

**Regular City Council Meeting
May 4, 2021
Community Center
150 Wakefield Street &
Remotely via Microsoft Teams
6:30 PM**

COUNCILORS PRESENT

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

OTHERS PRESENT

Blaine Cox, City Manager
Katie Ambrose, Deputy City Manager
Terence O'Rourke, City Attorney

COUNCILORS ABSENT/EXCUSED

Councilor Hailey
Councilor Lachance

Minutes

1. Call To Order

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

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

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

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

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

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

In addition to the above listed public access information, the City Council will be allowing the public to enter the Community Room and speak in person during the Public Input portion of this meeting. In an effort to adhere to CDC guidelines: enter only into the right side door on the Chestnut Hill Road entrance at the rear of the building and exit through the opposing door. Please adhere to 6-foot social distancing while inside. Hand sanitizer and facemasks will be available at the Community Room entrance. The public will be allowed to attend the meeting in-person. Please note, seating will be provided that is arranged such that 6-foot social distancing can be maintained.

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

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

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

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

City Clerk Kelly Walters took the roll call. All Councilors were present and indicated that they were alone in the location from which they were connecting remotely except for Councilor Hainey who had been excused and Councilor

Lachance who recently submitted a resignation.

2. Opening Prayer

Mayor McCarley led a moment of silent reflection.

3. Pledge of Allegiance

Mayor McCarley led the Council in the Pledge of Allegiance.

4. Roll Call

The roll call was taken at the time the Preamble was read.

5. Acceptance of Minutes

5.1 Regular City Council Meeting: April 6, 2021 *consideration for approval*

Councilor Walker **MOVED** to **ACCEPT** the minutes of the April 6, 2021 City Council Regular meeting. Councilor Hamann seconded the motion. The **MOTION CARRIED** to accept the minutes by a roll call vote of 11 – 0 with Councilors Rice, Walker, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Abbott, Gray, Hutchinson, and Mayor McCarley all voting in favor.

6. Communications from the City Manager

6.1 City Manager's Report

The City Manager's report was presented in the packet as follows:

Contracts and documents executed since last month:

- **Department of Public Works**
 - Phase 1 ESA 45 Old Dover Rd – Weston & Sampson
 - Construction Contract Amendment WWTF - Brown and Caldwell
 - Task Order NHDOT Sound Wall – Underwood Engineers
 - Change Orders, New DPW facility – Hutter Construction
 - Forest Maintenance Agreement – William Day Jr & Sons
 - Task Order, Sewer System Master Plan – Weston & Sampson
 - Master Service Agreements Awards – Multiple engineers
 - Consolidated Communications Agreement – relocation of equipment

- Engineering Agreement Amarosa Dr/Milton Rd – Hoyle, Tanner, and Assoc.
- Change Order, Pavement & Highway Improvement Projects
- Change Order, Sidewalk rehabilitation
- **Economic Development**
 - FY21 CDBG Environmental Review, CAP Weatherization
 - FY21 CDBG Environmental Review, CAP Weatherization
 - FY22 Rochester Housing Authority Environmental Review Statement
 - FY21 CDBG Lead Remediation Agreement
- **Finance**
 - Enrollment Agreement - ICMA
- **Fire Department**
 - Purchase contract, Aerial Platform Truck – Sutphen Corporation
- **IT**
 - PatrolPC tablet purchase
- **Planning**
 - Temporary Staff Coverage
- **Police**
 - MOA – Lease of K9 Gunner
 - Sale of Animal & Waiver of Liability Agreement

The following standard reports have been enclosed:

- Permission & Permits Issued -none
- Personnel Action Report Summary

7. Communications from the Mayor

Mayor McCarley announced that the Veterans Association has planned an event at the Common which is called the "Field of Honor". The last day to order a flag for this event is May 15, 2021.

8. Presentation of Petitions and Council Correspondence

No Discussion.

9. Nominations, Appointments, Resignations, and Elections

9.1 Resignation: Douglas Lachance, Ward 1, Seat B *consideration for approval*

Mayor McCarley announced that she received a letter of resignation from Douglas Lachance, Ward 1, Seat B. Councilor Walker **MOVED** to **ACCEPT** the

resignation. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** to accept the resignation by a roll call vote of 11 – 0 with Councilors Rice, Walker, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Abbott, Gray, Hutchinson, and Mayor McCarley all voting in favor.

Mayor McCarley announced the vacancy of the Ward 1 Seat B City Council seat and invited any interested registered voters from Ward 1 to submit an application (Statement of Interest). She said candidates could address (briefly) the full City Council at the May Workshop. The City Council would anticipate voting to fill this vacancy at the Regular Meeting in June. Councilor Rice asked if there would be a deadline for candidates to submit a Statement of Interest. Mayor McCarley replied that it would not be necessary and the City Council could potentially review all applications prior to a final vote at the meeting in June.

10. Reports of Committee

10.1 Codes and Ordinance Committee

10.1.1 Committee Recommendation: to accept the amendments to Chapter 135 (Mobile Home Parks) of the City Ordinances as presented by City staff Mobile Home Parks consideration for approval

Councilor Lachapelle said this request was made from City staff in order to delete Section 135.6 from the Ordinances since the City no longer allows the development of new Mobile Home Parks in the City (See Addendum A). Councilor Walker seconded the motion. The **MOTION CARRIED** by a 10 to 1 roll call vote with Councilors Lachapelle, Rice, Abbott, Bogan, Hutchinson, Hamann, Lauterborn, Walker, Belken, and Mayor McCarley voting in favor of the motion. Councilor Gray voted against the motion.

10.1.2 Committee Recommendation: to accept the amendments to Chapter 176 (Planning Board) of the City Ordinances as presented by City staff consideration for approval

Councilor Lachapelle **MOVED** to **APPROVE** the Amendment (See Addendum B). Councilor Lauterborn seconded the motion. The City Council briefly discussed the matter. The **MOTION CARRIED** by a 11 to 0 roll call vote with Councilors Hamann, Walker, Hutchinson, Belken, Abbott, Gray, Rice, Bogan, Lachapelle, Lauterborn, and Mayor McCarley voted in favor of the motion.

Councilor Lachapelle said the Codes and Ordinances Committee meeting is scheduled this Thursday evening at 6:00 PM via Teams.

Councilor Gray asked if it is an appropriate time to discuss an email (sent by Councilor Gray) about a potential City Charter change. He requested the matter be referred to the Codes and Ordinance Committee for further review. Mayor McCarley said this topic could wait until "other"; however, it also could be taken up now. She suggested that it would be a good idea to have all the City Charter Amendments (language) settled for all proposed Amendments ready in time for the June Workshop. She said it would be anticipated that the City Council would vote on such proposed amendments at the Regular Meeting in June.

Councilor Gray addressed the City Council about a proposed amendment he is bringing forth regarding the mechanism in which we calculate assessed taxable value for certain types of property transfers; including tax exempt property, the TIF organization, and/or 79-E properties. He has another issue with the Host Agreement Fees; however, that discussion could take place as part of the budget discussions.

Councilor Lauterborn wished to receive clarification about who benefits from the proposed change in which Councilor Gray is referring to and who would lose because of this change. Councilor Gray said the Tax rate in Rochester would be allowed to be raised, he said if the City never sees the money coming into the City (as new construction) it is never added to the amount you can use for the tax calculation (how much more you can raise the taxes). Mark Sullivan, Deputy Finance Director, gave a real-time example: He said in FY 21 that the Frisbie HCA became taxable, he said what happened in that year is that there was \$80,000,000 of new assessed value that went to the overall assessed net valuations, which had a lowering effect on the tax rate of seventy-two cents. He said if it was re-classed with the new construction calculation it would have provided another \$860,000 in tax cap surplus for the City and \$1,132,000 for the school department. The net effect of that action would have been an increase of seventy-two cents in that particular year.

Councilor Rice said it seems that this basically covered large non-profit areas of the City and questioned how many other properties are exempt at this time that would equal such a substantial amount on the tax base. City Manager Cox said he did not have that answer on hand; however, it is fairly rare that an exempt property is converted to taxable property.

Councilor Lachapelle commented that he understood Councilor Gray's

concerns; however, a larger concern is the State shifting costs onto the cities. He encourage Senator Gray to be proactive on this burden to the local taxpayers.

Councilor Walker wished to clarify if this example of what happened with the Frisbie properties was a one-time event and that the following year that money would be included in the tax cap calculations. Mr. Sullivan briefly explained the particulars of the situation. City Manager Cox said this is a complex issue and it would be best to have the discussion at the Workshop.

10.2 Fidelity Committee

Councilor Hutchinson said there are no action items this evening. He said there will be a meeting next Thursday via Teams. He added that the Committee is seeking a plan to include in the mission a way to remedy some of the heat injuries folks endure in the extreme weather in the summer time. More information will be forthcoming.

10.3 Finance Committee

Mayor McCarley wished to make one correction to the Finance Committee meeting minutes which is that she voted "no" on the Fire Department's request for the UTV.

1031 Committee recommendation: To approve \$14,527 in unexpended FY20 and FY21 funds for Fire Department UTV *consideration for approval*

Councilor Rice **MOVED** to **APPROVE** the Committee's recommendation to approve the \$14,527 in unexpended FY20 and FY21 funds for the Fire Department UTV purchase. Councilor Belken seconded the motion. Councilor Lauterborn indicated that she did in fact vote in favor of this expenditure at the Committee level; however, she has since changed her mind and therefor will be voting no on this request. Councilor Walker announced that he would be voting no as well. He said this is a want rather than a need. Councilor Rice requested more information from the Department about the reasons they have made this request. Deputy Chief Wilder replied that this is definitely a resource that is needed in the event of tragic events that happen off road. He said currently, the City of Rochester relies on other communities' equipment for such calls.

Councilor Hutchinson requested information about the use of such a vehicle. Mr. Wilder said there was an incident which occurred two weeks ago and the City of Rochester requested two UTV's from other communities. He

said the City had the need for such a vehicle about nine times over a two and half year span of time. Councilor Lachapelle supported the motion. He shared a story of a time such a vehicle was needed at the Waste Management walking trails. Councilor Rice asked if the amount of money requested would include a trailer to protect the equipment. Mr. Wilder replied that the City currently has a trailer in which this vehicle would be stored. Councilor Gray **MOVED** to **TABLE** the motion. Councilor Walker seconded the motion. Council briefly discussed the motion. The **MOTION FAILED** to **TABLE** the motion by a roll call vote of 2 – 9 with Councilors Walker and Gray, voting in favor of the motion. Councilors Hamann, Hutchinson, Belken, Abbott, Rice, Bogan, Lachapelle, Lauterborn and Mayor McCarley voted against the motion.

Mayor McCarley called for the motion to adopt. The **MOTION CARRIED** by a roll call vote of 7 - 4 with Councilors Rice, Belken, Bogan, Lachapelle, Hamann, Abbott, and Hutchinson voting in favor of the motion. Councilors Walker, Lauterborn, Gray, and Mayor McCarley voted against the motion.

1032 **Committee recommendation: To approve the changes to the Granite Ridge developer's agreement *consideration for approval***

Councilor Walker **MOVED** to **APPROVE** the changes to the Granite Ridge Developer's Agreement. Councilor Lachapelle seconded the motion. City Attorney O'Rourke said Phase II of the Ridge Development is the entertainment development phase. He gave reasons why this will be broken down into Phase II – A and Phase II – B. He said no additional funding is being authorized. He said the benefit of splitting this project up between two phases is that when funding the project through the TIF in increments the City could avoid funding the project through bonding. Councilor Rice questioned if this would extend the contract. City Attorney O'Rourke said there is a new timeframe to work with since the unavoidable delays that Covid-19 caused. The **MOTION CARRIED** by an 11 – 0 roll call with Councilors Rice, Walker, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Abbott, Gray, Hutchinson, and Mayor McCarley

1033 **Committee recommendation: to approve the non-union classifications and compensation plan *consideration for approval***

Councilor Walker **MOVED** to **APPROVE** the non-union classification and compensation plan. Councilor Hamann seconded the motion. The **MOTION CARRIED** by an 11 to 0 roll call with Councilors Lachapelle, Rice, Gray, Abbott, Bogan, Hutchinson, Hamann, Lauterborn, Walker, Belken, and Mayor McCarley voting in favor of the motion.

10.4 Planning Board

Councilor Walker said there are no action items this evening. He said the Planning Board reviewed some of the FY 22 CIP Development projects.

10.5 Public Works

105.1 Committee recommendation: To authorize installation of solar powered RRFB (Rectangular Rapid Flashing Beacons) at the 105 North Main Street crosswalk and to delay the lighting change *consideration for approval*

Councilor Walker said there is one action item this evening. He **MOVED** to authorize the installation of Solar Powered RRFB at the 105 North Main Street Crosswalk and to delay the "lighting change" to a later date. He indicated that there were no bids during the open bidding process. As a result of that happening the Commissioner has requested that the installation of solar powered RRFB be completed now, internally, and that the "lighting change" part of the project be delayed for now. Councilor Lachapelle seconded the motion.

Councilor Lachapelle supported the motion; however, he added that by eliminating one parking spot on the North East side of the street, which is the same side of the street as the parking lot, it would alleviate some of the vision restrictions. He added that this is a safety issue and this is the least expensive option to immediately improve the situation. He **MOVED** to **AMEND** the motion to eliminate that one specific parking spot. Councilor Belken seconded the motion. She spoke in favor of the motion. Councilors Rice, Walker, Gray, and Lauterborn spoke against this amendment and said that the amendment should be sent back to Committee for further review. The **MOTION** to **AMEND FAILED** by a roll call vote of 5 - 6 with Councilors Hutchinson, Belken, Abbott, Bogan, Lachapelle voting in favor of the motion. Councilors Hamann, Walker, Gray, Rice, Lauterborn and Mayor McCarley voted against the motion.

Mayor McCarley called for a vote on the main motion without the amendment. The **MOTION CARRIED** by a roll call vote of 11 - 0 with Councilors Belken, Abbott, Rice, Gray, Bogan, Lachapelle, Lauterborn, Hamann, Walker, Hutchinson, and Mayor McCarley voting in favor of the motion.

Mayor McCarley requested that Councilor Lachapelle's request to remove one parking spot be added to the Public Safety Committee Agenda.

10.6 Public Safety**1061 Committee recommendation: To install a streetlights at the intersection of Chestnut Hill Road and Elmo Lane
*consideration for approval***

Councilor Hamann **MOVED** to **APPROVE** the Committee recommendation to install streetlights at the intersection of Chestnut Hill Road and Elmo Lane. He said this request meets the City's guidelines for such requests. Councilor Walker seconded the motion. The **MOTION CARRIED** by an 11 – 0 roll call vote with Councilors Hamann, Walker, Hutchinson, Belken, Abbott, Gray, Rice, Bogan, Lachapelle, Lauterborn, and Mayor McCarley voting in favor of the motion.

**1062 Committee recommendation: To install a "hidden driveway" sign at the expense of the City near 201 Chestnut Hill Road
*consideration for approval***

Councilor Hamann **MOVED** to **APPROVE** the Committee recommendation to install a "hidden driveway" sign, at the expense of the City, near 201 Chestnut Hill Road. Councilor Rice seconded the motion. Councilor Hamann said that the previous "blind drive" sign had been removed due to a motor vehicle accident. He added that the verbiage has since been changed from "blind driveway" to "hidden driveway". The **MOTION CARRIED** by an 11 – 0 roll call vote with Councilors Rice, Walker, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Abbott, Gray, Hutchinson, and Mayor McCarley voting in favor of the motion.

**1063 Committee recommendation: To install dash lines down Portland Street to delineate Portland Street as it rounds the corner
*consideration for approval***

Councilor Hamann summarized the issue for this request on Portland Street. He **MOVED** to **APPROVE** the Committee's recommendation to install dash lines down Portland Street in order to delineate Portland Street as it rounds the corner near Cochecho Avenue in East Rochester. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by an 11 – 0 roll call with Councilors Walker, Rice, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Abbott, Gray, Hutchinson, and Mayor McCarley voted in favor of the motion.

**1064 Committee recommendation: To recommend the removal of the "Deaf Person" sign on Willey Street
*consideration for approval***

Councilor Hamann summarized the issue for this request on Willey Street. He **MOVED** to **APPROVE** the Committee's recommendation to remove the "deaf person" sign on Willey Street. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by an 11 – 0 roll call with Councilors Lachapelle, Rice, Gray, Abbott, Bogan, Hutchinson, Hamann, Lauterborn, Walker, Belken, and Mayor McCarley voted in favor of the motion.

1065 Committee recommendation: To make the intersection of Maple Street and Sylvain Street a 4-Way stop consideration for approval

Councilor Hamann summarized the issue for this request on Maple Street/Sylvain Street. He **MOVED** to **APPROVE** the Committee's recommendation to make the intersection of Maple Street and Sylvain Street a 4-Way stop. Councilor Lachapelle seconded the motion. Councilor Hamann said this was presented as a safety issue and that a child was supposedly hit in this area just a few weeks ago. He said the next street over already has a 4-Way stop in place. The City Council briefly discussed the issue. The **MOTION CARRIED** by an 11 – 0 roll call with Councilors Hamann, Walker, Hutchinson, Belken, Abbott, Gray, Rice, Bogan, Lachapelle, Lauterborn, and Mayor McCarley voted in favor of the motion.

11. Old Business

11.1 Resolution Adopting a FY 2022 Rochester CDBG "Action Plan for the City Of Rochester, N.H." and Approving and Appropriating the FY 2022 Community Development Budget for the City Of Rochester second reading and consideration for adoption

Councilor Lachapelle **MOVED** to read the resolution for a second time by title only. Councilor Walker seconded the motion. The **MOTION CARRIED** by an 11 – 0 roll call vote with Councilors Walker, Hutchinson, Hamann, Belken, Abbott, Gray, Rice, Bogan, Lachapelle, Lauterborn, and Mayor McCarley voted in favor of the motion. Mayor McCarley read the resolution for the second time by title only.

RESOLUTION ADOPTING AN FY 2022 ROCHESTER CDBG "ACTION PLAN FOR THE CITY OF ROCHESTER, N.H." AND APPROVING AND APPROPRIATING THE FY 2022 COMMUNITY DEVELOPMENT BUDGET FOR THE CITY OF ROCHESTER

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

I. That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby adopt the one-year FY 2022 (July 1, 2021—June 30, 2022) "Action Plan for the Community Development Block Grant (CDBG) Program for the City of Rochester, N.H.," as prepared and presented to the Mayor and City Council by the City of Rochester Office of Economic and Community Development, in connection with the City's CDBG program, including the goals, objectives, and concepts set forth therein;

II. Further, that a twelve (12) month Community Development Block Grant budget for the Office of Economic and Community Development for the City of Rochester in the total amount of Two Hundred Sixty Eight Thousand Eight Hundred Ninety Eight Dollars (\$268,898.00) be, and hereby is, approved and appropriated for fiscal year 2022 (July 1, 2021—June 30, 2022). Included in said approval and appropriation are expenditures set forth in the one-year action plan of the Office of Economic & Community Development for the City of Rochester for the Community Development Block Grant program, in the following categories and amounts:

Administration and Planning	\$53,779.60
Public Service Agencies	\$40,334.70
Housing/Public Facilities/Infrastructure	\$174,783.70

Total	\$ 268,898.00
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III. Further, that One Hundred Forty Three Thousand Eight Hundred Sixty Five Dollars and Ninety Cents (\$143,865.90) in the Job Opportunity Benefit revolving loan fund loan fund, plus the principal and interest received monthly from existing loans' repayments, be appropriated for continued use in the FY 2022 Action Plan year in granting loans to qualified small businesses that commit to the creation and/or retention of jobs made available to low to moderate-income Rochester residents.

IV. Further, that Ten Thousand Six Hundred One Dollars and Sixteen Cents (\$10,601.16) in prior year unexpended Community Development Block Grant Funds be appropriated for use in the FY 2022 Action Plan for housing rehabilitation and public facilities activities.

This budget and the one-year action plan for FY 2022 may be reconsidered if federal funding is changed or if it is inconsistent with the total FY 2022 budget adopted for the Office of Economic and Community Development.

The sums necessary to fund the above appropriation in the amount of Two Hundred Sixty Eight Thousand Eight Hundred Ninety Eight Dollars (\$268,898.00) shall be drawn in their entirety from the above-mentioned FY 2022 Community Development Block Grant from the federal government to the City of Rochester. The Finance Director is hereby authorized to create such line item accounts as shall be necessary to implement this Resolution.

Furthermore, in the event that federal funding for the above Community Development Block Grant budget is less than the total appropriation amount provided for in this Resolution, then, and in such event, the City Manager, or the City Manager's designee in the Office of Economic and Community Development, is authorized to adjust the amounts for the budgetary categories stated above, as well as for any planned grants and/or other expenditures made from within such budgetary categories.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Walker seconded the motion. The **MOTION CARRIED** by an 11 – 0 roll call vote with Councilors, Hamann, Walker, Hutchinson, Belken, Abbott, Gray, Rice, Bogan, Lauterborn, Lachapelle, and Mayor McCarley voted in favor of the motion.

12. Consent Calendar

No discussion.

13. New Business

13.1 Resolution Deauthorizing Department of Public Works (DPW) CIP Sewer Fund Project Funding For Various Projects in the Amount of \$145,216.16 and Deauthorization of Bond Authority *first reading and consideration for adoption*

Councilor Lachapelle **MOVED** to read the resolution for a first time by title only. Councilor Walker seconded the motion. The **MOTION CARRIED** by an 11 – 0 roll call vote with Councilors Rice, Walker, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Abbott, Gray, Hutchinson, and Mayor McCarley voted in favor of the motion. Mayor McCarley read the resolution for the first time by title only.

Resolution Deauthorizing Department of Public Works (DPW) CIP Sewer Fund Project Funding For Various Projects in the Amount of \$145,216.16 and Deauthorization of Bond Authority

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

That One Hundred Forty Five Thousand Two Hundred Sixteen and 16/100 Dollars (\$145,216.16) costs associated with various completed projects consistent with **Exhibit A**.

Further, as part of the overall deauthorization, in accordance with RSA 33:9, the City withdraws bond authority in the amount of Thirteen Thousand Six Hundred Sixty Eight and 98/100 Dollars (\$13,668.98).

Further, the amount of One Hundred Thirty One Thousand Five Hundred Forty Seven and 18/100 Dollars (\$131,547.18) in cash funding shall be returned to the Sewer Operating Fund (5002) Retained Earnings.

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

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Walker seconded the motion. The **MOTION CARRIED** by an 11 – 0 roll call vote with Councilors, Bogan, Rice, Walker, Belken, Lachapelle, Abbott, Hamann, Lauterborn, Hutchinson, Gray, and Mayor McCarley voted in favor of the motion.

13.2 Resolution Deauthorizing Department of Public Works (DPW) CIP Water Fund Project Funding For Various Projects in the Amount of \$698,429.76 and Deauthorization of Bond Authority *first reading and consideration for adoption*

Councilor Lachapelle **MOVED** to read the resolution for a first time by title only. Councilor Walker seconded the motion. The **MOTION CARRIED** by an 11 – 0 roll call vote with Councilors Lauterborn, Abbott, Gray, Hutchinson, Rice, Walker, Belken, Bogan, Lachapelle, Hamann, and Mayor McCarley voted in favor of the motion. Mayor McCarley read the resolution for the first time by title only.

Resolution Deauthorizing Department of Public Works (DPW) CIP Water Fund Project Funding For Various Projects in the Amount of \$698,429.76 and Deauthorization of Bond Authority

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

That Six Hundred Ninety Eighty Thousand Four Hundred Twenty Nine and 76/100 Dollars (\$698,429.76) costs associated with various completed projects consistent with **Exhibit A**.

Further, as part of the overall deauthorization, in accordance with RSA 33:9, the City withdraws bond authority in the amount of Six Hundred Fifty Thousand Seventy Four and 39/100 Dollars (\$650,074.39).

Further, the amount of Forty Eight Thousand Three Hundred Fifty Five and 37/100 Dollars (\$48,355.37) in cash funding shall be returned to the Water Operating Fund (5001) Retained Earnings.

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

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Walker seconded the motion. The **MOTION CARRIED** by an 11 – 0 roll call vote with Councilors, Rice, Belken, Lachapelle, Bogan, Walker, Hamann, Lauterborn, Abbott, Gray, Hutchinson, and Mayor McCarley voted in favor of the motion.

13.3 Resolution Authorizing the Department of Public Works (DPW) to Submit a Clean Water State Revolving Fund (CWSRF) Loan Application in an amount up to \$75,000.00
first reading and consideration for adoption

Councilor Lachapelle **MOVED** to read the resolution for a first time by title only. Councilor Walker seconded the motion. The **MOTION CARRIED** by an 11 – 0 roll call vote with Councilors Gray, Abbott, Lachapelle, Rice, Bogan, Hutchinson, Hamann, Lauterborn, Walker, Belken, and Mayor McCarley voted in favor of the motion. Mayor McCarley read the resolution for the first time by title only.

Resolution Authorizing the Department of Public Works (DPW) to Submit a Clean Water State Revolving Fund (CWSRF) Loan Application in an amount up to \$75,000.00

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

That DPW is hereby authorized to submit a formal application to the CWSRF Loan Program in an amount up to Seventy Five Thousand Dollars (\$75,000.00) to cover engineer cost associated with the Sewer System Master Plan Project. The Loan Program comes with One Hundred Percent (100%) principal forgiveness.

Further, the Mayor and City Council hereby authorize the City Manager, Deputy City Manager and/or the Finance & Administration Director to act as the City's representative for all CWSRF Loan/Grant documentation and for contract execution.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Walker seconded the motion. Councilor Walker requested more information about the resolution for the public's sake. Commissioner Nourse said this is written up as a loan; however, it is essentially a grant because it is 100% principal forgiveness, which is what the State offers for planning initiatives. He said this will be used as part of the Inflow and Infiltration (I/I) Project. The **MOTION CARRIED** by an 11 – 0 roll call vote with Councilors Lachapelle, Rice, Gray, Abbott, Bogan, Hutchinson, Lauterborn, Belken, Walker, Hamann, and Mayor McCarley voted in favor of the motion.

13.4 Resolution for Supplemental Appropriation and Authorizing Borrowing Authority Pursuant to RSA 33:9 to the Department of Public Works (DPW) Sewer Capital Improvements Plan (CIP) Fund in the amount of \$500,000.00 *first reading and refer to public hearing*

Councilor Lachapelle **MOVED** to read the resolution for a first time by title only and refer the matter to a public hearing. Councilor Walker seconded the motion. The **MOTION CARRIED** by an 11 – 0 roll call vote with Councilors Lauterborn, Hamann, Walker, Hutchinson, Belken, Abbott, Gray, Rice, Bogan, Lachapelle, and Mayor McCarley voted in favor of the motion. Mayor McCarley read the resolution for the first time by title only.

Resolution for Supplemental Appropriation and Authorizing Borrowing Authority Pursuant to RSA 33:9 to the Department of Public Works (DPW) Sewer Capital Improvements Plan (CIP) Fund in the amount of \$500,000.00

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

That the Mayor and City Council of the City of Rochester hereby appropriate Five Hundred Thousand Dollars (\$500,000.00) to the Sewer CIP Fund.

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 Five Hundred Thousand Dollars (\$500,000.00) through the issuance of bonds and/or notes, and/or through other legal form(s), 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 and to establish special revenue, non-lapsing, multi-year fund account(s) as necessary to which said sums shall be recorded.

13.5 Resolution for Supplemental Appropriation of \$270,000 to Department of Public Works (DPW)-Sewer CIP Fund *first reading and consideration for adoption*

Councilor Lachapelle **MOVED** to read the resolution for a first time by title only. Councilor Walker seconded the motion. The **MOTION CARRIED** by an 11 – 0 roll call vote with Councilors Abbott, Bogan, Lachapelle, Lauterborn, Hamann, Walker, Belken, Hutchinson, Gray, Rice, and Mayor McCarley voted in favor of the motion. Mayor McCarley read the resolution for the first time by title only.

Resolution for Supplemental Appropriation of \$270,000 to Department of Public Works (DPW) Sewer CIP Fund

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

That the Mayor and City Council of the City of Rochester hereby appropriate an amount not to exceed Two Hundred Seventy Thousand Dollars (\$270,000.00) to the Sewer CIP Fund for the purpose of paying costs associated with the Piscataqua Regional Estuary Partnership (PREP) agreement with the Cities of Dover, Portsmouth and Rochester, NH and for costs associated with the negotiated agreement with Conservation Law Foundation (CLF) with the same cities, both agreements related to the NPDES permit, and further;

The City of Rochester, Department of Public Works in accordance with the provisions of the PREP agreement and CLF Agreement shall act as the fiscal agent for the Municipal Alliance for Adaptive Management. The source of funds related to carrying out the activities of PREP shall be derived from City of Dover, NH, Seventy Five Thousand Dollars (\$75,000), City of Portsmouth, NH Seventy Five Thousand Dollars (\$75,000), and City of Rochester's Sewer Fund Retained Earnings Seventy Five Thousand Dollars (\$75,000). The source of funds related to carrying out the activities of related to CLF shall be derived from City of Dover, NH, Fifteen Thousand Dollars (\$15,000), City of Portsmouth, NH Fifteen Thousand Dollars (\$15,000), and City of Rochester's Sewer Fund Retained Earnings Fifteen Thousand Dollars (\$15,000).

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

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Walker seconded the motion. Councilor Hutchinson questioned why this is not held for the current budget process. Attorney O'Rourke gave a brief overview of the legalities of the matter and said this is the amount that is needed for the current fiscal year. The **MOTION CARRIED** by an 11 – 0 roll call vote with Councilors Hutchinson, Abbott, Gray, Rice, Bogan, Lachapelle, Lauterborn, Hamann, Walker, Belken, and Mayor McCarley voted in favor of the motion.

14. Other

No discussion.

15. Adjournment

Mayor McCarley **ADJOURNED** the Regular City Council meeting at 8:55 PM.

Respectfully submitted,

Kelly Walters, CMC
City Clerk

Amendments to Chapter 135 of the General Ordinances of the City of Rochester

THE CITY OF ROCHESTER ORDAINS:

That Chapter 135 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows (deletions ~~struck out~~ additions in **RED**):

Chapter 135

Mobile Home Parks

[HISTORY: Adopted by the City of Rochester 6-6-1995 as Ch. 43 of the 1995 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Zoning — See Ch. 275.

§ 135-1 Purpose and intent.
[Amended 2-3-2015]

The purpose of this chapter is to establish minimum standards for the construction in and maintenance of mobile home parks existing (as of April 22, 2014) in the City of Rochester. The intent of this chapter is that mobile home parks existing (as of April 22, 2014) shall provide a healthful, safe, pleasant, and attractive residential atmosphere for their occupants, while at the same time being compatible with existing and anticipated future development in the surrounding areas.

§ 135-2 Authority.

This chapter is adopted by the Rochester City Council in accordance with the provisions of New Hampshire RSA 47:17.

§ 135-3 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY BUILDING OR STRUCTURE

A subordinate building or structure which is an addition to or supplements the facilities provided by a mobile home, such as an awning, cabana, storage structure, carport, porch, fence, skirting, windbreak, or screened room.

BUILDING

A roofed structure erected for permanent use.

COMMON AREA

An area or space designed for joint use by residents of a mobile home park, principally for recreation purposes.

DENSITY

The number of mobile home lots per acre of gross land area in a mobile home park.

GARAGE

A building for the shelter of automotive vehicles.

GROSS LAND AREA

The total land area included within the perimeter boundaries of a mobile home park.

LIVING UNIT

A residential unit providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking and sanitation.

LOT AREA

The total horizontal land area within the boundaries of a lot, exclusive of any land area designated for street purposes, and reserved for exclusive use of the occupants of a mobile home.

LOT LINE

The line identifying a lot boundary.

MANUFACTURED HOUSING

Any structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width and 40 body feet or more in length, or when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained therein (in conformance with the definition in RSA 674:31, as amended).

[Amended 2-3-2015; at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

MOBILE HOME

A form of manufactured housing which conforms with the definition of "manufactured housing" above.

MOBILE HOME LOT

A parcel of land for the placement of a mobile home and for the exclusive use of its occupants.

MOBILE HOME PARK

Any parcel of land under single or common ownership or control which contains, or is designed, laid out, or adapted to accommodate, two or more mobile homes. The term "mobile home park" shall not be construed to apply to premises used solely for storage or display of mobile homes.

MOBILE HOME SUBDIVISION

An approved subdivision of two or more lots designed to be occupied by mobile homes only and where the lots will be sold rather than rented or leased.

PARK ROAD

A private road within the boundaries of a mobile home park which is owned and maintained by the mobile home park owner, and which provides vehicular access to mobile home lots.

PERMANENT BUILDING

Any building except a mobile home or a mobile home accessory building or structure.

PUBLIC SYSTEM

A water or sewage system which is owned and operated by a local government authority or by an established public utility which is adequately controlled by a governmental authority.

STORAGE BUILDING

A building located on a mobile home lot which is designed and used solely for the storage and use of personal equipment and possessions of the occupants of the mobile home on that lot.

STREET

A public highway as defined in RSA 229:1, except a Class VI or discontinued highway, or a private road within a subdivision as platted and recorded in the Strafford County Registry of Deeds, including the full width of the right-of-way.

YARD

An unoccupied space open to the sky on a mobile home lot.

§ 135-4 General requirements.**A. Location and access.**

- (1) Mobile home parks shall be permitted only within the area defined as an Agricultural Zone by Chapter 275, Zoning, of the City Code.
- (2) Mobile home parks shall be located with access onto a publicly maintained Class V or better street.
- (3) Since mobile home parks are a relatively intensive form of residential development, the soil characteristics of a site proposed for mobile home park development shall be adequate to support that development.

B. Density. The number of mobile home lots in a mobile home park shall not exceed 2.9 per acre of gross land area contained within the mobile home park.**C. Setbacks.**

- (1) The minimum distance between any mobile home and mobile home park boundary line shall be 50 feet.
- (2) Minimum setbacks on mobile home lots shall be: front yard, 20 feet; side and rear yards, 15 feet.
- (3) There shall be a minimum of 30 feet clearance between mobile homes on adjoining lots. No mobile home shall be located closer than 30 feet to any community building within the park.

D. Screening and landscaping.

- (1) A twenty-foot buffer strip shall be maintained along all public streets and along all mobile home park boundaries which abut a residential area. No part of this buffer strip shall be included within the boundaries of individual mobile home lots or within common areas. Within this twenty-foot buffer strip, a dense visual screen of shrubs or trees shall be planted, at least four feet high at the time of planting, of a type that will form a year-round screen at least six feet high within three years. Where existing natural growth or topography can provide the required screening, it may be utilized to fulfill all or part of this

requirement.

- (2) Lawn and ground cover shall be provided where needed to prevent erosion of slopes and on other areas to obtain usable yards.
- (a) Trees, shrubs, and vines shall be required to the extent needed to provide for:
 - [1] Screening of objectionable views;
 - [2] Adequate shade; and
 - [3] A suitable setting for mobile homes and other facilities.
- (b) During the development of any mobile home park, that portion of said park used, occupied, and/or made available for use and occupation of mobile homes shall be subject to these standards.

E. Construction.

- (1) The provisions of this chapter and of the building regulations of the City of Rochester shall apply to all construction, alterations, repairs and additions to mobile homes and structures within a mobile home park unless otherwise modified herein.
- (2) The skirting of mobile homes is permitted to achieve better heating, but skirting shall not provide a harborage for rodents, nor create a fire hazard. Skirting, cabanas, awnings, porches, or other additions shall not be attached to a mobile home unless they are approved by the Director of Building, Zoning, and Licensing Services.
- (3) All piping from outside fuel storage tanks or liquefied petroleum gas cylinders to a mobile home shall be copper or other acceptable metallic tubing mechanically connected and shall be permanently installed and securely fastened in place. All liquefied petroleum gas cylinders shall be securely fastened in place and shall not be located inside or beneath a mobile home or within five feet of a mobile home exit. Racks to hold liquefied petroleum gas cylinders shall be of a design which will prevent tipping or accidental overturning. All oil tanks shall not be located inside or beneath a mobile home. If a mobile home is provided with a full basement, fuel storage tanks may be located within the basement. All outside installed oil tanks shall have a foundation made of concrete or masonry. Tank foundations shall be designed to minimize the possibility of uneven settling of the tank and to minimize corrosion in any part of the tank resting on the foundation. Oil tanks shall be screened by adequate shrubs or fencing.
- (4) Liquefied petroleum gas for cooking purposes shall not be used on individual mobile home lots unless the containers are properly connected. Liquefied petroleum gas cylinders shall be securely fastened in place and shall be adequately protected from the weather.
- (5) The storage of firewood, coal, coke, other fuels and/or equipment shall be done in a manner so as not to constitute a fire hazard.
- (6) Only one single-story storage building may be installed on any one mobile home lot. The maximum size shall not exceed 12 feet by 14 feet by 10 feet wall height. Roofs shall be either pre-finished metal,

Commented [1]: Editor's Note: Throughout this chapter, references to the Code Enforcement Department were amended to the Building, Zoning, and Licensing Services Department 10-15-2013.

fiberglass, or shingles. The exterior shall be of a permanent building material. Plans must be approved by the Director of Building, Zoning, and Licensing Services and a building permit obtained prior to erection on the mobile home lot.

- F. Board of Health requirements. All mobile home parks shall be located in areas free from marshes, swamps, stagnant pools, or other potential breeding places for insects or rodents.
- G. Fire protection.
 - (1) The mobile home park area shall be subject to the rules and regulations of the City of Rochester Fire Department.
 - (2) Mobile home park areas shall be kept free of litter, residential solid waste, and other flammable materials. **[3-5-2019]**
 - (3) Where a municipal water system is available to a mobile home park, standard City fire hydrants shall be spaced not more than 500 feet apart within the boundaries of the park. **[Amended 3-7-2000]**
 - (4) Fires shall be made only in stoves and other equipment intended for such purposes. No open fires shall be permitted except in specified areas approved by the Rochester Fire Department.
 - (5) The City of Rochester Fire Department may take whatever additional measures for adequate fire and safety conditions as it feels are necessary for each mobile home park.
- H. Refuse disposal.
 - (1) The storage, collection, and disposal of refuse in mobile home parks shall be managed so as to create no health hazards, rodent harborage, insect breeding areas, accident hazards, or air pollution.
 - (2) Racks or holders shall be provided for all refuse containers. Such container racks or holders shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them.
 - (3) All garbage and residential solid waste shall be collected at least once weekly only from a location(s) designated by the Health Officer. Mobile home park owners shall be responsible for seeing that garbage and residential solid waste are deposited at the collection location(s). **[3-5-2019]**
- I. Pets. No owner or person in charge of a dog, cat, or other pet animal shall permit it to run at large or to commit any nuisance within the limits of any mobile home park (pursuant to RSA 466:30-a).
- J. Management.
 - (1) Any person responsible for the operation of a mobile home park shall maintain a current register of all mobile homes located within the mobile home park and their owners. Such register shall be available for inspection to/by City officials.
 - (2) Said register shall contain pertinent information to properly identify the mobile home, location, and owners of each mobile home in the mobile home park, including the dates of arrival and the dates of

departure of any mobile home which has arrived or departed within the past year.

- (3) According to the provisions of RSA 73:16-a, the owner of a mobile home park shall be responsible for filing with the City Assessor's office an inventory (description) of all mobile homes which locate in a park within 15 days of their arrival. Also under the provisions of RSA 73:16-a, the owner of a mobile home park may be held responsible for the payment of taxes due on individual mobile homes located within the park which have not been paid by their owners.
- (4) The management of a mobile home park shall assume responsibility for maintaining in good repair all buildings, streets, walks, sanitary facilities and utilities within the park and shall take such action as is necessary to eject from the grounds any person who willfully or maliciously fails to comply with these and other applicable regulations.

§ 135-5 Design standards.
[Amended 2-3-2015; 3-5-2019]

During the development of any mobile home park, that portion of said park which is used, occupied, and/or made available for use and occupation of mobile homes shall be subject to these standards, and to the applicable standards of the New Hampshire Department of Environmental Services and the Sanitary Laws and Regulations of the New Hampshire Division of Public Health Services.

A. Mobile home lots.

- (1) Each mobile home lot shall contain a minimum of 10,000 square feet in area and shall have minimum frontage of 75 feet on a park road.
- (2) No mobile home with accessory buildings, garage, structures, storage building and paved parking spaces shall occupy in excess of 35% of a mobile home lot.

B. Park roads.

- (1) Mobile home park roads shall provide safe and convenient vehicular access from abutting public streets to all mobile home lots and community facilities. Driveway access to all mobile home lots shall be only from park roads, with no driveway access permitted directly from City streets.
- (2) Roads shall be adapted to topography, shall have suitable alignment and gradient for traffic safety, and shall have a properly designed storm drainage system. Except as herein modified, the design standards for minor streets in the Agricultural Zone contained in the Rochester Subdivision Regulations shall apply to the design of mobile home park roads.
- (3) Roads shall have a minimum right-of-way width of 40 feet and a minimum paved width of 22 feet. Roadway pavement shall be in accordance with the standards for minor streets in the Agricultural Zone contained in the Rochester Subdivision Regulations.
- (4) Road systems shall be developed with consideration given to the reasonable movement and placement of mobile homes on individual lots.
- (5) All mobile home parks shall be graded to ensure proper drainage. The drainage system shall take into consideration not only proper channelizing of stormwater within the mobile home park but minimization

of adverse effects on surrounding property and public streets.

C. Parking.

- (1) Two off-street parking spaces shall be provided for each mobile home lot. Each parking space shall be paved and graded to provide drainage away from the mobile home in conformance with the overall drainage plan for the mobile home park.
- (2) Each off-street parking space shall have a minimum width of nine feet and a minimum length of 18 feet.
- (3) Garages shall be permitted, provided that they are either directly attached to a mobile home or separated by a distance of at least 10 feet. Garages shall also conform to the setback provisions in § ~~135-4C~~(2).

D. Common area.

- (1) At least 7% of the gross land area in a mobile home park shall be reserved as a common area for recreation and other open space purposes.
- (2) Each mobile home park shall provide at least one common area restricted to the use and enjoyment of the residents of the park. No single common area shall contain less than 15,000 square feet. Where more than one area is provided, the areas shall be spaced and located in the mobile home park in such a manner that will provide maximum usefulness for park residents.
- (3) All equipment contained in recreational areas within common areas shall be kept in good repair. Common areas shall be kept free of all debris.
- (4) The land included within common areas shall be of such character that it is capable of supporting recreational use and shall not include land with poor drainage, excessive slope, or land which is subject to flooding.
- (5) Common areas shall be separated from park roadways, City streets, and parking spaces by an adequate fence.

E. Water supply.

- (1) A water supply meeting current New Hampshire Department of Environmental Services drinking water standards shall be provided to each mobile home lot in a mobile home park.
- (2) The design and construction (including materials) of the water supply system, whether public or private, for a mobile home park shall comply with the New Hampshire Department of Environmental Services Design Standards for Small Public Water Systems and with all requirements and regulations of the City of Rochester.
- (3) Where a public water system exists within 200 feet of any boundary of a mobile home park, all lots within the park shall be connected to the public system, unless such connection is specifically denied by the City. Where a public water system is not available, any other source of water must be approved by the New Hampshire Department of Environmental Services.

- (4) All water piping shall be constructed and maintained in accordance with state and local law; the water piping system shall not be connected with nonpotable or questionable water supplies.
- (5) Individual water service connections which are provided for direct use by mobile homes shall be so constructed that they will not be damaged by the parking of mobile homes.
- (6) A mobile home park water system shall be adequate to provide 20 pounds per square inch of pressure at all mobile home lots.

F. Sewage disposal.

- (1) Where a public sewage system exists within 200 feet of any boundary of a mobile home park, all lots within the park shall be connected to the public system, unless such connection is specifically denied by the City.
- (2) Where a public sewage system is not available, the sewage disposal system for all mobile home lots in the mobile home park shall be approved by the New Hampshire Department of Environmental Services.
- (3) Each mobile home shall be provided with sewer connections which comply with all statutory requirements and regulations of the State of New Hampshire and appropriate agencies of the State of New Hampshire and the City of Rochester.
- (4) The design and construction (including materials) of the sewage disposal system, whether public or private, for a mobile home park shall comply with all statutory requirements and regulations of the New Hampshire Department of Environmental Services and the City of Rochester.

G. Electricity.

- (1) A secured electrical outlet supplying 220 volts shall be provided for each mobile home lot. This installation shall comply with all applicable state and local electrical codes and ordinances. Such electrical outlets shall be weatherproof.
- (2) All power lines within a mobile home park shall be underground and shall be laid with sufficient cover to prevent damage from traffic.

H. Telephone system. Where telephone service to mobile home lots is provided, the distribution system shall be underground and shall be in general conformance with the placement of the electrical distribution system.

I. Cable television system. Where cable television service to mobile home lots is provided, the distribution system shall be underground and shall be in general conformance with the placement of the electrical system.

~~§ 135-6 Application for approval.~~

~~A. Procedure.~~

- ~~(1) Before formal submission of a plan for a new mobile home park, a developer proposing construction of a mobile home park may first meet with the Planning Board to informally discuss the project.~~

- ~~(2) A formal application for construction of a new mobile home park shall be submitted to the Rochester Planning Board. In reviewing the application, the Board shall follow the procedures and standards for the review of a major subdivision as spelled out in Section 2.3 of the Rochester Subdivision Regulations.~~
- ~~(3) The Board shall submit the application to the Commissioner of the Rochester Department of Public Works for review of all road and utility plans which are a part of the proposed mobile home park.~~
- ~~B. Submission requirements. The application for approval of a mobile home park plan shall be prepared in accordance with the standards and requirements contained in Section 4 of the Rochester Subdivision Regulations. The application shall include all those items listed in said Section 4.~~

§ 135-7 Licensing.

A. General provisions.

- (1) It shall be unlawful for any person to operate or maintain a mobile home park within the limits of the City of Rochester unless he/she holds a valid license issued by the Director of Building, Zoning, and Licensing Services in the name of such person for the specific mobile home park.
- (2) Licenses shall be issued annually, and each license shall be in effect for a period of one year beginning January 1 of each year.
- (3) An application for an initial mobile home park license shall be filed with the Director of the Building, Zoning, and Licensing Services Department. The application shall be in writing, signed by the applicant, and shall include the following:
 - (a) The name and address of the person making the application.
 - (b) The location and legal description of the mobile home park.
 - (c) Plans and specifications of all improvements, buildings, streets, recreational areas, walks, sewer, water, and other facilities constructed or to be constructed within the park.
 - (d) The area and dimensions of the tract of land whereon the park is located.
 - (e) Written approval of the following City of Rochester officials indicating that the mobile home park complies with the requirements of this chapter:
 - [1] Planning Board.
 - [2] Commissioner of Public Works.
 - [3] Fire Chief.
 - [4] Health Officer.
 - [5] Police Chief.

[6] Zoning Administrator. **[Amended 3-5-2019]**

[7] City Manager.

- (f) Such further information as may be requested by the Director of the Building, Zoning, and Licensing Services Department to enable him/her to determine if the park complies with the provisions of this chapter and all other applicable legal requirements.
- (4) The application and five copies of all accompanying plans and specifications shall be filed with the Director of the Building, Zoning, and Licensing Services Department; two of said copies shall be filed with the Planning Office.

B. Issuance of license.

- (1) The Director of the Building, Zoning, and Licensing Services Department shall inspect the application and plans and specifications.
- (2) If the mobile home park is in compliance with all of the provisions of this chapter and all other applicable ordinances, statutes, and regulations, the Director of the Building, Zoning, and Licensing Services Department shall approve the application; provided, however, that if the Director of the Building, Zoning, and Licensing Services Department does not act to approve or deny within 90 days of receipt of the application, the application shall be automatically approved.

C. Renewal of license.

- (1) Application for the renewal of a license shall be made in writing on or before the first day of November of each year to the Director of the Building, Zoning, and Licensing Services Department by the holder of the license and shall contain the following:
 - (a) Any change in the information submitted since the time the original license was issued or the latest renewal granted.
 - (b) Copies of as-built plans for any and all sections of a mobile home park developed during the year in which application for renewal is made.
 - (c) Such other information as the Director of the Building, Zoning, and Licensing Services Department may require.
- (2) All mobile home parks in existence upon the effective date of this chapter shall within six months thereafter comply with the requirements of this chapter, except that the Director of the Building, Zoning, and Licensing Services Department, upon application of a park operator, may waive such requirements that require prohibitive reconstruction costs if such waiver does not alter the health and sanitation requirements herein provided.
- (3) At his/her discretion, the Director of the Building, Zoning, and Licensing Services Department may issue a conditional license renewal, subject to the license holder complying with certain conditions as determined by the Director of the Building, Zoning, and Licensing Services Department. In such a case,

the Director of the Building, Zoning, and Licensing Services Department shall list the specific conditions upon which the renewal is based and set a time for compliance with these conditions. Costs associated with enforcement of owner compliance with said specific conditions requiring correction shall be assessed by the Director of the Building, Zoning, and Licensing Services Department. If not in compliance, twenty-five dollars (\$25.) per inspection shall be assessed; said charge shall be in addition to any other penalty.

- (4) If the Director of the Building, Zoning, and Licensing Services Department does not act on an application for the renewal of a license by December 31, it shall automatically be approved.
- (5) Not more than four annual license renewals shall be issued for an approved mobile home park in which no substantial development has taken place.

D. Responsibility of the license holder.

- (1) The license certificate shall be conspicuously posted in the office of, or on the premises of, the mobile home park at all times.
- (2) A license shall be transferable after the holder of a valid license gives notice in writing to the Director of the Building, Zoning, and Licensing Services Department 15 days prior to any proposed sale, transfer, gift, or other disposition of interest or control of any mobile home park. Such notice shall include the name and address of the person succeeding to the ownership or control of such mobile home park.

§ 135-8 **Administration and enforcement.**

- A. Enforcement. Upon determination by the Director of the Building, Zoning, and Licensing Services Department that a violation of this chapter has occurred, he/she shall initiate enforcement procedures. If necessary, the Director of the Building, Zoning, and Licensing Services Department shall refer the matter to the City Solicitor for appropriate legal action.
- B. Inspection. The Director of the Building, Zoning, and Licensing Services Department, Police Chief, Health Officer, Fire Chief, Commissioner of Public Works, the Zoning Administrator, and other agents of the City as certified by the City Manager are hereby authorized to make periodic and reasonable inspections to determine the condition of mobile home parks within the City of Rochester and to determine if the requirements of this chapter are being observed. **[Amended 3-5-2019]**
- C. Violations and penalties; revocation of license.
 - (1) A violation of, or violation from, the terms and conditions of this chapter and/or the conditions of the license to operate or maintain a mobile home park by the holder thereof or his/her agent shall be cause for the revocation of said license. Such revocation shall be made at the discretion of the Director of the Building, Zoning, and Licensing Services Department.
 - (2) After revocation of the license has been ordered by the Director of the Building, Zoning, and Licensing Services Department, additional violations shall result in a fine not exceeding one thousand dollars (\$1,000.) in accordance with the provisions of RSA 47:17. This provision shall be in effect even should an appeal be taken from the Director's revocation order. **[Amended 3-5-2019]**

D. Appeals.

- (1) Any party whose application for approval of a mobile home park plan has been denied may appeal the decision of the Planning Board to the Superior Court in accordance with the provisions of RSA 677:15.
- (2) Any party whose application for a license has been denied or whose license has been revoked may appeal the decision of the Director of the Building, Zoning, and Licensing Services Department to the Zoning Board of Adjustment in accordance with the provisions of RSA 674:33.

E. Conflict with other ordinances. In any case where a portion of this chapter is found to be in conflict with the provisions of any zoning, building, fire, safety, or health ordinance or code of the State of New Hampshire or City of Rochester existing on the effective date of this chapter, the provisions which, in the judgment of the Planning Board, establish the higher standard for the promotion and protection of the health and safety of the people shall prevail.

F. Saving clause. If any section, subsection, paragraph, sentence, clause or phrase of this chapter should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this chapter, which shall remain in full force and effect, and to this end the provisions of this chapter are hereby declared to be severable.

Amendments to Chapter 176 of the General Ordinances of the City of Rochester

THE CITY OF ROCHESTER ORDAINS:

That Chapter 176 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows (deletions ~~struck out~~ additions in **RED**):

Chapter 176

Planning Board

[HISTORY: Adopted by the City of Rochester 6-6-1995 as Ch. 41 of the 1995 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Zoning — See Ch. 275.

§ 176-1 **Creation and composition.**

That there be created hereby a City Planning Board, to consist of nine members and up to five alternates appointed in accordance with the provisions of § **7-28** of the Code of the City of Rochester.

§ 176-2 **Compensation; holding other municipal offices.**

All members of the Planning Board shall serve without compensation. Appointed members shall not hold any other municipal office except that:

- A. One such appointed member may be a member of the Zoning Board of Adjustment.
- B. Either one appointed or one ex officio member may be a member of the Conservation Commission, if one exists in the City, in accord with RSA 36-A:3.
- C. Either one appointed or one ex officio member may be a member of the Historic District Commission, if one exists in the City, in accord with RSA 674:46-a. **[Amended 3-5-2019]**

§ 176-3 **Terms of office.**

The terms of ex officio members shall correspond to their respective official tenures, except that the term of the administrative official selected by the City Manager shall terminate with the term of the City Manager selecting him/her. The term of each appointed member shall be three years, except that the respective terms of the members first appointed shall be staggered.

§ 176-4 **Removal of members.**

Members of the Planning Board selected by the Council may, after a public hearing, be removed by the Council for inefficiency, neglect of duty or misfeasance in office. The City Manager may remove the administrative official and/or designee appointed by him/her without cause. The Council shall file with the City Clerk a written statement of reasons for such removal.

§ 176-5 **Vacancies.**

Vacancies in the membership of the Planning Board occurring otherwise than through the expiration of term shall be filled for the duration of the unexpired term by the Mayor and Council in accordance with the provisions of Section 74 of the Rochester City Charter in the case of members selected or appointed by them, and by the Council in the case of the Councilor member.

§ 176-6 Organization.

The Planning Board shall elect its Chairperson from amongst the appointed members and create and fill such other offices as it may deem necessary for its work. The term of the Chairperson shall be one year, with eligibility for reelection. The Planning Board shall hold at least one regular meeting in each month and shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be public.

§ 176-7 Staff and finances.

The Planning Board may appoint such employees as it may deem necessary for its work, whose appointment, promotion, demotion and removal shall be subject to the same provisions of law as govern other corresponding civil employees of the City. The Planning Board may also contract with the City planners, engineers, architects and other consultants for such services as it may require. The expenditures of the Planning Board, exclusive of gifts, shall be within the amounts appropriated for the purpose by the Council.

§ 176-8 Master Plan.

It shall be the function and duty of the Planning Board to make and to perfect from time to time, so far as funds appropriated by the Council for such purpose will permit, a Master Plan for the development of the City. Such Master Plan, with the accompanying necessary maps, plats, charts and descriptive matter, shall be designed with the intention of showing as fully as is possible and practicable the Planning Board's recommendations for the desirable development of the territory legally and logically within the scope of its planning jurisdiction, including, on that basis, among other things, the general location, character and extent of streets, bridges, waterways, waterfronts, boulevards, parkways, roadways in streets and parks, playgrounds, squares, aviation fields, and other public ways, places, grounds and open spaces; sites for public buildings and other public property; routes of railroads, omnibuses and other forms of public transportation; and the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, light, heat, sanitation, transportation, communication, power and other purposes; also the acceptance, removal, relocation, widening, narrowing, vacating, abandonment, change of use of, or extension of any of the foregoing ways, grounds, places, open spaces, buildings, properties, utilities or terminals and other planning features, as well as a zoning plan for the control of the height, area, bulk, location and use of private and public structures, buildings and premises and population density; the general character, layout and extent of any community center; and any other matter permitted by RSA 36 of the laws of the State of New Hampshire.

- A. Preparation of Master Plan. In the course of the preparation of such Master Plan, the Planning Board may make careful and comprehensive surveys and studies of existing conditions and of data and information relative to the probable future growth of the City. The Master Plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the City, which will, in accordance with existing and probable future needs, best promote health, safety, morals, order, convenience, prosperity, or the general welfare as well as efficiency and economy in the process of development, including, among other things, adequate provisions for traffic, the promotion of safety from fire and other damages, adequate provision for light and air, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements.
- B. Adoption and amendment. The Planning Board may adopt the Master Plan as a whole by a single resolution or may, by successive resolutions, adopt successive parts of the plan, said parts corresponding with major geographical sections or divisions of the City, or with functional subdivisions of the subject matter of the plan, and may adopt any amendment or extension thereof or addition thereto. Such Master

Plan shall be a public record, but its purpose and effect shall be solely to aid the Planning Board in the performance of its duties. The adoption of the Master Plan or any amendment thereto shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the Planning Board. The resolution shall refer expressly to the maps, descriptive matter and other matters intended by the Planning Board to form the whole or part of the plan, and the action taken shall be recorded on the adopted plan or part thereof adopted, by the identifying signature of the Chairperson or Secretary of the Planning Board, and a copy of the plan or part thereof shall be certified to the Council.

§ 176-9 Miscellaneous duties.

- A. The Planning Board shall have power to promote public interest in, and understanding of, the Master Plan and of any Official Map of the City which may hereafter be established by the Council, and to that end may publish and distribute copies of the Master Plan, or of such Official Map, or of any report, and may employ such other means of publicity and education as it may deem advisable.
- B. Members of the Planning Board, when duly authorized by said Planning Board, may attend city planning conferences or meetings of city planning institutes or hearings upon pending city planning legislation, and the Planning Board may, by resolution, spread upon its minutes, pay the reasonable traveling expenses incident to such attendance.
- C. The Planning Board shall have authority to make such investigations, maps and reports and recommendations in connection therewith, relating to the planning and development of the City, as seems desirable to do.
- D. The Planning Board may, from time to time, report and recommend to the appropriate public officials and public agencies programs for the development of the City, for the erection of public structures and improvements and for the financing thereof. It shall be part of the Planning Board's duties to consult and advise with public officials and agencies, public utility companies, civic, educational, professional, research and other organizations, and with citizens with relation to the protecting or carrying out of the Master Plan, and to make recommendations relating to the development of the City.
- ~~E. The Planning Board shall have the right to accept and use gifts for the exercise of its functions.~~
- F. All public officials shall, upon request, furnish to the Planning Board, within a reasonable period of time, such available information as it may properly require for its work.
- G. The Planning Board, its members, officers, and employees, in the performance of their functions, are authorized to enter upon any land and make such examinations and surveys as are reasonably necessary and place and maintain necessary monuments and marks thereon.
- H. In general, the Planning Board shall have such powers as may be necessary to enable it to fulfill its functions, promote municipal planning, or carry out the purposes hereof, provided the total expenditures of said Board shall not exceed the appropriation for its expenses.

§ 176-10 Zoning Commission.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

The Planning Board shall act as a Zoning Commission, to recommend to the Council the boundaries of the various original districts provided for in RSA 674, and appropriate regulations to be enforced therein. The

Planning Board shall make a preliminary report and hold public hearings thereon before submitting its final report to the Council.

EXHIBIT A

CIP FUND 5501 PROJECTS READY FOR DE-AUTHORIZATION

December 1, 2020 City Council Meeting

Account Number	Project Name	Revised Budget	Expended	Deauthorize		Total De-authorization	Previously Bonded/borrowed	To Be Bonded	Comment
				Cash	Bond/borrow				
55016010--772000-16537	Pump Station Maint Upgrades	\$ 300,000.00	\$ 54,150.00		\$ 245,850.00	\$ 245,850.00		\$ 54,150.00	Project Completed
55016010-772000-16539	Water Treatment Plant Security	\$ 30,000.00	\$ 9,702.00	\$ 20,298.00		\$ 20,298.00			Project Completed
55016010-771000-17523	Franklin Adams Improvements	\$1,000,000.00	\$ 707,905.41		\$ 292,094.59	\$ 292,094.59	\$ 543,662.13	\$ 164,243.28	Prev Bonded \$543,662.13
55016010-772000-17539	Water Treatment Controls	\$ 200,000.00	\$ 195,069.78		\$ 4,930.22	\$ 4,930.22		\$ 195,069.78	Project Completed
55016010-772000-18568	WTP Low Lift Pump Station	\$ 111,823.00	\$ 98,781.67		\$ 13,041.33	\$ 13,041.33			Completed SRF Project
55016010-771000-19526	Actuated Sludge Valves	\$ 35,000.00	\$ 23,607.77	\$ 11,392.23		\$ 11,392.23	\$ 98,781.67	\$ -	Completed Project
55016010-771000-19536	WTP Pavement Rehabilitation	\$ 100,000.00	\$ 93,334.86	\$ 6,665.14		\$ 6,665.14			Completed Project
55016010-771000-20540	Regency Court Water Main	\$ 320,000.00	\$ 225,841.75	\$ 94,158.25		\$ 94,158.25		\$ 225,841.75	Completed Project
55016010-772000-20631	Clearwell & Intake Inspection	\$ 1,000.00	\$ -	\$ 10,000.00		\$ 10,000.00			Completed Project
				\$ 48,355.37	\$ 650,074.39	\$ -		\$ 639,304.81	

EXHIBIT A

CIP SEWER FUND PROJECTS READY FOR DE-AUTHORIZATION

May 5, 2021 Regular City Council Meeting

Account Number	Project Name	Revised Budget	Expended	Deauthorize			Total De-authorization	Previously Bonded or borrowed	To Be Bonded	Comment
				Cash	Bond/borrowing	Grant other				
55026020-772000-17547	WWTF Valve Automation	\$ 315,000.00	\$ 301,331.02		\$13,668.98		\$ 13,668.98		\$ 301,331.02	Completed Project
55026020-772000-18535	Intermediate Lift Pump Replace	\$ 70,000.00		\$ 70,000.00			\$ 70,000.00		\$ -	Funds Not Required
55026020-773150-18541	WWTP Ultraviolet Disinfection	\$ 16,500.00	\$ 13,730.20	\$ 2,769.80			\$ 2,769.80		\$ -	Completed Project
55026020-772000-19540	WWTP Ultraviolet Disinfection	\$ 17,500.00	\$ -	\$ 17,500.00			\$ 17,500.00		\$ -	Funds Not Required
55026020-772000-19547	WWTP Generator Main Blower	\$ 75,000.00	\$ 62,032.62	\$ 12,967.38			\$ 12,967.38		\$ -	Completed Project
55026020-771000-20622	Pickering Ponds Dam Evaluation	\$ 8,000.00	\$ -	\$ 8,000.00			\$ 8,000.00		\$ -	Funds not Required
55026020-772000-20623	UV Disinfection Sytem Evaluation	\$ 10,000.00	\$ -	\$ 10,000.00			\$ 10,000.00			Funds Not Required
55026020-772000-20626	New Garage Doors	\$ 20,000.00	\$ 9,690.00	\$ 10,310.00			\$ 10,310.00			Completed Project
				\$ 131,547.18	\$13,668.98	\$ -	\$ 145,216.16		\$ 301,331.02	