



City Council Special Meeting*
November 21, 2023
Council Chambers
6:00 PM

Agenda

- 1. Call To Order**
- 2. Tie Breaker for City Council Ward 4 Seat A**
- 3. **Resignation:** Dana Berlin - City Council Ward 6, Seat A
consideration for approval P. 5**
- 4. Adjournment**

**The Special Meeting is reserved on an "as needed" basis and is subject to cancellation*

City Council Workshop
November 21, 2023
Council Chambers
Immediately Following the Special Meeting

Agenda

- 1. Call To Order**
- 2. Public Input**
- 3. Communications from the City Manager**
- 4. Communications from the Mayor**
- 5. **Discussion:** Amendment to Chapter 7-83 of the General Ordinances of the City of Rochester Regarding the Code of Ethics**

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City Clerk's Office

and Conduct for Elected and Appointed Officials – Board of Ethics P. 7

- 6. Discussion: Amendments to Chapter 223 of the General Ordinances of the City of Rochester regarding Streets and Sidewalks P. 9**
- 7. Presentation: Parking Review Group P. 59**
- 8. Department Reports P. 61**
- 9. Non-public/non-meeting**
 - 9.1 Non-Public Session – Land, RSA 91-A:3, II (d)**
- 10. Adjournment**

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City Clerk's Office

From: Dana Berlin <dana.berlin@rochesternh.gov>
Sent: Wednesday, November 15, 2023 8:59:38 PM
To: Paul Callaghan <paul.callaghan@rochesternh.gov>; City Council <CityCouncil@rochesternh.net>;
City Manager <CityManager@rochesternh.gov>
Subject: resignation

Dear Mayor Callaghan and City Council,

I would like to start this letter by letting everyone know I greatly appreciate each and every one of you. Whether it was the smallest of interactions or a constant dialogue, I will take something with me from each of you. I can't thank you all enough for being part of my growth as a human being over the last two years. I look back to when I was elected and know that because of all of you, and this great city of Rochester we all called home, I am a stronger, more confident, and, appreciative person today. With all that being said it is with sadness that I must resign, effective immediately, as I am no longer residing within the City of Rochester.

Please know this is with sincere regret as I had planned to remain in Rochester for years to come, and continue working to better this City we all love. I have great hopes of being back in Rochester very soon!
Best,

Dana Berlin

I am hoping this can be included in the minutes for your next meeting?



Dana Berlin

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City Clerk's Office

11/16/2023

Amendment to Chapter 7 of the General Ordinances of the City of Rochester Regarding the Code of Ethics and Conduct for Elected and Appointed Officials

THE CITY OF ROCHESTER ORDAINS:

That Chapter 7 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows (deletions ~~struck out~~ additions in RED):

ARTICLE XI

Code of Ethics and Conduct for Elected and Appointed Officials

§ 7-83 Board of Ethics.

- A. A Board of Ethics (“BOE”) is hereby created. This BOE shall consist of three (3) persons: one member shall be appointed by the Mayor from the City Council, one member shall be appointed by the Chair of the School Board from the School Board, and one member shall be appointed by the Chair of the Police Commission from the Police Commission.
- B. Each BOE Member selected is required to serve unless the BOE Member is the subject of the Complaint, has a conflict of interest, or is excused due to unavailability or exceptional causes (such as a health issue).
- C. The BOE Members shall elect a chairperson and the BOE may adopt such rules for the conduct of its business as it sees fit. The BOE shall have the power to draw upon City departments for reports and information and stenographic and clerical help.

§ 7-84 Ethics Investigation Officer.

- A. The position of Ethics Investigation Officer (“EIO”) is hereby created. The City Manager shall have the power to identify and retain an EIO, with approval from the BOE, to assist with the investigation and prosecution of any Complaint which has been referred for investigation. The EIO, with approval of the BOE, shall have sufficient experience and training to conduct the investigation.

§ 7-85 Complaints, Investigations, and Hearing.

- A. **Complaint Requirements.** Any City official may submit a written complaint alleging one or more violations of the Code of Ethics and Conduct for Elected and Appointed Officials (“Ethics Code”). Such complaint must be based on personal knowledge, and set forth facts with enough specificity and detail for a determination of sufficiency for investigation. The Written Complaint must be signed under oath. The Complaint shall be delivered to the City Attorney with a copy to the Mayor and City Clerk. The City Attorney shall promptly provide a copy of the Complaint to the Charged Party.
- B. **Review for Sufficiency.**
 - 1. A Review for Sufficiency of the Complaint will be completed within thirty (30) days of receipt. This review will be based on the allegations contained in the Complaint and the immediately available public meetings or records referenced in the Complaint.
 - 2. The City Attorney, Mayor, and City Manager in the case of a City Board, the City Attorney, Mayor, and Superintendent in the case of the School Board, or the City Attorney, Mayor, and Police Chief in the case of the Police Commission shall conduct the Review of Sufficiency, except in cases in which the Mayor is the subject of the Complaint. Complaints against the Mayor, School Board Chair, or Police Commission Chair shall be reviewed by the City Attorney and the Deputy Mayor, School Board Vice Chair, or Police Commission Vice Chair, respectively.

3.If the Complaint is deemed insufficient, the Complainant will be notified in writing of that

decision with a copy provided to the Charged Party. A Complaint will be deemed sufficient if it is determined that the Complaint establishes on its own that it is more probable than not that a violation of the Ethics Code may have occurred.

4. If the Complaint is deemed sufficient for further investigation, it shall be referred to the EIO for further action and all parties will be notified of this step through communication in writing.

- C. Investigation Phase. The EIO shall be provided the full cooperation of the City government to conduct such investigation as may be necessary to determine whether any violation may have occurred and next steps. The Charged Party shall have an opportunity to provide a response to the Complaint.

The EIO's investigation shall be completed within forty-five (45) days of the date of referral unless the Charged party and the Chair of the BOE mutually agree to a longer period.

The EIO shall provide a written report with the conclusions reached in the completed investigation to the BOE. The EIO shall provide a non-binding recommendation as to the disposition of the Complaint to the BOE. Thereafter, all action with regard to the Complaint shall be taken by the BOE.

- D. Board of Ethics Hearing.

1. The BOE shall take no further evidence on any Complaint, but shall make its determination based upon the report received by the EIO. However, the BOE shall hold at least one (1) public hearing at which the EIO, the Complainant, and the Charged Party shall be afforded an opportunity to present oral and written argument to the BOE. The BOE may hear from such other and further parties as it determines appropriate.

2. Any party may be represented by legal counsel at his or her own expense at any stage of proceedings related to the Ethics Code.

3. The BOE shall issue a written decision within thirty (30) days of the final public hearing with findings and a disposition, dismissal, or referral for further action if a violation found. If a violation has been found, the BOE shall recommend a sanction or penalty and refer the matter to the City Council, School Board, or Police Commission for disposition, sanction, or other action as set forth in the Ethics Code.

§ 7-86 Conflict Between Ethics Code and this Article. To the extent a conflict arises between the Ethics Code and this Article, this Article shall prevail.

Amendments are effective on January 1, 2024.



City of Rochester, New Hampshire

PUBLIC WORKS DEPARTMENT

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INTEROFFICE MEMORANDUM

TO: City Council

FROM: Peter C. Nourse, Director of City Services

DATE: 02 November 2023

SUBJECT: Update to Chapter 223 Streets and Sidewalks

CC: Katie Ambrose, City Manager
Terence O'Rourke, Cit Attorney
Shanna Saunders, Director of Planning

In 2020 the City Council directed the Department to update the City Ordinances under its charge. Enclosed are the proposed changes to the Streets and Sidewalks ordinance. In formulation of the proposed changes, I reviewed all State RSAs pertaining to public highways. The proposed changes were further developed with other departments including Planning, Building and Licensing, Fire and Police. The City Attorney has reviewed all proposed changes.

The proposed changes provide a much-improved ordinance. In general, the current ordinance has a very old feel, is difficult to interpret in places, and does not reflect current City practices, modern methods of highway regulation, nor current terminology. For example, about ½ of the current ordinance is dedicated to the regulation of news racks.

The proposed changes reflect a complete overhaul of the existing ordinance. Some of the proposed changes include:

- A new process for obstructions in the right of way, sidewalks and City parking lots
- More comprehensive street acceptance requirements for developers
- More comprehensive construction standards
- Addressing traffic calming techniques
- Addressing requirements of private roads
- Addressing winter maintenance practices
- Addressing licensure of utility companies excavating in right of way
- Addressing surety requirements for excavations and pavement restoration
- A process to evaluate oversize and overweight vehicles
- A process for Outdoor dining impacts to the right of way
- Addressing invasive plant species
- Addressing general street lighting requirements
- Private construction on Class VI roads

All proposed changes are supported by Revised Statutes Annotated.

There is no tracked-changed version of the current ordinance as a reference of changes since the proposed version is a near complete overhaul, and because the electronic file of the current ordinance was unstable and did not track well. **The attached Registry of Proposed Changes provides the Council a concordance of proposed changes and their reasoning. This document provides an expedited overview of the proposed changes.**

Enclosures:

1. Registry of Proposed Changes; Updates to Chapter 223 Streets and Sidewalks
2. Chapter 223 Highways and Sidewalks (revised ordinance)
3. Current Chapter 223 Streets and Sidewalks (for reference)

Updates to Chapter 223 Streets and Sidewalks Registry of Proposed Changes

v. 02NOV 23

Proposed Title Change:

Chapter 223 Highways and Sidewalks

Any reference to “street” or “road(way)” in the current ordinance to include its title has been revised to reference of “highway”. Term “highway” is the proper legal definition of public rights of way.

223-1. Definitions:

Added several new definitions to support recommended changes to the ordinance.

223-2 **Repair of highway, bridge or sidewalk**, is replaced here with 223-2 Regulations of Use of Highways. This new section provides the overarching regulating authority of the City Council per RSA 47:17. 223-2 **Repair of highway, bridge or sidewalk** is proposed to be shifted to 223-18 (see 223-18 below).

223-3 **Prohibiting use of highways** is replaced with 223-3 Standard of Care. This new section makes clear the City’s limits of liability for damages. It cites authorities of RSA 231:90, 231-91, 231:92, and 231: 92-a. **Prohibiting use of highways** is proposed to be covered under new sections 223-4, 5, 6. See below.

223-4 **Elevation** is removed. Modern techniques are well established in highway work and reference here is unnecessary. Elevation is replaced with 223-4 Prohibiting Use of Highways. This new section cites the Department’s use of rules and regulations to limit damage to highways by certain vehicles and cites authority of RSA 231:190, 231:191.

223-5 **Permit for excavation upon highway or sidewalk** is replaced with 223-5 Oversized and Overweight Loads on Public Highways which builds on the previous new section 223-4, Prohibiting use of highways and RSA references 41:11 and 266:18. Revised contents of **Permit for excavation upon highway or sidewalk** are included in the new section 223-11 Excavation on Highways, Right of Ways and Pavement Disturbance Moratorium.

223-6 **Fire Chief to be notified** is replaced with 223-6 No Through Trucks Zones. . This new section cites City authority to restrict the travel of certain truck classes per RSA 41:11. 223-6 Fire Chief to be notified is proposed to be addressed under 223-22 Emergency Services Dispatch to be Notified.

223-7 **Moving of buildings through streets** is replaced with **223-7 Highway Damage and Obstructions**. This new section introduces a new permit for obstructions to highways, sidewalks and public parking areas. Cited is authority per several RSAs. Recommended based on recent events where large private projects have taken public parking spaces without prior detailed City review. Proposed included is snow and ice. **Moving of buildings through streets** has been revised with **Moving of Buildings Along Highways and Erection of Scaffolding** which is proposed to be new section 223-23.

223-8 **Conduct on public streets** is proposed to be shifted to **223-25 Conduct on Public Highways**, (see 223-25 below). New section at 223-8 is **223-8 Obstruction of Sidewalks**. This new section is a revision of the current **223-13 Obstruction of Sidewalks**. The revision specifically addresses sidewalk obstructions including ice and snow, unlawful use or altering of sidewalks and is recommended based on experience.

223-9 **Proposal for new street or highway or public improvements; sewer and water assessments** has been replaced with **223-9 Authorized Seasonal Periods of Work Within Right of Way**. This is a new section which specifies work during authorized seasonal periods. The period mirrors the stipulated period of the water ordinance. **Proposal for new street or highway or public improvements; sewer and water assessments** is replaced with revised new section, **223-33 Acceptance of Privately Constructed Highways as Public Highways**.

223-10 **Naming of public streets and rights of way** has been replaced with **223-10 Reserved**. **Naming of public streets and right of ways** is proposed to be revised to **223-34 Naming of Public Highways**.

223-11 **Address numbers on streets, highways and right of ways** is replaced with **223-11 Excavation on Highways, Right of Ways and Pavement Disturbance Moratorium**. Revised language for this section is improved. Pavement moratorium language is clearer than current language of 223-5 **Permit for excavation upon any highway or sidewalk**, and directly indicates intent of City Council authority to issue waivers to the moratorium as is per long-standing practice. Also includes statutory requirements for Dig-Safe, clarification on who the permittee is, inspections, temporary pavement restoration maintenance, posting of security, and the ability of the Department to deny permits or require surety of entities who have a poor performance history. **Address numbers on streets, highways and right of ways** has been revised and shifted to **223-35 Address Numbers on Highways and Right-of-Ways**.

223-12 **Construction of sidewalks** has been replaced with **223-12 Drainage**. This new section cites the limitations of the City's obligations regarding drainage from the right of way onto an abutting property. It is supported by RSA 231:75 which is cited. This inclusion is based on multiple

experiences with abutting private property. **Construction of sidewalks** is revised and shifted to **223-36. Construction of Sidewalks.**

223-13 **Obstruction of Sidewalks** has been replaced with **223-13 Winter Storm Management.** This new section cites the City's maintenance of a winter storm policy and the limits of liability afforded by law, citing RSA 231:92-a. 223-13 **Obstruction of Sidewalks** is proposed to be reviewed by **223-8 Obstruction of Sidewalks.**

223-14 **Streetlighting** is replaced with **223-14 Off Highway Recreational Vehicles and Snowmobile Use of Public Highways.** Although not known to be an issue, its presence and that of the supporting RSA's here is proposed for consistency. **Streetlighting** is revised and shifted to section **223-37 Highway Lighting.**

223-15 **Prohibited use of poles** is replaced by **223-15 Public Highway Maintenance.** This new section sets forth the Department's standard of practice per authority granted by RSA 231:75 and 231:92. Cited is the capital improvements program. Included is the prohibition of highways traversing watersheds per RSA 485:9. **Prohibited use of poles** is proposed to be covered and improved under **223-20 Utilities.**

223-16 "**Adopt a Spot**" areas is replaced with **223-16 Highway Roadside Clearing.** This new section addresses the City's obligation to maintain highway site clearances and the statutory obligations of the City to inform abutters when tree removal is deemed necessary. Included based on experience. RSA's 231:145, 231:146 and 231:150 cited. **Adopt-A-Spot Areas** is shifted to 223-39.

223-17 **Bonds** is replaced with new section **223-17 Invasive Plant Species.** This new section is a natural follow-on to the proposed **223-16 Highway Roadside Clearing.** This cites the City's authority to remove such species to maintain a safe highway. Cited are RSA's 430:53 and 430:51-57. Included based on experience. **Bonds** is proposed to be shifted to and addressed under new section **223-39 Security.**

223-18 **Violations and penalties** is replaced with **223-18 Repair of Public Highway, Bridge or Sidewalk.** This section is the current section, 223-2, moved to 223-18. **Violations and penalties** is proposed to be shifted to new section 223-40 with revised language.

223-19 **Purpose (Article II Newsracks and Public Way Obstructions)** is replaced with **223-19 Public Highway Access – Driveways.** This new section addresses private highways and driveways and the City's jurisdiction to regulate such connections to public highways. It also stipulates the

maintenance requirements that are born by abutters to the public highway. Supporting RSA's are cited: 236:13, 236:19. **Purpose (Article II Newsracks and Public Way Obstructions)** is proposed to be struck from the ordinance as it deals exclusively with newsracks.

223-20 **Definitions (Article II Newsracks and Public Way Obstructions)** is replaced with 223-20 Utilities. This new section covers the obligations of utility providers to obtain City permits for work and includes prohibitions on the operation of City utilities. It also supports the water and sewer ordinances' requirements for City-licensed persons only to work on City utilities. Cited RSA's 231:160, 231: 172, 2321:75.

223-21 **Prohibited Acts** is replaced with 223-21 Revocation or Suspension of Permits. This new section states the authority of the City to suspend or revoke permits for violations including towards health and safety. Supporting RSA cited: 236:32. **Prohibited Acts** currently falls under ARTICLE II which is proposed to be struck from the ordinance.

223-22 **Permit required; application for permit is replaced with 223-22 Emergency Services Dispatch to be Notified**. This is a similar section to the current 223-6 Fire Chief to be notified but with modern references. **Permit required; application for permit** currently falls under ARTICLE II which is proposed to be struck from the ordinance.

223-23 **Standards for installation, maintenance and operation** is replaced with 223-23 Moving of Buildings Along Highways and Erection of Scaffolding. This section is a re-titled version of current 223-7, **Moving buildings through streets**, for which scaffolding has been added. Proposed change is that the Department of Public Works will regulate such operations vs. Department of Building and Licensing. This proposal per mutual department agreement. Excavation and encumbering of highways and sidewalks have been removed from the current section as excavation/encumbering and their permitting are proposed under new sections 223-11 and 223-7, respectively. **Standards for installation, maintenance and operation** currently falls under ARTICLE II which is proposed to be struck from the ordinance.

223-24 **Identification required** is replaced with 223-24 Traffic Calming Controls. This new section addresses various traffic calming measures that the City may employ and the general Departmental guidelines for implementation. Specific processes can be handled outside of the ordinance with City policies. **Identification required** currently falls under ARTICLE II which is proposed to be struck from the ordinance.

223-25 **Hold harmless agreement; insurance** is replaced with 223-25 Conduct on Public Highways. This section is actually in the current ordinance as 223-8. It has been shifted to 223-25. Existing language remains. **Hold harmless agreement; insurance** currently falls under ARTICLE II which is proposed to be struck from the ordinance.

223-26 **Removal of newsrack or public way obstruction** is replaced with 223-6 Outdoor Dining. This new section references recent revisions to Chapter 80 and stipulates that the Department shall review all such request to assess potential damages and impacts to drainage or traffic operations. **Removal of newsrack or public way obstruction** currently falls under ARTICLE II which is proposed to be struck from the ordinance.

223-27 **Severability** is replaced with 223-27 Public Highway Construction Standards. This new section outlines the basic construction standards for highways and sidewalks with technical references. Further details are available in the City's construction standards. **Severability** currently falls under ARTICLE II which is proposed to be struck from the ordinance.

223-28 **Injunction** is replaced with 223-28 Class VI Highways. This new section addresses the City's regulation of these highways and how they may change classification. Cited are RSA's 231:21-a, 236:9-11, 231:191, 231:222-a. **Injunction** currently falls under ARTICLE II which is proposed to be struck from the ordinance.

223-29 **Damage to newsracks and public way obstructions** is replaced with 223-29 Reserved. **Damage to newsracks and public way obstructions** currently falls under ARTICLE II which is proposed to be struck from the ordinance.

223-30 **Violations and penalties** is replaced with 223-30 Discontinuance of Public Highways is a new section that outlines the Council's authority to discontinue highways per RSA 231:43. **Violations and penalties** currently falls under ARTICLE II which is proposed to be struck from the ordinance.

223-31 is a new section, 223-31 Private Highways. Private Highways cites the limitations of the City's liability for adequacy or safety on a private highway. Also addressed is that the City shall not furnish rubbish removal on private highways. Case law indicates that although not public, private highways may be required to accommodate public emergency and service vehicles. Also included is Council's authority to change the name of a private highway and the abutters' obligations under RSA 231:81-a to contribute equally to reasonable costs of maintaining the highway.

223-32 is a new section, 223-32 Private Construction on a Class VI or Private Highway. This new section notes Chapter 275 Zoning authority and the procedure for construction on a Class VI highway. Referenced is RSA 674:41.

223-33 *Acceptance of Privately Constructed Highways as Public Highways*. This new section cites the requirements for any such highway to be subject to review and approval by the Planning Board, recommended acceptance by the Department and approved by the Council. Cited is RSA 674:36. The acceptance procedure here enhances current practice and proposes to replace the convoluted procedure currently under current section 223-9. **Proposal for new street or highway or public improvements; sewer and water assessments.** The requirements are enhanced by prohibiting the acceptance of highways or segments that would be subsequently used by developers to further build out highways and infrastructure that may be considered for acceptance as City highways or facilities. Included also is a security from the developer of 2% of the infrastructure value to be in force for 3 years following acceptance. Also included as a qualification for petition of acceptance is 75% build-out of dwelling units or structures.

223-34 *Naming of Public Highways and Rights of Way*. This is currently under 223-10, **Naming of public streets and rights of way**, and proposed to be shifted to 223-34. Proposed language reflects the processes recently adopted by the City E911 Committee and Planning Department.

223-35 *Address Numbers on Highways and Right of Ways*. This is currently under 223-11, **Address numbers on streets, highways and rights of way**. Shifted to 223-35, new proposed language reflects the processes recently adopted by the City E911 Committee and Planning Department.

223-36 *Construction of Sidewalks*. Most of this language is under the current section, 223-12, Construction of Sidewalks. Added language is that the Council shall approve where new sidewalks are to be installed, to reflect current practice. Also added is that the City will not maintain “floating” sidewalks which are limited in practical size, contiguous only to a singular frontage and are not served by adjacent sidewalks.

223-37 *Highway Lighting*. This is a new section that is based off of an internal Department policy and years of its practice. It sets the basic criteria to qualify the installation of new public street lighting.

223-38 **Prohibited Use of Poles**. This has been deleted and covered under *223-20 Utilities*. It is replaced with 223-38 **Adopt-A-Spot Areas**. This is the current section 223-16. Current language remains.

223-39 *Security*. This new section replaces the current section 223-17, **Bonds**. Proposed is to enable the City to required cash, letter of credit (LOC). Bonds can be difficult to call therefore cash or LOC is preferred. However, by State law, options for at least 2 forms must be given.

223-40 Violations and Penalties. This is current section 223-18. Current language states \$100 fines not to be exceeded. Proposed language replaces this with the reference of RSA 47:17 and fines cited in City Code Chapter 54-3. RSA 47:17 is independent of Chapter 54-3 and allows the City to levy greater penalties.

ARTICLE II Newsracks and Public Way Obstructions: Proposed is to remove this article. Newsracks are outdated in this media age and obstructions are proposed to be covered in the recommended changes above.

XX

§ 223-1

§ 223-5

ARTICLE I
General Regulations

§ 223-1. Definitions.

The following definitions shall be applicable for the purpose of this article:

BEST MANAGEMENT PRACTICE- (BMP): A device, practice, or method used to manage stormwater runoff by controlling peak runoff rate, improving water quality and managing runoff volume.

CLASS, CLASSIFICATION (Highway) – The legislative classification of highways per State statute, RSA 229:5.

DEPARTMENT OF PUBLIC WORKS - (Department). The City department which has the direct responsibility to operate, maintain and improve the public highway and sidewalk and related infrastructure of the City.

DEPARTMENT STANDARDS – The technical standards promulgated by the Department which prescribe the materials, devices, construction methods, trade coordination , appurtenances and operations of highway, sidewalk and related infrastructure.

E911 COMMITTEE – The Enhanced 911 (E911) Addressing Committee of the City of Rochester. A body with the purpose of ensuring the City adopts and maintains the state standards of addressing. This provides for a comprehensive and uniform system of naming and addressing throughout the City. Such body shall liaise with the State E911 Unit within the Division of Emergency Services and Communications.

FEDERAL HIGHWAY ADMINISTRATION – A division of the United States Department of Transportation that specializes in highway transportation. The agency supports state and local governments in the design, construction, and maintenance of the nation’s highway system.

HIGHWAY (PUBLIC) – The term used herein in reference to streets, roads and roadways and the term that is used to classify roads in accordance with RSA 229:5. . As defined in RSA 229:1. City public highways are highways laid out in the mode prescribed per state statute, or roads which have been constructed for public travel over land which has been dedicated to public use and accepted by the City, or roads which have been used for public travel, other than travel to and from a toll bridge or ferry, for 20 years prior to January 1, 1968. Including the bridges thereon. Highway shall include pavement and drainage features and may include sidewalks and pedestrian facilities.

HIGHWAY (Class IV) – As defined in RSA 229:5, Class IV highways shall consist of all public highways within the compact sections of the City and are portions of State highways for which the City is responsible to maintain.

HIGHWAY (Class V) – As defined in RSA 229:5, Class V highways consist of public highways other than Class IV and Class VI which the City has a duty to maintain. Most public highways in the City are Class V.

HIGHWAY (Class VI) - A public highway in which the City has no statutory authority to maintain but does have statutory authority to regulate travel, excavation, disturbance, abutting property improvements,

driveways and wight limits thereon. Class VI highways are created through a layout, a discontinuance subject to gates and bars, or by the City's failure to maintain and repair such highway in suitable condition for travel thereon for five successive years or more. (RSA 229:5, 231:21, 231:21-a, 231: 45, 231:93, 231:191, 236:9-11, 236:13, RSA 674:41).

HIGHWAY (Private) - A highway that is not a public way and may consist of driveways or easements on private property. The City shall regulate the portions of such highways within the public right of way but has no responsibility to maintain such a highway unless such a highway is declared an Emergency Lane per RSA 231:59-a. The City may require certain construction features of such highway to be maintained by its private owner(s) for emergency services.

INSTITUTE OF TRANSPORTATION ENGINEERS – A trade association of transportation professionals including, transportation engineers, transportation planners, consultants, educators, technologists, and researchers which provides technical guidance to the Federal Highway Administration and communities.

INSUFFECIENCY- For a highway or sidewalk is defined per RSA 231:90, as a case where it is not passable in any safe manner by those persons or vehicles permitted on such highway or sidewalk by state law or by any more stringent local ordinance or regulation: or there exists a safety hazard or impassibility which is not reasonably discoverable by a person who is traveling upon such highway at posted speeds or upon such sidewalk and in a manner which is reasonable and prudent as determined by the condition and stat or repair of the highway or sidewalk. An insufficiency shall not be the result of the City's failure to construct , maintain or repair it to the same standard as another highway or sidewalk, or to a level of service commensurate with its current level of public use.

MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) – Issued by the Federal Highway Administration, the purpose of the MUTCD is to set minimum standards for all Traffic Control Devices used on U.S. roads and highways. Traffic Control Devices (TCD) include all road signs, highway markings, electronic traffic signals, railroad crossings, and road-way construction zone areas.

NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES – The primacy agency for the state which administers environmental regulation.

NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION – The State agency with statutory authority to plan, develop and maintain State highway and related infrastructure.

OFF HIGHWAY RECRETIONAL VEHICLE (OHRV) Use of public Highways. As defined in RSA 215-A-1 VI as any mechanically propelled vehicle used for pleasure of recreational purposes running on rubber tires, tracks, or cushion of air and dependent on the ground or surface for travel, or other unimproved terrain whether covered by ices or snow or not, where the operator sits in or on the vehicle. OHRV's do not include snowmobiles.

REVISED STATUTES ANNOTATED (RSAs cited herein generally are from XX Transportations: Title 231 Cities, Towns and Village District Highways, and Title 236 Highway Regulation, Protection and Control Regulations.

RIGHT OF WAY – A public easement for travel placed across property which may be owned by a

:

municipality or privately, for which usually contains a public highway. The easement is held in trust by the government for the use of the public.

SNOWMOBILE – As defined by RSA 215-C as any vehicles propelled by mechanical power that is designed to travel over ice or snow supported in part by skis, tracks or cleats. Such vehicles may be no more than 54” in width and no more than 1200 pounds in weight.

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§ 223-2. Regulations of Use of Highways.

The City Council shall regulate the use of all public highways, sidewalks and commons in the City and may exercise all the powers conferred (RSA 47:17).

§ 223-3. Standard of Care.

The City's liability for damages in an action to recover for personal injury or property damage arising out of its construction, maintenance, or repair of a public highway or sidewalks shall only be considered if an such injury or damage was the result of an insufficiency (RSA 231:91, 231:92, 231: 92-a). The City is not responsible to implement corrective actions to improve pedestrian and motor vehicle travel or safety on highways and access between highways and abutting private property where prudent attention of the travelling public is otherwise required for safe travel or footing (RSA 231:90).

§ 223-4. Prohibiting Use of Highways.

The Department may make rules and regulations prohibiting the use of any or all highways to such vehicles as he/she may prescribe in order to prevent the use of said highways when said highways are unsuitable for travel thereon, or when such highways may be damaged under certain circumstances regarding condition and/or types of vehicles which may travel thereupon. Such rules and regulations shall be posted on each highway so regulated and at two other public places in the City. Any person violating the provisions of such posted rules and regulations shall be subject to a fine not more than five hundred dollars (\$500.) and shall be liable for all damage occasioned thereby (RSA231:190; 231:191).

§ 223-5. Oversized and Overweight Loads on Public Highways.

In general oversized and overweight loads on City highways shall be regulated by and routed by the New Hampshire Department of Transportation in accordance with RSA 41:11. Oversized and/or overweight carriers shall prescribe to all such regulation, routing and requirements. Restrictions may include "No Through Truck" zones. Heavy vehicles shall comply with the weight restrictions of RSA 266:18. The Department may require special permits for oversized and overweight loads that may not be regulated by the New Hampshire Department of Transportation.

§ 223-6. No Through Trucks Zones.

The City may restrict travel of trucks, classes 5 and above as defined by the Federal Highway Administration from segments of any public highway. Such restrictions shall not apply to terminal sources and destinations such as retrieval and delivery points. Non-compliance violations may be issued (RSA 41:11).

§ 223-7. Highway Damage and Obstructions.

Parking or loading, vending or servicing of vehicles shall not take place in the public right of way. Items including but not limited to permanent or portable buildings, signs, lights, basketball hoops, hockey goals, blinds or other sports structures, signs, lights, displays, fuel tanks or septic systems shall not be permitted on, over, or under public highways to include any Class IV or Class VI highways.

Temporary obstructions on highways, sidewalks or in public parking areas for purposes not limited to building construction, rehabilitation or utility maintenance shall only be approved through a permit issued by the Department. All measures required to protect public safety shall be at applicant's expense. Such permits will be issued if such requested conditions are deemed not to be adverse to public travel. Any damage sustained shall be repaired at the offender's expense and the Department shall have the right to require adequate surety for restoration purposes.

No obstructions shall be placed onto the highway or sidewalks which may cause any defect, insufficiency or want of repair which renders it unsuitable for public travel or affects its integrity or operation or affects the vision of the travelling public as determined by the Department. No person shall cover a fire hydrant with snow, ice or any debris. Violators are subject to misdemeanor (RSA 236:21).

The Department shall have full authority to remove obstructions. Persons placing obstructions onto the highway or sidewalks or damaging guardrails, signs, traffic controls, bridge or markers shall be guilty of a violation or misdemeanor. Such person shall be liable for injuries sustained and damages made (RSA 236:39, 236:38, 236:32, 236:29, 236:28, 236:8).

Any person erecting or continuing any building, structure or fence which interferes with, hinders or obstructs public travel shall be guilty of a violation (RSA 236:16).

Any non-public access or private frontage to a public highway that becomes or may become a potential threat to the integrity of the highway or its surface, ditches, embankments, bridges, or other structures, or a hazard to the safety of the traveling public, by reason of siltation, flooding, erosion, frost, vegetative growth, improper grade or the failure of any culvert, traffic control device, drainage structure, or any other feature, shall have issued to its owner a notice of correction by the Department. If such order does not result in a cure of the situation, the Department may implement corrective action and owner shall be civilly liable for costs in such corrective action (RSA 236:39, 236:38, 236:32, 236:29, 236:19).

Abutters to public highways shall not alter the ground along their frontage within the right of way to include addition of pavement, plantings or ditches. Driveway aprons may be installed or modified per the conditions of §223-19.

§223-8. Obstruction of sidewalks.

No person shall unnecessarily place any obstruction on any foot pavements or sidewalks. No person shall be permitted to construct a ramp up to and across the sidewalk adjacent to his/her property or place any other obstructions thereon without first securing a permit from the Department to do so. Snow and ice shall not be placed onto sidewalks. No person shall traverse sidewalks with motorized vehicles. Any modifications to sidewalks to accommodate ingress

and/or egress by motorized vehicles shall be restored by the responsible party to the satisfaction of the Department.

§ 223-9. Authorized Seasonal Periods of Work Within Right of Way.

Construction, maintenance and repair work of highways, sidewalks and appurtenant infrastructure within the right of way will normally be conducted by the City from April 1 – November 31 unless deemed an emergent need as determined by the Department. The same period shall apply for similar work on private infrastructure that may in the future be considered for acceptance by the City.

§ 223-10. Reserved.

§ 223-11. Excavation on Highways, Right of Ways and Pavement Disturbance Moratorium.

For a period of five years, beginning with the date of completion of the final paving of a public highway relating to the construction, maintenance overlay or reconstruction of said highway, no person, firm or corporation of any agent or thereof shall excavate or disturb the paved or traveled portion of the highway in the City of Rochester at any time, except for emergencies as may be deemed necessary solely by the Department then only upon the posting by such entity of sufficient security, as determined by the Department and the agreement of such entity, to pay the cost of restoring such highway of way to its original condition. Such period shall be the pavement disturbance moratorium.

Excavations to the highway within the period of the pavement disturbance moratorium shall require majority vote of the City Council approval. Such requests shall be furnished to the Department through the permit application process. The Department shall review and either recommend approval or disapproval to the City Council.

An excavation permit shall be required for all earth disturbances within the right of way including to pavement, sidewalks and any transportation facilities. The permittee shall detail all aspects of the work including safety and traffic control measures.

The permittee shall be the contractor of record executing the work.

Permits will not normally be issued between December 1st and March 31st unless determined solely by the Department to be an urgent need.

Permits that have been authorized but where work has not commenced shall expire on December 31st of the year issued. In such cases a new permit and application fee shall be required for the original proposed work.

Excavation activities shall not occur on Fridays, weekends or designated holidays without the prior written approval of the Department. A 48-hour notice shall be required by the permittee to the Department prior to the start of work and any key activities that warrant Department review.

The Department may require sufficient restoration security for excavations prior to permit approval. A restoration security of \$5,000 shall be required to be posted for any excavation approved that may impact the pavement of a highway which receives a pavement disturbance moratorium waiver.

Excavations shall be suitably covered during operations to prevent injury or impact to travel. Anyone performing excavation within one hundred feet of an underground facility shall participate in and comply with the State of New Hampshire's damage prevention system, commonly referred to as Dig-Safe, in accordance with Title XXXIV, Chapter 374 General Regulations, Underground Facility Damage Prevention System.

Pavement restoration shall be completed in accordance with this ordinance and the Department's standards. Native materials shall be used as backfill and may be supplemented with approved processed materials if native quantities or quality are not adequate as determined by the Department.

All open trenches shall be stabilized with pavement no later than the Friday of the week of the work. Application of proper binder course pavement as specified herein shall be completed within 5 days of the completion of utility work. Application of wear course pavement may occur any time following application of binder course but prior to final approval.

When an excavation disturbance impacts a concrete sidewalk, minimum restoration shall consist of all impacted panels in whole and any curbing.

Compaction tests may be required by the Department when it has reason to doubt suitable compaction standards have been achieved. Such tests may be required to be executed following pavement restoration by an independent testing agency if the Department believes adequate compaction was not achieved during the work. Such costs including pavement disturbance, testing and adequate restoration shall be borne by the permittee.

The Department may inspect utility work in progress. The Department may require the permittee to furnish photographic evidence of key aspects of the work. Permittee shall notify the Department immediately following pavement restoration activities so that the Department may perform the initial inspection.

The Department will inspect the restoration again between 6 months and 1 year following immediate restoration to determine if defects such as settlement, pavement damage or impacts to other infrastructure have occurred over time. Defective work that is noted at the second inspection shall be corrected by the permittee within 10 working days. Permit shall be closed when acceptable restoration is verified.

Defective work noted by the Department during the interim time between initial inspection and second inspection shall be corrected by the permittee at their cost within 5 working days of notice or the implementation of an approved restoration plan. Correction of interim defects shall not relieve the contractor from the requirements of the second inspection and any corrective work required at that time to close the permit.

Any work that is not corrected by the permittee may be executed by the Department and billed to the permittee at full cost which shall be uncontestable.

Permittees which have a history of defective work may be denied future permits. Such future permits may be considered solely by the Department if adequate security is furnished by the permittee. Permittees which have a history of defective work may have their City utility license(s) revoked.

Nothing in this section limits the authority of the Director Planning from their authority per Chapter 275, Zoning, Article 22 regarding abandoned excavation sites.

Any other provision of this article notwithstanding, any person, firm or corporation or any agent thereof that shall violate the provisions of this section shall be subject to a fine of not more than five hundred dollars (\$500.) and full restoration costs.

§ 223-12 Drainage.

Stormwater quality and control shall for private development be per the administration and requirements of Chapter 218 of the City Ordinances. The City is its own compliance agency and shall meet the requirements of permits issued by the New Hampshire Department of Environmental services and/or the U.S. Environmental Protection Agency.

The City has the right and legal duty to ensure that the impact of flowage to the highway from areas outside of the right of way is minimized. This may be accomplished by the installation and maintenance of ditches, culverts, bridges and other facilities.

Drainage flowage from private properties shall be directed such that such flowage does not adversely impact the right of way. Such impacts shall be corrected by the property owner at their expense.

Unless City work occasions additional flowage from the highway onto an abutting property for which a degradation in property use can be verified, the City shall not be responsible for flowage onto an abutting property which is due to that property's elevation in relation to the highway. The City shall use a reasonable standard of care in their highway work to minimize flowage onto abutting properties. Nothing herein shall relieve the City from its requirements under RSA 231:75.

Drainage easements for the City to access private property shall be required as necessary for the City to operate and maintain drainage features which are appurtenant to flowage from right of ways or City infrastructure.

§ 223-13 Winter Storm Management.

Snow and ice shall not be placed into the highway or upon sidewalks or in a manner which impacts accessibility of a hydrant unless such placement is temporary and immediately appurtenant to the removal efforts of the abutter. Snow or ice that remains on the highway or sidewalk that does not comply with this section shall subject the abutter or responsible party to a violation (RSA 236:21).

The Department shall implement and maintain a winter storm maintenance policy for City public

highways and sidewalks which describes to the public the intended priorities and actions of ice and snow removal and processing. The Department shall not be held liable for damages arising from insufficiencies or hazards on public highways, bridges or sidewalks when Department operations in accordance with such policy are effectuated (RSA 231:92-a).

The Department is not obligated to replace mailboxes that are damaged by City winter storm management operations. The Department may replace damaged mailboxes using economical replacement materials and following storms when operations allow.

§223-14 Off Highway Recreational Vehicle and Snowmobile Use of Public Highways.

Off highway recreational vehicles shall be prohibited on all public highways and sidewalks with the exception of bridges per RSA 215-A:8. Snowmobiles may be allowed on highways and may cross bridges per RSA 215-A:8, however cannot operate in the travelled portion of the highway. On public ways snowmobiles shall travel in the extreme right and travel at 20 miles per hour or less. Licensure shall be obtained and operation shall comply with the requirements of RSAs 215-C:6, II, 215-C:1 XIX, 482:A-3 VIII, 215-C:8 III(b)(2), 215-C:8 IX and 215-C:8 X.

§ 223-15. Public Highway Maintenance.

Public highways shall be maintained by the Department at their discretion on frequency and using practices commonly used by similar municipalities and those endorsed by associated maintenance and engineering trade organizations. For work within the right of way, that consists of maintenance grading or cleaning or repairing of existing ditches or culverts without affecting their size or positioning, the Department will not normally notify abutters (RSA 231:75, 231:92).

The City Council shall annually approve a capital improvements plan for public highways as recommended by the Department. (RSA 231:92, 674:5)

Abutters to highways are responsible for their access and any grades, culverts or other structures pertaining to such access whether or not located in the public right of way. (RSA 236:13).

No public highway, access highways or private highways shall be constructed so as to traverse any watershed tributary to a lake, pond or reservoir used for the storage of public drinking water without obtaining the approval of the Department of Environmental Services (RSA 485:9).

§ 223-16. Highway Roadside Clearing.

The City shall maintain a regular program of roadside clearing within the right of way to reduce safety hazards or otherwise damage to the highway. Any tree with a circumference of 15 inches or more at a point four feet from the ground will not be removed by the City without due notification to the owner unless such tree presents an immanent threat to safety or property. Notification shall follow the procedures set forth in RSA 231:145 and 231:146. The City may require utilities which may have lines in such trees to assist in removal at their expense. Such rights of the City extend to Class VI highways (RSA 231:145, 231:150).

§ 223-17. Invasive Plant Species.

Invasive plant species are alien plant species whose introduction causes or is likely to cause a variety of harm to the public. They constitute trees, vines, shrubs and grasses. The Department will remove invasive species from the right-of-way when found and upon request when such presence may inhibit safe travel or otherwise be harmful to the physical highway (RSA 430:53) and will have no duty of care to replace such plantings with non-invasive species. The Department shall restore grounds beneath removed plantings in a reasonable manner. Invasive plant species are unlawful to plant or transport (RSA 430:51-57).

§ 223-18. Repair of Public Highway, Bridge or Sidewalk.

Whenever any public highway, bridge, or sidewalk shall, from want of necessary repair, or because of any repairs or construction being made therein by the Department become unsafe for travel, the Department shall have erected a suitable fence or railing to exclude all travelers from passing over the same and shall require the maintenance at night such lights as may be necessary to warn the traveler of the hazard. If said repairs or construction is being made by any other department or person, the head of such other department or person shall erect and maintain the same guard fence, rails and lights.

§ 223-19. Public Highway Access - Driveways.

The Department shall retain continuing jurisdiction over the adequacy and safety of every existing driveway, entrance, exit and approach to a public highway or right of way, whether or not such access was constructed or installed pursuant to a permit (RSA 236:13). Private highways where they intersect with public highways shall be considered driveways and subject to the requirements of this section and ordinance.

All new driveways including private highways and driveways intersecting Class IV, V and VI shall be subject to approval by the Department through a permit process. Applicants shall provide details on locations, approaches, grades, construction materials, any traffic control and drainage features. Applicants shall adhere to any City regulations regarding setbacks.

The Department shall approve through a permit process proposed changes to existing driveways in grade, approach angle, location and size and drainage. Requirements and process shall follow those outlined in RSA 236:13.

Stormwater permits may be required in cases of proposed driveways which service commercial, multi-family, industrial or institutional facilities, or for single family homes in which unique characteristics of driveway and highway grades or drainage appurtenances may require stormwater management for the benefit of the public highway.

The owners of property abutting a public highway shall be responsible for the adequacy of the access to the public highway, and any grades, culverts, or other structures pertaining to such access, whether or not located in the right of way. If any such access is or becomes a potential threat to the integrity or operation of the highway or becomes a hazard to the travelling public, the Department may issue an order to the owner or other party responsible for such access to repair or remove the condition of hazard and obtain all required permits. Such order shall be

enforceable to the same extent as a permit. If the order is not complied with within the time prescribed, the Department may cause to be taken whatever action is necessary to correct the deficiency and the owner or responsible party shall be civilly liable to the City for its cost in taking such action. (RSA 236:13 and RSA 236:19). In addition the City may issue a violation.

Setbacks of driveways from property lines shall be in accordance with 275-26.

§ 223-20. Utilities.

Work on City owned utilities such as water and sewer shall be done only by entities that are licensed by the City to perform such work. Licensure requirements for sewer and water are set forth in Chapters 200 and 260 of the City Ordinances, respectively. Gas and electrical utility work shall be done by persons licensed by their respective trades and appropriate State agency.

No person shall erect, construct, put up or maintain any poles, wire, terminal, underground conduits and cables, structures or other electrical appurtenances for television, telephonic, telegraphic, electric power or electric lighting, or any water, sewer, drainage or gas lines along, across, under or over any public highway, sidewalk, in any right of way or City property without obtaining a City license.

In-ground utility work shall require an excavation permit from the Department for installation, relocation, augmentation or alteration of in-ground utilities.

Easements for underground utilities when outside of the public right of way shall be at least 30 feet in width.

Only City employees shall operate fire hydrants, valves or any other operable element of the City's water, wastewater or drainage utilities.

Utility companies shall have authority to install or erect their utilities in the City's right of ways as licensees of the City (RSA 231:160).

Aerial utility companies shall obtain a license from the City for the erection, augmentation or relocation of poles. Utilities shall be responsible for owner consent regarding tree cutting or pruning per RSA 231:172.

No person shall use said poles for the posting of bills or other advertising purposes or for any other purpose except that for which permission is given by the Department.

The City shall be indemnified against all damages, costs and expenses to which it may be subjected due to the location, construction, maintenance of any pole, structure, conduit, cable, wire or other apparatus of the utility and the utility shall indemnify the City against all damages, and expenses to which it may be subjected to by reason of any insufficiency or defect in the highway occasioned by the presents of wires and supports (RSA 231:168, 231:175).

§ 223-21. Revocation or Suspension of Permits.

If the terms or conditions of a permit are violated by a permit holder and the Department finds that the violation does not constitute an immediate hazard to public health, safety or welfare, the Department shall give written notice to the permit holder in writing by email of an intention to suspend or revoke the permit, and a statement of the facts or conduct upon which the Department intends to base its action. If corrective action is not implemented to the Department's satisfaction in a reasonable time, the Department may implement corrective action it deems necessary within the right of way to restore the right of way and charge such costs to the permittee. The City may use any security posted to implement corrective action. (RSA 236:32).

If terms or conditions of a permit are violated by the permit holder and constitute a danger to public health, welfare or safety, the Department shall immediately suspend the permit and all work by the permittee shall be ceased and corrective measures implemented by the permittee to the satisfaction of the Department. Notice of suspension shall be issued in writing by email and communicated by telephone. If corrective action is not implemented to the Department's satisfaction in a reasonable time, the Department may implement corrective action it deems necessary within the right of way to restore the right of way and charge such costs to the permittee. (RSA 236:32, 236:39).

§ 223-22. Emergency Services Dispatch to be Notified.

Any person or private or public entity or department of the City, before digging up, obstructing or encumbering and/or redirecting common or convenient traffic patterns in any way any highway, lane, alley, sidewalk, or other public place in the City, shall, before beginning such work, notify the City's Emergency Services Dispatch Center as to where such work is to be done and shall, immediately upon the completion of such work and the restoration of the place to its normal condition, notify same. A permit shall be required from the Department prior to any such disruption or encumbrance.

§ 223-23. Moving of Buildings Along Highways and Erection of Scaffolding.

No person shall move, or assist in moving, any house, shop or other building through any highway, lane, or alley or erect scaffolding without first obtaining a written license from the Department. Whenever the Department shall as aforesaid grant permission to any person to encumber any highway, sidewalk, or public square for the purpose of erecting, altering or moving buildings or scaffolding, it may, as a condition to granting such permission, require the party obtaining the same to furnish a surety of indemnity in a form acceptable to the Department, in such

sum and with such securities as the Department may deem proper. Applicant is responsible for all safety and traffic control measures. The Department of Public Works may require an obstruction permit for such work.

§ 223-24. Traffic Calming Controls.

Traffic calming controls may be implemented by the Department on public highways as approved by the City Council. Implementation may be through the capital process or by request.

In its implementation the Department will employ engineering judgement as guided by the Institute of Transportation Engineers, FHWA Manual on Uniform Traffic Control Devices and any other applicable transportation technical trade or agency organizations. Traffic calming practices may include the installation of speed tables, raised crosswalks, speed humps, bump outs, pedestrian refuges, speed cushions, roundabouts, or other crosswalk safety enhancements. Roundabout consideration shall require engineering study.

§ 223-25. Conduct on Public Highways.

The following conduct with respect to the use of the City highways and highways shall be regulated as more fully set forth below:

- A. No person shall place, establish, or maintain any sign, awning or shade before his/ her place of business, dwelling house or tenement, over any part of any highway or sidewalk, unless the same is safely fixed and supported so as in no way to endanger persons passing upon such highway or sidewalk, and so that the lowest part of such sign, awning or shade shall be at least seven feet above the sidewalk; nor shall any person hang, affix, fasten, place or allow to remain upon the outer edge of any sidewalk any sign or showcase whatever, or there display any goods, merchandise, or samples of any business calling, trade, art or craft, so as to obstruct the free passage and view to and from the highway and sidewalk.
- B. No person shall sell at auction or otherwise upon any highway or public square in the City any furniture, goods, wares or merchandise whatever, or place or in any manner encumber such highway or square therewith, without first obtaining a permit from the Department and obtaining a secondhand dealer's/hawker's license from the Building and Licensing Services Department.
- C. No person shall draw or cause to be drawn, move or cause to be moved, upon any public highway or highway, any equipment or instrument or implement liable to cause damage to the surface of said public highway or highway, unless the same is being transported upon a vehicle or other conveyance. Any damage resulting from such action shall be remedied by such person to the satisfaction of the Department, or the Department will effect corrections and charge the such person for the cost of corrections.
- D. No theatrical or dramatic representation shall be performed or exhibited, and no parade or procession upon any public highway or way, unless a special license shall first be obtained from the Building and Licensing Services Department. (See Chapter 22, Amusements and Entertainment, Article III, Public Dances, Circuses and Parades.).
- E. Dumping on highway, highway, lane, alley, sidewalk, or other public place within the City limits of Rochester is prohibited.

§ 223-26. Outdoor Dining.

Outdoor dining on City property or appurtenant to public highways and sidewalks shall comply with Chapter 80, Article II of the City Ordinances. The Department in its review of such requests for outdoor dining shall consider the effects on existing drainage, potential damage to highways and sidewalks and any impacts to multi-modal traffic operations. The Department may issue directives to the requestor to ensure infrastructure operation, safe, effective travel and restorative actions. The Department may require an obstruction permit.

§ 223-27. Public Highway Construction Standards.

The City Council shall have full authority over the construction, maintenance and repair standards of the City which shall be at least as stringent as those of the State (RSA 231:92).

City public highways shall have the following basic minimum design elements:

Highways:

Wearing course:	Hot Mix Pavement; one and one half inch (NHDOT Items 401, 403); ½” aggregate
Binder course:	Hot Mix Pavement; two and one half inch (NHDOT Items 401, 403); ¾” aggregate
Base:	Crushed gravel: six inches (NHDOT Item 304.3)
Subbase:	Bank run gravel: twelve inches (NHDOT Item 304.2)
Compaction:	95% (NHDOT Item 304; 3.6 and 3.7)
Curbing:	Granite. At least 18 inches depth and at least 5 inches wide set in concrete over ¾ inch crushed stone; vertical or sloped (NHDOT Item 609)

Sidewalks::

Portland cement concrete – Class AA; 4,000 psi; 4 inches thick; 6 inches thick at tip downs; fiber or steel mesh (NHDOT Item 520 and 608), reinforcement (NHDOT Item 544.2), Base: crushed gravel: nine inches (NHDOT Item 304.3), protective coating silane or siloxane (NHDOT Item 534.2.); maximum running slope 12:1; cross slope 2%; or

Hot Mix Pavement; (NHDOT Item 401 and 608 (2.5), 1 1/2 inch finish thickness; 1 ½ inch binder thickness; base 10 inches crushed gravel (NHDOT Item 304.3)

All features compliant with the Americans with Disabilities Act.

Other features shall be per the City’s technical standards and/or Subdivision Regulations and Site Regulations

Driveways and private highways which intersect public highways:

:

Shall be evaluated for approval referencing the geometric requirements of the New Hampshire Department of Transportation Policy Relating to Driveways and Access to State Highway System or its successor document(s).

§ 223-28. Class VI Highways.

Class VI highways are public highways for which the City has no duty of care, however has full authority to regulate use, excavation or disturbance or driveways and to regulate weight limits (RSA 231:21-a, 231:93, 236:9-11, 236:13, 231:191).

Class V highways which became Class VI highways due to a five or more year lapse in maintenance by the City, but which subsequently has been regularly maintained and repaired by the City on more than a seasonal basis and in suitable condition for year round travel thereon for at least five successive years shall become a Class V highway upon vote of the City Council (RSA 231:45-a).

Class VI highways may be reclassified by the City Council as a Class V highway per RSA 231:22-a. Petitions for the layout of a Class V highway over a Class VI highway shall follow the betterment assessment procedures of RSA 231:28-33.

Emergency Lanes may be created out of the improvement of a Class VI highway. (RSA 231-59-a).

§ 223-29. Reserved.

§ 223-30. Discontinuance of Public Highways.

The City Council has full authority to discontinue any Class IV, V and VI highways (RSA 231:43).

§ 223-31. Private Highways.

Unless existing as of the effective date of this paragraph, private highways are prohibited from these requirements unless part of a plan approved by the Planning Board and noted as such.

The City shall have no requirement for care nor liability for adequacy or safety thereupon a private highway. The City may require certain geometric features and construction materials and methods for private highways to aid emergency vehicle access.

The City will not collect rubbish on a private highway. Until a highway is officially accepted as a City highway, the owner of the highway has the sole responsibility to collect rubbish, themselves, or other private agreement. No rubbish shall be placed on a public highway or right-

of-way without approval from the Department.

Safe passage shall be maintained for all vehicles once a certificate of occupancy is issued on a private highway. The highway shall be accessible for residences, emergency vehicles, and service vehicles as determined by the Department of Public Works and the Fire Department. Safe passage shall include winter maintenance, general highway surface repair, and maintenance of all infrastructure such as lighting, fire hydrants, and sidewalks.

The City Council may change the name or address assignment of any private highway when necessary to conform to the requirements of the enhanced 911 telecommunications system (RSA F231:133, 231:133-a).

Residential owners of property which derive enjoyment from a highway not maintained by the City shall contribute equally to the reasonable cost of maintaining the private road and damaged occasioned to the highway by an abutter shall be corrected at that abutter's expense (RSA 231:81-a).

§ 223-32. Private Construction on a Class VI or Private Highway:

Private construction on Class VI highways shall be restricted to the approved uses per Chapter 275 Zoning and City process procedures.

The procedure for construction on a Class VI or private highway shall be:

The developer or its agent shall submit a Site Plan or Subdivision application to the Planning Department to request the authorization of Building Permits on a Class VI or private highway. The application shall address all requirements of Site Plan or Subdivision Regulations.

The application shall also include:

Draft language to be recorded which clearly states the municipality neither assumes responsibility for maintenance of said class VI highway nor liability for any damages resulting from the use thereof in accordance with RSA 674:41.

After review and comment by the Planning Board, City Council shall vote to authorize Building Permits.

Prior to the issuance of a Building Permit, the applicant shall file with the Registry of Deeds a notice of the limits of municipal responsibility and liability in accordance with RSA 674:41.

§ 223-33. Acceptance of Privately Constructed Highways as Public Highways.

No proposed new public highway with or without new public sewer or water, public improvements, developer contributions, or any combination of the above, shall be laid out, accepted or constructed which is not subject to review and approval by the Planning Board,

recommend for acceptance by the Department of Public Works and approved by the City Council (RSA 674:36).

A private highway shall not be considered for acceptance until a minimum of 75% of dwelling units or structures have obtained certificate of occupancy and any infrastructure required to support full function of at least such number of units is completed and functioning adequately as determined solely by the Department. Notwithstanding this section, the City shall release surety partially as appropriate to reflect achievement of progress goals towards completion of the infrastructure in accordance with approved plans and City construction standards.

All private highway construction which may be intended for acceptance as City highways shall be subject to surveillance by the City. Developers shall accommodate all such inspections and execute any corrective action required by the City to comply with City Standards.

The City will not normally accept highways or segments of highways for acceptance that would be subsequently used to support construction activities related to further build out of private highways and infrastructure that may be considered for acceptance.

Developers are responsible for all maintenance and services to highways intended to be petitioned for acceptance until such acceptance is final. Such services include but are not limited to trash pickup and snow and ice removal.

The degradation of a highway intended to be petitioned for acceptance shall not be considered for acceptance until it has been rebuilt or restored to the Department's standards.

The procedure for public highway acceptance shall be:

- A. The developer or its agent shall submit a written petition to the City Clerk on behalf of the City Council for acceptance of a private highway as a City highway. The developer or its agent shall provide three copies of the letter each for the Planning Department, Public Works Department and Legal Department.
- B. The letter shall include:
 - a. Construction reports of materials testing data, certified by an independent, qualified source in paper and electronic format.
 - b. All inspection reports and photos.
 - c. Technical literature and data for all elements of the infrastructure including pavement design, pavement bases, utility pipes, water test results of pressure, disinfection, sewer manhole vacuum, sewer mandrel, video of water and sewer pipe interiors, pump stations and appurtances in paper and electronic format.
 - d. Drainage maintenance agreement signed by the owner.

- e. Descriptive deed, which details any fee title property and infrastructure that will be owned by the City and that which will be owned and maintained by a Homeowner's Association, if applicable, in paper and electronic format
 - f. Copy of drainage/utility and/or other easements in descriptive language in paper and electronic format
 - g. Recordable as-built plans in paper and electronic format
 - h. Full set of record drawings to include final survey plan showing all project improvements in paper and electronic format
 - i. A security in the form of an irrevocable letter of credit or passbook to guaranty that all site work was properly done to be posted by the applicant with the Department, which shall place the security with the City Treasurer. Such maintenance guaranty shall be in an amount of 2% of the value of the infrastructure intended to be conveyed to the City established in the City's schedule of values for such improvements and such values as are updated to reflect current values at the time of the petition. Elements shall include full cost of replacement for all street trees and other landscaping required, roadway, drainage and pedestrian facilities, and in force for three years after the date of City acceptance. If such repairs are required of the City following acceptance due to improper installation by the developer, such guaranty shall be used to implement corrective actions.
- C. The Department of Public Works will make a recommendation to the City Council for public highway acceptance when the following have been met:
- a. Resolution of any construction quality issues to the satisfaction of the Department to include restoration of damaged pavement even if such damage is due to age, consistent with sound trade practice.
 - b. All on or off-site improvements or contributions required by the Planning Board and Department of Public Works are complete and functioning as determined by the Department.
 - c. Final wear surface of asphalt pavement installed on all highways and sidewalks and all associated striping and signage.
 - d. All final grades, elevations and final vegetation within the right of way are complete, established and functioning as determined by the Department of Public Works
 - e. Drainage ditches have been stabilized; where grass is the stabilizer, a minimum of 90% growth has occurred as determined by the Department.
 - f. All stormwater, drinking water and wastewater facilities are complete and functioning as determined by the Department of Public Works
 - g. All on-site amenities such as highway trees, walking paths, gazebos, highway furniture, other structures, and landscaping required by the Planning Board are complete and functional as determined by the Department of Public Works
 - h. Adequate surety remains to complete the balance of the work as approved by the Planning Board

- i. A minimum of 75% of dwelling units or structures have obtained certificate of occupancy and all infrastructure required to support full function of at least such number of units is completed and functioning as determined by the Department of Public Works
- D. The City Council shall hold a public hearing on the proposed acceptance with public notice furnished by the City by certified mail (RSA 231:10). Upon acceptance by the City Council as a City highway, the following shall be submitted to the City Clerk with copies to the Planning Department, Legal Department and Department of Public Works within 30 days:
 - a. Signed warranty deed(s), easements, Home Owner Association covenants, stormwater management plans, if applicable and stamped recordable plan(s) for recording by the City Clerk
- E. The acceptance of a private highway as a public highway shall not be construed to confer upon the municipality any notice of, or liability for, insufficiencies or defects which arose or were created prior to such acceptance (RSA 231:92).

§ 223-34. Naming of Public Highways.

- A. Proposed highway names shall be approved by the City Council. Proposed names shall be submitted to the Planning and Development Department by application of private owner, developer or dedicator. The proposed name shall be reviewed by the E911 Committee. Following review the name and such name shall be presented to the City Council for approval. Naming assignments shall be issued by letter to the applicant with copies to City departments and the State E911 Unit within the Division of Emergency Services and Communications (RSA 231:133).
- B. The City shall not be bound by any name previously assigned to the highway, highway or right-of-way by the private owner, developer or dedicator. No name for a highway, highway, or right-of-way shall be selected which is already in use, or which is confusingly similar to any other existing name, or which otherwise might delay the locating of any highway in an emergency. Names of highways shall not duplicate or bear phonetic resemblance to the name of existing highways within the City (RSA 231:133)
- C. The City Council may change an existing name on any public or private highway at any time when in its judgment there is occasion for so doing such as in adherence to the requirements of the enhanced 911 telecommunications system (RSA 231:133)..
- D. Whenever a change in name is proposed to any highway or right of way, the E911 Committee shall make a recommendation to the City Council. Once approved, the E911 Committee shall make a record of a new name or name change and shall forward a copy of such record to the Department of Transportation, in accordance with the requirements of RSA 231:133, as presently enacted or in accordance with the corresponding provisions of any recodification or amendment thereof. In the process of assigning names to highways, highways and right-of-way, the E911 Committee shall follow the New Hampshire Addressing Standards Guide, to the extent possible:

- (1) No name shall be assigned to a highway, highway or right-of-way which shall duplicate the name of any other proposed or existing highway, regardless of the use of the suffix "highway," "avenue," "boulevard," "drive" or the like.
 - (2) The extension of an existing highway shall have the same name as the existing highway.
 - (3) Before a new highway name is assigned to an existing highway, the proposed name of such highway shall be reviewed by the E911 Committee. The Committee shall submit their comments, if any, with regard to the proposed name to the City Council.
- E. The Planning and Development Department shall have the authority to assign a provisional name to all highways, highways and/or rights-of-way shown upon subdivision or site review plans being considered for approval by the Planning Board; provided, however, that no such provisional name shall be assigned to such highway unless it has been approved by the E911 Committee.

§ 223-35. Address Numbers on Highways and Right-of-Ways.

- A. Pursuant to the provisions of RSA 231:133-a, the Planning and Development Department shall have the authority to assign numbers to vacant lots and all existing residential and/or commercial structures.
- B. Assignment of addresses for new construction shall be initiated through the driveway permit application process. Applicant shall provide with the application a plan or map showing road stationing and the proposed tax map and lot numbers.
- C. Driveway permit applications, plans or maps shall be reviewed by the Planning and Development Department to determine addressing. Driveway permits shall not be issued until addressing is assigned. Addressing assignments shall be issued by letter to the applicant with copies to relevant City departments, the E911 Committee, the State E911 Unit within the Division of Emergency Services and Communications, and the US Post Office. The Planning and Development Department may issue temporary addresses until final assignments are determined.
- D. Existing address assignments may be altered when they no longer conform with addressing standards.
 - (1) When a proposed change would not impact any surrounding properties, the E911 Committee may propose an address reassignment. The property owner is issued a letter that provides the new proposed address and includes the reason for the address reassignment.
 - i. If the property owner agrees and signs a consent to the proposed change, the address reassignment process continues.
 - ii. If the property owner does not agree with the proposed change, they may submit an appeal to the E911 Committee for reconsideration. The Committee may decide to grant the appeal or confirm their original

decision, at which the property owner may take the matter to City Council for a public hearing and final determination of the addressing concern.

- (2) When a proposed change impacts abutting properties or property owners do not provide consent, a public hearing shall be scheduled. In such cases, the City shall notify abutting property owners and hold a public hearing for which 10 days' notice has been given in accordance with RSA 231:133-a. Full authority and discretion to re-assign addressing shall rest with the City Council.

E. In assigning numbers to vacant lots and residential and/or commercial structures, the Planning and Development Department shall employ the following criteria:

- (1) For every 10 feet of right-of-way frontage within the Special Downtown District of the City of Rochester, as defined in Chapter 275, Zoning, of the Code of the City of Rochester, there shall be an individual number assigned.
- (2) For every 50 feet of right-of-way frontage outside of the Special Downtown District of the City of Rochester, as defined in Chapter 275, Zoning, of the Code of the City of Rochester, there shall be an individual number assigned.
- (3) Highways shall be numbered so that even numbers are located on the left side of the right-of-way and odd numbers are located on the right side of the right-of-way. The right and left sides of the right-of-way shall be determined by the relationship of the right-of-way to a person facing away from the center of the City of Rochester at the statue of Parson Main.
- (4) The numbering for cul-de-sac shall begin at the intersection of the cul-de-sac and the collector right-of-way and shall proceed from the right-hand side of the collector right-of-way from right to left around the cul-de-sac.
- (5) Mobile home parks and condominium and apartment complexes shall, to the extent possible, name their private highways and number each unit consistent with the E-911 standards set forth in this section.
- (6) Each apartment building shall be given one highway number and each apartment unit within such building shall be assigned that highway number and unit number.
- (7) Existing numbering patterns for existing highways, highways and rights-of-way which do not allow for the assignment of additional numbers for future development may be assigned new numbers by the Planning and Development Department.
- (8) The beginning of a highway shall be that end which intersects with a collector highway and, so far as possible, shall be that end closest in distance to the statue of Parson Main.

F. Any building or structure for which a number has been designated shall have such number affixed thereto in such manner as to be plainly visible from the highway,

which abuts the main entrance to the property. Such numbers shall be a minimum of 4 inches in height with minimum stroke width of ½” in accordance with the Fire Code as adopted by the State of New Hampshire.

- G. Failure to display an assigned number in the manner set forth above shall be grounds for denial of a certificate of occupancy. Any violation of the provisions of this article or any order of the Director or the Code Compliance Officer related thereto are subject to citation and the civil penalties set forth in RSA 47:17 and Code § 54-3.

§ 223-36. Construction of Sidewalks.

Sidewalks built by the City of Rochester for the use of the travelling public shall be in locations approved by the City Council. Sidewalks shall be constructed under the supervision of the Department. The Department will not maintain non-contiguous sidewalks which are of such limited in practical size such as sidewalks along a singular property frontage which are not served by adjacent sidewalks.

Residents who wish to have new sidewalks built for their highway may by petition of abutters who by written application shall agree to pay a portion of the cost of construction of said sidewalk, said portion not exceeding 1/2 of the said cost, payment to be made over a period not to exceed 10 years. The portion of the cost to be borne by the petitioner shall be both reasonable and proportional to the benefits according to the land upon which such assessment is made (RSA 231:112).

§ 223-37. Highway Lighting.

The Department shall have supervision of all municipal lighting and location of electric light and utility poles within the City limits and is authorized to prescribe rules and regulations for any modifications of any poles, crossarms or supporting fixtures which are located within the public highway. Improvements made for private purposes to said poles, crossarms, or supporting fixtures shall require a permit from the Department and be made at the requestor's expense.

Highway lighting for new residential or commercial construction or highway layout shall be guided by the City's Subdivision or Site Plan regulations and the professional judgement of City staff.

Requests for new or enhanced highway lighting on public highways not appurtenant to new construction or highway layout construction shall be considered by the City Council. In general, the following areas may be considered:

The termination area of dead end or no outlet highways.

Intersections of public highways.

Highway areas where multi-modal safety or general public safety can be enhanced.

Crosswalks.

Highway lighting shall be for the benefit of the traveling public and shall not be considered for the sole benefit of the property of abutters.

It is unlawful to place any light along a highway so positioned to impact the vision of the travelling public (RSA 236:55).

§ 223-38. “Adopt-A-Spot” Areas

The City Manager, in the exercise of duties relative to the oversight of all real and personal property owned by the City of Rochester, as specified in Section 14 of the Rochester City Charter, from time to time, designates certain areas of the City, primarily areas included within or closely related to the highways servicing the City of Rochester, as “Adopt-A Spot” areas. “Adopt-A-Spot” areas are maintained, landscaped and/or otherwise beautified by designated individuals and/or entities that volunteer to perform such functions for the purpose of improving the appearance of the “Adopt-A-Spot” areas, as well as the appearance of the City of Rochester as a whole. The City Manager shall annually, on or about May 1 of each year, establish a list of "Adopt-A-Spot" areas for the ensuing calendar year beginning on such May 1 and ending on the following April 30. A copy of such list shall be maintained in the City Manager's office and in the office of the City Clerk. In the event that the City Manager fails to update the "Adopt-A-Spot" list on or about May 1 of a given year, the "Adopt-A-Spot" list then on file in the office of the City Manager shall be controlling for the purposes of this section. No person shall, within any "Adopt-A-Spot" area, erect or maintain any sign or other advertising material whether for political purposes or otherwise, except for such advertising material and/ or device as has been previously authorized in writing by the City Manager or his/her designee. Any person failing to comply with the provisions of this section shall be guilty of a violation.

§ 223-39. Security.

The Department may require any person seeking to perform any work affecting any highway, bridge, sidewalk or other public property to furnish surety in the form of a cash, or letter of credit to indemnity to the City of Rochester in such sum and with sureties as the Department may deem proper. Bonds will generally not be acceptable forms of security.

§ 223-40. Violations and Penalties.

Any violation of the provisions of this article or any order of the Director or the Code Compliance Officer related thereto are subject to citation and the civil penalties set forth in RSA 47:17 and Code § 54-3.

ARTICLE II

**~~Newsracks and Public Way Obstructions~~
~~[Adopted 6-6-1995 as Ch. 35 of the 1995 Code]~~**

~~§ 223-19. Purpose.~~

Commented [R01]: Much of this seems no longer applicable. We could pull together a sidewalk obstruction / encumbrance section that outlines our current needs like addressing: outdoor seating, "sandwich boards", other marketing tools, and scaffolding or construction needs?

The purpose of this article is to promote the public health and safety through the regulation of the placement of newsracks and public way obstructions.

§ 223-20. Definitions.

As used in this article, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

CITY — The City of Rochester.

NEWSPAPER or NEWS PERIODICAL — A daily or weekly publication containing all of the following: current news, editorials, feature articles and advertising. ~~[Amended 3-5-2019]~~

NEWSRACK — Any self-service or coin-operated box, container, storage unit or other dispenser installed, used, or maintained for the display and sale of newspapers or news periodicals.

PARKWAY — That area between the sidewalk and the curb of any highway, and where there is no sidewalk, that area between the edge of the highway and the property line adjacent thereto. "Parkway" shall also include any area within a highway which is not open to vehicular travel.

PUBLIC WAY OBSTRUCTION — Any object other than a newsrack which obstructs the free passage of pedestrians or vehicles on the highways, sidewalks, parkways or highways. The term "public way obstruction" shall include, but not be limited to, signs and planters.

HIGHWAY — That portion of a highway improved, designed, or ordinarily used for vehicular travel.

SIDEWALK — Any surface provided for the exclusive use of pedestrians on any public right of way under the jurisdiction of the City.

HIGHWAY — All that area dedicated to public use or public highway purposes and shall include, but not be limited to, highways, parkways, alleys, sidewalks, garages, parking lots, parks and playgrounds. ~~[Amended 3-5-2019]~~

Public Way Obstructions

- A. ~~No person shall obstruct a public road or sidewalk, except with a permit issued by the Department of Public Works.~~
- B. ~~No person shall, place, install, or locate any structure, fixture, object, or other encroachment within the limits of a public road or sidewalk, except as follows:~~
 - a. ~~Pursuant to a license issued by the department of public works~~
 - b. ~~A sign or fence permitted in accordance with the City's Zoning Ordinance, or~~

Commented [R02]: Draft language which could include all types of encumbrances. This would require the creation of an Obstruction Permit.

- e. ~~For all other types of structures, fixtures, objects or other encroachments, pursuant to a revocable license from the Department of Public Works, which the Director may issue for good cause for non-intrusive structures, fixtures, objects, or other encroachments on such terms as the Director may determine and require.~~

~~§ 223-21. Prohibited acts.~~

- A. ~~No person shall install, use, attach or maintain any newsrack or public way obstruction which projects onto, into or over any part of the highway of any public highway or which rests, wholly or in part, upon, along or over any portion of the highway of any public highway.~~
- B. ~~No person shall install, use, attach or maintain any newsrack or public way obstruction which in whole or in part rests upon, in or over any public sidewalk or parkway when such installation, use or maintenance endangers the safety of persons~~

§ 223-21 _____ ROCHESTER CODE _____ § 223-23

~~or property, or when such site or location is used for public utility purposes, public transportation purposes or other uses, or when such newsrack or public way obstruction unreasonably interferes with or impedes the flow of pedestrian or vehicular traffic, including any legally parked or stopped vehicle, the ingress or egress for any residence or place of business, or the use of poles, posts, travel signs or insignias, hydrants, mailboxes or other objects permitted at or near said location.~~

~~C. Within 60 days of the passage of this article every person or other entity shall comply with the provisions of this article with respect to each newsrack and/or public way obstruction owned by it within the City. [Amended 3-5-2019]~~

§ 223-22. Permit required; application for permit.

~~A. No person shall install or maintain any newsrack or public way obstruction which in whole or in part rests upon, in or over any public sidewalk or parkway without further applying for and being granted a permit from the Licensing Board. The permit application shall include the following:~~

- ~~(1) The physical dimensions of each newsrack or public way obstruction to be installed or maintained in the City by the person;~~
- ~~(2) The name, address, and telephone number of the person or entity to whom or to which the permit is to be issued; and~~
- ~~(3) A diagram showing the location of the newsrack or public way obstruction and the dimensions of the sidewalk, if any, upon which it is to be located.~~

~~B. Newsracks shall require the submission of a permit application, but the permit shall be granted by the Licensing Board on a ministerial basis provided that the proposed newsrack as installed will not violate the provisions of § 223-21 above.~~

§ 223-23. Standards for installation, maintenance and operation.

~~Any newsrack or public way obstruction which in whole or in part rests upon, in, or over any public sidewalk or parkway shall comply with the following standards:~~

- ~~A. All newsracks and public way obstructions must be individually permitted by location.~~
- ~~B. No newsrack or public way obstruction shall be chained, bolted or otherwise attached to any public property, or to any private property, without the written permission of the City, the owner, or the person in possession of the property to which the attachment is to be made.~~
- ~~C. Newsracks and public way obstructions shall not be chained or otherwise attached to one another.~~
- ~~D. The City shall issue a proof of permit in the form of a sticker or decal which shall be attached to the newsrack or public way obstruction at all times.~~
- ~~E. All permits must be renewed annually prior to July 1.~~
- ~~F. Unlicensed newsracks or public way obstructions will be considered abandoned and~~

Commented [R03]: I wasn't able to locate this permit. I'm not sure its still applicable.

~~§ 223-23 HIGHWAYS AND SIDEWALKS § 223-28~~

~~subject to removal without notice.~~

~~G. All permits are nontransferable.~~

~~H. The annual fee for each permit shall be fifty dollars (\$50.), regardless of when during a year such permit is issued.~~

~~I. Any permit may be revoked at any time, by action of the Licensing Board; provided, however, that any revocation initiated by the Licensing Board shall entitle the owner of the newsrack and/or public way obstruction to a pro rata refund of the annual permit fee paid pursuant to the preceding Subsection H of this section.~~

Commented [R04]: I don't believe we do this.

~~§ 223-24. Identification required.~~

~~Within 30 days after this article becomes effective, every person or other entity which places or maintains a newsrack or public way obstruction on the highways of the City shall have his/her/its name, address and telephone number affixed thereto in a place where such information can be easily seen.~~

~~§ 223-25. Hold harmless agreement; insurance. [Amended 3-5-2019]~~

~~Every person or other entity which places or maintains a newsrack or public way obstruction on a public sidewalk, parkway, highway or highway in the City shall file a written statement with the Licensing Board, satisfactory to the City Attorney, whereby he/she/it agrees to indemnify and hold harmless the City, its officers, City Council members and employees from any loss or liability or damage, including expense and costs for bodily injury or damage to private or public property sustained by any person as a result of the installation, use or maintenance of a newsrack or public obstruction within the City. A certificate of insurance in a form approved by the City Attorney indicating no less than one million dollars (\$1,000,000.) in general liability insurance coverage and naming the City as an additional insured shall be maintained on file with the Licensing Board by each such person or entity.~~

Commented [R05]: I don't think we have a mechanism for enforcement or follow-up for this section

~~§ 223-26. Removal of newsrack or public way obstruction.~~

~~The City Manager or his/her designee shall remove any newsrack or public way obstruction placed on any highway, sidewalk, parkway or highway in violation of this article.~~

~~§ 223-27. Severability.~~

~~The provisions of this article are severable. If any provision of this article or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this article without the invalid provisions or applications.~~

~~§ 223-28. Injunction.~~

~~Any violation of this article is hereby declared to be a nuisance. In addition to any other relief provided by this article, the City Attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this article. Such application for relief may include the seeking of a temporary restraining order,~~

~~§ 223-28~~ ————— ~~ROCHESTER CODE~~ ————— ~~§ 223-30~~

~~preliminary injunction and/or permanent injunction.~~

~~**§ 223-29. Damage to newsracks and public way obstructions.**~~

~~Any damage to newsracks or public way obstructions, whether or not properly licensed, by any cause whatsoever, including snowplowing and removal, shall be at the sole expense of the owner.~~

~~**§ 223-30. Violations and penalties.**~~

~~Any violation of the provisions of this article or any order of the Director or the Code Compliance Officer related thereto are subject to citation and the civil penalties set forth in RSA 47:17 and Code § 54-3.~~

Chapter 223

Streets and Sidewalks

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

GENERAL REFERENCES

Parades — See Ch. 22, Art. III.

Peddling and soliciting — See Ch. 171.

Vehicles and traffic — See Ch. 254.

Article I

General Regulations

[Adopted 6-6-1995 as Ch. 15 and § 26.7 of the 1995 Code]

§ 223-1 **Definitions.**

[Amended 3-5-2019]

The following definitions shall be applicable for the purpose of this article:

COMMISSIONER

The Commissioner of Public Works or his/her designee. See § 7-18A of the City Code.

COMMITTEE

The subcommittee of the City Council (Public Works and Building Committee) having responsibility for overseeing expenditures, maintenance and control of public buildings, streetlights, public parks, sewerage, streets and highways and residential solid waste/recycle disposal. The Committee members shall be designated by the Mayor and shall enjoy membership according to rules and regulations as established by the City Council. The responsibilities of this Committee shall be enumerated by the City Council and shall further be as set forth within this article, and this Committee shall be referred to throughout this article as "Committee."

§ 223-2 **Repair of highway, bridge or sidewalk.**

[Amended 3-2-2004]

Whenever any highway, bridge, or sidewalk shall, from want of necessary repair, or because of any repairs or construction being made therein by the Highway Division of the Department of Public Works, become unsafe for travel, the Commissioner, upon instruction of the City Manager, shall erect a suitable fence or railing to exclude all travelers from passing over the same and shall maintain at night such lights as may be necessary to warn the traveler of the hazard. If said repairs or construction is being made by any other department or person, the head of such other department or person shall erect and maintain the same guard fence, rails and lights.

§ 223-3 Prohibiting use of highways.

The Commissioner may make rules and regulations prohibiting the use of any or all highways to such vehicles as he/she may prescribe in order to prevent the use of said highways when said highways are unsuitable for travel thereon. Such rules and regulations shall be posted on each highway so regulated and at two other public places in the City. Any person violating the provisions of such posted rules and regulations shall be fined not more than one hundred dollars (\$100.) and shall be liable for all damage occasioned thereby.

§ 223-4 Elevation.

The datum from which all elevations for street and other City work shall be calculated shall be that of the U.S. Geodetic Survey, as given on the standard discs of the survey.

§ 223-5 Permit for excavation upon highway or sidewalk.

- A. No person shall break or dig up the ground, stone or concrete in any street, lane or alley, or in any sidewalk or common in the City, or erect any staging for building, or fence off any portion of said street or sidewalk, or place or deposit any stone, brick, timber, or other building material thereon, without first obtaining a written permit from the Commissioner and complying in all respects with conditions said Commissioner may impose. Whenever any street, lane, alley, sidewalk, or other public place in the City shall, under any permit granted, be dug up, obstructed or encumbered, and thereby rendered unsafe or inconvenient for travelers, the person so digging up, obstructing or encumbering shall put, and at all times keep up, a suitable railing or fence around the section or parts of any street, lane, alley, or sidewalk or other public place so dug up, obstructed or encumbered, so long as the same shall be, or remain, unsafe or inconvenient as aforesaid, and shall also keep such fence adequately illuminated every night from dusk until dawn so long as such railing or fence shall be kept standing. He/she shall also, at his/her expense, to the acceptance of the Commissioner, and within such reasonable time as the Commissioner shall direct, repair such street, lane, alley, sidewalk or public place. **[Amended 3-5-2019]**
- B. For a period of five years, beginning with the date of completion of the final paving of a public street or way relating to the construction or reconstruction of said street or way, no person, firm or corporation or any agent or servant thereof shall excavate, construct or in any way encumber the paved or traveled portion of the street or way in the City of Rochester at any time, except for emergencies as may be deemed necessary by the Commissioner of Public Works and then only upon the posting by such entity of sufficient security, as determined by the Commissioner of Public Works and the agreement of such entity, to pay the cost of restoring such street or way to its original condition or with the approval by majority vote of the City Council. For one year after being notified of the completion of such restoration by such entity, the Commissioner may reduce the amount of the security posted by such entity; however, the Commissioner shall retain sufficient security to ensure that such restoration has been performed in a manner that will ensure that said street or way has been restored to its original condition. One year after being notified of the completion of such restoration, the Commissioner shall inspect the area restored and shall release such security if, in the judgment of the Commissioner, such restoration is satisfactory. **[Amended 3-2-2004; 4-7-2015; 4-5-2016]**
- C. Any other provision of this article notwithstanding, any person, firm or corporation or any agent or servant thereof that shall violate the provisions of this section shall be subject to a fine of not more than five hundred dollars (\$500.).

§ 223-6 Fire Chief to be notified.

Any person or corporation or department of the City, before digging up, obstructing or encumbering in any

way any street, lane, alley, sidewalk, or other public place in the City, shall, before beginning such work, notify the Fire Chief as to where such work is to be done and shall, immediately upon the completion of such work and the restoration of the place to its normal condition, notify the Fire Chief.

§ 223-7 Moving of buildings through streets.
[Amended 3-5-2019]

- A. No person shall move, or assist in moving, any house, shop or other building through any street, lane, or alley without first obtaining a written license from the Licensing Board. Whenever the Licensing Board shall as aforesaid grant permission to any person to encumber any street, sidewalk, or public square for the purpose of erecting, altering or moving buildings or to dig up or encumber the same in any other manner, it may, as a condition to granting such permission, require the party obtaining the same to furnish a bond of indemnity to the City of Rochester, in such sum and with such securities as the Licensing Board may deem proper.
- B. The fee for such license shall be twenty-five dollars (\$25.).

§ 223-8 Conduct on public streets and highways.

The following conduct with respect to the use of the City streets and highways shall be regulated as more fully set forth below:

- A. No person shall place, establish, or maintain any sign, awning or shade before his/her place of business, dwelling house or tenement, over any part of any street or sidewalk, unless the same is safely fixed and supported so as in no way to endanger persons passing upon such street or sidewalk, and so that the lowest part of such sign, awning or shade shall be at least seven feet above the sidewalk; nor shall any person hang, affix, fasten, place or allow to remain upon the outer edge of any sidewalk any sign or showcase whatever, or there display any goods, merchandise, or samples of any business calling, trade, art or craft, so as to obstruct the free passage and view to and from the street and sidewalk.
- B. No person shall sell at auction or otherwise upon any street or public square in the City any furniture, goods, wares or merchandise whatever, or place or in any manner encumber such street or square therewith, without first obtaining a permit from the City Manager and obtaining a secondhand dealer's/hawker's license from the Department of Building, Zoning, and Licensing Services. **[Amended 5-1-2007; 10-15-2013]**
- C. No person shall draw or cause to be drawn, move or cause to be moved, upon any public highway or street in said Rochester, any harrow, plow, or other instrument or implement liable to cause injury to the surface of said public highway or street, unless the same is being carried or transported upon a drag, vehicle or other conveyance.
- D. No theatrical or dramatic representation shall be performed or exhibited, and no parade or procession upon any public street or way, unless a special license shall first be obtained from the Licensing Board. (See Chapter 22, Amusements and Entertainment, Article III, Public Dances, Circuses and Parades.) **[Amended 3-5-2019]**
- E. Dumping on highways. No person shall deposit or dump bottles, glass, crockery, cans, scrap metal, junk, paper, garbage, old automobiles, automobile parts, or any other stones, snow, residential solid waste, dirt, ashes, lumber or any other thing either in or upon any highway, street, lane, alley, sidewalk,

or other public place within the City limits of Rochester. [~~Amended 12-5-1995; 3-5-2019~~]^{11/16/2023}

§ 223-9 Proposal for new street or highway or public improvements; sewer and water assessments.

No proposed new street or highway or new public sewer, water, street surfacing, or other public improvements, or any combination of the above, shall be laid out, accepted or constructed on behalf of the City by the City Council which is not subject to review by the Planning Board under Rochester Subdivision Regulations until the following requirements have in all respects been complied with:

- A. The person or persons offering said street or highway layout or requesting new public sewer, water, street surfacing or other public improvements, or any combination of the above, shall proceed as follows:
- (1) Make written petition to the Planning Board, which shall provide the following:
 - (a) A description of or reference to a map or plan, showing the starting points, courses, and termini of the street or highway, and requested sewer, water, street surfacing and other public improvements, as may be necessary.
 - (b) A description of the lands affected by said street and public improvements.
 - (c) The names of the owners of such lands.
 - (d) The estimated cost for the construction of said streets or highways and other necessary public improvements.
 - (e) A separate form of sewer or water agreement, providing that a person shall pay for the total cost of any sewer or water extensions, which said costs shall be determined by the Commissioner of Public Works, and each agreement shall further provide for the payment of the total cost of said sewer or water extensions plus full payment of interest on account of any debt to be incurred by the City in the construction of said sewer or water extensions. Each agreement shall further provide that the total cost of said sewer or water extensions and payment in full of the interest on any debt to be incurred by the City in the construction of said sewer or water extensions shall be paid by the person desiring such construction by means of a special sewer or water assessment and shall constitute a lien on all land of said person. Said lien shall be transferable upon the conveyance of said improved land, provided that all prior installments thereon have been paid. Each agreement shall further provide that said special sewer or water assessment shall be based upon the total cost of the construction plus the payment of interest on any debt incurred by the City, and may further provide that said cost and interest may be prorated over a period not exceeding 10 years. Each agreement shall further provide that in the event of a transfer or sale by the original petitioner of the property serviced by said extension, the balance then owing to the City for said extension shall be paid in full. Said agreement shall be recorded in the Strafford County Registry of Deeds, and said lien shall have the full force and effect of a tax lien and be collectable as such as provided by RSA 80:88 to 80:91 as presently enacted or the corresponding provisions of any recodification or amendment of these sections. Said agreement shall also be signed and shall be duly witnessed and acknowledged. Any agreement for sewer or water shall be limited to individual owners of residential homes only, who shall be reimbursed for any payment made as above provided in the event that Phase II of the Water Pollution Abatement Program of the City of Rochester is adopted. Any commercial, industrial or real estate development owners shall pay their pro rata share of such sewer

- (2) Said street or highway shall be a minimum of 50 feet in width.
 - (3) Give a warranty or other satisfactory fiduciary deed of conveyance describing said property to the City of Rochester.
- B. The Planning Board shall review said petition and agreement and shall report in writing to the City Council and to the Commissioner of Public Works the following:
- (1) The need of such street or highway and any necessary public improvements.
 - (2) The character of the proposed street layout and necessary public improvements and their relationship to the future development of the City as a whole.
 - (3) The necessity, if any, for sewer, water, street surfacing and other public improvements.
- C. The Commissioner of Public Works shall report in writing to the City Council the following:
- (1) The estimated cost of final surfacing for any of said street or highway by the City.
 - (2) The estimated cost for any necessary sewer, water or other public improvements.
 - (3) The estimated period of time required to complete said street or highway surfacing and to construct said sewer, water and other necessary public improvements.
- D. The City Council shall proceed as follows:
- (1) Review the petition and agreement of the person or persons offering said street or highway and each person desiring necessary sewer, water or other public improvements; review the action and recommendations of the Planning Board; and examine the report of the Commissioner of Public Works. The petition of the person or persons, the action and recommendations of the Planning Board, if any, and the report of the Commissioner of Public Works shall be first accepted by the City Council by a majority vote of the entire membership of the Council.
 - (2) If the above petition, action and report are all accepted by a majority vote of the City Council, the City Council shall require each person to provide the City with a written agreement, signed and duly witnessed and acknowledged, in which each person agrees to pay his/her pro rata share of the special assessment hereinabove provided. No agreement and no deed shall be accepted by the City without a two-thirds roll call vote of the Council. Said two-thirds roll call vote shall be based upon the entire membership of the City Council.
- E. Any person who refuses to sign an agreement to pay his/her pro rata share of the special assessment for new construction of said sewer or water extension prior to said construction or any other person who shall refuse to sign such an agreement at a later date to pay his/her pro rata share of the special assessment shall be prohibited from joining in any new sewer or water extensions in the City of Rochester without paying his/her pro rata share of the special assessment, as the case may be, for the construction of said sewer or water extensions in the City of Rochester.

- F. The pro rata share of each person shall be determined by dividing the total cost of construction of said sewer or water extensions plus any necessary interest to be incurred in financing of said sewer or water construction by the number of lots as laid out on said plan or map in order to determine each person's pro rata share of the special assessment.
- G. The funds received from the collection of such special sewer or water assessments shall be kept as separate and distinct funds and shall be known by their respective names as the "Sewer Fund" or the "Water Fund" as the case may be. Any surplus in any such fund or funds may be used for the enlargement or replacement of said sewer or water extensions but shall not be used for the extension of said sewer or water to serve unsewered or unwatered areas or for any purpose other than for cost of construction and payment of interest on any said newly constructed sewer or water extensions.
- H. A copy of this amendment shall be recorded in the Strafford County Registry of Deeds under the title of "City of Rochester Sewer or Water Liens" and any other indexing as the Register of Deeds may deem appropriate.
- I. Any lien created by this amendment or by said original ordinance or other prior amendment thereto shall also be deemed to be in the form of a tax lien, and any default thereon shall also be collectable by an action in debt, or other appropriate action, and said lien shall also have the full force and effect of a real estate attachment, as well as a tax lien.
- J. This amendment shall take effect upon its passage and no petition shall be considered without complete compliance with said section and all amendments thereto.

§ 223-10 Naming of public streets and rights-of-way.

- A. Every highway, street or right-of-way under the control of the City and which is to receive, or has received, legal status by acceptance shall have a name which shall be given it by the City Council in accordance with the provisions of RSA 231:133, as presently enacted, or in accordance with the corresponding provisions of any recodification or amendment of such section. Said name shall be legibly marked on a suitable signboard or other marker and placed in at least two conspicuous places on said street. The City Council may change the name of any such street, highway or right-of-way at any time when in its judgment there is occasion for so doing.
- B. The naming of any new street, highway or right-of-way shall form a part of the return of the layout of the street or highway, or of the acceptance of any dedicated way. The City shall not be bound by any name previously assigned to the street, highway or right-of-way by any private owner, developer, or dedicator. No name for a highway, street, or right-of-way shall be selected which is already in use, or which is confusingly similar to any other existing name, or which otherwise might delay the locating of any street in an emergency.
- C. Whenever a name is assigned to any new street, highway or right-of-way, or a change is made in the name of any street, highway or right-of-way, the City Council shall make a return of the same to the City Clerk, who shall make a record of a new name or name change and shall forward a copy of such record to the Commissioner of Transportation, in accordance with the requirements of RSA 231:133, as presently enacted or in accordance with the corresponding provisions of any recodification or amendment thereof. In the process of assigning names to streets, highways and rights-of-way, the City Council shall follow the following guidelines, to the extent possible: **[Amended 6-5-2001]**

- (1) No name shall be assigned to a street, highway, or right-of-way which shall duplicate the name of any other proposed or existing street, regardless of the use of the suffix "street," "avenue," "boulevard," "drive" or the like.
 - (2) The extension of an existing street shall have the same name as the existing street.
 - (3) Before a new street name is assigned to a street, highway or right-of-way by the City Council, or an existing street is renamed by the City Council, the proposed name of such street shall be reviewed by a committee consisting of the City Clerk, Fire Chief, Police Chief, Planning and Development Director, or their respective designees, and the Rochester Postmaster, or his/her designee, who shall submit their comments, if any, with regard to the proposed name to the City Council. No proposed name which receives a negative review by a member of the aforementioned committee shall be utilized.
- D. The Planning Board shall have the authority to assign a provisional name to all streets, highways and/or rights-of-way shown upon subdivision or site review plans being considered for approval by the Planning Board; provided, however, that no such provisional name shall be assigned to such street unless and until such time as the Planning Board shall have followed the procedures set forth in Subsection C above with respect to such proposed street name.

**§ 223-11 Address numbers on streets, highways and rights-of-way.
[Amended 6-15-1999; 6-5-2001]**

- A. Pursuant to the provisions of RSA 231:133-a, the Planning and Development Director of the City of Rochester, or his/her designee, shall have the authority to assign numbers to all existing residential and/or commercial structures and/or to vacant lots. In assigning numbers to residential and/or commercial structures and/or vacant lots, the Planning and Development Director, or his/her designee, shall employ the following criteria: **[Amended 10-15-2013; at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- (1) For every 10 feet of right-of-way frontage within the Special Downtown District of the City of Rochester, as defined in Chapter **275**, Zoning, of the Code of the City of Rochester, there shall be an individual number assigned.
 - (2) For every 50 feet of right-of-way frontage outside of the Special Downtown District of the City of Rochester, as defined in Chapter **275**, Zoning, of the Code of the City of Rochester, there shall be an individual number assigned.
 - (3) Streets shall be numbered so that even numbers are located on the left side of the right-of-way and odd numbers are located on the right side of the right-of-way. The right and left sides of the right-of-way shall be determined by the relationship of the right-of-way to a person facing away from the center of the City of Rochester at the statue of Parson Main.
 - (4) The numbering for culs-de-sac shall begin at the intersection of the cul-de-sac and the collector right-of-way and shall proceed from the right-hand side of the collector right-of-way from right to left around the cul-de-sac.
 - (5) Mobile home parks and condominium and apartment complexes shall, to the extent possible, as determined by the committee established in § **223-10C(3)** above, name their private streets and number

each unit consistent with the E-911 standards set forth in this section.

- (6) Each apartment building shall be given one street number and each apartment unit within such building shall be assigned that street number and unit number.
 - (7) Existing numbering patterns for existing streets, highways and rights-of-way which do not allow for the assignment of additional numbers for future development may be assigned new numbers by the Planning and Development Director or his/her designee.
 - (8) All new buildings and/or structures, as defined in Chapter **275**, Zoning, Article 2, of the Code of the City of Rochester, or additions to existing buildings and/or structures, shall be required to obtain and file with the Department of Building, Zoning, and Licensing Services a foundation certification plan in accordance with the requirements of Chapter **40**, Building Construction and Property Maintenance, § **40-15**.
 - (9) The beginning of a street shall be that end which intersects with a collector street and, so far as possible, shall be that end closest in distance to the statue of Parson Main.
 - (10) Any building or structure for which a number has been designated shall have such number affixed thereto in such manner as to be plainly visible from the street which abuts the main entrance to the property. Such numbers shall be a minimum height as to meet current Fire Code requirements.
 - (11) The owner of any building or structure who shall fail to affix an assigned number to his/her mail box and building or structure within 30 days of written notice from the Planning and Development Director shall be fined not more than twenty-five dollars (\$25.) for each day that such number is not affixed. Any number affixed in accordance with this subsection shall be visible from the street. With respect to new structures, failure to display an assigned number in the manner set forth above shall be grounds for denial of a certificate of occupancy.
- B. The assignation or alteration of numbers by the Planning and Development Director pursuant to the provisions of Subsection **A** above shall be provisional only until such time as such assignation or alteration of numbers shall be confirmed by the Planning and Development Director after the holding of a public hearing by the City Council in accordance with the provisions of RSA 231:133-a.

§ 223-12 Construction of sidewalks.

All sidewalks built by the City of Rochester shall be constructed under the supervision of the Commissioner. Preference in order of construction of cement sidewalk shall be given to petitioners who by written application shall agree to pay a portion of the cost of construction of said sidewalk, said portion not exceeding 1/2 of the said cost, payment to be made over a period not to exceed 10 years. The portion of the cost to be borne by the petitioner shall be both reasonable and proportional to the benefits according to the land upon which such assessment is made.

§ 223-13 Obstruction of sidewalks.

No person shall unnecessarily place any obstruction on any foot pavements or sidewalks. No person shall be permitted to construct a ramp up to and across the sidewalk adjacent to his/her property or place any other obstructions thereon without first securing a permit from the Commissioner to do so.

§ 223-14 Streetlighting.

[Amended 3-5-2019]

The Commissioner shall have supervision of all municipal lighting and location of electric light and utility poles within the City limits and is authorized to prescribe rules and regulations for the marking or painting of any poles, crossarms or supporting fixtures which are located within the public highway. All persons owning or using said poles, crossarms or supporting fixtures shall paint or mark at their own expense said poles, crossarms, or supporting fixtures in accordance with the rules, regulations and directions of said Commissioner.

§ 223-15 Prohibited use of poles.

No person shall use said poles for the posting of bills or other advertising purposes or for any other purpose except that for which permission is given by the Commissioner.

**§ 223-16 "Adopt-A-Spot" areas.
[Amended 3-2-2004; 5-1-2007]**

The City Manager, in the exercise of duties relative to the oversight of all real and personal property owned by the City of Rochester, as specified in Section 14 of the Rochester City Charter, from time to time, designates certain areas of the City, primarily areas included within or closely related to the highways servicing the City of Rochester, as "Adopt-A-Spot" areas. "Adopt-A-Spot" areas are maintained, landscaped and/or otherwise beautified by designated individuals and/or entities that volunteer to perform such functions for the purpose of improving the appearance of the "Adopt-A-Spot" areas, as well as the appearance of the City of Rochester as a whole. The City Manager shall annually, on or about May 1 of each year, establish a list of "Adopt-A-Spot" areas for the ensuing calendar year beginning on such May 1 and ending on the following April 30. A copy of such list shall be maintained in the City Manager's office and in the office of the City Clerk. In the event that the City Manager fails to update the "Adopt-A-Spot" list on or about May 1 of a given year, the "Adopt-A-Spot" list then on file in the office of the City Manager shall be controlling for the purposes of this section. No person shall, within any "Adopt-A-Spot" area, erect or maintain any sign or other advertising material whether for political purposes or otherwise, except for such advertising material and/or device as has been previously authorized in writing by the City Manager or his/her designee. Any person failing to comply with the provisions of this section shall be guilty of a violation.

§ 223-17 Bonds.

The Commissioner may require any person seeking to perform any work affecting any highway, bridge, sidewalk or other public property to furnish a bond of indemnity to the City of Rochester in such sum and with such sureties as the Commissioner may deem proper.

§ 223-18 Violations and penalties.

Except as otherwise provided herein, whoever is in violation of any of the provisions of this article shall be subject to a fine of not more than one hundred dollars (\$100.).

Article II Newsracks and Public Way Obstructions

[Adopted 6-6-1995 as Ch. 35 of the 1995 Code]

§ 223-19 Purpose.

The purpose of this article is to promote the public health and safety through the regulation of the placement of newsracks and public way obstructions.

§ 223-20 Definitions.

As used in this article, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

CITY

The City of Rochester.

NEWSPAPER or NEWS PERIODICAL

A daily or weekly publication containing all of the following: current news, editorials, feature articles and advertising.

[Amended 3-5-2019]

NEWSRACK

Any self-service or coin-operated box, container, storage unit or other dispenser installed, used, or maintained for the display and sale of newspapers or news periodicals.

PARKWAY

That area between the sidewalk and the curb of any street, and where there is no sidewalk, that area between the edge of the roadway and the property line adjacent thereto. "Parkway" shall also include any area within a roadway which is not open to vehicular travel.

PUBLIC WAY OBSTRUCTION

Any object other than a newsrack which obstructs the free passage of pedestrians or vehicles on the streets, sidewalks, parkways or roadways. The term "public way obstruction" shall include, but not be limited to, signs and planters.

ROADWAY

That portion of a street improved, designed, or ordinarily used for vehicular travel.

SIDEWALK

Any surface provided for the exclusive use of pedestrians on any public right-of-way under the jurisdiction of the City.

STREET

All that area dedicated to public use or public street purposes and shall include, but not be limited to, roadways, parkways, alleys, sidewalks, garages, parking lots, parks and playgrounds.

[Amended 3-5-2019]

§ 223-21 Prohibited acts.

- A. No person shall install, use, attach or maintain any newsrack or public way obstruction which projects onto, into or over any part of the roadway of any public street or which rests, wholly or in part, upon, along or over any portion of the roadway of any public street.
- B. No person shall install, use, attach or maintain any newsrack or public way obstruction which in whole or in part rests upon, in or over any public sidewalk or parkway when such installation, use or maintenance endangers the safety of persons or property, or when such site or location is used for public utility purposes, public transportation purposes or other uses, or when such newsrack or public way obstruction unreasonably interferes with or impedes the flow of pedestrian or vehicular traffic, including any legally parked or stopped vehicle, the ingress or egress for any residence or place of business, or the use of poles, posts, travel signs or insignias, hydrants, mailboxes or other objects permitted at or near

said location.

- C. Within 60 days of the passage of this article every person or other entity shall comply with the provisions of this article with respect to each newsrack and/or public way obstruction owned by it within the City. **[Amended 3-5-2019]**

§ 223-22 Permit required; application for permit.

- A. No person shall install or maintain any newsrack or public way obstruction which in whole or in part rests upon, in or over any public sidewalk or parkway without further applying for and being granted a permit from the Licensing Board. The permit application shall include the following:
- (1) The physical dimensions of each newsrack or public way obstruction to be installed or maintained in the City by the person;
 - (2) The name, address, and telephone number of the person or entity to whom or to which the permit is to be issued; and
 - (3) A diagram showing the location of the newsrack or public way obstruction and the dimensions of the sidewalk, if any, upon which it is to be located.
- B. Newsracks shall require the submission of a permit application, but the permit shall be granted by the Licensing Board on a ministerial basis provided that the proposed newsrack as installed will not violate the provisions of § **223-21** above.

§ 223-23 Standards for installation, maintenance and operation.

Any newsrack or public way obstruction which in whole or in part rests upon, in, or over any public sidewalk or parkway shall comply with the following standards:

- A. All newsracks and public way obstructions must be individually permitted by location.
- B. No newsrack or public way obstruction shall be chained, bolted or otherwise attached to any public property, or to any private property, without the written permission of the City, the owner, or the person in possession of the property to which the attachment is to be made.
- C. Newsracks and public way obstructions shall not be chained or otherwise attached to one another.
- D. The City shall issue a proof of permit in the form of a sticker or decal which shall be attached to the newsrack or public way obstruction at all times.
- E. All permits must be renewed annually prior to July 1.
- F. Unlicensed newsracks or public way obstructions will be considered abandoned and subject to removal without notice.
- G. All permits are nontransferable.
- H. The annual fee for each permit shall be fifty dollars (\$50.), regardless of when during a year such permit is issued.

- I. Any permit may be revoked at any time, by action of the Licensing Board; provided, however, that any revocation initiated by the Licensing Board shall entitle the owner of the newsrack and/or public way obstruction to a pro rata refund of the annual permit fee paid pursuant to the preceding Subsection **H** of this section.

§ 223-24 Identification required.

Within 30 days after this article becomes effective, every person or other entity which places or maintains a newsrack or public way obstruction on the streets of the City shall have his/her/its name, address and telephone number affixed thereto in a place where such information can be easily seen.

**§ 223-25 Hold harmless agreement; insurance.
[Amended 3-5-2019]**

Every person or other entity which places or maintains a newsrack or public way obstruction on a public sidewalk, parkway, roadway or street in the City shall file a written statement with the Licensing Board, satisfactory to the City Attorney, whereby he/she/it agrees to indemnify and hold harmless the City, its officers, City Council members and employees from any loss or liability or damage, including expense and costs for bodily injury or damage to private or public property sustained by any person as a result of the installation, use or maintenance of a newsrack or public obstruction within the City. A certificate of insurance in a form approved by the City Attorney indicating no less than one million dollars (\$1,000,000.) in general liability insurance coverage and naming the City as an additional insured shall be maintained on file with the Licensing Board by each such person or entity.

§ 223-26 Removal of newsrack or public way obstruction.

The City Manager or his/her designee shall remove any newsrack or public way obstruction placed on any street, sidewalk, parkway or roadway in violation of this article.

§ 223-27 Severability.

The provisions of this article are severable. If any provision of this article or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this article without the invalid provisions or applications.

§ 223-28 Injunction.

Any violation of this article is hereby declared to be a nuisance. In addition to any other relief provided by this article, the City Attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this article. Such application for relief may include the seeking of a temporary restraining order, preliminary injunction and/or permanent injunction.

§ 223-29 Damage to newsracks and public way obstructions.

Any damage to newsracks or public way obstructions, whether or not properly licensed, by any cause whatsoever, including snowplowing and removal, shall be at the sole expense of the owner.

§ 223-30 Violations and penalties.

Any person, firm or corporation violating any provision of this article shall be fined one hundred dollars (\$100.) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues to occur.

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City Clerk's Office



City of Rochester Formal Council Meeting

AGENDA BILL

NOTE: Agenda Bills are due by 10 AM on the Monday the week before the City Council Meeting.

AGENDA SUBJECT

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

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

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

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

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

LEGAL AUTHORITY

LEGAL AUTHORITY

SUMMARY STATEMENT

[Empty box for Summary Statement]

RECOMMENDED ACTION

[Empty box for Recommended Action]

October Department Reports:

- 8.1 Assessor's Office P. 63**
- 8.2 Building and Licensing Services P. 65**
- 8.3 City Clerk's Office P. 67**
- 8.4 Department of Public Works P. 71**
- 8.5 Economic & Community Development P. 81**
- 8.6 Finance Office P. 85**
- 8.7 Planning & Development Department P. 89**
- 8.8 Recreation & Arena P. 93**
- 8.9 Rochester Fire Department P. 97**
- 8.10 Rochester Police Department P. 103**
- 8.11 Rochester Public Library P. 105**
- 8.12 Tax Collector's Office P. 109**
- 8.13 Welfare Department P. 111**

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City Clerk's Office

ROCHESTER ASSESSING DEPARTMENT

MONTHLY REPORT

To: Katie Ambrose, City Manager

From: Ashlynn Marshall, Assessor I

Date: November 16, 2023

Ref: October's Monthly Report for Assessing Department

OVERVIEW

1. Notable Items Related to Ongoing Operations

All Rochester real estate sales continue to be validated in preparation of conducting a ratio study for equalization this fall.

We are beginning preparations to start building permit related inspections.

We are beginning to conduct a full field review of all residential properties in anticipation of the upcoming Revaluation in 2024.

Approximately 20 Veteran third notice renewal letters were mailed to residents for the 5-year cycle. The office answered many phone calls and in person visits with regards to said letters with nearly all responded to by the recipients.

2. Training

Lauren Forte attended the NH State Statutes Part II course.

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City Clerk's Office

BUILDING AND LICENSING SERVICES

MONTHLY REPORT

To: Katie Ambrose, City Manager

From: October 1st through October 31st

Date: October 2023

Ref: Monthly Report for Building and Licensing Services

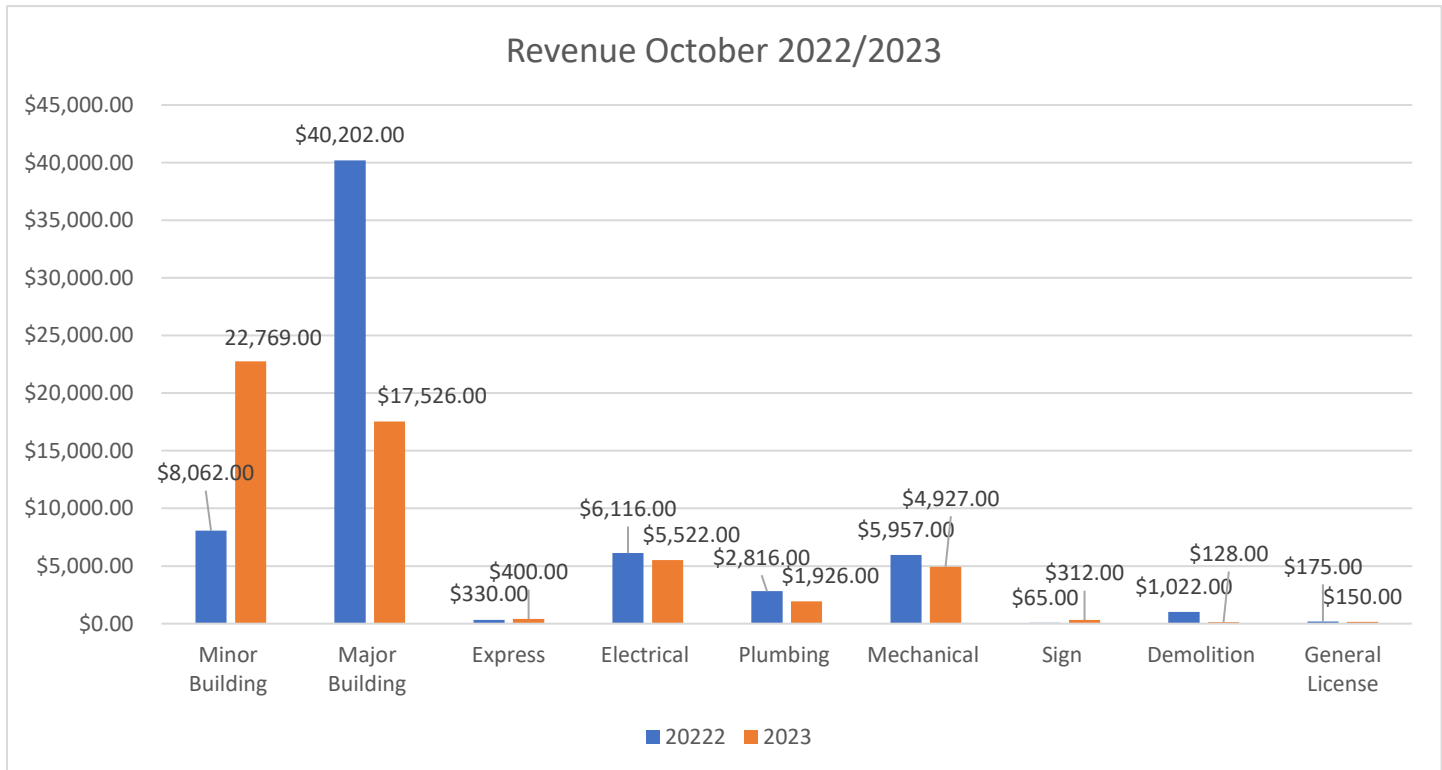
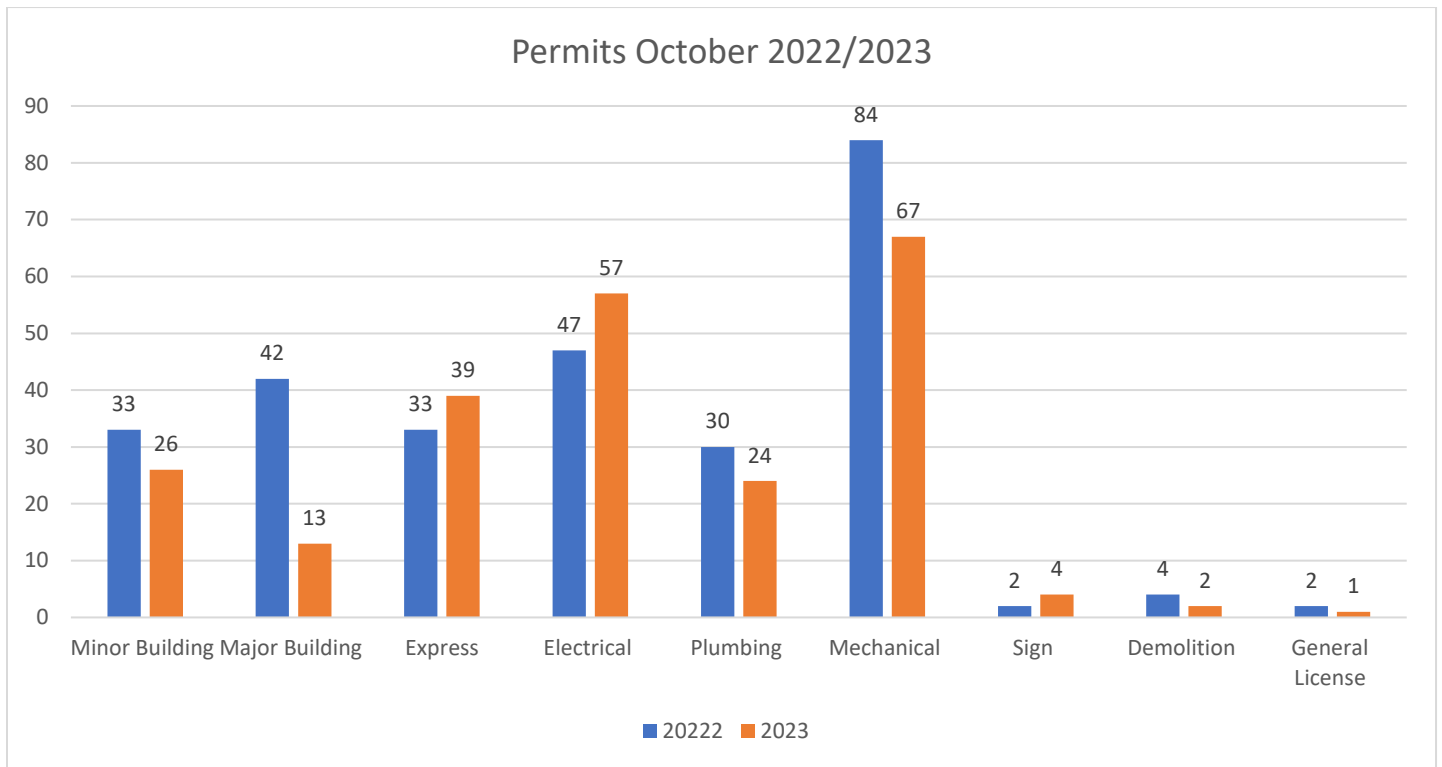
OVERVIEW**1. Notable Items Related to Ongoing Operations**

The following data is subject to adjustment & revision pending further review and analysis as well as year-end closing adjustments.

Department Revenue

Permit Type	October 2023
Building Permits	\$40,823.00
Electrical Permits	\$5,522.00
Plumbing Permits	\$1,926.00
Fire Suppression Permits	\$ 0.00
Fire Alarm Permits	\$20.00
Sprinkler Permits	\$578.00
Mechanical Permits	\$4,927.00
Food Milk Licenses	\$150.00
Taxi Licenses	\$.00
General Licenses	\$.00
Net Revenue	\$53,946.00

2. Permit Break Down



ROCHESTER CITY CLERK'S OFFICE

MONTHLY REPORT

To: Katie Ambrose, City Manager

From: October 1, 2023 – October 31, 2023

Date: 11/14/2023

Ref: Monthly Report for the City Clerk's Office

OVERVIEW

1. Vital Statistics Updates

15 babies were born to Rochester residents throughout the state of NH in the month of October.

31 resident deaths were reported in Rochester for the month of October.

2 couples celebrated their wedding ceremonies in Rochester during the month of October. Additionally, 6 Rochester couples married elsewhere in the State.

2. Vital Records Revenue

The City Clerk staff issued 235 initial copies of vital records (birth, death, marriage, or divorce) and 199 subsequent copies of vital records. There were 16 marriage licenses issued by staff in October.

The chart below shows a comparison between revenue collected in October of 2023 versus October of 2022

	2022		2023	
	State	City	State	City
Initial/Subsequent copies:	\$2,391	\$2,174	\$2,875	\$2,640
Marriage Licenses:	\$1,039	\$168	\$688	\$112
Total:	\$3,430	\$2,342	\$3,563	\$2,752

3. Dog Licensing

The City Clerk's Office licensed 190 dogs in the month of September. There were \$2,066 in civil forfeiture fees and late fees collected this month.

The number of unlicensed dogs in our database is now just 266. This number is significantly lower than it has been historically at this time of year (with over 6,000 dogs residing in Rochester). This is in large part due to the efforts of the Animal Control Officer and staff sending postcards, emails, and calling individuals whose dogs remained unlicensed past the due date. Following the civil forfeiture process which took place in July and August, the Animal Control officer is preparing to issue summons for those dog owners who have not responded to previous correspondence and updated their dogs' license. As always, if a dog owner has moved out of the City or if their dog has passed away, they are not subject to these fees. The City Clerk's office will inactivate these accounts once notified.

4. Election Updates

The breakdown of registered voters in Rochester as of October 31, 2023 is shown below:

Ward	Democrats	Republicans	Undeclared	Totals
1	961	1,026	1,209	3,196
2	905	1,007	1,197	3,109
3	809	1,026	1,102	2,937
4	765	734	1,245	2,744
5	824	1,034	1,201	3,059
6	846	756	971	2,573
Totals:	5,110	5,583	6,925	17,618

There were 1,224 changes to the voter checklist in October, including 32 new voters not previously registered in Rochester, and 994 removals due to voter death or relocation out of the City of Rochester. This increased number of voter removals was due in large part to the NCOA (National Change of Address) process completed by the City Clerk's office. The NCOA list is distributed by the Secretary of State's office and contains voters who have reported a change of address (both within the City and voters who moved out of Rochester).

The Supervisors of the Checklist from all six Rochester wards met on Friday, October 6th at City Hall. The supervisors finalized changes, removals, and additions to the voter checklist, including the aforementioned NCOA removals. This Supervisors session marked the close of the checklist to new voter registrations until Election Day.

As of October 31, 2023, there have been 74 requests for absentee ballots throughout all six wards.

The Clerk's office is still awaiting the announcement of the date for the Presidential Primary. It is anticipated that the Secretary of State will make this announcement in November.

The NH Ballot Law Commission has conditionally certified two options for ballot counting devices for use in New Hampshire elections. There are still several conditions that must be met by both vendors in order for these devices to be used in NH elections; but we are now one step closer to being able to replace the aging Accuvote machines currently in use, which are no longer being manufactured. No decision has been made on which vendor would be best for Rochester, but the Clerk's office will be reviewing and researching further before bringing more information back to Council for a decision.

5. Staff Training/Education

City Clerk Kelly Walters and Deputy City Clerk Cassie Givara attended the annual NHCTCA conference on October 11th through October 13th. This year, the conference was held at the Grand Summit Resort in Bartlett, NH. Staff members from the Secretary of State's office, Attorney General's office, elections division, and vital records division were on hand to lead trainings and information sessions on changes to election law as well as other information relevant to Municipal clerks and tax collectors.

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City Clerk's Office



ROCHESTER DPW – HIGHWAY/FLEET DIVISION MONTHLY REPORT

To: Katie Ambrose, City Manager

From: October 1, 2023-October 31, 2023

Date: November 8, 2023

Ref: Monthly Report for DPW – HIGHWAY FLEET DIVISION

OVERVIEW

1. Personnel Updates

The Highway / Fleet Division is still fully staffed.

2. Notable Items Related to Ongoing Operations

Fleet division worked on several breakdowns and finished major repairs to several six-wheel dump trucks for inspections. They have been working on preventive maintenance on the vehicles and mechanics are still working on state inspections. Highway Staff repaired 8 storm water structures, potholes, and roadside tree work has been done throughout the city. Installed and repaired several signs throughout the city. Also, Highway staff completed 125 work orders and 93 service requests. Staff cleaned 165 catch basins throughout the city. Staff inspected all the preemptions in the city limits.



3. Notable Events Related to Unusual Operations

The highway staff have been busy with line painting intersection and crosswalks throughout the city. Crew replaced storm drain structure on Wakefield Street. The crew ditched the side of Laura Drive, and Capital Circle, and graded all dirt roads. DPW assisted in the drain line repair on Bridge Street and the head wall repair on Blackwater Road. Staff did repair to the Gonic Fire station parking lot.

4. Upcoming / Anticipated Challenges Related to: Personnel, Operations, Budgets, Etc.

Staff will be decorating the town for the holiday season, preparing trucks and equipment for winter maintenance, catch basin cleaning, and staff will continue brushing with the flail mower throughout the city. Staff will be starting some roadside ditching and painting out catch basins throughout the city for winter maintenance.

5. Staff Kudos

I would like to say Kudos again to staff for the great day-to-day work and the successful Freedom run event.



Catch basin repairs

ROCHESTER DPW – UTILITIES DIVISION MONTHLY REPORT

To: Katie Ambrose, City Manager

From: October 1, 2023-October 31, 2023

Date: November 8, 2023

Ref: Monthly Report for DPW – UTILITIES DIVISION

OVERVIEW

1. Notable Items Related to Ongoing Operations

Operators responded to and completed over 150 work orders and service requests.

Focus on eliminating sources of inflow detected by Weston and Sampson's I&I investigative work continued in October. Weston and Sampson's team estimates that the repairs made in October could eliminate over \$256,000.00 in transport and treatment costs over the next 20 years. This in-house effort will continue thru November as weather allows.

Contractor support was provided on multiple projects including Rt 202 water main, Woodman project & Colonial Pines.

Seasonal water main flushing continued in the month of October. Flushing will be complete in early November.

2. Upcoming / Anticipated Challenges Related to: Personnel, Operations, Budgets, Etc.

Staffing shortages combined with almost daily emergency or unscheduled responses has delayed routine and necessary water distribution and sewer collection systems maintenance.

3. Staff Kudos

Kudos to James Melanson for obtaining a CDL Tanker endorsement.

4. Training

Preventing “Struck By” and “Caught in Between” Accidents.



ROCHESTER DEPARTMENT OF PUBLIC WORKS MONTHLY REPORT

To: Katie Ambrose, City Manager

From: October 1, 2023-October 31, 2023

Date: November 8, 2023

Ref: Monthly Report for DPW-BUILDINGS AND GROUNDS

OVERVIEW

1. Personnel Updates

We are currently full staffed, new hire Kevin Cummings has started his position of part time grounds labor.

2. Notable Items Related to Ongoing Operations

City Hall/Opera House Egress Remediation project continues. Expected finish date is mid-December due to supply chain issues with the brass railing.

DHHS lighting project is complete.

Roofing replacement at the PD is 100% complete snow guards are now in place.

The build out of additional woman's locker room space is complete. Still waiting on additional lockers to be delivered to complete project.

Replacement of the dry system suppression system piping is 95% complete.

The heat exchanger for the opera house has been delivered expected install date is the week of 11/13/23.

The Senior center restroom remodel is out to bid and walk through with contractors has been completed, awaiting bid results to award project.

Library roof replacement- Seams have been sealed the full coating will be completed in the spring due to temperatures.



Gym floor has been screened and sealed with a new coat of polyurethane.

The buildings and grounds crew are now live on Kronos.

Nancy Loud school has been turned over to the city, currently working on swapping the EBI operating system to the city's so we can monitor the environment to prevent it from freeze up.

3. Upcoming / Anticipated Challenges Related to: Personnel, Operations, Budgets, Etc.

One challenge we will see with the budget this year is Janitorial supplies. The cost of all products we use have gone up over 40% in the past couple years and the budget adjustments do not match in the cost increases.



ROCHESTER DEPARTMENT OF PUBLIC WORKS MONTHLY REPORT

To: Katie Ambrose, City Manager

From: October 1, 2023-October 31, 2023

Date: November 8, 2023

Ref: October Monthly Report for DPW-GIS/ASSET MANAGEMENT DIVISION

OVERVIEW

1. Notable Items Related to Ongoing Operations

Ongoing improvements to the GIS-based Computerized Maintenance Management System (CMMS) are on-going to better track service requests, work orders, and inspections.

Coordination continued with our Stormwater, Wastewater, and Water consultants in our on-going efforts to advance DPW's Asset Management Program.

Ongoing updates to our Utility systems layers following new development and redevelopment.

Ongoing updates to the City's master address table (MAT) GIS layers. Also, as part of the CSI effort with PD and Fire, began adding address locations for individual units within commercial plazas, multifamily buildings, and mixed-use buildings.

Further refinements to our data layers, python script, and SQL scripts that are part of the GIS integration for CSI.

Captured photos and videos via our drone for the ribbon cutting ceremony at the new water tower.



ROCHESTER DEPARTMENT OF PUBLIC WORKS MONTHLY REPORT

To: Katie Ambrose, City Manager

From: October 1, 2023-October 31, 2023

Date: November 8, 2023

Ref: Monthly Report for DPW-WATER TRTREATMENT FACILTIY

OVERVIEW

1. Notable Items Related to Ongoing Operations

Treated water volume this month was 54.8 million gallons from the surface water facility and 10.6 million gallons from the groundwater plant for a total of 65.4 million gallons delivered to our customers.

All water quality testing and monitoring was completed in accordance with NHDES requirements.

Watershed inspections were conducted at all reservoirs; all ponds remain at capacity. The Forest Service performed easement monitoring on the Berry Pond parcel and noted some potential encroachments. Staff will inspect and take necessary actions.

Equipment and ground maintenance was performed at the plant, well, and tanks/stations. Washington Street BPS will require replacement of all pump VFDs. Generator PM is ongoing. Remote telemetry equipment was replaced at Granite Ridge, Industrial Way, and Washinton Street BPSs.

Maintenance at the Cocheco Well included blower inspections and intake screen cleaning; instrument calibration; and chem feed system PMI.

Maintenance at the Surface Water Treatment Facility included repairs to the gate control panel; manual cleaning of the sand filter; repairs to the chlorine feed system; and housekeeping at the intake building.

Annual fire extinguisher inspections and replacements occurred this month.

Consulting engineers deployed pressure monitoring equipment in distribution to model hydraulic capacities from the surface water plant.



2. Upcoming / Anticipated Challenges Related to: Personnel, Operations, Budgets, Etc.

The 202A/Eisenhower tank has been placed into service. Level sensing equipment is pending installation; operation is based only on discharge pressure which provides less granular control.

Elevated TTHMs have persisted in distribution. Hydrant flushing and installation of a water main segment are anticipated to help improve water quality.

3. Staff Kudos

All staff continue to demonstrate excellence in operating a public drinking water system.

The 202A Project Ribbon Cutting event occurred this month. The project and ceremony were both a success.

Many thanks to all staff who assisted in the semi-annual hydrant flushing program!

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City Clerk's Office

ROCHESTER ECONOMIC DEVELOPMENT DEPARTMENT

MONTHLY REPORT

To: Katie Ambrose, City Manager

From: October 1, 2023 – October 31, 2023

Date: November 1, 2023

Ref: Monthly Report for Economic Development Department

OVERVIEW

1. New Projects & Project Updates

- Staff is working with Strafford Regional Planning to create an RFP for a comprehensive Strategic Master Plan for the City. Targeted completion date of Nov 15. The goal is to develop a strategy for the city looking forward 10 years or more.
- Sig Sauer has started construction on additional parking and site work as part of their Phase II expansion.
- 55 N. Main (Hoffman) continues to move along on schedule with a targeted opening of June 2024.
- ED and Planning held meetings with abutters and the general public on Oct 12 and 24 respectively to discuss the redevelopment of the “Water Street” area. Most of the input was supportive and excited for the project.

Mike Scala

2. New Businesses and Business Updates

- The ribbon cutting for new Italian restaurant at The Ridge (Evviva Trattoria) was held on Oct 26 and was well attended.

Jenn Marsh

3. Community Development Project Updates

- HUD Provided information to update Consolidated Annual Performance Evaluation Report (CAPER)
- FY25 Applications for Community Development Block Grant and Municipal funding opened on October 4, 2023
- CAPER Approved October 31, 2023 by HUD.
- Reviewed Community Center Grant with ShareFund to determine eligibility
- Worked with City Manager to update city's UEI (Unique Entity Identification) with Sam.gov for federal funding

Kay Wright

4. Boards & Commissions Updates

- The Child Care Work Team hosted a successful forum with child care providers and advocates to explore ways to increase the availability of child care spaces, recruit and retain qualified teachers and teaching assistants, and discuss other challenges programs are experiencing.
- Rochester Main Street hosted highly successful Halloween events. Downtown Trick or Treat was held on October 27th with many downtown businesses distributing candy to the thousands of children & families who were trick or treating. Later, Studio 109 dancers led the Zombie Walk down North Main Street to Hanson Street. On Saturday, October 28th, Trunk or Treat was held on Hanson Street and in Central Square. Visitors enjoyed the food trucks, candy from local businesses, a bounce house, and a performance by the band Minuteman on the Central Square Stage.
- The Skyhaven Airport Advisory Council held a meeting on Oct 17 where we discussed Wings and Wheels 2024.

Carole Glenn

Mike Scala

5. Training & Staff Development

- The Economic Development team worked with IT to successfully migrate shared files to Share Point.
- Carole received training to learn how to edit and update the new Economic Development Commission website.

Carole Glenn

6. Other

- City Staff put together a team to help with the Chamber's Operation Thank You.

Jenn Marsh

- Rochester Economic Development Commission has transitioned to a new website (www.chooserochester.com) built by Coheco Software, LLC.

Carole Glenn

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City Clerk's Office

ROCHESTER FINANCE DEPARTMENT

MONTHLY REPORT

To: Katie Ambrose City Manager

From: October 1, 2023 – October 31, 2023

Date: November 15, 2023

OVERVIEW

1. Personnel Updates

Finance reviewing resumes for the open Accountant I position. Received approximately (30) inquiries. First interviews scheduled for November 17, 2023

2. Notable Items Related to Ongoing Operations

Audit work nearly completed. Staff working on property tax bill testing.

3. Notable Events Related to Unusual Operations

None

4. Upcoming / Anticipated Challenges Related to: Personnel, Operations, Budgets, Etc.

Continuing efforts on staff training

Rochester FINANCE Department

5. Staff Kudos

All of Finance staff, Chad, Ava, Ann & Angie continue to perform well, and are always willing to take on new challenges.

6. Affected Business Processes or Systems

None

7. Training

None

Rochester FINANCE Department

8. Other

GENERAL FUND NON PROPERTY TAX REVENUES				
	FY24 ADOPTED	RECEIVED	PERCENT	NOTES
Motor Vehicle Registrations	\$5,500,000	\$2,086,664	38%	
Wastemangement Host Fees	\$4,600,000	\$2,244,164	49%	City-\$3,722,000 School-\$878,000
Building Permits	\$550,000	\$189,371	34%	
Interest Income	\$750,000	\$479,503	64%	
Interest on Delinquent Taxes	\$360,000	\$106,893	30%	
State of NH Rooms & Meals	\$2,867,759	\$0	0%	Payment December-23
Highway Block Grant	\$635,000	\$387,871	61%	Quarterly cycles
Cablevision Franchise Fees	\$235,000	\$0	0%	Quarterly cycles
Recreation Programs	\$122,400	\$93,376	76%	
ENTERPRISE FUNDS REVENUES				
Water	\$7,544,084	\$888,118	12%	
Sewer	\$11,744,213	\$1,089,943	9%	
SPECIAL REVENUE FUNDS REVENUES				
Arena	\$413,290	\$55,618	13%	
Community Center	\$894,759	\$272,237	30%	

Rochester FINANCE Department

	FY24 ADOPTED	EXPENDED	ENCUMBERED	PERCENT
GENERAL FUND EXPENSES	\$51,704,514	\$18,190,198	\$2,390,661	40%
OVERTIME & WINTER MAINTENANCE				
Police	\$111,546	\$62,189		55.75%
Dispatch	\$44,000	\$60,205		136.83%
Fire	\$240,000	\$195,834		81.60%
Public Works Winter Maintenance	\$541,218	\$23,999	\$11,625	7%
ENTERPRISE FUNDS EXPENSES				
Water	\$7,544,084	\$1,976,170	\$200,260	29%
Sewer	\$11,744,213	\$4,207,420	\$270,049	38%
SPECIAL REVENUE FUNDS EXPENSES				
Arena	\$413,290	\$114,386	\$90,573	50%
Community Center	\$894,759	\$267,103	\$111,290	42%

ROCHESTER PLANNING DEPARTMENT MONTHLY REPORT

To: Katie Ambrose, City Manager

From: October 1 to October 31, 2023

Date: November 3, 2023

Ref: Monthly Report for Planning Department

OVERVIEW

1. Notable Items Related to Land Use Boards

APPLICATIONS REVIEWED BY THE PLANNING BOARD

Planning Board met October 2, 2023 for their Regular Meeting and October 16, 2023 for their Workshop Meeting.

This section completed by Crystal Galloway, Planner I

Tuck Realty Corporation/EWST, LLC, 0 Autumn Street (by Jones & Beach Engineers, Inc./Ian MacKinnon) 23-Lot Major Subdivision Case# 104 – 10 – R1 – 22 **APPROVED**

42 Front Street, LLC, 42 Front Street (by Norway Plains Assoc./Ashley Rowe) 2-Lot subdivision. Case# 102 – 41 – R2 – 23 **APPROVED**

Jonathan & Judith Mott, 350 Chestnut Hill Road (by Norway Plains/Randy Tetreault) 2-Lot Subdivision Case# 203 – 7&8 – A – 23 **APPROVED**

Jonathan & Judith Mott, 350 Chestnut Hill Road (by Norway Plains/Randy Tetreault) Lot Line Revision Case# 203 – 7&8 – A – 23 **APPROVED**

CEM 3 Holdings II, LLC (Douglas Morton), 146 Old Dover Road (by Berry Surveying/Joe Berry) 2-Lot Subdivision Case# 140 – 72 – R1 – 23 **APPROVED**

Tedeschi Contracting, LLC (David Tedeschi), 9 State Street (by Stonewall Surveying/Ray Bisson) 2-Lot Subdivision Case# 131 – 16 – R2 – 23 **APPROVED**

Green & Company, 19 Old Gonic (Jones & Beach/ Joseph Coronati) Sidewalk Site Plan for townhouse style units and associated parking and site utilities. Conditionally Approved March 6, 2023 **APPROVED**

APPLICATIONS REVIEWED BY THE ZONING BOARD OF ADJUSTMENT

Zoning Board of Adjustment met on October 11, 2023
This section completed by Crystal Galloway, Planner I

Z-23-22 MP Corporation Seeks a *Variance* from Section 20.2.F(3) to permit fuel pumps and equipment to be 10 feet from the side lot line where 30 feet is required. **Location:** 4 Little Falls Bridge Road, Map 216 Lot 12 in the Granite Ridge Development Zone.

The applicant requested a continuance to the November 8, 2023 meeting.

Z-23-23 MP Corporation Seeks a *Variance* from Section 20.2.F(5) to permit a fueling canopy to be 6 feet from the side lot line where 20 feet is required. **Location:** 4 Little Falls Bridge Road, Map 216 Lot 12 in the Granite Ridge Development Zone.

The applicant requested a continuance to the November 8, 2023 meeting.

Z-23-46 Brandon Marcus Seeks a Variance from Section 5.3 and Table 18-A to permit a three-family dwelling in the Residential-1 zone. **Location :** 66 Prospect Street, Map 119 Lot 89 in the Residential-1 Zone.

The Zoning Board denied the Variance citing the hardship has not been met, the project is contrary to the public interest as it will change the make up o the neighborhood, and the values of the surrounding properties would be diminished.

Z-23-47 Julie Rabchenuk Seeks a Special Exception from Section 24.4.D to permit a Home Occupation-3 for Barn Sales. **Location:** 142 Rochester Hill Road, Map 134 Lot 16 in the Residential-2 Zone.

The Zoning Board unanimously approved the Special Exception as presented, citing the criterial has been met with the condition parking must be on-site, not on-street and recommended locating it on the left side of the property.

Z-23-48 NM Cook Development, LLC Seeks a Variance from Section 12.8 to permit the corner of a proposed building within 50' of a wetland boundary. **Location:** 0 & 17 Farmington Road, Maps 216 & 221 Lots 29 & 164 in the Granite Ridge Development Zone.

The Zoning Board continued this application to the November 8, 2023 meeting to allow the Conservation Commission time to review the project and make a recommendation.

Z-23-49 NM Cook Development, LLC Seeks a Variance from Section 12.8.B(8) to permit land disturbance within 25' of a wetland boundary. **Location:** 0 & 17 Farmington Road, Maps 216 & 221 Lots 29 & 164 in the Granite Ridge Development Zone.

The Zoning Board continued this application to the November 8, 2023 meeting to allow the Conservation Commission time to review the project and make a recommendation.

Z-23-50 NM Cook Development, LLC Seeks a Variance from Section 23.2(7)(a) to permit a drive thru window to be placed on the front of a structure. **Location:** 0 & 17 Farmington Road, Maps 216 & 221 Lots 29 & 164 in the Granite Ridge Development Zone.

The applicant withdrew the Variance application without prejudice.

Z-23-51 NM Cook Development, LLC Seeks a Variance from Section 8.5.B.10(a)(1) to permit minimum building setbacks closer than 100’ to the rear boundary line. **Location:** 0 & 17 Farmington Road, Maps 216 & 221 Lots 29 & 164 in the Granite Ridge Development Zone.

The Zoning Board unanimously approved the Variance as presented, citing all criteria has been met.

Z-23-52 NM Cook Development, LLC Seeks a Variance from Section 8.5.B.10(a)(1) to permit minimum building setbacks closer than 50’ to the front boundary line to Farmington Road. **Location:** 0 & 17 Farmington Road, Maps 216 & 221 Lots 29 & 164 in the Granite Ridge Development Zone.

The Zoning Board unanimously approved the Variance as presented, citing all criteria has been met.

Z-23-53 NM Cook Development, LLC Seeks a Variance from Section 8.5.10(a)[b][2] to permit development without the need for the 300’ buffer requirement. **Location:** 0 & 17 Farmington Road, Maps 216 & 221 Lots 29 & 164 in the Granite Ridge Development Zone.

The Zoning Board unanimously approved the Variance as presented, citing all criteria has been met.

APPLICATIONS REVIEWED BY THE HISTORIC DISTRICT COMMISSION

The Historic District Commission did not hold a meeting for the month of October 2023.

This section completed by Crystal Galloway, Planner I

APPLICATIONS REVIEWED BY THE CONSERVATION COMMISSION

Conservation Commission met on October 25, 2023

This section completed by Crystal Galloway, Planner I

1) Conservation Overlay District:

Atlantic Bridge & Engineering Inc; Tax Map 0215 Lot 0067-0000

Wetland buffer impacts associated with water line installation and potential fill of a small wetland.

2) NH DES Applications:

Brox Industries, Inc (489 Rochester Neck Road); Tax Map 0268 Lot 0005-0000;
NHDES Air Permit Application #23-0151

3) Notice of Intent to Cut Wood or Timber:

- a) Intent to Cut: Tax Map 0139 Lot 0058-0000 (0 Railroad Ave); 23-389-04-T
- b) Intent to Cut: Tax Map 0141 Lot 0032-0000 (55 Nadeau Dr); 23-389-03-T

4) New Business:

- a) RBV Realty LLC – 324 Blackwater Road; Tax Map 0264 Lot 0011-0000
Proposed conservation subdivision – Discussion only
- b) Trial LACE Exercise
- c) NH Association of Conservation Commissions Annual Meeting and Conference;
renew membership.

5) Reports:

- a) Technical Review
- b) Planning Board Review

6) Old Business:

- a) ZBA Application for 17 Farmington Road – Tax Map 221 Lot 164
- b) Hope Farm site walk – November on a Tuesday or Wednesday at 1100 works best
- c) Cochecho River clean-up

ARTS AND CULTURE COMMISSION ACTIVITIES

The Arts & Culture Commission met on October 25, 2023.
This section completed by Crystal Galloway, Planner I

No application were reviewed at this meeting.

The Arts and Culture Commission discussed the following:

Rochester Gaming – Public Art Install

Farmers' Market

Peot Laureate – Current position expires Jan 2024

SBDC Day for Arts Businesses - January

DEPARTMENT OF RECREATION & ARENA

MONTHLY REPORT

To: Katie Ambrose, City Manager

From: Sarah Ward, Business Coordinator

Date: 11/8/23

OVERVIEW

1. Personnel Updates

Interviews have taken place for the Senior Services Coordinator. We look forward to this new staff member joining us in January 2024.

2. Notable Items Related to Ongoing Operations

Our Littles Halloween event took place in the Arena parking lot on a perfect fall day. This event is for preschoolers and their parents/grandparents. Children could participate in games, arts & crafts, dancing, bubbles and touch a truck, Zamboni and cruiser. We would like to thank the Library, Police Dept and Bud Carlson Academy for collaborating with us. We had approximately 200 participants. So much fun it was scary! As we continue to make community connections and work on multigenerational programming, we were excited to have had 10 senior volunteers for this event. The Sassy Seniors dance crew made their debut at the event dancing to the Monster Mash for everyone's enjoyment.

3. Notable Events Related to Unusual Operations

The Recreation Department along with Public Buildings and Grounds and the Public Information & Community Engagement Manager worked together to host the ninth annual James Foley Freedom Run. This event fundraises money to provide education on journalist safety as well as hostage advocacy. The Recreation Department hosted the annual Cocheco Quilt Show. Each of these events bring over a thousand people to Rochester for the day. We hosted the Tri-Chamber Community

Expo & Job Fair. They were able to fill all available tables with companies and attendance was back to pre-COVID numbers.

The Arena hosted the Northeast Sled Hockey Tournament. This multi-weekend event brought in sled hockey teams from across the country and Canada.

4. Upcoming / Anticipated Challenges Related to: Personnel, Operations, Budgets, Etc.

5. Staff Kudos

6. Affected Business Processes or Systems

Our Halloween Haunted walk at Hanson Pines was cancelled due to inclement weather. We were able to pivot and host a Halloween Spooky Skate at the Arena.

The gym was closed from October 26 – November 4 for floor refinishing.

7. Training

Jeff Turgeon and Nicole Lee attended the NH Recreation and Park Association annual State Conference. This meeting is a great opportunity to network and share ideas with several other departments within the state. In addition, they were able to choose multiple different educational sessions throughout the day.

8. Department Led Program Numbers

Program	Sum of Count
Adult Pickleball (Sundays)	9
Adult Pickup Sports	30
Adult Volleyball	72
Bingo	160
Cardio Fitness with Heidi	120
Chair Yoga	169
Cribbage for Seniors	30
FOG Drop In (Sunday)	2
FOG Reservation (Sunday)	13
Game Day	10
Homeschool Open Gym	41
Iyengar Yoga	61
Kundalini Yoga	20
Learn To Skate	42
Line Dancing	82
Littles Halloween	200
Mah Jongg	23
MSMS Open Gym	3
Public Ice Skating	184
Quilting & Crafting	26
RSAC Presentation	4
Senior Breakfast/Cookout	35
Senior Mobility Class	64
Senior Pickleball Weekday	138
Senior Power Hour	432
Senior Tech Support	14
Senior Trips	21
Senior Zumba Gold	96
SHS/BCA open Gym	358
Table Tennis	8
Toddler Play Group	33
VA Veteran's Time	20
Halloween Event	44
Grand Total	2564

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City Clerk's Office

ROCHESTER FIRE DEPARTMENT MONTHLY REPORT

To: Katie Ambrose, City Manager

From: October 1 – October 31

Date: November 15, 2023

Ref: Monthly Report for Fire Department

OVERVIEW

1. Personnel Updates

Shift Staffing:

- Full Staffing – 10 personnel on-duty – **45% of shifts in October**
- One FF Short – 9 personnel on-duty – **55% of shifts in October**

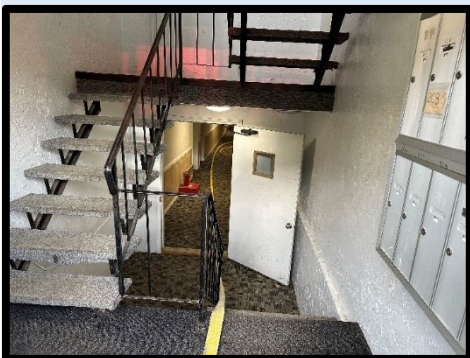
Notable Items Related to Ongoing Operations

TYPE OF CALL	09/2022 – 10/2023 Previous Year (Calendar)	October 2022	October 2023
Building Fires	19	2	2
Cooking Fires	9	0	0
Vehicle Fire	16	1	2
Carbon Monoxide Present	19	2	1
Emergency Medical Calls	1058	79	87
Vehicle Accidents (Injury)	136	7	8
Vehicle Accidents (No Injury)	78	28	20
Alarms	1400	25	28
Service Calls	192	15	12
Other	966	71	69
TOTAL CALLS	3893	230	229

Operations



- The on-duty crew enjoyed handing out candy and visits from the public on downtown trick-or-treat night on October 27. Some of our members joined in on the fun and dressed up as well.



- On October 19th at approximately 3 pm a call came into dispatch reporting smoke near the buildings of 36 Farmington Road. Once crews started to respond the information changed to smoke in the hallways of the apartment building. This generated a full response from RFD and Chief Dube from central station. Upon arrival crews found the rear wing of the building filled with heavy smoke. The fire alarm was pulled to alert the rest of the residents to the fire. The fire was found in

an apartment on the first floor. A search was completed, and no one was found inside this unit. Mutual aid was requested from surrounding communities. The fire was held to this one unit and crews worked hard to prevent further damage to the rest of the building. Unfortunately, one tenant was displaced due to this fire and 2 pets were lost.

- On October 26th on-duty personnel responded to a structure fire in Somersworth. The fire was in the basement and our crews assisted with extinguishment and ventilation. There were no reported injuries.
- On October 28th on-duty personnel responded to a first alarm structure fire in Milton. Crews arrived and found a well involved kitchen fire. Our members aided in extinguishment and overhaul. There were no reported injuries.

Community Risk Reduction.

During the month of October as part of the 2023 Fire Prevention Week campaign RFD Firefighters and Officers visited schools, daycares, the library, and hosted station tours. These events included fire apparatus, hands on extinguisher use, equipment demonstrations and Marshal the dog.



We would like to thank the Recreation Department Senior Group Quilters for their donation of handmade blankets. These blankets will be used during emergencies to provide people with warmth and comfort.



The division has noted that contractors throughout the city are preparing for the colder weather and are starting to finalize enclosures so that internal work on these sites may continue. The use of portable heating sources on construction sites has increased.

FY24 Community Risk Reduction and Prevention Services

Inspections Completed	Approvals & Reviews	Active Permits	Car Seat Installations		
120	381	37	14		
Permits Issued	Sprinkler	Fire Alarms	Hood Suppression	Tank Removal	
53	11	7	0	0	
\$6,287	\$8,282	\$1,005	\$0	\$0	
Blasting	Place of Assembly	Pyrotechnics	Fire & Life Safety		
\$0	21	1	15		
\$0	No Fees Associated	\$0	No Fees Associated		



ROCHESTER POLICE DEPARTMENT MONTHLY REPORT

To: Katie Ambrose, City Manager
From: Gary M. Boudreau, Chief of Police
Date: 11/13/23
Ref: Monthly Report for October 2023

OVERVIEW

1. Personnel Updates

Personnel: We are back to being down four positions in dispatch. We currently have 4 openings in the center. We have been scheduling several interviews with potential candidates and had one sign a conditional offer. A test was extended to 5 applicants and none RSVP'd.

Our patrol vacancy number going into mid-November is now at seven positions. We do have a new officer starting on November 26. The Great Bay Community College cancelled the Police Testing again due to low enrollment.

The Dispatch Supervisor and the Community Engagement Officer took part in the Tri City Job Fair on 10/25 at the Community Center.

Filling open crossing guard vacancies is still a critical need.

We have an offer to a candidate to fill the Crime Analyst position.

2. Notable Items Related to Ongoing Operations

We are moving into the training phase of the new CAD/RMS (computer aided dispatch/records management) program. We are looking at a go live date in December.

Diversion Coordinator Nicole Rodler has been requested to sit on the YMCA Advisory Board to help increase youth connections in the community starting November. She will be teaching a new LEAD's class at the St. Charles school. She also continues to work with Waypoint, My Turn and the CEO and City Outreach Coordinator on conducting outreach to youth and young adults in our community on homelessness prevention.

Comp Stat:

We do not have a report this period due the vacant Crime Analyst position and staff was unable to complete a full review of the statistics.



3. Upcoming / Anticipated Challenges Related to: Personnel, Operations, Budgets, Etc.

We remain in need of qualified school crossing guards. We have started working with DPW concerning the Rapid Flashing Crosswalk Signals which was approved in the FY24 CIP.

Filling open positions in the Communications Center is still a critical need.

4. Training

Officer's McCann and Adams are scheduled to graduate the Academy in November.

Other notable training completed this period included "Geo-fence Warrants," in Hillsboro, "Background Investigations," "Crisis Intervention Team training," "Profiling Teen Killers, School Shooters, and Mass Murderers," "Shotgun instructor," "Handgun instructor," and "NHTOA Basic Sniper Course."

ROCHESTER LIBRARY DEPARTMENT

MONTHLY REPORT

To: Katie Ambrose, City Manager

From: Patty Hardie, Secretary II

Date: November 15, 2023

Ref: Library Monthly Report for October

OVERVIEW

1. Notable Items Related to Ongoing Operations

There was a total of 12,215 items circulated with 10,266 people visiting the library in the month of October. Two hundred fifty-nine patrons used the library's Internet computers. Interlibrary loan activity included 127 materials borrowed from other libraries and 183 loaned to other libraries.

Fall Story Times continued on the library lawn on Tuesdays and Wednesdays through October. The Play Cart offering a rotating variety of supplies that encourage children to explore, be creative, and socialize was also available Tuesdays and Wednesdays. Toddler Times continued Thursdays through the Fall.

Saturday, October 7th through Friday, October 13th families were welcomed to pick-up "Pool Noodle Pumpkin Print" craft kits for a Take It & Make It at home craft project. The kits were available during Library business hours at the Children's Desk.

The Friends of the Rochester Library Book Club met Tuesday, October 10th, and featured *Horse: A Novel* by Geraldine Brooks.

The True Crime Club met Tuesday, October 31st at 6pm in the Rose Room. This month the group discussed *The Stranger Beside Me* by Ann Rule.

The *All-Abilities Club* continued to meet every Monday from 10-12pm in the community room. This inclusive program is geared towards adults with developmental disabilities and includes puzzles, coloring, cards, board games, and more.

The Teen Advisory Board (TAB) meeting was held Monday, October 16th at 6pm. Teens were encouraged to come hang out, eat snacks, and share ideas for library programs, groups, and activities.

The Teen Room began a new Scavenger Hunt on Thursday, October 19th. The Graphic Novel Club met Monday, October 4th at 6pm. Drop-in games and activities were also available throughout the month.

Library, November 15, 2023

Featured Adult Services Book Displays for the month of October included: *Cozy-Up for Fall Reads*, *Fall Songs*, *Feast on the Fall*, and *Banned Books*. Also featured was a *Horror* DVD display.

The Rochester Public Library was pleased to display the artwork of Beth Wittenberg during the month of October.

Three hundred seventy-four of our library patrons downloaded 1,906 e-books to media devices through the library's web site this month. The RPL website also enabled patrons access to the Mango Languages, Chilton, and Legal Forms databases along with 652 digital downloads from Hoopla & Kanopy.

2. Library Programming

Together with the Rochester Fire Department, the Children's Room offered an outdoor Fire Prevention event on Saturday, October 14th. The RFD was in the library parking lot with a fire truck and families had the opportunity to see multiple pieces of rescue apparatus and emergency equipment. A StoryWalk® of *Plan and Prepare!* By Charles Ghigna was displayed on the lawn.

Monday, October 16th the library was pleased to host *Case Closed on the 1873 Smuttynose Ax Murders* sponsored by the New Hampshire Humanities. Popular historian and lecturer, J. Dennis Robinson cut through the hoaxes, lies, rumors, and fiction surrounding the arrest, trial, and execution of 28-year-old Louis Wagner, who claimed his innocence to the end. A longtime summer steward of Smuttynose Island, Robinson lays out the facts based on his book-length study, *Mystery on the Isles of Shoals*.

Wednesday, October 18th the library was happy to host *Phantoms & Haunting Echoes* presented by Spirit Chasers Paranormal. A spooky evening was had by all with stories of Seacoast Hauntings, sounds from the past and strange unexplained photographs.

Friday, October 20th lead Children's Librarian, Christina Paquette invited library cardholders with children 3-6 to join her at Butternut Farm to hear a story, learn how plants prepare for winter, hike to the pumpkin patch, pick a pumpkin to take home, and visit some of the resident animals of the farm.

Monday, October 23rd, the Children's Room was pleased to present *Explore Play Base Learning at Home* provided by the UNH Early Childhood Education Coaching Initiative. This was an educational opportunity for caregivers of children birth to six to learn more about the benefits of play-based learning and explore strategies to actively engage children in their play. This activity is supported by the Preschool Development Grant Birth through Five Initiative (PDG B5), Grant Number 90TP0060, from the Office of Childcare, Administration for Children and Families, U.S. Department of Health and Human Services.

Tuesday, October 24th Deputy City Clerk, Cassie Givara, was at the library and available to assist Rochester residents with voter registration from 5:30 to 7pm.

Friday, October 27th the library Children's Room staff were pleased to join the fun at the Rochester Recreation Department's *Little's Halloween* and Saturday, October 28th Library Director, Marie Lejeune and Children's Librarian, Christina Paquette enjoyed participating in Rochester Main Street's *Halloween Spooktacular & Trunk-or-Treat* handing out bookmarks and a sweet treat.

3. Other

Trustees will be meeting in the library on November 21st at 6pm.

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left blank...*

City Clerk's Office

ROCHESTER TAX COLLECTOR'S OFFICE MONTHLY REPORT

To: Katie Ambrose, City Manager

From: Rachel Laughner, Deputy Tax Collector

Date: Nov 9, 2023

Ref: Monthly Report for Oct 2023

OVERVIEW

City of Rochester Tax Collector's Office						
October 31, 2023						
Tax Year		Annual Warrant	Collected		Uncollected	
			Amount	%	Amount	%
2023	Semi Annual	36,284,477	34,899,233.48	96.18%	1,385,243.52	3.82%
2022		72,060,382	71,393,930.40	99.08%	666,451.60	0.92%
2021		69,388,398	68,940,525.85	99.35%	447,872.15	0.65%
2020		68,438,739	68,203,224.68	99.66%	235,514.32	0.34%
2019		66,169,796	65,994,093.40	99.73%	175,702.60	0.27%
2018		63,834,824	63,707,329.41	99.80%	127,494.59	0.20%
2017		60,524,791	60,435,318.08	99.85%	89,472.92	0.15%
2016		58,196,003	58,135,573.05	99.90%	60,429.95	0.10%
2015		56,938,119	56,897,069.36	99.93%	41,049.64	0.07%
2014		55,068,779	55,035,176.90	99.94%	33,602.10	0.06%
2013		53,324,262	53,295,021.02	99.95%	29,240.98	0.05%
2012		50,952,912	50,928,731.05	99.95%	24,180.95	0.05%
2011		48,856,892	48,836,563.39	99.96%	20,328.61	0.04%
2010		47,308,832	47,294,806.45	99.97%	14,025.55	0.03%
2009		46,898,827	46,891,561.20	99.98%	7,265.80	0.02%
2008		46,522,769	46,519,062.18	99.99%	3,706.82	0.01%
2007		42,964,450	42,962,205.82	99.99%	2,244.18	0.01%
2006		40,794,160	40,791,934.93	99.99%	2,225.07	0.01%
2005		38,024,453	38,023,159.27	100.00%	1,293.73	0.00%
2004		36,065,496	36,063,969.69	100.00%	1,526.31	0.00%
2003		33,310,579	33,309,312.97	100.00%	1,266.03	0.00%
2002		29,725,878	29,724,928.84	100.00%	949.16	0.00%
				Total Uncoll:	3,371,086.58	6.80%

Online Credit Card Payments (Citizen Self Service)		
CSS Count FY 24		
Month	Total \$\$	# of Payments
July	\$ 1,251,062.20	1224
Aug	\$ 333,058.57	986
Sep	\$ 502,590.77	820
Oct	\$ 258,454.99	855
Totals	\$ 2,345,166.53	3885
Auto Registrations FY24		
Month	Total	# of Transactions
July	\$ 498,838.26	3310
Aug	\$ 522,369.18	3615
Sep	\$ 502,590.77	3293
Oct	\$ 611,271.06	3500
Totals	\$ 2,135,069.27	13718



ROCHESTER WELFARE DEPARTMENT MONTHLY REPORT

To: Katie Ambrose, City Manager

From: Todd M. Marsh, Welfare Director *TM*

Date: November 15, 2023

Report Dates: October 01, 2023- October 31, 2023

Ref: Monthly Report for Welfare Department

OVERVIEW

1. Personnel Updates

None

2. Notable Items Related to Ongoing Operations

As the recently released 2023 Annual Rent Survey Rental rates survey indicates, rentals are higher throughout New Hampshire, including Rochester, than prior to the pandemic and the beginning of ERAP funding. [NHH-2023-Res-Rental-Survey-Report.pdf \(nhhfa.org\)](#) Higher rental rates are resulting in direct increased costs in voucher assistance. Also, indirect increased costs due to less available income to rental outlays, results in less household budget resilience.

An increasing number of residents report evictions due to owners/landlords remodeling buildings/apartments, with resulting limiting higher alternative rental cost options.

Municipal Local Welfare general assistance costs have increased throughout the state. *Four months general assistance for Rochester since July 1st 2023 total, \$96,461.99, which averages to \$24,115.49 monthly. Assistance amounts to continue meeting legal obligations will continue to be monitored for potential budget adjustments.

3. Notable Events Related to Unusual Operations

None

4. Upcoming / Anticipated Challenges Related to: Personnel, Operations, Budgets, Etc.

The My Friend Shelter, in Dover, remains temporarily closed for emergency housing services. However, it plans to re-open by the end of December. The shelter's closure for services has caused an increase in emergency housing motel expenses for Rochester. *This additional spending emergency housing motel assistance should lower when the shelter re-opens. The welfare department is in communication with the shelter. The Homeless Center for Strafford County (Home For Now), in Rochester, opened October 2nd and plans to continue operating as a yearlong shelter.

5. Staff Kudos

Welfare department team members continue to use professional, thoughtful, humane and cost effective practices to meet legal obligations and the department's mission.

6. Affected Business Processes or Systems

NA

7. Training

Welfare department team members continue to seek and practice continuous improvement with department functions, including webinars and readings.

8. Analysis of Direct Assistance for October 2023

General Assistance represents an average cost per case/family of \$475.04 and case/Individual of \$391.54 for this month.

Total voucher assistance issued: **\$19,19,629.88**

There was an increase of \$13,629.88 in assistance issued this month compared to October 2022. There was a decrease of \$6,565.83 in vouchers issued this month compared to last month.

22 families units were financially assisted a minimum of once for this report month.

22 singles (w/o children) were financially assisted a minimum of once for this report month.

Reimbursements from the Interim Assistance Program SSI, State Medicaid and Personal Reimbursements totaled: 0.00

The office reported 173 formal case notes for this period.

9. Other / In The News/Helpful Links

THE 'HOME FOR NOW' SHELTER IN ROCHESTER MOVES FROM SEASONAL TO YEAR-ROUND OPERATIONS

The Rochester Post

October 10, 2023

Excerpts:

“**Todd Marsh**, the Rochester Welfare Director, shared his thoughts on the transition of the ‘Home for Now’ shelter’s operating status on Washington Street, stating, “Since the Homeless Center for Strafford County opened..., people have often inquired about the shelter transitioning to yearlong emergency housing services. As the first executive director of the shelter, I take special pleasure in seeing this change and am honored to have been at the discussion table leading up to the decision. I look forward to the now yearlong shelter adding to an eclectic mix of emergency housing services throughout the greater seacoast area, which is of value during a time of increasing housing insecurity and to people with varying unique needs. This decision will be the shelter board of director’s lasting legacy.”

[THE 'HOME FOR NOW' SHELTER IN ROCHESTER MOVES FROM SEASONAL TO YEAR-ROUND OPERATIONS - THE ROCHESTER POST \(ROCHESTERNH.GOV\)](#)

HIGH COST OF LIVING IN NH DRIVES MORE PEOPLE TO GET WELFARE ASSISTANCE FOR THE FIRST TIME

October 20, 2023

New Hampshire Public Radio | By [Jackie Harris](#), [Rick Ganley](#)

Excerpt:

“NHPR Morning Edition host Rick Ganley spoke with **Todd Marsh**, the president of the [New Hampshire Welfare Administrators Association](#), about the forces behind this trend and potential solutions.”

[HIGH COST OF LIVING IN NH DRIVES MORE PEOPLE TO GET WELFARE ASSISTANCE FOR THE FIRST TIME | NEW HAMPSHIRE PUBLIC RADIO \(NHPR.ORG\)](#)

RISING COST OF GETTING BY: WELFARE OFFICES ACROSS THE STATE SEEING INCREASE IN PEOPLE SEEKING HELP

October 19, 2023

Pat Grosssmith

Excerpts:

“**Todd Marsh**, president of the New Hampshire Welfare Administrators Association, said welfare offices across the state are seeing an increase in people seeking help. He said it is not just because ERAP ended, but because people can’t afford the unprecedented hikes in rents.

“We should be mindful of the bigger picture. How and what we do or don’t do will affect their well-being. Practicing situational flexibility beyond the budget numbers can be cost-effective. That’s the benefit of local welfare.”

[RISING COST OF GETTING BY: WELFARE OFFICES ACROSS THE STATE SEEING INCREASE IN PEOPLE SEEKING HELP | MANCHESTER INK LINK](#)