

**Regular City Council Meeting  
February 14, 2017  
Council Chambers  
7:00 PM**

**COUNCILORS PRESENT**

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

**OTHERS PRESENT**

City Manager Daniel Fitzpatrick  
Deputy City Manager Blaine Cox  
City Attorney O'Rourke  
John Storer, Commissioner of Public  
Works  
Katie O'Connor, Poet Laureate

**MINUTES**

**1. Call to Order**

Mayor McCarley called the Regular City Council meeting to order at 7:00 PM. *The February 7, 2017, Regular City Council meeting was postponed until February 14, 2017, due to severe winter weather.*

**2. Presentation of the Colors: Spaulding High School AFJROTC Color Guard**

**2.1. Pledge of Allegiance**

The Spaulding High School AFJROTC Color Guard has been re-scheduled for the March 7, 2017, Regular City Council meeting.

**3. Opening Prayer**

**3.1. Opening Prayer:**

Mayor McCarley requested a moment of silence.

**4. Roll Call**

Kelly Walters, City Clerk, took a roll call. All City Council Members were present.

## **5. Acceptance of Minutes**

### **5.1. Regular City Council Meeting Minutes: January 3, 2017 *motion to approve***

Councilor Lachapelle **MOVED** to **ACCEPT** the Regular City Council meeting minutes of January 3, 2017. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

### **5.2 Special City Council Meeting Minutes: January 17, 2017 *motion to approve***

Councilor Lachapelle **MOVED** to **ACCEPT** the Special City Council meeting minutes of January 17, 2017. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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

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

The City Manager stated that the Employee of the Month for February is Kenneth Bisson, Public Works Department, and that Mr. Bisson would attend the City Council Workshop to be recognized.

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

The City Manager gave the following report:

#### **City Manager Appointments:**

- Nathaniel Goodspeed, Library Trustees – City Manager Designee

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

- **City Attorney**
  - Waterstone – Partial Conservation Easement Release
- **Department of Public Works**
  - 248 Salmon Falls Road – Security Agreement for New Water/Sewer
  - Annex Change Order s 3 & 4
  - Downtown Crosswalk Safety Assessment
  - Granite Ridge Phase I – Final Closeout
  - Salmon Falls Road – Highway Safety Improvements Project (HSIP) –construction agreement

- State of NH DOT – Fuel Distribution System User Agreement
- Strafford Square – Amendment 3
- Trinity Circle – Doucet Survey Contract
- Wallace Street – Engineering Contract
- Vehicle Removal Authorization
- **Economic & Community Development**
  - LCHIP Award Acceptance
- **Finance Department**
  - Printer Copier Lease Program Approval
  - Workers' Compensation Program and Property & Liability – CAP Agreements
- **Planning Department**
  - Certified Local Government - Design Guidelines - Grant Application

**Computer Lease/Purchases:**

- Police Department – Swanberry, A – computer purchase

**Standard Reports:**

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

**7. Communications from the Mayor**

**7.1. Proclamation and Crowning of the Poet Laureate: Katie O'Connor**

Mayor McCarley crowned the Poet Laureate with the Laurel Wreath and presented Ms. O'Connor with a proclamation.

**7.2. Poetry Reading: Katie O'Connor, Poet Laureate**

Ms. O'Connor read a selection from her poetry. Mayor McCarley thanked Ms. O'Connor and thanked Councilor Lauterborn for working with members of the Community Development Committee to bring forth the first Poet Laureate in a very long time.

### **7.3.      **Announcement:** Upcoming Public Hearings**

Mayor McCarley apologized for canceling the City Council meeting abruptly the previous week due to the snow storm. It seemed to worsen after 5:00 PM.

Mayor McCarley announced that there would be a number of Public Hearings to take place on February 21, 2017, in the City Council Chambers prior to the City Council Workshop.

#### **7.3.1.    Amendment to Chapter 42 of the General Ordinances Proposed Entertainment Zone**

#### **7.3.2.    Amendment to Chapter 42 of the General Ordinances of the City of Rochester Regarding Accessory Apartments and subsequently, Chapter 42 Table 18-A Accessory Apartment and Single Family Dwelling**

#### **7.3.3.    Amendment to Chapter 42 of the General Ordinances of the City of Rochester Regarding the Location and Boundaries of Zoning Districts**

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

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

#### **9.1.    **Resignation:** Christina Danielle Dorvillier, Arts and Culture Commission**

Councilor Keans **MOVED** to **ACCEPT** the resignation of Christina Danielle Dorvillier, Arts and Culture Commission, with regret. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

### **10.     Reports of Committees**

#### **10.1. Appointments Committee**

##### **10.1.1. **Recommended    Appointment:**    Jeremy Hutchinson, Planning Board, Term to Expire on 1/2/2020**

Councilor Keans read the Appointment Review Committee's recommendation. Mayor McCarley Nominated Jeremy Hutchinson, Alternate Member, to the Planning Board, with a term to expire on 1/2/2020. Councilor Lachapelle seconded the motion. Councilor Lachapelle **MOVED** that nomination cease. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mr. Hutchinson was appointed by a ballot vote of 13 to 0.

**10.1.2. Recommended Re-Appointment: Mark Hourihane, Rochester Economic Development Commission, Term to Expire on 1/2/2020**

Councilor Keans read the Appointment Review Committee's recommendation. Mayor McCarley Nominated Mark Hourihane to be re-appointed to the Rochester Economic Development Commission, with a term to expire on 1/2/2020. Councilor Lachapelle seconded the motion. Councilor Lachapelle **MOVED** that nominations cease. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mr. Hourihane was appointed by a ballot vote of 13 to 0.

**10.2. Community Development Committee**

**10.2.1. AB 105 Revised Citizen Participation Plan for the FY 2015-2020 Consolidated Plan  
*motion to approve***

Councilor Lauterborn stated that the Citizens Participation Plan is a requirement of HUD. She **MOVED** to **APPROVE** the Revised Citizens Participation Plan. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**10.3. Finance Committee**

**10.3.1. AB 82 Resolution Adopting Amendments/Revisions to the Granite State Business Park Tax Increment Financing (TIF) District: Development Program and Financing Plan and Amending/Revising the Granite State Business Park (GSBP) TIF District Boundaries  
*second reading and adoption***

Councilor Lachapelle **MOVED** to read the Resolution for the second time by title only. Councilor Bogan seconded the motion. The

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

**Resolution Adopting Amendments/Revisions to the Granite  
State Business Park Tax Increment Financing (TIF) District:  
Development Program and Financing Plan and  
Amending/Revising the Granite State Business Park (GSBP) TIF  
District Boundaries**

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

**WHEREAS**, by Resolution adopted November 1, 2005, the Mayor and City Council adopted provisions of RSA 162-K, as amended, for the purpose of establishing one or more TIF districts within the City of Rochester; and

**WHEREAS**, by Resolution adopted July 5, 2011, the Mayor and City Council created the GSBP TIF District and Development Program and Financing Plan (the "Plan"); and

**WHEREAS**, changes in circumstances within the GSBP and adjacent areas have created conditions which, in the opinion of the District Administrator and the Mayor and City Council, leaves the GSBP TIF District and Plan in need of revisions and/or amendments to effectively carry out the purpose for which the GSBP TIF District was created and the Plan adopted; and

**WHEREAS**, RSA 162-K:6, III and RSA 162-K:9, IV permit the alteration of development programs and/or the modification of a TIF financing plan; and

**NOW, THEREFORE**, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby resolves as follows:

1. After holding a public hearing on January 10, 2017, and taking public testimony, the Mayor and City Council hereby find that the establishment of alterations and/or revisions to the GSBP TIF District and to the Plan (all more completely set forth and described in the document annexed hereto as **Exhibit A** and entitled "Granite State Business Park Tax Increment Finance District: Development Program and Financing Plan", as revised on September 4, 2012), serve a public purpose pursuant to RSA 162-K:5, specifically the preservation and expansion of the City's tax and employment bases, as well as the promotion of development and/or

redevelopment of new, vacant, and/or underutilized land and/or buildings within the GSBP TIF District; and

2. The City of Rochester hereby, by adoption of this Resolution, alters, revises and/or amends the GSBP TIF District, so as to be comprised of the properties depicted , described, and/or otherwise delineated in the **Exhibit A**; and
3. In accordance with RSA 162-K:6, 162-K:9, and 162-K:10, the Mayor and the City Council herein adopts the altered/revised GSBP TIF District Development Program and Finance Plan, as altered/revised on November 21, 2016, and as attached hereto as **Exhibit A**; and
4. This Resolution shall take effect upon its passage. **CC FY17 12-06 AB 82**

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

*See Addendum [3]*

**10.3.2. Amendment to Chapter 16.3 of the  
General Ordinances of the City of Rochester  
Regarding the Requirement to Connect to  
Public Sewers *second reading and adoption***

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

*See Addendum [4]*

Councilor Lachapelle **MOVED** to **ADOPT** the Amendment. Councilor Bogan seconded the motion. Councilor Varney **MOVED** to **AMEND** the **AMENDMENT** by striking the word "crossing" in Section 16.3 (e) and replacing with "within". Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley called for a vote on the motion as amended. The **MOTION CARRIED** by a unanimous voice vote. The amended General Ordinance is as follows:

*See Addendum [5]*

Councilor Torr asked about residents who have paid money to the City for such sewer hook-ups prior to this amendment. Would they qualify for a rebate? John Storer, Public Works Director, replied that this topic would be discussed at a Finance Committee meeting.

#### **10.4. Government Channel Committee**

Councilor Willis reviewed the Government Channel Committee minutes. He spoke about the possibility of seeking a grant to purchase the expensive programming equipment. Councilor Keans asked the Committee to look into possibly setting up equipment at the Richard W. Creteau Regional Technology School. Councilor Willis agreed to bring the suggestion back to the Committee for discussion.

#### **10.5. Public Safety Committee**

##### **10.5.1. Action Item: Request to have a street-light erected at the intersection of 202 /Estes Road *committee recommendation: motion to deny***

Councilor Hamann reviewed the Public Safety Committee minutes.

Councilor Hamann **MOVED** to **DENY** the request to have a streetlight erected at the intersection of 202/Estes Road. Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Hamann stated there would not be a Public Safety Committee meeting in February.

#### **10.6. Public Works and Building Committee**

##### **10.6.1. Action Item: AB 107 Resolution Authorizing Supplemental Appropriation to the Department of Public Works (DPW) Capital Improvement Project (CIP) Fund for the Route 125 Pedestrian Bridge Project *first reading, second reading, and adoption***

Councilor Torr reviewed the Public Works and Building Committee minutes.

Councilor Torr **MOVED** to read the Resolution for the first time



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

**Resolution Authorizing Supplemental Appropriation to the Department of Public Works (DPW) Capital Improvement Plan (CIP) Project Fund for the Route 125 Pedestrian Bridge Project in the Amount of \$50,000.00**

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

That the sum of Fifty Thousand Dollars (\$50,000.00) be, and hereby is, appropriated as a supplemental appropriation to the DPW CIP for the purpose of providing funds necessary to pay costs and/or expenditures with respect to the Route 125 Pedestrian Bridge Project. The entire amount of the supplemental appropriation shall be derived from the General Fund unassigned fund balance.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution. **CC FY17 02-07 AB 107**

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

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

**11. Old Business**

**12. Consent Calendar**

Councilor Lauterborn **MOVED** to **APPROVE** the Consent Calendar as presented. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

- 12.1. AB 110 Resolution Deauthorizing City of Rochester Public Works Department Capital Improvement Plan Project Funding for the Storm Related Road and Bridge Repair Project in the Amount of \$19,164.33 first reading, second**

***reading, and adoption***

**Resolution Deauthorizing City of Rochester Public Works  
Department Capital Improvement Plan Project Funding for the  
Storm Related Road and Bridge Repair Project in the amount of  
\$19,164.33**

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

That Nineteen Thousand One Hundred Sixty Four and 33/100 Dollars (\$19,164.33) of previously appropriated funds is deauthorized from the Department of Public Works Capital Improvement Plan Project Fund for the costs associated with the Storm Related Road and Bridge Repair Project.

**Further**, the amount of Four Thousand Two Hundred Sixty and 80/100 Dollars (\$4,260.80) shall be returned to the General Fund unassigned fund balance and the amount of Fourteen Thousand Nine Hundred Three and 53/100 Dollars (\$14,903.53) shall not be sought as a reimbursement from the Federal Emergency Management Agency (FEMA) from a grant related to the Project.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution. **CC FY17 02-07 AB 110**

**12.2. AB 111 Resolution Deauthorizing Bond Authority  
from the General Fund Capital Improvement Plan  
Project Funding for the Chesley Hill Road Project  
in the Amount of \$3,828.70 *first reading, second  
reading, and adoption***

**Resolution Deauthorizing Bond Authority from the Department  
of Public Works Capital Improvement Plan Project Funding for  
the Chesley Hill Road Project in the amount of \$3,828.70**

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

In accordance with the provisions of RSA 33:9, Three Thousand Eight Hundred Twenty Eight and 70/100 Dollars (\$3,828.70) of previously approved bonding authority is deauthorized from the Department of Public Works Capital Improvement Plan Project Fund for the costs associated with the Chesley Hill Road Project.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution. **CC FY17 02-07 AB 111**

**12.3. AB 112 Resolution Deauthorizing City of Rochester Department of Public Works Capital Improvement Plan Project Funding for the Columbus Avenue Parking Lot Extension Project in the Amount of \$12,776.98 *first reading, second reading, and adoption***

**Resolution Deauthorizing City of Rochester Department of Public Works Capital Improvement Plan Project Funding for the Columbus Avenue Parking Lot Extension Project in the amount of \$12,776.98**

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

That Twelve Thousand Seven Hundred Seventy Six and 98/100 Dollars (\$12,776.98) of previously appropriated funds is deauthorized from the Department of Public Works Capital Improvement Plan Project Fund for the costs associated with the Columbus Avenue Parking Lot Extension Project .

Further, the amount of Six Thousand Three Hundred Eighty Eight and 49/100 Dollars (\$6,388.49) shall be returned to the General Fund unassigned fund balance and the amount of Six Thousand Three Hundred Eighty Eight and 49/100 Dollars (\$6,388.49) shall be returned to Stella Goon, a private donor to the Project.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution. **CC FY17 02-07 AB 112**

**12.4. AB 113 Resolution Deauthorizing Bond Authority from the Department of Public Buildings Capital Improvement Plan Project Funding for the Electronic Information Board Project in the Amount of \$1,979.21 *first reading, second reading, and adoption***

**Resolution Deauthorizing Bond Authority from the Department of Public Buildings Capital Improvement Plan Project Funding for the Electronic Information Board Project in the amount of \$1,979.21**

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

In accordance with the provisions of RSA 33:9, One Thousand Nine Hundred Seventy Nine and 21/100 Dollars (\$1,979.21) of previously approved bonding authority is deauthorized from the Department of Public Buildings Capital Improvement Project Fund for the costs associated with the Electronic Information Board Project.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution. **CC FY17 02-07 AB 113**

- 12.5. AB 114 Resolution Deauthorizing Bond Authority from the Department of Public Buildings Capital Improvement Plan Project Funding for the Police Department Server Room Fire Suppression Project in the Amount of \$75,160.00 *first reading, second reading, and adoption***

**Resolution Deauthorizing Bond Authority from the Department of Public Buildings Capital Improvement Plan Project Funding for the Police Department Server Room Fire Suppression Project in the amount of \$75,160.00**

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

In accordance with the provisions of RSA 33:9, Seventy Five Thousand One Hundred Sixty Dollars (\$75,160.00) of previously approved bonding authority is deauthorized from the Department of Public Buildings Capital Improvement Plan Project Fund for the costs associated with the Police Department Server Room Fire Suppression Project.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution. **CC FY17 02-07 AB 114**

- 12.6. **AB 115** Resolution Deauthorizing Bond Authority from the Department of Public Works Capital Improvement Plan Project Funding for the Milton Road Flat Rock Bridge Road Project in the Amount of \$1,466.13 *first reading, second reading, and adoption*

**Resolution Deauthorizing Bond Authority from the Department of Public Works Capital Improvement Plan Project Funding for the Milton Road Flat Rock Bridge Road Project in the amount of \$1,466.13**

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

In accordance with the provisions of RSA 33:9, One Thousand Four Hundred Sixty Six and 13/100 Dollars (\$1,466.13) of previously approved bonding authority is deauthorized from the Department of Public Works Capital Improvement Plan Project Fund for the costs associated with the Milton Road Flat Rock Bridge Road Project.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution. **CC FY17 02-07 AB 115**

- 12.7. **AB 116** Resolution Deauthorizing Department of Public Buildings Capital Improvement Plan Project Funding for the City Hall Wall Repair Project in the Amount of \$3,210.59 *first reading, second reading, and adoption*

**Resolution Deauthorizing Department of Public Buildings Capital Improvement Plan Project Funding For the City Hall Wall Repair Project in the amount of \$3,210.59**

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

That Three Thousand Two Hundred Ten and 59/100 Dollars (\$3,210.59) of previously appropriated funds is deauthorized from the Department of Public Buildings Capital Improvement Plan Project Fund for the costs associated with the City Hall Wall Repair Project .

Further, the amount of Three Thousand Two Hundred Ten and 59/100 Dollars (\$3,210.59) shall be returned to the General Fund unassigned fund balance.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution. **CC FY17 02-07 AB 116**

- 12.8. AB 117 Resolution Deauthorizing Bond Authority from the Sewer Fund Capital Improvement Plan Project Funding for the Wastewater Treatment Plant (WWTP) Aeration System Project in the Amount of \$111,465.63 *first reading, second reading, and adoption***

**Resolution Deauthorizing Bond Authority from the Sewer Fund Capital Improvement Plan Project Funding For the Wastewater Treatment Plant (WWTP) Aeration System Project in the amount of \$111,465.63**

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

In accordance with the provisions of RSA 33:9, that One Hundred Eleven Thousand Four Hundred Sixty Five and 63/100 Dollars (\$111,465.63) of previously approved bonding authority is deauthorized from the Sewer Fund Capital Improvement Plan Project Fund for the costs associated with the WWTP Aeration System Project.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution. **CC FY17 02-07 AB 117**

- 12.9. AB 118 Resolution Deauthorizing Bond Authority from the Sewer Fund Capital Improvement Project Funding for the Fire Station Boiler & HVAC Project in the Amount of \$15,862.10 *first reading, second reading, and adoption***

**Resolution Deauthorizing Bond Authority from the Sewer Fund Capital Improvement Project Funding for the Fire Station Boiler & HVAC Project in the amount of \$15,862.10**

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

In accordance with the provisions of RSA 33:9, that Fifteen Thousand Eight Hundred Sixty Two and 10/100 Dollars (\$15,862.10) of previously approved bonding authority is deauthorized from the Sewer Fund Capital Improvement Plan Project Fund for the costs associated with the Fire Station Boiler & HVAC Project.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution. **CC FY17 02-07 AB 118**

**12.10. AB 119 Resolution Deauthorizing City of  
Rochester Department of Public Buildings Capital  
Improvement Plan Project Funding for the Central  
Fire Station Rooftop Project in the Amount of  
\$40.42 *first reading, second reading, and  
adoption***

**Resolution Deauthorizing City of Rochester Department of  
Public Buildings Capital Improvement Plan Project Funding for  
the Central Fire Station Rooftop Project in the amount of  
\$40.42**

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

That Forty and 42/100 Dollars (\$40.42) of previously appropriated funds is deauthorized from the Department of Public Buildings Capital Improvement Plan Project Fund for the costs associated with the Central Fire Station Rooftop Project.

Further, the amount of Forty and 42/100 Dollars (\$40.42) shall be returned to the General Fund unassigned fund balance.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution. **CC FY17 02-07 AB 119**

**12.11. AB 120 Resolution Deauthorizing City of  
Rochester Department of Public Buildings Capital  
Improvement Plan Project Funding for the Central  
Fire Station Boiler Project in the Amount of**



**\$40.42 first reading, second reading, and adoption**

**Resolution Deauthorizing City of Rochester Department of Public Buildings Capital Improvement Plan Project Funding for the Central Fire Station Boiler Project in the amount of \$40.42**

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

That Forty and 42/100 Dollars (\$40.42) of previously appropriated funds is deauthorized from the Department of Public Buildings Capital Improvement Plan Project Fund for the costs associated with the Central Fire Station Boiler Project.

Further, the amount of Forty and 42/100 Dollars (\$40.42) shall be returned to the General Fund unassigned fund balance.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution. **CC FY17 02-07 AB 120**

**13. New Business**

**13.1. AB 122 Resolution Authorizing Supplemental Appropriation for the Purchase of the So-called Gauthier Farm Conservation Easement in the Amount of \$261,850.00 first reading, second reading, and adoption**

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

**Resolution Authorizing Supplemental Appropriation for the Purchase of the so-called Gauthier Farm Conservation Easement in the amount of \$261,850.00**

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

That the sum of Two Hundred Sixty One Thousand Eight Hundred Fifty Dollars (\$261,850.00) be, and hereby is, appropriated as a supplemental appropriation to the Capital Improvement Plan Project



Fund 1501 (account # 15011081-771000-175xx) Land Acquisitions for the purpose of providing funds necessary to pay costs and/or expenditures with respect to the purchase of the Gauthier Farm Conservation Easement by the Southeast Land Trust. One Hundred Sixty One Thousand Eight Hundred Fifty Dollars (\$161,850.00) of the supplemental appropriation shall be derived from the General Fund unassigned fund balance and One Hundred Thousand Dollars (\$100,000.00) of the supplemental appropriation shall be derived from the Conservation Fund.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution. **CC FY17 02-07 AB 122**

Councilor Varney **MOVED** to refer the Resolution to the City Council Workshop on February 21, 2017. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**13.2. AB 108 Resolution Authorizing the Acceptance of a Donation from St. Anselm's College and Supplemental Appropriation in Connection Therewith in the Amount of \$2,700.00 first reading, second reading, and adoption**

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

**Resolution Authorizing the Acceptance of a Donation from St. Anselm's College and Supplemental Appropriation in Connection Therewith in the Amount of \$2,700.00**

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

That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, accept a donation from St. Anselm's College in the amount of Two Thousand Seven Hundred Dollars (\$2,700.00) in connection with the City's participation in the Road for Hope charity walk.

**Further**, the Mayor and City Council authorize a supplemental appropriation to the Recreation Department Fiscal Year 2017 operating budget in the amount of Two Thousand Seven Hundred Dollars

(\$2,700.00). The entire amount of the supplemental appropriation shall be derived from the donation from St. Anselm's College.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution and to establish special revenue, non-lapsing, multi-year fund account(s) as necessary to which said sums shall be recorded. **CC FY17 02-07 AB 107**

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

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

**13.3. AB 121 Resolution Authorizing the Acceptance of a Grant from New Hampshire Police Standards and Training Council and Supplemental Appropriation in Connection Therewith in the Amount of \$400.00 *first reading, second reading, and adoption***

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

**Resolution Authorizing the Acceptance of a Grant from New Hampshire Police Standards and Training Council and Supplemental Appropriation in Connection Therewith in the Amount of \$400.00**

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

That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, accept a grant from New Hampshire Police Standards and Training Council in the amount of Four Hundred Dollars (\$400.00) in connection with the City's internal affairs training at Roger Williams College.

**Further**, the Mayor and City Council authorize a supplemental appropriation to the Police Department Fiscal Year 2017 operating

budget in the amount of Four Hundred Dollars (\$400.00). The entire amount of the supplemental appropriation shall be derived from the grant from New Hampshire Police Standards and Training Council.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution and to establish special revenue, non-lapsing, multi-year fund account(s) as necessary to which said sums shall be recorded. **CC FY17 02-07 AB 121**

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

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

**13.4. AB 109 Resolution Authorizing the Application for, and Acceptance of, a State of New Hampshire Department of Environmental Services Drinking Water State Revolving Fund Asset Management Grant and Supplemental Appropriation to the FY 2017 Water Fund Capital Improvement Plan Project Fund in Connection Therewith in the Amount of \$40,000.00 *first reading, second reading, and adoption***

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

**Resolution Authorizing the Application for and Acceptance of a State of New Hampshire Department of Environmental Services Drinking Water State Revolving Fund Asset Management Grant and Supplemental Appropriation to the FY 2017 Water Fund Capital Improvement Plan Project Fund in Connection Therewith in the Amount of \$40,000.00**

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

That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, authorize the Department of Public Works to submit

a loan application in the amount of Twenty Thousand Dollars (\$20,000.00) to the New Hampshire Department of Environmental Services (NHDES) Drinking Water State Revolving Fund (DWSRF) Asset Management Grant program in order to refine the existing Graphical Information System (GIS) system.

It is further resolved that the Mayor and City Council of the City of Rochester, by adoption of this Resolution, accept the grant amount of Twenty Thousand Dollars (\$20,000.00) from the NHDES DWSRF Asset Management Grant program.

Still further, the Mayor and City Council authorize a supplemental appropriation to the FY 2017 Water Fund Capital Improvements Plan Project Fund in the amount of Forty Thousand Dollars (\$40,000.00). Twenty Thousand Dollars (\$20,000.00) of the supplemental appropriation shall be derived from the NHDES DWSRF Asset Management Grant program and Twenty Thousand Dollars (\$20,000.00) of the supplemental appropriation shall be derived from the Water Fund retained earnings balance.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution and to establish special revenue, non-lapsing, multi-year fund account(s) as necessary to which said sums shall be recorded. **CC FY17 02-07 AB 109**

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

Councilor Willis recused himself from voting. Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a 12 to 0 voice vote, with Councilor Willis recused.

### **13.5. AB 104 Amendment to the General Ordinances Relative to Chapter 23 Fire Safety Measures:**

Mayor McCarley informed the City Council that the Codes and Ordinances presented two proposed Amendments to Chapter 23 Fire Safety Measures: One is a total ban and the other is more restrictive than what the current General Ordinances is for Chapter 23 Fire Safety Measures.

**13.5.1. Amendment to the General Ordinances Relative to Chapter 23 Fire Safety Measures: Proposed City-wide Ban on Firework Displays in the City of Rochester *second reading and motion to deny or approve***

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

**CHAPTER 23**

**FIRE SAFETY MEASURES**

**SECTION ANALYSIS**

- 13.6. Fire Safety Rules and Regulations
- 13.7. Smoke Detector Wiring
- 13.8. Enforcement Officer
- 13.9. Control of Outdoor Fires
- 13.10. Knox Box Installations
- 13.11. Public Safety Amplification System Required in Large Facilities
- 13.12. Administration and Enforcement
- 13.13. Means of Escape
- 13.14. Fire Department Access
- 13.15. Control of Fire Hazards
- 13.16. Penalty
- 13.17. Sprinkler Requirements for Certain Single-family Dwelling Units
- 13.18. **Prohibition and Regulation of Fireworks**
- 13.19. Listed Agent Program
- 13.20. Regulation of Fire Alarms

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**23.1 Prohibition and Regulation of Fireworks.**

1. In accordance with the provisions of RSA 160-C, it shall be illegal for any person, firm, partnership or corporation to offer for sale, expose for sale, sell at retail, purchase, possess, use, explode or display any permissible fireworks within the City of Rochester.
2. The Police Chief and/or Fire Chief are authorized to seize,

take, remove or cause to be removed, at the expense of the owner, all firework devices that are being discharged in violation of this ordinance.

Councilor Lauterborn **MOVED** to **ADOPT** the Amendment. Councilor Bogan seconded the motion.

Councilors Lauterborn and Bogan spoke in favor of the motion. Councilor Abbott did not support the total ban on fireworks; however, if this ban passes the next proposal will not be valid. He suggested voting on the second proposal first. If the second proposal fails then the City Council could opt to ban fireworks in the City. He **MOVED** to **TABLE** the motion until after vote on the second proposal. Councilor Gates seconded the motion. Councilor Varney spoke against the motion. Councilor Torr requested a roll call vote on this motion. Councilors Abbott, Barnett, Gates, and Keans, voted in favor of the motion. Councilors Bogan, Varney, Willis, Lachapelle, Gray, Torr, Hamann, Lauterborn, and Mayor McCarley voted against the motion. The **MOTION FAILED** by a roll call vote of 4 to 9.

Councilor Lachapelle requested a roll call vote on the total ban of fireworks. Councilor Torr seconded the request.

Councilor Varney suggested that the City Manager come up with a plan to develop a City-sponsored display of fireworks in honor of Independence Day on/or about the Fourth of July each year.

Councilors Lachapelle opposed the City "ban" on fireworks. Councilor Keans agreed and stated that the product is legal in the State of New Hampshire. Councilor Gates agreed and said that it is an enforcement issue. Councilor Willis agreed and said they are available down the street in Somersworth. Councilor Willis supported a permitting process for firework displays. The City Council debated this matter further.

Mayor McCarley called for the roll call on the vote. Councilors Torr, Varney, Bogan, Lauterborn, and Abbott voted in favor of the motion. Councilors Gray, Hamann, Keans, Gates, Barnett, Willis, Lachapelle, and Mayor McCarley voted against the motion. The **MOTION FAILED** by a roll call vote of 5 to 8.

**13.5.2 Amendment to the General Ordinances Relative to Chapter 23 Fire Safety Measures: Further Restrictions on Firework Displays in the City of Rochester as outlined below *second reading and motion to adopt***

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

See Addendum [1]

Councilor Lachapelle **MOVED** to **ADOPT** the Amendment. Councilor Bogan seconded the motion. Councilor Lachapelle requested a roll call vote. Councilor Torr seconded the motion. The **MOTION CARRIED** by a roll call vote of 11 to 2. Councilors Gray, Abbott, Lauterborn, Keans, Bogan, Varney, Hamann, Torr, Barnett, Gates, and Mayor McCarley voted in favor of the motion. Councilors Lachapelle and Willis voted against the motion.

Councilor Willis **MOVED** to eliminate the words "Fourth of July (including the evening of July 3<sup>rd</sup> beginning at 6PM) in Chapter 23.13 D. ii. He briefed the City Council about the motion. Councilor Abbott seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Councilor Willis requested a roll call vote. Councilor Abbott seconded the request.

The **MOTION FAILED** by a roll call vote of 2 to 11. Councilors Keans and Willis voted in favor of the motion. Councilors Lachapelle, Abbott, Varney, Gates, Barnett, Bogan, Lauterborn, Gray, Hamann, Torr, and Mayor McCarley voted against the motion.

**13.5.3 Amendment to the General Ordinances Relative to Chapter 23 Fire Safety Measures: Further Restrictions on Firework Displays in the City of Rochester [As Recommended by the City Council at the January 17, 2017, City Council Workshop]**  
***offered amendment***

Councilor Varney **MOVED** to **IMPLEMENT** the changes outlined on the Agenda relative to 13.5.3 to the Amendment adopted under 13.5.2 as follows:

- Adds: Permit Requirement and Penalty Liability for Property Owners
- Limits: No Display of Permissible Fireworks shall be permitted except on Independence Day [and eve]
- Excludes: The annual city-wide fireworks at Rochester Fairgrounds, which is inactive



- Excludes: specific wind conditions exceeding 20 miles per hour or higher
- Adds: Language to allow the City Manager and/or City Council to declare a Special Event with the City's display of fireworks

Councilor Abbott seconded the motion. Councilor Gray said one of the amendments excludes the Citywide fireworks and one includes the fireworks. Mayor McCarley explained that the language allows the City Manager and/or City Council to declare a Special Event with the City's display of fireworks.

Mayor McCarley called for a vote on the motion. The **MOTION FAILED** by a 6 to 7 roll call vote. Councilors Willis, Abbott, Varney, Torr, Lauterborn, and Bogan voted in favor of the motion. Councilors Hamann, Gates, Gray, Keans, Lachapelle, Barnett, and Mayor McCarley voted against the motion.

See Addendum [2]

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

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

Councilor Lauterborn **MOVED** to enter the Non-Meeting under RSA, 91-A:2, I(b) Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Lachapelle had been excused from the Non-Meeting at 8:33 PM. The City Council exited the Non-Meeting at 8:37 pm.

#### **15. Other**

Councilor Varney **MOVED** that the City Attorney be directed to file a court appeal in the Zoning Board of Adjustment case 2016-31. Councilor Keans seconded the motion. The **MOTION CARRIED** by an unanimous voice vote.

Deputy Mayor Varney **MOVED** to authorize the City Manager to sign an amendment to the Host Community Agreement between the City and Waste Management of New Hampshire. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote of 12 to 0, *Councilor Lachapelle had been excused from the City Council meeting at 8:33 PM and wished to recused from this vote due to a Conflict of Interest.*



## **16. Adjournment**

Councilor Torr **MOVED** to **ADJOURN** the Regular City Council Meeting 8:35 PM. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Kelly Walters, CMC  
City Clerk

**CHAPTER 23**

**FIRE SAFETY MEASURES**

**SECTION ANALYSIS**

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

**23.1 Fire Safety Rules and Regulations.**

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

**23.2 Smoke Detector Wiring.**

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

**23.3 Enforcement Officer.**

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

**23.4 Control of Outdoor Fires.**

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

**23.5 Knox Box Installations.**

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

2/8/2000

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

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

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

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

#### **(a) Applicability**

The provisions of this article shall apply to:

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

#### **(b) Radio coverage**

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

#### **(c) Inbound into the Building**

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

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

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

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

(d) Outbound from the Building

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

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

(e) Enhanced amplifications systems

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

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

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

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

(f) Testing procedures – Method to Conducts Tests

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

(g) Measurements Shall be Made Using the Following Guidelines

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

(h) Annual Tests

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

(i) Field Testing

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

**23.7 Administration and Enforcement.**

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

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

### **23.8 Means of Escape.**

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

### **23.9 Fire Department Access**

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

### **23.10 Control of Fire Hazards**

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

### **23.11 Penalty**

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

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

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

### **23.13 Prohibition and Regulation of Fireworks.**

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

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

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

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

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



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

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

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

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

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

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

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

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

#### **23.14 Listed Agent Program**

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

#### **23.15 Regulation of Fire Alarms**

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

**CHAPTER 23****FIRE SAFETY MEASURES****SECTION ANALYSIS**

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- 23.15 Regulation of Fire Alarms**

**23.1 Fire Safety Rules and Regulations**

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

**23.2 Smoke Detector Wiring**

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

**23.3 Enforcement Officer**

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

**23.4 Control of Outdoor Fires**

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

**23.5 Knox Box Installations**

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

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

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

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

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

#### **(a) Applicability**

The provisions of this article shall apply to:

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

#### **(b) Radio coverage**

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

#### **(c) Inbound into the Building**

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

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

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

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

(d) Outbound from the Building

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

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

(e) Enhanced amplifications systems

- (1) Where buildings and structures are required to provide amenities to achieve adequate signal strength, they shall be equipped with any of the following to achieve the required adequate radio coverage; radiating cable system(s), internal multiple antenna system(s) with an acceptable frequency range and an amplification system(s) as needed, voting receiver system(s) as needed, or any other City approved system(s).

- (2) If any part of the installed system or systems contains an electrically powered component, the system shall be capable of operation on an independent battery or generator system for a period of at least eight (8) hours without external power input or maintenance. The battery system shall automatically charge in the presence of external power.

- (3) Amplification equipment must have adequate environmental controls to meet the heating, ventilation, cooling and humidity requirements of the equipment that will be utilized to meet the requirements of this code. The area where the amplification equipment is located almost must be free of hazardous materials such as fuels, asbestos, etc.

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

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

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

(f) Testing procedures – Method to Conducts Tests

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

(g) Measurements Shall be Made Using the Following Guidelines

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

(h) Annual Tests

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

(i) Field Testing

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

**23.7 Administration and Enforcement**

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

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

### **23.8 Means of Escape**

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

### **23.9 Fire Department Access**

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

### **23.10 Control of Fire Hazards**

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

### **23.11 Penalty**

Any person, persons, firm, corporation or partnership who shall violate any provision of Chapter 23 shall be guilty of a violation punishable by a fine of not less than one hundred dollars (\$100) or not more than five hundred dollars (\$500). Each day that the violation continues to exist shall constitute a separate offense. [The owner of record of any property upon which a violation of this Chapter occurs shall be held strictly liable for any violation occurring on their property and shall be guilty of a violation in the same manner as stated above.](#)

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

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

### **23.13 Prohibition and Regulation of Fireworks**

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



- iv. "Police Chief" means the Police Chief of the City of Rochester or his/her designee.

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

- i. Any person wishing to obtain a permissible fireworks display permit shall apply to the Licensing Board at least 15 days prior to the display.

ii. The applicant shall provide the following information:

- a. Date of application
- b. Name, address, and telephone number of applicant
- c. Address of location where the display will be held
- d. Diagram of the display location, showing the location of all nearby property lines, nearby buildings, public ways, nearby trees, electrical and telephone lines or other overhead obstructions, and the location of any nearby storage of flammable or combustible liquids or gases
- e. Name of the owner of the property where the display will be held
- f. Intended date and time of display, including a possible rain date
- g. Written authorization of the property owner, if different from the applicant
- h. Signature of the applicant

iii. Permit fee. The fee for a permissible fireworks display shall be five dollars (\$5.00) per event. The fee shall be paid at the time of application and is non-refundable.

iv. Site inspections:

- a. Prior to issuing a permit, the Police Chief or the Fire Chief may conduct an inspection of the display site to determine whether a permissible fireworks display can be held in a safe manner.
- b. If, in the opinion of the Licensing Board, the proposed site is not suitable for the safe display of permissible fireworks, the application for a permit shall be denied.

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

- i. A person who is 21 years of age or older may display permissible fireworks on private property with the written consent of the owner or in the owner's presence, subject to the provisions of this ordinance and RSA Chapter 160-C, and any other applicable ordinance regulation or statute.
- ii. No display of permissible fireworks shall be permitted within the City except between the hours of 6 PM and 11 PM ~~on Saturdays in the months of June and July and between the hours of 6 PM and 10 PM on Saturdays between the months of August through May. Permissible fireworks shall be permitted on the following holidays; Labor Day~~ Fourth of July (including the evening of July 3<sup>rd</sup> beginning at 6PM, after obtaining a permit, ~~on New Year's Eve (December 31<sup>st</sup>), provided, however, that on New Year's Eve such display shall be permitted to occur between the hours of 6 PM on December 31<sup>st</sup> and 1:00 AM on January 1<sup>st</sup>.~~

- iii. The display of permissible fireworks shall be of such a character, and so located and conducted, that it shall not be hazardous to property or endanger any person. In accordance with the provisions of RSA Chapter 160-C no permissible fireworks shall be permitted on public property and must be at least 50 feet from nearby buildings, nearby trees, electrical and telephone lines or other overhead obstructions, and the location of any nearby storage of flammable or combustible liquids or gases.
- iv. No permissible fireworks may be used, discharged, exploded, or displayed during periods of very high or extreme fire danger as determined by the Fire Chief or the NH Division of Forests and Lands.
- v. Permissible fireworks may be used, discharged, exploded, or displayed in a manner such that any all discharge debris shall remain within the property lines of the lot on which the display originates.
- vi. Anyone using permissible fireworks shall be responsible for removing any debris accumulated due to the discharge of fireworks that fall onto the public way, public property, and any private property within twenty-four hours. Anyone failing to remove such debris shall be financially responsible for its clean up.
- ~~vii. Display of permissible fireworks shall be permitted on public property the evening of July 3<sup>rd</sup> beginning at 6PM, including from such time until midnight on any rain date established for the annual city wide fireworks display held at the Rochester Fairgrounds, provided that such display shall be authorized in a duly issued Block Party Application/Permit from the City's Licensing Board covering the public property on which the display is to occur.~~
- ~~D.~~ E. A violation of this ordinance shall be subject to the penalties provided for in Chapter 23, Section 23.11, Penalty, of the City of Rochester General Ordinance.
- ~~E.~~ F. This ordinance shall be construed consistently with NH Code of Administrative Rules Sa f c 2600, as made applicable by state statute and as adopted by reference in Section 23.1, of the General Ordinances of the City of Rochester, and is not meant to repeal any section thereof. Nothing in this ordinance shall be interpreted so as to conflict with the provisions of Chapters 160-B or 160-C of the New Hampshire Revised Statutes Annotated, as currently written, or as from time to time hereafter amended. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct independent provision and such holding shall not affect the validity of the remaining portions thereof. 11-9-10
- ~~F.~~ G. The Police Chief or Fire Chief may suspend the use of permissible fireworks for any of the following reasons:
  - i. Unfavorable weather conditions, including but not limited to, lightning storms or high wind conditions ~~exceeding 20 miles per hour or higher.~~

- ii. If any person under the age of 21 possesses, uses, discharges or explodes, used, discharged or exploded any permissible firework device.
  - iii. If any person who is using, discharging, exploding, or displaying the permissible fireworks appears to be under the influence of alcohol or drugs;
  - iv. If, in the opinion of the Police Chief or Fire Chief, the use, discharge, exploding, or display of permissible fireworks would create a threat to public safety.
- ~~G.~~ H. The Police Chief and/or Fire Chief are authorized to seize, take, remove or cause to be removed, at the expense of the owner, all firework devices that are being discharged in violation of this ordinance.”
- I. The City Manager, Mayor, and/or the City Council may declare a Special Event of cultural or civic significance and authorize the display of fireworks on the same terms as Section D. ii on particular days to celebrate those Special Events.

#### **23.14 Listed Agent Program**

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

#### **23.15 Regulation of Fire Alarms**

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

*The February 7, 2017 Regular City Council meeting had been postponed due to inclement weather - Actual adoption took place on February 14, 2017*

**Granite State Business Park  
Tax Increment Financing District:  
  
Development Program and  
Financing Plan**

**City of Rochester, NH**

**Date Prepared: March 22, 2011**

**Date Adopted: July 5, 2011**

**Date Revised: July 10, 2012**

**Date Amendment/Revision Adopted: Sept. 4, 2012**

**Date Revised: Nov 21, 2016**

**Date Amendment/Revision Adopted: Est. Feb. 7, 2017**

## **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 internal public improvements 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 State Business Park**

The Granite State Business Park (GSBP) is located in the southeastern portion of Rochester adjacent to the Skyhaven Airport. Phase I of the GSBP is accessed via Airport Drive from Rochester Hill Road (NH Route 108). The first buildings in the Granite State Business Park were constructed in 1994. The development pace within the GSBP has been modest, with growth between 1995 and 2010 averaging about 11,500 square feet per year. There are remaining undeveloped lots in Phase I that are currently accessed by Airport Drive, and are serviced by public water and sewer. Phase II of the GSBP lacks utilities and road access, and is separated from Phase I by an active rail line.

A Master Plan and marketing package for the Granite State Business Park (GSBP) was created in 1990 by Matarazzo Design Inc. and S.G. Phillips Companies. The park was planned as a multi-use site that would principally accommodate light and heavy manufacturing, research and development, warehousing and distribution and related uses. The GSBP was intended to respond to a strong demand in the marketplace for light and heavy industrial space in the Seacoast region prior to the closure of the Pease Air Force Base and its subsequent conversion into the Pease International Tradeport.

Early tenants included Prime Tanning, Albany International Techniweave and Salmon Falls Precision. Albany and Salmon Falls were both internal expansions of Rochester businesses. The Rochester Industrial Development Authority (RIDA) was a partner in the Salmon Falls Precision project. The RIDA applied to the New Hampshire Business Finance Authority for financing of the project and negotiated a successful built-to-suit/lease-to-own agreement.

The demand for industrial land changed between 1990 and 2000. Rochester's Ten Rod Road Park and Cabletron became the focus of industrial expansion in the City. The redevelopment of the Pease Air Force Base into the Pease International Tradeport and other area business parks offered superior highway access and were able to meet regional demands more effectively than the Granite State Business Park. Interest in the park has grown as Rochester has matured as a regional hub for business development and a center of labor force growth. The availability of larger, serviced industrial parcels in the region has become more limited.

Phase II of the GSBP has the potential to host large industrial users. But new industrial and business development in Phase II is unlikely to occur without initial public expenditures to provide a rail crossing, and the extension of road, water and sewer. The City's Economic Development Department believes that providing this essential public infrastructure will enable access to a significant expanse of industrially-zoned land that will accelerate growth in taxable valuation, jobs and wages.

July 2012: This plan is being revised to take into account the RSA 205 TIF District, created in Dec. 2011 and encompassing certain land and improvements in the Granite State Business Park.

November 2016: This plan is being revised to take into account future expansion needs of the GSBP.

## 2. Development Potential of Granite State Business Park

The economic benefits of proposed public investments to enable Phase II of the GSBP are estimated in Table 1. This comparison estimates the current and projected commercial and industrial development, assessed valuation, property tax yield, employment and payroll for Phase I and Phase II properties.

**Table 1: Granite State Business Park Development Potential**

Comparison Factor	Granite State Business Park TIF by Phase		
	Phase 1 (1)	Phase 2	Total
Gross Land Area (Acres)	279.65	114.94	394.59
Building Floor Area			
Existing	421,500	0	421,500
Growth Potential	381,200	319,200	700,400
Buildout Total	802,700	319,200	1,121,900
Taxable Assessed Value (\$Millions)			
Existing (2)	\$15.74	\$0.22	\$15.96
Growth Potential	\$10.99	\$11.99	\$22.98
Buildout Total	\$26.73	\$12.10	\$38.83
Annual Property Tax Yield (3)			
Existing	\$375,943	\$5,172	\$381,115
Growth Potential	\$262,551	\$477,800	\$740,351
Buildout Total	\$638,494	\$482,972	\$1,121,466
Estimated Employment			
Existing	425	0	425
Growth Potential	384	300	684
Buildout Total	809	300	1109
Estimated Payroll (Millions) 2009			
Existing	\$19-\$20	\$0	\$19-21
Growth Potential	\$17-\$19	\$29-\$32	\$46-\$51
Buildout Total	\$36-\$40	\$29-\$32	\$65-\$72

(1) Includes Skyhaven Airport (173 Acres) and one residential parcel owned by PDA (7.7 acres)

(2) April 2011 assessment of hangar leases (4987,180) included in existing Phase 1 valuation

(3) Computed at total 2010 tax rate of \$23.89 per thousand assessed value for Phases 1 and 2, Phase 3 is calculated at the 2015 tax rate of \$28.15 per thousand assessed value.

<b>Comparison Factor</b>	<b>Granite State Phase 1(1)</b>	<b>Business Park Phase 2</b>	<b>TIF by Phase Phase 3</b>	<b>Total</b>
Gross Land Area (Acres)	279.65	114.94	53.60	448.19
Building Floor Area Existing	421,500	0	9,953	431,453
Growth Potential	381,200	319,200	340,047	1,040,447
Buildout Total	802,700	319,200	350,000	1,471,900
Taxable Assessed Value (\$Millions)				
Existing (2)	\$15.74	\$0.22	\$0.86	\$16.82
Growth Potential	\$10.99	\$11.99	\$14.14	\$37.12
Buildout Total	\$26.73	\$12.10	\$15.00	\$53.83
Annual Property Tax Yield (3)				
Existing	\$375,943	\$5,172	\$24,124	\$405,239
Growth Potential	\$262,551	\$477,800	\$398,126	\$1,138,477
Buildout Total	\$638,494	\$482,972	\$422,250	\$1,543,716
Estimated Employ Existing	425	0	0	425
Growth Potential	384	300	360	1,044
Buildout Total	809	300	360	1,469
Estimated Payroll (\$Millions)				
Existing	\$19-\$20	\$0	\$0	\$19-\$20
Growth Potential	\$17-\$19	\$29-\$32	\$25-\$35	\$71-\$86
Buildout Total	\$36-\$40	\$29-\$32	\$25-\$35	\$90-\$107

The development potential of the one remaining parcel in Phase II represents potential growth of over \$12 million in assessed valuation, 300 jobs and about \$30 million in additional payroll. Those benefits would not occur in the foreseeable future without the proposed public investments outlined in this Development Program.

The Rochester Economic Development Commission (REDC) and Rochester Industrial Development Authority (RIDA) has the responsibility and authority to complete the development of the Granite State Business Park, including the sale or lease of lots to businesses and the Phase II expansion of the GSBP.

### 3. Objectives of GSBP TIF Development Program

The development program for the TIF District reflect the long term goals and objectives developed by the Rochester Economic Development Commission/Rochester Industrial Development Authority (REDC/RIDA) for the Granite State Business Park, including the following:

- Continue to offer financing assistance and collaboration with local, state and federal programs as an incentive for relocation or expansion; research and apply for new grants or programs for which the park becomes eligible.
- Direct and promote opportunities for business attraction and expansion within the Granite State Business Park in accordance with Rochester's Economic Development Strategic Master Plan.

- Create new employment and entrepreneurial opportunities for area residents through the acquisition and resale of lots, and the construction of public facilities.
- Acquire or assemble parcels within the GSBP to facilitate the efficient development of commercial and industrial property within the TIF.

The REDC/RIDA was created under New Hampshire RSA 162-G and has guided the initial planning and development of the Granite State Business Park. The authority provided by this chapter includes municipal actions to encourage the development of business and industrial facilities by acquiring, developing, expanding, leasing and disposing of such facilities. The REDC/RIDA also operates under the specific authority and limitations contained in the Rochester Code of General Ordinances, Chapter 3, Section 3.12 (Economic Development Commission).

#### 4. Public Benefits of GSBP TIF District

The construction of new industrial and 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 State Business Park 162-K TIF District 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 that infrastructure;
- 3) Stabilizing or expanding the City's manufacturing base and resident access to higher wage jobs;
- 4) Encouraging the creation of diverse economic opportunities and 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.

Table 2 illustrates the projected long term economic benefits from employment and wages generated within the GSBP TIF District as the result of infill development and creation of new industrial development sites in Phase II.



**Table 2 – Estimated Employment and Payroll**

Development Area	Square Feet	Employees	Range in Annual Payroll in Millions \$ (2009 Dollars)
Existing Industries in GSBP	421,500	425	\$19.1 - \$21.0
Additional Potential Within Phase 1	381,200	384	\$17.2 - \$19.0
New Sites in Phase 2	319,200	300	\$29.0 - \$32.0
New sites in Phase 3	350,000	360	\$25 - \$35
Total TIF Potential (excluding Airport & RSA205 TIF)	1,471,900	1469	\$90.3 - \$107.0
Growth to Total Buildout	1,050,400	1044	\$58.2 - \$77.0

*\*Notes: Excludes airport and one residential parcel; payroll assumes 80% of jobs in manufacturing, 20% other. Payroll estimates based on average annual wages per employee in City and County for 2009 as reported by NH Employment Security for manufacturing sector and averages for all sectors.*

Between 2011 and its full buildout, the total GSBP 162-K TIF District (Phase1, 2 and 3 combined) is expected to host almost 1,500 jobs and generate \$90.3 to \$107 million in annual payroll.

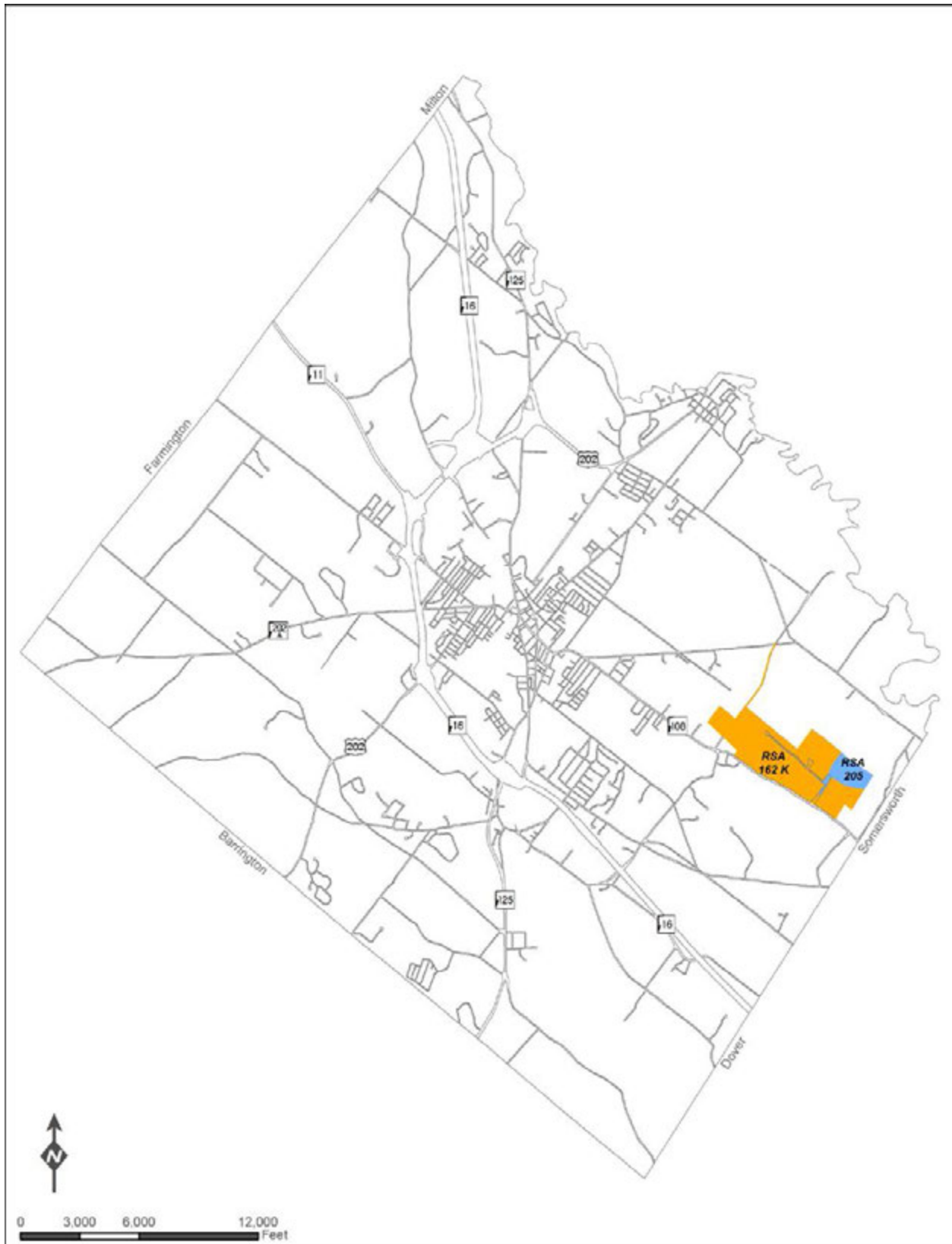
## **B. Description of the GSBP Tax Increment Financing District**

### 1. District Boundaries

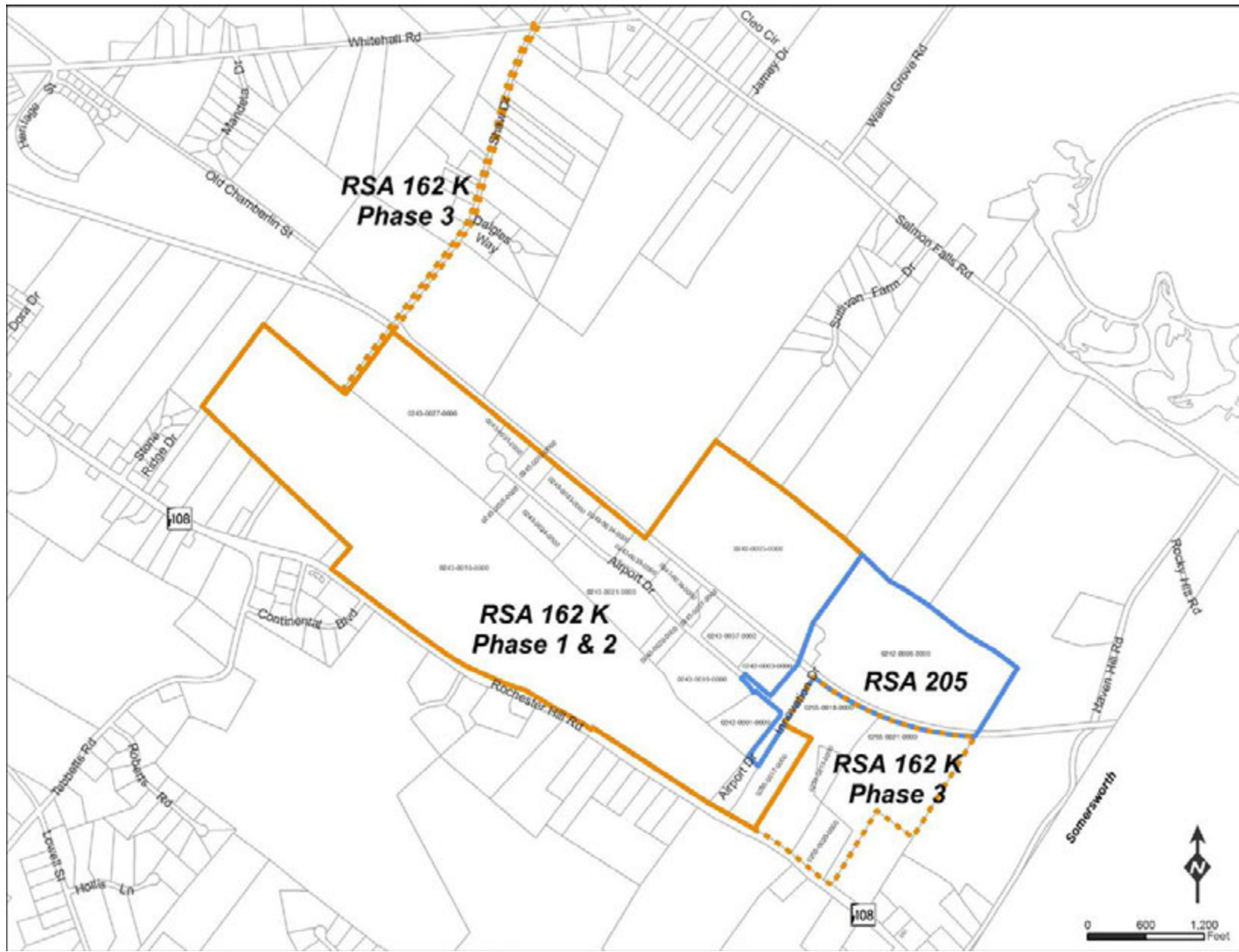
The Granite State Business Park TIF District (the District) will include the Skyhaven Airport and the existing (Phase I) portions of the Granite State Business Park, one adjacent residential lot, and additional land located in Phase 2 of the GSBP, located easterly of the New Hampshire Northcoast Rail Line. Included as part of the 2016 Revision are the Lots in Phase 3 as well as Shaw Drive, from the Whitehall Road intersection, underneath the active rail line and along 216 Airport Drive, terminating at Skyhaven Airport.

Eliminated from the TIF District are those parcels now included in the District created by RSA 205 with the Rochester Housing Authority. The particular parcels to be included within the TIF District are listed in Table 3 and described by tax map and lot number and/or street address. The entirety of the acreage within the listed properties will be included within the TIF District.

**Location of Granite State Business Park TIF District in Rochester**



Granite State Business Park TIF District



Granite State Business Park TIF District

**Table 3: Granite State Business Park TIF District Parcels  
Estimate of Original Assessed Valuation (Baseline) <sup>1</sup>**

Parcel ID (PID)	Property Address	Owner	LUC	Land Use Description	Type	Acres	Finished Floor Area	Year Built	Total Baseline Assessment	Other
0243-0037-0002	85 Airport Drive	Frisbie Foundation	905	Charitable	Warehouse	4.66	9,897	1999	\$ 543,900.00	Exempt
0243-0018-0000	238 Rochester Hill Rd	Pease Development Authority	901	State of NH	Airport	174.00	0	0	\$ -	Exempt
0255-0017-0000	290 Rochester Hill Rd	Pease Development Authority	901	State of NH	SF Home	7.70	2,202	1956	\$ 329,700.00	Exempt
0242-0001-0000	48 Airport Drive	GSBP % Howard Katz	440	Ind Dev Land	Land	4.81	0	0	\$ 131,200.00	
0242-0005-0000	0 Innovation Drive	GSBP % Howard Katz	440	Ind Dev Land	Land	55.61	0	0	\$ 212,200.00	
0243-0033-0000	167 Airport Drive	GSBP % Howard Katz	440	Ind Dev Land	Land	5.10	0	0	\$ 132,40.00	
0243-0034-0000	145 Airport Drive	GSBP % Howard Katz	440	Ind Dev Land	Land	3.78	0	0	\$ 127,100.00	
0243-0035-0000	127 Airport Drive	GSBP % Howard Katz	440	Ind Dev Land	Land	3.46	0	0	\$ 125,800.00	
0243-0020-0000	102 Airport Drive	Albany Engineered Composites	440	Ind Dev Land	Land	2.68	0	0	\$ 122,700.00	
0243-0024-0000	166 Airport Drive	Albany Engineered Composites	440	Ind Dev Land	Land	5.23	0	0	\$ 132,900.00	
0243-0025-0000	190 Airport Drive	216 Airport Drive LLC	440	Ind Dev Land	Land	2.68	0	0	\$ 122,70.00	
0243-0031-0000	199 Airport Drive	216 Airport Drive LLC	440	Ind Dev Land	Land	2.10	0	0	\$ 120,400.00	
0243-0032-0000	189 Airport Drive	216 Airport Drive LLC	440	Ind Dev Land	Land	2.57	0	0	\$ 122,300.00	
0243-0036-0000	109 Airport Drive	Spectex Realty LLC	440	Ind Dev Land	Land	3.53	0	0	\$ 126,100.0	
0243-0037-0000	97 Airport Drive	Spectex Realty LLC	440	Ind Dev Land	Land	1.10	0	0	\$ 60,400.00	
0242-0004-A000	0 Airport Drive	Bell Atlantic Property Tax	430	Telephone	Telephone	0.00	0	0	\$ 31,900.00	
0243-0019-0000	88 Airport Drive	88 Airport Drive LLC & Gerson	400	Manufacture	Industrial	10.84	61,025	1994	\$ 2,128,500.00	
0243-0021-0000	112 Airport Drive	Albany International	400	Manufacture	Industrial	12.88	130,672	1999, 2008	\$ 4,127,800.00	
0242-0003-0000	61 Airport Drive	Airport Drive Condo Association	345	Comm Condo	Condo	4.63	0	0	\$ -	
0242-0003-0001	61 Airport Drive	Amarosa Perkins Development	345	Comm Condo	Condo	0	2,500	2006	\$ 164,400.00	
0242-0003-0002	61 Airport Drive	Robmar Realty	345	Comm Condo	Condo	0	3,400	2006	\$ 222,400.00	
0242-0003-0003	61 Airport Drive	Robmar Realty	345	Comm Condo	Condo	0	1,600	2006	\$ 106,400.00	
0242-0003-0004	61 Airport Drive	Bolton Realty Trust LLC	345	Comm Condo	Condo	0	2,500	2006	\$ 164,400.00	
0242-0003-0005	61 Airport Drive	Amarosa Perkins Development	345	Comm Condo	Condo	0	2,500	2006	\$ 164,400.00	
0242-0003-0006	61 Airport Drive	Robinson	345	Comm Condo	Condo	0	2,500	2006	\$ 164,400.00	
0242-0003-0007	61 Airport Drive	Kizzmo Realty	345	Comm Condo	Condo	0	2,500	2006	\$ 164,400.00	
0242-0003-0008	61 Airport Drive	Airport Dr. Bus. Park %Amarosa	345	Comm Condo	Condo	0	4,865	2009	\$ 328,100.00	
0242-0003-0009	61 Airport Drive	C&D Entry Level Properties LLC	345	Comm Condo	Condo	0	5,225	2009	\$ 353,200.00	
0243-0027-0000	216 Airport Drive	216 Airport Drive LLC	46	Mix Ind/CU	Industrial	27.90	192,280	1994	\$ 4,350,069.00	
<b>Total TIF District</b>						<b>335.26</b>	<b>423,666</b>		<b>\$ 14,012,051.00</b>	

<sup>1</sup> Data in Table 3 has been certified by the City Assessor as the Assessed Valuation for Tax Purposes as of April 1, 2011 and are the designated values of the TIF District

**Table 4: Granite State Business Park TIF District Phase 3  
Parcels Estimate of Original Assessed Valuation (Baseline 2015)**

Parcel ID (PID)	Property Address	Owner	LUC	Land Use Description	Acres	Finished Floor Area	Year Built	Total Baseline Assessment
0255-0018-0000	294 Roch Hill Rd	Furina Rev Trust	101	SINGLE FAM	18	2591		\$289,300
0255-0019-0000	296 Roch Hill Rd	City of Rochester	101	SINGLE FAM	2.4	1,746	1969	\$176,900
0255-0020-0000	302 Roch Hill Rd	Presbytery of Northern New England	906	RELIGIOUS	5.88	5,616	1967	\$389,700
0255-0021-0000	0 Roch Hill Rd	City of Rochester	671	CALL	27.32	0	0	\$1,082
	Shaw Drive	City of Rochester		STREET		0	0	0
<b>Total TIF District</b>					<b>54</b>	<b>9,953</b>		<b>\$856,982.00</b>

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

Table 4 compares baseline conditions in the GSBP RSA 162-K 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 2010) and maximum land area allowable in an individual district is 1,434 acres. Both the valuation and acreage of the GSBP TIF District are well within statutory limits (see Table 4).

**Table 5**

Comparison Factor for Statutory TIF Limitations RSA 162-K:5	Taxable Valuation	Land Area in Acres
City Total 2015	\$2,047,939,500	26,258.38
Maximum Allowable - Individual TIF District (8% of Taxable Value; 5% of Acreage)	\$163,835,160	1,312.19
Granite State Business Park TIF Phase 1 & 2 Baseline	\$13,409,069	335.26
Granite State Business Park TIF Phase 3 Baseline <i>As Percent of City Total</i>	\$856,982 .70%	53.6 1.48%

Granite State Business Park TIF District

Maximum Cumulative TIFs Allowable <i>(16% of Taxable Value; 10% of Acreage)</i>	\$327,670,320	2,625.83
Granite State Business Park RSA 162-K:5 TIF All Phases	\$14,266,051	388.86
Granite State Business Park RSA 205 TIF	\$193,900	58.65
Granite Ridge Development District RSA 162- K:5 TIF	\$60,431,438	710.76
Total Cumulative District Values 2010 <i>As Percent of City Total</i>	\$74,891,389 3.66%	1158.27 4.41%

The statute also limits the cumulative land area and taxable valuation within all TIF districts of a municipality to 16% of assessed valuation and 10% of total land area. Rochester had no other existing RSA 162-K TIF districts when the original and first amendment was adopted. The Granite Ridge Development District was adopted as a 162-K:5 TIF District in July 2014. The combined TIF valuation and acreage of both districts is well within the statutory limits.

## C. Proposed Development Activities

The City's principal activities in developing the Granite State Business Park TIF District may include land acquisition and assembly, public infrastructure development, marketing and promotion of the District, negotiation of development agreements, and the sale or lease of property for commercial and industrial development.

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

The City intends to undertake land acquisition solely through a negotiation process, without the need for involuntary acquisitions. Land acquisition by the City will center on property required for installation of necessary public infrastructure and roadways, and on securing key parcels where feasible to facilitate development that is consistent with the objectives for the District.

*Phase 1 of the GSBP* contains a number of serviced but undeveloped lots that are in common ownership. Future activities may include acquisition of other undeveloped properties in Phase I of the GSBP to facilitate efficient development or to assemble sites for resale or lease to private parties.

*Phase 2 of the GSBP* comprises three large undeveloped parcels. One of these, a 50.5 acre lot (parcel 0242-0006) has been purchased by the City and included with the RSA 205 TIF District. Other acquisitions may be made in the future during the course of TIF development and buildout.

*Phase 3 of the GSBP* contains four parcels, two with single family homes, one church and one large undeveloped parcel which the City acquired in October 2016. (PID#0255-0021-0000. One single family property was acquired by the City in November 2016 (PID#0255-0019-0000) The City also includes Shaw Drive from the intersection of Whitehall Road to the east side of Skyhaven Airport. These parcels and Shaw Drive are being added to the TIF District to allow infrastructure for future industrial growth. The church is not planning any changes, should they consider future changes the City would encourage industrial development to be a consideration.

The cost of acquisition, net of sales proceeds, may be recovered through tax increments to reimburse the City for investment to secure those properties.

#### a. Relocation and Displacement

The City intends to acquire all property through negotiated purchases. It does not anticipate the need to involuntarily relocate persons, families, or businesses due to publicly financed acquisition or development activity within the Granite State Business Park TIF District. Any proposals for the involuntary displacement of persons or businesses would require an amendment to this RSA 162-K TIF Development Program.

#### b. Property Disposition & Reuse of Private Property

The City may convey all or a portion of property it acquires within the RSA 162-K 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 RSA 162-K 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 State Business Park:

1. Land acquisition
2. Relocating the existing Public Service of New Hampshire electric transmission line
3. Municipal street lighting on Airport Drive or Innovation Drive
4. Upgrading existing portions of Airport Drive as needed for anticipated development
5. Maintenance and administrative costs.
6. Costs not reimbursed by RSA 205 GSBP TIF District.

#### 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 GSBP 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 public amenities for employees and public use.
4. Intermodal transportation facilities and rail sidings.

The Development Plan does not envision the creation of public open space by the City within the GSBP TIF District. However, reservations of land for public open space or conservation may be established as conditions of Planning Board approval during the site plan approval process, and/or donated or offered by individual developments.

### 4. Private Utilities and Railroad

#### a. Gas and Electric

Natural gas service is provided to the Granite State Business Park by Unitil (formerly Northern Utilities.) Unitil has a policy of extending service lines at its own cost to provide service to new development sites.

Public Service Company of New Hampshire (PSNH) is the provider of electric service to the GSBP.

The City may enter into such contracts and agreements as are necessary to enable the installation of underground 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.

#### b. Rail



The City has discussed with New Hampshire Northcoast Railroad the possibility of a siding for business use in the GSBP. Rail use is expected to increase as the price of fuel continues to escalate, affecting overhead, production and transportation costs for some industries.

The RSA 205 GSBP TIF Program includes the cost for the City to construct a bridge overpass of the rail line. Future infrastructure development within the GSBP TIF District may require other improvements to be negotiated with Northcoast Railroad in support of business development within the District.

## **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 ordinance;
3. Special zoning overlay provisions centering on the Skyhaven Airport flight path and vicinity
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, and in specific covenants applicable within the Granite State Business Park Phase 1.

Covenants and restrictions were developed at the inception of the GSBP as part of its original Master Plan and marketing strategy. Those provisions will be reviewed regularly by the REDC/RIDA to assure continuity of high standards for park maintenance and development. The intent of the covenants is to protect the integrity, investment value, and corporate image of the properties within the GSBP.

## **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 land acquisition and assembly, and for organizational and administrative expenses incurred in creating and developing the GSBP RSA 162-K TIF District. The City intends to use the property tax revenue derived from captured (incremental) assessed valuation within the GSBP RSA 162-K TIF District to fund public infrastructure and to reimburse the City for other expenditures incurred in creating the District.

### **2. Land Acquisition Costs**

The cost of land acquisition, less sales proceeds, 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 within the RSA 162-K TIF District. Acquisition costs that are not recovered from net sales proceeds may be reimbursed as an eligible expense of the RSA 162-K TIF Development Program.

#### 4. Cost of Public Improvements

The City anticipates approaching public improvements in multiple phases over the course of the development or build-out of the Granite State Business Park. There is no expectation of bonding at this time for public improvements. Improvements will be scheduled as increment becomes available.

#### 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 GSBP RSA 162-K TIF District indicate the following annual tax revenue potential generated by 100% retention of captured assessed value.

<u>Year Ending:</u>	<u>Annual Tax Revenue Potential From Captured Assessed Valuation</u>	
2015	\$ 39,383 to \$ 65,638	15%-25% of Phase I
2020	\$ 185,088 to \$ 370,176	25%-50% of Phase I & II
2025	\$ 370,176 to \$ 555,263	50%-75% of Phase I & II
2030	\$ 555,263 to \$ 740,351	75%-100% of Phase I & II

The above revenue estimates rely on assumptions that include anticipated near-term development commitments, a continuation of the historic annual pace of growth in industrial floor area within Phase I of the GSBP, and development of large lots in Phase II by new industrial users in 2020, and 2027.<sup>2</sup> 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

##### b. Annual Allocation of Captured Value

Where annual tax increment revenues from the GSBP 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;

<sup>2</sup> See long term development, estimate of captured assessed value and tax rate assumptions contained in Granite State Business Park Tax Increment Financing District - Buildout Estimate and Revenue Potential, March 18, 2011, prepared for City of Rochester by BCM Planning, LLC.

2. Repayment of past expenditures for funds drawn from the Economic Development Fund for acquisition, to the extent required to offset costs net of sales proceeds;
3. The recovery of initial costs for land capability analysis, infrastructure development cost estimates, 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 stormwater drainage facilities.
5. Approved operating costs for public infrastructure within the TIF District.

#### d. Impact of RSA 162-K TIF District on Related Taxing Jurisdictions

In accordance with RSA 162-K:10, 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 RSA 162-K 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 RSA 162-K 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 RSA 162-K TIF District, all incremental valuation that has been created within the RSA 162-K TIF becomes available generated property tax revenues for the City's general fund and to all other taxing jurisdictions.

#### 6. Reimbursement of Previous City Expenditures

The City has invested in the predevelopment planning of the Granite State Business Park expansion 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 RSA 162-K TIF land acquisition and public infrastructure development, planning and development-related consulting and legal costs shall be reimbursable 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.

#### 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.

While the cost of operation and maintenance of road and drainage facilities may be charged against the incremental revenues of the RSA 162-K TIF District, these costs will initially be borne by the general fund

or by the appropriate utility fund, unless otherwise approved by the District Administrator with the recommendation of the Advisory Board.

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

## **E. District Administration**

### **1. Administrator**

The administrator of the Granite State Business Park RSA 162-K TIF District shall be by the City Manager, who shall make an annual financial report to the City Council.

### **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 GSBP 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.

### **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 State Business Park Tax Increment Financing District will remain in existence until eligible public expenditures of the District have been repaid through tax increment revenues.

**Amendment to Chapter 16 of the General Ordinance of the City of Rochester Regarding  
the Requirement to Connect to Public Sewers**

THE CITY OF ROCHESTER ORDAINS:

That Chapter 16, Section 3 of the General Ordinances of the City of Rochester regarding the requirement of property owners to connect to public sewers and currently before the Rochester City Council, be amended as follows:

**16.3 Use of Public Sewers Required.**

(a) -----

(b) -----

(c) -----

(d) -----

(e) ~~Existing S~~tructures within ~~two~~ one hundred (~~100~~200) feet of the public sewer and currently served by private wastewater disposal facilities shall connect to the public sewer within ninety (90) days after an official notice to do so. The City may grant a waiver to this requirement for properties with existing adequate sewage disposal systems which can be proven by the property owner to comply with applicable state and local regulations, to have been designed by a designer licensed in New Hampshire and to have been approved for construction by the New Hampshire department of environmental services after January 1, 1985. at such time as the private wastewater system fails or the property is transferred whichever occurs first. The cost of connection to the public sewer shall be borne by the property owner with the exception of the portion of the connection crossing the public right of way which costs shall be borne by the Rochester Sewer Enterprise Fund. For the purpose of this section, ~~existing~~ structures shall mean houses, buildings, or property used for human occupancy, employment, recreation, or other purposes, ~~that are constructed as of January 1, 1999.~~

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

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