

**Regular City Council Meeting
June 2, 2015
COUNCIL CHAMBERS
7:51 PM**

COUNCILORS PRESENT

Councilor Bogan
Councilor Collins
Councilor Gates
Councilor Gray
Councilor Hamann
Councilor Keans
Councilor Lachapelle
Councilor Larochelle
Councilor Lauterborn
Councilor Torr
Councilor Varney
Councilor Walker
Mayor Jean

OTHERS PRESENT

City Manager Fitzpatrick
Deputy City Manager Cox
Attorney O'Rourke

MINUTES

1. Call to Order

Mayor Jean called the Regular City Council meeting to order at 7:51 PM.

2. Pledge of Allegiance

Mayor Jean led the Pledge of Allegiance.

3. Opening Prayer

Mayor Jean asked for a moment of silence in honor of all military personnel fighting for our freedom.

4. Roll Call

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

5. Acceptance of Minutes

5.1. [May 5, 2015, Regular City Council Meeting](#)

5.2. [May 12, 2015, Special City Council Meeting](#)

Councilor Torr **MOVED** to **ACCEPT** the minutes of May 5, 2015, Regular City Council meeting. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Lachapelle **MOVED** to **ACCEPT** the minutes of May 12, 2015, Special City Council meeting. Councilor Walker seconded the motion. City Clerk Walters noted that the minutes should be corrected to indicate that the Mayor attended the meeting. The **MOTION CARRIED** by a unanimous voice vote.

6. Communications from the City Manager

6.1. Employee of the Month Award

City Manager Fitzpatrick invited Julian Long, Community Development Coordinator, along with Karen Pollard, Economic Development Manager, to come forward. He said Mr. Long has not been employed with the City a long time; however, he was instrumental in assisting with the Bridging the Gaps Program. He awarded Mr. Long with the Employee of the Month Award for June, 2015.

6.2. City Manager's Report

City Manager Fitzpatrick gave the City Manager's Report as follows:

Management Team Meeting minutes:

- April 27, 2015
- May 4, 2015
- May 11, 2015

Contracts and documents executed since last month:

- Bridging the Gaps – Program Director hiring authorization
- Fairpoint Design/Construction Contract – Granite Ridge Development District
- Fire Department Grant Approval – tablet project – City match amount \$9,335.00
- Fire Department training at Martin's Drive-In
- FY 2015-2016 Consolidated Plan HUD forms
- Global Fire Prevention Grant application
- Great Bay Municipal Coalition – Kenworthy Professional Services

Agreement

- Strafford Regional Planning Transportation Advisory Committee appointment of Seth Creighton (primary) and Jenn Hale (backup)
- Tri-City Towing – uncollected debt write-off
- Warranty deed – Norway Plains Subdivision
- Waste Management letter regarding negotiations

The following Computer Lease/Purchase and Tuition Reimbursement requests have been approved:

- Computer Lease/Purchase – McCullough, D – Fire Department
- Computer Lease/Purchase – Bonneau, K – Utility Billing

The following standard reports have been enclosed:

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

Councilor Keans asked about the transfer of land within the Granite State Business Park. She asked if the City was selling property. Mayor Jean recalled that this was private land sales.

Councilor Keans asked about Chief Allen and the Sunday Morning Shuffle noted in the minutes. Mayor Jean said the Sunday Morning Shuffle is a radio program hosted by Ron Poulin. This is a program on Radio Station 98.7 The Bay. This is an opportunity for members of the Community to be interviewed about the City and the music they enjoy.

7. Communications from the Mayor

Mayor Jean said if there is no objection the Agenda will be amended to include "Budget Adjustments" under Old Business.

8. Communications from the Deputy City Manager

Deputy City Manager Cox reported that the City Manager's proposed budget, including the Committee of the Whole adjustments, is now \$138,797 under the Tax Cap on the City/County part of the budget and \$13,550 under the Tax Cap on the School Department part of the budget.

Councilor Varney asked about the Veterans Tax Credit. The City Council discussed how this would affect the Fiscal Year 2016 budget. Deputy City Manager said this is on the July Finance Committee Agenda.

Councilor Gray said it was made clear that any change to the Veterans Tax Credit in this budget cycle would have an impact on the FY 2016 budget. Tom Mullin, City Assessor, said that decision would be made at the time the City Council votes to implement the credit. It can be slated for next year or it may go into effect for the FY 16 budget. It would be based on whatever the implementation date the City Council approves. He noted that in the past it is usually slated for the following year. Councilor Gray said that the City Council discussed implementing an increase of \$50 to the Veteran Tax Credit during this budget cycle. Mayor Jean said the City Council could consider this under the budget deliberations.

9. Presentations of Petitions and Council Correspondence

No discussion.

10. Nominations, Appointments, Resignations, and Elections

No discussion.

11. Reports of Committees:

11.1. Appointments Committee

Councilor Larochelle said the Appointments Committee interviewed Lori-Jean Chick. The Appointments Committee unanimously recommends Lori-Jean Chick for appointment as Library Trustee for Ward 3, term to expire January 2, 2018. Mayor Jean nominated Ms. Chick as Library Trustee for Ward 3. Councilor Lachapelle seconded the nomination. Councilor Walker **MOVED** that nominations cease and the City Clerk cast one ballot for Ms. Chick. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Larochelle said the Appointments Committee interviewed Troy Dillow. He said Mr. Dillow was interested in serving on the Rochester Economic Development Commission; however, since there is no opening in the REDC at this time, the Appointments Committee recommends that the City keep Troy's application on file for the next opening.

11.2. Codes and Ordinances Committee

Councilor Lachapelle said there are no action items other than what is already on the Agenda under New Business. The request to amend the Ordinances relative to the Trustees of the Trust Fund will be kept in Committee.

11.3. Community Development Committee

Councilor Gray gave an overview of a presentation made by the Main Street Program regarding “banners”. Councilor Gray **MOVED** to grant additional discretion to the City Manager to authorize the display of multiple event banners. Councilor Lauterborn seconded the motion. Councilor Varney asked if this would conflict with our existing Sign Ordinance. It was determined that these types of banners are different. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Gray gave an overview of the US Department of Housing and Urban Development Grant for Lead Abatement efforts.

Mayor Jean said if there are no objections the Agenda could be amended to include a brief presentation about the HUD Grant and subsequently take action on the resolution.

Kate Kirkwood, Kirkwood Consulting, LLC, gave a PowerPoint presentation about the proposed City of Rochester HUD Lead Hazard Control Grant.

Ms. Kirkwood reviewed the very rough budget draft and the in-kind services, which would not require any cash match for the grant.

The City Council discussed the budget Ms. Kirkwood presented to the City Council. Several Councilors cautioned the City Council about accepting this type of grant.

Ms. Kirkwood added that the Federal law requires that landlord disclose if there is a potential for lead paint in the rental units and if the house was built prior to 1978, they must provide the renters with a small booklet named “Protect Your Family” created by HUD and the EPA. If a building is being sold/rented the Federal law requires that the buyer has signed a document stating that they are in receipt of the booklet. She said this is the only Federal law relative to lead paint poisoning as it relates to the owner of such buildings. She added that the State law only requires the paint to be removed in such a building once a child has been diagnosed with lead poisoning. She said the State has placed six properties in Rochester “on order” to remove the lead paint for this reason. She talked about other grants and the work that has been done to remediate this issue.

Councilor Lauterborn said the resolution is only to approve the grant. The City Council would have an opportunity to accept or deny the grant

when/if the City of Rochester is chosen as a grant recipient. This would allow more time to make a final informal decision on the matter. Ms. Kirkwood talked about the grant writing part of the application and gave other details related to applying for this type of grant.

Ms. Kirkwood invited Newton Kershaw, landlord, to speak from a landlord's perspective about the grant. Mr. Kershaw spoke in support of the City applying for this grant. He has experience with this program and has assisted in removing lead from about 70 housing units over the past six years. He noted that this is a federal grant, so no local tax dollars are used to support the grant. He gave details about the administrators of the grant and how it works. Councilor Torr asked if the landlord is held liable for such cases involving lead paint. Mr. Kershaw said a landlord is obligated to disclose information about lead paint to potential renters/buyers.

Mr. Kershaw reminded the City Council about the deadline of June 23, 2015, in order to apply for this grant and thanked the City Council for its time.

The City Council had a lengthy debate about the heavy overhead on the Federal Grant, and the fact that a consulting firm would be hired or the City would hire employees to administer the grant. Councilor Keans spoke in support of this grant. She added that there would not be City cash being spent on this grant. Several Councilors felt this would be an inefficient use of tax dollars.

Mayor Jean had a concern about the testing results, if only 15% of the children are tested statewide. He understood that the overhead cost, as large as it is, would be covered by the grant; however, to see the figures of funding being spent on administrative costs it seems wasteful, when it could be spent directly on the problem and have better results. He is hesitant moving forward at this time and did not want to request a lengthy application process be followed if the City Council is not in favor of accepting the grant.

Councilor Larochelle disclosed that he had a direct conflict of interest and would not vote on the resolution. Councilor Gray **MOVED** to read the resolution by title only. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean read the resolution as follows:

RESOLUTION APPROVING A GRANT
APPLICATION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT FOR LEAD ABATEMENT EFFORTS

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

That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, approve the submission of a grant application by the Office of Economic & Community Development in the amount of One Million Five Hundred Thousand Dollars (\$1,500,000) to the U.S. Department of Housing and Urban Development in order to fund lead abatement efforts in private housing, an increase in lead-poisoning screening efforts, and other lead abatement awareness activities. **CC FY 15 06-02 AB 147**

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Lauterborn seconded the motion. Councilor Torr requested a roll call vote. Councilor Walker seconded the request. The **MOTION FAILED** by roll call vote 4 to 9. Councilors Hamann, Walker, Gates, Varney, Torr, Lachapelle, Collins, and Mayor Jean voted against the motion. Councilors Gray, Keans, Lauterborn, Bogan, voted in favor of the motion.

11.4. Public Safety Committee

Councilor Walker said the Committee received a request regarding a crosswalk near the elderly housing units on Magic Avenue. He **MOVED** to place a crosswalk near the elderly housing units on Magic Avenue. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Walker **MOVED** to **DENY** the request to place "speed limit" signs in the area of Magic Avenue. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Walker **MOVED** to place a "dead end" sign on Penny Lane at the discretion of DPW. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Walker **MOVED** to place "handicap" signs, one in each direction, at the discretion of DPW, on Stillwater Circle. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a majority voice vote.

Councilor Walker **MOVED** to place a "no outlet" sign on Anderson and Franklin Street. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Varney asked about the parking issue on Maple Street. Councilor Walker said he is aware of the issue and it would be dealt with at the next Public Safety Meeting. Councilor Keans said so far this issue has not been dealt with in a friendly manner. There was a lot of panic among the parents of the school-aged children and she hoped the Police Department would be cooperative in the future.

11.5. Public Works Committee

Councilor Varney said there were no action items for the Public Works Committee.

12. Old Business

Mayor Jean said the City Council would make some budget adjustments this evening to allow the Finance Department ample time to finalize the numbers for the budget adoption next week.

FY 2016 BUDGET AMENDMENTS

Councilor Gates **MOVED** to level fund the Fiscal Year 2016 Budget; this would leave the tax rate as it currently is for the upcoming fiscal year. Councilor Torr seconded the motion *for discussion purposes*. Mayor Jean asked for clarification on the motion. He asked if Councilor Gates knew which line items would be cut in order to make this happen. Councilor Gates replied no and asked if the Finance Director would give insight as to how to accomplish this goal. Deputy City Manager Cox explained that there are contractual obligations within the Operating Budget which cause the budget increases each year; other line items would have to be significantly cut in order to accomplish this goal. Mayor Jean said that Councilor Gates would need to supply this information as to where to cut the budget, otherwise withdraw the motion. Councilor Gates **withdrew** his motion. Councilor Torr **withdrew** his second to the motion.

Deputy City Manager Cox gave information regarding the proposal to increase the Veteran Tax Credit. A debate ensued whether or not this would have a direct impact on the Fiscal Year 2016 budget and tax rate.

Deputy City Manager Cox said there are 1,713 residents entitled to the Veterans Tax Credit. He said a \$50 increase for 1,713 residents would equal about \$85,650. He started to break down the increase cost sorted out by different Veteran categories; however, the City Assessor said the State law requires that the amount of tax credit given must be the same for all the

Veterans and could not be broken down by Veteran categories.

Councilor Varney asked what the total amount would be to increase the Veteran Tax Credit by \$20. Deputy City Manager Cox replied \$34,260. There was some confusion about how this would affect this year's budget calculations. It was determined that the Veterans Tax Credit increase would have some affect on the FY 2016 budget at the time the tax rate is set. The increase would be found on the MS 1 Form filed by the City Assessor. It was determined that the increase had not been included with the Tax Cap calculation for this year; however, any increase to the Veterans Tax Credit would be calculated in the Tax Cap for FY 2017 . It was further determined that the FY 2016 budget would be affected by increasing the Veterans Tax Credit now.

Councilor Gray disclosed that he has a conflict of interest because he is a Veteran. He promised the constituents of Ward 6 that he would make sure the City Council discusses the matter; however, he would not vote on the matter.

Councilor Varney recommended holding off on the discussion until the next Budget Workshop. Councilor Torr requested that City staff gather information about the local towns/cities and find out the status of what they give for a tax credit.

Councilor Torr asked about the Veterans that are 100% disabled and how much money is taken off from their tax bills. The City Assessor replied that Veterans that are 100% disabled and surviving spouses of such veterans [including Veterans who passed away in combat] are under the same category, which is named Totally and Permanently Disabled Veterans. The State allows each municipality to give relief on taxes of up to \$2,000 for this category of Veterans. The City of Rochester gives a tax relief to the maximum amount of \$2,000 for the Totally and Permanently Disabled Veterans. There are approximately 70 Veterans in this category for the City of Rochester. Mayor Jean reiterated that this would be taken care of with next weeks budget deliberations.

FY 16 BUDGET AMENDMENT 1 [PASSED]:

Mayor Jean explained that there are proposed budget adjustments discussed in prior Budget Workshop settings that must be ratified at this meeting. Other budget adjustments would be encouraged in order to finalize the budget for the next week's Budget Workshop.

Mayor Jean **MOVED** to **AMEND** the Issues and Options item detailed on Page 24 of the I & O budget book relative to the Finance Office-Staff Accountant [\$85,000]. This would result in O & M budget adjustments per the following allocations: General Fund Business Office/Finance [\$68,000]; Water Fund [\$8,500]; Sewer Fund [\$8,500].

This would amend the City Manger's O & M proposed budgets by increasing as follows:

- General Fund/Business Office/Finance [\$68,000] Salaries and Related Benefits O & M Book Page 76
- Water Fund CIP [\$8,500] Salaries and Related Benefits O & M book Page 156
- Sewer Fund CIP [\$8,500] Salaries and Related Benefits O & M book Page 152

Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

FY 16 BUDGET AMENDMENT 2 [PASSED]:

Mayor Jean **MOVED** to **AMEND** the O & M proposed budget for the Business Office/Finance Department as shown on page 76 of the O & M budget book, subcategory name of Part Time Salaries #511002, and Social Security Account # 522000.

The original FY 16 CM Proposed amount of \$6,000 to be reduced by \$6,000 resulting in a new amount of \$0.00. *In addition, this would reduce related Social Security by \$460.*

Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

FY 16 BUDGET AMENDMENT 3 [PASSED]:

Mayor Jean **MOVED** to **AMEND** the CM O & M Proposed budget for the Tax Collector department as shown on page 81 of the O & M budget book, subcategory name of *Tech/Prof Services*, account #532200 Contracted Services.

The original FY 16 CM Proposed amount of \$12,900 to be reduced by \$3,500 resulting in a new amount of \$9,400.

Councilor Walker seconded the motion. Councilor Lauterborn asked for clarification on the motion. Deputy City Manager Cox replied that this is the contracted service in which the City would pay Interware Development for the online services; however, this process has been updated to keep the City out of the middle of each transaction. He said Interware Development is paid directly by customers who choose to use the on-line services. The **MOTION CARRIED** by a unanimous voice vote.

FY 16 BUDGET AMENDMENT 4 [PASSED]:

Mayor Jean **MOVED** to **AMEND** the City Manager's O & M proposed budget for the School Department as shown on page II of the O & M proposed budget book, Chart 1/General Fund subcategory name of School.

The original FY 16 City Manager's proposed budget of \$58,649,913 to be increased by \$13,550 resulting in a new amount of \$58,663,463.

Councilor Keans seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

FY 16 BUDGET AMENDMENT 5 [PASSED]:

Mayor Jean **MOVED** to **ACCEPT** the Issues and Options item detailed on Page 11 of the Issues and Options book relative to Televising Additional Meetings [\$3,900].

This would amend the City Manager's proposed budget for the MIS Department, as shown on page 57 of the O & M proposed budget book, subcategory name of Personnel/Salaries Account #511002 [Salaries/Part Time].

The original FY 2016 City Manager's proposed budget amount of \$34,656 to be increased by \$3,900 resulting in a new amount of \$38,556.

Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

FY 16 BUDGET AMENDMENT 6 [PASSED]:

Mayor Jean **MOVED** to **AMEND** the City Manager's proposed budget for the Debt Service as shown on page 150 of the O & M budget book, subcategory name of Other Goods/Services account #583000 [Interest Expense].

The original City Manager's proposed amount of \$1,025,771 to be reduced by \$200,000 resulting in a new amount of \$825,771.

Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

FY 16 BUDGET AMENDMENT 7 [PASSED]:

Mayor Jean **MOVED** to **AMEND** the O & M proposed budget for the General Overhead as shown on page 84 Tech/Prof Services account #533000 [Other Professional Services].

The original City Manager's proposed budget amount of \$84,100 to be reduced by \$11,000 resulting in a new amount of \$73,100. **Note:** *This has resulted from the change in State statutes permitting the fees charged by Charter Trust to manage the Trust Funds for the Trustees of the Trust Fund to charged against the Trust Funds.*

Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

FY 16 BUDGET AMENDMENT 8 [PASSED] :

Mayor Jean **MOVED** to **AMEND** the City Manager's proposed budget for the Economic Development Fund O & M Budget as shown on Page 175 of the O & M budget book, subcategory name of Marketing.

The original City Manager's proposed budget amount of \$98,500 to be reduced by \$53,000 resulting in a new amount of \$45,500. Mayor Jean said this is a necessary budget adjustment because the Economic Development Fund Balance and the Economic Development Operating Fund must be balanced. He said there is a slight gap between the two funds and gave reasons why this has happened. The Finance Department would watch the revenue and request a supplemental appropriation in Fiscal Year 2016, if necessary; however, the marketing account has been trending low.

Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

FY 16 BUDGET AMENDMENT 9 [PASSED] :

Mayor Jean **MOVED** to **AMEND** the City Manager's CIP proposed budget

for the Public Works Department as shown on page 67 of the CIP budget book, project entitled of *Signal Reconfiguration Columbus/Wakefield Intersection* from the CIP FY 2017 cost of \$200,000 to be reduced by \$200,000 for a new amount of \$0.00.

Mayor Jean said this is basically a duplicate project and can be deleted. *CIP Project FY16-PWD#18 page 67 Signal Reconfiguration Columbus/Wakefield Intersection is included in the Wakefield Street Reconstruction CIP Project FY16-PWD#30 page 58.*

Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

FY 16 BUDGET AMENDMENT 10 [PASSED]:

Mayor Jean said the City Council made a change to the Property and Liability Insurance over to Primex. The savings was thought to be \$56,000; however, the actual savings is \$52,609. Mayor Jean **MOVED** to **AMEND** the O & M proposed budget relative to the adjustments to the Property and Liability and Workers Comp Insurances as follows:

- General Fund adjusted to \$40,606
- Water Fund adjusted to \$4,804
- Sewer Fund adjusted to \$4,075
- Community Center adjusted to \$2,205
- Arena adjusted to \$919

Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

FY 16 BUDGET AMENDMENT 11 [PASSED]:

Mayor Jean **MOVED** to **AMEND** the City Manager's O & M proposed budget for the Assessing Department, as shown on page 70 of the O & M budget book, subcategory name of *Tech/Prof Services* account #534004 [Appraisals].

The original City Manager's proposed budget amount of \$15,000 to be reduced by \$10,000 resulting in a new amount of \$5,000.

Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Council briefly discussed the matter.

FY 16 BUDGET AMENDMENT 12 [PASSED]:

Mayor Jean **MOVED** to **AMEND** the City Manager's O & M proposed budget for the Water Works Department as shown on page 158 of the O & M budget book, subcategory name of Property/Fixed Assets #573900 [Other Equipment].

The original FY 16 City Manager's proposed budget amount of \$35,234 be reduced by \$9,500 resulting in a new amount of \$25,734.

Councilor Walker seconded the motion. Mayor Jean recalled this would cut the request made by the Water Works Department to purchase an ATV. The **MOTION CARRIED** by a unanimous voice vote.

FY 16 BUDGET AMENDMENT 13 [PASSED] :

Mayor Jean **MOVED** to **AMEND** the City Manager's CIP proposed budget for the Economic Development as shown on page 7 of the CIP Budget book, Project Title – Wayfinding System.

The original amount of \$100,000 be reduced by \$100,000 for a new amount of \$0.00.

Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

FY 16 BUDGET AMENDMENT 14 [PASSED]:

Mayor Jean **MOVED** to **AMEND** the City Manager's CIP proposed budget for the Public Buildings Department shown on page 23 of the CIP Budget book, Project Title – Generator Central Fire.

The original cost of \$100,000 be reduced by \$100,000 to a new amount of \$0.00. Councilor Walker recalled that this CIP request should be moved to FY 2017. Mayor Jean agreed and adjusted his motion to make the reduction of \$100,000 for FY 16 and to refer this item to the CIP for FY 17.

Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

FY 16 BUDGET AMENDMENT 15 [PASSED]:

Mayor Jean **MOVED** to **AMEND** the City Manager's CIP proposed budget

for the Police Department as shown on page 35 of the CIP budget book, Project Title of Vehicle and Equipment Replacement.

The original CIP Budget amount of \$87,400 be reduced by \$52,000 to a new amount of \$35,400. Mayor Jean said this would remove one front line vehicle and one back line vehicle. He said the City Council already furnished the Police Department with those two vehicles during the last budget cycle. Councilor Walker said this would leave one front line vehicle and it should not be spent on an SUV. Councilor Lachapelle felt this action would leave the Police Department with one less vehicle to the Police Vehicle front line fleet.

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

FY 16 BUDGET AMENDMENT 16 [PASSED]:

Mayor Jean **MOVED** to **AMEND** the City Manager's CIP proposed budget for the Public Works Department as shown on page 56 of the CIP budget book, Project Title – Traffic Signal Twombly Street/North Main Street.

The original CIP Budget amount of \$350,000 be reduced by \$350,000 reducing the amount to \$0.00. He indicated this CIP budget project would be moved to the CIP projects for FY 17.

Councilor Keans seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

FY 16 BUDGET AMENDMENT 17 [PASSED] :

Mayor Jean **MOVED** to **AMEND** the City Manager's CIP proposed budget for the Granite State Business Park as shown on page 80 of the CIP budget book, project entitled – *Bus Stop and Sidewalk*.

The original amount of \$353,430 be reduced by \$283,430 resulting in a new amount of \$70,000. Mayor Jean said the remaining \$70,000 would fund the lighting portion of the project and striping of sidewalk lines; however, it cuts the bus stop and an actual "sidewalk" out of the project, which would eliminate the need for sidewalk plow services at this location.

Councilor Lachapelle seconded the motion. Councilor Varney **MOVED** to **AMEND** the motion to change the funding source to the "TIF District" Cash Fund Balance. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. The **MOTION CARRIED** as amended

by a unanimous voice vote.

FY 16 BUDGET AMENDMENT 18 [PASSED]:

Mayor Jean **MOVED** to **AMEND** the City Manager's CIP proposed budget for the Water Works Department as shown on page 100 of the CIP Budget book, Project Title - Granite State Business Park Water Loop.

The original cost of \$750,000 be reduced by \$750,000 resulting in a new amount of \$0.00.

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

FY 16 BUDGET AMENDMENT 19 [PASSED]:

Mayor Jean **MOVED** to **AMEND** the City Manager's CIP proposed budget for the Sewer Department as shown on page 129 of the CIP Budget book for the Project Title – Sewer Replace/Rehab on Portland Street.

The original amount of \$750,000 be reduced by \$750,000 to a new amount of \$0.00. This project would be referred to the FY 17 CIP projects.

Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Budget Discussion:

Deputy City Manager Cox said with the budget adjustments the budget is estimated at \$349,397 under the Tax Cap.

FY 16 BUDGET AMENDMENT 20 [PASSED]:

Councilor Hamann asked about the Issues and Options item detailed on Page 47 of the Issues and Options book relative to the increase of permit fees. Jim Grant, Director of Building, Zoning, and Licensing Services said he researched what other cities and towns charge for permit fees. Most cities and towns do not set up its fee schedules the same way; however, the application fees were fairly consistent, ranging from \$25 to \$50 for most cities and towns. He said the only other town charging \$10 is the City of Somersworth. It seems reasonable to increase the minimum permit fee to \$25. Councilor Keans questioned if the application fees are different for residential applications vs. commercial applications. Mr. Grant replied no. Mayor Jean said that Chapter

40.16 would be sent to the next Codes and Ordinances Committee.

Mayor Jean **MOVED** to **AMEND** the City Manager's O & M proposed budget as shown on page 14 of the O & M budget account number 400404 [Building Permits].

The original City Manager's proposed budget amount for \$250,000 be increased by \$29,000 resulting in a new amount of \$279,000. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

FY 16 BUDGET AMENDMENT 21 [FAILED]:

Councilor Lauterborn said she reviewed the Issues and Options book and would like to make a few budget adjustments that seem to provide a good outcome for not much cost. She **MOVED** to **AMEND** the City Manager's O & M proposed budget for the Assessors Department, as shown on page 70, of the O & M budget book and can also be found on page 18, of the Issues and Options book. The salary and benefit line items would be increased by \$7,396 and would result in upgrading an employee to Assistant Assessor. Councilor Keans seconded the motion. Councilor Collins supported the motion. Councilor Torr requested a roll call vote. Councilor Walker seconded the request. The **MOTION FAILED** by a 6 to 7 roll call vote as follows: Councilors Collins, Keans, Lauterborn, Gray, Larochelle, and Mayor Jean voted in favor of the motion. Councilors Walker, Lachapelle, Torr, Hamann, Bogan, Gates, Varney, voted no on the motion.

FY 16 BUDGET AMENDMENT 22 [PASSED]:

Councilor Lauterborn **MOVED** to **AMEND** the City Manager's proposed budget for the Library's Issues and Options as shown on page 50 of the Issues and Options book. The O & M Budget for the Library can be found on page 147. She said this seems to be the least inexpensive option to resolve some of the staffing issues at the Library. This would increase the Part-Time Line Item/Social Security by \$4,604 hours [Salary \$4,277 and Social Security \$327]. Councilor Keans seconded the motion. Councilor Varney said it shows that this is included in the City Manager's proposed budget. Councilor Lauterborn clarified that there are six potential Library Employee Positions that could be increased. The City Manager has included 1 [one] of these positions to be increased and this motion would allow 1 [one] more position to be increased in this way. The **MOTION CARRIED** by a majority voice vote.

FY 2016 BUDGET AMENDMENT 23:

Councilor Lauterborn **MOVED** to **AMEND** the City Manager's CIP proposed budget for the MIS Department for the Munis Employee Services and Content Manager as shown on page 15 of the CIP Budget book. She explained that this software module is constantly requiring more funding and did not feel the explanation justified the spending. The original City Manager's proposed budget amount for \$150,000 be decreased by \$150,000 resulting in a new amount of \$0.00. Councilor Varney requested that the project be presented again with the CIP FY 17 presentation. Councilor Lauterborn agreed that this would give time for the MIS Department to explain the need more clearly.

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

FY 16 BUDGET DISCUSSION:

Councilor Varney stated that there is currently a substantial amount of money left in the FY 16 budget for the MIS Department. Dennis Schafer, Director of MIS Department, explained that the City is operating with Microsoft 2007 software; however, Office 2010, Office 2013, and Office 365 have been released since Office 2007. Councilor Walker asked for more clarification of how \$80,000 could be spent in FY 16 for software upgrades. Mr. Schafer is hoping to use that money to complete the software upgrades within Fiscal Year 2016. The City Council debated the issue.

Councilor Varney asked about the CIP budget MIS requested on page 16 of the CIP budget book. These are listed as more upgrades and implementation of a Storage Area Networks [SAN] and the virtualization of servers, which accounts for \$100,000. Is this absolutely necessary? Mr. Schafer said the City can operate without the upgrade; however, this would consolidate the operations and save money. It would centralize the network. Councilor Hamann said this process can be expensive.

Councilor Varney asked if the phone upgrade is completely necessary. Mr. Schafer stated that the phones being used are no longer in production. City Manager Fitzpatrick said that the phones are outdated and no longer being upgraded. He added that some phone calls are being "dropped" because of the old phone system.

Mayor Jean urged Councilors to present any adjustments this evening. This would give time for the Finance Department to accurately get the figures for next week's budget adoption.

Councilor Varney asked about prioritizing the paving list. Mayor Jean asked for the status of the proposed budget. Deputy City Manager Cox replied that the proposed budget is now at \$373,793 under the Tax Cap. Mayor Jean said the current paving list is estimated at \$600,000.

Councilor Gray stated that the revised paving list should include Winter Street. The City Council debated the paving list.

Councilor Varney asked for the status of the Colonial Pines/Sewer Project. Michael Bezanson, Interim Public Works Director, said the City is in receipt of 60% of the design plans. Councilor Keans said the project should not be delayed because of the potential septic system customers. Councilor Varney asked what is the soonest the project could be started. Mr. Bezanson estimated that the design phase could be completed within a few months time. He would move the project along as fast as reasonably possible.

FY 16 BUDGET AMENDMENT 24 [PASSED]:

The City Council discussed prioritizing the paving list. Councilor Walker believed that the list was in order of priority after the parking lots listed on the spreadsheet. Councilor Walker said Gear Road is a long road and should be considered to be paved first. Mayor Jean reviewed the cost of the paving list.

Councilor Gray gave reasons why he believed that Winter Street should be the second prioritized street on the paving list and would not last. He **MOVED** to list Winter Street as the second prioritized street on the paving list. Councilor Collins seconded the motion. This issue was heavily debated. Councilor Walker said there is no point in paving this street if it is only going to be torn apart within five years for construction. Mr. Bezanson said Winter Street would not be a full "reclaim and pave"; it would be a basic reclaim and pave, more of a milling of the pavement. Councilor Varney clarified that the Winter Street Project is not part of the Franklin Street Project; however, Winter Street is scheduled for FY 18. The **MOTION CARRIED** by a majority voice vote.

FY 16 BUDGET AMENDMENT 25 [PASSED] :

Councilor Walker **MOVED** to list Gear Road as the first street on the paving list. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

FY 16 BUDGET AMENDMENT 26 [PASSED] :

Councilor Varney **MOVED** to list Ledgeview Drive as third on the paving list. The other streets on the list would remain in the prioritized order once these three streets are listed first. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a majority voice vote.

FY 16 BUDGET DISCUSSION:

Councilor Lauterborn said strong consideration should be given to paving Whitehouse Road.

Councilor Lauterborn asked if the proposal to increase the permit fees had been calculated into the budget yet. Deputy City Manager Cox replied yes.

FY 16 BUDGET AMENDMENT 27:

Mayor Lachapelle **MOVED** to add the amount of \$267,000 to the proposed paving in the Operating Budget as follows:

- Gear Road [\$515,000]
- Winter Street [100,000]
- Ledgeview Drive [\$315,000]

Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Mayor Jean said the proposed budget is approximately \$106,000 below the Tax Cap.

Councilor Collins thanked the City Manager, Finance Department, and the Department Heads for presenting a reasonable budget to work with. Mayor Jean agreed and thanked the Department Heads who attended the meeting.

13. Consent Calendar

Councilor Walker **MOVED** to **ADOPT** the Consent Calendar resolutions. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. The resolutions are as follows:

- 13.1. AB 156 Resolution De-Authorizing Department of Public Works Capital Improvement Fund Grant Funding for the So-Called Gonic Dam Project – First Reading, Second Reading, and Adoption**

**RESOLUTION DEAUTHORIZING DEPARTMENT OF PUBLIC WORKS
CAPITAL IMPROVEMENT FUND GRANT FUNDING
FOR THE SO-CALLED GONIC DAM PROJECT**

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

WHEREAS, by virtue of a certain resolutions adopted by the Mayor and City Council of the City of Rochester in March, 2011 and April, 2011, the Mayor and City Council approved the acceptance of a grants in the amount of Eighty Thousand Dollars (\$80,000) from the New Hampshire Department of Environmental Services and the United States Government for the purpose of paying for costs and expenses incurred with respect to the various aspects of the so-called Gonic Dam project (the "Project") and appropriated the same amount in the Department of Public Works, Capital Improvements Fund, and

WHEREAS, the aforesaid Project has been completed and Ninety Four and 63/100 Dollars (\$94.63) of the grant remain unexpended; and

NOW THEREFORE, in light of the completion of the Project, the Mayor and City Council of the City of Rochester hereby withdraw and deauthorize the sum of Ninety Four and 63/100 Dollars (\$94.63) of the previous appropriation of funds for the aforementioned Project.

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 FY 15 06-02 AB 156**

**13.2. AB 145 Resolution De-Authorizing Funding for the
Library Capital Improvement CIP Fund – First Reading,
Second Reading, and Adoption**

**RESOLUTION DEAUTHORIZING FUNDING FOR THE LIBRARY CAPITAL
IMPROVEMENT (CIP) FUND**

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

WHEREAS, by virtue of a certain resolutions adopted by the Mayor and City Council of the City of Rochester in, the Mayor and City Council appropriated the amount of Fourteen Thousand Four Hundred Dollars (\$14,400.00) to the City of Rochester Library CIP fund as part of the FY14 Adopted CIP Budget

for the purpose of paying for costs and expenses incurred with respect to the various aspects of the Authority Control project (the "Project"); and

WHEREAS, due to the high volume of weeding and lower the expected pricing, the Project was completed for Ten Thousand Seven Hundred Seventy Seven and 36/100 Dollars (\$10,777.36) less than budgeted and that amount is no longer needed; and

NOW THEREFORE, in light of the above, the Mayor and City Council of the City of Rochester hereby withdraw and deauthorize the sum Ten Thousand Seven Hundred Seventy Seven and 36/100 Dollars (\$10,777.36) of the previous appropriation of funds for the aforementioned Project, and further authorize the transfer of said funds back to 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 FY 15 06-02 AB 145**

14. New Business

14.1. AB 151 Annual Renewal of a Second Hand Dealer Known as "Just Stuff Yard Sale" – Motion to Approve

Councilor Lachapelle **MOVED** to **APPROVE** the second hand dealer license known as "Just Stuff Yard Sale". Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

14.2. AB 152 Annual Renewal of the Motor Vehicle Junk Yard & Junk Dealers for the following Applications: – Motion to Approve

Councilor Torr **MOVED** to **APPROVE** the following Motor Vehicle Junk Yard and Junk Dealers Licenses:

- **American Used Auto Parts [Vehicle Junk Yard and Junk Dealer]**
- **Colony Used Auto Parts [Motor Vehicle Junk Yard]**
- **Lamberts Auto Truck Recyclers Inc. [Motor Vehicle Junk Yard and Junk Dealer]**

Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

14.3. AB 157 Resolution Granting Discretionary Preservation Easement to the Property Situate at 195 Ten Rod Road Under the Provisions of 79-D in Connection with its Proposed Preservation Project – First Reading and Adoption

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

RESOLUTION GRANTING
DISCRETIONARY PRESERVATION EASEMENT TO THE PROPERTY
SITUATE AT 195 TEN ROD ROAD
UNDER THE PROVISIONS OF RSA 79-D
IN CONNECTION WITH ITS PROPOSED PRESERVATION PROJECT

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

WHEREAS, the owner(s) of the so-called 195 Ten Rod Road property in Rochester is/are desirous of taking advantage of the potential opportunities and benefits available to property owners as a result of the adoption of Chapter 79-D and they have, therefore, proposed a preservation of historic agricultural structure with respect to the so-called 195 Ten Rod Road Historic Barn preservation; and

WHEREAS, Chapter 79-D requires that the governing body of the City of Rochester make certain findings and or determinations with regard to a proposed substantial preservation project in order for the structure subject to such preservation project to qualify for the Chapter 79-D Discretionary Preservation Easement Tax Relief Incentive;

NOW, THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this resolution, hereby make the following determinations and findings with respect to the proposed preservation for the so-called 195 Ten Rod Road property contemplated by the owner's Discretionary Preservation Easement application, to wit:

(1) Any tax relief under the provisions of Chapter 79-D or this resolution that is to be accorded with respect to the so-called 195 Ten Rod Road property project shall be accorded only after the property owners grant to the City a discretionary preservation easement pursuant to the provisions of RSA 79-D:4 ensuring that the structure shall be maintained and used in a manner that furthers the public benefits for which the tax relief was granted and in accordance with the requirements of RSA 79-D:1; and

(2) The Mayor and City Council find a public interest under RSA 79-D:1 in the proposed preservation project proposed with respect to the so-called 195 Ten Rod Road property project; and

(3) The proposed historic agricultural structure preservation provides the following public benefits to Rochester:

I. It prevents the loss of historic agricultural structures due to property taxation at values incompatible with their preservation; and

II. It maintains the historic rural character of the City's landscape, sustaining agricultural traditions, and providing an attractive scenic environment for work and recreation of the City's citizens and visitors

(4) The specific public benefit is preserved through a discretionary preservation easement pursuant to the provisions of RSA 79-D:4 if the project is implemented consistent with (a) the aforesaid application; (b) compliance with the recommendation to the Council approved by the Historic District Commission at its May 13, 2015 meeting; (c) the terms of this resolution; and (d) any other applicable requirements of Chapter 79-D; and

(5) The Mayor and City Council finds that the proposed use is consistent with the City's master plan and/or development regulations.

Furthermore, as a result of making such determinations and findings, and subject to the owner(s) compliance therewith, and with the provisions of Chapter 79-D, the Mayor and City Council hereby grants the requested tax relief for a period of ten (10) years beginning with the granting of the discretionary preservation easement of the so-called 195 Ten Rod Road Historic Barn to the City of Rochester. **CC FY15 06-02 AB 157**

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor

Varney seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Tom Mullin, City Assessor, said it is important that the City give direction as to what percent the barn would be assessed at, this can be anywhere between 25% to 75%. The smaller the percentage the higher amount of the savings for the owner. He said if the City Council approves the 25% level, the owner would save \$374 and at the 75% level the owner would receive a savings of \$123. Councilor Keans asked what other barns were assessed using the 79-D process. Mr. Mullin replied the City has three such barns; two were assessed at 25% because of the amount invested into the barn. This barn is under an expensive renovation process. Mayor Jean **MOVED** to approve the barn to be assessed at 25% of the assessed value of the barn. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

- 14.4. **AB 147 – Resolution Approving a Grant Application to the US Department of Housing and Urban Development for Lead Abatement Efforts ~~and Approving Funds From the Anticipated Grant Award – Resolution is Forthcoming~~ -First Reading, Second Reading, and Adoption**

*This resolution was **not** adopted, for more information see Committee Reports/Community Development Committee.*

- 14.5. **AB 155 – Resolution De-Authorizing Funding for the Bridging the Gaps Program – First Reading, Second Reading, and Adoption**

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

RESOLUTION DEAUTHORIZING FUNDING FOR THE BRIDGING THE GAPS PROGRAM

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

WHEREAS, by virtue of a certain resolutions adopted by the Mayor and City Council of the City of Rochester in April, 2015, the Mayor and City Council

appropriated as a supplemental appropriation the amount of Thirty Two Thousand Four Hundred Dollars (\$32,400.00) from the General Fund fund balance to the Operating Budget for the purpose of paying for costs and expenses incurred with respect to the various aspects of the Bridging the Gaps program ("BTG"); and

WHEREAS, the Federal Substance Abuse and Mental Health Administration has released Ninety One Thousand Eighty Dollars (\$91,080.00) in grant money to fund aforesaid BTG, the money appropriated by the Mayor and City Council in April, 2015 is no longer needed; and

NOW THEREFORE, in light of the above, the Mayor and City Council of the City of Rochester hereby withdraw and deauthorize the sum Thirty Two Thousand Four Hundred Dollars (\$32,400.00) of the previous appropriation of funds for the aforementioned BTG, and authorize transfer of said funds back to 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 FY 15 06-02 AB 155**

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

14.6. AB 153 – Resolution Authorizing and Accepting of Funds and Appropriating Funds to the 2014-2015 Operating Budget of the City of Rochester for Services Related to the Bridging the Gap Program - First Reading, Second Reading, and Adoption

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

**RESOLUTION AUTHORIZING ACCEPTING OF FUNDS AND
APPROPRIATING FUNDS TO THE
2014-2015 OPERATING BUDGET OF THE CITY OF ROCHESTER
FOR SERVICES RELATED TO THE BRIDGING THE GAP PROGRAM**

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

That the sum of Ninety One Thousand Eighty Dollars (\$91,080.00) be, and hereby is accepted by the City of Rochester from the Federal Substance Abuse and Mental Health Administration as a grant and, further, the same amount is appropriated as a supplemental appropriation to the 2014-2015 operating budget of the City of Rochester for the purpose of providing funds for use in connection with the Bridging the Gap Program. Further, that this supplemental appropriation is to be accounted for in a separate non-lapsing multi-year fund.

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 and to establish a special revenue, non-lapsing, multi-year fund to which said sums shall be transferred. **CC FY 06-02 15 AB 153**

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

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

Councilor Gray said there is one action item and that is to find out if the City Council wished to keep the 501-C3 Non-Profit Status or not. He noted that the City of Rochester has a nonprofit status because it is a municipality. Councilor Larochelle said the goal is to have this morph into a self-sustaining program and at that point the 501-C3 Non-Profit Status could be beneficial. The City Council debated this matter and it was determined that this decision could be made at a later date.

Councilor Lauterborn asked what the status was as far as hiring an employee for this program. City Manager Fitzpatrick said the employee has been hired and it was outlined at the time of the application that this is a temporary employee being funded by a grant. He said it is currently structured so when the grant funds are no longer available, the employee would be laid-off. That is the legal status of the employee.

Councilor Gray stated that the application for the Bridging the Gaps

program could not be paid for by the grant funding. Mayor Jean requested that the matter be sent to the next Finance Committee in July.

14.7. AB 166 Ward One Polling Location – Motion to Approve

Councilor Lachapelle **MOVED** to **ACCEPT** the new Ward One polling location as Tara Estates. Councilor Lauterborn seconded the motion. The City Council briefly discussed the matter. Councilor Walker asked what the cost would be. City Clerk Walters replied that it would be \$150 per election, which is consistent the other rented polling locations. Councilor Keans said she would vote on the motion; however, the location is in the extremity of the ward; she hoped it would someday be a more central location, for Ward three as well. The **MOTION CARRIED** by a unanimous voice vote.

Mayor Jean said the City Clerk sent out an email seeking direction on notifying the Ward One voters by mail. It was determined that since there is no state requirement to mail out notifications, the City Clerk would notify the voters of Ward One using media, postings, and placing a sign at the entrance of the prior polling location.

14.8. AB 164 Resolution Authorizing Supplemental Appropriation to the 2014-2015 Operating Budget of the City of Rochester Recreation Department for Services Related to the Teen Travel Camp – First Reading, Second Reading, and Adoption

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

**RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION
TO THE 2014-2015 OPERATING BUDGET OF THE CITY OF ROCHESTER
RECREATION DEPARTMENT FOR SERVICES
RELATED TO THE TEEN TRAVEL CAMP**

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

That the sum of Five Thousand Dollars (\$5,000.00) be, and hereby is appropriated as a supplemental appropriation to the 2014-2015 operating budget of the City of Rochester Recreation Department for the purpose of

providing funds for use in connection with the Teen Travel Camp. The sums necessary to fund such supplemental appropriation shall be drawn in their entirety from the City of Rochester School Department's Safe Schools Healthy Students (SSHS) Grant fund. Further, that this supplemental appropriation will be assigned to a non-lapsing multi-year fund. 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 and to establish a special revenue, non-lapsing, multi-year fund to which said sums shall be transferred. **CC FY 15 06-02 AB 164**

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

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

14.9. AB 159 Fire Department Lithographs – Motion to Authorize the Fire Department to Repair Lithographs

Mayor Jean recalled that the Fire Department had received an insurance reimbursement for the damaged lithographs and the City Council requested that the City Council be notified prior to spending that money. This evening there is a request to spend \$759.90 of that money to complete the remaining eleven lithographs. Deputy Fire Chief Dupuis confirmed that the restoration would be completed by a specialist in the field. Councilor Lachapelle **MOVED** to allow the Fire Department to proceed with the project estimated at \$759.90. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

14.10. AB 158 - A – Resolution De-Authorizing Funding for the Breathing Apparatus Program – First Reading, Second Reading, and Adoption

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

**RESOLUTION DEAUTHORIZING FUNDING FOR
THE BREATHING APPARATUS PROGRAM**

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

WHEREAS, by virtue of a certain resolutions adopted by the Mayor and City Council of the City of Rochester , the Mayor and City Council appropriated the amount of Thirty Four Thousand One Hundred Dollars (\$34,100.00) as part of the FY15 Adopted CIP Budget and further a supplemental appropriation on 09/02/2014 of Two Hundred Seventy Thousand Dollars (\$270,000.00) derived from a FEMA grant to the Capital Improvements Budget for the Fire Department for the purpose of paying for costs and expenses incurred with respect to the various aspects of the Breathing Apparatus program ("Program"); and

WHEREAS, the Fire Department received a Fire Act Grant from FEMA which covered ninety percent of the cost of the Program, the remaining unexpended appropriation by the Mayor and City Council for the program is no longer needed; and

NOW THEREFORE, in light of the above, the Mayor and City Council of the City of Rochester hereby withdraw and deauthorize the sum \$5,493.94 Five Thousand Four Hundred Ninety Three and 94/100 Dollars (\$5,493.94) of the previous Thirty Four Thousand One Hundred Dollar (\$34,100.00) appropriation and Twelve Thousand Five Hundred Forty Four Dollars (\$12,544.00) of the previously authorized Two Hundred Seventy Thousand Dollar appropriation of funds for the aforementioned Program. Further that of the \$5,493.94 in deauthorize funds the Council authorizes the transfer of Three Thousand Nine Hundred Ninety Three and 94/100 Dollars (\$3,993.94) back to the General Fund unassigned fund balance and One Thousand Five Hundred Dollars (\$1,500.00) to the so called Thermal Imaging Camera project.

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 FY 15 06-02 AB 158**

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

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Walker seconded the motion. Mayor Jean gave the details about this type of grant and

how the remaining funds can be used if an application is filed and the use is approved by FEMA. He gave details about the saving involved with seeking the funds to assist with the purchase of a thermal imaging camera. The next resolution would take care of repurposing those funds. The **MOTION CARRIED** by a unanimous voice vote.

14.11. AB 158 - B – Resolution Authorizing Supplemental Appropriation for the Purchase of a Thermal Imaging Camera – First Reading, Second Reading, and Adoption

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

**RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION
FOR THE PURCHASE OF THERMAL IMAGING CAMERA**

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

That the sum of Eleven Thousand Five Hundred Dollars (\$11,500.00) be, and hereby is, appropriated as a supplemental appropriation to the operating budget of the City of Rochester Fire Department for the purpose of providing funds necessary to pay costs and/or expenditures with respect to the purchase of a Thermal Imaging Camera and provided further that Ten Thousand Dollars (\$10,000.00) of the funds for such supplemental appropriation shall be derived from the so-called FEMA Grant deauthorized for use with the Breathing Apparatus program and that One Thousand Five Hundred Dollars (\$1,500.00) of the funds shall be derived from the previously deauthorized City funding portion of the so-called Breathing Apparatus project.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution. **CC FY15 06-02 AB 158 B**

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

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

14.12. AB 154 Amendment to the City of Rochester General Ordinances Relative to Chapter 42.10 Aquifer Protection Overlay District [APOD] – First Reading, Refer to a Public Hearing

Councilor Lachapelle **MOVED** to read the Amendment by title only and refer the matter to a public hearing to be held prior to the June 16, 2015, City Council Workshop. Councilor Walker seconded the motion. Mayor Jean read the Amendment by title only for the first time as follows:

**AMENDMENTS TO CHAPTER 42 OF THE GENERAL ORDINANCES OF
THE CITY OF ROCHESTER THE AQUIFER PROTECTION OVERLAY
DISTRICT (APOD)**

THE CITY OF ROCHESTER ORDAINS:

That subsections 42.10 of Chapter 42 of the General Ordinances of the City of Rochester regarding the Aquifer Protection Overlay District (APOD) and currently before the Rochester City Council, be amended as follows:

That subsection 42.10, presently before the Rochester City Council, be amended by deleting subsection 42.10 in its entirety, and by substituting in its stead, the following provisions, to be known as subsection 42.10 of the General Ordinances of the City of Rochester, to wit:

42.10 Aquifer Protection Overlay District [APOD]

- a. Authority. The City of Rochester hereby adopts this ordinance pursuant to the authority granted under RSA 674:16, in particular RSA 674:16, II relative to innovative land use controls.
- b. Purpose. The purpose of this ordinance is to preserve, maintain, and protect from contamination existing and potential groundwater supply areas that may be available for use as a current or future source of supply for Rochester's municipal water system. The ordinance serves as a public education tool to provide residents and small businesses awareness on typically unrecognized hazards.
- c. Definitions.

1. Aquifer: for the purposes of this ordinance, a geologic formation composed of rock, sand, or gravel that contains significant amounts of potentially recoverable water. [*NHDES Model Groundwater Protection Ordinance, Chapter 2.5 Protection of Groundwater and Surface Water Resources, Innovative Land Use Planning Techniques*]
2. Fuel storage: see Chapter 42.2 of the Zoning Ordinance of the City of Rochester, New Hampshire.
3. Gasoline station: see Chapter 42.2 of the Zoning Ordinance of the City of Rochester, New Hampshire.
4. Groundwater: subsurface water that occurs beneath the water table in soils and geologic formations. [*RSA 485-C (VIII), the Groundwater Protection Act*]
5. Household hazardous waste collection project: any location that accumulates, collects, transfers, or otherwise manages household hazardous waste [*Env-Hw 103.66, NH Code of Administrative Rules*]
6. Impervious surface: a surface through which regulated substances cannot pass when spilled. The term includes concrete and asphalt unless unsealed cracks or holes are present, but does not include earthen, wooden, or gravel surfaces or other surfaces that could react with or dissolve when in contact with the substances stored on them. [*Env-Wq 401.03(c), NH Code of Administrative Rules*]
7. Junkyard: see Chapter 42.2 of the Zoning Ordinance of the City of Rochester, New Hampshire.
8. Regulated container: any device in which a regulated substance is stored, transported, treated, disposed of, or otherwise handled, with a capacity of greater than or equal to five gallons. [*Env-Wq 401.03(g), NH Code of Administrative Rules*]
9. Regulated substance: any of the following, with the exclusion of all substances used for the treatment of drinking water or wastewater at

department-approved facilities¹ [*Env-Wq 401.03(h), NH Code of Administrative Rules*]:

- A. Petroleum products and their by-products of any kind, and in any form including, but not limited to, petroleum, fuel, sludge, crude, oil refuse or oil mixed with wastes and all other liquid hydrocarbons regardless of specific gravity and which are used as motor fuel, lubricating oil, or any oil used for heating or processing. Shall not include natural gas, liquefied petroleum gas or synthetic natural gas regardless of derivation or source. [*RSA 146-A:2(III), Oil Discharge or Spillage in Surface Water or Groundwater*]; or
 - B. Any substance that contains a regulated contaminant for which an ambient groundwater quality standard has been established pursuant to RSA 485-C:6; or
 - C. Any hazardous substance as listed in the [40 CFR Part 302, Table 302.4](#)². Reportable quantity (RQ): the reportable quantities of hazardous substances as listed in 40 CFR Part 302, Table 302.4 under column heading final RQ pounds (Kg).
10. Rochester municipal water system: the public treatment and distribution system, which consists of water treatment plants, water main pipes, storage tanks, booster stations, and service connections that convey potable water for domestic, fire protection, and other community uses.
11. Sanitary protective radius: areas around a public water supply well which must be maintained in its natural state as required by Env-Dw 301.06 (small community wells); Env-Dw 302.06 (large community wells).
12. Seasonal high water table: the depth from the mineral soil surface to the upper most soil horizon that contains 2% or more distinct or prominent redoximorphic features that increase in percentage with

¹ These chemicals are excluded from the definition of regulated substances within state administrative rule Env-Wq 401, because they are used in the treatment of wastewater and drinking water supplies and are not considered to pose a significant risk to groundwater.

² http://www.ecfr.gov/cgi-bin/text-idx?SID=faf57ef83c3514de4442d1c07acf144f&node=se40.28.302_14&rgn=div8

increasing depth as determined by a licensed Hydrogeologist, Soils Scientist, Wetlands Scientist, Engineer or other qualified professional approved by the Planning Board or the shallowest depth measured from ground surface to free water that stands in an unlined or screened borehole for a period of one week or more³. [*Env-Wq 1502.49, NHDES Alteration of Terrain*]

13. Snow dump: for the purposes of this ordinance, a location where snow is placed for disposal from any off-site location (i.e. cleared from roadways, and/or motor vehicle parking areas). [*NHDES Model Groundwater Protection Ordinance, Chapter 2.5 Protection of Groundwater and Surface Water Resources, Innovative Land Use Planning Techniques*]
 14. Stratified-drift aquifer: a geologic formation of predominately well-sorted sediment deposited by or in bodies of glacial meltwater, including gravel, silt, or clay, which contains sufficient saturated permeable material to yield significant quantities of water to wells. [*RSA 485-C (XIV), the Groundwater Protection Act*]
 15. Wellhead protection areas – the surface and subsurface area surrounding a water well or wellfield supplying a community public water system, through which contaminants are reasonably likely to move toward and reach such water well or wellfield. [*RSA 485-C (XVIII), the Groundwater Protection Act*]
- d. Aquifer Protection Overlay District Boundaries. The Aquifer Protection Overlay District (APOD) is an overlay district that is superimposed over the existing zoning. The APOD shall impose additional requirements and restrictions beyond the base zoning. Boundaries of the APOD shall be referenced by the latest edition of the map entitled "City of Rochester Aquifer Protection Overlay District." The District shall include:
1. All delineated wellhead protection areas around existing and potential municipal production water wells, including a protective radial distance of 1,000ft⁴ around those wells (see definition for "wellhead protection area" in provision c).

³ This definition includes a focus on both soil morphology and groundwater hydrology

⁴ The protective radius around the municipal production wells pertains to rock blasting activities.

- e. Applicability. This ordinance applies to all uses in the Aquifer Protection Overlay District, except for those uses exempt under this ordinance (see provision k).
- f. Performance Standards. The following Performance Standards apply to all uses in the Aquifer Protection Overlay District unless exempt under this ordinance (see provision k).
 - 1. For any use that will render impervious more than 20 percent⁵ of any lot or 5,000 square feet of land disturbance of any lot, whichever is greater, a stormwater management and erosion control plan, approved by the Planning Board and prepared in accordance with [Chapter 50: Stormwater Management and Erosion Control](#) shall be provided.
 - 2. Animal manures, fertilizers, and compost must be stored in accordance with the [Manual of Best Management Practices \(BMPs\) for Agriculture in New Hampshire](#)⁶ – “New Hampshire Department of Agriculture, Markets, and Food,” revised June 2011, and any subsequent revisions.
 - 3. All regulated substances within regulated containers or hazardous substances listed under 40 CFR 302.4 with a capacity equal to or greater than the reportable quantity must be used and stored in accordance with Env-Wq 401, [Best Management Practices for Groundwater Protections](#)⁷.
 - 4. All activities related to rock blasting must adhere to NHDES WD-10-12, [Best Management Practices for Blasting](#)⁸ – “Rock Blasting and Water Quality Measures That Can be Taken to Protect Water Quality and Mitigate Impacts,” prepared 2010, and any subsequent revisions.
- g. Permitted Uses. All uses permitted by right or allowed by special exception in the underlying district are permitted unless they are Prohibited Uses or Conditional Uses in the Aquifer Protection Overlay District. All uses must comply with the Performance Standards unless specifically exempt under this ordinance (see provision k).
- h. Prohibited Uses. The following uses are prohibited in the Aquifer Protection Overlay District:
 - 1. Development or operation of a solid waste facility.

⁵ Two times the percentage of impervious surface area at which stream quality decreases ([USGS, 2005](#)).

⁶ <http://www.agriculture.nh.gov/publications-forms/documents/bmp-manual.pdf>

⁷ <http://des.nh.gov/organization/commissioner/legal/rules/documents/env-wq401.pdf>

⁸ <http://des.nh.gov/organization/commissioner/pip/publications/wd/documents/wd-10-12.pdf>

2. Outdoor storage of road salt or other deicing chemicals in bulk.
3. Development or operation of a junkyard.
4. Development or operation of a snow dump.
5. Development or operation of a wastewater or septage lagoon.
6. Development or operation of a petroleum bulk plant or terminal.
7. Development or operation of gasoline stations.
8. Use of powdered ammonium nitrate fuel oil and explosives that contain perchlorate during blasting activities

i. Conditional Uses. The Planning Board may vary the provisions herein by granting a conditional use permit in accordance with RSA 674:21 (II) to allow for a use which is otherwise permitted in the underlying district. The following conditions shall apply to all uses in the Aquifer Protection Overlay District:

1. Storage, handling, and use of regulated substances in quantities exceeding 55 gallons per container or 660 pounds per container⁹ at any one time provided that an adequate regulated materials response plan has been submitted. This plan must address:
 - A. Description of the physical layout and a facility diagram, including all surrounding surface waters and wellhead protection areas.
 - B. Contact list and phone numbers for the facility response coordinator, cleanup contractors, and all appropriate federal, state, and local agencies who must be contacted in case of a release to the environment.
 - C. List of all regulated substances in use and locations of use and storage.
 - D. Description of containment and/or diversionary structures or equipment to prevent regulated substances from infiltrating into the ground.
 - E. List of positions within the facility that require training to respond to spills of regulated substances.

⁹ According to the Pipeline and Hazardous Materials Safety Administration's [Emergency Response Guidebook](#), large spills are defined as containers that are greater than 55 US gallons (208 liters) for liquids and greater than 660 pounds (300 kilograms) for solids with regard to initial isolation and protection action distances. This is a standard that is used by the bulk of the voluntary first responder organizations

- F. Prevention protocols that are to be followed after an event that causes large releases of any regulated substance.
- 2. Any use that will render impervious more than 20 percent of any lot or 5,000 square feet of land disturbance, whichever is greater, provided that an adequate stormwater management plan has been submitted. This plan shall be prepared in accordance with Chapter 50: Stormwater Management and Erosion Control.
- 3. Projects that will excavate more than a total of 5,000 cubic yards of bedrock through rock blasting activities within a two year period or are within a radial distance of 1,000 feet from a municipal production well provided that an adequate groundwater monitoring plan has been submitted. This plan must address:
 - A. Identification of potential sensitive receptors and evaluation hydrogeological background information.
 - B. Identification of monitoring well locations and install monitoring wells, where appropriate.
 - C. Collection of background water quality samples to identify, or rule out, pre-existing groundwater contamination issues and to establish background chemistry levels and performance criteria for groundwater quality.
 - D. Collection of periodic groundwater samples, including but not limited to nitrite/nitrates, as well as standard analysis for inorganic chemical, volatile organic chemical, and synthetic organic chemical contaminants as designated in [Env-Dw 703 through Env-Dw 705](#), and ambient groundwater quality standards as designated in [Env-Or 603](#), from the groundwater monitoring points during blasting, as well as collect water level data, when pertinent.
 - E. Collection of post-blast groundwater samples (conducting multiple rounds of sampling may be prudent, and/or sampling could be ongoing for extended periods if contamination is detected as a result of the blasting).
 - F. The Planning Board may, at its discretion, require a performance guarantee or bond in an amount conditions satisfactory to the Board, to be posted to ensure completion of construction of any facilities required for compliance with

the Performance Standards.

- j. Existing Nonconforming Uses. Existing nonconforming structures and uses are exempt from this zoning ordinance under RSA 674:19. Any existing nonconforming structures and uses must be in compliance with Chapter 42.30 of the Zoning Ordinance of the City of Rochester, New Hampshire.
- k. Exemptions. The following uses are exempt from the specified provisions of this ordinance as long as they are in compliance with all applicable local, state, and federal requirements:
 - 1. Any private residence, excluding home occupations, is exempt from all Performance Measures.
 - 2. Any business or facility where regulated substances are stored in regulated containers with a capacity of five or less gallons or where hazardous substances are stored in containers with a capacity of less than the reportable quantity is exempt from Performance Standard 3.
 - 3. Storage of heating fuels for on-site use or fuels for emergency electric generation, provided that storage tanks are indoors on a concrete floor or have corrosion control, leak detection, and secondary containment in place, is exempt from Performance Standard 3.
 - 4. Storage of motor fuel in tanks attached to vehicles and fitted with permanent fuel lines to enable the fuel to be used by that vehicle is exempt from Performance Standard 3.
 - 5. Storage and use of office supplies is exempt from Performance Standard 3.
 - 6. Temporary storage of construction materials on a site where they are to be used is exempt from Performance Standard C if incorporated within the site development project within six months of their deposit on the site.
 - 7. The sale, transportation, and use of pesticides as defined in RSA 430:29 XXVI are exempt from all provisions of this ordinance.
 - 8. Any non-reoccurring household hazardous waste collection projects regulated under NH Code of Administrative Rules Env-Wm 401.03(b)(1) and 501.01(b) are exempt from Performance Standard 3.

9. Underground storage tank systems and aboveground storage tank systems that are in compliance with applicable state rules are exempt from inspections under this ordinance (see provision m).

l. Relationship between State and Local Requirements. Where both the State and the municipality have existing requirements, the more stringent shall govern.

m. Maintenance and Inspection.

1. For uses requiring planning board approval for any reason, a narrative description of maintenance requirements for structures required to comply with Performance Standards shall be recorded so as to run with the land on which such structures are located, at the Registry of Deeds for Strafford County. The description so prepared shall comply with the requirements of RSA 478:4-a.
2. Inspections shall be required to verify compliance with Performance Standards. Such inspections shall be performed by City staff at reasonable times with prior notice to the landowner.
3. All properties in the Aquifer Protection Overlay District known to City staff as using or storing regulated substances in regulated containers with a capacity greater than five gallons or hazardous substances with a capacity greater than the reportable quantity, except for facilities where all regulated substances storage is exempt from this ordinance (see provision k), shall be subject to inspections.
4. If applicable, a fee schedule shall be established by the City Council as provided for in RSA 41-9:A. The Rochester City Council shall require the fee be billed at an hourly rate as determined by the City of Rochester Public Works Department for compliance inspections. The fee shall be paid by the property owner.
5. City staff shall develop reporting and tracking criteria for properties in the Aquifer Protection Overlay District that are subject to compliance inspections. Property owners shall submit reports to the City on a biennial (every other year) basis.

n. Enforcement Procedures and Penalties. Any violation of the requirements of this ordinance shall be subject to the enforcement procedures and penalties detailed in RSA 676 or RSA 485-C.

- o. Saving Clause. If any provision of this ordinance is found to be unenforceable, such provision shall be considered separable and shall not be construed to invalidate the remainder of the ordinance.
- p. Repeal. All ordinances or parts of ordinances in conflict with this chapter are to the extent of the conflict, hereby repealed.
- q. Effective Date. This ordinance shall be effective upon adoption by the Rochester City Council.

Councilor Lauterborn pointed out that under (m) Maintenance and Inspection, item number 4 talks about a fee schedule. She requested more information. Mayor Jean requested that this information be provided to the City Council in time for the public hearing.

14.13. AB 160 Amendment to Chapter 34 of the General Ordinances of the City of Rochester Regarding the Issuance of Junk Dealer and Second-Hand Dealer Licenses – First Reading, Second Reading, and Adoption

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

AMENDMENT TO CHAPTER 34 OF THE GENERAL ORDINANCES OF THE CITY OF ROCHESTER REGARDING THE ISSUANCE OF JUNK DEALER AND SECOND-HAND DEALER LICENCES

THE CITY OF ROCHESTER ORDAINS:

That subsections 34.3 and 34.4 of Chapter 34 of the General Ordinances of the City of Rochester regarding Junk and Second-Hand Dealers and currently before the Rochester City Council, be amended as follows:

That subsection 34.3, presently before the Rochester City Council, be amended by substituting the Director of Building, Zoning, & Licensing Services for the Licensing Board and by deleting subsection 34.4 in its entirety, and by substituting in its stead, the following provisions, to be known as subsection 34.4.a. and subsection 34.4.b. of Chapter 34 of the General Ordinances of the City of Rochester, to wit:

34.3 License Required. No person, firm, or corporation shall engage in the business of junk dealer or second-hand dealer unless licensed therefore by the Licensing Officer who shall be the Director of Building, Zoning & Licensing Services.

34. 4. a. Procedure for Issuance of License.

(a) Formal Application Required. Applications for licenses shall be made to the Licensing Officer. The application shall:

- 1. Form of Application.** Be a written statement upon forms provided by the Licensing Officer; such forms shall include such affidavits to be sworn to by the applicant before a Notary Public or Justice of the Peace of this State, as the Licensing Officer shall deem necessary.
- 2. Contents of Application.** Require the disclosure of any information which the Licensing Officer shall find to be reasonably necessary to the fair administration of this Ordinance.
- 3. Payment of fees.** Be accompanied by the full amount of fees chargeable to such license.

(b) Renewal of License Procedure. The applicant for renewal of a license shall submit an application to the Licensing Officer. The application shall:

- 1. Form of Application.** Be a written statement upon forms provided by the Licensing Officer, such forms shall include such affidavits to be sworn to by the applicant before a Notary Public or Justice of the Peace of this State, as the Licensing Officer shall deem necessary.
- 2. Contents of Application.** Require the disclosure of any information which the Licensing Officer shall find to be reasonably necessary to the fair administration of this Ordinance and the disclosure of such information concerning the applicant's conduct and operation of licensed activity during the preceding licensed period as is reasonably necessary to the determination by the Licensing Officer of the applicant's eligibility for a renewal license.

(c) Fitness Investigation. Upon receipt of any license application or application for license renewal, the Licensing Officer shall forward said

application to the Chief of Police who shall cause an investigation to be made of the fitness of the applicant to engage in the business of a junk dealer or second-hand dealer and report his findings to the Licensing Officer prior to the Licensing Officer's acting upon said application.

(d) Give Notice. The Licensing Officer shall notify any applicant of the acceptance or rejection of his application and shall, upon his refusal of any license, state in writing the reason therefore and deliver them to the applicant.

(e)Non-approval of License. The Licensing Officer shall, upon disapproving any application submitted under the provisions of this chapter, refund to the applicant all fees paid in advance, provided the applicant is not otherwise indebted to the City.

(f) Compliance Pending Legal Action. When the issuance of a license is denied and any action instituted by the applicant to compel its issuance, such applicant shall not engage in the activity for which the license was refused unless a license be issued to him pursuant to a judgment ordering the same.

34.4. b. Right of Appeal.

Any person aggrieved by any decision of the Licensing Officer shall have the right to appeal to the Licensing Board by filing a written appeal with the City Manager within three (3) business days following the effective date of the action or decision complained of.

(a)Contents of Appeal. The appeal shall set out a copy of the order or decision appealed from and shall include a statement of facts relied upon to avoid such order together with any defenses, legal objections or explanations which the appellant wishes the Board to consider.

(b) Notification of Licensing Officer. At the time of filing the appeal, a copy thereof shall be filed by the appellant with the Licensing Officer.

(c)Hearing. The City Manager shall fix a time and place for hearing the appeal and shall serve a written notice upon the appellant informing him thereof. The City Manager shall also give such notice to the Licensing Officer and the Officer shall be entitled to appear to defend such order.

(d)Effect of Decision. The findings of the Licensing Board shall be served upon the appellant as required herein. The effective date of these amendments shall be upon passage.

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

Councilor Lachapelle **MOVED** to **ADOPT** the Amendment. Councilor Walker seconded the motion. Councilor Lachapelle gave an overview of the appeal process and it was recommended by the City Attorney. Councilor Keans asked what Committee/Board would a person file an appeal to under this ordinance revision. City Attorney said the Building, Zoning, and Licensing Director would approve/deny the applications and the Licensing Board would be the venue to hear appeals. The **MOTION CARRIED** by a unanimous voice vote.

14.14. AB 161 Amendment to Chapter 42.29 of the General Ordinances of the City of Rochester Regarding Signage – First Reading and Refer to a Public Hearing

Councilor Lachapelle **MOVED** to read the Amendment by title only and refer the matter to a public hearing to be held prior to the June 16, 2015, City Council Workshop. Councilor Walker seconded the motion. Mayor Jean read the Amendment by title only for the first time as follows:

**AMENDMENTS TO CHAPTER 42 OF THE GENERAL ORDINANCES OF
THE CITY OF ROCHESTER REGARDING SIGNAGE**

THE CITY OF ROCHESTER ORDAINS:

That subsections 42.29 and 42.8 (j) (4) of Chapter 42 of the General Ordinances of the City of Rochester regarding Signage and currently before the Rochester City Council, be amended as follows:

That subsection 42.29, presently before the Rochester City Council, be amended by deleting subsection 42.29 in its entirety, and by substituting in its stead, the following provisions, to be known as subsection 42.29 of the General Ordinances of the City of Rochester, and that subsection 42.8 (j) (4) be amended by striking all exceptions to subsection 42.29 contained therein, to wit:

42.29 Signage

- a. **General.** All signs shall comply with the regulations for the

erection and construction of signs contained in the Building Code of the City of Rochester and other applicable city regulations, except as shall be under the jurisdiction of New Hampshire RSA 236:69-89. Signs shall be permitted in accordance with the following regulations.

- b. **Purpose and Intent.** The purpose of this ordinance is to create a legal framework to regulate the type, number, location, size, and illumination of signs on private property in order to maintain and enhance the character of the city's commercial district and residential neighborhood and to protect the public from hazardous and distracting displays.
- c. **Nonconforming signs.** A sign which was lawfully established prior to the adoption of this article but which does not meet the requirements of this article is considered a nonconforming sign. Non conforming signs and sign structures may remain or must be removed as follows:
 - 1. Applicable provisions of the nonconforming section of this Zoning Ordinance shall apply unless superseded herein.
 - 2. No changes in the sign or sign structure are permitted except for basic maintenance and repairs necessary to keep the sign in good working order or other changes which bring the sign into compliance. No nonconforming sign shall be reconstructed, modified, or relocated except for changes to the sign face itself within the same size and shape to accommodate a change copy. *A nonconforming sign which is damaged beyond repair due to a cause beyond the control of the owner may be replaced within one year of when damage occurs.*
 - 3. Nonconforming sign may not be altered in any way.
 - 4. Existing temporary signs which are not in compliance with this article are not considered to be "grandfathered" under this ordinance. If any notification of noncompliance is given from Director Building Zoning Licensing Services or designee, these signs or conditions must be brought into compliance within 60 days from that notification.
- d. **Permits Required.** All signs, regardless of size, shall require the

issuance of a zoning permit before public display unless otherwise specifically exempt by this Ordinance.

- d. **Application Process.** **Application for a sign permit shall be to the Building, Zoning, and Licensing Services Department. The application should contain the following:**
1. Name, signature, address and telephone number of the applicant.
 2. Owner's authorization for the application if not the applicant.
 3. Location of the building, structure or lot to which the sign will be located.
 4. The district the sign will be located.
 5. Historic District. Signs in the Historic District, except for portable easel, placard, and sandwich board signs, are subject to review by the Historic District Commission (see Article XIV – **Historic Overlay District**).
- e. **Construction Documents.** Before any permit is granted for the erection of a sign or sign structure requiring such permit, construction documents shall be filed with the Building, Zoning, and Licensing Services Department official showing the dimensions, materials and required details of construction, including loads, stresses, anchorage and any other pertinent data. The permit application shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected and by engineering calculations signed and sealed by a registered design professional where required by the *International Building Code*.
- f. **Changes to signs.** No sign shall be structurally altered, enlarged or relocated except in conformity to the provisions herein, until a proper permit, if required, has been secured. The changing or maintenance of movable parts or components of an approved sign that is designed for such changes, or the changing of copy, business names, lettering, sign faces, colors, display and/or graphic matter, or the content of any sign shall not be deemed a structural alteration.
- g. **Permit Fees.** Permit fees to erect, alter or relocate a sign shall be in accordance with the fee schedule adopted within this jurisdiction.
- h. **Prohibited Signs.** The following devices and locations shall be specifically prohibited:

1. Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device, or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic.
2. Except as provided for elsewhere in this code, signs encroaching upon or overhanging public rights-of-way. No *sign* shall be attached to any utility pole, light standard, street tree or any other public facility located within the public right-of-way.
3. Signs which blink, flash or are animated by lighting in any fashion that would cause such signs to have the appearance of traffic safety signs and lights, or to have the appearance of municipal vehicle warnings from a distance.
4. Any *sign* attached to, or placed on, a vehicle or trailer parked on public or private property, except for signs meeting the following conditions:
 - a. The primary purpose of such a vehicle or trailer is not the display of signs.
 - b. The signs are magnetic, decals or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle.
 - c. The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used or available for use in the daily function of the business to which such signs relate.
5. Vehicles and trailers used primarily as static displays, advertising a product or service, nor utilized as storage, shelter or distribution points for commercial products or services for the general public.
6. Snipe Signs

j. **Exempt Signs.** The following signs shall be exempt from the provisions of this chapter:

1. Official notices authorized by a *court*, public body or public safety official.
2. Directional, warning or information signs authorized by federal, state or municipal governments.
3. Memorial plaques, building identification signs and building cornerstones when cut or carved into a masonry surface or

when made of noncombustible material and made an integral part of the building or structure.

4. The flag of a government or noncommercial institution, such as a school.
5. Works of fine art displayed in conjunction with a commercial enterprise where the enterprise does not receive direct commercial gain.
6. Street address signs and combination nameplate and street address signs that contain no advertising copy and which do not exceed 6 square feet (0.56 m²) in area.
7. Signs required, or deemed necessary for the public welfare and safety, by a municipal, state, or federal agency such as traffic control and directional signs.
8. Interior signs.

k. **Definitions.** For the purpose set forth in this ordinance the following definitions apply:

1. **Abandoned Sign:** A sign structure that has ceased to be used and the owner intend no longer to have used.
2. **Animated Sign:** A sign employing actual motion or the illusion of motion. Animated signs, which are differentiated from changeable signs as defined and regulated by this code, include the following types:
 - a. **Electrically activated:** Animated signs producing the illusion of movement by means of electronic, electrical or electro-mechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:
 - b. **Flashing:** Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non illumination. For the purposes of this ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds 8 seconds.
 - c. **Mechanically activated:** Animated signs characterized by repetitive motion and/or rotation activated by a

mechanical system powered by electric motors or other mechanically induced means.

3. **Architectural Projection:** Any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building, but that does not include signs as defined herein. See also "Awning;" "Backlit awning;" and "*Canopy*, Attached and Free-standing."
4. **Awning:** An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non rigid materials and/or fabric on a supporting framework that may be either permanent or retractable, including such structures that are internally illuminated by fluorescent or other light sources.
5. **Awning Sign:** A sign displayed on or attached flat against the surface or surfaces of an awning. See also "Wall or fascia sign."
6. **Backlit Awning** An awning with a translucent covering material and a source of illumination contained within its framework.
7. **Banner:** A flexible substrate on which copy or graphics may be displayed.
8. **Banner Sign:** A sign utilizing a banner as its display surface.
9. **Billboard:** See "Off-premise sign" and "Outdoor advertising sign."
10. **Building:** A structure which has a roof supported by walls for shelter, support, or enclosure of persons, animals, or chattel.
11. **Canopy:** A multisided overhead structure or architectural projection supported by attachments to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached *canopy* may be illuminated by means of internal or external sources of light. See also "Marquee."

12. **Canopy (Free-Standing):** A multisided overhead structure supported by columns, but not enclosed by walls. The surface(s) and or soffit of a free-standing *canopy* may be illuminated by means of internal or external sources of light.
13. **Canopy Sign:** A sign affixed to the visible surface(s) of an attached or free-standing *canopy*.
14. **Changeable Sign:.** A sign with the capability of content change by means of manual or remote input, including signs which are:
 - a. **Electrically activated.** Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also "Electronic message sign or center."
 - b. **Manually activated.** Changeable sign whose message copy or content can be changed manually.
15. **Combination Sign:** A sign that is supported partly by a pole and partly by a building structure.
16. **Copy:** Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, excluding numerals identifying a street address only.
17. **Development of Complex Sign:** A free-standing sign identifying a multiple-occupancy development, such as a shopping center or planned *industrial* park, which is controlled by a single owner or landlord, approved in accordance with Section 1009.2 of this chapter.
18. **Directional Sign:** Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.
19. **Double-Faced Sign:** A sign with two faces, back to back.

20. **Electric Sign:** Any sign activated or illuminated by means of electrical energy.
21. **Electronic Message Sign or Center:** An electrically activated changeable sign whose variable message capability can be electronically programmed.
22. **Exterior Sign:** Any sign placed outside a building.
23. **Flag:** A sign, constructed of cloth and attached to a staff or pole.
24. **Flashing Sign:** See "Animated sign, electrically activated.
25. **Free-Standing Sign:** A sign principally supported by a structure affixed to the ground, and not supported by a building, including signs supported by one or more columns, poles or braces placed in or upon the ground.
26. **Frontage (Building):** The length of an exterior building wall or structure of a single premise orientated to the public way or other properties that it faces.
27. **Frontage (Property):** The length of the property line(s) of any single premise along either a public way or other properties on which it borders.
28. **Illuminated Sign:** A sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated); or reflecting off its surface(s) (externally illuminated).
29. **Interior Sign:** Any sign placed within a building, but not including "window signs" as defined by this ordinance. Interior signs, with the exception of window signs as defined, are not regulated by this chapter.
30. **Marquee Sign:** A permanent roof-like structure, including the structural support system, projecting beyond a building wall at the entrance to a building or extending along and projecting beyond building wall.
31. **Menu Board:** A free-standing sign orientated to the drive-through lane for a restaurant that advertises the menu items available from the drive-through window, and which has no

more than 20 percent of the total area for such a sign utilized for business identification.

32. **Multiple-Faced Sign:** A sign containing three or more faces.
33. **Nonconforming Sign:** Any sign that existed lawfully prior to the adoption of the Sign Ordinance which now does not conform with the provisions of this ordinance.
34. **Off-Premise Sign Directional:** A sign on private property whose only purpose is to direct vehicular traffic for deliveries and visitation and is not intended to be used as a form of advertisement.
35. **Off-Premise Sign:** A sign, which pertains to a business, industry, or other activity which is not located on the premise upon which the sign is located.
36. **On-Premise Sign:** A sign erected, maintained or used in the outdoor environment for the purpose of the display of messages appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.
37. **Outdoor Advertising Sign:** A permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.
38. **Permanent Sign:** A sign that is displayed for more than a total of ninety days in any one year.
39. **Pole Sign:** See "Free-standing sign."
40. **Political Sign:** A temporary sign intended to advance a political statement, cause or candidate for office. A legally permitted outdoor advertising sign shall not be considered to be a political sign.
41. **Portable Sign:** Any *sign* not permanently attached to the ground or to a building or building surface.
42. **Projecting Sign:** A *sign* other than a wall sign that is attached to or projects more than 18 inches (457 mm) from a building face or wall or from a structure whose primary

purpose is other than the support of a sign. For visual reference, see Section 1003.

43. **Premises Sign:** A lot or number of lots situated a building or group of buildings designed as a unit or on which a building or group of buildings are to be constructed housing multiple businesses.
44. **Real Estate Sign:** A temporary *sign* advertising the sale, lease or rental of the property or premises upon which it is located.
45. **Sandwich Board Sign:** A portable sign shaped like an A-frame with a sign pane on one or both sides.
46. **Sign:** Any device visible from a public place that displays either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any flags displayed from flagpoles or staffs will not be considered to be signs.
47. **Sign Area:** The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double-sided or "V" shaped *sign* shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple-sided signs shall be computed as 50 percent of the sum of the area of all faces of the *sign*.
48. **Sign Face:** The surface upon, against or through which the *sign* copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.
49. **Sign Structure:** Any structure supporting a sign.
50. **Snipe Sign:** Any sign of any size, made of any material, including paper, cardboard, wood and metal, when such sign is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, fences or other objects, and

the advertising matter appearing thereon is not applicable to the premises upon which said sign is located.

51. **Special Event:** A temporary sign that is either on-site or off-site that provides identification or information pertaining to a special event or occurrence sponsored by a non-profit or civic organization.
52. **Temporary Sign:** A sign not constructed for or intended for permanent use. Temporary signs may not be displayed for more than a total of thirty (30) days in any one year.
53. **Wall Sign:** A *sign* that is attached to a vertical wall of building that projects not more than 18 inches from the building or structure wall.
54. **Window Sign:** A *sign* within one foot of a window message intended to be visible to and readable from the public way or from adjacent property.

1. General Provisions.

1. **Conformance to codes.** Any sign hereafter erected shall conform to the provisions of this ordinance or regulation within this jurisdictions.
2. **Signs in rights-of-way.** No sign other than an official traffic sign or similar sign shall be erected within 2 feet of the lines of any street, or within any public way, unless specifically authorized by other ordinances or regulations of this jurisdiction or by specific authorization of the City Council .
3. **Projections over public ways.** Signs projecting over public walkways shall be permitted to do so only subject to the projection and clearance limits either defined herein or, if not so defined, at a minimum height of 8 feet from *grade* level to the bottom of the sign. Signs, architectural projections or *sign* structures projecting over vehicular access areas must conform to the minimum height clearance limitations imposed by the jurisdiction for such structures.
4. **Traffic visibility.** No sign or sign structure shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, nor at any location where by its position,

shape or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device.

5. **Computation of frontage.** If a premises contains walls facing more than one property line or encompasses property frontage bounded by more than one street or other property usages, the sign area(s) for each building wall or property frontage will be computed separately for each building wall or property line facing a different frontage. The sign area(s) thus calculated shall be permitted to then be applied to permitted signs placed on each separate wall or property line frontage.
6. **Maintenance, repair and removal.** Every sign permitted by this ordinance shall be kept in good condition and repair. When any sign becomes insecure, in danger of falling or is otherwise deemed unsafe by the code official, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this ordinance, the owner thereof or the person or firm using same shall, upon written notice by the Building, Zoning, Licensing, Services official forthwith in the case of immediate danger, and in any case within not more than 10 days, make such sign conform to the provisions of this ordinance, or shall remove it. If within 10 days the order is not complied with, the code official shall be permitted to remove or cause such sign to be removed at the expense of the owner and/or the user of the sign.
7. **Master sign plan required.** All landlord or single-owner controlled multiple-occupancy development complexes, such as shopping centers or planned *industrial* parks, shall submit to the Building Zoning and Licensing Services a master sign plan prior to issuance of new sign permits. The master sign plan shall establish standards and criteria for all signs in the complex that require permits, and shall address, at a minimum, the following:
 - a. Proposed sign locations.
 - b. Materials.
 - c. Type of illumination.
 - d. Design of free-standing sign structures.
 - e. Size.
 - f. Quantity.

- g. Uniform standards for non business signage, including directional and informational signs.

8. **Illumination.**

- a. No internally illuminated sign shall be used within 100 feet of any residential zone.
- b. On externally illuminated signs, the light source shall be steady, stationary, shielded, downcast, and directed solely at the sign. The sign surface shall be non reflective.
- c. Illuminated signs shall send no glare onto the road or onto any neighboring residential properties.

9. **Removal of Portable and Other Movable and Temporary Signs.**

- a. The Zoning Administrator, or other city personnel designated by the City Manager, shall cause to be removed any sign placed on or over any public right-of-way or public property that is without a valid permit or is not in compliance with the terms of a valid permit, or where such a sign is exempt from permit requirements, the sign is not in compliance with the standards and provisions of this ordinance.
- b. Signs Related to An Adjacent Principal Use. Where a sign that is placed on or over any public right-of-way or public property in violation of this ordinance is related to a principal use of adjacent private property, the Zoning Administrator, or other city personnel designated by the City Manager, shall notify the owner of the principal use or the property that a violation exists and shall specify a time limit for removal of the sign. If the owner fails to comply with the order for removal, the Zoning Administrator, or other city personnel designated by the City Manager, shall remove the sign and the owner shall be liable for the cost of said removal and subsequent storage. If the owner does not redeem the sign within thirty (30) calendar days from the date that the sign is removed, the sign shall be deemed to be abandoned and may be disposed of by the City as abandoned property; and
- c. Other Signs. Where a sign that is placed on or over any public right-of-way or public

property in violation of this ordinance is not erected in connection with elections or political campaigns, and is unrelated to a principal use of adjacent private property, the Zoning Administrator, or other city personnel designated by the City Manager, shall remove the sign and it shall be deemed to be abandoned and may be disposed of by the City as abandoned property."

m. **Specific Sign Requirements.**

1. **Animated Sign.** Animated signs, except as prohibited in [Section 13](#), are permitted in Granite Ridge Development, commercial and *industrial* zones only. Changeable signs, manually activated, are permitted for nonresidential uses in all zones. Changeable signs, electrically activated, are permitted in all nonresidential zones.
2. **Awning Sign.**
 - a. The copy area of awning signs shall not exceed an area equal to 25 percent of the background area of the awning or awning surface to which such a sign is affixed or applied, or the permitted area for wall or fascia signs, whichever is less.
 - b. Neither the background color of an awning, nor any graphic treatment or embellishment thereto such as striping, patterns or valances, shall be included in the computation of sign copy area.
3. **Canopy Signs.**
 - a. The permanently-affixed copy area of *canopy* or marquee signs shall not exceed an area equal to 25 percent of the face area of the *canopy*, marquee or architectural projection upon which such sign is affixed or applied.
 - b. Graphic striping, patterns or color bands on the face of a building, *canopy*, marquee or architectural projection shall not be included in the computation of sign copy area.
4. **Directory Signs.** For businesses located on Secondary Streets within the Downtown Commercial District.
 - a. Not to exceed four (4) square feet in area.

- b. Permission must be obtained in writing from the property owner on whose premise the sign is to be placed.
- c. These signs shall not obscure any portion of road, intersection, or sidewalk.
- d. Not more than 25 percent of the area of any directional sign shall be permitted to be devoted to business identification or logo, which area shall not be assessed as identification sign area.

5. Directional Signs.

No more than two directional signs shall be permitted per street entrance to any lot. There shall be none in residential zones. For all other zones, the maximum area for any directional sign visible from adjacent property or rights-of-way shall be 10 square feet. Not more than 25 percent of the area of any directional sign shall be permitted to be devoted to business identification or logo, which area shall not be assessed as identification sign area.

6. Development and Construction Signs. Signs temporarily erected during construction to inform the public of the developer, contractors, architects, engineers, the nature of the project or anticipated completion dates, shall be permitted in all zoning districts, subject to the following limitations:

- a. Such signs on a single residential lot, residential subdivision or multiple residential lots, and nonresidential uses shall be limited to one sign, not greater than 10 feet in height and 32 square feet in area.
- b. Such signs for commercial or *industrial* projects shall be limited to one sign per street front.
- c. Development and construction signs may not be displayed until after the issuance of construction permits by the building official, and must be removed not later than 24 hours following issuance of an occupancy permit for any or all portions of the project.

7. Electronic Message Sign. All permitted EMCs shall be equipped with a sensor or other device that automatically determines the ambient illumination and be programmed to automatically dim according to ambient light conditions at all times of the day or night. Electronic changing signs may be freestanding or building mounted, one or two-sided, may be a

component of a larger sign or billboard, and shall conform to the following minimum requirements along with all other requirements for signage within this ordinance:

- a. Electronic Message Center portion of the sign shall not make up more than 75% of the actual sign surface. In no case shall an electronic message center exceed 32 square feet.
 - b. Animation on Static EMCs shall be limited to the actual changing of the message. No flashing, blinking, or pulsating of lights shall be allowed. Electronic Message Centers must be equipped to freeze in one position or discontinue the display in the event that a malfunction occurs.
 - c. Minimum Display Time: All illumination elements on the face of Static electronic changing signs shall remain at a fixed level of illumination for a period of not less than 8 seconds.
 - d. Software for operating the EMC must be able to show current and factory brightness levels upon request. The owner/installer of Electronic Message Displays shall certify as part of the application that signs will not exceed the brightness levels specified in this section.
 - e. The brightness shall not exceed 0.3 footcandles at night.
 - f. Flashing or animated signs (including temporary interior window displays or banners) of red, amber, or green colored lights shall not be permitted.
8. **Flag.** Each store front may be allowed one (1) Open or welcome flag that is position at a height so as not to impede the flow of pedestrians.
9. **Home Occupation-1 Sign.** No signs are permitted.
10. **Home Occupation-2 Sign.** There may be only one sign for the business visible from the street. The sign shall be non-illuminated and shall not exceed three (3) square feet.
11. **Home Occupation-3 Sign.** There may be only one sign for the business visible from the street. The sign shall be non-illuminated and shall not exceed four (4) square feet.
12. **Marquee Sign.** No marquee shall be erected unless designed by a registered structural engineer and approved by Director

Building Zoning Licensing Services. It may extend over the sidewalk across the ROW to the curb line provided it has a minimum height above the sidewalk of ten feet above the curb level and does not exceed five feet in height.

13. Off-Premise Sign. Off premises signs are prohibited except for the following signs if permission is granted from the owner of the off premises location. A setback of at least 5 feet is required for these signs and they shall not be placed in the road right-of-way (i.e. they must be placed on private property).

- a. One freestanding sign per business directing people to the site. The sign may not exceed 2 square feet per side or 4 feet in height. No illumination is allowed. It may include only the name and/or logo, with simple directions. The sign must be durable and constructed of solid, finished materials.
- b. A real estate sign one per premise shall not exceed 6 square feet per side.
- c. Yard sale signs (See section M 24)
- d. A sign for an office park or industrial park may be erected at the entrance to the park on an out parcel or, with the approval of the , within the road right-of-way.
- e. A promotional banner for special event may be placed anywhere in the City, including across a public road, if approved by the City Manager.
- f. Two seasonal agricultural directional signs not to exceed 4 square feet each are permitted when intended to direct patrons to a farm for the purpose of purchasing or picking seasonal agricultural produce or products during the season within which the produce is available for sale or harvest.
- g. One portable sign on the sidewalk in front of businesses in the Downtown Commercial, Special Downtown, and Neighborhood Mixed Use lying in density rings.
- h. Road Signs.

14. **Political Sign**. Political Advertising. The following provisions are in addition to the political advertising controls established under RSA 664:14, 664:17, and 664:2, as amended:

- a. Political advertising shall be defined in RSA 664:2, as amended. No political advertising shall be placed or affixed upon any public property, including City rights of way. No political advertising shall be placed or affixed upon private property without the owner's consent.
- b. Signature, Identification, Lack of Authorization shall be in accordance with RSA 664:14, as amended.
- c. Political signs shall not be erected in the City Adopt-A-Spots or the Rochester Common.
- d. Removal of signs shall be in accordance with RSA 664:17, as amended.
- e. The area and location of signs used in conjunction with uses allowed by the Board of Adjustment as special exceptions shall also be approved by the Planning Board and shall conform to the sign regulations for the district in which they are located. The area and location of such signs shall be in harmony with the character of the neighborhood in which they are located.
- f. No sign, except for political signs, shall be erected until a permit for same has been obtained from the Director of Building, Zoning, & Licensing Services.

15. **Portable Sign**. Portable signs shall be permitted only in the Downtown Commercial, Special Downtown Overlay, Neighborhood Mixed Use lying in Density Rings, subject to the following limitations:

- a. No more than one such sign may be displayed on any property, and shall not exceed a height of 4 feet or an area of 8 square feet per side.
- b. Any portable sign that is placed on sidewalk
 - i. Shall be situated directly in front of the business(es) which is being advertised.

- ii. Shall not block passage along sidewalk including passage for handicapped persons and shall not present a safety hazard.
- c. May be displayed during business hours only.
- d. Appropriately placed to minimize appearance of clutter as determined by the Director of Building, Zoning, and Licensing Services.
- e. Only one sign per individual business.

16. Projecting Sign. Signs are permitted in the following zones:

- a. Multiple projecting signs shall be permitted on buildings having multiple occupants providing only than one projecting sign per occupant will be permitted.
- b. Projecting signs shall:
 - 1. Not overhang any public property or public right of way.
 - 2. Be attached to the side of a building with a decorative support bracket engineered to and designed to withstand wind loads.
 - 3. Extend from the side of the building no more than eleven feet.
 - 4. Be part of the wall sign calculations which cumulative total include both projecting s and wall signs shall not exceed twenty percent of the wall area to which the sign is attached.
 - 5. Such signs shall maintain a clear vertical distance above any public sidewalk a minimum of 10 feet.

17. Roadside Farm Stand Signs. No more than 2 signs with a maximum combined total of 20 square feet is permitted.

18. Real Estate Sign. shall be permitted in all zoning districts, subject to the following limitations:

- a. Real estate signs located on a single residential lot shall be limited to one sign, not greater than 8 square feet in area and 6 feet in height.
- b. Real estate signs may not be illuminated in residential districts.
- c. There may be no more than one sign per street frontage except on lots with more than 500 feet of street frontage a

second sign may be placed.

- d. Real estate signs shall be removed not later than 10 days after execution of a lease agreement in the event of a lease, or the closing of the sale in the event of a purchase.

19. Sandwich Board Sign. See portable signs.

20. Street Banners. Temporary street banners used to inform the public about community events and activities may be placed within or above the road right of way or in other public locations if approved by the City Manager and signed off from all departments.

21. Special promotion, event and grand opening signs. Signs temporarily displayed to advertise special promotions, events and grand openings shall be permitted for nonresidential uses and for all commercial and *industrial* districts subject to the following limitations:

- a. Such signs shall be limited to one sign per street front.
- b. Such signs may be displayed for not more than 30 consecutive days in any 12-month period, and not more than 30 days in any calendar year. The signs shall be erected no more than 5 days prior to the event or grand opening, and shall be removed not more than 1 day after the event or grand opening.
- c. The total area of all such signs shall not exceed 32 square feet.

22. Special event signs in public ways.

Signs advertising a special community event shall be allowed in or over public rights-of-way, subject to approval by City official as to the size, location and method of erection. The official may not approve any special event signage that would impair the safety and convenience of use of public rights-of-way, or obstruct traffic visibility.

23. Window Sign. Window signs shall be permitted for any nonresidential use in, all Downtown Commercial and *industrial* districts, subject to the following limitations:

- a. The aggregate area of all such signs shall not exceed 25 % of the window area on which such signs are displayed within the Historic District.

24. Yard sale signs.

- a. Yard sale signs may not be placed prior to 3 days

before the sale and must be removed within 24 hours after the sale. The date and time of the yard sale must be on the sign.

b. They may not exceed 6 square feet and may not be illuminated.

c. The signs may be placed off premises for noncommercial sales related to a single residential dwelling unit (or informal joint sales among neighbors) provided they are not placed on utility poles, are not a distraction to traffic, and comply with Requirements by Zoning District.

n. **Requirements by Zoning District.** The following special requirements shall apply in each respective zoning district.

1. Residential Zoning Districts.

- a. For permitted nonresidential uses one freestanding sign with a maximum area of 6 square feet per side plus one attached sign not to exceed 12 square feet is permitted. Height: Signs shall have a maximum height of six (6) ft.

Internally illuminated signs (including neon signs and signage placed in a window) are not permitted.

- c. No sign may be illuminated between the hours of 9:00 p.m. and 7:00 a.m. with the exception of signage: a) showing property addresses; b) for residential communities; and c) for businesses and organizations during any specific hours in that time period that the businesses are open.

2. Nonresidential Zoning Districts

- a. **Baseline.** The following advertising signage is permitted for one nonresidential use occupying a single building in commercial and industrial zoning districts (except as otherwise indicated in this article). Additional allowances beyond these limitations or other restrictions for various situations are shown in the subsequent subsections

- b. **Freestanding signs.** Only one free standing sign shall be permitted on a lot even if there is more than one building or use on that lot. No part of any free standing sign shall be located within 5 feet of any property line.

Dimensional standards are as follows:

Zoning District	Maximum Area (in square feet)	Maximum Height (in feet)
Highway Commercial General Industrial Hospital Granite Ridge Development	75'	30'
Airport Recycling Industrial	50'	20'
Downtown Commercial	25'	15'
Neighborhood Mixed Use Office Commercial	20'	8'

Note. All signs that are to be located in the historic district are also subject to the provisions of Article XIV – Historic Overlay District

- c. **Wall Signs.** No wall sign shall exceed ten percent (10 %) of the area of the building frontage as measure by the width of the wall containing the main public entrance by the height (measured from the floor level to the top of the first floor cornice area, or to one foot below secondary story window) to which it is attached. For buildings with multiple tenants having store fronts only, the façade rented by the tenant shall be considered as wall area for a sign.
- i. A maximum of four (4) signs. Buildings located in the Granite Ridge Development District, between the service roads and Route 11, are allowed one additional wall mounted sign per tenant is permitted on the rear façade. The same size restrictions as applied to the front façade shall determine the size of sign.
- d. **Temporary signs.** One temporary sign is allowed at any one time, including portable and banner signs. For

portable signs (where they are permitted; (see below) the maximum area is 8 square feet and the maximum height is 4 feet. Banner signs, not exceeding 60 square feet, are permitted for grand openings of new business only, and may be displayed for a maximum of 30 consecutive days. Permits are required for these signs with a fee of \$10.

e. **Directory signs.** For each additional independent enterprise on a site beyond one, an additional 10 square feet may be added to one freestanding directory sign not to exceed 100 square feet. Property owners of separate adjoining lots may also elect to have one joint directory sign.

f. **Attached directory signs.** One additional attached directory sign of the principal uses within a multi-tenant building is permitted on the exterior wall at each entrance to the building. It shall not exceed 3 square feet plus 1 square foot for each independent enterprise.

g. **Upper floor units.** Each upper floor occupant may use one attached sign placed at no higher than the second floor level – not to exceed six square feet per side for each occupant plus window signs. Window signage shall not exceed 25% of the total window area.

h. **Multiple Occupant Sites.** On multiple occupant sites up to 3 portable signs for independent enterprises may be placed at the same time.

i. **Secondary Entrance.** By Conditional Use Permit issued by the Planning Board any site with at least 300 feet of linear lot frontage and with a second driveway entrance located at least 200 feet from the primary entrance may have a second freestanding sign at the second entrance not to exceed 16 square feet and 8 feet in height.

j. **Corner or multiple frontage lots.** By Conditional Use Permit issued by the Planning Board any corner lot or a rear frontage lot (or double frontage) may have one

additional freestanding sign with a maximum area of 24 square feet is allowed on the second frontage provided the property across the street on that second frontage is not zoned residential.

k. **Specific Zoning Districts.** Internally illuminated signs are permitted only in the Highway Commercial, Downtown Commercial, Granite Ridge Development, and Industrial Districts.

Sign	Residential Districts				Commercial Districts				Industrial District		Special	
	R1	R2	NMU	AG	DC	OC	HC	GRD	GI	RI	HS	AS
Canopy	N	N	P	N	P	P	P	P	P	P	P	P
Changeable Copy	N	N	P	N	P	P	P	P	P	P	P	P
Electronic Message	N	N	N	N	N	N	P	P	P	N	N	N
Freestanding Pole	P	P	P	P	P	P	P	P	P	P	P	P
Interior Window	P	P	P	P	P	P	P	P	P	P	P	P
Marquee	N	N	P	P	P	P	P	P	P	P	P	P
Portable	N	N	P	N	P	N	N	N	N	N	N	N
Projecting	P	P	P	P	P	P	P	P	P	P	P	P
Wall	P	P	P	P	P	P	P	P	P	P	P	P
Window	P	P	P	P	P	P	P	P	P	P	P	P

** Signs which are permitted in the designated zone are indicated with a "P", and signs which are not permitted are indicated with an "N"

Chapter 42.8 (j):

4. Signage. All provisions of Section 42.29, Signage, herein shall apply.

The effective date of these amendments shall be upon passage.

Councilor Varney noted the following corrections should be made.

- Page 229 Section 13. (d) after the approval of "?" he believed it should state City Council.
- Page 231 Section 22 – Should read "City Manager"

Councilor Lauterborn stated that on page 229 Section (e) clarifies the discussion the City Council had during the Community Development Report. Councilor Varney requested that the City staff come up with a plan as to how to inform the public of these changes.

14.15. AB 163 HealthTrust Application and Membership Agreement – Motion to Approve

Deputy City Manager Cox referred to **Exhibit A** as a resolution provided by HealthTrust and can be found on page 260 of the City Council packet. It mentions the application and membership agreement, which is covered on pages 261 -264. It is not clear that the request is to also include the Cobra Services Agreement found on pages 265 to 270, and the Retiree Billing Services found on pages 271 to 276. He reiterated that there are three parts of service to be accepted. Exhibit A can be found in the City Council packet dated June 2, 2015.

Councilor Lachapelle **MOVED** to authorize the City Manager to enter into an agreement with HealthTrust, which includes all three components referenced above. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

14.16. AB 165 Presentation of the Annual Dog Warrant to the City Council – Motion to Send the Dog Warrant to the Rochester Police Department for Action

Councilor Walker **MOVED** to **ACCEPT** the Dog Warrant and to forward to the Rochester Police Department for action to be taken. Councilor Lachapelle seconded the motion. The City Council briefly discussed the matter of using the Police Department's time to enforce dog licensing. The **MOTION CARRIED** by a unanimous voice vote.

15. Other

No discussion.

16. Adjournment

Councilor Torr **MOVED** to **ADJOURN** the Regular City Council meeting at 10:55 PM. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Kelly Walters
City Clerk