. Chairman Torr stated that he too was pleased with the intersection.

#### **6. Granite State Business Park – Lighting and Walkway Striping**

Mr. Storer stated staff is working to get the walking lane striped this month and that he had looked into lighting options for the Granite State Business Park on Route 108. He stated that the preferred lighting option would be the King Luminaire as it would put off the most illumination and would consist of approximately 20 lights spaced about 180 feet apart with a cost estimate of \$250,000. Councilor Keans and Chairman Torr stated that this cost is too high in this remote area with little foot traffic. Mr. Storer stated that the second option would be the Town and Country lights that would be approximately 56 lights spaced about 65 feet apart. The cost is estimated \$170,000. Mr. Storer also mentioned that he had looked into the cobra head lighting, but as that would require

overhead power lines and the City had made the investment in underground power this would be a step backward. Councilor Willis inquired about the maintenance of the overhead lighting. He stated he believed the Town and Country lights and the Cobra head lights are maintained by Eversource and that the King Luminaire would be City Maintenance. Mr. Storer stated that he would look into the maintenance responsibility of the lights. Councilor Keans stated that the Granite State Business Park had been done in a way that projects a modern image and the lantern heads on the Town & Country lights looks more colonial. Mr. Storer stated he would look for additional options for the lens tops. Councilor Keans also asked about LED options. There was a discussion regarding the area for the lighting. Councilor Varney stated that this project isn't going to happen this season and this could come back to the Committee next month. Mr. Storer stated that he would bring back the additional information regarding lighting options, maintenance and the project area for next month's meeting.

**7. Woodman / Myrtle Street Reconstruction & I/I Project**

Mr. Storer stated that there was an inquiry as to the scope of this and the preceding project. He handed out a color coded map showing the completed project for Cathrine, Glen, Sheridan, Granite, Knight, Upham and May Street. The map showed that the next phase of the I/I and Reconstruction Project is for Davyanne Lock Lane, Myrtle and Congress Street, Beaudoin Ave., Ela Court and Liberty Street. He stated there will be a bid alternate to include Academy and a section of Charles Street if the funding is sufficient and if the Committee is on board with that. Mr. Storer stated that this project is funded and in design and should be out for bid over the winter for construction to start next construction season. Mr. Storer stated that he wanted to let the Committee know that there is a possibility of a change to one way on a section of Congress Street. He stated that the right of way in that area is narrow and in order to have sidewalks on both sides of the road and on street parking on one side there would have to be some give. Mr. Storer stated that we are getting ready for a public neighborhood meeting and that he would also be meeting with the School Department to address their concerns. Chairman Torr was opposed to the inclusion of Academy Street and the project in general. There was discussion about the neighborhood in conditions and the narrowness of the streets. Councilor Keans stated that she is not in favor of the one way traffic, stating that it is confusing. Councilor Willis stated that it does not take long before the locals get on board with the changes. Mr. Fitzpatrick stated that investing in the infrastructure of our struggling neighborhoods goes a long way in the revitalizations of these areas. Councilor Varney stated that this project is funded and that it includes necessary upgrades to the water, sewer and drainage and suggest we proceed as planned. Mr. Storer stated that he would be proceeding with design, public hearings and bidding and would keep the Committee informed. Councilor Willis suggested that as they proceed with design, they should note and possibly address issues that might tie into the River Walk Project if it gets up and running.

**8. Wakefield Street Reconstruction Project**

Mr. Storer stated that the engineers have been collecting data on existing conditions and that he will be meeting with them in early to mid November to firm up the direction of the design. Chairman Torr asked if they would be going with underground power in the area of Union to the Spaulding High School. Mr. Storer stated that preliminary discussions with Eversource have not been in favor. He stated that it seems that there would be considerable upgrades needed to their infrastructure to accommodate the underground power and he is not sure that they are willing to do that at this time. Mr. Storer stated that per the direction of the Committee the project area is from Union Street to the Chestnut Hill Road. He stated that it will keep the main corridor as is and will include a storm water system and possibly some complete street enhancements. Mr. Storer stated that he will be doing a public neighborhood meeting and working with the School Department on this project as well.

**9. Colonial Pines Sewer Project Update**

Mr. Storer stated that the bid was opened for the Spaulding Turnpike Crossing. He stated that it was over the budgeted amount but that there were allowances built into the bid for possible soil conditions. He stated that he is working with the low bidder, SUR Construction and the soil scientist to determine if these allowances are necessary. If they are not necessary then the bid amount can be reduced by four to five hundred thousand dollars and if that works out as expected he will get the project awarded and move forward with this first phase of the Colonial Pines Sewer Project. Mr. Storer also stated that the next phases are still expected to take an additional six million five hundred thousand dollars to get this into the neighborhood.

**10. 5 Waldron Ave. No Parking Sign**

Mr. Storer stated that he was looking for any recollections as to why a no parking sign was put up at this location. He stated that this is where a laundry mat facility was formerly located. Mr. Storer stated that the staff thought there may have been a history where they allowed the “No Parking” area by some sort of land swap during the Maple Street Project. None of the Committee members remembered anything about this. Councilor Keans suggested checking in with David Walker. She stated that he did live in that area at the time and was possibly involved with the project. Mr. Fitzpartick asked if there was any signed agreement. Mr. Storer stated none that could be found. Councilor Willis suggested that old design plans might give some insight.

**11. Ice Arena Update**

Mr. Storer stated that he is unsure if the seven hundred and fifty thousand is going to be sufficient. He stated that he is working with Harriman and Associates to develop bid documents. The plan is to go out to bid to reinforce roof and then when flooring is addressed with the next project, they will re-assess the foundation and its ability to support the load as needed. He stated the plan is to have the project out to bid in December or January and the work will be completed during ice out in March.

12. **East End Dam** - Mr. Storer stated that the project to repair the East End Dam is underway and we are expecting completion by the end of December.
13. **Raw Water Transmission Line at WTP** – Mr. Storer stated that this project is extremely important to get finished. This is a critical project to repair the line that transfers water from Berry’s River to Round Pond and the reservoir. He stated that it is approximately 2000 feet from 202A toward Dryhill Road. He stated that we are currently working on the permitting and want to get the repair done in order to capture the surplus waters in the spring.
14. **WWTP Aeration Project Update** – Mr. Storer stated that David Green and his staff did an excellent job getting this project completed. He stated staff had done a lot of hand work in preparation for the contractors. He distributed pictures to the Committee that showed the scope of the handwork. Mr. Storer stated that the project is now wrapping up and that it is under budget.
15. **EPA WWTP Permit Update**  
Mr. Storer stated we are waiting on the issuance of our Stormwater and WWTP permit. He stated he is very pleased that the USEPA has selected Rochester as one of five communities to participate in an 18 month long pilot study regarding Stormwater. He stated that we will be the Region 1 Community which is the Northeast Region of the United States. Mr. Storer stated that he believes we were nominated by the Region 1 EPA Representatives as we have been pro-actively trying to address issues in expectation of the new permit limits. Mr. Storer stated that he has discussed this opportunity with consultants and the City’s legal team and they do not see any downside to the City’s participation in the study. Mr. Storer stated that he believes this would be good press for the City and he would like to know if the Committee and Council are in support of our participation. The Committee was supportive.
16. **Other.**
  - Frisbie Parking Lot Structure** – Councilor Keans asked about the unique drainage structure that was built with the Frisbie expansion and wondered if anyone was aware of it and if it would require routine maintenance. Councilor Willis state that he remembered the project and that it was built around 2006 and that it is essentially an underground retention pond. He stated that Frisbie should be doing regular maintenance and that it likely has several clean out access points.
  - DPW Facility** – Councilor Varney asked what the status is on the new DPW Facility Project. Mr. Storer stated that the engineering firm is in the process of doing some site investigations at the current location to see if it can be used and the facility would be built on site in phases. Councilor Varney asked if we would know by the end of this year if the existing site is usable.
  - Water Ban** – Chairman Torr asked if the water use ban is still in effect. Mr. Storer stated that it is still in effect and that we have sent out several letters when violations are

reported, but stated that most everyone seems on board with compliance. Councilor Willis stated there is a State wide concern for small landscaping companies and hydro seeders that are pumping directly out of the rivers into their tanks. Councilor Willis stated that this practice may need to be addressed as it currently is not permitted or regulated. Mr. Fitzpatrick suggested that he could have the City Attorney look to see if we have jurisdiction. Mr. Storer stated that if they were pumping from our reservoir or watershed we might have jurisdiction if they were accessing the water from our land, but he believes that it is the State of NH that has jurisdiction regarding water ways.

Chairman Torr stated that he had let one such company know that they could no longer access the Cocheco from his property and that he has not seen them since. Councilor Willis stated that he agreed that it is likely a State of NH issue. Councilor Gray stated that the current discussion on regulating water withdrawals would likely see these issues as so minimal of an impact they would not require permitting or regulation.

**Electronic Sign at City Hall** – Chairman Torr asked for a project update. Mr. Storer stated that the Buildings & Grounds Division has completed the lay out and expect to be pouring concrete next week and the project should be completed by Thanksgiving.

Chairman Torr stated that the area that they cleaned up and put the wood sign look great. He stated that staff did an excellent job with that. Mr. Fitzpatrick mentioned that in addition to the sign and cleanup that was done; there will be a new vinyl fence to replace the old chain link fence that runs between the parking lot and the buildings off Summer Street. Councilor Varney asked about a policy on what could be put on the sign as far as messages. Mr. Fitzpatrick stated that he is writing up a policy on the types of messages and he stated that the access will initially start out as only in his office. Mr. Fitzpatrick discussed the progression of technology for these types of signs; from hand mounted lettering, to wi-fi and how this sign will have its own IP address. Councilor Keans asked if with its own IP address could it be possible to for a “hacker” to get into the system. Mr. Fitzpatrick stated that he would look into that.

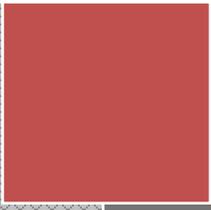
**City Hall Annex** – Mr. Fitzpatrick asked the status of this project. Mr. Storer stated the project is moving along. He stated that the masonry expert has found a brick vendor that will be able to supply the correct size for the brick work, but now they are looking for the best color match. Mr. Fitzpatrick stated that Michelle Mears and the Chairman of the Historic Committee will approve the color.

**Lowell Street Mobile Home Park – Royal Crest/Hide Away Village** - Chairman Torr asked the status of the backflow/water pressure issue at this park. Mr. Storer stated that they are currently still by-passing the backflow device due to the problems with pressure. He stated that he believes they are in contact with Julian Long regarding Community Block Development Grant funds to assist them with the project. Councilor Willis asked if they were going to put in a booster station or if they were going to try to run the same way as their sewer line and come through that easement from Rochester Hill Road with water. He stated if they were to put in the booster option they would then be considered a

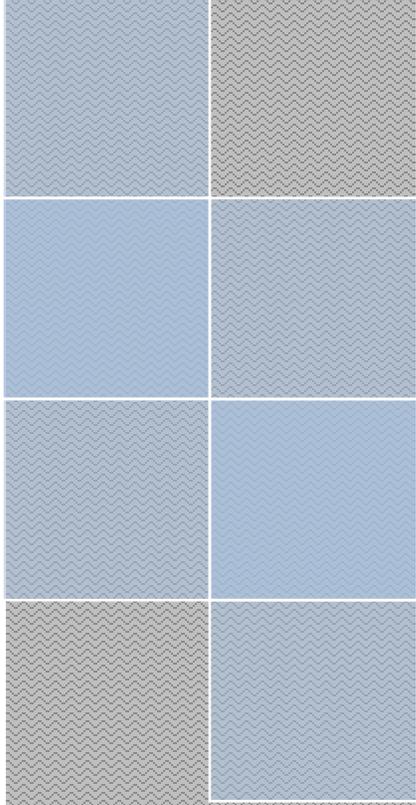
“small water system” by the state and they would require Treatment Operator oversight.

***Councilor Hamann made a motion for adjournment at 7:26 pm. The motion was seconded by Councilor Willis. The motion passed unanimously.***

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



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## CITY OF ROCHESTER

### Conflict of Interest Policy for Community Development Block Grant (CDBG) Program

September 2016

#### I. PURPOSE OF THE POLICY

The purpose of this policy is to formalize the process by which the City of Rochester handles Community Development Block Grant (CDBG) funds, received from the U.S. Department of Housing and Urban Development (HUD), and to prevent any real or perceived conflict of interest with regard to the use of these funds.

#### II. SCOPE AND APPLICABILITY OF THE POLICY

This policy shall apply to City of Rochester employees and/or their family members or close relationships, that request assistance in the form of grants or loans funded by the CDBG program and administered by the City or the City's subrecipients, as well as to elected City officials. The definition of "family members" and "close relationships" shall be identical to the definitions provided in the City of Rochester's Anti-Nepotism Policy (#2.001, approved 6-5-13).

#### III. PROCESS

Disclosure of a potential conflict of interest must be made before negotiations to sell, purchase, and/or lease a property assisted with CDBG funds; before an employee gains any financial interest in any property to be assisted with CDBG funds; before an employee receives any services provided, partly or in whole, through the use of CDBG funds; and/or before an elected City official with a financial or other interest in a potential CDBG subrecipient votes on allocating CDBG funds. Two types of employee disclosures and requests are outlined in this policy, as well as disclosures by elected City officials.

##### A. Employees of Departments or Divisions Which Receive and/or Administer CDBG Funds

Employees who work in departments that receive and/or administer CDBG funds have an obligation to disclose any potential conflict of interest with regard to use of these federal funds. If such employee or their family member requests to use HUD funds for an eligible activity, they must follow the procedure outlined herein to include review by the City Attorney, public disclosure, and an exception requested from HUD.

In general, the process includes the following steps:

##### 1. Legal Review

For the purposes of this policy, legal review consists of an opinion of the City Attorney that the interest for which the exception is sought would not violate state or local law. If legal review concludes that access to the use of CDBG funds would violate state or local law, the employee is notified that the request is denied.

##### 2. Public Disclosure

A public disclosure must be made of the nature of the request for funds, including information about the City Attorney's opinion.

**3. HUD Review**

The City submits a formal request to HUD to review and grant an exception to the employee's conflict of interest. In determining whether to grant the requested exception after the City has satisfactorily met the requirements of legal review and public disclosure, HUD will consider the cumulative effect of the following factors, where applicable, that such an exception will serve to further the purposes of the HUD-funded program and the effective and efficient administration of the City's program or project:

- a. Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project which would otherwise not be available;
- b. Whether an opportunity was provided for open competitive bidding or negotiation;
- c. Whether the person affected is a member of a group or class of low-income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits being made available or provided to the group or class;
- d. Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision-making process, with respect to the specific assisted activity in question;
- e. Whether the interest or benefit was present before the affected person was in a position as described in paragraph (c) of this section;
- f. Whether undue hardship will result either to the City or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and
- g. Any other relevant considerations.

**4. Employee Notification**

HUD determination is communicated to employee. If the request is approved, the individual may proceed with the use of CDBG funds. If the request is denied, the individual is so notified.

**B. Employees of Other City Departments and Divisions**

For City employees who do not work in City departments receiving and/or administering CDBG funds, a request to access programs funded by the CDBG program may be considered only after the following has been provided:

**1. Legal Review**

For the purposes of this policy, legal review includes an opinion of the City Attorney that the request would not violate state or local law. If legal review concludes that access to use of CDBG funds would violate state or local law, the employee is notified that the request is denied.

**2. Public Disclosure**

If legal review concludes that access to use of CDBG funds would not violate State or local law, the City proceeds with public disclosure of the nature of the request. If any reasonable

public objection is received during public disclosure, final decision as to employee participation will be made by the City Manager or the City Manager's designee.

**3. Employee Notification**

Upon successful completion of steps 1 and 2 above, employee is notified that they may proceed with the requested use of CDBG funds.

**C. Elected City Officials**

For elected City officials, including the mayor and city councilors, a declaration of interest (verbal or written) must be made before any votes, at either the level of the committee or the full City Council, on the allocation of the City's CDBG funds in the following circumstances:

**1. Financial Interest (For-Profit Entities)**

The elected official holds a financial interest in the potential CDBG subrecipient, including but not limited to shareholder status, company owner, lienholder, or creditor status.

**2. Other Interest (Non-Profit Entities)**

The elected official holds other interests in the potential CDBG subrecipient, including but not limited to sitting on the board of directors of the organization, serving as a previous or current officer within the organization, or being a current or former major donor to the organization (\$10,000 or more).

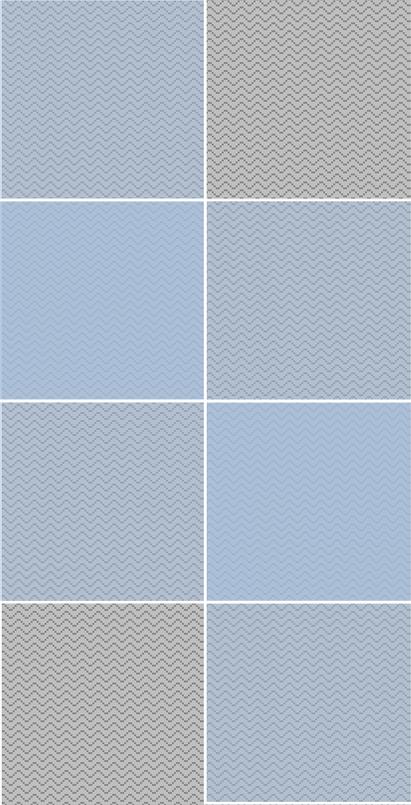
In cases where the conflict of interest is a financial interest, the elected official shall abstain from voting on the allocation of CDBG funds after declaring the interest. In all other cases, the elected official may abstain from voting on the allocation of CDBG funds after declaring the interest, at his or her discretion.

**IV. INCORPORATION BY REFERENCE OF ANTI-NEPOTISM POLICY**

This policy incorporates and includes the City of Rochester's existing Anti-Nepotism Policy (#2.001, approved 6-5-13).



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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  
CDBG Conflict of Interests Policy

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	10/4/2016
DEPT. HEAD SIGNATURE	<i>Karen Pallard</i>
DATE SUBMITTED	9/15/2016
ATTACHMENTS YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED <b>3</b>

COMMITTEE SIGN-OFF

COMMITTEE	Community Development Committee
CHAIR PERSON	Elaine Lauterborn

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

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

LEGAL AUTHORITY

2 CFR 200.318(c); 2 CFR 200.112

**SUMMARY STATEMENT**

The City of Rochester's Community Development Block Grant (CDBG) program, as a recipient of federal funds through the U.S. Department of Housing and Urban Development (HUD), should have a formalized conflict of interests policy for administering CDBG services to city residents. The draft CDBG Conflict of Interests Policy was drafted based on HUD policy guidance.

**RECOMMENDED ACTION**

Approve the draft Conflict of Interests Policy for the City of Rochester's CDBG program.

**RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION  
FOR THE EAST END DAM REPAIR PROJECT AND BORROWING AUTHORITY  
PURSUANT TO RSA 33:9**

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

That the sum of One Hundred Thousand Dollars (\$100,000.00) be, and hereby is, appropriated as a supplemental appropriation to the Capital Improvement Project (CIP) fund of the City of Rochester Department of Public Works, Water Works for the purpose of providing funds necessary to pay costs and/or expenditures with respect to the so-called East End Dam Repair Project.

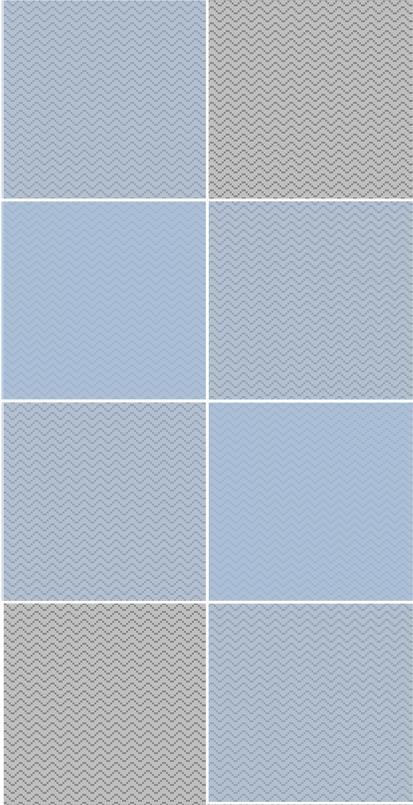
Further, that the Mayor and City Council of the City of Rochester hereby resolve that, in accordance with the provisions of RSA 33:9, the City Treasurer, with the approval of the City Manager, be, and hereby are authorized to borrow the sum of One Hundred Thousand Dollars (\$100,000.00), through the 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

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 FY17 10-04 AB**



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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 Appropriation (Water) for Repair of East End Dam on Rochester Reservoir.

COUNCIL ACTION ITEM [checked]
INFORMATION ONLY [ ]

FUNDING REQUIRED? YES [checked] NO [ ]
\* IF YES ATTACH A FUNDING RESOLUTION FORM

RESOLUTION REQUIRED? YES [checked] NO [ ]

FUNDING RESOLUTION FORM? YES [checked] NO [ ]

Table with 4 rows: AGENDA DATE (October 4, 2016), DEPT. HEAD SIGNATURE (John B. Storer), DATE SUBMITTED (September 16, 2016), ATTACHMENTS (YES [checked] NO [ ], \* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED: 1)

COMMITTEE SIGN-OFF

Table with 2 rows: COMMITTEE (Public Works Committee), CHAIR PERSON (Ray Varney, acting Chair)

DEPARTMENT APPROVALS

Table with 2 rows: DEPUTY CITY MANAGER, CITY MANAGER

FINANCE & BUDGET INFORMATION

Table with 5 rows: FINANCE OFFICE APPROVAL, SOURCE OF FUNDS (BOND), ACCOUNT NUMBER (55016010-771000-17535), AMOUNT (\$100,000), APPROPRIATION REQUIRED (YES [checked] NO [ ])

LEGAL AUTHORITY

City Council Resolution

**SUMMARY STATEMENT**

A Supplemental Appropriation of \$100,000 is needed to complete repairs to the East End Dam that impounds our public water supply on Rochester Reservoir.

The FY17 Water CIP budget included an allocation of \$315,000 to complete anticipated repair work. We had received a Letter of Deficiency from the NH Department of Environmental Services Dam Bureau that repairs were required. Action was required to repair or reconstruct the dam, including improving non-functioning toe drains, addressing areas of leakage, and improving steep slopes on the downstream face of the embankments. It is a large, earthen dam.

Design work was completed through this summer and construction bids were opened on September 8. The apparent low bidder had a price of \$325,500. A supplemental appropriation is required to provide for a construction contingency and to secure full-time construction inspection and engineering assistance.

NH DES requires full-time inspection due to the critical nature and hazard classification of the dam.

With the supplemental appropriation, remediation work on the dam should conclude prior to December 31.

**RECOMMENDED ACTION**

City Council Resolution to Authorize \$100,000 of bond funding to complete repairs to the East End Dam at Rochester Reservoir.



### 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.**

<b>AGENDA SUBJECT</b> Seeking permission from Council to enter into an inter-local agreement with the City of Somersworth to apply for a Justice Assistance Grant.
---

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

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

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

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

AGENDA DATE	Next Special June meeting	
DEPT. HEAD SIGNATURE		
DATE SUBMITTED	6/13/16	
ATTACHMENTS YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	

**COMMITTEE SIGN-OFF**

COMMITTEE	
CHAIR PERSON	

**DEPARTMENT APPROVALS**

DEPUTY CITY MANAGER	
CITY MANAGER	

**FINANCE & BUDGET INFORMATION**

FINANCE OFFICE APPROVAL	
SOURCE OF FUNDS	Federal
ACCOUNT NUMBER	TBD
AMOUNT	\$22,617.00
APPROPRIATION REQUIRED YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	

**LEGAL AUTHORITY**

Council action required.
--------------------------

**SUMMARY STATEMENT**

Seeking permission from Council to enter into an inter-local agreement with the City of Somersworth to apply for a Justice Assistance Grant. Rochester's share of the total JAG award totals \$23,807.00. Somersworth will act as the fiscal agent for the grant in exchange for 5% of Rochester's grant funding. See the breakdown below.

\$23,807.00 total award to Rochester  
\$ 1,190.00 less the 5%  
\$22,617.00 total grant

These funds will be used to purchase mobile data terminals including mounting hardware, licensing and installation for half of the front line fleet.

**RECOMMENDED ACTION**

Allow the Police Department to enter into this agreement with the City of Somersworth.