



**City of Rochester, NH  
Preamble for April 6, 2021  
Regular City Council Meeting**

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](mailto: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 Council Chambers and speak in person during the Public Input portion of this meeting. In an effort to adhere to CDC guidelines: enter only at the front Wakefield Street entrance and exit on the side closest to the police department and adhere to 6-foot social distancing while inside. Hand sanitizer and facemasks will be available at the Wakefield Street entrance. Participants will be admitted into Council Chambers one at a time to speak, and will exit directly thereafter. Please note; the seating in Council Chambers will not be available for the public during meetings.

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

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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.)

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**Regular City Council Meeting  
April 6, 2021  
Council Chambers  
31 Wakefield Street  
and remotely via Microsoft Teams  
6:30 PM**

**Agenda**

- 1. Call To Order**
- 2. Roll Call**
- 3. Opening Prayer**
- 4. Pledge of Allegiance**
- 5. Acceptance of Minutes**
  - 5.1 Regular City Council Meeting: March 2, 2021**  
***consideration for approval*** P. 11
  - 5.2 City Council Special Meeting: March 16, 2021**  
***consideration for approval*** P. 35
- 6. Communications from the City Manager**
  - 6.1 City Manager's Report P. 39**
- 7. Communications from the Mayor**
  - 7.1 Veteran's Council Field of Honor**
  - 7.2 Community Center Naming Ceremony**
- 8. Presentation of Petitions and Council Correspondence**

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**8.1 Homeless Center of Strafford County – Building permit fee waiver request P. 55**

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

**10. Reports of Committees**

**10.1 Appointments Review Committee P. 57**

**10.1.1 New Appointment:** Samantha Merchant - Ward 2 Library Trustees, Regular Member, *term to expire 1/02/2023*

**10.1.2 Re-Appointment:** Kevin Sullivan – Conservation Commission, Regular Member, *term to expire 1/2/24*

**10.1.3 Re-Appointment:** Michael Kirwan – Conservation Commission, Regular Member, *term to expire 1/2/23*

**10.1.4 Re-Appointment:** James Hayden – Zoning Board of Adjustments, Regular Member, *term to expire 1/2/24*

**10.1.5 Re-Appointment:** Larry Spector – Zoning Board of Adjustments, Regular Member *term to expire 1/2/23*

**10.1.6 Re-Appointment:** Marilyn Jones – Historic District Commission, Regular Member *term to expire 1/2/23*

**10.1.7 Re-Appointment:** Matthew Winders – Historic District Commission, Elevate from Alternate to Regular Member *term to expire 1/2/24*

**10.2 Codes and Ordinances P. 59**

**10.2.1 Committee Recommendation:** to accept the amendments to Chapter 22 (Amusements & Entertainment) of the City Ordinances as presented by City staff *consideration for approval* P. 64

**10.2.2 Committee Recommendation:** to accept the

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amendments to Chapter 110 (Junk & Secondhand Dealers) of the City Ordinances as presented by City staff ***consideration for approval*** P. 69

**10.2.3 Committee Recommendation:** to accept the amendments to Chapter 162 (Pawnbrokers) of the City Ordinances as presented by City staff ***consideration for approval*** P. 73

**10.3 Community Development Committee P. 81**

**10.3.1 Committee Recommendation:** To revise the FY22 CDBG Housing Rehabilitation and Public Facilities funding recommendations to increase the original funding allocations ***consideration for approval*** P. 81

**10.3.2 Committee Recommendation:** To revise the FY22 CDBG Public Services funding recommendations ***consideration for approval*** P. 81

**10.4 Fidelity Committee P. 83**

**10.5 Planning Board P. 89**

**10.6 Public Works P. 101**

**10.6.1 Committee Recommendation:** To approve the use of \$30,000 from the Economic Development Fund for the Phase 2 Environmental Site Assessment of the 45 Old Dover property ***motion to refer to Finance Committee*** P. 102

**10.6.2 Resolution Authorizing Supplemental Appropriation to the Department of Public Works (DPW) Water CIP Fund in the Amount of \$100,000.00 for the Water Street Water Line Extension Project** ***first reading and consideration for adoption*** P. 109

**10.6.2.1 Resolution Authorizing 10 Year Financing Agreements for the Water Street Water Extension Project Pursuant to §260-31 of the City Code** ***first reading and consideration for adoption*** P. 111

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**11. Old Business**

**11.1 Amendment To The Granite Ridge Development District (GRDD) Tax Increment Development Program & Financing Plan ("TIF Plan") Pursuant To RSA 162-K:9,IV *second reading and consideration for adoption* P. 113**

**11.2 Amendment To Chapter 275 Of The General Ordinances Of The City Of Rochester Regarding The Location And Boundaries Of Zoning Districts *second reading and consideration for adoption***

**12. Consent Calendar**

**13. New Business**

**13.1 Resolution Authorizing Certain Renumbering on Tebbetts Road *first reading and refer to public hearing* P. 151**

**13.2 Resolution Authorizing Acceptance of an Emergency Management Performance Grant and Supplemental Appropriation of \$18,000.00 in Connection Therewith *first reading and consideration for adoption* P. 157**

**13.3 *Discussion:* Proposed Amendments to City Charter P. 161**

**14. Other**

**15. Non- Public/ Non-Meeting**

**15.1 Non-Public Session – Land, RSA 91-A:3, II (d)**

**16. Adjournment**

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**Regular City Council Meeting  
March 2, 2021  
Council Chambers  
31 Wakefield Street  
Remotely via Microsoft Teams  
6:30 PM**

**COUNCILORS PRESENT**

Councilor Abbott  
Councilor Belken  
Councilor Bogan  
Councilor Gray  
Councilor Hailey  
Councilor Hamann  
Councilor Hutchinson  
Councilor Lachance  
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  
Sherry Young, Attorney

**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:

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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.)

## **2. Roll Call**

Kelly Walters, City Clerk 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 Mayor McCarley who indicated that others might be passing through the room.

## **3. Opening Prayer**

Mayor McCarley requested a moment of silence in memory of lives lost through the Covid-19 pandemic.

## **4. Pledge of Allegiance**

Mayor McCarley led the City Council in the Pledge of Allegiance.

## **5. Acceptance of Minutes**

### **5.1 Regular City Council Meeting: February 2, 2021** ***consideration for approval***

Councilor Lachapelle **MOVED** to **ACCEPT** the Regular City Council meeting minutes of February 2, 2021. Councilor Walker seconded the motion. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Hainey, Abbott, Belken, Hutchinson, Lachapelle, Gray, Walker, Bogan, Hamann, Rice, Lachance, Lauterborn, and Mayor McCarley voted in favor of the motion.

### **5.2 City Council Special Meeting: February 16, 2021** ***consideration for approval***

Councilor Lachapelle **MOVED** to **ACCEPT** the Special City Council meeting minutes of February 16, 2021. Councilor Walker seconded the motion. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Walker, Rice, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Hainey, Abbott, Gray, Hutchinson, Lachance, and Mayor McCarley voted in favor of the motion.

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

### **6.1 City Manager's Report**

City Manager Cox informed the City Council that his report is in the packet as outlined below.

City Manager Cox gave the City Council an update on the recent power outages due to the weather (winds) activity. He said that the power company [Eversource] is reporting that the majority of customers have had their power restored and that the remaining outages should be restored by midnight the following evening.

City Manager Cox said that the Willand Warming Center opened up last evening due to extreme cold weather and it will be open again this evening. He added that the shelter will open once again on Thursday through Sunday.

Mayor McCarley informed the public that the Willand Warming Center is seeking donations for the to-go-breakfast and snacks to be given away at the shelter to those in need. Mayor McCarley stated that sixteen folks were sheltered last evening and many more are expected this evening.

Contracts and Documents Executed (since last month):

- **Department of Public Works**
  - Exactitude Change Order – New DPW
  - Change Order, New DPW – Hutter Construction
  - Design Service Amendment, Attenuation Tank – Wright Pierce
  - Scope of Services Phase 1 Environmental Assessment – Hoyle Tanner
  - Permit Management Contract – Ransom Consulting
- **Economic Development**
  - CDBG Environmental Reviews – Waypoint NH Drop-In Center
  - CDBG Environmental Reviews – CAP Weatherization heating system replacement
  - CDBG – CAP Weatherization replacement heating system, flue, and roof jack replacements
- **Government Channel**
  - Contract – Connectivity Point
- **IT**
  - Scope of Service proposal – Tyler Services
  - Proposal, new Re CAMA Format – Tyler Tech
- **Planning**
  - Parking Study Contract – Stantec

Standard Reports:

- Monthly Overnight Travel Summary - none
- Permission & Permits Issued -none
- Personnel Action Report Summary

## 7. Communications from the Mayor

Mayor McCarley stated that the City Council discussed the Ambulance Service Contract at the City Council Regular meeting in February. She appointed Councilors Walker, Hailey, and Rice to serve as Council Members, on a Committee to take a closer look at this contract as the City moves forward over the next two years. Mayor McCarley requested that the City Manager appoint two staff members to serve on the Committee as well. Councilor Walker requested at least two more City Councilors be appointed to the Committee. Mayor McCarley explained that three City Councilors is enough for an Ad Hoc Committee; however, that suggestion could be revisited in the future, if necessary.

## 8. Presentation of Petitions and Council Correspondence

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

### 9.1 **Resignation: Robert (Bob) Brown, Recreation & Arena Commission** *consideration for approval*

Councilor Lachapelle **MOVED** to **ACCEPT** the resignation, with regret, for Robert Brown. Councilor Walker seconded the motion. Mayor McCarley said Mr. Brown has dedicated many years of service to this Commission. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Abbott, Walker, Hutchinson, Belken, Lachance, Hamann, Gray, Rice, Bogan, Hailey, Lachapelle, Lauterborn, and Mayor McCarley voted in favor of the motion.

## 10. Reports of Committees

### 10.1 Codes and Ordinances

#### 10.1.1 **Committee Recommendation: to accept the amendments to Chapter 80 (Outdoor Dining) of the City Ordinances as presented by City staff** *consideration for approval*

Councilor Lachapelle said there are three action items. The first action item is regarding the Outdoor Dining Ordinance, which can be found as *Addendum A – Proposed Amendment, including the missed action outlined below.*

Councilor Lachapelle requested that one correction be included with the proposed Amendment, which is shown below:

§ 80-14 Requests for use of City property.

Requests for use of City property for outdoor dining providing food and alcohol service shall be made in writing to the City Manager on an annual basis by ~~February~~ **March** 1 with no expectation of continued year-to-year use of the City property on a continuing basis. Requests will only be accepted by businesses licensed to serve food to the public. In the event that a new business opens during the outdoor dining season and wishes to incorporate outdoor dining in its plans, an application will be allowed for the remainder of the dining season only. *(This change has since been made to Addendum A)*

Councilor Lachapelle reviewed the remaining amendments that are shown with Addendum A.

Councilor Lachapelle **MOVED** to **ADOPT** the Ordinance. Councilor Walker seconded the motion.

Councilor Lachance gave reasons why the first sentence of letter "F" is unnecessary and seems excessive. The City Council briefly discussed the matter. Councilor Lachance **MOVED** to **AMEND** the ordinance as follows:

**§ 80-26** Site design standards ~~for establishments with alcohol service.~~

Outdoor dining establishments ~~with alcohol service~~ should meet the following site design standards:

\*  
\*  
\*  
\*  
\*

- F. The enclosure system, tables and chairs shall be movable/nonpermanent. ~~The applicant shall affix and maintain rubber tips or equivalent to the legs of any table or chairs used on concrete, brick or granite surfaces.~~ It is the applicant's responsibility to ensure that all movable items within the outdoor dining area are secured against wind or theft. The City accepts no liability for lost, stolen or damaged property

Councilor Walker seconded the motion. The **MOTION CARRIED** to **AMEND** the Amendment by an 11 to 2 roll call vote as follows: Councilors Belken, Hamann, Rice, Lauterborn, Hainey, Hutchinson, Walker, Lachance,

Abbott, Bogan, and Mayor McCarley voted in favor of the motion. Councilors Gray and Lachapelle voted against the motion.

Councilor Walker had questions about meeting the NFPA 701 Standards in relation to the fabric on the tents. Adam Hughes, Deputy Fire Chief, stated that the compliance for such tents is printed on the labels of the tents. He added that there are further requirements implemented for use of larger tents.

Councilor Walker gave reasons why paragraph "K" seems unreasonable as it relates to all decorations being fire retardant and meeting the NFPA 701 Standards. Councilor Walker **MOVED** to **AMEND** the ordinance by striking the entire sentence.

Councilor Lachance seconded the motion. Councilor Lachapelle spoke against the motion, as this becomes a fire hazard/safety issue. Assistant Fire Chief Wilder clarified that restriction applies to the decorations inside a tent large enough to require an inspection and must follow these NFPA Standards. He said once a tent is large enough to require additional standards then so is everything within the tent for safety reasons. He added that this is not about the decorations used outside (not in a tent) because there are no regulations on those types of decorations. Councilor Walker said if a tent is large enough to require additional requirements then those additional requirements are set forth within the NFPA Standards. He reiterated that the sentence is not needed and it causes confusion. Mr. Wilder agreed that the sentence could be removed. The **MOTION CARRIED** by a 12 to 1 roll call vote. Councilors Bogan, Abbott, Belken, Lachapelle, Gray, Walker, Rice, Hamann, Hailey, Lachance, Lauterborn, and Mayor McCarley voted in favor of the motion. Councilor Hutchinson voted against the motion.

Councilor Lachance had concerns about paragraph "H" as it relates to canopies. He questioned if existing canopies would be removed if an outdoor dining permit had been sought. Councilor Lachapelle replied yes. He added that the Codes and Ordinances Committee discussed this issue at length. Councilor Lachapelle said that the umbrellas that meet the NFPA Standards would be allowed. Councilor Lachance asked if canopies and awning are considered the same. It was determined that they are different and existing awnings would not need to be removed under this ordinance.

Mayor McCarley called for a vote on the motion as amended above. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Hutchinson, Walker, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Hailey, Abbott, Gray, Rice, Lachance, and Mayor McCarley voted in favor of the motion. *See Addendum B for final copy of the adopted ordinance as amended.*

**10.1.2 Committee Recommendation: to accept the amendments to Chapter 80 (Food & Food Service) of the City Ordinances as presented by City staff consideration for approval**

Councilor Lachapelle reviewed the few changes being proposed with this amendment. *See Addendum C - Proposed Amendment.*

Councilor Lachance **MOVED** to **ADOPT** the ordinance. Councilor Walker seconded the motion.

Councilor Lachance asked why the Committee recommended removing Class J. Food Establishment at Rochester Fair: sixty-five dollars (\$65). City Attorney O'Rourke clarified that the Fairgrounds were being charged an increased rate compared to all other vendors and now they will be charged the same rate as all other vendors. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Lachance, Walker, Hutchinson, Belken, Lachance, Abbott, Gray, Rice, Bogan, Hainey, Lachapelle, Lauterborn, and Mayor McCarley voted in favor of the motion. *See Addendum C - Adopted as proposed.*

**10.1.3 Committee Recommendation: to accept the amendments to Chapter 11 (Adult-Oriented Establishments) of the City Ordinances as presented by City staff consideration for approval**

Councilor Lachapelle said the Committee is recommending to delete this entire Chapter as the material is already covered under the current Zoning Ordinances. Councilor Lachapelle **MOVED** to **ADOPT** the ordinance. Councilor Walker seconded the motion. *See Addendum D.*

Councilor Belken asked for clarification if the exact same wording is duplicated within the Zoning Ordinances. City Attorney O'Rourke clarified that the verbiage is not an exact duplicate; however, all the definitions are included. He said this "stand alone" chapter is unnecessary and probably would not hold up in court because the proper place for these types of laws should be included with the Zoning Ordinances.

Mayor McCarley called for a vote on the motion. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Rice, Walker, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Hainey, Abbott, Gray, Hutchinson, Lachance, and Mayor McCarley voted in favor of the motion. *See Addendum D - Adopted as proposed.*

Councilor Lachapelle thanked the Committee for their work on these

amendments. He said the next meeting would be held on March 4, 2021.

## **10.2 Community Development Committee**

### **10.2.1 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 *first reading and refer to Public Hearing on March 16, 2021***

Councilor Lauterborn gave a brief overview of the presentation made at the Committee meeting from Easter Seals. She said they are proposing a project with about eighty senior housing units, which are affordable and supportive, at the Rochester Easter Seals property (formerly The Homemakers). She added that Easter Seals is also proposing to donate undeveloped, wooded land to the Champlain Forest lands as overseen by the Society for the Protection of NH Forests. Councilor Lauterborn indicated that there is a project overview, which can be found attached to the Community Development meeting minutes. She encouraged the City Council to read through the project overview.

Councilor Lauterborn **MOVED** to read the resolution for the first time by title only. Councilor Walker seconded the motion. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Lachapelle, Rice, Gray, Hainey, Abbott, Bogan, Hutchinson, Lachance, Hamann, Lauterborn, Walker, Belken, and Mayor McCarley voted in favor of the motion. Mayor McCarley read the resolution for the first time as follows:

#### **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:**

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;

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 Sixteen Thousand Three Hundred Dollars (\$216,300) 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	\$43,260.00
Public Service Agencies	\$32,445.00
Housing/Public Facilities/Infrastructure	\$40,595.00
<b>Total</b>	<b>\$ 216,300.00</b>

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.

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 Sixteen Thousand Three Hundred Dollars (\$216,300) 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 Lauterborn **MOVED** to **AMEND** the resolution as follows:

Administration and Planning	\$53,779.60
Public Service Agencies	\$40,334.70
Housing/Public Facilities/Infrastructure	\$174,783.70
<b>Total</b>	<b>\$ 268,898.00</b>

Councilor Walker seconded the motion. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Hamann, Walker, Hutchinson, Belken, Lachance, Abbott, Gray, Rice, Bogan, Hainey, Lachapelle, Lauterborn, and Mayor McCarley voted in favor of the motion. The amended resolution is as follows:

**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:**

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**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

<b>Total</b>	<b>\$268,898.00</b>
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Councilor Lauterborn said the Committee minutes indicate that there would be no meeting until April 2021; however, that plan has changed. She said the estimated amounts for the Community Block Grant have been significantly adjusted and therefore, there will be a meeting held March 15, 2021. The time and location will be announced next week.

### 10.3 Fidelity Committee

Councilor Hutchinson said there are no action items this evening. He said the next meeting is scheduled for March 11, 2021, at 6:00 PM on Teams.

### 10.4 Finance Committee

#### 10.4.1 **Committee Recommendation:** To increase the pay grade of the Human Resource Manager position from grade 14 to 15 *consideration for approval*

Councilor Hamann **MOVED** to **APPROVE** the pay grade increase for the Human Resource Manager Position from grade 14 to 15. Councilor Lachapelle seconded the motion.

Councilor Rice questioned how the cities/towns for this research had been selected and how these figures were derived. He gave the example of Nashua being a much larger City than the City of Rochester, with a much higher population and City personnel. Katie Ambrose, Deputy City Manager, replied that the data being presented as part of this grade adjustment was extracted from a recent non-union salary market survey, which had been conducted by Municipal Resource Inc. (MRI). There are a variety of factors that went into the selection of these comparison cities/towns. She said that initially there were 9 communities selected; however, that range was narrowed down to the six communities which can be found in the survey. The selection was based upon population, form of government, the size of the budget, etc. She said it was further taken into consideration how some of the other communities' larger departments were structured, such as the Police Department and/or IT Department(s). Councilor Rice questioned if this same communities would be chosen again in future months to propose another pay scale adjustment for a different City position. Ms. Ambrose said this data was extracted from the full survey (to be presented soon) because of the timing of the posting this position. She confirmed that the same six towns were utilized throughout the entire study. Councilor Lauterborn had similar concerns as Councilor Rice. She said the closer neighboring towns are not included in this survey, which is where recruitment might occur. She indicated that she is voting against this action this evening because of concerns of the cost of personnel continually increasing. She respects the merit raises; however, there were a number of reclassification of positions in last year's budget and changing of job titles. She said these are difficult choices for the Council to vote upon, especially since the employees are known to the City Council. Councilor Lauterborn said in this case, the City Council is being asked to increase the pay grade for an unknown hire before an interview takes place. She said the City Council is the only line of defense to the taxpayer and she

would be voting against this grade adjustment. Councilor Hainey asked what the rationalization was to adjust this pay grade. Mayor McCarley spoke in favor of the motion and gave a brief statement about the complexity of this position. Councilor Hutchinson questioned if the job description and responsibilities have increased. Ms. Ambrose stated that the Personnel Advisory Committee reviewed the job description for the position and no changes are being proposed. She briefed the City Council about the importance of making sure the salary is not below the market standard for this position to ensure that all qualified candidates are drawn to this position through the hiring process. Councilor Walker spoke against the motion and agreed with Councilor Lauterborn.

Mayor McCarley called for a vote on the motion. The **MOTION FAILED** by a 6 to 7 roll call vote. Councilors Hainey, Hutchinson, Lachapelle, Gray, Hamann, and Mayor McCarley voted in favor of the motion. Councilors Abbott, Belken, Walker, Bogan, Rice, Lachance, and Lauterborn voted against the motion.

### **10.5 Planning Board**

Councilor Walker said the Planning Board met last evening; however, there are no action items. He briefed the City Council about a Preliminary Subdivision being proposed at Sofield Apartments, which is located near the Skyhaven Airport. He said it would be an expansion for single family housing units; however, it is located within the Airport Runway Protection Zone RPZ. He said more discussion and negotiations would need to occur before anything can be decided.

Councilor Walker said the Planning Board would be discussing proposed changes to the Impact Fees at the next Planning Board Workshop meeting. He added that the Impact Fees are being applied to single family homes and at some point the City Council will need to have a discussion about whether or not to continue to pursue such fees. He said the implementation of Impact Fees were intended for large developments but not for single-family homeowners. He suggested that this discussion should be held by the City Council in a Workshop session rather soon.

### **10.6 Public Safety**

Councilor Lachapelle reviewed the Committee minutes with the City Council. He said there was a discussion about "speeding" on Nottingham Lane and a street light request; however, both items have been kept in Committee at this time.

## **10.7 Public Works**

Councilor Walker said the Committee met on February 18, 2021. He said the Department of Health and Human Services (DHHS) is requesting a lease extension at the Community Center. Councilor Walker recalled that the previous City Council intended to allow the lease to expire. He said since there are essentially new City Councilors on board, the topic needs to be addressed again. Mayor McCarley indicated that some of the discussions would be taking place between the State and the City through a non-public session. Councilor Lachapelle voiced his opinion that he is not against extending the lease for two more years; however, he is not in support of spending any funds on upgrades to their current space. Councilor Walker stated that is the problem at hand, if the City extends the lease, the lessee is expecting major upgrades to the amount of \$500,000. He added that is why the previous City Council has not extended the lease.

City Manager Cox confirmed that DHHS has withdrawn the request for expansion (extended lease) and is not seeking any upgrades at this time.

Director Peter Nourse gave a brief history of the lease between the City of Rochester and DHHS. He said the current lease is due to expire in 2022; however, they have requested an extension to that agreement to 2024. He said DHHS was previously seeking to expand their number of employees and space needs drastically; however, because of the pandemic, they will just need more time in the current space to make that determination of what the next step should be taken. He reiterated that no upgrades are being sought with this extension of the current lease.

Councilor Lachance and Lauterborn both voiced their support for the extension of the lease to DHHS. Councilor Hamann agreed as long as the City is not intending to spend the funds to renovate the space. Mayor McCarley said this would be discussed further in a non-public session.

## **11. Old Business**

### **11.1 Amendments to Chapter 275 of the General Ordinances of the City of Rochester regarding Murals *second reading and consideration for adoption***

Councilor Lachapelle **MOVED** to read the Amendment to Chapter 275 of the General Ordinances by title only for a second time. Councilor Lachance seconded the motion. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Abbott, Walker, Hutchinson, Belken, Lachance, Hamann, Gray, Rice, Bogan, Hainey, Lachapelle, Lauterborn, and Mayor McCarley voted in

favor of the motion. Mayor McCarley read the Amendment for a second time.  
*See Addendum E.*

Councilor Lachapelle **MOVED** to **ADOPT** the motion. Councilor Walker seconded the motion. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Gray, Belken, Hamann, Rice, Lauterborn, Hainey, Lachapelle, Hutchinson, Walker, Lachance, Abbott, Bogan, and Mayor McCarley voted in favor of the motion. *See Addendum E Adopted as Proposed*

## **12. Consent Calendar**

No discussion.

## **13. New Business**

### **13.1 Resolution Authorizing Approval to Submit a Notice of Intent to Obtain Coverage Under the Great Bay Total Nitrogen Permit *first reading and consideration for adoption***

Councilor Lachapelle **MOVED** to read the resolution by title only. Councilor Walker seconded the motion. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Bogan, Abbott, Belken, Hutchinson, Lachapelle, Gray, Walker, Rice, Hamann, Hainey, Lachance, Lauterborn, and Mayor McCarley voted in favor of the motion. Mayor McCarley read the resolution by title only as follows:

#### **Resolution Authorizing Entry Into Intermunicipal Agreement For Development of an Adaptive Water Quality Management Plan for Great Bay Estuary**

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

That the City of Rochester hereby agrees to enter into the Intermunicipal Agreement For Development of an Adaptive Water Quality Management Plan for Great Bay Estuary attached as **Exhibit A** of this Resolution. (*See Addendum F – Exhibit A*)

Further, the Mayor and City Council authorize the City Manager or his/her designee to execute any and all documents to effectuate the purpose of this

Resolution including, but not limited to, **Exhibit A**. (See Addendum F – Exhibit A)

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Walker seconded the motion. A discussion ensued about the process of first and second readings.

Attorney O'Rourke stated that Attorney Sherry Young is available to give the City Council a brief overview of the resolution and to answer any questions. He said that not only is the City opting into the Great Bay Total Nitrogen General Permit but the City is also accepting the Administrative Order on consent as well.

Attorney Young stated that there has been a final Administrative Order on consent that had been negotiated with the EPA. She gave details about why the results of the negotiations are favorable to the City of Rochester. Ms. Young reviewed the rest of Exhibit A and offered to answer any questions.

Mayor McCarley called for a vote on the motion. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Hutchinson, Walker, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Hainey, Abbott, Gray, Rice, Lachance, and Mayor McCarley voted in favor of the motion.

Attorney Young thanked the City Council for its corporation in making this one of her best experiences negotiating with the EPA. Mayor McCarley thanked Attorney Young and the City staff who worked on this process.

### **13.2 Resolution Deauthorizing \$3,650.45 from the Rochester Police Department Ballistic Vest Grant *first reading and consideration for adoption***

Councilor Lachapelle **MOVED** to read the resolution for a first time by title only and to **ADOPT** the resolution. Councilor Walker seconded the motion.

Councilor Rice questioned how much a ballistic vest cost through this grant. Chief Toussaint replied that the City pays about \$800 to \$850 per vest and half of that amount qualifies for reimbursement through this grant. Councilor Rice asked if the remaining funds for this grant needed to be deauthorized by a certain date. Chief Toussaint replied yes, this is a reoccurring grant and the funds must be deauthorized before another grant is accepted. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Lachance, Walker, Hutchinson, Belken, Hamann, Lachapelle, Abbott, Gray, Rice, Bogan, Hainey, Lauterborn, and Mayor McCarley voted in favor of the

motion. Mayor McCarley read the resolution as follows:

**Resolution Deauthorizing \$3,650.45 from the Rochester Police  
Department Ballistic Vest Grant**

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

That Three Thousand Six Hundred Fifty and 45/100 Dollars (\$3,650.45) of funds previously appropriated to the Rochester Police Department as part of a Ballistic Vest Grant is hereby deauthorized. The City will reduce its reimbursement request to the Department of Justice under Ballistic Vest Grant by the amount deauthorized herein.

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.

**13.3 Amendment to the Granite Ridge Development District  
(GRDD) Tax Increment Development Program &  
Financing Plan ("TIF Plan") Pursuant to RSA 162-K:9, IV  
*first reading and refer to public hearing March 16, 2021***

Councilor Lachapelle **MOVED** to read the resolution by title only for a first time and to refer the matter to a Public Hearing to be held on March 16, 2021. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote. Councilors Rice, Walker, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Hainey, Abbott, Gray, Hutchinson, Lachance, and Mayor McCarley voted in favor of the motion. Mayor McCarley read the resolution by title only for a first time as follows:

**Amendment to the Granite Ridge Development District (GRDD) Tax  
Increment Development Program & Financing Plan ("TIF Plan")  
Pursuant to RSA 162-K:9, IV**

**THE CITY OF ROCHESTER ORDAINS:**

**WHEREAS**, the 2014 Adopted GRDD TIF Plan was crafted to rely on retail and office space development to generate tax increment for the GRDD;

**WHEREAS**, the original GRDD TIF concept planned for the development of retail and office space as the main drivers for incremental assessment within



the TIF, but market trends over the last several years has seen the demand for office and retail rental space decline at an accelerated rate;

**WHEREAS**, these economic shifts, amid other more recent influences, are reshaping the traditional approach to retail and office space development; and

**WHEREAS**, it is acknowledged that increasing diversity is necessary to assure tax incremental revenues remain at adequate levels in order to carry out the development plans of the GRDD.

**THEREFORE**, the Mayor and City Council of Rochester ordain that mixed use commercial and residential developments, and associated public parks, parking lots, open spaces, and recreational opportunities is recognized as allowable development activities within the GRDD TIF Plan and the GRDD TIF Plan is hereby amended to allow the same.

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

**13.4 Amendment to Chapter 275 of the General Ordinances of the City of Rochester Regarding the Location and Boundaries of Zoning Districts *first reading and refer to public hearing March 16, 2021***

Councilor Lachapelle **MOVED** to read the resolution by title only for a first time and to refer the matter to a Public Hearing to be held on March 16, 2021. Councilor Walker seconded the motion. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Lachapelle, Rice, Gray, Hainey, Abbott, Bogan, Hutchinson, Lachance, Hamann, Lauterborn, Walker, Belken, and Mayor McCarley voted in favor of the motion. Mayor McCarley read the Amendment by title only for a first time by title only as follows:

**Amendment to Chapter 275 of the General Ordinances of the City of Rochester Regarding the Location and Boundaries of Zoning Districts**

**THE CITY OF ROCHESTER ORDAINS:**

**WHEREAS**, Chapter 275-1.10 establishes that the location and boundaries of zoning districts within the City of Rochester are established as shown on a map titled, "City of Rochester Zoning Map."

**WHEREAS,** Chapter 275-1.10 further declares that the City of Rochester Zoning Map is incorporated by reference as party of Chapter 275 of the General Ordinances of Rochester regarding zoning.

**WHEREAS,** the Mayor and City Council of Rochester desire to amend the City of Rochester Zoning Map to convert the property located at 13 Sawyer Avenue to the Downtown Commercial Zone.

**THEREFORE,** the Mayor and City Council of Rochester ordain that the property located at 13 Sawyer Avenue shall be converted to Downtown Commercial Zone in accordance with the Attached Exhibit. (Exhibit A).

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

**13.5 Discussion: Past Council practice relative to School budget (School Building Capital Reserve Fund)**

Mayor McCarley said the School Board is in the process of submitting their budget to the City by the end of March. She mentioned over the past few years there has been an increase to the Waste Management Host Fees and as a result, the City Council has made the decision to share some of those increased revenues with the School Department (revenues side) in terms of balancing their operating budget. Mayor McCarley said she is seeking a sense of council about this past Council practice relative to the School Department's Budget and if the City Council might be interested in continuing that practice. Councilor Walker said it really depends because the City could face a shortfall in its own budget. Councilor Gray said he has been an advocate in sharing of such fees (revenues) with the School Department and sees no reason not to continue in that practice. He indicated that another issue is that each year the School Department is obligated to return any/all surplus; however, often times, they request these funds back through the process of a supplemental appropriation, which he is not supporting. Mayor McCarley indicated that it was Councilor Gray's suggestion to bring this matter to the City Council to review this past practice. She said on the other point about a surplus, it seems there is currently about \$800,000 in the School Department's Capital Reserve Fund, which the City must allow them to spend; however, there is no evidence of a surplus for this year, nor have they received a supplemental appropriation this year.

**14. Other**

Councilor Hutchinson spoke about the City Charter regarding the power

of the City Council to remove a City Official from Office/Position due to ethics violations. He said although the language supports that action to be taken, the Charter itself is silent about the fair and equitable process of such an action. The Charter does not give direction to any action on holding public officials accountable for committing unethical actions, which occurred in the past, while serving in office or not. The City Charter fails to provide a fair mechanism to address complaints against its public officials. He briefly shared the recent ethic concerns about the Rochester School Board and other complaints that the City Council has not yet been made aware of have shown that obvious vulnerabilities exists. This is an opportunity for the City Council to adopt a fair and transparent system to review such complaints made against public officials. He is seeking to establish an Ethics Commission and gave some details of what should be included with such a Commission. He **MOVED** to establish an Ethics Commission for the City of Rochester. *This motion did not receive the required "second".*

Mayor McCarley had been unaware that Councilor Hutchinson would be making a formal motion this evening and informed him of the process of bringing an amendment to the Agenda by a two-thirds City Council vote prior to any vote being taken.

Councilor Hutchinson **MOVED** to suspend the Rules to bring the Ethics Commission question to the agenda for a vote. *This motion did not receive the required "second".* Mayor McCarley clarified that the topic could still be discussed; however, no motion could be acted upon without the required two-thirds vote.

Councilor Walker said at the last Council meeting, he had requested a second legal opinion on Section 70 of the City Charter as it dictates the right to remove any City Official from Office. He believed the original intent of the Charter was to remove "any" City Official from Office; however, clarification must be sought out prior to creating an Ethic's Commission.

Councilor Hainey said that Councilor Hutchinson mentioned five articles that would govern the proposed Commission. She questioned the fifth article that he mentioned. Councilor Hutchinson said it was as follows: "The promotion of the integrity of City government". Councilor Hainey said it would be a long process to change the City Charter; however, in the meantime, there may be some concerns that should be looked into sooner. She cautioned the City Council not to rush the process and to set up the Commission properly and training should be made available as well. Councilor Hutchinson agreed that this was a complicated process with complicated issues. He indicated that the neighboring communities all have some type of Ethics Commission/Policy. In such communities, citizens have a safe and transparent mechanism to file

complaints.

Councilor Hutchinson agreed with legal counsel's interpretation of the City Charter; however, he felt the Charter could be better supported by having an Ethics Commission established.

Councilor Rice thanked Councilor Hutchinson for bringing this matter to the City Council and for all research completed. He asked what the basis is for the essentially five articles he is seeking to have incorporated with such a commission. Councilor Hutchinson said these articles have been taken/copied by the various similar commissions in the nearby surrounding communities. Councilor Rice gave reasons why he did not feel this type of Commission should be dealing with past indiscretions. He supported such a Commission to deal with complaints received about unethical behavior for current situations for current Offices.

The City Council talked further about the surrounding communities and their Ethic Commissions. The City Council debated whether or not the City Council could investigate unethical behavior of its own City Council membership. Mayor McCarley suggested that the City Council could add language about ethics to its own Rules of Order, which are reviewed by the City Council every two years.

Councilor Hutchinson said it is important for the City Council to appoint member to the Ethics Commission; however, membership should not include any City Council members for such a Commission to work effectively without bias. He gave details about how a Commission might operate for final determination of any such accusation.

Councilor Lachapelle said this would require a Charter Amendment and recommended that the City Attorney work on such an Amendment to the City Charter. Mayor McCarley requested that the City Attorney start the process by collecting information and giving his legal opinion about the first step in this process. Mayor McCarley did not fully support outlining the entire process for an Ethics Commission in the City Charter itself because the City General Ordinances or Rules of Order would be a better fit for something of this magnitude. She added that Section 70 of the City Charter is in need of an Amendment. Councilor Hamann suggested that the Codes and Ordinances Committee could review this section of the City Charter soon.

Councilor Lachance asked about the Joint Building Committee for the CTE project. Mayor McCarley replied that the Committee made its final recommendation for the remaining funds and now the Committee is finished meeting all together. She gave a brief overview of some of the housekeeping

items (de-authorizations) that will be taken care of during future Council meetings.

## **15. Non - Public**

### **15.1. Non-Public Session – Land, RSA 91-A:3, II (d)**

### **15.2. Non-Public Session – Legal RSA 91-A:3, II (I)**

Councilor Lauterborn **MOVED** to enter into two Non-Public Sessions as follows as stated above at 9:16 PM. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Hainey, Abbott, Belken, Hutchinson, Lachapelle, Gray, Walker, Bogan, Hamann, Rice, Lachance, Lauterborn, and Mayor McCarley voted in favor of the motion.

Councilor Lachapelle **MOVED** to exit the Non-Public Sessions at 10:28 PM. Councilor Walker seconded the motion. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Walker, Hamann, Lachance, Rice, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Hainey, Abbott, Gray, Hutchinson, and Mayor McCarley voted in favor of the motion.

Councilor Lauterborn **MOVED** to seal the minutes for the Non-Public Session under Land, RSA 91-A:3, II (d) because disclosure could render the proposed action ineffective and to seal the Non-Public Session minutes under Legal, RSA 91-A:3, II (I) because disclosure could adversely affect the reputation of a person other than a member of this board. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Abbott, Walker, Hutchinson, Belken, Lachance, Hamann, Gray, Rice, Bogan, Hainey, Lachapelle, Lauterborn, and Mayor McCarley voted in favor of the motion.

## **16. Adjournment**

Mayor McCarley **ADJOURNED** the Regular City Council Meeting at 10:32 PM.

Respectfully Submitted,

Kelly Walters  
City Clerk

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left blank...*

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City Clerk's Office

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**City Council Special Meeting  
March 16, 2021  
Council Chambers  
31 Wakefield Street and  
Remotely via Microsoft Teams  
6:49 PM**

**COUNCILORS PRESENT**

Councilor Abbott  
Councilor Belken  
Councilor Bogan  
Councilor Gray  
Councilor Hainey  
Councilor Hamann  
Councilor Hutchinson  
Councilor Lachapelle  
Councilor Lachance  
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

**Minutes**

**1. Call to Order**

Mayor McCarley called the Special meeting to order at 6:49 PM. She had read the following preamble prior to the public hearing which had preceded this meeting:

Good Evening, as Chairperson of the (City Council, Planning Board, Police Commission, ZBA, etc), 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.) **Providing public access to the meeting by telephone:** At this time, I also welcome members of the public accessing this meeting remotely. Even though this meeting is being conducted in a unique manner under unusual circumstances, the usual rules of conduct and decorum apply. Any person found to be disrupting this meeting will be asked to cease the disruption. Should the disruptive behavior continue thereafter, that person will be removed from this meeting. The public can call-in to the below number using the conference code. Some meetings will allow live public input, however you must have pre-registered online, otherwise, the meeting will be set to allow the public to "listen-in" only, and there will be no public comment taken during the meeting. [Public Input Registration](#) (Please note: In order to notify the meeting host that you would like to speak, press 5\* to be recognized and unmuted)

Phone number: 857-444-0744

Conference code: 843095

b.) **Public Access Troubleshooting:** If any member of the public has difficulty accessing the meeting by phone, please email [PublicInput@RochesterNH.net](mailto:PublicInput@RochesterNH.net) or call 603-332-1167.

c.) **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](mailto: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).*

d.) **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.)

## **2. Roll Call**

Deputy City Clerk Cassie Givara had taken the roll call prior to the public hearing. All Councilors had indicated that they were present and alone in the location from which they were connecting except for Councilors Abbott and Lachapelle, and Mayor McCarley who indicated there would be others occasionally present at their locations.

## **3. Resolution Authorizing the Department of Public Works to Submit a New Hampshire Department of Transportation (NHDOT) Transportation Alternatives (TAP) Grant Application in an amount not to exceed \$900,000.00 *first reading and consideration for adoption***

Councilor Lachapelle **MOVED** to **APPROVE** the Department of Public Works to submit a NHDOT TAP Grant application as described in the resolution below. Councilor Walker seconded the motion.

### **Resolution Authorizing the Department of Public Works to Submit a New Hampshire Department of Transportation (NHDOT) Transportation Alternatives (TAP) Grant Application in an amount not to exceed \$900,000.00**

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

That the Department of Public Works is thereby authorized to submit a NHDOT TAP Grant Application in an amount not to exceed Nine Hundred Thousand Dollars (\$900,000.00) to pay for the costs associated with the Portland Street

Sidewalk Project. If the grant is awarded, the City will be required to provide a Twenty Percent (20%) match not to exceed Two Hundred Thousand Dollars (\$200,000.00).

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

Councilor Lachance inquired if the grant was though the State of NH. Mayor McCarley confirmed it was a State of NH grant. Deputy City Manager Ambrose stated that the terms of the application requires a letter of support from the Mayor; by authorizing this resolution the Council also authorizes the Mayor to sign this letter of support on behalf of the City of Rochester. The **MOTION CARRIED** by a 13-0 roll call vote with Councilors Hutchinson, Hamman, Abbott, Hainey, Gray, Lachapelle, Bogan, Rice, Lachance, Belken, Walker, Lauterborn, Abbott, and Mayor McCarley all voting in favor.

#### **4. Adjournment**

Mayor McCarley **ADJOURNED** the City Council Special Meeting at 6:52 PM.

Respectfully Submitted,

Cassie Givara  
Deputy City Clerk



*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**

**March 2021**

Contracts and documents executed since last month:

- **Building & Licensing Services**
  - Contract Revisions – OpenGov **P. 40**
- **Department of Public Works**
  - Change Order – Colonial Pines Sewer Extension Phase 2 **P. 41**
  - Certificate of Final Completion – Colonial Pines Phase 2 **P. 42**
  - Master Service Agreements for Consulting Engineers **P. 43**
  - Additional Master Service agreement **P. 44**
- **Economic Development**
  - Victims of Crime Act Assistance Grant Application **P. 45**
- **Finance**
  - Kronos support services renewal **P. 46**
  - Quadient Purchase & Meter Rental Agreement **P. 47**
  - Solar Power Purchase Agreement – ReVision Energy **P. 48**
- **Fire Department**
  - Certificate of Authority – COVID Vaccine clinics **P. 49**
  - Finance review & Final Purchasing Contract – Toyne **P. 50**
- **IT**
  - Additional database licenses – Interware **P. 51**
  - PatrolPC Replacement Batteries **P. 52**

The following standard reports have been enclosed:

- Monthly Overnight Travel Summary - none
- Permission & Permits Issued -none
- Personnel Action Report Summary **P. 53**



04/01/2021

# City of Rochester, New Hampshire

## *Building, Zoning, and Licensing Services*

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### INTEROFFICE MEMORANDUM

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TO: Katie Ambrose, Deputy City Manager and Director of Finance & Administration

From: Jim Grant, Director of Building, Zoning, & Licensing

Date: 2/18/2021

Subject: OpenGov Contract Changes

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Attached you will find a rewritten contract from OpenGov (fka ViewPermit). The purpose behind this is to align the contract with the City's fiscal years. All this does is to start operating maintenance cost of the software on the start of our new fiscal years in July.



# 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)

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### INTEROFFICE MEMORANDUM

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**TO:** Blaine Cox, City Manager  
Katie Ambrose, Deputy City Manager/ Director of Finance & Administration

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

**DATE:** March 11, 2021

**SUBJECT:** Colonial Pines Sewer Extension – Phase 2  
Change Order No. 5

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

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Attached are four (4) originals of Change Order No. 5 for the Colonial Pines Sewer Extension – Phase 2 project. This change order document is a final closeout change order for the project and reflects a net credit of \$222,755.61 to the total contract price, and it extends the overall contract time by 69 days. Funds associated with this credit will be returned to the project account lines.

Katie - If you have any questions, please let me know. If not, please sign below and pass on to the City Manager for signature. All four signed originals of Change Order No. 5 should be returned to DPW for distribution. Thank you.

Signature *Katie Ambrose*  
Katie Ambrose  
Deputy City Manager/ Director of Finance & Administration

Attachment: Colonial Pines Sewer Ext. – Ph. 2, Change Order No. 5 (4 copies)



# 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)

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## INTEROFFICE MEMORANDUM

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**TO:** Blaine Cox, City Manager  
Katie Ambrose, Deputy City Manager/ Director of Finance & Administration

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

**DATE:** March 25, 2021

**SUBJECT:** Colonial Pines Sewer Extension – Phase 2 (Contract No. 19-19)  
Certificate of Final Completion

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

---

Attached please find one (1) original of the Certificate of Final Completion for the Colonial Pines Sewer Extension – Phase 2 project, which has been submitted for the City's signature. The City's contractor, SUR Construction, Inc., has achieved final completion of the project on November 1, 2020. The City's consulting engineer, Underwood Engineers, Inc., has certified that the contractor has achieved final completion and has submitted the attached Certificate of Final Completion for signature by the City of Rochester. I recommend that the City accepts and signs this Certificate of Final Completion, which initiates the one year guaranty period.

Katie - If you have any questions, please let me know. If not, please sign below and pass on to the City Manager for signature. The signed original Certificate of Final Completion document should be returned to me at DPW for distribution. Thank you.

Signature \_\_\_\_\_

Katie Ambrose

Deputy City Manager/ Director of Finance & Administration

Attachment: Certificate of Final Completion for Contract No. 19-19



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

04/01/2021



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## INTEROFFICE MEMORANDUM

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**TO:** BLAINE COX, CITY MANAGER  
KATIE AMBROSE, DEPUTY CITY MANAGER/DIRECTOR OF FINANCE & ADMIN

**FROM:** LISA J. CLARK, ADMINISTRATIVE SUPERVISOR

**DATE:** March 16, 2021

**SUBJECT:** Professional Master Service Agreements for Consulting Engineers  
Awards Based on Request for Qualifications RFQ 21-19

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

---

Per NHDOT LPA Grant Funded Projects, State of NH SRF Projects and all State and Federal Grant Project guidelines, the City of Rochester must follow a Request for Qualifications process when selecting Consulting Engineers. The Department of Public Works has recently completed that process and has selected the following firms for engineering consulting work associated with Capital Improvement Projects. There are (6) attached agreements for the firms listed below that have been review by the City Attorney and are now ready for City Manager Signature. There will be 3-4 more to follow once they have been submitted and reviewed internally.

**Attached Agreements:**

Greenman-Pedersen, Inc (GPI)  
Hoyle Tanner & Associats (HTA)  
Sebago Technics  
SLR – Milone & MacBroom, Inc  
Weston & Sampson Engineers  
Wright-Pierce Engineers

If you have any question, please call, if not please pass on to the City Manager for signature. Please return documents to me at the DPW for Distribution

---

(Katie Ambrose, Deputy City Manager/ Director of Finance & Administration)



*City of Rochester, New Hampshire*  
PUBLIC WORKS DEPARTMENT  
45 Old Dover Road • Rochester, NH 03867  
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04/01/2021



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## INTEROFFICE MEMORANDUM

---

**TO:** BLAINE COX, CITY MANAGER  
KATIE AMBROSE, DEPUTY CITY MANAGER/DIRECTOR OF FINANCE & ADMIN

**FROM:** LISA J. CLARK, ADMINISTRATIVE SUPERVISOR <sup>WJS</sup>

**DATE:** March 25, 2021

**SUBJECT:** Professional Master Service Agreements for Consulting Engineers  
Awards Based on Request for Qualifications RFQ 21-19

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

---

Per NHDOT LPA Grant Funded Projects, State of NH SRF Projects and all State and Federal Grant Project guidelines, the City of Rochester must follow a Request for Qualifications process when selecting Consulting Engineers. The Department of Public Works has recently completed that process and has selected the following firm for engineering consulting work associated with Capital Improvement Projects. You have previously executed six contracts. This is the seventh of a total of 10 that will be executed

**Attached Agreements:**

Underwood Engineers

If you have any question, please call, if not please pass on to the City Manager for signature. Please return documents to me at the DPW for Distribution

---

(Katie Ambrose, Deputy City Manager/ Director of Finance & Administration)



Date: March 3, 2021

To: Blaine Cox  
City Manager

From: Julian Long  
Community Development Coordinator/Grants Manager

Re: Victims of Crime Act Assistance Grant Application

Please see attached the Victims of Crime Act Assistance grant application requesting continued funding for the part-time Victim Witness Advocate staff person for the City of Rochester's Legal Department. This application has been reviewed and approved by City Attorney Terence O'Rourke and City Prosecutor Andrea Mitrushi. The application requires the signature of the City Manager as the authorized City authority.

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



## *City of Rochester, New Hampshire*

Finance Office

31 Wakefield Street • Rochester, NH 03867-1917

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

MEMO

TO: Blaine Cox

FROM: Katie Ambrose, Deputy City Manager/Director of Finance & Administration

DATE: March 29, 2021

RE: Kronos Support Services Renewal

---

Attached please find a quote for the annual renewal of support services for the Kronos time clocks. Funding for the \$3,623.73 is available and allocated across the Water, Sewer, Arena and General Funds in the corresponding Equipment Maintenance accounts xxxxxxxx-543002.

Feel free to let me know if you have any questions. If you concur, please sign and return to Human Resources for distribution.

---

Katie Ambrose

Deputy City Manager/Director of Finance & Administration

Enclosures: Kronos Support Services Quote



## *City of Rochester, New Hampshire*

Finance Office

31 Wakefield Street • Rochester, NH 03867-1917

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

MEMO

TO: Blaine Cox

FROM: Katie Ambrose, Deputy City Manager/Director of Finance & Administration

DATE: March 24, 2021

RE: Quadient Purchase & Meter Rental Agreement

---

Attached please find an agreement with Quadient, Inc. for initial purchase, installation, rental and support for a postage meter at the new Tax Office location. Funding for the \$4,418 is available in the project account 11090050-572000-21558, the meter rental cost will be funded out of the Tax Collector's Equipment Maintenance O&M account.

Feel free to let me know if you have any questions. If you concur, please sign and return to my attention for distribution.

---

Katie Ambrose

Deputy City Manager/Director of Finance & Administration

Enclosures: Purchase Agreement with Meter Rental Agreement



## *City of Rochester, New Hampshire*

Finance Office

31 Wakefield Street • Rochester, NH 03867-1917

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

MEMO

TO: Blaine Cox

FROM: Katie Ambrose, Deputy City Manager/Director of Finance & Administration

DATE: March 18, 2021

RE: Solar Power Purchase Agreement

---

Attached please find a Solar Power Purchase Agreement with ReVision Energy, Inc. The City entered into a Solar Power Purchase Agreement with ReVision Energy, Inc. for the solar array at the new DPW Facility in January of 2021. Since that time, DPW and Finance staff have recommended amending the agreement to purchase a larger array in year 6 versus a smaller array at an increased cost of \$120,000. Funding would be sourced out of DPW CIP funds, and amending to a larger size has an estimated \$500,000 advantage over the life of the array. The attached agreement amends the current terms only to reflect changes associated with the larger array. I recommend authorizing this agreement.

Feel free to let me know if you have any questions. If you concur, please sign and return to my attention for distribution.

---

Katie Ambrose

Deputy City Manager/Director of Finance & Administration

Enclosures: Solar Power Purchase Agreement



## ROCHESTER FIRE DEPARTMENT

37 WAKEFIELD ST. ROCHESTER, NH 03867  
(603) 335-7545

04/01/2021



# MEMO

---

To: Blaine Cox, City Manager  
From: Mark Klose, Fire Chief  
Date: Wednesday, March 3, 2021  
RE: Certificate of Authority Signature

---

Dear Blaine,

I am seeking your approval to allow Rochester firefighters to participate in assisting the State of NH DHHS with COVID-19 Vaccination Clinics. In order to do so I would need your signature as the Certificate of Authority which is attached to this memo.

Please let me know if there are any questions or concerns.

Thank you,

Chief Klose

04/01/2021



## ROCHESTER FIRE DEPARTMENT

37 WAKEFIELD ST. ROCHESTER, NH 03867  
(603) 335-7545



# MEMO

---

To: Katie Ambrose, Deputy City Manager/Director of Finance & Administration  
From: Tim Wilder, Assistant Fire Chief  
Date: Thursday, March 18, 2021  
RE: Fire Pumper Contract Review and Purchase

---

Dear Katie,

This memo is to signify Finance review of the bid and final purchasing contract with Toyne for the new fire pumper apparatus priced at \$632,384.09.

Please let me know if there are any questions or concerns.

Thank you,

Tim Wilder  
Assistant Fire Chief

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Deputy City Manager Signature

---

Date



## *City of Rochester, New Hampshire*

INFORMATION TECHNOLOGY SERVICES

31 Wakefield St • Rochester, NH 03867

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

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### INTEROFFICE MEMORANDUM

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**TO:** Blaine City Manager  
Katie Ambrose, Finance Director

**FROM:** Sonja Gonzalez, Chief Information Officer

**DATE:** March 22, 2021

**SUBJECT:** Interware – Advantage DB licensing - \$700

**CC:**

---

Attached please find one copy of the quote for additional database licenses as needed for concurrent users.

There is sufficient funding in the IT Software account 11020050-565000.

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 Sonja Gonzalez for distribution.

Signature\_\_\_\_\_

Katie Ambrose, Finance Director



## *City of Rochester, New Hampshire*

INFORMATION TECHNOLOGY SERVICES

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### INTEROFFICE MEMORANDUM

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**TO:** Blaine City Manager  
Katie Ambrose, Finance Director

**FROM:** Sonja Gonzalez, Chief Information Officer

**DATE:** March 26, 2021

**SUBJECT:** PatrolPC – Replacement Batteries - \$224

**CC:**

---

Attached please find one copy of the proposal for PatrolPC replacement batteries.

There is sufficient funding in the IT Services CIP Annual Hardware Replacement < 15011020-773800-19502>.

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 Sonja Gonzalez for distribution.

Signature\_\_\_\_\_

Katie Ambrose, Finance Director



DEPT	NAME	POSITION	# of Employees	FT	PT	SEASONAL/TEMP	NEW HIRE	REHIRE	RETIREMENT	SEPARATED	STEP (CBA)	COLA (CBA)	MERIT PAY ADJ	NU PAY ADJ	PAY ADJ	PROMOTION	OTHER	MISC. INFO
COMMUNICATIONS	KATE DREW	COMMUNICATIONS SPECIALIST	1	X						X								
COMMUNICATIONS	JENNIFER HOLMAN	PER DIEM COMM SPECIALIST	1			X				X								
COMMUNICATIONS	LAUREN VENO	COMMUNICATIONS SPECIALIST	1	X			X											
COMMUNICATIONS	TIFFANY PEARCE	COMMUNICATIONS SPECIALIST	1	X									X					
COMMUNICATIONS	SARAH BAILEY	COMMUNICATIONS SPECIALIST	1	X									X					
DPW	JOSEPH SANBORN	MEDIUM EQUIPMENT OPERATOR	1	X												X		
DPW	EVAN CURRIER	PUMP STATION MAINTENANCE	1	X			X											
DPW	JACOB HOGUE	GIS TECHNICIAN	1	X			X											
DPW	EVE PERKINS	PT CUSTODIAN	1		X		X											
FINANCE	JOCELYN MCMAHON	ACCOUNTANT II	1	X						X								
FIRE	LIAH CHERIM	FIREFIGHTER	1	X													X	MILITARY LEAVE
FIRE	JEREMY PODER	FIREFIGHTER	1	X			X											
FIRE	DENNIS DUBE	DEPUTY FIRE CHIEF	1	X					X									
LIBRARY	MARIE LEJEUNE	LIBRARIAN II	1	X												X		PROMOTED TO LIBRARY DIRECTOR
LIBRARY	ELLIANNA MARTEL	LIBRARY PAGE	1		X					X								
PLANNING	NICOLETTE WOMACK	PLANNER I	1	X						X								
POLICE	MARC CILLEY	PATROL OFFICER	1	X						X								
POLICE	ERIC BILODEAU	PATROL OFFICER	1	X									X					
POLICE	JACOB COFFEY	PATROL OFFICER	1	X									X					
POLICE	ERIC BABINE	POLICE SERGEANT	1	X					X									
POLICE	DOUGLAS COFFIN	CROSSING GUARD	1			X				X								
POLICE	JULIE TOWLE	ADMIN TECHNICIAN II	1		X		X											
POLICE	JULIE TOWLE	ADMIN TECHNICIAN II	1		X					X								
POLICE	CORY KROCHAL	PATROL SERGEANT	1	X												X		
POLICE	ELIZABETH TURNER	PATROL SERGEANT	1	X												X		
POLICE	NICHOLAS ALEXANDER	PATROL OFFICER	1	X									X		X			4/4/2020
POLICE	TIMOTHY COSTIN	PATROL OFFICER	1	X						X								
POLICE	KENDALL DECOST	PATROL OFFICER	1	X						X								
POLICE	ISAAC MOON	PATROL OFFICER	1	X			X						X					
POLICE	JEREMYRIDDLE	PATROL OFFICER	1	X														
POLICE	DAWYNE HATCH	PATROL OFFICER	1	X									X					
POLICE	DOUGLAS CRAWFORD	PATROL OFFICER	1	X									X					
REC/ARENA	BEAU BENTZ	SUPPORT STAFF SEASONAL	1			X				X								
RECREATION	NORMAN SANBORN	PROGRAM LEADER - TRACK	1			X												
TAX	WENDY GOSLIN	ADMIN TECHNICIAN I	1		X		X											

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City Clerk's Office

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04/01/2021



**RECEIVED**

**MAR 16 2021**

CITY CLERK'S OFFICE  
ROCHESTER, NH

03/12/2021

City Council, City of Rochester  
31 Wakefield St  
Rochester, NH 03867

Dear Rochester City Council Members,

We are writing today from the Homeless Center for Strafford County; Our mission at HCSC is to provide community members and families with shelter, case management and educational programs that lead to self-sufficiency and permanent housing. Our Clients predominantly come from Rochester and Dover, New Hampshire. In the most recent 29 months we have placed 29 family units in permanent housing. About 50% of those we serve are children and elderly.

We also provide a safety net for 24 months following placement into permanent housing. ***Our program model is the most effective model we have found for permanent home placement and retention in the Seacoast area.***

We are building a new shelter building and moving from our donated "free leased" space onto an 18 acre property at the corner of Washington Street and Chesley Hill Road. At the onset of this project we were anticipating a project cost of one million dollars to build the new ten room shelter that will increase our capacity to serve the community by an additional 50%. Instead, the design build cost is coming in at 40% more during the pandemic as a result of skyrocketing material and labor costs.

As a non-profit we have a very tight operational budget and the cost of the over \$7,000 for the city building permit fee for this new building would be additional funds that we must raise for the project. We are hoping that the City Council will consider waiving this fee. As you can imagine these funds would be most effectively spent on our programming and operations. We are available anytime to meet with the council to discuss this request.

Respectfully Submitted by ,

Tracy S. Hardekopf-Executive Director

The Homeless Center for Strafford County (a 501©3)  
P.O. Box 7306 Rochester, NH 03839  
Email: Execdirshelter@gmail.com  
Phone: 603-332-3065  
Tax ID # 02-0519859

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City Clerk's Office

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Appointments Review Committee

Minutes from March 16, 2021

In Attendance: Councilors Bogan, Gray and Hainey

Absent: Councilors Abbott and Hutchinson

Meeting called to order at 5:30PM

Reappointments were discussed and the following were motioned for reappointment by Councilor Gray and second by Councilor Hainey:

Kevin Sullivan	Conservation Commission - Regular Member with a Term to Expire 1/2/24.
Michael Kirwan	Conservation Commission – Regular Member with a Term to Expire 1/2/23.
James Hayden	Zoning Board of Adjustments – Regular Member with a Term to Expire 1/2/24.
Larry Spector	Zoning Board of Adjustments – Regular Member with a Term to Expire 1/2/23.
Marilyn Jones	Historic District Commission – Regular Member with a Term to Expire 1/2/23.
Matthew Winders	Historic District Commission – Elevate from Alternate to Regular Member with a Term to Expire 1/2/24.

New Applicant:

Samantha Merchant Library Board Trustee for Ward 2.

Committee met with Ms. Merchant via Teams to discuss her interest in the Trustee position.

She is a lifelong patron of Rochester Library and an elementary school counselor.

Councilor Gray motioned, second by Councilor Hainey that Ms. Merchant be recommended for a full council vote. Passed unanimously.

Meeting adjourned at 6:10PM.

Minutes respectfully submitted by

Councilor Donna Bogan

Chair

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City Clerk's Office

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**Codes and Ordinances Committee**

Councilor Peter Lachapelle, Chair  
Councilor Elaine Lauterborn, Vice Chair  
Councilor Tom Abbott  
Councilor Chris Rice  
Councilor Laura Hailey



**Others Present**

Terence O'Rourke, City Attorney  
Jim Grant, Director BZLS

**CODES AND ORDINANCES COMMITTEE**

Of the Rochester City Council

**Thursday, March 4, 2021**

**31 Wakefield Street, Rochester, NH**

Meeting conducted remotely

**6:00 PM**

**Minutes**

**1. Call to Order**

Vice Chair Lauterborn called the Codes & Ordinances meeting to order at 6:00 PM and read the following preamble:

Good Evening, as Chairperson of the Codes & Ordinances Committee 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.) **Providing public access to the meeting by telephone:** At this time, I also welcome members of the public accessing this meeting remotely. Even though this meeting is being conducted in a unique manner under unusual circumstances, the usual rules of conduct and decorum apply. Any person found to be disrupting this meeting will be asked to cease the disruption. Should the disruptive behavior continue thereafter, that person will be removed from this meeting. The public can call-in to the below number using the conference code. Some meetings will allow live public input, however you must have pre-registered online, otherwise, the meeting will be set to allow the public to "listen-in" only, and there will be no public comment taken during the meeting. [Public Input Registration](#) (Please note: In order to notify the meeting host that you would like to speak, press 5\* to be recognized and unmuted)

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

b.) **Public Access Troubleshooting:** If any member of the public has difficulty accessing the meeting by phone, please email [PublicInput@RochesterNH.net](mailto:PublicInput@RochesterNH.net) or call 603-332-1167.

c.) **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](mailto: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).*

d.) **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.)

Deputy City Clerk Cassie Givara took the roll call. The following councilors were present and indicated that they were alone in the location from which they were connecting remotely: Councilors Abbott, Hainey, and Lauterborn. Councilors Lachapelle and Rice were both excused.

## 2. Public Input

There was no email or voicemail correspondence received for the meeting, nor was there anyone present at City Hall to speak.

## 3. Acceptance of the Minutes

### 3.1 February 4, 2021 *motion to approve*

Councilor Hainey **MOVED** to **APPROVE** the minutes of the February 4, 2021 Codes & Ordinances meeting. Councilor Abbott seconded the motion. The **MOTION CARRIED** by a 3-0 roll call vote with Councilors Hainey, Lauterborn, and Abbott all voting in favor.

## 4. Code of Ordinances Review



## 4.1 Building, Zoning, and Licensing Services

### 4.1.1 Chapter 22: Amusements & Entertainment (*Addendum A*)

Terence O'Rourke, City Attorney, referred the committee to section 22-1 and indicated that the majority of the section and its references were outdated. It is being suggested to strike the subsection in its entirety.

Attorney O'Rourke referenced section 22-2 in regards to boxing and wrestling exhibitions. He clarified that these are required by the State to license for these events, so the ordinance cannot currently be changed.

In section 22-3, the \$2 fee for public dances and parades is suggested to be removed since that fee has never been collected

Section 22-4 regarding licensing for Bowling Alleys and Billiards Tables, as well as section 22-5 regarding Pinball and Video Games & Machines, are suggested to be stricken in their entirety. Attorney O'Rourke stated that these subsections and the related subsections following may have originated from concern over gambling associated with these types of establishments. He said there are State statutes which regulate gambling and the concerns have since been alleviated. This ordinance as it stands is forcing establishments to pay money to have video games. Attorney O'Rourke stated that upon review, the ordinance did not make sense for modern day use and the suggestion is to strike out articles 22-4 through 22-17 in their entirety.

Sections 22-18 and 22-19 have been updated to change the terminology from "article" to the correct term which is "Chapter."

Councilor Lauterborn referred to the beginning of Chapter 22 under "General References" which has a reference to "Chapter 11: Adult-Oriented Establishments" which was removed in its entirety at a prior meeting and thus should have this referenced removed.

Councilor Hainey inquired if local dance studios would be able to still hold performances at outdoor events under Chapter 22-3. Attorney O'Rourke stated that it was just the fee which had been waived, but the performances are permissible; the City does not require individual acts performing at an event to apply for licensing.

Councilor Abbott **MOVED** to send the recommended amendments to Chapter 22 as presented by City Staff to full Council. Councilor Hainey seconded the motion. The **MOTION CARRIED** by a 3 – 0 roll call vote with Councilors Lauterborn, Abbott, and Hainey voting in favor.

### 4.1.2 Chapter 110: Junk & Secondhand Dealers (*Addendum B*)

Attorney O'Rourke directed the committee to section 110-3 where wording has been added to require applicants to submit an up-to-date criminal history to the licensing officer. He stated that the police department had indicated that the licensing agreement between the police department and the FBI does not allow the City to run criminal history checks, which was past practice. This

wording change will require the applicant to have their own criminal history check performed and to provide this information to the City.

Councilor Abbott **MOVED** to send the recommended amendments to Chapter 110: Junk & Secondhand Dealers as presented by City Staff to full Council. Councilor Hainey seconded the motion. The **MOTION CARRIED** by a 3 – 0 roll call vote with Councilors Hainey, Abbott, and Lauterborn voting in favor.

#### **4.1.3 Chapter 162: Pawnbrokers (*Addendum C*)**

Attorney O'Rourke stated that the rules and regulations which govern pawnbrokers are set forth in NH RSA 398 and the city ordinance states that. However, although the City has always collected fees and issues licenses for pawnbrokers, the process had not been previously laid out in the ordinance.

Councilor Abbott **MOVED** to send the recommended amendments to Chapter 162: Pawnbrokers as presented by City Staff to full Council. Councilor Hainey seconded the motion. The **MOTION CARRIED** by a 3 – 0 roll call vote with Councilors Abbott, Lauterborn, and Hainey all voting in favor.

#### **4.1.4 Chapters 40: Building Construction & Property Maintenance (*Addendum D*)**

Jim Grant, Director of Building, Zoning and Licensing, directed the committee to section 40-5 and explained that the suggested changes were just to update the references to the 2006 International Property Maintenance Code to the 2015 version. There was also an update within the section to reference the correct state RSA for the building code.

Director Grant explained the suggested strikeout of the entirety of section 40-13 "Fire Limits Established" which no longer apply to modern day fire safety and building practices.

Director Grant referenced the addition of 40-15 (1) e, which added window replacement as an item which would be charged the minimum permit fee of \$10 along with a \$10 application fee. Mr. Grant clarified that the permit is already required by the building code, the addition of this wording to the ordinance serves to reduce the price for these permits and charge a flat fee. Mr. detailed the reasons that these permits are necessary. Councilor Hainey reported concerns from constituents with the delay they have experienced in having inspections completed. Mr. Grant stated that there have not been large delays and, in fact, with COVID most inspections are done online.

Councilor Abbott inquired if the adoption of the 2015 Property Maintenance Code under the building code would require a public hearing. Director Grant stated that the property maintenance code could be adopted by reference to the State RSA 48(a). Councilor Abbott stated that the reference in the ordinance is to RSA 47:22 which leads back to the building code; he stated that he believes a public hearing would be required in this circumstance, but he suggested the City could look into adopting the code under RSA 48-A which could not require a public hearing. Mr. Grant and Attorney O'Rourke stated that they would have to look into this further to determine if it could

be adopted in this manner without a public hearing process. Councilor Abbott suggested doing a thorough review to ensure that it fits for Rochester; as it stands, he stated some of the verbiage conflicts with State statutes and the City's zoning ordinance. Attorney O'Rourke said that 48-A and 47-17 can be added as the granting authority to avoid the need for public hearing.

It was decided that the remainder of the changes to Chapter 40 would be discussed a future meeting after the suggested changes to RSA references had been made and the appropriately referenced set of standards are being enforced within the ordinances. Amendments to Chapter 40 were held in committee.

**5. Discussion: Amendment to the General Ordinances of the City of Rochester  
Creating Chapter 41, Disorderly Residence**

Councilor Hainey stated that she did not have anything new to report, but she is still working on this with the police department staff and would like to carry the item over as a discussion for the April Codes meeting.

**6. Other**

No discussion.

**7. Adjournment**

Vice Chair Lauterborn **ADJOURNED** the meeting at 6:40 PM.

Respectfully Submitted,

Cassie Givara  
Deputy City Clerk

Amendments to Chapter 22 of the General Ordinances of the City of Rochester

THE CITY OF ROCHESTER ORDAINS:

That Chapter 22 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 22

# Amusements and Entertainment

**[HISTORY: Adopted by the City of Rochester as indicated in article histories. Amendments noted where applicable.]**

### GENERAL REFERENCES

~~Adult-oriented establishments — See Ch. 11.~~

Parks, recreation and arena — See Ch. 158.

### ~~Article I~~ **Theaters**

~~[Adopted 6-6-1995 as § 26.2 of the 1995 Code]~~

~~§ 22-1 **Blanket licenses; fees.**~~

~~The Licensing Board may grant blanket licenses to theaters and in such case the licensee shall pay in advance the following fees:~~

~~A. For the public showing of moving pictures, fifty dollars (\$50.) for the first three months and twenty dollars (\$20.) for every three months thereafter.~~

~~B. For exhibitions, vaudeville, entertainment, and presentations other than moving pictures or in addition to moving pictures, one hundred dollars (\$100.) for the first three months and seventy-five dollars (\$75.) for every three months thereafter; provided, however, that if a licensee has paid a fee for a license for a motion picture, the fee for occasional exhibitions, vaudeville, entertainment and presentations shall only be such sum in addition to a motion picture fee as the Board may deem just and reasonable, but the fee for a license to exhibit in any hall shall not exceed fifty dollars (\$50.).~~

### Article II **Boxing and Wrestling Exhibitions**

**[Adopted 6-6-1995 as § 26.5 of the 1995 Code]**

**§ 22-2 Exhibitions authorized.**

**[Amended 3-5-2019]**

The holding of boxing and/or wrestling exhibitions or bouts within the City of Rochester, under license issued by the New Hampshire Boxing and Wrestling Commission and permit issued by the Licensing Board of the City of Rochester, is hereby permitted and authorized, subject to the provisions of the statutes of the State of New Hampshire relating to athletic exhibitions. No permit for the holding of boxing and/or wrestling

04/01/2021

exhibitions or bouts within the City of Rochester shall be issued by the Licensing Board unless the place for holding such exhibition or bout shall have been approved by majority vote of the City Council. After issuance by the Licensing Board, the City Council may revoke or suspend said permit after hearing for any cause which the Council may deem sufficient. The fee for such permit shall be twenty-five dollars (\$25.) per day.

### Article III Public Dances, Circuses and Parades

**[Adopted 6-6-1995 as § 26.6 of the 1995 Code]**

**§ 22-3 License required.  
[Amended 3-5-2019]**

Unless a license therefor shall first have been obtained from the Licensing Board, no person shall conduct a public dance, circus or carnival, theatrical or dramatic representation, parade or procession upon any public street or way, and no open air public meeting upon any ground abutting a public street or way or any party or gathering on private property which party or gathering is open to the general public. ~~The fee for such license shall be two dollars (\$2.).~~

### ~~Article IV Bowling Alleys and Billiard Tables~~

~~**[Adopted 6-6-1995 as § 26.8 of the 1995 Code]**~~

~~**§ 22-4 Licensing.**~~

~~Bowling alleys, billiard tables and pool tables shall be licensed by the Licensing Board in accordance with the procedures and fees established in RSA 286 as it is now constituted and as it may from time to time be amended.~~

### ~~Article V Pinball and Video Games and Machines~~

~~**[Adopted 6-6-1995 as Ch. 27 of the 1995 Code]**~~

~~**§ 22-5 Definitions.**~~

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

#### ~~**MECHANICAL AMUSEMENT DEVICE**~~

~~Any machine which, upon insertion of a coin, slug, token, plate or disc, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score, but shall not include jukeboxes. It shall include, but not be limited to, such devices as marble machines, pinball machines, video games, skill ball, mechanical grab machines, and all games, operations, and transactions similar thereto under whatever name they may be indicated.~~

~~**[Amended 3-5-2019]**~~

#### ~~**PERSON, FIRM, CORPORATION or ASSOCIATION**~~

~~Includes the following: any person, firm, corporation, or association in whose place of business any such machine is placed for use by the public, and the person, firm, corporation, or association having control over such machine.~~

~~§ 22-6 Gambling devices not permitted.~~

~~Nothing in this article shall in any way be construed to authorize or license or permit any gambling devices whatsoever, or any mechanism that has been judicially determined to be a gambling device, or in any way contrary to law.~~

~~§ 22-7 License required.~~

~~[Amended 3-5-2019]~~

~~Any person, firm, corporation, or association displaying for public patronage any mechanical amusement device shall obtain a license for each such mechanical amusement device from the Licensing Board of the City of Rochester. Application for such license shall be made upon a form to be supplied by the Licensing Board for that purpose. No license shall be issued to any applicant unless he/she shall be 18 years of age and a citizen of the United States and of good moral character. No license shall be issued to any applicant until after the Chief of Police has approved the application.~~

~~§ 22-8 Application for license.~~

~~The application for such license shall contain the following information:~~

- ~~A. Name and address of the applicant and his/her age, date and place of birth. If the applicant is a naturalized citizen, he/she shall also give satisfactory proof of naturalization.~~
- ~~B. Prior criminal convictions of applicant, if any.~~
- ~~C. Place where machine or device is to be displayed or operated and the business conducted at that place.~~
- ~~D. Description of machine to be covered by license, mechanical features, name of manufacturer, and serial number.~~
- ~~E. Signed "release of information authorization" form authorizing the Rochester Police Department to conduct a criminal record check of the applicant and authorizing individuals to supply information to the Rochester Police Department in connection with such record check.~~

~~§ 22-9 Inspection.~~

~~The Chief of Police shall investigate wherein it is proposed to operate such machine and ascertain if the applicant is a person of good moral character.~~

~~§ 22-10 License fees.~~

~~[Amended 12-3-1997]~~

~~Every applicant before being granted a license shall pay an annual nonrefundable application fee of ten dollars (\$10.) per machine for which a license is sought. Upon approval of an application, every applicant shall pay an annual license fee of fifty dollars (\$50.) per machine for the privilege of operation, or maintaining for operation, a mechanical amusement device as defined in § 22-5 above; provided, however, that with respect to any machine for which a license is sought under the provisions of this section on or after July 1 of any calendar year and for which machine no license has been issued under the provisions of this article since January 1 of the preceding calendar year, the license fee for such machine for the balance of such year shall be twenty five dollars (\$25.). Each license shall expire at 12:00 midnight, December 31, of the year in which such license is issued.~~

~~§ 22-11 Display of license.~~

~~The license or licenses herein provided for shall be posted permanently and conspicuously at the location of~~

the machine in the premises wherein the device is to be operated or maintained to be operated. 04/01/2021

~~§ 22-12 Transfer of license.~~

- A. ~~Such license may be transferred from one machine or device to another similar machine, in the same place of business, upon application to the Chief of Police to such effect and the giving of a description and the serial number of the new machine or device as described in § 22-8D. Not more than one machine shall be operated under one license, and the applicant or licensee shall be required to secure a license for each and every machine displayed or operated.~~
- B. ~~If the licensee shall move his/her place of business to another location within the City of Rochester, the license may be transferred to such new location upon application to the Chief of Police, giving the street and number of the new location. The new location shall be approved by the Chief of Police in the same manner as provided in § 22-9 of this article.~~
- C. ~~A license shall not be transferable from person to person and shall be usable only at the place and by the person designated in the license except as designated in Subsections A and B of this section.~~

~~§ 22-13 Hours of operation by minors.  
{Amended 3-5-2019}~~

~~No person, firm, corporation, or association holding a license under this article shall permit any person under 18 years of age and over five years of age to play or operate any mechanical amusement device as defined in § 22-5 of this article during normal school hours on any day in which the Rochester public schools are in session, or permit any minor under the age of 16 years to play or operate any such mechanical amusement device after 9:00 p.m. unless accompanied by a parent, guardian or other suitable person.~~

~~§ 22-14 False representation of age.~~

~~A minor who falsely represents his/her age for the purpose of operating such mechanical amusement device as defined in § 22-5 of this article shall be fined not more than one hundred dollars (\$100.). The owner shall have the right to request said minor to exhibit his birth certificate or other proof of age.~~

~~§ 22-15 Revocation of license.  
{Amended 3-5-2019}~~

~~Every license issued hereunder may be revoked in the event the licensee, directly or indirectly, permits the operation of any mechanical amusement device contrary to the provisions of this article or other ordinances of the City of Rochester or the laws of the State of New Hampshire. The license may be revoked by the Licensing Board by a written notice to the licensee, which notice shall specify the ordinances or law violations with which the licensee is charged.~~

~~§ 22-16 Appeals.~~

~~Any licensee may, by written notice filed with the City Clerk within seven days of the refusal of the Licensing Board to grant him/her a license or of the revocation of a license, appeal to the City Council at which appeal hearing the licensee may present witnesses and submit evidence on his/her own behalf.~~

~~§ 22-17 Seizure and destruction of machine.  
{Amended 3-5-2019}~~

~~If the Chief of Police shall have reason to believe any mechanical amusement device is used as a gambling device, such machine may be seized by the police and impounded, and if, upon trial of the exhibitor for allowing it to be used as a gambling device, said exhibitor is found guilty, such machine shall be destroyed by the police.~~

**§ 22-18 Violations and penalties.**

Any person, firm, corporation, or association violating any of the provisions of this ~~article~~ **Chapter**, in addition to the revocation of his/her license, shall be liable to a fine or penalty of not more than one hundred dollars (\$100.) for each offense.

**§ 22-19 Severability.**

Each provision of this ~~article~~ **Chapter** shall be deemed independent of all other provisions therein, and if any provision of this ~~article~~ **Chapter** be declared invalid, all other provisions thereof shall remain valid and enforceable.

**Amendments effective upon passage.**



Deletions are show as ~~striketroughs~~ and Additions are in red

# Chapter 110

## Junk and Secondhand Dealers

**[HISTORY: Adopted by the City of Rochester 6-6-1995 as § 26.4 and Ch. 34 of the 1995 Code; amended 5-1-2007. Subsequent amendments noted where applicable.]**

### GENERAL REFERENCES

Pawnbrokers — See Ch. 162.

Peddling and soliciting — See Ch. 171.

Zoning — See Ch. 275.

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### § 110-1 Definitions.

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

#### JUNK DEALER

A person, firm or corporation engaged in the purchase, sale or barter of old iron, steel, chain, aluminum, brass, copper, tin, lead or other base metals, belting, wastepaper, old rope, old bags, bagging barrels, piping, rubber, glass, empty bottles and jugs of all kinds and quantities of less than one gross, and all other articles discarded or no longer used as manufactured articles composed of any one or more of the materials hereinbefore mentioned.

#### SECONDHAND DEALER

A person, firm or corporation engaged in the business of selling, exchanging, dealing in or dealing with secondhand articles, including but not limited to firearms, opera glasses, telescopes, watches, clocks, diamonds or other precious metals, jewelry, furs, fur coats, or other kinds of wearing apparel, antique furniture, furnishings, glass and dishes, musical instruments, radios, automobile accessories, office and store fixtures and equipment, gas and water meters, and all classes of fixtures and their connections. For purposes of this definition, yard sales, flea markets, garage sales, attic sales or a similar commercial activity established as a business for the sale of other people's property as described in this chapter or such a sale that exceeds three days' duration or is held more than three times a year shall be considered a secondhand dealer. In the event any such articles are taken in trade for another or similar article by a retail or wholesale establishment, such transactions shall not be considered as coming within the requirements of this chapter.

### § 110-2 License required.

**[Amended 10-15-2013]**

No person, firm or corporation shall engage in the business of junk dealer or secondhand dealer as herein defined unless licensed therefor by the Licensing Officer who shall be the Director of Building, Zoning, and Licensing Services.

### § 110-3 Procedure for issuance of license.

**[Amended 2-3-2015; 6-2-2015]**

A. Formal application required. Applications for licenses shall be made to the Licensing Officer. The

application shall:

- (1) Form of application. Be a written statement upon forms provided by the Licensing Officer; such forms shall include such affidavits to be sworn to by the applicant before a notary public or justice of the peace of this state as the Licensing Officer shall deem necessary.
  - (2) Contents of application. Require the disclosure of any information which the Licensing Officer shall find to be reasonably necessary to the fair administration of this chapter. **This shall always include the requirement of providing an up-to-date Criminal History to the Licensing Officer.**
  - (3) Payment of fees. The application shall be accompanied by the full amount of fees chargeable for such license. The fee for a junk dealer's license or secondhand dealer's license or any renewal thereof granted under the provisions of RSA 322 shall be fifty dollars (\$50.) a year, payable in advance. **[Amended 3-5-2019]**
- B. Renewal of license procedure. The applicant for renewal of a license shall submit an application to the Licensing Officer. The application shall:
- (1) Form of application. Be a written statement upon forms provided by the Licensing Officer; such forms shall include such affidavits to be sworn to by the applicant before a notary public or justice of the peace of this state as the Licensing Officer shall deem necessary.
  - (2) Contents of application. Require the disclosure of any information which the Licensing Officer shall find to be reasonably necessary to the fair administration of this chapter and the disclosure of such information concerning the applicant's conduct and operation of the licensed activity during the preceding licensed period as is reasonably necessary to the determination by the Licensing Officer of the applicant's eligibility for a renewal license. **This shall always include the requirement of providing an up-to-date Criminal History to the Licensing Officer.**
- C. Fitness investigation. Upon receipt of any license application or application for license renewal, the Licensing Officer shall forward said application to the Chief of Police who shall cause an investigation to be made of the fitness of the applicant to engage in the business of a junk dealer or secondhand dealer and report his/her findings to the Licensing Officer prior to the Licensing Officer's acting upon said application.
- D. Notice. The Licensing Officer shall notify any applicant of the acceptance or rejection of his/her application and shall, upon his/her refusal of any license, state in writing the reasons therefor and deliver them to the applicant.
- E. Non-approval of license. The Licensing Officer shall, upon disapproving any application submitted under the provisions of this chapter, refund to the applicant all fees paid in advance, provided the applicant is not otherwise indebted to the City.
- F. Compliance pending legal action. When the issuance of a license is denied and any action is instituted by the applicant to compel its issuance, such applicant shall not engage in the activity for which the license was refused unless a license is issued to him/her pursuant to a judgment ordering the same.

**§ 110-4 Right of appeal.**  
**[Amended 2-3-2015; 6-2-2015]**

Any person aggrieved by any decision of the Licensing Officer shall have the right to appeal to the Licensing Board by filing a written appeal with the City Manager within three business days following the effective date of the action or decision complained of.

- A. Contents of appeal. The appeal shall set out a copy of the order or decision appealed from and shall include a statement of facts relied upon to void such order together with any defenses, legal objections or explanations which the appellant wishes the Board to consider. **[Amended 3-5-2019]**
- B. Notification of Licensing Officer. At the time of filing the appeal, a copy thereof shall be filed by the appellant with the Licensing Officer.
- C. Hearing. The City Manager shall fix a time and place for hearing the appeal and shall serve a written notice upon the appellant informing him/her thereof. The City Manager shall also give such notice to the Licensing Officer and the officer shall be entitled to appear to defend such order.
- D. Effect of decision. The findings of the Licensing Board shall be served upon the appellant as required herein.

**§ 110-5 License expiration and revocation.**

Such license shall expire on April 1 of each year, unless sooner revoked, and shall not be assigned or transferred, but it may be revoked at any time by the Licensing Board after notice and hearing for just cause.

**§ 110-6 Purchases from minors.**

No junk dealer or secondhand dealer shall, directly or indirectly, either purchase or receive, by way of barter or exchange, any of the articles aforesaid of a minor under the age of 18 years, knowing or having reason to believe him/her to be such, except when said minor shall be accompanied by a parent or legal guardian who shall sign the transaction record in person before said dealer.

**§ 110-7 Records.**  
**[Amended 10-15-2013]**

- A. Secondhand dealers. Every secondhand dealer, upon acquisition of any article, either by purchase or exchange, enumerated in the definition of "secondhand dealer" in § **110-1** hereof, shall prepare and keep a written record of the transaction stating the full name, address, month, day and year when the transaction took place, and a full, accurate, and detailed description of each article so purchased or exchanged, with the price paid therefor, and cause said record to be signed by the seller in person. A copy of said record shall be available for inspection by any Rochester police officer or the Rochester Director of the Building, Zoning, and Licensing Services Department at any and all times.
- B. Junk dealers. Every junk dealer, upon the acquisition of any items enumerated in the definition of "junk dealer" in § **110-1** hereof, shall keep a permanent record of such transactions which shall include a full, accurate, and detailed description of the item with the full name and address of the seller, together with the registration number of any vehicle used by said seller in delivery of said items and the month, day and year of said transaction. A copy of said record shall be available for inspection by any Rochester police officer or the Rochester Director of the Building, Zoning, and Licensing Services Department at any and all times.

**§ 110-8 Exclusions.**

Specifically excluded from the provisions of this chapter are the following:

- A. Antique dealers.
- B. Purchases from private residences.
- C. Wearing apparel stores.

**§ 110-9 Violations and penalties.**

Any person, firm, corporation or association violating any of the provisions of this chapter, in addition to the revocation of his/her or its license, shall be liable to a fine or penalty of not more than one hundred dollars (\$100.) for each offense.

**§ 110-10 Severability.**

Each provision of this chapter shall be deemed independent of all other provisions herein, and if any provision of this chapter is declared invalid, all other provisions thereof shall remain valid and enforceable.

Deletions are show as ~~strike throughs~~ and Additions are in red

## Chapter 162

# Pawnbrokers

**[HISTORY: Adopted by the City of Rochester 6-6-1995 as § 26.3 of the 1995 Code. Amendments noted where applicable.]**

### GENERAL REFERENCES

Junk and secondhand dealers — See Ch. 110.

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#### § 162-1 Pawnbroker's license.

The provisions of RSA 398 relative to pawnbrokers are hereby accepted. A pawnbroker's license shall designate the place where the licensee may carry on his/her business and the licensee shall not carry on said business at any other location within the City. The fee for a pawnbroker's license or any renewal thereof shall be fifty dollars (\$50.) a year, payable in advance. License applications shall be processed in accordance with the procedures established for the issuance of Junk and Second Hand Dealer Licenses established in Chapter 110 of this Code.

**Amendments to Chapter 40 of the General Ordinances of the City of Rochester**

THE CITY OF ROCHESTER ORDAINS:

That Chapter 40 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 40

# Building Construction and Property Maintenance

**[HISTORY: Adopted by the City of Rochester 6-6-1995 as Ch. 40 of the 1995 Code. Amendments noted where applicable.]**

**GENERAL REFERENCES**

Fires and fire safety — See Ch. 75.

Health and sanitation — See Ch. 94.

Nuisances — See Ch. 149.

Sewers — See Ch. 200.

Stormwater management and erosion control — See Ch. 218.

Water — See Ch. 260.

Zoning — See Ch. 275.

**§ 40-1 Statutory authority.**

The provisions of New Hampshire Revised Statutes Annotated Chapter 673, as amended, pertaining to an inspector of buildings, building plans, regulations, and appeal are hereby adopted.

**§ 40-2 Building Code Board of Appeals.**

The power of a Building Code Board of Appeals in Chapter 673 of the New Hampshire Revised Statutes Annotated shall be vested in the Rochester Zoning Board of Adjustment.

**§ 40-3 Recognition and adoption of State Building Code and State Fire Code.**

**[Amended 4-19-2005]**

The City of Rochester hereby recognizes that the State Building Code under RSA 155-A and the State Fire Code under RSA 153 are applicable within the City of Rochester and for enforcement purposes adopts the provisions of the same.

**§ 40-4 Department of Building, Zoning, and Licensing Services.**

**[Amended 4-19-2005; 10-15-2013]**

For enforcement purposes by the City of Rochester, all references in the State Building Code under RSA 155-A, or in any applicable successor code, to the "department of building safety" shall be deemed to refer to the Department of Building, Zoning, and Licensing Services for the City of Rochester, and all duties as defined therein, including those imposed upon the "Building Official," shall be assumed by said Director of the Building, Zoning, and Licensing Services Department, along with the right to enforce the same.

**§ 40-5 Adoption of other codes.**

**[Amended 4-19-2005; 9-4-2007; 5-18-2010; 10-15-2013]**

- A. Pursuant to the provisions of RSA 47:22, 674:51 and 674:51-a, there are hereby adopted by the City of Rochester for the purpose of establishing rules and regulations, including the issuance of permits for the construction, alteration, removal, demolition, equipment, location, maintenance, use and occupancy of buildings and structures, installation of plumbing, use of concrete, masonry, metal, iron and wood, and other building material, the installation of electric wiring, and fire protection incident thereto and for the prevention of fires, the following codes:
- (1) International Property Maintenance Code (~~2006~~ 2015 edition), published by the International Code Council, Inc., Copyright ~~2006~~ 2015.
  - (2) International Existing Building Code, as codified at RSA ~~453~~ 155-A. **[Amended 8-6-2019]**
- B. Three copies of each of the aforesaid codes have been and are now on file in the office of the City Clerk of the City of Rochester and three copies of such codes are filed with the Department of Building, Zoning, and Licensing Services for the City of Rochester. Such codes are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this section shall take effect, the provisions thereof shall be controlling on the construction of all buildings and other structures within the corporate limits of the City of Rochester. There are annexed to such of the aforesaid codes, as filed in the office of the City Clerk and the Department of Building, Zoning, and Licensing Services, as set forth below, the following exhibits setting forth the insertions in, deletions from, exceptions to and/or changes in such codes, which insertions, deletions, exceptions and/or changes are adopted as part of the aforementioned codes:
- (1) ~~Exhibit A, Statement dated September 4, 2007, of insertions in, deletions from, exceptions to and changes in the International Property Maintenance Code (2006 edition) by the City of Rochester, New Hampshire.~~
  - (2) Exhibit A, Statement dated January 4, 2011, of insertions in, deletions from, exceptions to and changes in the International Existing Building Code (2009 edition) by the City of Rochester, New Hampshire.

**§ 40-6 Life Safety Code.**

**[Amended 4-19-2005; 8-6-2019]**

The duties defined in and the enforcement of the Life Safety Code, as codified at RSA 153 or any applicable successor code, shall be assumed by the Fire Chief of the City of Rochester or his/her authorized representative.

**§ 40-7 Electrical Code and Property Maintenance Code.**

**[Amended 4-19-2005; 9-4-2007; 10-15-2013; 8-6-2019]**

The duties defined in and the enforcement of the NEC 2005, National Electrical Code, as codified by RSA 155-A, and the International Property Maintenance Code (~~2006~~ 2015 edition), or any applicable successor codes, shall be assumed by the Director of Building, Zoning, and Licensing Services or his/her authorized representative.

**§ 40-8 Plumbing Code.**

**[Amended 4-19-2005; 9-4-2007; 10-15-2013; 3-5-2019; 8-6-2019]**

The duties defined in and the enforcement of the International Plumbing Code, as codified at RSA 155-A, or any applicable successor code, shall be assumed by the Director of Building, Zoning, and Licensing Services, or his/her authorized representative, except as otherwise provided in Chapter **200**, Sewers, of the Code of the City of Rochester where the same are defined as the duties of the Commissioner of Public Works, with inspections to be done by the Director of Building, Zoning, and Licensing Services or an authorized member of the Division of Water Supply Works or Division of Sewage and Waste Treatment Works.

**§ 40-9 Regulation of construction storage yards.**

Any individual or entity engaged in excavation, development, construction, building, and/or similar project within the City and involving the outside storage of construction and/or related equipment and/or materials shall forthwith cease to store such equipment and/or materials upon the premises involving such excavation, development, construction, building and/or similar project upon the expiration of the building permit or other similar authorization for such project, or upon the written notification by the City Engineer that such project has been completed, whichever event shall first occur. Upon removal of such equipment and/or material upon the completion of a project, the land disturbed by such storage shall be returned to its original state.

**§ 40-10 Right of entry.**

**[Amended 10-15-2013]**

The Director of Building, Zoning, and Licensing Services, the Fire Chief, or their authorized representatives in the discharge of their official duties and upon proper identification shall have authority to enter any building, structures, or premises at any reasonable hour.

**§ 40-11 Definitions.**

Where the word "municipality" is used in any code adopted herein, it shall be deemed to mean the City of Rochester. Where the words "corporate counsel" or "legal representative" are used in any code adopted herein, they shall be deemed to refer to the Rochester City Solicitor.

**§ 40-12 Violations and penalties.**

- A. Any person who shall violate any provisions of any code adopted herein, or fail to comply therewith or with any requirements thereof, or who shall erect, construct, alter, or repair or has erected, constructed, altered, or repaired a building or structure or portion thereof in violation of a detailed statement or plan submitted and approved thereunder, or of a permit or certificate issued thereunder, shall be punishable by a civil penalty of two hundred seventy-five dollars (\$275.) for the first offense and five hundred fifty dollars (\$550.) for subsequent offenses, for each day that such violation is found by a court to continue after the conviction date or after the date on which the violator receives written notice from the City that he/she is in violation thereof, whichever date is earlier. Each day that a violation continues shall be a separate offense. The owner of a building or structure or portion thereof or of the premises where anything in violation of any code adopted herein shall be placed or shall exist, and an architect, building contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of such violation, shall be guilty of a separate offense and upon conviction thereof shall be punishable by a civil penalty of two hundred seventy-five dollars (\$275.) for the first offense and five hundred fifty dollars (\$550.) for subsequent offenses, for each day that such violation is found by a court to continue after the conviction date or after the date on which the violator receives written notice from the City that he/she is in violation thereof, whichever date is earlier. Each day that a violation continues shall be a separate offense. **[Amended 4-5-2016; 3-5-2019]**
- B. The imposition of the penalties herein prescribed shall not preclude the City Solicitor from instituting an appropriate action or procedure to prevent any unlawful erection, construction, reconstruction,



alteration, repair, conversion, maintenance or use, or to restrain, correct or abate a violation or to prevent the occupancy of a building, structure, or premises, or portion thereof, or of the premises, or to prevent an illegal act, conduct, business or use in or about the premises.

~~§ 40-13 Fire limits established.  
[Amended 3-5-2019]~~

~~The fire limits for the City of Rochester are hereby established as those areas classified as Downtown Commercial, Office Commercial and Highway Commercial Districts and adjacent to North and South Main Streets in Rochester proper and Main Streets in Gonic and East Rochester, so called, as shown on the Zoning Maps, as an overlay, adopted as part of the Zoning Ordinance, adopted on March 4, 1986, which are incorporated herein by specific reference thereto.~~

§ 40-14 **More restrictive provisions to apply.**

When the provisions of any codes adopted herein cover essentially the same subject matter, the more restrictive provisions shall apply.

§ 40-15 **Permits.**

- A. Permits shall be obtained from the Director of Building, Zoning, and Licensing Services for the construction, alteration, removal, demolition, or repair of any foundation, footing, building or structure or for the installation of plumbing, use of concrete, masonry, metal, iron and wood, and other building material, the installation of electric wiring, and fire protection incident thereto for the prevention of fires, including but not limited to swimming pools, signs, and fences, except that no permit shall be required for painting, papering, laying floors, or upkeep in maintenance of any structure. Separate permits shall be required for building, electrical, plumbing, mechanical, fire protection, and demolition. Prior to the issuance of a foundation or building permit by the Director of Building, Zoning, and Licensing Services, the applicant for such permit shall file with the Department of the Building, Zoning, and Licensing Services a foundation certification plan bearing the stamp of a New Hampshire licensed land surveyor and containing a statement from such surveyor to the effect that the proposed building or structure complies with all applicable building or structure setback requirements and that no portion of the new building or structure is located within any of the setback areas required by law. The requirement for a foundation certification plan may be waived, in writing, by the Director of Building, Zoning, and Licensing Services if, in the discretion of the Director of Building, Zoning, and Licensing Services there are reasonable grounds to conclude that the preparation and submission of a foundation certification plan is unnecessary to ensure that the new building or structure does not violate any required setback. **[Amended 6-15-1999; 6-15-2004; 10-15-2013]**

- (1) The following fees shall be charged for said permits, based upon the estimated cost of construction as presented to the Director of Building, Zoning, and Licensing Services upon application forms provided by him/her: on proposed work, the fee of nine dollars (\$9.) per one thousand dollars (\$1,000.) of estimated cost of work, or any portion thereof, with a minimum fee of ten dollars (\$10.), in addition to an application fee of ten dollars (\$10.) for each permit. The following permits shall be a charged only the minimum permit fee of ten dollars (\$10.), in addition to an application fee of ten dollars (\$10.) for each permit: **[Amended 10-1-2019]**
- (a) Fences.
- (b) Roofing (re-shingling only).

**Commented [1]:** Editor's Note: See Ch. 275, Zoning. Original § 40.14, Access to basements, which immediately followed this section, was repealed 9-6-2011.

(c) Siding.

(d) Sheds under 200 square feet.

**(e) Window Replacements.**

(2) Each building permit shall expire 12 months from the date of issuance unless renewed by the Director of Building, Zoning, and Licensing Services prior to the expiration date. Any renewal shall require reapplication and payment of required fees based on the remaining work to be done. The Director of Building, Zoning, and Licensing Services may issue no building permit until such other permits or approvals as may be required by any code, other ordinances, or state statutes have been acquired.

~~(3) A separate permit shall be required for staging, scaffolding, platforms, or other similar equipment to be erected on private property that is to be erected for a period exceeding 30 days. Said permit shall expire 12 months from the date of issue and all equipment shall be removed upon said expiration or upon completion of the work, whichever comes first. The fee for said permit shall be five dollars (\$5.). The City reserves the right to revoke, deny, or not reissue said permit if work required is not being actively pursued in a timely or otherwise reasonable manner.~~

(4) Fees for building permits shall be waived for an honorably discharged veteran or an active duty, National Guard or reserve member of the United States Armed Forces who plans to construct or have constructed for himself/herself a home or appurtenance to a home already owned by him/her for exclusive occupancy by himself/herself and his/her immediate family. **[Amended 1-12-2016]**

(5) Permits issued to or for the City of Rochester are exempt from the above fees.

B. The estimated cost of construction for purposes of Subsection A of this section shall be calculated on the following basis: **[Amended 9-4-2007; 1-4-2011]**

(1) For contract work, new buildings and newly constructed additions, the building permit fee shall be based on the greater of all contract/construction costs associated with the total construction project or the cost of construction as determined using the latest "Building Valuation Data" as published periodically by the International Code Council. When construction costs are determined using the "Building Valuation Data" as published by the International Code Council, such costs shall be multiplied by a modification factor of 0.60. Construction costs shall include, but not be limited to, pile driving, foundations, structural and nonstructural framing, interior finish (as regulated by this chapter), fire protection systems and any other work which would render the building complete and ready for occupancy. **[Amended 3-5-2019]**

(2) For non-contract work, not covered under Subsection B(1), such as when a homeowner furnishes his/her own or has furnished free labor but purchases the materials, the fee shall be based on the actual cost of all materials with a multiplier of two applied. For example, total materials of five thousand dollars (\$5,000.):  $\$5,000 \times 2 = \$10,000$ . The permit fee would therefore be ninety dollars (\$90.) (or  $10.0 \times \$9$ ). If, in the opinion of the Building Official, the cost of construction is underestimated on the application, the permit shall be denied, unless the applicant can show detailed documentation to meet the approval of the Building Official. Final building permit cost of construction shall be approved by the Building Official.

- (3) Any person who is found to have demolished, constructed, altered, removed, or changed the use of a building or structure without the benefit of a building, electrical, plumbing, mechanical, fire protection or demolition permit shall, ~~upon application for said permit(s),~~ **before issuing the permits,** be assessed a permit fee of twice the normal rate outlined in Subsection A of this section or twenty-five dollars (\$25.), whichever is greater. Example: Cost of materials = \$15,392; Labor = Self; Permit Fee = 16.0 x \$9 x 2 (self labor) x 2 (added fee) = \$576.
- (4) In the case of a revocation of a permit or abandonment or discontinuance of a building project, the portion of the work actually completed shall be computed and any excess fee for the uncompleted work shall be returned to the permit holder upon written request. All plan examination and permit processing fees and all penalties that have been imposed on the permit holder under the requirements of this chapter shall first be collected. The permit processing fee shall be 10% of the building permit application fee with a minimum fee of ten dollars (\$10.). **[Amended 3-5-2019]**

**§ 40-16 Prospective application.**

Nothing in this chapter or in the codes hereby adopted shall be construed to affect any suit or proceeding now pending in any court or any rights acquired or liability incurred, nor any causes of action accrued or existing, under any act or ordinance repealed hereby, nor shall any right or remedy of any character be lost, impaired, or affected by this chapter. This chapter shall have prospective application only.

**§ 40-17 Severability.**

The invalidity of any section or provision of this chapter or of the codes hereby adopted shall not invalidate any other sections or provisions thereof.

**§ 40-18 Cleanup of construction sites.**

**[Amended 2-4-1997; 10-15-2013]**

Within 30 days of the issuance of a certificate of occupancy or, in the case of a project which is terminated or delayed indefinitely, within 30 days of appropriate notification by the Director of Building, Zoning, and Licensing Services, the land at any construction site must be reclaimed. Such reclamation includes removal of all vehicles, equipment, materials, and temporary structures related to the construction project and restoration of any disturbed land to a grassed, planted, or otherwise erosion-free condition.

**Amendments effective upon passage.**

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City Clerk's Office

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# Rochester City Council

## Community Development Committee

### MEETING MINUTES

**Elaine Lauterborn, Chair**  
**Donna Bogan, Vice Chair**  
**Doug Lachance**  
**Laura Hainey**  
**Palana Belken**

<b>Meeting Date:</b>	Monday, March 15, 2021	
<b>Members Present:</b>	Donna Bogan Laura Hainey Elaine Lauterborn	<b>Members Absent:</b> Palana Belken Doug Lachance
<b>Guests/Staff:</b>	Julian Long, Rochester Community Development Coordinator	

Councilor Lauterborn called the meeting to order at 5:18 p.m. Councilor Bogan made a motion to approve the February 22, 2021 committee meeting minutes, and Councilor Hainey seconded the motion. The motion passed unanimously.

<b>PUBLIC INPUT</b>	No public input was received.
<b>FY 2022 CDBG GRANT APPLICATIONS– Revised Recommendations</b>	<p>Since the February 2021 Community Development Committee meeting, the City of Rochester has received its FY 2022 grant allocation amount from the U.S. Department of Housing and Urban Development, which will be \$268,868. As this is considerably higher than the working estimate of \$216,300, the committee members discussed revising the Community Development Committee's funding recommendations:</p> <ul style="list-style-type: none"> <li>• Community Action Partnership of Strafford County – Weatherization Project: \$65,000</li> <li>• Waypoint NH – Youth Drop-In Center - \$85,385.86</li> </ul> <p><b><i>Motion was made by Councilor Lauterborn and seconded by Councilor Bogan to revise the FY 2022 CDBG housing rehabilitation and public facilities funding recommendations to increase the original funding allocations as above.</i></b> The remaining allocations from the February 2021 meeting will remain unchanged. The motion passed unanimously.</p> <ul style="list-style-type: none"> <li>• Cross Roads House: \$10,000</li> <li>• My Friend's Place: \$10,834.70</li> <li>• Strafford Nutrition Meals on Wheels: \$3,000</li> </ul> <p><b><i>Motion was made by Councilor Lauterborn and seconded by Councilor Bogan to revise the FY 2022 CDBG public services</i></b></p>

	<b><i>funding recommendations as above.</i></b> The remaining allocations from the February 2021 meeting will remain unchanged. The motion passed unanimously.
<b>COMMUNITY DEVELOPMENT PROGRAM REPORT</b>	Mr. Long gave a brief overview of recent CDBG program activity. Councilor Lauterborn asked about the Home for All coalition, and Mr. Long explained that the coalition addresses homelessness issues throughout the greater Seacoast region.
<b>OTHER BUSINESS</b>	There was no other business.

The meeting was adjourned at 5:28 p.m.

**Next Meeting** – Monday, April 19, 2021, at 6:00 p.m., Cocheco Conference Room, City Hall Annex, 33 Wakefield St.

**Topics** – Community Development Program Report



**Fidelity Committee  
of the  
Tri-City Joint Mayors' Task Force on Homelessness  
Remote Meeting Via Microsoft Teams  
March 11, 2021  
6:00 PM**

**MAYORS**

Mayor Caroline McCarley  
Mayor Robert Carrier  
Mayor Dana Hilliard

**Rochester Members**

Jeremy Hutchinson  
(Chairman)

Barbara Holstein

**Dover Members**

Charles Reynolds

Betsey Andrews Parker

**Somersworth Members**

Todd Marsh  
(Vice Chairman)

Dina Gagnon

**Others Present.** Dave Carpenter, Dover Planning. Lindsey Williams, Dover Council. Julian Long, Rochester Economic Development. Stephanie Savard, NH Coalition to End Homelessness.

**MINUTES**

**1. Call to Order**

Vice Chair Todd Marsh called the meeting to order at 6:02 PM and read the following preamble:

Good Evening, as Chairperson of the Fidelity Committee, 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.

At this time, I also welcome members of the public accessing this meeting remotely. Even though this meeting is being conducted in a unique manner under unusual circumstances, the usual rules of conduct and decorum apply. Any person found to be disrupting this meeting will be asked to cease the disruption. Should the disruptive behavior continue thereafter, that person will be removed from this meeting.

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 also please state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law.

Cassie Givara, Deputy City Clerk of Rochester, took the roll. All members were present except for Chairman Jeremy Hutchinson and Charlie Reynolds, who were excused. Dina Gagnon was not present at the time of the roll call but did arrive shortly thereafter. Additionally, Mayor Hilliard of Somersworth, Mayor Carrier of Dover, and Mayor McCarley of Rochester were all present.

## **2. Public Input**

There was no written or voicemail correspondence received and no one was present on the conference line to speak.

## **3. Communications from the Mayors**

Mayor McCarley spoke on behalf of all of the Tri-City Mayors to thank CAP, SOS, and the numerous volunteers for their hard work, donations, and dedication with the operations of the Willand warming center. Mayor McCarley indicated that at the end of March, the Mayors would be reviewing the function of the center and the use of the property to determine what worked and what can be changed in order to plan for the next steps.

Mayor Hilliard reported that he had been surprised at the lack of criticism and negativity in Somersworth in regards to the warming center opening within the community. He stated that the center had been met with support and pride from residents.

Mayor Carrier agreed that CAP and the support staff at the warming center has been terrific and thanked them for their hard work and efforts. He stated that he looked forward to working with the other Mayors to determine a plan for the center's future and ensure it continues to serve the vulnerable population.

## **4. Communications from the Chairs**

Vice Chair Marsh echoed the Mayors' sentiment regarding the Willand warming center. He expressed that many of the patrons of the center are in very difficult places in life and would not have been accepted at other shelters; in this way, the warming center has been life-saving for so



many who might otherwise be tenting in encampments in the harsh weather. He thanked CAP and SOS for their efforts with the warming Center as well as the Garrison Hotel Shelter

Betsey Andrews Parker stated that the Willand Warming center will be closing on March 31<sup>st</sup> and the Garrison Hotel Shelter will be closing on April 15<sup>th</sup>.

## 5. **Update: Warming Center and Garrison Shelter**

Betsey Andrews Parker thanked her staff as well as the volunteers who have made it possible to continue the operations of the Garrison Shelter as well as the Willand warming center.

## 6. **Regional data/statistics**

Betsey Andrews Parker shared statistics on the demographics of those reporting to the Garrison Shelter from December through present time. The data shows that the shelter has housed not only those from throughout NH's communities, but from several other neighboring states and, in the case of one patron, from as far away as Georgia. She estimated that for the 2,599 people served in this time period\* (\*number is individual bed nights utilized as opposed to individual people) they have spent \$129,950 to feed and shelter this population. Ms. Andrews Parker spoke about the complicated data being collected for the day programs and Garrison Shelter due to the involvement of Medicaid and referrals, which is being done in partnership with IDN. She stated that they have been meeting with the IDN weekly to ensure continuity with clients. Ms. Andrews Parker reported that the Healthcare for Homeless van is still operating every Wednesday at CAP. She gave an overview of the vaccine clinics that have occurred for the homeless population and the shelters staffs. She spoke about the proposal being researched in regards to delivering the single dose Johnson and Johnson vaccine for use in homeless encampments.

Ms. Andrews Parker spoke about the discussions for future sheltering and the number of patrons which could be expected nightly if it was consolidated to only one shelter. She briefly discussed those who had been banned, either temporarily or permanently, from one or both shelters/centers and spoke about the reality of there being folks who are very difficult if not impossible to shelter.

## 7. **Update: Planning Department(s) recommendation request**

Vice Chair Marsh clarified that the request submitted to the Tri-City planning departments had not asked for a response until the end of June. However, Dave Carpenter, Dover Planner, reported that the Dover Planning Department had come up with a list of items which they were working on putting into layman's terms for the committee and will be submitting it by June. Vice Chair Marsh stated he had further communications with Michelle Mears, Somersworth Director of Planning, to clarify the objective of the request. There have been no communications with Rochester planning department regarding the request.

## **8. Continued Review of Master Plan**

It was briefly discussed that the committee already has several proposals and Master Plan actions in process or on the back burner; with the current work being done along with COVID, adding additional proposals at the current time would not be advisable.

## **9. Other**

Ms. Andrews Parker announced that the NH Emergency rental assistance program opens up at noon on Monday, April 15<sup>th</sup>. She reported that there are already 167 people from Strafford County who are waiting to apply. This money is CARES Act funds, and there are income limitations on this round of funding as opposed to the past round. Ms. Andrews Parker spoke about the types of utilities and services for which this funding would be eligible, including tenant-at-will agreements for those residing in motels as well as the allowance of landlords to apply on behalf of their tenants.

Mayor McCarley emphasized the need for ongoing communication and cooperation with the local landlords associations to ensure everyone is aware of what services are available to help prevent issues and evictions. Ms. Andrews Parker reported that they have experienced a large increase in landlords participating in their programs. She spoke about the issue of certain landlords not accepting vouchers or assistance programs; however with this funding, the participants will be able to receive the funds directly with self-attestation and a waiver to pay for eligible services.

Ms. Andrews Parker stated that CAP has heard anecdotally that local welfare has experienced a decrease in requests for assistance. The same sentiment has been expressed by other social service agencies; that they are not having as many requests for assistance. She surmised this decrease is in large part to all the CARES fund programs. She suggested looking at this data in an upcoming meeting to see how this type of assistance affects local housing and service programs.

Vice Chair Marsh confirmed that local welfare has been anticipating an increase in requests for services throughout COVID, but they have not experienced

## **10. Closing Public Input**

Stephanie Savard, NH Coalition to End Homelessness, inquired about the seasons-end closing of the warming centers and shelters and asked how it is potentially being done differently this year and where the patrons were being sent. Betsey Andrews Parker responded that this is CAPs first time running such a shelter, so they have no basis for comparison. However, they have leased space in their building to establish a new day program as well as requesting more ESG (Emergency Solutions Grant) State money and rapid rehousing and they have added 4 staff members who will be working with the homeless community on housing. She stated they would also be working with the communities to plan for the next winter season and how it will be handled. Ms. Andrews Parker stated that the Homeless Center of Strafford County is slated to open a new facility in October of 2021 and will be offering 40 beds. Although this will not be enough for all the local homeless population, it will be another option for regional sheltering.

**11. Adjournment**

Betsey Andrews Parker **MOVED** to **ADJOURN** the Fidelity Committee meeting at 6:36 PM. Todd Marsh seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully Submitted,

Cassie Givara  
Deputy City Clerk, Rochester

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City Clerk's Office

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**City of Rochester Planning Board**  
**Monday March 1, 2021**  
**Virtual Meeting**  
**31 Wakefield Street, Rochester, NH 03867**  
*(These minutes were approved on March 22, 2021)*

**Members Present**

Nel Sylvain, *Chair*  
Mark Collopy, *Vice Chair*  
Peter Bruckner  
Tim Fontneau  
Robert May  
Mark Sullivan  
Daniel Rines  
Dave Walker

**Members Absent**

A. Terese Dwyer, excused  
Lance Whitehill, excused

**Alternate Members Present**

Paul Giuliano  
Donald Hamann

Staff: Shanna B. Saunders, *Director of Planning & Development*  
Crystal Galloway, *Planning Administrative Assistant II*

(These are the legal minutes of the meeting and are in the format of an overview of the meeting. A recording of the meeting will be on file in the City clerk's office for reference purposes. It may be copied for a fee.)

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Mr. Sylvain called the meeting to order at 7:00 p.m. and made the following statement:

Good Evening, as Chairperson of the Planning Board 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.

**Providing public access to the meeting by telephone:** At this time, I also welcome members of the public accessing this meeting remotely. Even though this meeting is being conducted in a unique manner under unusual circumstances, the usual rules of conduct and decorum apply. Any person found to be disrupting this meeting will be asked to cease the disruption. Should the disruptive behavior continue thereafter, that person will be removed from this meeting. The public can call **857-444-0744** and use conference code **843095**. Some meetings will allow live public input, however you must have pre-registered online, otherwise, the meeting will be set to allow the public to "listen-in" only, and there will be no public comment taken during the meeting. (Please note: In order to notify the meeting host that you would like to speak, press 5\* to be recognized and unmuted)

**Public Access Troubleshooting:** If any member of the public has difficulty accessing the meeting by phone, please email [crystal.galloway@rochesternh.net](mailto:crystal.galloway@rochesternh.net).

**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, 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, Planning Board members are required to state their name each time they wish to speak.

The Planning Secretary conducted the roll call. All Planning Board members were present with the exception of Ms. Dwyer and Mr. Whitehill who were excused. In addition, all Planning Board members indicated that they were alone in the location from which they were connecting remotely with the exception of Mr. Fontneau who said his wife was present in his home.

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### III. Seating of Alternates

Mr. Giuliano voted in place of Ms. Dwyer.

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### IV. Communications from the Chair

There was no communications from the Chair.

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### V. Approval of Minutes

*A motion was made by Mr. Walker and seconded by Mr. Collopy to approve the February 22, 2021 meeting minutes. The motion carried unanimously by a roll call vote.*

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### VI. Consent Agenda

**A. Dorothy Thone, 92&86 Chesley Hill Road – Lot Line Revision**

**B. Thomas & Lisa Buchalski and George Family 2019 Rev Trust, 40 Justin Lane – Lot Line Revision**

**C. Waste Management of NH & William & Eileen Parsell Rev Trust, 0 Pickering Road – Extension Request**

Ms. Saunders told the Board Staff recommends approval of the consent agenda with conditions on each of the items.

*A motion was made by Mr. Walker and seconded by Mr. Collopy to approve the consent agenda with the conditions set forth. The motion carried unanimously by a roll call vote.*

## VII. New Applications

### A. Sofield Apartments, LLC, 287 Rochester Hill Road – Preliminary Subdivision

Christopher Berry of Berry Surveying & Engineering let the PB know he just received information about a significant easement on the property, that the Title Attorney missed. The developer will have to work with the Pease Authority to figure this out before they move forward.

Mr. Berry explained the existing multi-family property. He said the back portion of the land has a restriction from a previous approval that it cannot be developed but it can be used for density. Mr. Berry went on to explain the developer is proposing a 30-lot open space subdivision for single family housing units. Mr. Berry said they have gone through the TRG review with a few technical comments which will be answered through final design.

Mr. Berry explained stormwater will be handled through a closed drainage system down to a small detention site in the center of the cul-de-sac then out the back through a gravel wetlands.

Mr. Berry said they will bring public water to the site and there is a force main sewer system that was installed on site that would be extended down to the bottom of the project.

Mr. Berry explained they will have a small traffic study done because the development is located at a lighted intersection.

Ms. Saunders explained this is a design review to gather input from the Board. She said the project went through TRG with some general comments because the project is at a very preliminary stage.

Mr. Sylvain opened the public hearing. Ms. Saunders said she received an email from the Airport Authority stating they held a meeting and have voted to oppose the proposal on the basis that it violates the Airport Runway Protection Zone RPZ, and therefore negatively impacts the Airport and Aviation Safety.

Mr. Bruckner explained at the end of each runway is a runway protection zone that is used to protect people on the ground. He said runway protection zones prohibit residences and places of public assembly. He noted the FAA doesn't have jurisdiction over private property.

Mr. Bruckner explained the bulk of the development falls under the runway protection zone, but said there is a procedure the developer can do with the FAA.

Mr. Collopy said the development opens itself to some nice walks. He said if they're not using sidewalks he would like to see the road widened a little to allow for pedestrian traffic. Mr. Collopy asked if there are crosswalks and pedestrian signaling at the traffic light because the development is in a very desirable location. Mr. Collopy expressed his concern for lots 1 and 2 because they are very close to Route 108.

Mr. Fontneau asked if the lot will still have enough density to support the existing multi-family units. He also asked if it's possible to make a trail connection to the open space.

Mr. Berry said the rear part of the property has some trails on it so it would make sense to connect the two. He said the density for the site is far larger than what could fit based on the total land mass of the site.

Mr. Giuliano said he hopes the City gets some assurance the airport will not be affected and would not be forced to shorten the runways.

Mr. Sylvain asked that the road be widened like in some past developments and to show striping for a wide shoulder to accommodate pedestrians.

*A motion was made by Mr. Walker and seconded by Mr. Collopy to close the design review. The motion carried unanimously by a roll call vote.*

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## **VIII. Other Business**

### **A. Amendment to Section 3 of the Site Plan Regulations to allow for Administrative Approval process**

Ms. Saunders explained the amended version of the document from the last meeting. She said Planning Board members would be a part of the decision making and would be emailed within three days of receiving an application. Ms. Saunders said at-home daycare and condo conversions would be a minor site plan review. She said she is still working with the legal department regarding the appeals process. Ms. Saunders explained she looked at what Dover, Somersworth, and Laconia have in their Regulations regarding administrative approval, she none of them have an appeals process.

Mr. Walker said the language needs to be clear, notice goes out to Planning Board members before administrative approval.

Mr. Sullivan asked how a Planning Director takes into consideration all the various code issues. Ms. Saunders explained an administrative approval is only for small projects under 10,000 square feet. She said most times the structures are existing, the interior only needs some cosmetic work, parking, street lights, and landscaping is already there. It would only be for change of use. Ms. Saunders added, any code issues would come into play during the permit stage.

Mr. May said he thinks the 10,000 square foot threshold is too high. He said 5,000 square feet would be his recommendation.

Mr. Fontneau said he wanted to make sure the process is not being slowed down.

Mr. Rines asked what the time frame would be for Board members to get comments to Staff once they are emailed an application. Ms. Saunders said it often takes three to five days for the different departments to enter comments into the city's permitting software so Board members would be given that same amount of time.

Mr. Giuliano asked how many applications the Board could get in a week. Ms. Saunders said over the last several months the Planning Department receives between two and five applications a week.

Mr. Collopy said he understands there were issues in the past, but said he's not an advocate for changing matters because of past behavior because it's the wrong way to go. He said Ms. Saunders comes from a community that is similar to our and her experience is valued. Mr. Collopy suggested getting a record much like the surety spreadsheets the Board receives.

Mr. Walker said he understands Mr. Collopy's concerns but there needs to be a comfort level established. Mr. Fontneau suggested a six month trial then the Board will review it again.

Mr. Sylvain asked Ms. Saunders to make the changes the Board discussed. Ms. Saunders said she make those changes along with add in language regarding the appeals process and have it back to the Board for a vote either March 15<sup>th</sup> or April 5<sup>th</sup>.

### **B. Update for Planning Staff**



Ms. Saunders told the Board she been sending along the Friday update from the Regional Planning Commission as it's a great way to keep up to date with what they are working on.

### **C. Other**

Mr. Sylvain reminded the Board members to get information to Ms. Saunders for impact fees.

Mr. Sylvain asked that Staff check the dirt piles at Highfield Commons because the issue was supposed to have been taken care of.

Ms. Saunders said the most recent discussion with NHDES is the piles can be there because they need it for the water tank installation. She said it must be controlled erosion wise, otherwise the City will hold up Certificates of Occupancy and building permits.

Ms. Saunders said Staff is meeting monthly with NHDES and Public Works is out there every couple of weeks.

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## **IX. Adjournment**

*A motion was made by Mr. Walker and seconded by Mr. Collopy to adjourn at 7:57 p.m. The motion carried unanimously by a roll call vote.*

Respectfully submitted,

Crystal Galloway,  
*Planning Administrative Assistant II*

and

Shanna B. Saunders,  
*Director of Planning & Development*

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City Clerk's Office

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**City of Rochester Planning Board**  
**Monday March 22, 2021**  
**Virtual Meeting**

*(These minutes were approved on, 2021)*

**Members Present**

Nel Sylvain, *Chair*  
Peter Bruckner  
Terry Dwyer  
Tim Fontneau  
Daniel Rines  
Mark Sullivan  
David Walker

**Members Absent**

Mark Collopy, excused  
Paul Giuliano, excused  
Robert May, excused

**Alternate Members Present**

Donald Hamann  
Lance Whitehill

Staff: Shanna B. Saunders, *Director of Planning & Development*  
Crystal Galloway, *Planning Administrative Assistant II*

(These are the legal minutes of the meeting and are in the format of an overview of the meeting. A recording of the meeting will be on file in the City clerk's office for reference purposes. It may be copied for a fee.)

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Mr. Sylvain called the meeting to order at 7:00 p.m. and made the following statement:

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**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, 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, Planning Board members are required to state their name each time they wish to speak.

The Planning Secretary conducted the roll call. All Planning Board members were present with the exception of Mr. Collopy, Mr. Giuliano, and Mr. May, who were all excused. In addition, all Planning Board members indicated that they were alone in the location from which they were connecting remotely.

### **III. Seating of Alternates**

Mr. Whitehill voted in place of Mr. May.

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### **IV. Communications from the Chair**

There were no communications from the Chair.

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### **V. Opening Discussion/Comments**

#### **A. Public Comment**

There was no one present on the line from the public to speak nor did anyone submit any written correspondence ahead of the meeting.

#### **B. Discussion of general planning issues**

There were no issues to be discussed.

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### **VI. Approval of minutes**

*A motion was made by Mr. Walker and seconded by Mr. Bruckner to approve the March 1, 2021 meeting minutes. The motion carried unanimously by a roll call vote.*

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### **VII. Recommendation to expand the Downtown Commercial zone to include a parcel at 13 Sawyer Avenue**

Director of Economic Development, Michael Scala, told the Board his office submitted a Zoning Ordinance Amendment to change the zoning at 13 Sawyer Avenue from Residential-2 to Downtown Commercial. He said it is necessary to promote redevelopment of the former Care Pharmacy site. Mr. Scala said both REDC and Rochester Main Street support the zoning change.

Mr. Scala went on to say that because it is a City owned parcel, if it were to be sold there would be a developer's agreement with the sale so the City would have control over the development. He added, whatever is to be developed on the site would come before the Board for approval.

Mr. Scala said there has been a first reading and a public hearing held at the City Council with no input from residents. He said the second reading and vote will be done at the April 6<sup>th</sup> City Council meeting.

Mr. Fontneau asked if abutters need to be notified. Ms. Saunders said State Statute only requires abutters be notified by certified mail if there are 50 to 100 abutters.

Ms. Saunders said the Planning Department supports the change because it is the only parcel on Sawyer Avenue that is zoned residential. She said it makes sense to zone it Downtown Commercial because if there is a development plan in that block the City's parcel could be included.

*A motion was made by Mr. Walker and seconded by Mr. Rines to recommend the City Council make the change from Residential-2 to Downtown Commercial for 13 Sawyer Avenue. The motion carried unanimously by a roll call vote.*

### **VIII. Amendment Article II Section 3 of the Site Plan Regulations regarding Administrative Approval and Minor Site Plan processes**

Ms. Saunders explained the Board was given a revised copy of the amendment to the Site Plan Regulations. She said the concerns brought up at the last meeting regarding application approval by the Planning Board within three days of receipt, have been included in. Ms. Saunders said the intention is to email the Board and tell them within three days. Staff will start processing as administrative approval unless any member of the Board has an issue.

Ms. Saunders explained the next proposed change was to designate any project that's 5,000 square feet of interior change of use to be considered an administrative approval.

Ms. Saunders said staff did not have to add language for the appeals process. She explained any appeal would fall under RSA 676:5 which would go the Zoning Board of Adjustment. She further explained any appeal of a Minor Site Plan decision would go before the Planning Board.

*A motion was made by Mr. Walker and seconded by Mr. Rines to approve the amendment to Article II Section 3 of the Site Plan Regulations regarding Administrative Approval and Minor Site Plan processes. The motion carried unanimously by a roll call vote.*

### **IX. Discussion regarding impact fees**

Ms. Saunders explained Mr. Walker, Mr. Hamann, Mr. Giuliano, and Mr. May submitted input regarding suggested revision. She said she is looking for input from the Board on which items they liked, didn't like, and would like included. She briefly went over some of the highlights from each of the suggested changes.

Mr. Bruckner said if it's true that a new development has an impact on the city, there are two ways of doing it. One is with impact fees, the other is by raising the taxes the following year. He said if it will be a fee, the only way to do it is by a per square foot fee.

Mr. Walker asked if an impact fee would be applicable to a renovation to a home. Ms. Saunders said that is the way it has been enforced since she came to Rochester. She further explained it is based on gross square footage so if the square footage is increased an impact fee has been assessed on the change in square footage. Mr. Walker asked if she has reviewed the previous meetings with Bruce Mayberry. Ms. Saunders said she has. Mr. Walker said it was never intended to have impact fees assessed for additions onto homes.

Ms. Dwyer said she supports what Mr. Walker is saying. She said if someone is putting an addition onto their home there shouldn't be an impact fee because they're going to be taxed on the addition.

Ms. Saunders said Mr. Hamann recommended a waiver for new single family homes on a single residential lot which is not part of a developer's subdivision site plan for the portion of the impact fee that the Planning Board deems is not appropriate at the time of new construction, i.e. the school portion for a couple or individual over the age of 50 with no children.

Mr. Sylvain asked if staff has check on the legality of this. Ms. Saunders said she wanted to hear what the Board wanted before checking with legal counsel.

Mr. Sylvain said impact fees were originally meant for large subdivisions such as Highfield Commons. He said that was the way it was originally presented to the Board by Mr. Mayberry.

Mr. Hamann said he understands developers are paying for off-site improvements for some of the developments but that doesn't help with the debt for schools, added police protection, or added fire personnel which is what impact fees are meant to address.

Mr. Fontneau said the impact fee ordinance happened back in the early 2000's when there was a lot of rapid growth within the city. He said residents at the time felt that their taxes were going to go up because of the Village at Clark Brook development. The residents felt the developer should be baring the cost of any additional services being needed.

Mr. Bruckner suggested adding language that says impact fees apply to two or more dwelling units. Mr. Fontneau said even in a 30-lot subdivision the developer applies for building permits one at a time.

Ms. Dwyer said the Board needs to get legal opinion.

*A motion was made by Ms. Dwyer and seconded by Mr. Fontneau to table the discussion to the April 5<sup>th</sup> meeting, and ask legal counsel to be there. The motion carried by a 7-1 roll call vote. Mr. Walker opposed.*

## **X. Review of February 2021 surety and inspections**

Ms. Saunders reviewed the list of sureties with the Board. She said staff is working with the Village at Clark Brook on a draw down request.

Ms. Saunders said she is working with Waste Management on getting an as-built for their TRIII project where the escrow has expired.

Ms. Saunders said Highfield Commons is following DES protocol. She said the developer has let staff know the access road to Hussey Hill Road is complete. Ms. Saunders said staff will meet with the developer to discuss the issuance of two certificate of occupancies.

Mr. Walker said he was up there a few days ago and is concerned with the dirt pile they have. Ms. Saunders said Public Works and the Fire Department were going out to do inspections and will report the findings at the next meeting.

Mr. Sylvain said those dirt piles are too close to those occupied residential home sand he wants them removed.

Ms. Saunders said a portion of the dirt pile is required for the water tank installation that the City is working with the developer on. She went on to say DES is aware of the dirt piles and has required matting and erosion control.

## **XI. Other Business**

### **A. Update from Planning Staff**

Ms. Saunders said Peter Bruckner is currently on the Historic District Commission as a regular member, he then joined the Planning Board and became the Planning Board's representative on the HDC. She said the Board needs to officially appoint him as their representative to the HDC.

There was a brief discussion whether or not Mr. Bruckner needs to recuse himself from voting.

Mr. Bruckner recused himself from voting on the motion.

*A motion was made by Mr. Fontneau and seconded by Mr. Walker to recommend Mr. Bruckner as the Planning Board representative to the Historic District Commission. The motion carried unanimously by a roll call vote.*

Ms. Saunders said she received a letter from the Fidelity Committee of the Tri City Mayors joint taskforce for homelessness. She said they are requesting Rochester to identify existing and potential Planning and Zoning related barriers; identify existing and potential Planning and Zoning related obstacles and provide their findings by June 30, 2021.

Ms. Saunders said she will put together updates and opportunities to present to the Board in April and May. She asked if anyone has any thoughts or ideas to let her know.

### **B. Other**

Mr. Sylvain told the Board they have been authorized to hold hybrid meetings again. He said on April 5<sup>th</sup> the blue team will be in the Council Chambers.

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## **XII. Adjournment**

*A motion was made by Mr. Walker and seconded by Mr. Fontneau to adjourn at 8:00 p.m. The motion carried unanimously by a roll call vote.*

Respectfully submitted,

Crystal Galloway,  
*Planning Administrative Assistant II*

and

Shanna B. Saunders,  
*Director of Planning & Development*

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City Clerk's Office

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**Public Works and Buildings Committee**  
**City Hall Council Chambers**  
**Meeting Minutes**  
**March 18, 2021**

**MEMBERS PRESENT**

Councilor David Walker, Chairman  
Councilor Jim Gray- Vice Chairman  
Councilor Don Hamann  
Councilor Doug Lachance

**MEMBERS ABSENT**

Councilor Chris Rice

**OTHERS PRESENT**

Peter C. Nourse PE, Director of City Service  
Daniel Camara, GIS / Asset Management  
Michael Scala, Economic Development

**MINUTES**

**Councilor Walker read the following statement:**

Good Evening, as Chairperson of the Public Works Committee, 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 may 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 Public Works Committee (Public Hearing and/or Workshop settings) are encouraged to do so by the following methods:

- **Mail:** Public Works Committee, Rochester DPW 45 Old Dover Road Rochester, NH 03867 (*must be received at least three full days prior to the anticipated meeting date*)
- **Voicemail:** 603-335-7572 (*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 Council Chambers and speak in person during the Public Input**

**portion of this meeting.** In an effort to adhere to CDC guidelines: enter only at the front Wakefield Street entrance and exit on the side closest to the police department and adhere to 6-foot social distancing while inside. Hand sanitizer and facemasks will be available at the Wakefield Street entrance. Participants will be admitted into Council Chambers one at a time to speak, and will exit directly thereafter. Please note; the seating in Council Chambers will not be available for the public during meetings.

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.)

The roll call:

<b><i>Councilor Lachance</i></b>	<b><i>Ward 1</i></b>	<b><i>Present</i></b>
<b><i>Councilor Hamann</i></b>	<b><i>Ward 5</i></b>	<b><i>Present</i></b>
<b><i>Councilor Gray</i></b>	<b><i>Ward 6</i></b>	<b><i>Present</i></b>
<b><i>Councilor Walker</i></b>	<b><i>Ward 4</i></b>	<b><i>Present</i></b>

### **1. Public Input**

Councilor Walker asked if there were any members at City Hall waiting to speak. There were none.

### **2 DPW Facility Update**

Mr. Nourse stated that the DPW Facility is at approximately 51% constructed and has a remaining contingency of 77%. He stated that the move in date for the facility is mid-November. There were two photos displayed and are attached to these minutes. Mr. Nourse stated that there was interest in a site meeting to see the building progress. He asked for suggestions on the date. Councilor Lachance stated that if possible he would like the Committee to visit the Portland Street / Katy Lane area to look at the drainage concerns of the residents of Portland Street. The Committee discussed various dates and decided on Monday March 22, 2021 at 10AM. Mr. Nourse stated that in regards to the 45 Old Dover Road facility he expects that we will need the facility for at least another year. He stated that it was recommended by an appraiser and the City’s environmental attorneys to complete the Environmental Site Assessment (ESA) prior to marketing the building. The assessments will give important information to determine any necessary mitigation plans for the site. Councilor Lachance agreed that the ESA’s will be helpful to know what type of mitigation might be necessary prior to marketing. Mr. Nourse stated that there would be two phases and he has obtained proposals for the ESA’s. He stated

that he has available funding for the Phase 1 ESA which is estimated at \$4000 and that he is looking for funding for the much more detailed Phase 2 which is estimated at \$30,000. Mr. Nourse stated that funding was discussed briefly with the Finance Department and it was suggested that the Economic Development Fund could be used or it is possible to put funding into the FY2022 O&M Budget as an Issues & Options item. Councilor Walker asked how long to complete the Phase 1 Study. Mr. Nourse stated that it would be just a few weeks once directed to proceed. Councilor Walker asked when the Phase 2 could be started. Mr. Nourse stated as soon as funding is approved or appropriated. Councilor Gray stated that the Economic Development Funds would be appropriate if the property was to be sold but not if the property was going to be retained by the City. Councilor Lachance asked Mr. Scala if there has been any interest in the DPW property. Mr. Scala stated there has not been, but he believed that the property has good sales potential barring any significant issues coming from the ESA's. Councilor Walker asked Mr. Scala the balance of the Economic Development Fund, and if he had any plans that would prohibit use for this purpose. Mr. Scala stated he believed there is about \$140,000 and he had no plans that would prohibit funding ESA Phase 2. Councilor Walker stated that the Economic Development Fund should be used to get the project going and that if the Council chooses to replenish that fund as an Issues & Options item in the FY22 Budget discussions they can do that then. Councilor Lachance stated concerns for using the Economic Development Funds and suggested sending the issue to the Finance Committee to take the funds from Fund Balance. After discussion the Committee decided that use of the Economic Development funds would be acceptable. Mr. Scala let the Committee know this still would need to go through the Finance Committee and City Council.

***Councilor Haman made a motion to recommend the Finance Committee and the Full City Council approve the use of \$30,000 from the Economic Development Fund for Phase 2 ESA at the 45 Old Dover Road Site. The Motion was seconded by Councilor Gray.***

***Roll Call Vote:***

<b><i>Councilor Lachance</i></b>	<b><i>Ward 1</i></b>	<b><i>YES</i></b>
<b><i>Councilor Hamann</i></b>	<b><i>Ward 5</i></b>	<b><i>YES</i></b>
<b><i>Councilor Gray</i></b>	<b><i>Ward 1</i></b>	<b><i>YES</i></b>
<b><i>Councilor Walker</i></b>	<b><i>Ward 4</i></b>	<b><i>YES</i></b>

The Committee discussed possible uses for the property.

### **3 North Main RRFB Crosswalk**

Mr. Nourse stated that project was for safety improvements to the crosswalk at 105 North Main Street. He stated that the scope included installation of Rapid Rectangular Flashing Beacons (RRFB). Mr. Nourse stated at the last meeting he had informed the Committee that the bid opening for the project would be today, 3/18/2021. He stated that there were no bidders on the project. He stated that 8 sets of plans were sent out, but no one bid. Mr. Nourse stated that he could move forward with the project using the company that was awarded the Construction Contracted Service bid. Councilor Walker stated that he is good with this course of action. Councilor Gray stated that we should get a price from contractor to see if it is in the right ballpark of the appropriate funds for the project. Mr. Nourse stated that he had concerns prior to bidding that the funding may be insufficient

and he does not yet know what the contracted vendor will give us for pricing. He stated that he would let the Committee know next month if additional funds are needed. Councilor Lachance suggested going a different route for traffic calming. He stated he was not locked into the RRFB's and he asked Mr. Nourse for his opinion on rumble strips and speed humps or bumps. Mr. Nourse stated that he did not have an opinion on these he stated that the City has not previously used either these methods. Mr. Nourse mentioned that the City has made an investment in the RRFB plan, both with a consultant designing it and going out to bid. Councilor Hamann stated that the RRFB's had been discussed at the Public Safety Committee and the City Council for approval and funding. Councilor Walker stated that he was not in favor changing course now. Councilor Lachance agreed to continue with the RRFB's but stated his frustration that this has been in the works for over a year and there still are no safety improvements at that crosswalk.

#### 4 Other

**RT. 11 Improvements** - Councilor Haman mentioned that he would be attending the Strafford Regional Planning meeting tomorrow, 3/19/2021. He stated that he had received Mr. Nourse's emails regarding Rt. 11 Roadway Improvements and he asked Mr. Nourse if there was any specifics items that he would like him to bring up. Mr. Nourse stated there was nothing specific but he hoped the Councilor would have the opportunity to advocate for the improvements to Rt. 11.

**Eisenhower Drive** – Councilor Lachance asked if there was an update on this issue. Mr. Nourse stated that he would have that on next month's agenda.

**Stimulus Inclusions \$1.9 Million** – Councilor Gray mentioned that Rochester is estimated to receive approximately 6.5 million from this US Government Covid-19 Stimulus Package. He suggested that the City of Rochester should be looking at possible projects to fund with this money. Councilor Lachance stated that these funds are not grants and are loans and if sent to the City of Rochester they should return the funds. He stated that he does not believe that this is in the best interest of the Rochester Tax Payers.

**Infrastructure Projects - Community Project Funding Program** – Mr. Nourse stated that our Congressional Delegation is soliciting for local 1-2 million dollar projects for this program or even larger projects that can be structured in 1-2 million dollar incremental values. Mr. Nourse stated that he is working with the delegates and discussing some preliminary projects such as Rt. 11 Safety Improvements, WWTP Upgrades for Phosphorus, Water Lead Service Line Replacements, Portland Street Bridge Replacement, Water Main Transmission Line Relining, and the Round Pond Water Augmentation Project. Councilor Walker suggested the Riverwalk Overlook Project. Mr. Nourse stated it wouldn't meet the \$1million threshold, but he could add it to the list.

**Water Street Water Line Extension Financing of \$60,000** – Mr. Nourse stated that he had receive a request from two property owners on Water Street for financing a new water main on the private portion of Water Street. He stated that Mr. Goodwin was participating in the meeting on behalf of Chinburg Developers who are the owners of the Scenic & Salinger building and he stated that Mr. Goodwin is working with Paul Delilse who is the owner of the Ventina Property at 28 North Main, the other owner requesting to the financing. Mr. Nourse stated that the two owners are proposing a 50/50 split of the cost between the two of them. Mr. Nourse stated that the DPW staff has been working with these property owners and for various reasons this is the recommended path to get

the owners the water necessary for the building improvements. He stated this water main extension would be a city main that at a later date could be extended all the way out to Bridge Street as other development might need it in that area. He stated that the financing would be contingent on easements to the City across two private properties that would be negotiated by the developer. One easement would be on Mr. Delilse property and the other is owned by a Mr. Conroy. Mr. Nourse stated that the financing would also be contingent on property liens and a purchasing waiver from the Finance Director. He stated that the Developer had obtained three quotes for the project and our purchasing procedures require a formal bid for this scope of work. He stated going out to bid would add significant design and bidding expenses. Mr. Nourse stated that he believes the total cost to be financed would be in the area of \$60,000 and it would include the water line construction costs, services to the buildings, meters and backflow equipment. Mr. Goodwin stated that he had spoken with Mr. Delilse and that Mr. Delilse had reported that he is working with Mr. Conroy on the easement for the City Main. Councilor Lachance asked if this was a temporary or permanent fix. Mr. Nourse stated it was a permanent fix for the Ventina and Chinburg properties. Councilor Lachance suggested extending the Main all the way through. Mr. Nourse stated that these developers need this now and are willing to pay for it with the 0% financing. He stated at a later date it could be extended across the other abutting properties with easements if they need it to be developed.

***Councilor Lachance made a motion to approve the financing for the water main and for a supplemental appropriation from the Water Fund in the Amount of \$100,000 for the water main extension on Water Street. The Financing is to be contingent on a procurement policy waiver from the Finance Department, Easements for the City Water Main across two private properties and documented repayment plans with liens on the two properties serviced by the new main. Councilor Hamann seconded the motion.***

***Roll Call Vote:***

<b><i>Councilor Lachance</i></b>	<b><i>Ward 1</i></b>	<b><i>YES</i></b>
<b><i>Councilor Hamann</i></b>	<b><i>Ward 5</i></b>	<b><i>YES</i></b>
<b><i>Councilor Gray</i></b>	<b><i>Ward 1</i></b>	<b><i>YES</i></b>
<b><i>Councilor Walker</i></b>	<b><i>Ward 4</i></b>	<b><i>YES</i></b>

**East Rochester Ground Water Issue** – Councilor Walker requested that Mr. Nourse look into ground water / drainage issues in East Rochester. He told Mr. Nourse that he had heard from two different homeowners that complained that since the East Rochester I/I Project was completed they have had significant problems with water ponding and in basements. Mr. Nourse stated that the I/I Project dates back to 2007. Councilor Walker stated that he was told that they have made previous complaints without any action. Mr. Nourse asked for the names, contact info and addresses. Councilor Walker stated he would send them via email. Councilor Gray stated to make sure the water is tested to eliminate any water main leakage possibilities.

***Councilor Lachance made a motion to adjourn at 7:59 pm. Councilor Hamann seconded the motion.***

***Roll Call Vote:***

<b><i>Councilor Lachance</i></b>	<b><i>Ward 1</i></b>	<b><i>YES</i></b>
<b><i>Councilor Hamann</i></b>	<b><i>Ward 5</i></b>	<b><i>YES</i></b>
<b><i>Councilor Gray</i></b>	<b><i>Ward 1</i></b>	<b><i>YES</i></b>
<b><i>Councilor Walker</i></b>	<b><i>Ward 4</i></b>	<b><i>YES</i></b>

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

**Public Works and Buildings Committee**

**Meeting Minutes**

**March 22, 2021**

**10 AM**

**MEMBERS PRESENT**

Councilor David Walker, Chairman

Councilor Jim Gray- Vice Chairman

Councilor Don Hamann

**MEMBERS ABSENT**

Councilor Chris Rice

Councilor Doug Lachance

**OTHERS PRESENT**

Blaine M. Cox, City Manager

Peter C. Nourse PE, Director of City Service

JP Parnas, Weston & Sampson Engineers

Kurt Kargela, Hutter Construction

**MINUTES**

1. **New DPW Facility Site walk** – The Committee met at 10am to walk the site and discuss the building construction progress. Mr. Karglela led the group through building and Mr. Parnas was able to answer all questions along the way. The group then left this site and agreed to meet at the end of the Katy Lane cul-de-sac
2. **Portland Street / Katy Lane – Drainage Issue** - The Committee walked the site with three of the abutters. The Committee, the Councilors and abutters discussed the concerns, possible options to mitigate and noted the limitations regarding wetland disturbances.
3. **Other** – The Committee discussed several recent drainage complaints in the East Rochester area. Residents have complained that since the 200-2007 East Rochester I/I project they are experiencing a much higher ground water problems. There were options discussed with a possible temporary well system with an approximate cost of \$30,000-\$35,000K.

Minutes respectfully submitted by Peter C. Nourse, Public Works Director.

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City Clerk's Office

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**Resolution Authorizing Supplemental Appropriation to the  
Department of Public Works (DPW) Water CIP Fund in the Amount of \$100,000.00 for the  
Water Street Water Line Extension Project**

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

That the amount of One Hundred Thousand Dollars (\$100,000.00) is hereby appropriated as a supplemental appropriation to the DPW Water CIP Fund for the purpose of paying costs associated with the Water Street Water Line Extension Project. The funding for this supplemental appropriation shall be derived in its entirety from the Water Fund Retained Earnings Fund.

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

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City Clerk's Office

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**Resolution Authorizing 10 Year Financing Agreements for the Water Street Water  
Extension Project Pursuant to §260-31 of the City Code**

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

That pursuant to §260-31 of the City Code, the City Manager is hereby authorized to enter into Financing Agreements with Scenic Salinger, LLC and Ventina, LLC to pay the proportionate costs associated with the so-called Water Street Water Extension Project. The Financing Agreements shall be no more than Ten (10) years and shall be consistent with the provisions outlined in §260-31 of the City Code. Further, each entity named herein shall be liable for Fifty Percent (50%) of the total cost of the aforementioned Project.

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City Clerk's Office

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**Amendment to the Granite Ridge Development District (GRDD) Tax Increment  
Development Program & Financing Plan (“TIF Plan”) Pursuant to RSA 162-K:9, IV**

THE CITY OF ROCHESTER ORDAINS:

WHEREAS, the 2014 Adopted GRDD TIF Plan was crafted to rely on retail and office space development to generate tax increment for the GRDD;

WHEREAS, the original GRDD TIF concept planned for the development of retail and office space as the main drivers for incremental assessment within the TIF, but market trends over the last several years has seen the demand for office and retail rental space decline at an accelerated rate;

WHEREAS, these economic shifts, amid other more recent influences, are reshaping the traditional approach to retail and office space development; and

WHEREAS, it is acknowledged that increasing diversity is necessary to assure tax incremental revenues remain at adequate levels in order to carry out the development plans of the GRDD.

THEREFORE, the Mayor and City Council of Rochester ordain that mixed use commercial and residential developments, and associated public parks, parking lots, open spaces, and recreational opportunities is recognized as allowable development activities within the GRDD TIF Plan and the GRDD TIF Plan is hereby amended to allow the same.

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

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City Clerk's Office

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04/01/2021

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

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

#### COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

#### DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

#### FINANCE & BUDGET INFORMATION

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

#### LEGAL AUTHORITY

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**SUMMARY STATEMENT**

**RECOMMENDED ACTION**





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

2/23/2021

## **Amendment to the Granite Ridge Development District Tax Increment Development Program & Financing Plan (TIF Plan)**

The GRDD TIF-Plan was adopted in 2014 and does not reflect current real estate and market trends. Economic Development is requesting an amendment to the TIF-Plan that would allow for the development of mixed use commercial and residential developments and associated public parks, parking lots, open spaces, and recreational opportunities as.

### **Why amend?**

#### **Market Shift - Office**

- No new office builds in Rochester since 2013
- 22% of workforce is expected to work from home by 2025
- Due to a shift to a remote workforce, NYC is currently experiencing office re-lease rates of 50% as opposed to 90%
- Prior to Covid, companies had already starting shifting to a hybrid work model – now they are letting more employees work remotely fulltime.
- Original plan for office space at the GRDD was based on CLD traffic count requirements not actual market demand

#### **Market Shift - Housing**

- Rochester currently has a 1.6% overall rental vacancy (.6% rate for 2BR)
- “Healthy” vacancy rate is between 5- 6%
- NH has the highest rate of millennial in-migration in the Northeast
- Millennials are more apt to rent than buy
- The trends call for smaller more efficient (500-800 sf. units) in close proximity to entertainment and services

#### **Economic**

- To increase the amount of discretionary income flows into the local economy
- To attract businesses - employers look for a healthy housing market when analyzing expansion plans
- To attract investment
- To attract businesses to the downtown and surrounding community
- To improve the financial health and stability of the GRDD-TIF



04/01/2021

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

Recommendation from the GRDD Advisory Board 2020 Draft Report (November 30, 2020)

1. 'Creating a more multi use district by adding permitting housing as an allowed use in the district. The Advisory Board reviewed the "GRDD Potential for Apartments as Secondary Use" report by Bruce Mayberry and recommends adding a residential component to the district. This would include updating the TIF Plan and Developers Agreement.'

More letters of support are included at the end of this packet.



February 4, 2021

Dear Mayor McCarley and Rochester City Councilors,

I am writing to support an adjustment to the zoning along RT 11 to allow for housing.

As you may be aware, my family has owned businesses in Rochester dating back to 1976. Over that time, we have witnessed and experienced many economic ups and downs in our own business, as well as those endured by very own city.

In the past decade or so, Rochester has taken great strides in proving to the surrounding communities that we can think “outside the box” and be leaders in creating solid long-term employment opportunities with good paying jobs. We have also facilitated the construction and growth of what’s known as “The Ridge,” which has attracted people from all directions. Much of this has been accomplished with incentives for businesses that no other community in our area ever thought of before now.

It is time to take the “next step.”

There is no doubt that the past year of pandemic has changed a lot of retail and consumer buying habits. Online shopping has become much more popular. We need to ensure that the “brick and mortar” that we already invested in continues to thrive. We also need housing to accommodate the employment growth that we experienced, and the two go hand in hand.

We need to update Rte 11 zoning for housing ***as soon as possible***, in order to keep our momentum going and protect our investments. Our new workforce, which includes millennials, empty nesters, and professionals, are looking for market rate apartments in proximity to established shopping and dining. A change in zoning would accomplish all of the above.

- According to the 2020 Residential Rental Market Survey, administered by the University of New Hampshire Survey Center, “(market rate)” rental housing units survey show that there is still a high demand for apartments, a tight supply, and a low vacancy rate, making it a challenging market for NH renters,” particularly in Strafford and Rockingham counties. Further, “to sustain NH’s economy, additional housing is needed to support our labor force.
- According to a recent study, about 20,000 more housing units are needed to meet current demand and stabilize the market.”

***As a business owner or as a citizen, we are all invested in Rochester. Let’s protect that investment.***

Thank you in advance for the consideration and action to move Rochester forward.

Ron Poulin  
Owner

04/01/2021



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

January 27, 2021

Ms. Caroline McCarley  
Mayor  
City of Rochester  
31 Wakefield Street  
Rochester, NH 03867

Re: Amendment to the Granite Ridge Development District TIF to Allow for the Development of Residential Housing

Dear Mayor McCarley:

The Rochester Economic Development Commission (REDC) is submitting this letter in support of amending the Granite Ridge Development District (GRDD) Tax Increment Finance Plan (TIF) to allow for the development of residential housing.

The commonly accepted value for a “healthy” residential vacancy rate is around 5-6%. According to the most recent analysis by the Workforce Housing Coalition of the Greater Seacoast, Rochester’s vacancy rate calculates to 1.6%. These numbers take into account all sizes and levels of housing.

The REDC recognizes that this housing deficit is detrimental to both employees wishing to live close to work, and employers interested in hiring local. The addition of housing to the GRDD TIF will not only assist in reducing the housing deficit but will increase the overall strength and vitality of the GRDD TIF District.

The REDC is supportive of the addition of any housing units on any level, and feels that the addition of residential to the GRDD TIF would only serve to benefit the overall economic health and stability of the city.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Shapleigh", written in a cursive style.

Jonathan Shapleigh  
Chairman, REDC



Rochester Main Street Program is a non-profit, volunteer organization devoted to the preservation, growth, and vitality of downtown Rochester.

Participate - Volunteer - Donate

February 1, 2021

Ms. Caroline McCarley  
Mayor  
City of Rochester  
31 Wakefield Street  
Rochester, NH 03867

Re: Amendment to the Granite Ridge Development District TIF to Allow for the Development of Residential Housing

Dear Mayor McCarley:

Rochester Main Street is submitting this letter in support of amending the Granite Ridge Development District (GRDD) Tax Increment Finance Plan (TIF) to allow for the development of residential housing.

After reviewing the plan, RMS feels that any residential housing in the GRDD will certainly benefit downtown businesses and have little to no ill effects on future sales volume or vacancy rates. We believe that increasing residency anywhere in the area is a win-win for the city.

Sincerely,

Michael Guillette  
President  
Rochester Main Street



**Mark R. Farrell**  
**Director of Manufacturing Operations**  
**20 Industrial Way,**  
**Rochester NH 03867**  
**Phone: 603-834-6850**  
**Email: [mfarrell@laars.com](mailto:mfarrell@laars.com)**  
**Website: [www.laars.com](http://www.laars.com)**

February 4, 2021

Dear Mayor McCarley and Rochester City Councilors,

I am writing to support an adjustment to the zoning along RT 11 to allow for housing.

As a business owner, having housing stock available to current employees and for the future workforce is crucial to LAARS's company's growth. By updating the RT 11 zoning for housing, it reflects the active and growing housing demand, which includes millennials, empty nesters, and professionals. This is advantageous for Rochester and LAARS.

Additionally, with the changes to the retail and consumer buying habits prior to the pandemic where there is an increase of shopping online, the pandemic only increases this pressure. By expanding RT 11 to have mixed use spaces, including available market rate apartments, in proximity to established shopping and dining, supports the continued success of the retail centers, and protects Rochester's investment in these developments.

- According to the [2020 Residential Rental Market Survey](#), administered by the University of New Hampshire Survey Center, "(market rate)" rental housing units survey show that there is still a high demand for apartments, a tight supply, and a low vacancy rate, making it a challenging market for NH renters," particularly in Strafford and Rockingham counties.
- Further, "to sustain NH's economy, additional housing is needed to support our labor force. According to a recent study, about 20,000 more housing units are needed to meet current demand and stabilize the market."

Thank you in advance for the consideration and action to move Rochester forward as we all strive to grow together.

Sincerely,

Mark R. Farrell



## *City of Rochester, New Hampshire*

### **Granite Ridge Development District**

### **Tax Increment Development Program & Financing Plan**

**Date Prepared: May 6, 2014**

**Date Adopted: June 17, 2014**

## **A. Introduction and Objectives**

Tax increment financing (TIF), authorized by New Hampshire RSA 162-K may be used to provide municipal incentives for economic development. Tax increment financing allows property taxes derived from growth in assessed valuation within a TIF district to be retained to pay for public improvements made within the district that encourage new businesses and industries to locate there. Cities and towns in northern New England use the TIF mechanism to compete with financial incentives offered in other regions of the United States. TIF districts are limited in duration, generally by the time required to amortize bonded debt and the recovery of other municipal costs incurred in creating the TIF district and providing public infrastructure.

### 1. History of Granite Ridge Development District (GRDD)

Well thought out and planned commercial districts benefit the community and landowners within the district in many ways. The Granite Ridge Development District was first studied in 1998 and was included in Rochester's Land Use Master Plan and Transportation Master Plans at the turn of the century. The plan to attract significant commercial investment was further enhanced in the Economic Development Master Plan, completed and implemented in 2006. An early report of the TIF build-out potential was completed by Bruce Mayberry in September 2006. CLD was selected in 2008 to provide further analysis on wetlands and land capacity, and potential infrastructure needs to support the anticipated development. The Buxton Company provided a comprehensive retail analysis, leakage report and prospects for attraction in a study completed the same year.

Rochester has clearly stated benefits identified as maximized tax revenue, minimized infrastructure burden, efficient and easy to navigate roads, and minimized traffic impacts. A specific zoning district ordinance for the Granite Ridge Development District (GRDD) was approved in April 2010, to support and enhance the city's goals and objectives. The city completed an application for the District to become a New Hampshire Economic Revitalization Zone in 2013, which was approved by the Department of Resources and Economic Development.

### 2. Objectives of Granite Ridge Development District TIF Program

The objectives of the Tax Increment Financing Program are to:

- Stimulate significant opportunities for business creation and expansion within the District.
- Enhance employment and earnings opportunities for area residents.
- Stimulate increases in the commercial tax base within the City, reducing and/or stabilizing the residential tax burden.
- Minimize infrastructure cost to the City through efficient planning for the district as a whole.
- Maximize the developable areas on individual parcels within the district through flexible requirements.
- Manage traffic impacts to NH Route 11 through implementation of a public connector road between development and parcels, and shared intersections and driveways.

These objectives will be achieved by improving water, sewer and highway infrastructure, and by developing a public shared access connector road on the North-east side of NH Route 11. The proposed improvements are more specifically defined in Section III.

The conceptual TIF District has been evaluated along the NH Route 11 corridor with respect to its potential build-out and the incremental valuation and tax revenue that it might generate. The most recent analysis was completed by CLD Consulting Engineers and included a thorough analysis of build-out potential and infrastructure requirements.

All or a portion of incremental tax revenues generated from increased assessed valuation within a TIF may be captured to recover the City's investment in infrastructure development costs.

### 3. Development Potential of Granite Ridge Development District



The CLD Report of 2009 was used to estimate the amount of land in Granite Ridge that is available to be developed based on current Land Use Regulations. In the study of land areas the primary limitations to development are wetlands and steep slopes. These areas were mapped as part of the report.

- The GRDD was surveyed by a wetland scientist, who determined where the wetlands are based on current definitions of wetlands. A 50-foot buffer was added around the wetlands per local and state regulations.
- The areas of the district where the slopes are too steep (greater than 15%) for building were determined from topographic data. The wetlands (including the 50-foot buffer) and the steep slopes were plotted on the corridor base map of the area.

A summary of estimates of the type and size of development that would be supported based on these estimates is approximately 1.6 million square feet of combined retail and other commercial or office uses.

**Table 1: Granite Ridge Development Potential**

Comparison Factor	
Gross Land Area (Acres)	913.09
Building Floor Area	
Existing	594,316
Growth Potential	1,615,904
Buildout Total	2,210,220
Taxable Assessed Value	
Existing	\$62,326,773.00
Growth Potential	\$362,419,005.00
Buildout Total	\$424,745,778.00
Annual Property Tax Yield (1)	
Existing	\$1,642,993.74
Growth Potential (Increment)	\$9,553,364.97
Buildout Total	\$11,196,298.71

(1) Computed at total 2013 tax rate of \$26.36 per thousand assessed value

#### 4. Public Benefits of Granite Ridge TIF District Program

The construction of new commercial and hospitality business facilities promotes the long-term growth, stability and diversity of employment and the City's taxable valuation. Long term growth in commercial and industrial valuation ultimately supports higher quality services at a lower tax expense to residential uses. The Granite Ridge Development District TIF Program is expected to provide a number of public benefits, including:

- 1) Enhancing the efficiency of land use and encouraging development consistent with the City's Master Plan and its Economic Development Strategy;
- 2) Concentrating new economic development in desired areas through the efficient use of public infrastructure;
- 3) Stabilizing or expanding the City's employment base and resident access to new employment opportunities;
- 4) Encouraging the creation of diverse economic opportunities and improving the standard of living for residents;
- 5) Providing for long-term growth in the City's non-residential property valuation;
- 6) Diversifying the property tax base to enable Rochester to continue providing quality municipal services and facilities for residents; and
- 7) Supporting general growth and prosperity of the City and the general welfare of its citizens.

## **B. Description of the Granite Ridge Development District Tax Increment Financing Program Area**

### 1. District Boundaries

The Development District includes 71 properties indicated in a map of the area labeled Map A, and followed by a spreadsheet labeled Table 2. It encompasses land between Exit 15 of the Spaulding Turnpike, along the NH Route 11 Corridor to the Farmington town line. As indicated in Table 2, the proposed TIF District contains 913.09 acres, which represents 3.18% of the total land area in the City of Rochester (28,688.05 acres). The total assessed value of taxable property in the proposed district is \$62,326,773 or 3.04% of the total assessed value of taxable property in the City (\$2,048,617,212). Thus the district complies with the size standards of RSA 162-K:5 as amended.

### 2. District Characteristics

The TIF District as defined contains significant parcels with vacant developable land, and those estimated as most likely to benefit from investment in public infrastructure. The gross land area includes 913.09 acres with a current taxable valuation of about \$62.327 million. In some cases, the vacant land parcels within the TIF is valued under current use provisions. This would mean a substantial increment in value would be created upon conversion of this land from current use status as it develops. The development district contains approximately 594,316 sq ft gross floor area in existing buildings, including some residential uses.

**Table 2: Granite State Business Park TIF District Parcels  
Estimate of Original Assessed Valuation (Baseline) <sup>1</sup>**

Estimate of Original Assessed Valuation (Baseline)

*Updated: January 2014*

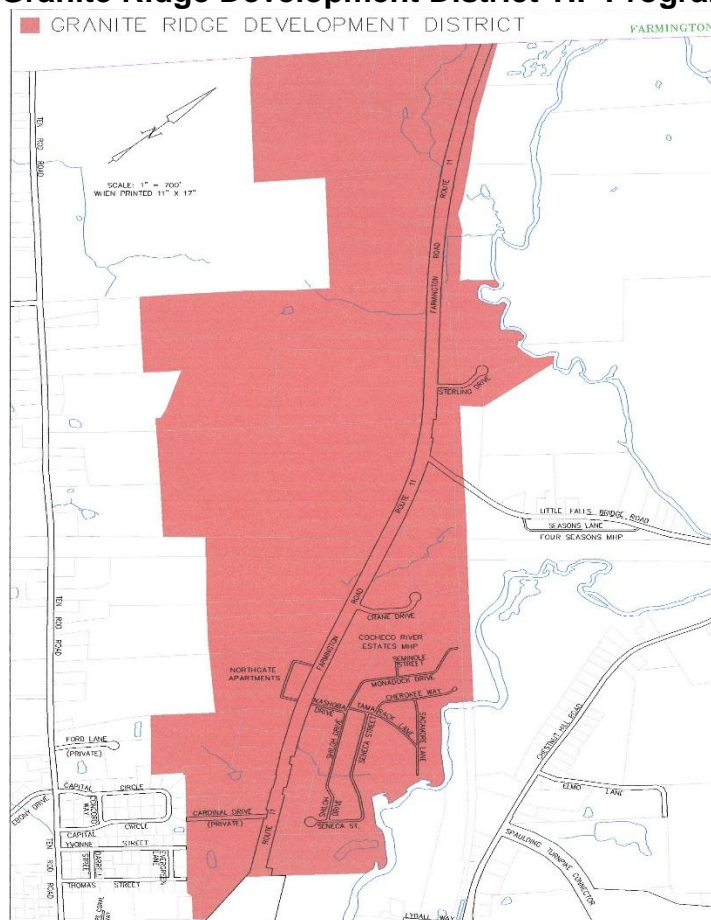
<b>Parcel ID (PID)</b>	<b>Acres</b>	<b>Total Baseline Assessment</b>	<b>Other</b>
0208-0001-0000	77.06	\$ 1,062,671.00	Partial CU
0208-0001-0001	34.18	\$ 13,838,300.00	
0208-0001-0002	5.44	\$ 291,600.00	
0208-0002-0000	32.00	\$ 1,736.00	CU
0208-0004-0000	1.30	\$ 155,200.00	
0208-0005-0000	0.63	\$ 144,300.00	
0208-0006-0000	1.05	\$ 328,200.00	
0208-0006-0001	0.94	\$ 392,800.00	

0208-0007-0000	1.33	\$ 348,100.00	
0208-0008-0000	60.00	\$ 2,423,333.00	Partial CU
0208-0008-0001	11.61	\$ 467,400.00	Partial CU
0208-0009-0000	4.30	\$ 915,900.00	
0208-0010-0000	1.02	\$ 712,800.00	
0208-0011-0000	4.00	\$ 394,100.00	
0208-0012-0000	75.00	\$ 177,580.00	
0208-0013-0000	16.09	\$ 118,061.00	CU
0208-0014-0000	165.49	\$ 2,623,500.00	Exempt
0208-0015-0000	0.29	\$ 46,800.00	Exempt
0208-0016-0000	1.66	\$ 234,900.00	
0208-0017-0000	8.90	\$ 233,100.00	
0208-0018-0000	1.65	\$ 234,700.00	
0208-0018-0001	2.08	\$ 241,200.00	
0208-0018-0002	2.88	\$ 1,638,700.00	
0208-0018-0003	5.02	\$ 285,300.00	
0208-0018-003A	0.64	\$ -	
0208-0019-0000	1.16	\$ 520,100.00	
0208-0019-0001	1.25	\$ 990,400.00	
0208-0019-0002	0.57	\$ 554,500.00	
0209-0001-0000	1.70	\$ 297,500.00	
0216-0001-0000	3.20	\$ 728,900.00	
0216-0002-0000	2.60	\$ 455,200.00	
0216-0003-0000	2.90	\$ 197,200.00	
0216-0004-0000	17.10	\$ 4,763,500.00	
0216-0005-0000	1.24	\$ 674,000.00	
0216-0006-0000	5.62	\$ 1,515,200.00	
0216-0007-0000	7.60	\$ 390,500.00	
0216-0008-0000	6.30	\$ 680,500.00	
0216-0009-0000	20.00	\$ 668.00	CU
0216-0010-0000	21.00	\$ 485,700.00	
0216-0011-0000	85.00	\$ 469,715.00	Partial CU
0216-0012-0000	1.89	\$ 187,900.00	
0216-0013-0000	11.80	\$ 39,700.00	Exempt
0216-0017-0000	12.00	\$ 40,300.00	Exempt
0216-0018-0000	3.50	\$ 1,565,400.00	
0216-0018-0001	2.75	\$ 769,400.00	
0216-0018-0002	3.60	\$ 2,675,200.00	
0216-0019-0000	4.50	\$ 303,800.00	
0216-0020-0000	6.09	\$ 1,979,800.00	
0216-0021-0000	4.80	\$ 259,500.00	
0216-0022-0000	5.30	\$ 267,000.00	
0216-0023-0000	3.16	\$ 257,400.00	
0216-0024-0000	4.01	\$ 1,562,700.00	
0216-0025-0000	2.60	\$ 1,339,100.00	
0216-0026-0000	68.00	\$ 4,745,600.00	
0216-0027-0000	3.40	\$ 11,900.00	
0216-0028-0000	1.70	\$ 1,136,300.00	

0216-0028-0001	0.10	\$ 181,500.00	Exempt
0216-0029-0000	2.15	\$ 366,800.00	
0221-0154-0000	20.80	\$ 235,095.00	Partial CU
0221-0156-0000	1.20	\$ 186,800.00	
0221-0157-0000	1.20	\$ 60,700.00	
0221-0158-0000	1.30	\$ 157,200.00	
0221-0159-0000	2.45	\$ 246,800.00	
0221-0160-0000	1.32	\$ 159,800.00	
0221-0162-0000	6.40	\$ 160,100.00	
0221-0163-0000	15.00	\$ 309,414.00	
0221-0164-0000	1.16	\$ 862,900.00	
0221-0165-0000	1.70	\$ 855,100.00	
0221-0166-0000	1.10	\$ 530,500.00	
0221-0167-0000	0.30	\$ 254,000.00	
0221-0168-0000	14.00	\$ 172,200.00	
0221-0169-0000	12.01	\$ 384,300.00	Exempt
0208-0001-A000	0.00	\$ 28,700.00	
	913.09	\$ 62,326,773.00	

*CU = Current Use Property*

### Map A: Granite Ridge Development District TIF Program:



### 3. Compliance with Statutory Limits on TIF Land Area and Valuation

Table 3 compares baseline conditions in the GSBP TIF district to statutory limitations on taxable valuation and acreage allowed within the City. New Hampshire RSA 162-K:5 sets the maximum allowable base valuation of any individual TIF district, at not more than eight percent (8%) of the City's taxable value, and limits gross land area within a TIF to not more than five percent (5%) of the City's land area. Maximum base valuation for a single TIF district in Rochester is \$160.47 million (as of 2012) and maximum land area allowable in an individual district is 1,434 acres. Both the valuation and acreage of the Granite Ridge Development TIF District are well within statutory limits.

**Table 3: Compliance with Statutory Limits of RSA 162K**

Comparison Factor for Statutory TIF Limitations RSA 162-K:5	Taxable Valuation	Land Area in Acres
City Total 2011	\$2,048,617,212	28,688.05
Maximum Allowable - Individual TIF District <i>(8% of Taxable Value; 5% of Acreage)</i>	\$163,889,377	1,434.40
Granite Ridge Development District TIF Baseline <i>As Percent of City Total</i>	\$62,326,773 3.04%	913.09 3.18%
Maximum Cumulative TIFs Allowable <i>(16% of Taxable Value; 10% of Acreage)</i>	\$327,778,754	2,868.81
Granite Ridge Development District TIF	\$ 62,326,773	913.09
Granite State Business Park RSA 162k:5 TIF	\$ 13,413,792	335.26
Granite State Business Park RSA 205 TIF	\$ 24,169,200	56.45
Total Cumulative District Values 2013 <i>As Percent of City Total</i>	\$ 99,909,765 4.87%	1,304.80 4.55%

### C. Proposed Development Activities

The City's principal activities in developing the Granite Ridge Development District may include land acquisition and assembly, public infrastructure development, maintenance and administration of the commercial district, marketing and promotion, negotiation of development agreements.

#### 1. Acquisition of Land, Easements and Rights of Way

The City of Rochester proposes to encourage commercial development within the Granite Ridge Development District. It is anticipated that the development and public improvements will occur over two decades, taking advantage of economic cycles and developer and retailer interests. The public infrastructure has been divided in to roughly ten (10) sections.

##### a. Relocation and Displacement

The City intends to acquire all property through negotiated purchases. It does not anticipate the need to relocate persons, families, or businesses due to publicly financed acquisition or

development activity within the Granite Ridge Development District TIF District. Any proposals for the involuntary displacement of persons or businesses would require an amendment to this TIF Development Program.

b. Property Disposition & Reuse of Private Property

The City may convey all or a portion of property it acquires within the TIF District to private developers under the terms of specific development agreements designed to promote the objectives of the Development Program. The terms of purchase and sale agreements or development agreements pertaining to properties transferred by the City must be approved by the City Council.

2. Environmental Remediation of City-Owned Sites

While there is no anticipated need for the remediation of contaminated sites to be acquired by the City within the TIF District, the City of Rochester may undertake environmental cleanup, remediation or monitoring of municipally owned real estate it owns within the District. The City shall have the authority to accept grants from the federal government, State of New Hampshire, or other entities, to finance remediation activities. Should a need arise for the environmental remediation within property owned by the City in the District, the City may use tax increment revenues for that purpose.

3. Public Facilities to be Constructed

a. Initial Infrastructure Projects

The City's initial capital investment in public infrastructure within the TIF District includes the following elements, which center on improvements necessary to enable development of the Granite Ridge Development District:

- Water & Sewer System Improvements
- Intersection Improvements – City Streets with NH Route 11
- Shared Access Points – City Streets: Two Rod Road, Marketplace Way, Crane Drive, Cinema Way, Healing Way, others as necessary
- Connector Road – Granite Ridge Boulevard
- Administration – administrative infrastructure, hardware & software, to increase the city's capacity to administer construction projects, developments and ongoing activity within the TIF District.
- Potential improvements Rails-to-Trails Pathway: Rochester to Farmington
- Possible Protection Areas, Environmental Controls
- Connections to Public Transportation and Alternative Transportation
- Adherence to Construction Standards
- Maintenance of Public Streets and Public Areas

**Table 4. Estimated Cost of Public Improvements**

Updated May 2014 Severino &amp; Rochester Public Works

<b>Public Improvements - North Section</b>	
1. Intersection F - (Healing Way)	\$ 1,115,000.00
2. Sewer Pump Station & Sewer Improvements to T.L.	\$ 1,814,128.00
<i>Subtotal</i>	\$ 2,929,128.00
<i>Engineering 20%</i>	\$ 585,825.60
<i>Contingency 20%</i>	\$ 702,990.72
<i>Permitting &amp; Mitigation</i>	
<b>TOTAL</b>	<b>\$ 4,217,944.32</b>
<b>Public Improvements - Central Section</b>	
3. Frontage Road & Signals - Wal Mart to Two Rod Road	\$ 2,015,000.00
4. Severino Estimate - Access Roads to Boulevard & Intersection Little Falls Bridge Road	\$ 814,675.00
5. Severino Estimate - Frontage Road (Granite Ridge Boulevard) and Wetland Basin	\$ 1,500,440.25
6. Sewer & Water Improvements	\$ 1,000,000.00
7. Access C/ Crane Dr & Farmington Rd	\$ 1,900,000.00
<i>Subtotal</i>	\$ 7,230,115.25
<i>Engineering 20%</i>	\$ 1,446,023.05
<i>Contingency 20%</i>	\$ 1,735,227.66
<i>Permitting &amp; Mitigation</i>	\$ 500,000.00
<b>TOTAL</b>	<b>\$ 10,911,365.96</b>
<b>Public Improvements - Southern Section</b>	
8. Frontage Road & Interior Intersections	\$ 2,150,000.00
9. Access B/ Nashoba Dr & Farmington Rd	\$ 1,530,000.00
10. Access A & Farmington Road	\$ 1,010,000.00
<i>Subtotal</i>	\$ 2,540,000.00
<i>Engineering 20%</i>	\$ 508,000.00
<i>Contingency 20%</i>	\$ 609,600.00
<i>Permitting &amp; Mitigation</i>	
<b>TOTAL</b>	<b>\$ 3,657,600.00</b>

#### b. Other Public Costs

While the initial plan for infrastructure development centers on the above elements, additional projects to extend or improve public utilities and roadways may also be undertaken within the Granite Ridge Development District in the future, including but not limited to:

1. Further extension of public roadways and street lighting
2. Extension of water, sewer and underground services.
3. Sidewalks, bus shelters or other amenities for public use.
4. Intermodal transportation facilities
5. Other as recommended by the Advisory Board and Approved by the City Council

The Development Plan does not envision the creation of public open space by the City within the Granite Ridge Development District TIF Program, since the intent is to maximize the development potential on each site. However, reservations of land for public open space or conservation may be established outside the GRDD as conditions of Planning Board approval during the site plan approval process, and/or donated or offered by individual developments.

#### 4. Gas and Electric Utilities

Natural gas service is not currently provided to the Granite Ridge Development District. Unil staff are aware of the development and may see more revenue potential in the future. They have policies which regulate extending service lines to provide service to new development sites.

Public Service Company of New Hampshire (PSNH) is the provider of electric service to the Granite Ridge Development District. The city has had very favorable discussions with their engineering and economic development staff.

The City may enter into such contracts and agreements as are necessary to enable the installation of electric service within the TIF District, cable and telephone, natural gas or other common services, and to provide for appropriate easements for the installation and maintenance of these facilities.

#### 5. Environment Controls

Private property within the District shall be developed or redeveloped in accordance with the goals, objectives, and standards set by the following City documents, as amended:

1. Rochester Master Plan and Economic Development Strategic Plan;
2. Zoning ordinances;
3. Special zoning overlay provisions relative to the Aquifer Protection District
4. Subdivision regulations;
5. Site plan review regulations;
6. Building and life safety codes;
7. All applicable state and federal laws pertaining to abatement of hazardous materials or environmental contamination.

In addition to applicable public regulations, other pertinent limits on development may be defined by the terms of development agreements between the City and individual private parties.



## D. Tax Increment Financing Plan

### 1. Objective

The objective of the Financing Plan is to provide funds for the construction of public improvements, to offset the net public cost of organizational and administrative expenses incurred in developing and maintaining the Granite Ridge Development District. The City intends to use the property tax revenue derived from captured (incremental) assessed valuation within the Granite Ridge Development District to fund public infrastructure and to reimburse the City for other expenditures relative to maintenance and administration.

### 2. Land Acquisition Costs

It is anticipated that land necessary to provide public infrastructure will be provided as "in kind" contribution from developers and property owners. Should land acquisition occur, this will be considered an expense eligible for reimbursement from tax increment revenues, but subordinate to the use of incremental revenues to pay debt service on bonds for public infrastructure.

### 3. Sale of City-Owned Real Estate within the TIF District

As part of the Development Program, the City may convey individual properties to private entities for the purposes of development consistent with the purposes of the District. Net revenues generated from the sale of these parcels shall be used to reimburse the City's Economic Development Fund for its prior investments in land acquisition.

### 4. Cost of Public Improvements

The City anticipates approaching public improvements over the course multiple years of the development of the Granite Ridge Development District. Bonding will occur in increments as infrastructure improvements are planned and necessary.

<b>Public Improvements - 2014-2015 Anticipated</b>	
4. Severino Estimate - Access Roads to Boulevard & Intersection Little Falls Bridge Road	\$ 814,675.00
5. Severino Estimate - Frontage Road (Granite Ridge Boulevard)	\$ 1,500,440.25
6. Sewer & Water Improvements	\$ 1,000,000.00
<i>Subtotal</i>	\$ 3,315,115.25
<i>Engineering 20%</i>	\$ 663,023.05
<i>Contingency 20%</i>	\$ 795,627.66
<i>Permitting &amp; Mitigation</i>	\$ 225,984.04
<b>TOTAL</b>	<b>\$ 4,999,750.00</b>

### 5. Revenue Potential from Captured Assessed Valuation in District

#### a. Annual TIF District Revenues

TIF revenues will be generated by property taxes levied on the captured assessed valuation within the District after the date of its creation. Long term projections of buildout of the Granite Ridge Development District indicate the following annual tax revenue potential generated by 100% retention of captured assessed value.

**Table 5: Projection of Assessed Valuation for Known Development***Tax Rate for 2013 is \$26.36 per Thousand of Valuation**Revised 5/6/14*

<b>Est. New Construction</b>	<b>Estimated New Assessed Value</b>	<b>Estimated Incremental Revenue</b>
16,100 ft2	\$ 1,100,000	\$ 28,996
120,000 ft2	\$ 6,000,000	\$ 158,160
150,000 ft2	\$ 12,000,000	\$ 316,320
150,000 ft2	\$ 12,000,000	\$ 316,320
50,000 ft2	\$ 4,000,000	\$ 105,440
<b>Cumulative Est. Revenue</b>		<b>\$ 925,236</b>

The above revenue estimates rely on assumptions that include anticipated near-term development commitments, and a large commercial development coming online in the Central Phase in August 2015, as well as additional commercial activity on a related parcel during the same window. The portion of captured assessed valuation required to be retained for TIF expenses may change over time depending on the actual pace and character of new development within the TIF, actual valuations assigned to TIF properties, and property tax rate.

**Table 6. Estimates of Future Development**

<b>Northern Section</b>	<i>Through 2030</i>	Value	
Acres - 375.05	Est. Future Construction - 325,000 ft2	Increment	\$ 21,953,864
<b>Central Section</b>	<i>Through 2020</i>	Value	
Acres - 339.89	Est. Future Construction - 850,000 ft2	Increment	\$ 61,093,494
<b>Southern Section</b>	<i>Through 2030</i>	Value	
Acres - 184.93	Est. Future Construction - 653,100 ft2	Increment -	\$ 53,821,000

**b. Annual Allocation of Captured Value**

Where annual tax increment revenues from the Granite Ridge Development District, together with unexpended balances of such revenues from prior years exceed the amount necessary for annual debt service payments, the balance may be used to offset other approved costs for prior expenditures for land acquisition or TIF development costs, to fund public improvements within the District, to create reserve funds set aside for future improvements, or for the operation and maintenance of public infrastructure. The priority for use of incremental TIF revenues shall be:

1. Bonded debt service, if any;
2. Repayment of past expenditures for funds drawn from the Economic Development Fund, if any;
3. The recovery of initial costs for land capability analysis, cost estimates and proposals, legal and consulting fees pertinent to the creation or development of the District;
4. Funding of capital reserve accounts or other improvement funds designated for upgrade or replacement of water, sewer, roads, traffic safety, or storm water drainage facilities.

5. Approved operating costs for public infrastructure within the TIF District.

c. Impact of TIF District on Related Taxing Jurisdictions

In accordance with RSA 162-K10, tax revenues generated by the original assessed value (base value) of the TIF District will continue to accrue to the City's general fund, as well as to the Rochester School District, Stafford County, and the State of New Hampshire.

The captured assessed valuation that is created and retained within the District to fund TIF expenses is not included as part of the taxable valuation of the City when computing property tax rates. While all or a portion of captured assessed valuation may be retained by the District to fund internal public improvement costs for a period of time, the original taxable valuation within and outside the TIF remain available to all taxing jurisdictions. Consequently the assessed valuation and revenue base available to all taxing jurisdictions is not diminished as a result of forming the District.

During the operation of the TIF District, tax revenue from captured valuation that are not required to fund eligible expenses of the TIF Development Program will become available to all tax jurisdictions. Upon expiration of the TIF District, all incremental valuation that has been created within the TIF becomes available property tax revenues for the City's general fund and to all other taxing jurisdictions.

The estimated impact of tax increment financing on the assessed values of all other taxing jurisdictions within the City of Rochester is minimal, since:

- The proposed district contains 3.04% of the total assessed value of the City.
- The proposed improvements are designed to encourage commercial investment and lessen the residential tax burden. The effects of additional commercial development will benefit all taxing jurisdictions (municipal, school and county) in the long term since the proposed improvements will enable the commercial tax base to increase at a faster rate than could otherwise be achieved.
- Current Use Penalty will be collected in the same proportion and not be negatively affected by the TIF District. The possibility exists for faster-than-average development rates and faster-than-average collections of current use fees by the City.

6. Reimbursement of Previous City Expenditures

The City has invested in the predevelopment and planning of the Granite Ridge Development District in the form of legal and consulting costs for TIF District development, land capability analysis, environmental review of land capability, development potential, and estimates of infrastructure development costs. Prior investment by the City that is directly related to TIF land acquisition and public infrastructure development, planning and development-related consulting and legal costs shall be eligible to be reimbursed from TIF incremental revenues. The recovery of these past expenditures will be subordinate to the principal use of incremental revenues to fund current year debt service payments for infrastructure costs, and must be reviewed for eligibility by the Finance Director and City Attorney.

7. Operation and Maintenance

The City will be responsible for the operation and maintenance of all public facilities, including the cost of winter and summer maintenance of roads, bridges and street lighting, and the operation and maintenance of storm drains and catch basins, public water and public sewer utilities. The cost of public water and sewer operations are offset by connection and user charges to individual properties served by these systems.

The Rochester Department of Public Works will complete an estimated budget of the proportional cost of operation and maintenance of road and drainage facilities to be budgeted against the incremental revenues of the TIF District, and to be borne by the incremental revenues of the TIF District while it is in operation. Budget estimates and actual expense will be reported to the District Administrator as requested, and be subject to the recommendations of the TIF Advisory Board. The Public Works Department and the City Manager may determine to contract for these services.

The City will own and maintain public improvements of water, sewer and road systems once accepted as meeting City standards. The planning, design and construction of all public improvements will be done with participation and approval of the City's Public Works Commissioner, or the City Engineer as assigned, to insure quality of capital improvements and minimal incremental maintenance costs.

The City may also establish capital reserve accounts for the replacement or upgrades of public infrastructure within the District using TIF incremental revenues.

#### Development Agreements

The City will establish Development Agreements with property owners and/or real estate developers prior to public improvements occurring in the Granite Ridge Development District.

Goals of the City in these Agreements will be:

- Contributions for the public infrastructure improvements.
- Adherence to the Granite Ridge Development Construction & Design Standards
- Participation in management and administration of the District
- Maximize development and commercial tax base
- Establish financial guarantees should development fall short of projections and adequate increment to meet bond payments is not collected.

Benefits to the Property Owners/Tenants:

- Significant investment in Public Infrastructure by the City.
- Use of the City's credit and bonding ability.
- Guarantee of quality standards in development and construction.
- City-owned infrastructure and maintenance.

### **E. District Administration**

#### 1. Administrator

The administrator of the Granite Ridge Development TIF District shall be the City Manager or designee, who shall make an annual financial report to the City Council.

#### **§ 162-K:11 Annual Report.**

The municipality's annual report shall contain a financial report for any development district in the municipality. The report shall include at least the following information: the amount and source of revenue of the district; the amount and purpose of expenditures, the amount of principal and interest on any outstanding bonded indebtedness, the original assessed value of the district, the captured assessed value retained by the district, the tax increments received and any additional information necessary to demonstrate compliance with the tax increment financing plan.

## 2. Advisory Board

In accordance with RSA 162-K: 14, the City Council shall pass a resolution which shall create an Advisory Board for the Granite Ridge Development District. A majority of the Advisory Board shall be owners or occupants of real property within or adjacent to the District. The same resolution shall incorporate provisions of 162-K: 14 and stipulate the powers and authority of the Advisory Board. The purpose of the Advisory Board shall be to review the policies and actions of the district administrator in the planning, construction and implementation of the Development Program and the operation of the District after the program is completed.

The Advisory Board shall have 30 days to appeal any decision of the district administrator to the City Council for review and appropriate action. The Advisory Board shall meet either as determined by the chair of the Board or the Mayor or the City Manager to examine operation and maintenance of the TIF District.

### **§ 162-K:14 Advisory Board.**

I. The legislative body of the municipality shall create an advisory board for each development district. The board shall consist of such number of members appointed or elected as determined by the legislative body. A majority of members shall be owners or occupants of real property within or adjacent to the development district. In a substantially residential development district, however, the board shall consist solely of owners or occupants of real property within or adjacent to the district.

II. The advisory board shall advise the governing body and district administrator on planning, construction and implementation of the development program and on maintenance and operation of the district after the program has been completed.

III. The governing body shall by resolution delineate the respective powers and duties of the advisory board and the planning staff or agency. The resolution shall establish reasonable time limits for consultation by the advisory board on the phases of the development program, and provide a mechanism for appealing to the governing body for a final decision when conflicts arise between the advisory board and the planning staff or agency, regarding the development program in its initial and subsequent stages.

The Advisory Board shall consist of five (5) members, two (2) of which members shall be the Chair or Designee of the Rochester Economic Development Commission and a designee of the Mayor. RSA 162-K:4 requires that a majority of the Advisory Board members be owners or occupants of real property within the district. Three (3) members who represent owners or occupants of the TIF District shall be appointed for a term of three (3) years with vacancies being filled by the City Council for any unexpired terms. The initial appointments will have staggered term expirations. Should the owner or occupant status of an appointed Advisory Board member change, the member will resign from the position on the Board.

The City Manager or designee will serve as District Administrator and will be an ex-officio member of the Advisory Board.

The Granite Ridge Development TIF District Advisory Board shall perform the following functions:

- (1) Meet annually or as scheduled by the District Administrator, not more than quarterly.
- (2) Review compliance with the adopted Granite Ridge TIF District Financing and Development Plan.
- (3) Review the Annual Report with the financial data as required by RSA 162-K:11, and make a report to the Rochester City Council.
- (4) Review and consult with the District Administrator regarding maintenance, operations, construction and development within the TIF District.
- (5) Make recommendations to the City Council in the event of changes to legislation, or should modification to the TIF District Financing and Development Plan be suggested.

3. Amendments

Amendments to the boundaries of the TIF District, the Development Program or Financing Plan shall be undertaken in accordance with the public hearing process set forth within RSA 162-K:4, including its requirements for reasonable notification to the Rochester School District and Strafford County, in accordance with RSA 162-K:9.

4. Duration of Program

The Granite Ridge Development Tax Increment Financing District will remain in existence until all eligible public expenditures of the District have been repaid through tax increment revenues, the debt service retired and exit strategies implemented for ongoing care and maintenance of public infrastructure.

**Amendment to Chapter 275 of the General Ordinances of the City of Rochester**  
**Regarding the Location and Boundaries of Zoning Districts**

THE CITY OF ROCHESTER ORDAINS:

WHEREAS, Chapter 275-1.10 establishes that the location and boundaries of zoning districts within the City of Rochester are established as shown on a map titled, "City of Rochester Zoning Map."

WHEREAS, Chapter 275-1.10 further declares that the City of Rochester Zoning Map is incorporated by reference as party of Chapter 275 of the General Ordinances of Rochester regarding zoning.

WHEREAS, the Mayor and City Council of Rochester desire to amend the City of Rochester Zoning Map to convert the property located at 13 Sawyer Avenue to the Downtown Commercial Zone.

THEREFORE, the Mayor and City Council of Rochester ordain that the property located at 13 Sawyer Avenue shall be converted to Downtown Commercial Zone in accordance with the Attached Exhibit. (Exhibit A).

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

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*Intentionally  
left blank...*

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City Clerk's Office

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04/01/2021

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

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

#### COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

#### DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

#### FINANCE & BUDGET INFORMATION

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

#### LEGAL AUTHORITY

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**SUMMARY STATEMENT**

**RECOMMENDED ACTION**

# MEMO

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**TO:** Mayor Caroline McCarley

**CC:** Kelly Walters, City Clerk, Cassie Givara, Deputy City Clerk

**FROM:** Michael Scala, Director of Economic Development

**DATE:** February 22, 2021

**RE: Expansion of the Downtown Commercial (DC) zone to include 13 Sawyer Avenue (0125-0088)**

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Mayor McCarley:

The Department of Economic Development is requesting a Zoning Map Amendment that would rezone 13 Sawyer Avenue (0125-0088) from Residential-2 (R2) to Downtown Commercial District (DC).

13 Sawyer is a city-owned, 3-acre parcel zoned as R2 that abuts the DC at both 11 Sawyer Avenue (0125-0089) and 15 Sawyer Avenue (0125-0087). Those two lots, as well as 161 South Main (0125-0085), 7 Sawyer Avenue (0125-0090), and 17 Sawyer Avenue (0125-0086) combine to make up the "Care Pharmacy" parcels.

The goal behind the rezone is to create a group of lots, with a combined area of over six acres, primed for both commercial and residential redevelopment. This action would follow with both the recommendations of the Downtown Masterplan and the objectives listed for the Downtown Commercial District (§ 275-6.3).

Thank you,

Michael Scala  
Director of Economic Development



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

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

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

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

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

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

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

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

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

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

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

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

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

- K. Filing. A copy of any approved zoning amendments is placed on file with the City Clerk for public inspection. A copy is also sent to the New Hampshire Office of Energy and Planning.
- 2. Types of Amendments. There are two types of zoning amendments as follows. The procedure for amendments is the same except where noted.
  - A. Map amendment (also called a "rezoning"), where the zoning district for a lot, parcel, multiple lots, or a part of a lot is changed.
  - B. Text amendment where written language in this chapter is changed.

### 3. Protest Petition.

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

\* The City Clerk's Office will notify the petitioner of the Public Hearing

**Petition for Zoning Ordinance Amendment**

Date: 1/19/2021

The fillings of this petition and payment of the required fees, hereby propose a change in Chapter 42, Section 275 - 15.1, of the General Ordinances of the City of Rochester.

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

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

13 Sawyer Avenue is a 3.0 acre, city-owned parcel (lot # 0125-0088-0000 /Book 1359 Pg.587) abutted by 11 (0125-0087-0000) Sawyer Avenue and 15 (0125-0089-0000) Sawyer Avenue. Both 11 and 15 are located within the Downtown Commercial zoning district.

The Department of Economic Development is requesting the incorporation of 13 Sawyer Avenue into the Downtown Commercial District.

(Please see attached memo for the reasoning associated with this request)

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

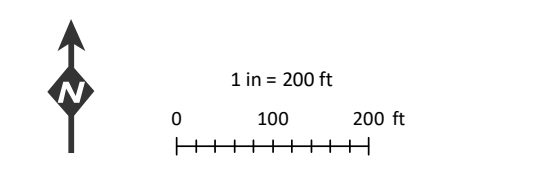
	<i><b>Printed Name</b></i>	<i><b>Signature</b></i>	<i><b>Street Address</b></i>	<i><b>Map &amp; Lot Number</b></i>
<b>1</b>	Michael Scala		13 Sawyer Avenue	0125-0088
<b>2</b>				
<b>3</b>				
<b>4</b>				
<b>5</b>				
<b>6</b>				
<b>7</b>				
<b>8</b>				
<b>9</b>				
<b>10</b>				



# Proposed Zoning Change 13 Sawyer Ave

**Legend**

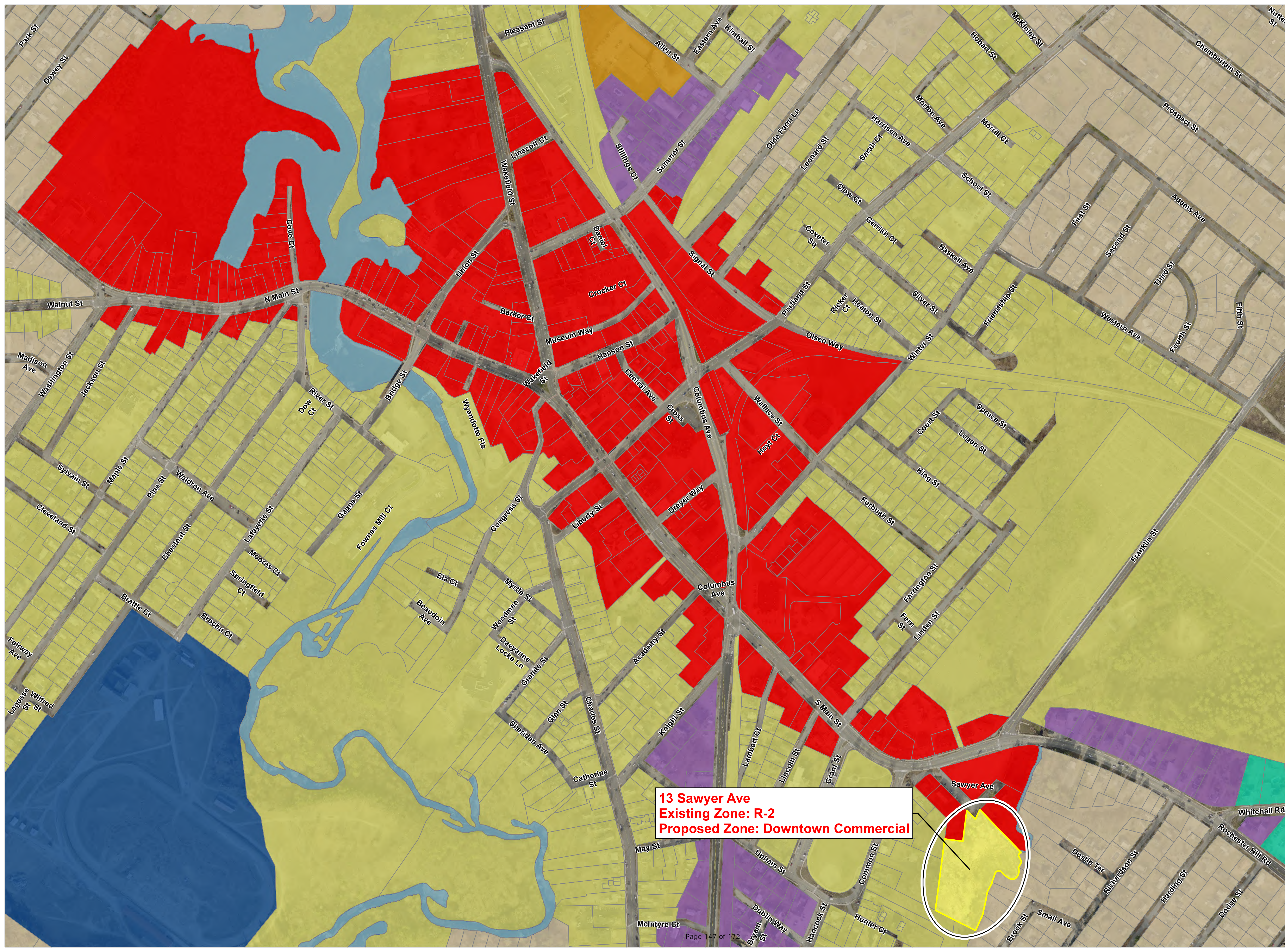
- Tax Parcels
- Zoning Districts**
  - Agricultural
  - Residential - 1
  - Residential - 2
  - Neighborhood Mixed Use
  - Downtown Commercial
  - Office Commercial
  - General Industrial
  - Hospital Special
  - Water



**Data Sources**  
City of Rochester - Parcels (2020)  
NHDOT - Roads (2020)  
Pictometry - Imagery (2020)  
ArcGIS Online - Inset Base (2021)



This map is intended for planning purposes only.  
All features shown should be considered approximate.  
Map created by: DC, City of Rochester, NH  
Date: 2/22/2021





**Amendment to Chapter 275 of the General Ordinances of the City of Rochester**  
**Regarding the Location and Boundaries of Zoning Districts**

THE CITY OF ROCHESTER ORDAINS:

WHEREAS, Chapter 275-1.10 establishes that the location and boundaries of zoning districts within the City of Rochester are established as shown on a map titled, "City of Rochester Zoning Map."

WHEREAS, Chapter 275-1.10 further declares that the City of Rochester Zoning Map is incorporated by reference as party of Chapter 275 of the General Ordinances of Rochester regarding zoning.

WHEREAS, the Mayor and City Council of Rochester desire to amend the City of Rochester Zoning Map to convert the property located at 13 Sawyer Avenue to the Downtown Commercial Zone.

THEREFORE, the Mayor and City Council of Rochester ordain that the property located at 13 Sawyer Avenue shall be converted to Downtown Commercial Zone in accordance with the Attached Exhibit. (Exhibit A).

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



04/01/2021



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

January 27, 2021

Mr. Lionel "Nel" Sylvain  
Chair  
Rochester Planning Board  
33 Wakefield Street  
Rochester, NH 03867

Re: Rezoning of 13 Sawyer Avenue to Downtown Commercial

Dear Chairman Sylvain:

The Rochester Economic Development Commission (REDC) is submitting this letter in support of the proposed rezoning of 13 Sawyer Avenue from Residential-2 to Downtown Commercial (DC). The REDC understands adding 13 Sawyer to the DC may allow for the future residential development of the site.

The commonly accepted value for a "healthy" residential vacancy rate is between 5-6%. The most recent analysis from the Workforce Housing Coalition of the Greater Seacoast places Rochester's at 1.6%. These numbers take into account all sizes and levels of housing. The REDC recognizes that this housing deficit is detrimental to both employees wishing to live close to work, and employers interested in hiring local.

REDC is supportive of the addition of housing units on any level, and feels that benefits such as the proximity to downtown, public transportation, and area employers, position the property as a prime location for residential development.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Shapleigh", is written over a horizontal line.

Jonathan Shapleigh  
Chairman, REDC



Rochester Main Street Program is a non-profit, volunteer organization devoted to the preservation, growth, and vitality of downtown Rochester.

Participate - Volunteer - Donate

Feb 1, 2021

Mr. Lionel "Nel" Sylvain  
Chair  
Rochester Planning Board  
33 Wakefield Street  
Rochester, NH 03867

Re: Rezoning of 13 Sawyer Avenue to Downtown Commercial

Dear Chairman Sylvain:

Rochester Main Street (RMS) is submitting this letter in support of the proposed rezoning of 13 Sawyer Avenue from Residential-2 to Downtown Commercial (DC).

RMS understands adding 13 Sawyer to the DC would allow for the possible development of either that lot, or as part of the redevelopment plan for Care Pharmacy. This property is adjacent to the DC zone and a rezone to include 13 Sawyer makes sense as and would serve as a useful development tool.

RMS recognizes that the current vacancy rate of 1.6% in Rochester is making it difficult for people to relocate to the city, and this rezone could allow for the construction of additional housing in the area.

RMS feels that this rezone is a great step in promoting development within the downtown district and supporting the businesses within.

Michael Guillette  
President  
Rochester Main Street

**Resolution Authorizing Certain Renumbering on Tebbetts Road**

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

That the following addresses on Tebbetts Road will be renumbered as follows:

10 Tebbetts Road becomes 12 Tebbetts Road

12 Tebbetts Road becomes 14 Tebbetts Road

14 Tebbetts Road becomes 20 Tebbetts Road

36 Tebbetts Road becomes 46 Tebbetts Road

50 Tebbetts Road becomes 0 Tebbetts Road

42 Tebbetts Road becomes 56 Tebbetts Road

47 Tebbetts Road becomes 57 Tebbetts Road

44 Tebbetts Road becomes 58 Tebbetts Road

57 Tebbetts Road becomes 61 Tebbetts Road

53 Tebbetts Road becomes 63 Tebbetts Road

59 Tebbetts Road becomes 65 Tebbetts Road

70 Tebbetts Road becomes 76 Tebbetts Road

74 Tebbetts Road becomes 78 Tebbetts Road

76 Tebbetts Road becomes 82 Tebbetts Road

78 Tebbetts Road becomes 84 Tebbetts Road

81 Tebbetts Road becomes 91 Tebbetts Road

85 Tebbetts Road becomes 93 Tebbetts Road

86 Tebbetts Road becomes 94 Tebbetts Road

88 Tebbetts Road becomes 96 Tebbetts Road

87 Tebbetts Road becomes 97 Tebbetts Road

91 Tebbetts Road becomes 99 Tebbetts Road

94 Tebbetts Road becomes 100 Tebbetts Road

95 Tebbetts Road becomes 103 Tebbetts Road

97 Tebbetts Road becomes 105 Tebbetts Road

100 Tebbetts Road becomes 108 Tebbetts Road

106 Tebbetts Road becomes 116 Tebbetts Road

122 Tebbetts Road becomes 127 Tebbetts Road

125 Tebbetts Road becomes 131 Tebbetts Road

127 Tebbetts Road becomes 135 Tebbetts Road

131 Tebbetts Road becomes 137 Tebbetts Road

130 Tebbetts Road becomes 138 Tebbetts Road

133 Tebbetts Road becomes 143 Tebbetts Road

142 Tebbetts Road becomes 144 Tebbetts Road

141 Tebbetts Road becomes 155 Tebbetts Road

143 Tebbetts Road becomes 161 Tebbetts Road

145 Tebbetts Road becomes 165/173 Tebbetts Road

197 Tebbetts Road becomes 191 Tebbetts Road

These changes are made in order to be in compliance with the standards articulated by the National Emergency Number Association and RSA 231:133 and 133-a.



04/01/2021

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

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

#### COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

#### DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

#### FINANCE & BUDGET INFORMATION

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

#### LEGAL AUTHORITY

--

**SUMMARY STATEMENT**

**RECOMMENDED ACTION**



## PLANNING & DEVELOPMENT DEPARTMENT

City Hall Annex – First Floor

33 Wakefield Street

Rochester, New Hampshire 03867-1917

(603) 335-1338 - Fax (603) 335-7585

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

Planning & Zoning  
Conservation Commission  
Historic District Commission  
Arts & Culture Commission

March 8, 2021

### RE: Tebbetts Road Address Reassignment

Dear E-911 Committee:

This letter is to provide a draft address reassignment list for Tebbetts Road to the E-911 Committee for review and confirmation.

The draft addresses for all purposes (emergency services, mail, official records, etc) are:

Map Lot	Existing Address	Proposed Address Reassignment
0257-0060	2 TEBBETTS ROAD	
0257-0061	0 TEBBETTS ROAD	
0257-0043	0 TEBBETTS ROAD	
0257-0042	5 TEBBETTS ROAD	
0257-0066	0 TEBBETTS ROAD	
0257-0062	8 TEBBETTS ROAD	
0257-0063	10 TEBBETTS ROAD	12 TEBBETTS ROAD
0257-0064	12 TEBBETTS ROAD	14 TEBBETTS ROAD
0257-0065	14 TEBBETTS ROAD	20 TEBBETTS ROAD
0257-0066	0 TEBBETTS ROAD	
0253-0085	0 TEBBETTS ROAD	
0253-0086-0014	36 TEBBETTS ROAD	46 TEBBETTS ROAD
0253-0086	50 TEBBETTS ROAD	0 TEBBETTS ROAD
0253-0086-0013	42 TEBBETTS ROAD	56 TEBBETTS ROAD
0253-0082	47 TEBBETTS ROAD	57 TEBBETTS ROAD
0253-0087	44 TEBBETTS ROAD	58 TEBBETTS ROAD
0253-0081	57 TEBBETTS ROAD	61 TEBBETTS ROAD
0253-0080	53 TEBBETTS ROAD	63 TEBBETTS ROAD
0253-0079	59 TEBBETTS ROAD	65 TEBBETTS ROAD
0253-0008	70 TEBBETTS ROAD	76 TEBBETTS ROAD

Map Lot	Existing Address	Proposed Address Reassignment
0253-0009	74 TEBBETTS ROAD	78 TEBBETTS ROAD
0253-0047	0 TEBBETTS ROAD	
0253-0010	76 TEBBETTS ROAD	82 TEBBETTS ROAD
0253-0011	78 TEBBETTS ROAD	84 TEBBETTS ROAD
0253-0047-0001	81 TEBBETTS ROAD	91 TEBBETTS ROAD
0253-0047-0002	85 TEBBETTS ROAD	93 TEBBETTS ROAD
0253-0012	86 TEBBETTS ROAD	94 TEBBETTS ROAD
0253-0013	88 TEBBETTS ROAD	96 TEBBETTS ROAD
0253-0047-0003	87 TEBBETTS ROAD	97 TEBBETTS ROAD
0253-0047	91 TEBBETTS ROAD	99 TEBBETTS ROAD
0253-0014	94 TEBBETTS ROAD	100 TEBBETTS ROAD
0253-0047-0005	95 TEBBETTS ROAD	103 TEBBETTS ROAD
0253-0047-0006	97 TEBBETTS ROAD	105 TEBBETTS ROAD
0253-0047	0 TEBBETTS ROAD	
0253-0015	100 TEBBETTS ROAD	108 TEBBETTS ROAD
0253-0016	106 TEBBETTS ROAD	116 TEBBETTS ROAD
0253-0037	122 TEBBETTS ROAD	127 TEBBETTS ROAD
0253-0036	125 TEBBETTS ROAD	131 TEBBETTS ROAD
0253-0035	127 TEBBETTS ROAD	135 TEBBETTS ROAD
0253-0034	131 TEBBETTS ROAD	137 TEBBETTS ROAD
0253-0029	130 TEBBETTS ROAD	138 TEBBETTS ROAD
0253-0033	133 TEBBETTS ROAD	143 TEBBETTS ROAD
0244-0005	142 TEBBETTS ROAD	144 TEBBETTS ROAD
0244-0005-0006	NEW PARCEL	148 TEBBETTS ROAD
0244-0005-0005	NEW PARCEL	150 TEBBETTS ROAD
0243-0058	141 TEBBETTS ROAD	155 TEBBETTS ROAD
0243-0005-0004	NEW PARCEL	156 TEBBETTS ROAD
0244-0005-0003	NEW PARCEL	160 TEBBETTS ROAD
0243-0057	143 TEBBETTS ROAD	161 TEBBETTS ROAD
0244-0005-0002	NEW PARCEL	162 TEBBETTS ROAD
0243-0056	145 TEBBETTS ROAD	165/173 TEBBETTS ROAD (TWO DRIVEWAYS)
0244-0005-0001	178 TEBBETTS ROAD	
0243-0054	197 TEBBETTS ROAD	191 TEBBETTS ROAD



**Resolution Authorizing Acceptance of an Emergency Management Performance Grant and Supplemental Appropriation of \$18,000.00 In Connection Therewith**

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

WHEREAS, that a New Hampshire Emergency Management Performance Grant in the for the purpose of updating the City's Continuity of Operations Plan (COOP) and the Emergency Operations Plan (EOP), which are both managed by the Emergency Management Director/Fire Chief, is awarded to the City of Rochester's Fire Department, and is hereby accepted by the City of Rochester;

WHEREAS, the City Council acknowledges that the total cost of this project will be Eighteen Thousand Dollars (\$18,000.00), in which the city will be responsible for a 50% match of Nine Thousand Dollars (\$9,000.00), which will be fulfilled through In-Kind contributions of various staff time necessary to the formulation of the COOP & EOP plans.

THEREFORE, the sum of Eighteen Thousand Dollars (\$18,000.00) is hereby appropriated for the purpose of carrying out the COOP & EOP updates, 50% of said appropriation shall be derived from the Emergency Management Performance Grant, and 50% shall be derived from staff In-Kind contributions.

FURTHER, that the City Manager is authorized to enter into a grant agreement and to sign any other documents that are necessary to receive and administer the grant funds detailed above; and

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

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City Clerk's Office

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04/01/2021

## 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
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COUNCIL ACTION ITEM <input type="checkbox"/> INFORMATION ONLY <input type="checkbox"/>	FUNDING REQUIRED? YES <input type="checkbox"/> NO <input type="checkbox"/> * IF YES ATTACH A FUNDING RESOLUTION FORM
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RESOLUTION REQUIRED? YES <input type="checkbox"/> NO <input type="checkbox"/>	FUNDING RESOLUTION FORM? YES <input type="checkbox"/> NO <input type="checkbox"/>
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AGENDA DATE		
DEPT. HEAD SIGNATURE		
DATE SUBMITTED		
ATTACHMENTS YES <input type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	

#### COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

#### DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

#### FINANCE & BUDGET INFORMATION

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

#### LEGAL AUTHORITY

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**SUMMARY STATEMENT**

**RECOMMENDED ACTION**

## **Amendment to Section 5**

### **Section 5 Election of Councilors.**

~~Beginning with the regular municipal election of 2003, two Councilors shall be elected from each ward, for terms of two years each, commencing on the first business day after January 1 following their election.~~

***Beginning with the regular municipal election of 2023, each ward shall elect a Councilor A and a Councilor B, each Councilor A shall be elected for a term of four years and each Councilor B shall be elected for a term of two years, commencing on the first business day after January 1 following their election. Beginning with the regular municipal election of 2025, each Councilor B shall be elected for a term of four years, commencing on the first business day after January 1 following their election.*** Pursuant to Section 47 of this Charter, the City Clerk shall establish each ward seat as a separate municipal office, and shall establish a system to distinguish each separate ward seat on the municipal election ballot. Qualified persons may declare their candidacy for no more than one seat on the City Council at any municipal election.

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City Clerk's Office

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**Section 6 Qualifications of Councilors.**

Each City Councilor and the Mayor shall be a registered voter of the City of Rochester at the time they file their declaration of candidacy, pursuant to Section 47 of this Charter. Each Ward Councilor shall be a resident and registered voter of their ward at the time they file said declaration, at the time of their election, and throughout their term of office. If a City Councilor ~~or the Mayor~~ moves their residence from the City of Rochester during their term of office, then their office shall be declared vacant, and the vacancy shall be filled as provided in Section 68 of this Charter. If a Ward Councilor moves their residence from their ward during their term of office, then their office shall be declared vacant, and the vacancy shall be filled as provided in Section 68 of this Charter.

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City Clerk's Office

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**Section 22 Board of Library Trustees.**

The Board of Library Trustees shall be comprised of the City Manager, or his designee, and six members to be elected by the City Council, one member to be elected from each ward for a term of three years, and their election so arranged that 1/3 of the members of the Board shall be elected each year. Elections by the City Council shall be conducted pursuant to Section 68 of this Charter. The duties and powers of said Board of Trustees shall be those enumerated in Chapter 202-a of the Revised Statutes Annotated, as presently enacted or the corresponding provisions of any recodification or amendment of the New Hampshire Revised Statutes Annotated. The Board of Trustees of the Public Library shall organize annually by the choice of a Chairman and such other officers and committees as it deems necessary. ~~The Board of Trustees of the Public Library shall elect a Library Director and such other employees as may be necessary for the efficient operation of the Public Library, as vacancies occur.~~ ***The Board of Trustees shall appoint a librarian who shall not be a trustee and their compensation and other terms of employment shall be in conformity with relevant provisions of this Charter and City Ordinances.***

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City Clerk's Office

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**Section 70 Removal of elected officials.**

By an affirmative roll-call vote of at least nine City Councilors, the City Council may ~~remove any elected City official from office for prolonged absence, inattention to duty, mental or physical incapacity, incompetence, willful violations of state statutes, this Charter, or City ordinances, or misconduct in office. Such vote shall be on specific written charges approved by a majority of the City Council, and after due notice and hearing called upon the majority vote of the Council,~~ **on specific charges and after due notice and hearing, at any time remove the Mayor or one of its own members for cause, including but not limited to prolonged absence from or other inattention to duties, crime or misconduct in office, or as specified in the charter.** A vacancy occasioned by removal under this section shall be filled in the manner provided in the Charter.

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City Clerk's Office

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City Clerk review of the City Charter relative to Elections:

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**Section 47 Municipal election filing period, ballot preparation.**

The name of any qualified person shall be printed upon the municipal election ballot upon his filing with the City Clerk not later than five o'clock in the afternoon of the 45th day, nor earlier than nine o'clock in the forenoon of the 60th day prior to the date of said municipal election, his declaration in writing that he is a candidate for an office to be filled at the next succeeding municipal election. Each candidate shall pay to the City Clerk a filing fee in an amount established by ordinance, but which in no event shall exceed \$50 for any office.<sup>[1]</sup> The City Clerk shall prepare the ballots to be used at the municipal election. The ballot shall contain the names, ~~in alphabetical order~~ **according with RSA 656:5-a**, without party designation, of all persons who qualify with the City Clerk as a candidate for any office to be voted on at said municipal election. Below the list of names of candidates for each office there shall be as many blank spaces for write-in votes as there are votes permitted for such office.

[1]

*Editor's Note: See Ch. 7, Administrative Code, § 7-69.*

- Reflect current practice.
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**Section 48 Municipal election date, terms of office.**

The election officers in each ward whose duties it is to conduct regular biennial elections shall conduct a municipal election, at the expense of the City, in the same manner as a regular biennial election on the Tuesday following the first Monday in November of the odd numbered years, to elect all elected officials provided for by this Charter. The terms of office of the persons elected at such municipal election shall commence on the first business day after January 1 following such election, unless another date shall be prescribed by law.

- Section could be eliminated; however, there is no conflict with State law.
- 

**Section 49 Municipal elections, general provisions.**

Any person having his domicile within the City and who is qualified to vote as provided in RSA 654:1-654:2 and 654:4-654:6, as presently enacted or the corresponding provisions of any recodification or amendment of the New Hampshire Revised Statutes Annotated, and whose name is on the checklist shall be qualified to vote in any City election. All elections held under the provisions of this Charter and any other City election shall be deemed elections within the meaning of all general statutes, penal and otherwise, and said statutes shall apply to all municipal elections so far as consistent with the provisions of this Charter. The polls shall be open at each municipal election during such hours as the City Council may provide, but in any event for not less than nine hours. The City Clerk shall have the same powers and duties with reference to elections held

pursuant to the provisions of the Charter and any other City elections as has the Secretary of State with reference to state biennial elections, so far as such powers and duties are not inconsistent herewith.

- Section could be eliminated; however, there is no conflict with State law.



#### Section 50 **Candidate elected.**

[Amended 9-10-2002, effective 9-10-2002]

The candidate for each office receiving the greatest number of votes for such office shall be declared elected.

- Section could be eliminated; however, there is no conflict with State law.

#### Section 51 **Absentee voting.**

Any registered voter in the City of Rochester who qualifies, **under RSA 657:4**, for an absentee ballot is ~~absent from the City on the day of the municipal election or any City election, or who cannot appear in public on an election day because of his observance of a religious commitment, or who, by reason of physical disability, is unable to vote in person~~, may vote at such election by absentee ballot. The provisions of RSA 669:26 through 669:29 as presently enacted or the corresponding provisions of any recodification or amendment of the New Hampshire Revised Statutes Annotated shall apply to such absentee balloting, except that the duties performed therein by the Town Clerk shall be performed by the City Clerk.

- This section actually lists out the reasons for an absentee ballot, that part should be removed because the State is constantly changing.

#### Section 52 **Municipal election recounts, canvass of votes cast.**

The City Council shall meet on the Wednesday following each municipal election and shall canvass the votes cast at such election and declare the results. Within seven days thereafter, any candidate desiring a recount shall file an application for such recount with the City Clerk and shall pay to said City Clerk such fee as shall be established by ordinance.<sup>[1]</sup> Within seven days thereafter, the City Clerk shall, subject to rules and regulations as may be prescribed by the City Council, recount the ballots cast in such election and also hear and determine any contest on the grounds of fraud or misconduct therein. Decisions of the City Clerk in cases of contested elections shall be final. Tie votes for any elective office shall be resolved by lot in the manner the City Council shall determine.

[1]

*Editor's Note: See Ch. 7, Administrative Code, § 7-72.*

*This section outlines the recount and canvas of cast votes. I believe it should remain in order to the City Clerk direction for Municipal Elections.*

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#### **Section 53 Election of Supervisors of the Checklist.**

~~Each ward at every regular municipal election shall choose, by ballot and plurality vote, one Supervisor of Checklists, and the City Council shall also, in January following each regular municipal election, by ballot and majority vote, choose one Supervisor of Checklists for all the wards of the City, and the member chosen by the City Council shall be Chairman of the Board. All vacancies occurring in the Board shall be filled by the City Council by ballot and majority vote.~~

- This position was eliminated during the codification process. Chapter 7-75 of the General Ordinances is listed as a Reserved Chapter. I am wondering if this section can be simply eliminated from the City Charter.
- 



#### **Section 54 Voter checklist preparation.**

~~Said Supervisor, The City Clerk having been first duly sworn to the faithful discharge of the duties of their office, and a certification thereof recorded by the City Clerk, shall, previous to every election, prepare, revise, and post up, in the manner required by law, an alphabetical list of the legal voters in each ward. In preparing said list they shall record in full the first or Christian name of each voter, but may use initial letters to designate the middle name of any voter.~~

- Shows current practice.
- 

#### **Section 55 Supervisors' session, voter registration.**

For each municipal election said Board of Supervisors shall be in session for the purpose of revising and correcting the list of voters at such places as they shall designate in accordance with the requirements of RSA 654:27, as presently enacted or the corresponding provisions of any recodification or amendment of the New Hampshire Revised Statutes Annotated. In the preparation of said list the said Board of Supervisors shall have all of the powers granted to and perform all of the duties imposed upon such Supervisors by the provisions of Chapter 654 of the New Hampshire Revised Statutes Annotated, so far as the same are not inconsistent with the provisions hereof. ~~Any person of legal age who shall present either his birth certificate or other evidence of birth in the United States or naturalization papers to the City Clerk and shall sign a written affidavit as to his Rochester residence under oath before either said City Clerk or justice of the peace or notary public or commissioned officer of the armed forces for those in the military service shall be registered to vote in the forthcoming elections. The Board of Supervisors of the Checklist shall receive said affidavit and certification from said City Clerk on forms to be prepared by said Board of Supervisors of the Checklist. The City Clerk shall receive such applications at any time, but no applications received within 10 days of the next election shall be considered for said election.~~

- This gives unnecessary details about election which is already governed by the listed RSA 654:27.



#### Section 56 **Voter checklist, election day.**

~~Said Supervisors shall deliver to the~~ The City Clerk **shall provide** attested copies of the list of voters in each ward, prepared and corrected as aforesaid, before the hour of meeting, and said checklist so corrected, and no others, shall be used at the election. After the closing of the polls at said election, the Moderator and the Ward Clerk in each ward shall certify on the checklist used by them that such checklist is in fact the one used by them at said election and that it contains a corrected and complete list of the legal voters in their ward. One marked copy of each checklist used in said election shall be turned over to the City Clerk by the Supervisors. The City Clerk shall preserve such checklists in his custody for a public record for a period of no less than ~~five~~ **seven** years. Immediately after the ballots cast at a municipal election have been tabulated and the result have been announced, the Moderator or his designee, in the presence of the Selectman or their designees, shall seal and certify the ballots as provided by RSA 659:95 and shall deliver them to the City Clerk in the manner prescribed by RSA 659:98.

- Could be eliminated; however, current practice shown with red ink.

#### ~~Section 57 Supervisors of the Checklist, election day duties.~~

~~The Chairman of said Board, with the advice and consent of the other members, shall, at every election, select one of their number to serve in each ward, whose duty shall be to decide such contested cases as may arise by reason of the omissions specified in Section 55 of this act.~~

- **Recommending deletion of this position.**

#### Section 58 **Election of Selectmen, Moderators, and Ward Clerks.**

At each municipal election, one Selectman shall be elected from each ward for a term of six years and one Moderator and one Clerk shall be elected from each ward for a term of two years.

- **No recommended change; however six years is a long term!**