

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, JANUARY 23, 2017 TIME: 7:00PM

AGENDA

- I. CALL TO ORDER
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE

PRESENTATIONS

- 1. Update Re: Parrott Avenue Housing
- 2. Coakley Landfill

- V. ACCEPTANCE OF MINUTES *(There are no minutes on for acceptance this evening)*

- VI. PUBLIC COMMENT SESSION

- VII. PUBLIC HEARINGS

- A. RESOLUTION AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM UNASSIGNED FUND BALANCE THE SUM OF UP TO SIXTY FOUR THOUSAND EIGHT HUNDRED (\$64,800.00) DOLLARS FOR NECESSARY EXPENDITURES RELATED TO CONTRACTUAL OBLIGATIONS
- B. RESOLUTION PURSUANT TO RSA 72:39-B THE CITY HEREBY AMENDS THE ELDERLY EXEMPTION FROM PROPERTY TAX, BASED ON ASSESSED VALUE FOR QUALIFIED TAXPAYERS, SUCH THAT THE EXEMPTIONS SHALL BE AVAILABLE ONLY WHEN THE QUALIFYING TAXPAYER(S) HAVE A NET INCOME OF NOT MORE THAN \$40,504.00 FOR A SINGLE TAXPAYER OR \$55,693.00 FOR MARRIED TAXPAYERS, INCLUSION OF SOCIAL SECURITY PAYMENT. THE ELDERLY EXEMPTION SHALL REMAIN UNCHANGED EXCEPT AS AMENDED HEREBY
- C. RESOLUTION PURSUANT TO RSA 72:37-B, CITY HEREBY AMENDS THE DISABLED EXEMPTION FROM PROPERTY TAX, BASED ON ASSESSED VALUE FOR QUALIFIED TAXPAYERS, SUCH THAT THE EXEMPTIONS SHALL BE AVAILABLE ONLY WHEN THE QUALIFYING TAXPAYER(S) HAVE A NET INCOME OF NOT MORE THAN \$40,504.00 FOR A SINGLE TAXPAYER OR \$55,693.00 FOR MARRIED TAXPAYERS, INCLUSIVE OF SOCIAL SECURITY. THE DISABLED EXEMPTION SHALL REMAIN UNCHANGED EXCEPT AS AMENDED HEREBY

- D. RESOLUTION PURSUANT TO RSA 72:28-B, THE CITY HEREBY ADOPTS THE ALL VETERANS' TAX CREDIT FROM PROPERTY TAX FOR QUALIFIED TAXPAYERS. A PERSON SHALL QUALIFY FOR THE ALL VETERANS' TAX CREDIT IF THE PERSON IS A RESIDENT OF THIS STATE WHO SERVED NOT LESS THAN 90 DAYS ON ACTIVE SERVICE IN THE ARMED FORCES OF THE UNITED STATES AND WAS HONORABLY DISCHARGED OR AN OFFICER HONORABLY SEPARATED FROM SERVICE; OR THE SPOUSE OR SURVIVING SPOUSE OF SUCH RESIDENT, PROVIDED THAT TITLE 10 TRAINING FOR ACTIVE DUTY BY A MEMBER OF A NATIONAL GUARD OR RESERVE SHALL BE INCLUDED AS SERVICE UNDER THIS PARAGRAPH; PROVIDED HOWEVER THAT THE PERSON IS NOT ELIGIBLE FOR AND IS NOT RECEIVING A CREDIT UNDER RSA 72:28 OR RSA 72:35

VIII. APPROVAL OF GRANTS/DONATIONS

- A. *Acceptance of Wellness Reward - \$2,000.00 (***Sample motion – move to accept the Wellness Reward in the amount of \$2,000.00 from the HealthTrust Wellness Program***)
- B. *Acceptance of Donation to the Coalition Legal Fund
- Town of Moultonborough - \$5,000.00
- (***Sample motion – move to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund***)

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of proposed Ordinance amending Chapter 7, Article I, Section 7.101 – Parking Meters - Definition
- B. First reading of proposed Ordinance amending Chapter 7, Article I, Section 7.102 – Parking Meter Zones
- C. First reading of proposed Ordinance amending Chapter 7, Article I, Section 7.105 – Parking
- D. First reading of proposed Ordinance amending Chapter 7, Article III, Section 7.324 – Limited Parking One Hour, Section 7.325 – Limited Parking Thirty Minutes, Section 7.326 – Limited Parking Fifteen Minutes, Section 7.327 – Limited Parking Two Hours, Section 7.328 – Limited Parking Three Hours, Section 7.328-1 – Utilization of Multiple Parking Spaces and Section 7.329 – Limited Parking Four Hours
- E. First reading of proposed Ordinance amending Chapter 7, Article IV, Section 7.406 – Parking In Meter Spaces
- F. Adoption of Resolution Authorizing a Supplemental Appropriation from Unassigned Fund Balance the sum of up to Sixty Four Thousand Eight Hundred (\$64,800.00) Dollars for Necessary Expenditures related to Contractual Obligations

- G. Adoption of Resolution Pursuant to RSA 72:39-b the City hereby amends the elderly exemption from property tax, based on assessed value for qualified taxpayers, such that the exemptions shall be available only when the qualifying taxpayer(s) have a net income of not more than \$40,504.00 for a single taxpayer or \$55,693.00 for married taxpayers, inclusive of social security payments. The elderly exemption shall remain unchanged except as amended hereby
- H. Adoption of Resolution Pursuant to RSA 72:37-b, City hereby amends the disabled exemption from property tax, based on assessed value for qualified taxpayers, such that the exemptions shall be available only when the qualifying taxpayer(s) have a net income of not more than \$40,504.00 for a single taxpayer or \$55,693.00 for married taxpayers, inclusive of social security. The disable exemption shall remain unchanged except as amended hereby
- I. Adoption of Resolution Pursuant to RSA 72:28-b, the City hereby adopts the All Veterans' Tax Credit from property tax for qualified taxpayers. A person shall qualify for the all veterans' tax credit if the person is a resident of this state who served not less than 90 days on active service in the armed forces of the United States and was honorably discharged or an officer honorable separated from service; or the spouse or surviving spouse of such resident, provided that Title 10 training for active duty by a member of a national guard or reserve shall be included as service under this paragraph; provided however that the person is not eligible for and is not receiving a credit under RSA 72:28 or RSA 72:35
- J. Third and final reading of proposed Ordinance amending Chapter 7, Article II – Taxis, Section 7.201 – 7.217

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Letter from Thomas Bringle, Arthritis Foundation, requesting permission to hold the Jingle Bell Run/Walk for Arthritis on Sunday, December 10, 2017 (***Anticipated action – move to refer to the Acting City Manager with power***)
- B. Letter from Kathie Lynch, Portsmouth Little League, requesting permission to install temporary signage to be located at the Plains and Hislop Park baseball fields during the 2017 baseball season (***Anticipated action – move to refer to the Acting City Manager with power***)
- C. Letter from Kelly Bosco, Alzheimer's Association, requesting permission to hold the 2017 Annual Seacoast Walk to End Alzheimer's on Sunday, September 24, 2017 (***Anticipated action – move to refer to the Acting City Manager with power***)
- D. Letter from Lennie Mullaney, NH Art Association, requesting permission to hold its annual Wet Paint-out Weekend on Friday – Sunday, July 21-23, 2017 (***Anticipated action – move to refer to the Acting City Manager with power***)

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from William Scott, Boynton, Waldron, Doleac, Woodman & Scott, P.A. regarding Involuntarily Merged Lots at 630 Middle Road and Sylvester Street (***Sample motion – move to refer to the Planning Board for report back***)
- B. Letter from Doug Roberts, PS21 Portsmouth Smart Growth, requesting the monthly meetings of the Economic Development Commission be broadcast live and archived online (***Sample motion – move to refer to the Acting City Manager for report back***)
- C. Letter from Tom Morgan regarding Proposal for Housing at the Parrott Avenue Parking Lot (***Sample motion – move to accept and place the letter on file***)

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. ACTING CITY MANAGER

City Manager's Items Which Require Action:

1. Request for Approval of a Proposed Agreement between the Board of Police Commissioners and Portsmouth Police Civilian Employees Association
<http://www.cityofportsmouth.com/hr/contracts/Police/PolCiv08-14draft.pdf>
2. Request for Approval of a Proposed Agreement between the City of Portsmouth and Portsmouth City Employees Local #1386 of the American Federation of State, County and Municipal Employees (AFSCME)
<http://www.cityofportsmouth.com/hr/contracts/Municipal/Redlined%20Portsmouth%20PW-A%20Tentative%20Agreement.pdf>
3. Request to Renew the Seacoast Growers' Association (Farmers' Market) Proposed 2017 License Agreement
4. Report Back Re: Public Parking on Private Lots
5. Request to Establish Two Public Hearings Re: Proposed Bonding Resolutions:
 - A) One Fire Apparatus in the amount of Four Hundred Thousand (\$400,000.00) Dollars
 - B) Improvements to Fire Station 3 in the amount of Six Hundred Ten Thousand (\$610,000.00) Dollars
6. Report Back: Schiller Station Resolution

Informational items

1. Events Listing
2. Report Back Re: Text Services for Snow Ban Notification

B. MAYOR BLALOCK

1. *Appointment to be Voted:
 - Appointment of Molly Bolster to the Historic District Commission

C. COUNCILOR LOWN

1. Parking & Traffic Safety Committee Action Sheet and Minutes of the January 5, 2017 meeting (***Sample motion – move to approve and accept the action sheet and minutes of the January 5, 2017 Parking & Traffic Safety Committee meeting***)

D. COUNCILOR LOWN & COUNCILOR DENTON

1. *Plastic Bag Ordinance

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

XIV. ADJOURNMENT

**KELLI L. BARNABY, MMC, CMC, CNHMC
CITY CLERK**

**Indicates Verbal Report*

NOTICE TO THE PUBLIC WHO ARE HEARING IMPAIRED: Please contact Dianna Fogarty at 603-610-7270 one-week prior to the meeting for assistance.

Update on Housing Concept @ Parrott Ave.

Portsmouth City Council

January 23, 2017

Developed by the Portsmouth
Planning Department

Goals

1. Evaluate the feasibility of constructing rental housing that would be affordable to mid- and entry-level employees of the City
2. Preserve the scenic view corridor from Pleasant Street to the South Mill Pond
3. Minimize impacts to public parking in the Parrott Ave. Lot



**Exhibit 1 – Existing Conditions Plan
for the Parrott Ave. Lot**

Conceptual Site Plan

- 32-43 Units of Mixed-Income Housing
- 4 Story / 40 Foot Building
- Potential for Ground-Floor Parking
- 8,000 SF Building Footprint
- 20,000 SF Land Area



Conceptual Building Design – 32 Units with Parking



- Impact on Parking:
- Displacement of 50 spaces
 - 25 on-site spaces to support demand



Conceptual Building Design – 43 Units No Parking



Impact on Parking:

- Displacement of 50 spaces
- No on-site spaces to support demand

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, January 23, 2017 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Resolution Authorizing a Supplemental Appropriation from Unassigned Fund Balance the sum of up to Sixty Four Thousand Eight Hundred (\$64,800.00) Dollars for Necessary Expenditures related to Contractual Obligations. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

Kelli L. Barnaby, MMC, CMC, CNHMC
City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, January 23, 2017 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Resolution Authorizing a Supplemental Appropriation from Unassigned Fund Balance the sum of up to Sixty Four Thousand Eight Hundred (\$64,800.00) Dollars for Necessary Expenditures related to Contractual Obligations. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

Kelli L. Barnaby, MMC, CMC, CNHMC
City Clerk

PM-00255984

**CITY OF PORTSMOUTH, NEW HAMPSHIRE
SUPPLEMENTAL APPROPRIATION
FOR THE FISCAL YEAR ENDING JUNE 30, 2017**

RESOLUTION # -

A RESOLUTION AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM UNASSIGNED FUND BALANCE FOR NECESSARY EXPENDITURES RELATED TO CONTRACTUAL OBLIGATIONS.

RESOLVED: **BY THE CITY COUNCIL OF THE CITY OF PORTSMOUTH, NEW HAMPSHIRE ASSEMBLED AS FOLLOWS:**

THAT, the City Council has determined that the sum of up to **Sixty-Four Thousand Eight Hundred (\$64,800) Dollars** is to be appropriated from Unassigned Fund Balance to defray the expenditures related to contractual obligations for the Fiscal Year ending in June 30, 2017.

THAT, to meet this appropriation, the City Manager is authorized to transfer these funds from Unassigned Fund Balance.

APPROVED BY:

JACK BLALOCK, MAYOR

**ADOPTED BY CITY COUNCIL
January 23, 2017**

**KELLI BARNABY, CMC/CNHMC
CITY CLERK**

SECTION 7.14-AMENDMENTS TO BUDGET AFTER ADOPTION

No appropriation shall be made for any purpose not included in the annual budget as adopted unless voted by a two-thirds (2/3) majority of the Council after a public hearing held to discuss said appropriation. The Council shall, by resolution, designate the source of any money so appropriated.

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, January 23, 2017 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Resolution Pursuant to RSA 72:39-b the City hereby amends the elderly exemption from property tax, based on assessed value for qualified taxpayers, such that the exemptions shall be available only when the qualifying taxpayer(s) have a net income of not more than \$40,504.00 for a single taxpayer or \$55,693.00 for married taxpayers, inclusive of social security payments. The elderly exemption shall remain unchanged except as amended hereby. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

Kelli L. Barnaby, MMC, CMC, CNHMC
City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, January 23, 2017 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Resolution Pursuant to RSA 72:39-b the City hereby amends the elderly exemption from property tax, based on assessed value for qualified taxpayers, such that the exemptions shall be available only when the qualifying taxpayer(s) have a net income of not more than \$40,504.00 for a single taxpayer or \$55,693.00 for married taxpayers, inclusive of social security payments. The elderly exemption shall remain unchanged except as amended hereby. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

Kelli L. Barnaby, MMC, CMC, CNHMC
City Clerk

PM-00255886

**THE CITY OF PORTSMOUTH
TWO THOUSAND SEVENTEEN
PORTSMOUTH, NEW HAMPSHIRE**

ELDERLY EXEMPTION

RESOLUTION # - 2017

BE IT RESOLVED:

Pursuant to RSA 72:39-b the City hereby amends the elderly exemption from property tax, based on assessed value for qualified taxpayers, such that the exemptions shall be available only when the qualifying taxpayer(s) have a net income of not more than \$40,504 for a single taxpayer or \$55,693 for married taxpayers, inclusive of social security payments. The elderly exemption shall remain unchanged except as amended hereby.

THAT this Resolution shall take effect upon its passage.

APPROVED:

JACK BLALOCK, MAYOR

**ADOPTED BY THE CITY COUNCIL:
, 2017**

**KELLI L. BARNABY, CMC
CITY CLERK**

NOTE: This exemption becomes effective for the tax year April 1, 2017.

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, January 23, 2017 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Resolution Pursuant to RSA 72:37-b, City hereby amends the disabled exemption from property tax, based on assessed value for qualified taxpayers, such that the exemptions shall be available only when the qualifying taxpayer(s) have a net income of not more than \$40,504.00 for a single taxpayer or \$55,693.00 for married taxpayers, inclusive of social security. The disabled exemption shall remain unchanged except as amended hereby. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

Kelli L. Barnaby, MMC, CMC, CNHMC
City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, January 23, 2017 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Resolution Pursuant to RSA 72:37-b, City hereby amends the disabled exemption from property tax, based on assessed value for qualified taxpayers, such that the exemptions shall be available only when the qualifying taxpayer(s) have a net income of not more than \$40,504.00 for a single taxpayer or \$55,693.00 for married taxpayers, inclusive of social security. The disabled exemption shall remain unchanged except as amended hereby. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

Kelli L. Barnaby, MMC, CMC, CNHMC
City Clerk

**THE CITY OF PORTSMOUTH
TWO THOUSAND SEVENTEEN
PORTSMOUTH, NEW HAMPSHIRE**

DISABLED EXEMPTON

RESOLUTION # - 2017

BE IT RESOLVED:

Pursuant to RSA 72:37-b, City hereby amends the disabled exemption from property tax, based on assessed value for qualified taxpayers, such that the exemptions shall be available only when the qualifying taxpayer(s) have a net income of not more than \$40,504 for a single taxpayer or \$55,693 for married taxpayers, inclusive of social security. The disabled exemption shall remain unchanged except as amended hereby.

THAT this Resolution shall take effect upon its passage.

APPROVED:

JACK BLALOCK, MAYOR

**ADOPTED BY THE CITY COUNCIL:
, 2017**

**KELLI L. BARNABY, CMC
CITY CLERK**

NOTE: This exemption becomes effective for the tax year April 1, 2017.

Elderly & Disabled Exemption Impact

Exemption Type	Exemption Amount	Number Currently Receiving Exemption	Value Loss	Revenue Loss
65 through 74	\$ 120,000.00	34	\$ 4,080,000.00	\$ 69,278.40
75 through 79	\$ 160,000.00	31	\$ 4,960,000.00	\$ 84,220.80
80 and over	\$ 200,000.00	64	\$ 12,800,000.00	\$ 217,344.00
Disabled	\$ 100,000.00	5	\$ 500,000.00	\$ 8,490.00
Totals		134	\$ 22,340,000.00	\$ 379,333.20

Note: The current tax rate of \$17.04 would be decreased to a difference of 8 cents on the current tax rate if the elderly and disabled exemptions were not granted.

Elderly Exemption Comparison Sorted by Single Income Limit

	Single Income:	Married Income:	Single Assets:	Married Assets:	Exemption 65- 74 years old	Exemption 75- 79 years old	Exemption 80+ years old
Nashua	\$50,000	\$50,000	\$150,000	\$150,000	\$155,000	\$180,000	\$225,000
Rye	\$40,000	\$59,900	\$199,000	\$199,000	\$75,000	\$90,000	\$105,000
Portsmouth	\$40,000	\$55,000	\$175,000	\$175,000	\$120,000	\$160,000	\$200,000
North Hampton	\$40,000	\$55,000	\$175,000	\$175,000	\$120,000	\$160,000	\$200,000
New Castle	\$40,000	\$55,000	\$150,000	\$150,000	\$125,000	\$175,000	\$225,000
Hampton	\$38,000	\$58,000	\$250,000	\$250,000	\$120,000	\$150,000	\$178,000
Dover	\$38,000	\$52,000	\$155,000	\$155,000	\$107,000	\$149,000	\$191,000
Manchester	\$37,000	\$50,000	\$90,000	\$115,000	\$109,500	\$148,500	\$195,500
Stratham	\$36,000	\$60,000	\$75,000	\$75,000	\$60,000	\$80,000	\$100,000
Greenland	\$35,000	\$50,000	\$125,000	\$125,000	\$90,000	\$115,000	\$145,000
Concord	\$33,400	\$45,800	\$90,000	\$90,000	\$72,818	\$118,420	\$202,124
Somersworth	\$32,000	\$50,000	\$100,000	\$100,000	\$50,000	\$65,000	\$75,000
Rochester	\$31,400	\$41,500	\$50,000	\$50,000	\$48,000	\$84,000	\$108,000

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, January 23, 2017 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Resolution Pursuant to RSA 72:28-b, the City hereby adopts the All Veterans' Tax Credit from property tax for qualified taxpayers. A person shall qualify for the all veterans' tax credit if the person is a resident of this state who served not less than 90 days on active service in the armed forces of the United States and was honorably discharged or an officer honorable separated from service; or the spouse or surviving spouse of such resident, provided that Title 10 training for active duty by a member of a national guard or reserve shall be included as service under this paragraph; provided however that the person is not eligible for and is not receiving a credit under RSA 72:28 or RSA 72:35. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

Kelli L. Barnaby, MMC, CMC, CNHMC
City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, January 23, 2017 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a Resolution Pursuant to RSA 72:28-b, the City hereby adopts the All Veterans' Tax Credit from property tax for qualified taxpayers. A person shall qualify for the all veterans' tax credit if the person is a resident of this state who served not less than 90 days on active service in the armed forces of the United States and was honorably discharged or an officer honorable separated from service; or the spouse or surviving spouse of such resident, provided that Title 10 training for active duty by a member of a national guard or reserve shall be included as service under this paragraph; provided however that the person is not eligible for and is not receiving a credit under RSA 72:28 or RSA 72:35. The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

Kelli L. Barnaby, MMC, CMC, CNHMC
City Clerk

**THE CITY OF PORTSMOUTH
TWO THOUSAND SEVENTEEN
PORTSMOUTH, NEW HAMPSHIRE**

ALL VETERANS' TAX CREDIT

RESOLUTION # - 2017

BE IT RESOLVED:

THAT Pursuant to RSA 72:28-b, the City hereby adopts the All Veterans' Tax Credit from property tax for qualified taxpayers.

A person shall qualify for the all veterans' tax credit if the person is a resident of this state who served not less than 90 days on active service in the armed forces of the United States and was honorably discharged or an officer honorably separated from service; or the spouse or surviving spouse of such resident, provided that Title 10 training for active duty by a member of a national guard or reserve shall be included as service under this paragraph; provided however that the person is not eligible for and is not receiving a credit under RSA 72:28 or RSA 72:35.

BE IT FURTHER RESOLVED that this Resolution shall take effect April 1, 2017.

APPROVED:

JACK BLALOCK, MAYOR

**ADOPTED BY THE CITY COUNCIL:
, 2017**

**KELLI L. BARNABY, CMC
CITY CLERK**



CITY OF PORTSMOUTH

Assessors Office

Memo

To: John P. Bohenko, City Manager
From: Rosann Maurice-Lentz, City Assessor
CC: Judith Belanger, Finance Director
Date: September 27, 2016
Re: All Veteran Tax Credit RSA 72:28 (b)

The past year hold over bill HB430 relative to the “All Veterans Tax Credit” was approved and signed by the Governor. This bill expanded RSA 72:28 and added RSA 72:28 (b) enabling municipalities to change the eligibility requirements for persons receiving the veterans’ property tax credit to include all veterans who have been honorably discharged or officers honorably separated from service. If adopted, this statute removes all gaps in the eligibility periods described in RSA 72:28.

Under the current statute (RSA 72:28), the City of Portsmouth adopted by resolution on February 9, 2004, to increase the optional veteran’s credit to certain wartime veterans, their wives or widows to \$500 off their property tax bill annually; the minimum amount by statute is \$50.

Potential Impact

According to NH Employment Security, in a 2015 document, there were more than 99,550 vets 18 and older in NH in 2014. Of those, approximately 27,000 served during periods that do not qualify for the veteran’s tax credit. In order to estimate the potential impact to the City of Portsmouth I utilized the number of registered voters within the City and the percentage of veterans located within Rockingham County and estimated as follows:

Number Registered Voters in Portsmouth	17,000
Percentage of Veterans in Rockingham County	10%
Estimated Veterans within the City of Portsmouth	1,700
Veterans Currently Receiving Optional Tax Credit	800
Potential Increase in Veterans Qualifying	900
Current Credit Amount	\$500
Potential loss in Revenue	\$450,000
Impact on Tax Rate (Approximate)	\$.095

Other Municipalities

Below is a list of other municipalities and what they currently offer their veterans. The only municipality to currently adopted the new legislation is the Town of Bedford.

Municipality	Amount
Portsmouth	\$500.00
New Castle	\$500.00
Rye	\$500.00
Newington	\$500.00
Greenland	\$500.00
Dover	\$500.00
Durham	\$500.00
N. Hampton	\$500.00
Hampton	\$500.00
Stratham	\$500.00
Rochester	\$250.00
Somersworth	\$500.00
Manchester	\$400.00
Bedford	\$500.00 Adopted Legislation left credit at \$500
Concord	\$150.00
Nashua	\$500.00

Procedure for Adoption

RSA 72:28 allows a town or city to modify the Standard and Optional Veteran' Tax Credit by the procedures in RSA 72:27-a in accordance with its normal procedures for passage of resolutions, ordinances, and other legislation.

ORDINANCE #
THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article I, Section 7.101, DEFINITIONS, of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

ARTICLE I: PARKING METERS

Section 7.101: DEFINITION

The word "vehicle" as used herein shall mean any device by which any person or property may be transported upon a highway except those operated upon rails or tracks.

The word "meter" shall mean any device for buying parking time that displays the length of time for which a vehicle may remain legally parked in a parking space. Such devices include but are not limited to public meters such as a meter at an individual parking space or a central meter, or personal meters such as an in-vehicle meter, coupon or any other metering device **including mobile phone applications**, as shall be approved from time to time by the City Council. The display of the parking time purchased may be on the meter itself, a paper receipt or by other duly authorized means of display.

The City Clerk shall properly alphabetize and/or re-number the ordinance as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

The ordinance shall take effect upon its passage.

APPROVED:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

ORDINANCE #
THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article I, Section 7.102, PARKING METER ZONES, of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

Section 7.102: PARKING METER ZONES

All of those streets, parts of streets and off-street parking lots, the time for parking upon which is limited by any ordinance of the City of Portsmouth, and any such areas, the time for parking upon which may at any time hereafter be limited by any ordinance of the City or any amendment thereto are designated as parking meter zones. Parking in parking meter zones shall be for a maximum time permitted of parking of three (3) consecutive hours, unless otherwise established by ordinance. The rate for such parking shall be:

A. DOWNTOWN HIGH OCCUPANCY ZONE:

Parking shall be at the rate of ~~one dollar seventy five cents (\$1.75)~~ **two dollars (\$2.00)** per hour in the following areas. **Parking for verified Portsmouth residents using an approved personal meter device, as defined in Section 7.101, shall be at a rate of \$0.25 less than this rate. Proof of residency shall be determined using standards established by the Portsmouth Revenue Administrator.**

1. Daniel Street, starting at Chapel Street through to Market Square
2. Bow Street, starting at Chapel Street through to Market Street
3. Congress Street, starting at Market Square through to Chestnut Street
4. Pleasant Street, starting from Court Street through to Market Square
5. Market Street, starting from Moffatt-Ladd House through to Market Square
6. Deer Street, starting at Market Street through to Maplewood Avenue
7. Fleet Street, starting at Hanover Street through to State Street
8. Hanover Lot, at intersection with Market Street
9. Penhallow Street, starting at State Street through to Bow Street
10. Chapel Street, starting at Daniel Street through to State Street

B. Parking in all other parking meter zones shall be at the rate of one dollar ~~twenty-five~~ **fifty** cents (\$1.~~25~~**50**) per hour.

The City Clerk shall properly alphabetize and/or re-number the ordinance as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

The ordinance shall take effect upon its passage.

APPROVED:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

ORDINANCE #
THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article I, Section 7.105, PARKING, of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

Section 7.105: PARKING

- A. When any vehicle shall be parked in a parking meter zone the owner or operator of said vehicle shall park within the area designated by the curb or street marking lines as indicated for parallel or diagonal parking and upon entering said parking space shall immediately deposit in said meter the required meter fee or purchase the time requested through a central meter, in vehicle meter, coupon or other metering device **including mobile phone applications**, and display proof of purchase on the vehicle's interior dashboard, or other approved means of display, **including meter devices defined in Section 7.101**. It shall be unlawful for any person parking any vehicle or permitting any vehicle registered in his name to be parked within any designated area where parking meters are installed, to fail or neglect to pay for parking as required. Said parking space may then be used by such vehicle during the legal parking limit provided by the Ordinance of the City and said vehicle shall be considered as unlawfully parking if it remains in said space beyond the legal parking limit and/or when said parking meter displays a signal showing such illegal parking. It shall be unlawful for any person to cause or permit any vehicle registered in his name to be parked unlawfully as set out in this section.
- B. Parking meter fees shall be enforceable Monday through Saturday, from 9:00 a.m. to ~~7:00~~**7:00** p.m., and Sunday from 12:00 p.m. to ~~7:00~~**7:00** p.m., holidays excepted.

The City Clerk shall properly alphabetize and/or re-number the ordinance as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

The ordinance shall take effect upon its passage.

APPROVED:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

ORDINANCE #
THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article III, Section 7.324, LIMITED PARKING ONE HOUR, 7.325, LIMITED PARKING – THIRTY MINUTES, 7.326, LIMITED PARKING –FIFTEEN MINUTES, 7.327, LIMITED PARKING – TWO HOURS, 7.328, LIMITED PARKING THREE HOURS, 7.329, LIMITED PARKING- FOUR HOURS of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

Section 7.324: LIMITED PARKING - ONE HOUR

- A. No person having control or custody of any vehicle shall stop or cause the same to stop or park for longer than one hour at any time between the hours of 9:00 a.m. and ~~7:00~~**9:00** p.m., Monday through Saturday, and between 12:00 p.m. and ~~7:00~~**9:00** p.m. Sunday, Holidays not included, on the following streets and locations:
1. Daniel Street: northerly side from a point 106 feet from Bow Street to a point 88 feet east of Penhallow Street.
 2. Daniel Street: southerly side from Wright Avenue to a point 63 feet east of Penhallow Street.
 3. Dennett Street: southerly side from Maplewood Avenue to Myrtle Avenue.
 4. Market Street: westerly side from Bow Street to the southerly side of the small building on the premises of the Moffatt Ladd House.
 5. Market Street: easterly side from Bow Street to the southerly side of the premises known as 171 Market Street.
 6. Pleasant Street: westerly side from State Street to Court Street.
 7. Porter Street: southerly side from Fleet Street to Church Street.
 8. Porter Street: northerly side from Church Street to Pleasant Street.
 9. State Street: southerly side beginning at a point where the westerly boundary of the lot upon which the Internal Revenue Service Building, so called, is located, intersects with said State Street and running in an easterly direction by said side line for a distance of 200 feet.

Section 7.325: LIMITED PARKING - THIRTY MINUTES

- A. No person having control or custody of any vehicle shall stop or cause the same to stop or park for longer than thirty minutes at any time between the hours of 9:00 a.m. – ~~7:00~~**9:00**

p.m. Monday through Saturday, and between 12:00 p.m. and ~~7:00~~**9:00** p.m. on Sunday, Holidays not included, on the following streets and locations:

1. Islington Street: Northerly side from the corner of Brewster Street easterly 110’.
2. Islington Street: Northerly side easterly 70’ from Dover Street to a point 82’ westerly from Salem Street.
3. Islington Street: Northerly side from Pearl Street to Parker Street.

Section 7.326: LIMITED PARKING - FIFTEEN MINUTES

A. No person having control or custody of any vehicle shall cause the same to stop or park for longer than 15 minutes at any time between 9:00 a.m. and ~~7:00~~**9:00** p.m., Monday through Saturday, and between 12:00 p.m. and ~~7:00~~**9:00** p.m. Sunday, Holidays not included, on the following streets and locations:

1. Bow Street:
 - a. northerly side, first metered space east from Ceres Street
 - b. westerly side, first metered space north from Daniel Street
2. Cabot Street: northeasterly side, from a point which is sixty-five (65) feet northwest from the intersection of Austin Street to a point which is one hundred (100) feet northwest from the intersection of Austin Street.
3. Congress Street:
 - a. southerly side, first two metered spaces west from Fleet Street
 - b. northerly side, first two metered spaces west from High Street
4. Daniel Street:
 - a. northerly side, first three metered spaces west from the parking lot entrance at 80 Daniel Street
 - b. southerly side, first five metered spaces east from Market Square
5. Deer Street: Two space in front of the building located at 28 Deer Street.
6. Hanover Street:
 - a. northerly side, first five spaces east from High Street
 - b. northerly side, two spaces 246 feet west from High Street
 - c. northerly side, first two spaces east from Bridge Street
7. High Street: easterly side, first three spaces north from Congress Street
8. Islington Street:
 - a. southerly side the space in front of 404 Islington Street, no person having control or custody of any vehicle shall cause the same to stop or park for longer than 15 minutes at any time, including Sundays and holidays.

- b. northerly side, the space in front of 371 Islington Street.
- 9. Maplewood Avenue: easterly side, the first two spaces commencing 140 feet northerly from Vaughan Street
- 10. Marcy Street: easterly side, the four parking spaces directly in front of 367 Marcy Street (from 8:00 am to 4:00 pm) Monday through Saturday only.
- 11. Market Street: easterly side, third space north from Market Square.
- 12. State Street:
 - a. southerly side, first two metered spaces east from Atkinson Street.
 - b. southerly side, first metered space east from Pleasant Street
- 13. South Street: northerly side, from Mount Vernon Street easterly for a distance of 40 feet.

Section 7.327: LIMITED PARKING - TWO HOURS

- A. No person having control or custody of any vehicle shall stop or cause the same to stop or park for longer than two hours at any time between the hours of 9:00 a.m. and ~~7:00~~**9:00** p.m. Monday through Saturday, and between 12:00 p.m. and ~~7:00~~**9:00** p.m. Sunday, Holidays excluded, on the following streets and locations:
 - 1. Doris Avenue: both sides.
 - 2. Dunton Street:
 - 3. Greenside Avenue: both sides.
 - 4. Hancock Street:
 - a. northerly side from Marcy Street to Pleasant Street.
 - b. southerly side from Washington Street to Pleasant Street.
 - 5. Islington Street:
 - a. northerly side from Tanner Street to Parker Street
 - b. northerly side from Pearl Street to a point westerly 335'
 - c. northerly side from Cabot Street to a point easterly 515'
 - 6. Madison Avenue: westerly side from State Street to Lovell Street.
 - 7. Mechanic Street: northerly side from Marcy Street intersection to Pierce Island Bridge Approach.
 - 8. Middle Street: northerly side from Austin Street to Summer Street.

9. Sheafe Street: northerly side from a point 40 feet easterly from Penhallow Street to Chapel Street.
10. Sherburne Road: both sides.
11. Summer Street:
 - a. both sides from Islington Street to State Street, Monday through Friday from 8:00 a.m. to 5:00 p.m.
 - b. southwesterly side between Chatham Street and Austin Street.
12. Sutton Street: both sides.
13. Witmer Avenue: both sides.

Section 7.328: LIMITED PARKING – THREE HOURS:

- A. No person having control or custody of any vehicle shall stop or cause the same to stop or park for longer than three hours at any time between the hours of 9:00 a.m. and ~~7:00~~**9:00** p.m. Monday through Saturday, and between 12:00 p.m. and ~~7:00~~**9:00** p.m. Sunday, Holidays excluded, on the following streets and locations:
 1. Bow Street:
 - a. both sides from Penhallow Street to Chapel Street.
 - b. west side from point 38 feet northerly of intersection with Daniel Street to a point 445 feet northerly from said intersection.
 2. Bridge Street: both sides from Hanover Street to Deer Street.
 3. Ceres Street: land of the City of Portsmouth, Assessor's Plan 13, Lot 85, from Ceres Street 48 feet of the westerly half of said lot.
 4. Chapel Court: two spaces northerly side, and two spaces in the right-of-way at the end of the roadway.
 5. Church Street: easterly side, two spaces 26 feet south of State Street.
 6. Congress Street:
 - a. southerly side from Chestnut Street to Church Street, except for the first two spaces westerly from the intersection of Fleet Street.
 - b. northerly side from a point 65 feet easterly from Fleet Street to a point 75 feet westerly from High Street.
 7. Court Place: east side from Court Street to State Street.

8. Court Street: on the southerly side from Middle Street to the easterly sideline of Chestnut Street extended.
9. Daniel Street:
 - a. north side from Piscataqua River to Market Street.
 - b. five head-in parking spaces adjacent with the Piscataqua River commencing 30 feet from the Harbour Place property line at the northern most corner of Daniel Street and the Piscataqua River.
10. Deer Street: all except for two spaces in front of 28 Deer Street.
11. Fleet Street: westerly side from Hanover Street to State Street with the exception of Taxi Stands #1 and #2.
12. High Street:
 - a. easterly side, first two metered spaces south of Ladd Street
 - b. east side from Hanover Street to Deer Street.
 - c. west side, first two metered spaces north of Hanover Street
13. Maplewood Avenue: westerly side, from Raynes Avenue to the Union Cemetery, nine consecutive spaces.
14. Marcy Street: westerly side from the intersection of State Street to a point 100 feet south of Court Street
15. Market Square:
16. Market Street:
 - a. westerly side from Market Square to Bow Street, except for the first space closest to Bow Street, which shall be designated as bicycle parking when a bicycle corral is present.
 - b. easterly side from Daniel Street to Deer Street, except for the first two parking spaces from Market Square. The first of which is hereby designated for police cruiser parking only and the second of which is designated as a taxi stand (see Section 7.A408).
 - c. both sides from Deer Street to Russell Street.
17. Penhallow Street:
 - a. westerly side from State Street to southerly entrance of Police Station grounds, from exit of N.H. National Bank to Daniel; from a point 160 feet north of Daniel to Bow Street.
 - b. easterly side between Daniel Street and Bow Street.
18. Pleasant Street:
 - a. easterly side from #15 Pleasant Street to State Street.
 - b. westerly side from southerly end of the North Church to State Street.
19. State Street:

- a. northerly side from Middle Street 250 feet westerly.
- b. northerly side from Middle Street to Marcy Street.
- c. southerly side from Middle Street to Marcy Street.

20. Washington Street: northerly side between State Street and Court Street

Section 7.328-1: UTILIZATION OF MULTIPLE PARKING SPACES:

No person having custody or control of a single vehicle shall park or cause any vehicle to be parked (or partially parked) on two adjacent spaces on any street in the City of Portsmouth at a time and in a location in which a parking fee is required. Vehicles with trailers or boats may occupy up to two spaces when parking fees are paid for both spaces.

Section 7.329: LIMITED PARKING – FOUR HOURS

No person having control or custody of any vehicle shall stop or cause the same to stop or park for longer than four hours at any time between the hours of 9:00 a.m. and ~~7:00~~**9:00** p.m. Monday through Saturday, and between 12:00 p.m. and ~~7:00~~**9:00** p.m. Sunday. Holidays excluded, on the following streets and locations:

1. Bridge Street: southerly side from Islington Street to Hanover Street.
2. Deer Street: both sides between Russell Street and Maplewood Avenue.
3. Russell Street: entire length, both sides.
4. Livermore Street: westerly side, entire length.

The City Clerk shall properly alphabetize and/or re-number the ordinance as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

The ordinance shall take effect upon its passage.

APPROVED:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

ORDINANCE #
THE CITY OF PORTSMOUTH ORDAINS

That Chapter 7, Article IV, Section 7.406, PARKING IN METER SPACES of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

~~Section 7.406:—PARKING IN METER SPACE~~

~~A.—When any vehicle shall be parked in a metered parking space the owner or operator of the vehicle shall park within the area designated by the curb or street marking lines as indicated for parallel or diagonal parking and upon entering said parking space shall immediately pay the required fee. It shall be unlawful for any person parking any vehicle or permitting any vehicle registered in his name to be parked within any designated parking fee area to fail or neglect to pay the required fee. Said parking space may then be used by such vehicle during the legal parking limit provided by the Ordinance of the City and said vehicle shall be considered as unlawfully parked if it remains in said space beyond the legal parking limit.—It shall be unlawful for any person to cause or permit any vehicle registered in his name to be parked unlawfully as set out in this Section.~~

~~In any fee parking area within the limits of the City of Portsmouth the same shall be on all days, except Sundays and holidays, during the following hours:~~

~~A.—Monday through Saturday—9:00 a.m. to 7:00 p.m.~~

The City Clerk shall properly alphabetize and/or re-number the ordinance as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

The ordinance shall take effect upon its passage.

APPROVED:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS:

That Chapter 7, Article II, of the Ordinances of the City of Portsmouth be stricken in its entirety and replaced as follows:

ARTICLE II: TAXIS

Section 7.201: PURPOSE

It is the intention of this ordinance to provide a structure for the regulation of motor vehicle operators who seek to hold themselves out as operators of a taxi, accepting the special benefits and burdens of that particular designation.

Section 7.202: TAXI DEFINED

The term "Taxi" shall mean any motor vehicle used for the transportation of passengers for hire, the destination and route of which are under the direction and control of the passenger; except that this Ordinance shall not apply to the following:

- A. Limousine services, which provide designated luxury or specialty vehicles by prior appointment for discrete functions;
- B. Limousine services whose operator is limited to the transport of passengers by prior appointment from locations within the City of Portsmouth to destinations located outside of the City or the reverse;
- C. Transportation services that carry seven (7) or more passengers;
- D. Transportation services operated by the municipality or other entity free-of-charge; and
- E. Transportation network companies and their operators who are regulated under the laws of the State of New Hampshire.

Section 7.203: OPERATOR AND OWNER DEFINED

- A. The term "Operator" as used in this Ordinance shall mean the person driving or having control or possession of a motor vehicle while it is being used as a Taxi.

- B. The term “Owner” as used in this Ordinance shall mean the person or business entity having the ownership or leasehold of any vehicle used or licensed to be used as a Taxi.

Section 7.204: MEDALLION REQUIRED

No vehicle shall be operated as a Taxi unless that vehicle has been issued a Medallion and such Medallion has not be suspended or revoked. The word “Medallion” shall mean the permission granted by the City of Portsmouth for a vehicle to be used as a Taxi.

Section 7.205: TAXI LICENSE REQUIRED

No person shall operate a motor vehicle as a Taxi within the City of Portsmouth unless such person holds a valid Taxi License issued by the City Clerk and is operating a vehicle with a valid Medallion.

Section 7.206: TAXI LICENSE REQUIREMENTS

- A. Any person seeking a Taxi License shall submit an application to City Clerk. Such application shall require the applicant to provide a residential history for the preceding ten (10) years and submit the results of a multi-state/multi-jurisdiction criminal records locator or other similar commercial nationwide data base with validation (primary source search) and motor vehicle record history covering each jurisdiction in which the applicant has resided in the 10 year time period. In addition, the applicant shall provide a passport photograph and such other information as the City Clerk reasonably deems necessary to determine if the applicant meets all minimal requirements for the issuance of a Taxi License. The City Clerk has the authority to require the submission of results of criminal background checks and motor vehicle history records from multiple jurisdictions depending on the residency and residential history of the individual applicant.
- B. The City Clerk shall have the authority to issue a Taxi License upon the submission of documentation satisfactory to the City Clerk and Taxi Coordinator that the applicant meets the following criteria:
1. Possesses a valid motor vehicle operator’s license;
 2. Maintains a satisfactory motor vehicle record as defined in Section 7.206 (C);
 3. Has no disqualifying criminal conduct as defined in Section 7.206 (D); and

4. Has received no more than three (3) violations of this ordinance in the year preceding the application and no more than six (6) total in all preceding years; and
5. Is not a match on the United States Department of Justice National Sex Offender Public Website.

The City Clerk reserves the right to deny a Taxi License to an unsuitable person.

- C. A motor vehicle record shall be deemed not satisfactory if:

The applicant has had more than 3 moving violations in the prior 3-year period, or one major violation in the prior 3-year period, including, but not limited to, attempting to evade the police, reckless driving, or driving with a suspended or revoked license.

- D. Disqualifying criminal conduct is defined as:

The applicant has been convicted, within the past 7 years, of driving under the influence of drugs or alcohol, fraud, sexual offenses, use of a motor vehicle to commit a felony, a crime involving property damage, and/or theft, acts of violence, or acts of terror.

- E. By submitting an application, applicant authorizes the City to undertake such investigation as it deems reasonably necessary to verify the applicant's statements and eligibility to hold a Taxi License.

- F. Administrative appeal of any decision of the City Clerk relative to issuance or denial of a Taxi License shall be made in writing and delivered to the City Attorney within thirty (30) days of the decision. Appeals shall be to the Taxi Coordinator, with notice of the opportunity to be heard and to respond; such opportunity to occur within thirty (30) days of receipt of the appeal.

Section 7.207: MEDALLION REQUIREMENTS

- A. Any Owner seeking a Medallion for a vehicle shall submit an application to the City Clerk. Such application shall require the Owner to provide the vehicle identification number, proof of insurance and such other information as the City Clerk reasonably deems necessary to determine if the applicant meets all minimal requirements for the issuance of a Medallion.

- B. The City Clerk shall have the authority to issue a Medallion upon the submission of documentation satisfactory to the City Clerk and Taxi Inspector that the following criteria have been met:
1. Vehicle registration;
 2. Proof that the vehicle is current in its State inspection;
 3. Proof of adequate personal injury and property damage liability insurance coverage for the term of the Medallion; and
 4. Payment of Medallion Application Fee.
- C. Adequate insurance shall be personal injury coverage of not be less than three hundred thousand dollars (\$300,000) for injury to one person with a total coverage of not less than five hundred thousand dollars (\$500,000) for each accident. The property damage coverage shall be not less than fifty thousand dollars (\$50,000) per occurrence.
- D. Administrative appeal of any decision of the City Clerk relative to issuance or denial of a Medallion shall be made in writing and delivered to the City Attorney within thirty (30) days of the decision. Appeals shall be to the Taxi Coordinator, with notice of the opportunity to be heard and to respond; such opportunity to occur within thirty (30) days of receipt of the appeal.

Section 7.208: TAXI COORDINATOR

There shall be a Taxi Coordinator who shall be an officer of the Portsmouth Police Department assigned by the Chief of Police. That officer, in addition to his or her regular duties, shall assist the City Clerk with the implementation of this Ordinance, conduct background investigations and have the enforcement powers set forth in this ordinance.

Section 7.209: FEES AND TERMS FOR LICENSES AND MEDALLIONS

- A. All Medallions and licenses granted under this chapter shall continue and remain in full force and effect for a period from the first day of April each year until midnight on the 31st day of March of the following year.
- B. All applications for renewals of Medallions or licenses must be filed with the City Clerk no earlier than February 1 and no later than March 1.
- C. Fees shall be set by the City Council as part of its annual budget adoption process as set forth in Chapter 1, Article XVI.

- D. Until such time as the fees are set by the City Council under paragraph 7.209 (C), the fees are as follows:
1. The first time fee for a Medallion shall be one hundred twenty-five dollars (\$125.00) each year or any part of a year commencing on April 1st for each Taxi payable in advance on application for the Medallion. The renewal fee shall be one hundred dollars (\$100.00).
 2. The fee for restoration of any Medallion that has been revoked shall be one hundred dollars (\$100.00), except that when the revocation is due to failure to meet vehicle inspection requirements, no fee shall be due if the vehicle is repaired to the satisfaction of the Taxi Coordinator within 1 business day of the revocation.
- E. If required insurance coverage terminates, expires or is suspended, Owner shall immediately suspend service until insurance coverage is in place. All required insurance policies shall contain a provision, which will provide for the automatic notification by the insurer to the City of the cancellation or expiration of the policy. Notice shall be mailed to the City Clerk.

Section 7.210: TAXI OPERATOR CONDUCT

A Taxi Operator shall:

- A. Use only a vehicle that has been issued and displays a Medallion;
- B. Display a copy of his/her Taxi License in a conspicuous place within the Taxi where it may be seen by any passenger;
- C. Not laminate, deface or alter the Taxi License;
- D. Not stand or park on any street except at designated Taxi stands or bus stops, except while actually engaging in taking on or discharging passengers;
- E. Not engage in any conduct that endangers the health, welfare or safety of passengers or the public; and
- F. Report in writing to the City Clerk any and all of the following:
 1. Any change of address within thirty (30) days of such change;
 2. Any motor vehicle motor vehicle moving violation within seven (7) days;

3. Any motor vehicle license suspension or revocation within seven (7) days;
and
4. Any misdemeanor or felony arrest within seven (7) days.

Any failure to report will result in the imposition of a late fee of \$50.00 and may result in the revocation of the Taxi License and/or the finding of a violation

Section 7.211: MEDALLION OWNER REQUIREMENTS

- A. Each Taxi shall utilize a roof light with the firm name or the word 'Taxi' inscribed thereon and operating during evening hours when the Taxi is on duty. There shall be no other lights on a Taxi, except those required by law.
- B. Each Taxi shall display two license plates furnished by the City of Portsmouth with the word "TAXI" on the plates; such plates shall be attached in a conspicuous place on the front and rear of the motor vehicle operated.
- C. Provide proof of vehicle inspection renewal to the City Clerk within ten (10) days of the end of the month for which inspection is due. Failure to provide such notice will result in a \$50.00 late fee for the untimely compliance and may result in the revocation of the Medallion and/or the finding of a violation.
- D. Return to the City any Medallion which has not been renewed within five (5) business days after the expiration of the term set forth in Section 7.209.

Section 7.212: TAXI STANDS AND HAILS

- A. The term "Taxi stand" as used in this Ordinance shall be construed to mean such portion or portions of the public street or highway as shall be designated by the City Council of the City of Portsmouth as a place in which Taxis may stand or park.
 1. No Owner or Operator of any Taxi shall allow or permit a Taxi to remain standing or parked unattended for longer than fifteen (15) minutes at any Taxi stand.
 2. No Operator shall park a Taxi in a double line at a public stand nor shall any Operator park a Taxi in such a manner as to interfere with traffic, either vehicular or pedestrian, at any location.
 3. No more than two (2) Taxis owned by the same person or business entity shall occupy any one Taxi stand at any one time.

- B. Taxis may accept street hails.

Section 7.213: ADDITIONAL OPERATOR AND OWNER REQUIREMENTS

All Operators and Owners shall:

- A. Ensure that fares are posted, published or otherwise available to the passenger before engagement of the fare;
- B. Provide a written receipt if requested;
- C. Decline multiple fares unless each passenger consents;
- D. Prohibit the use of smoking materials of any kind within the Taxi at any time; the Owner of each Taxi shall post a notice in each Taxi, plainly visible to all occupants of the Taxi, reading, "No Smoking"; and
- E. Maintain the Taxi in a safe, clean and sanitary condition at all times.

Section 7.214: ENFORCEMENT

- A. If the Taxi Coordinator reasonably believes that a Taxi may no longer be safe during the term of the Medallion period, the Taxi Coordinator may order the Owner to have the Taxi re-inspected, at Owner's cost.
- B. Any Portsmouth Police Department officer may:
 - 1. Issue a written notice of violation of this Ordinance.
 - 2. Issue a Defective Equipment notice to the Owner and/or Operator of the Taxi requiring correction of the defect within five (5) business days with proof of correction provided to the Police Department to avoid automatic suspension of the Medallion. The Medallion will be immediately surrendered to the City Clerk after five (5) business days if proof of correction is not provided to the Police Department.
 - 3. Suspend immediately an Operator's Taxi License or an Owner's Medallion upon a reasonable belief that there is an imminent danger to the health, safety or welfare of passengers or the public.
- C. Administrative appeals of any notice of violation, defective equipment notice, suspension or revocation shall be made in writing by the Operator or Owner and delivered to the City Attorney within fourteen (14) days of the suspension, revocation or notice of violation. Appeals shall be to the Taxi Coordinator, with notice to the Operator or Owner of the opportunity to be heard and to respond.

- D. If the Taxi Coordinator determines after notice and response that any violation of state law or this Taxi ordinance has occurred, the Taxi Coordinator may, in addition to the actions set forth in Section 7.214 (A), take one (1) or more of the following actions.
1. Remove the Medallion from the Taxi in violation until the violation is corrected and proof of correction is provided to the Taxi Coordinator;
 2. Suspend or revoke any Medallion or License;
 3. Refer for prosecution any violation of this Ordinance.
- E. Any person or entity in violation may be subject to a fine of no more than \$300 upon conviction by the Portsmouth District Court.

Section 7.215 APPEALS

Written final decisions of the City Clerk and the Taxi Coordinator relative to the issuance, suspension and revocation of licenses, medallions and other actions of enforcement made pursuant to this Ordinance are final. Persons aggrieved of the decisions of the City Clerk and/or Taxi Coordinator shall have all rights and remedies available to them in the courts of the State of New Hampshire.

Section 7.216: RECIPROCITY WITH OTHER MUNICIPALITIES

Taxis which are licensed in other municipalities may deliver passengers from outside the City to destinations within the City or pick up passengers by prior arrangement in the City for delivery to destinations outside the City.

Section 7.217 TRANSITION PERIOD

Owners and Operators operating a Taxi upon the effective date of this Ordinance may continue to operate while Taxi License and Medallion applications are pending under this Ordinance and a final decision has been made to approve or deny the Taxi License or Medallion application.

The City Clerk shall properly alphabetize and/or re-number the ordinance as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall become effective as of February 1, 2017.

APPROVED:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk



Arthritis Foundation, New England Region
6 Chenell Drive, Suite 260
Concord, NH 03301

received
1/11/17

January 9, 2017

Mayor Jack Blalock
1 Junkins Avenue
Portsmouth, New Hampshire 03801

Dear Mayor Blalock,

I am writing to you to ask for your support of the Arthritis Foundation New England Region 2017 Jingle Bell Run/Walk for Arthritis by granting the requisite event permits and street closure to host a road race in the city of Portsmouth.

The Arthritis Foundation's long-running Jingle Bell Run is a festive race that helps champion arthritis research and brings people from all walks of life together, to say Yes to furthering a great cause. Taking place in cities across the country during the end-of-year holiday season, this annual event is a fun way to get out, get moving and raise funds and awareness. This 5K is sure to spread smiles, holiday cheer and a winning spirit.

The Portsmouth Jingle Bell Run/Walk for Arthritis is to be taking place on Sunday, December 10, 2017 at the Little Harbour School, 50 Clough Drive, Portsmouth, NH. Registration opens at 9:00AM with Race start time at 10:00AM. This race road race is expected to attract 400 runners, an estimation consistent with growth rate as compared to 2016 results.

Enclosed is a map of the certified course containing a depiction of the 5K route and corresponding streets we intend use. Please note this is the same course we have used for past several years.

Thank You for your careful consideration and actions. If further information is needed or required, please do not hesitate to contact me at any of the contact information in the signature line.

Sincerely,

Thomas M. Bringle
Director of Development
Arthritis Foundation, New England Region
603.724.6080 | tbringle@arthritis.org

CC: City Council, City Council Chambers

Attachment Course Map

Harbor Trail 5K

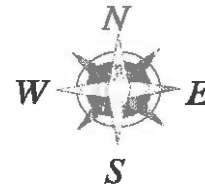
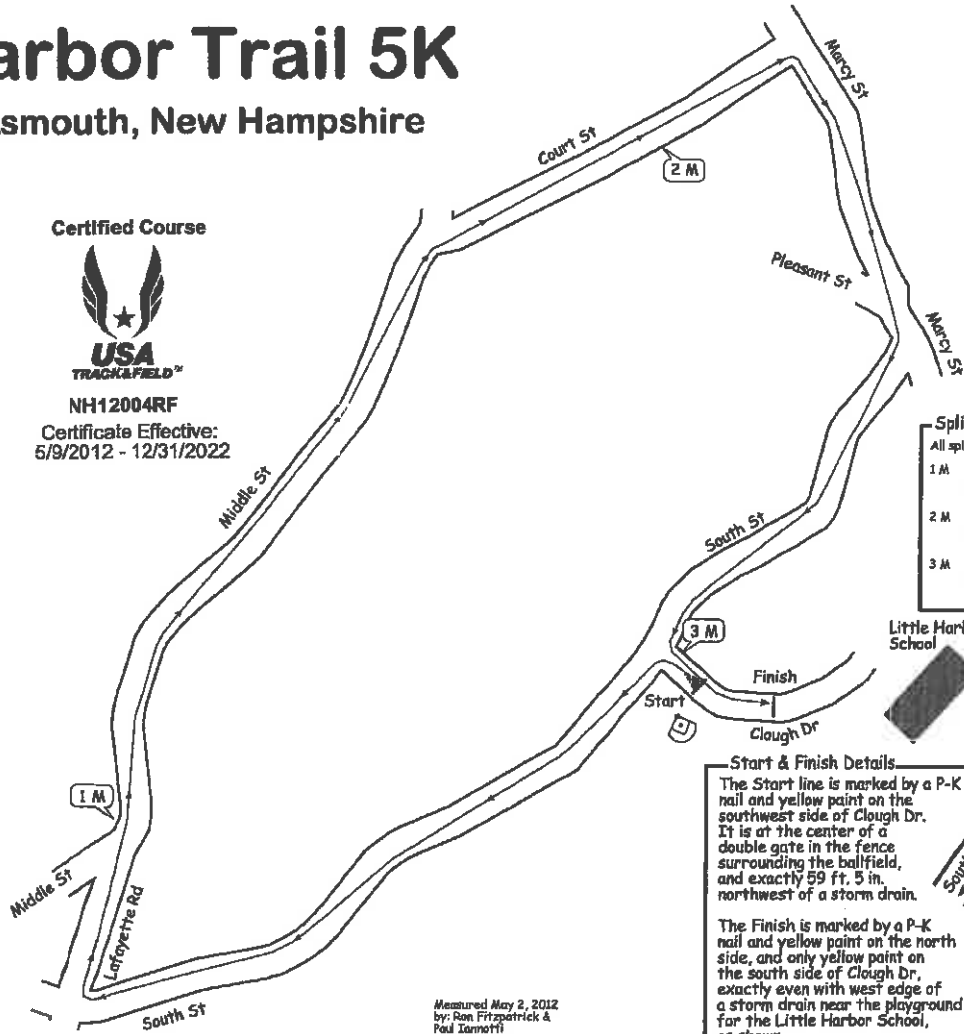
Portsmouth, New Hampshire

Certified Course



NH12004RF

Certificate Effective:
5/9/2012 - 12/31/2022



Splits

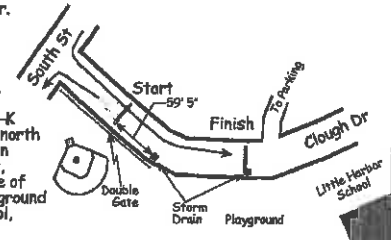
All splits are marked by a P-K nail and yellow paint.

- 1 M On the west side of Middle St, near the north edge of the driveway for #880, and approximately 25 ft. north of a Bell System Service.
- 2 M On the southeast side Court St, opposite Temple Israel and approximately 3 ft. east of a water shutoff cap for the Strawberry Barke Inn.
- 3 M On the northeast side of Clough Dr. just about even with the backstop for the ballfield and approximately 39 ft. southeast of a manhole.

Start & Finish Details

The Start line is marked by a P-K nail and yellow paint on the southwest side of Clough Dr. It is at the center of a double gate in the fence surrounding the ballfield, and exactly 59 ft. 5 in. northwest of a storm drain.

The Finish is marked by a P-K nail and yellow paint on the north side, and only yellow paint on the south side of Clough Dr, exactly even with west edge of a storm drain near the playground for the Little Harbor School, as shown.



Measured May 2, 2012
by: Ron Fitzpatrick &
Paul Iannotti
603.731.3345
ronf12@gmail.com

PORTSMOUTH LITTLE LEAGUE, INC.
PO Box 8321
PORTSMOUTH, NH 03802

January 9, 2017

John Bohenko
City Manager
City of Portsmouth,
Portsmouth, NH 03801



Dear Mr. Bohenko:

Similar to prior requests, which were approved by the City Council, Portsmouth Little League, Inc. respectfully requests approval for temporary signage to be located at the Plains and Hislop Park baseball fields during the 2017 baseball season.

Our request is two-fold. First we are requesting permission to affix signage in the form of banners to be attached to the fences surrounding the outfield and foul lines at Plains and Hislop fields following the established color guidelines. The signage represents advertising for local businesses that have donated to and support the league. We are requesting permission to affix the banners to the fences from April 8 [Field Clean-up Day] through the end of our fall ball program. Second, we are requesting permission to maintain signage to the rear of the Plains scoreboard. The local business that advertises on the back of the scoreboard will be required to adhere to the city and league's guidelines for the sign and will be responsible for the sign materials. Signage at this site provides the league with a continued revenue stream that helps us meet our goals each year.

This season the league will be partnering with local baseball programs to offer skills and pitching clinics to improve baseball skills and strategy. We will continue our successful community outreach program with a dedicated volunteer coordinator to extend our program to children who may be living in PHA or transitional housing or at a homeless shelter. And, we are reducing the fees for our Challenger families to encourage greater participation in this program.

Little League has a long and proud tradition in the City of Portsmouth. We are grateful for all the support we have received in the past and plan to continue to offer a safe and quality program that meets the needs of the community we serve. Please let me know if it would be of benefit for me to attend the Council meeting at which this request is considered. Thank you.

Sincerely,

Kathie Lynch
President
3 Boyan Place
Portsmouth, NH 03801

January 16, 2017

The Honorable Jack Blalock, Mayor of Portsmouth
and Members of the Portsmouth City Council
1 Junkins Avenue
Portsmouth, NH 03810

Dear Mayor Blalock and Members of the City Council,

On behalf of the Alzheimer's Association, I would like to re-submit for the Agenda a proposed date for the 2017 Annual Seacoast Walk to End Alzheimer's. Last September's Walk began and ended at The Little Harbour School on Sunday September 25, 2016. This year we would like to hold the event on Sunday September 24, 2017 at the Little Harbour School. The route and agenda of the day will be the same as last year. We understand the stress that such events can have on the surrounding community and assure you that the Alzheimer's Association is cognizant of your concerns.

We offer three route options for participants. Enclosed please find a copy of the route maps. We are planning to use the same route as last year, but are flexible pending any construction changes that may arise. We will plan on engaging the help of the Portsmouth Police – as last year we hired a detail police officer to be on site and then on the route at crossings. The Walk will take place on the sidewalks through the city to minimize the impact on traffic. We understand what it means to be a good neighbor in the community and will be mindful of the residents in the City of Portsmouth.

We are expecting approximately 800 participants at this, our premier fundraising and awareness event for the Alzheimer's Association in the Seacoast area. In addition, approximately 50 combined volunteers and staff.

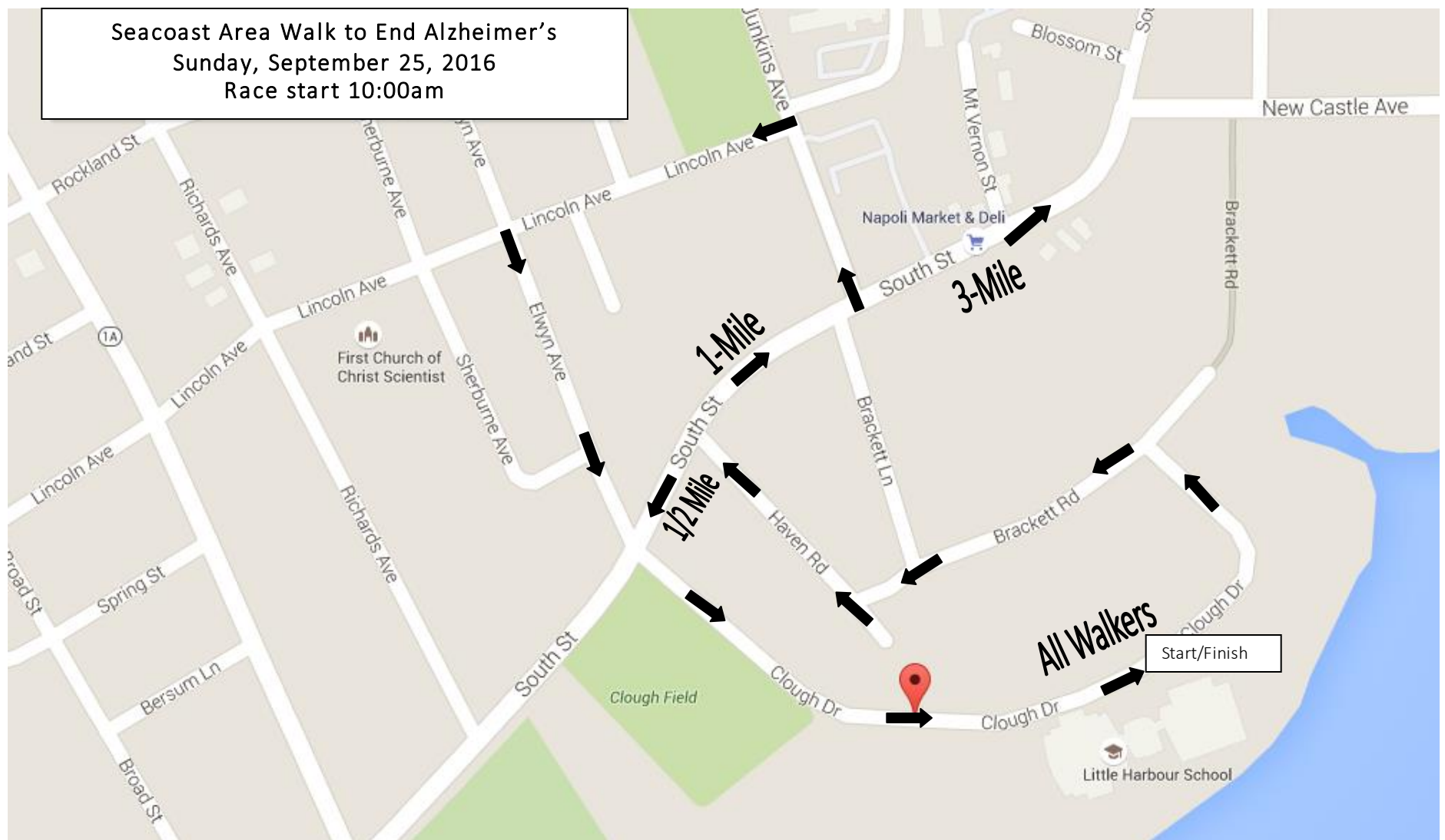
The Walk site opens at 8:30AM for registration, the Walk kicks off at 10AM and we are cleaned up by 1PM.

We look forward to working with you. Please feel free to reach out with any questions.

Sincerely,
Kelly Bosco
Development Officer
kbosco@alz.org
603-606-6590 ext. 2151

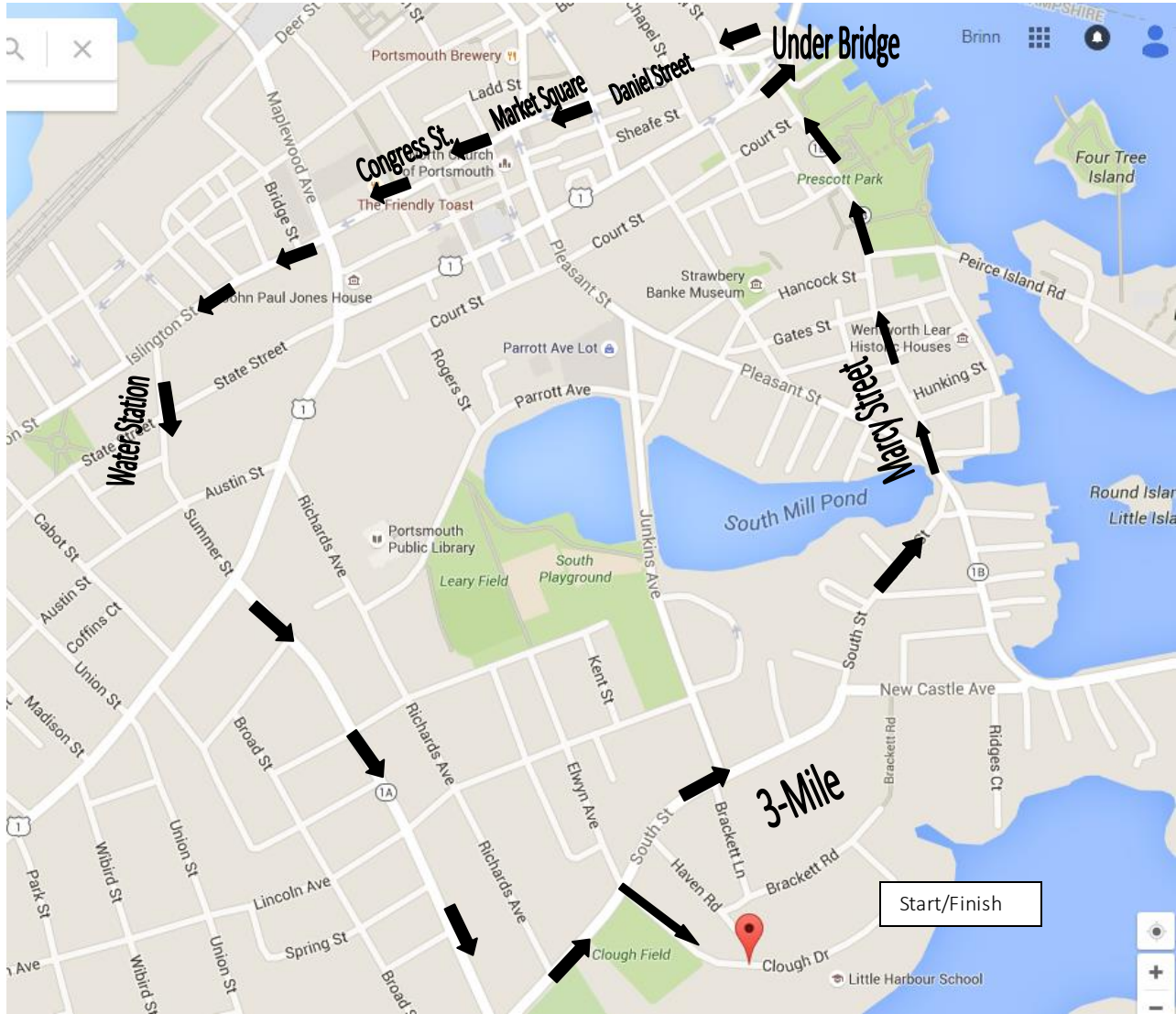
1/2 Mile and 1-Mile Routes

Seacoast Area Walk to End Alzheimer's
Sunday, September 25, 2016
Race start 10:00am



3-Mile Route

Seacoast Area Walk to End Alzheimer's
Sunday, September 25, 2016
Race start 10:00am



NH Art Association
248 Willard Ave
Portsmouth, NH 03801

Jan. 17. 2017

To: Honorable Mayor Blalock and City Councilors,

The NH Art Association requests permission to hold its annual Wet Paint-out Weekend on Friday - Sunday, July 21-23, 2017. The event takes place throughout greater Portsmouth. Artists register at NHAA, then paint outdoors at will, rain or shine, day or evening, in any area of Portsmouth that allows public access. Plein air artists are clearly identified as NHAA participants, interact with the public, and may not obstruct public walkways. Sunday afternoon, prizes are awarded and the public is invited to an exhibit at the Robert Lincoln Levy Gallery at 136 State St., Portsmouth. NHAA asks permission to hold this event.

Lennie Mullaney
603-828-4556

LAW OFFICES

**BOYNTON WALDRON DOLEAC
WOODMAN & SCOTT, P.A.**

CHARLES B. DOLEAC*†
RALPH R. WOODMAN, JR.
WILLIAM G. SCOTT
FRANCIS X. QUINN, JR.*
CHRISTOPHER E. GRANT*†‡
CHRISTINE WOODMAN CASA*
PHILIP L. PETTIS
HEATHER DUNION NEVILLE*
SUSAN AILEEN LOWRY
MICHAEL H. DARLING†

82 COURT STREET
PORTSMOUTH, NEW HAMPSHIRE 03801
TELEPHONE (603) 436-4010
FAX (603) 431-9973
www.boyntonwaldron.com

JEREMY R. WALDRON
(1921 - 2012)
WYMAN P. BOYNTON
(1908 - 1997)
CHARLES A. GRIFFIN
OF COUNSEL

*ALSO MEMBER OF MAINE BAR
†ALSO MEMBER OF MASSACHUSETTS BAR
‡ALSO MEMBER OF VERMONT BAR

January 3, 2017

Portsmouth City Council
City Hall
One Junkins Avenue
Portsmouth, NH 03801

Re: Involuntarily Merged Lots at 630 Middle Road and Sylvester Street

Dear Honorable Mayor and Members of the City Council:

This office represents The Owen Spinney Trust which owns seven (7) lots beginning at the intersection of Middle Road and Sylvester Street and running along Sylvester Street. The property has been owned by the Spinney family since 1946 as it was purchased by the parents of Owen Spinney. This land is shown on the City of Portsmouth Tax Map as Map 232, Lot 43. Seven lots, 198 through 204, are shown on a plan done in 1903 and a copy of that plan is included.

The buildings and structures, including the pool, are located on Lots 198, 199, 200, 201 and 202 and all structures end at a distance of 213 feet from Middle Street along Sylvester Street. Lots 198 through 202 extend 240 feet along Sylvester Street. There are two additional lots owned by the Spinney Trust, Lots 203 and 204, which have an 80-foot frontage and were merged with lots 200 through 202.

The Tax Map shows that all the land of the Spinneys was combined. On behalf of my clients we are requesting, pursuant to RSA 674:39-aa, to unmerge Lots 203 and 204. I am enclosing in addition to the Subdivision Plan, a copy of the deed into Owen Spinney recorded on June 9, 1998, and in 2016 this was deeded by Mr. Spinney into the Trust.

January 3, 2017
Portsmouth City Council
Page 2

Please let me know if you have any further questions, and I look forward to hearing from you with respect to this matter.

Sincerely,



William G. Scott

WGS:bam
Enclosures

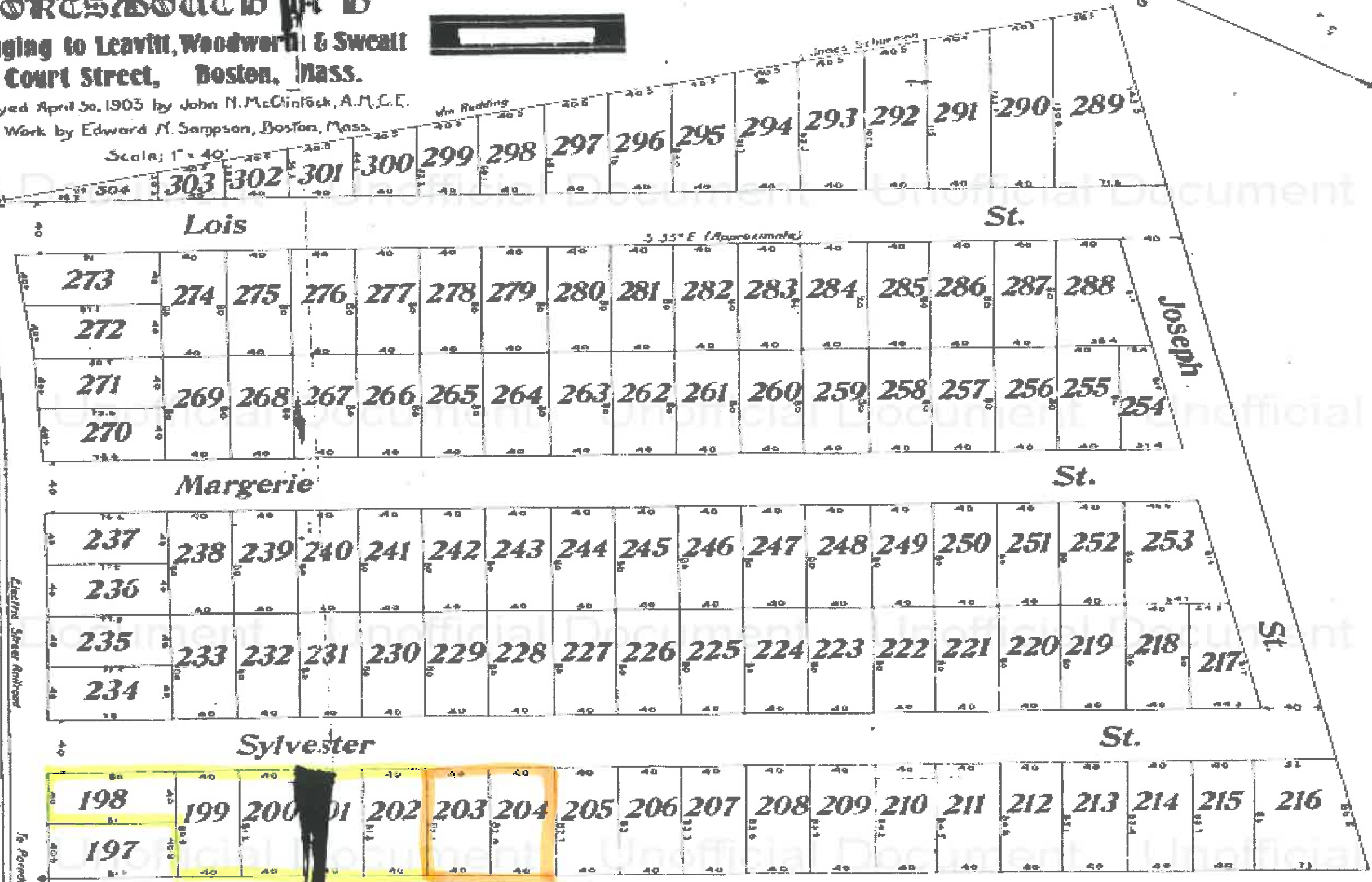
PROSPECT PARK PORTSMOUTH ANNEX NO. 3.

Belonging to Leavitt, Woodward & Sweatt
30 Court Street, Boston, Mass.

Surveyed April 30, 1903 by John N. McClintock, A.M.C.E.
Field Work by Edward M. Sampson, Boston, Mass.

Scale: 1" = 40'

To Portsmouth
Middle Road
To Foreman
To Foreman



Jun 9 11 49 AM '98

BK 3299PG 1200

WHEN RECORDED MAIL TO:)
WILLIAM A. HARTLEY, FSO.)
23 SANDS TERRACE)
LACONIA, NH 03246-2942)

0036911

ROCKINGHAM COUNTY
REGISTRY OF DEEDS

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS:

THAT I, JOHN E. SPINNEY, of 630 Middle Road, Portsmouth, Rockingham County, New Hampshire 03801,

for consideration paid of less than One Dollar,

GRANT to: JOHN E. SPINNEY, JANICE L. KARKOS and OWEN B. SPINNEY, Trustees, or their successors in trust, under the JOHN SPINNEY TRUST dated June 5, 1998, and any amendments thereto, (a revocable trust) of 630 Middle Road, Portsmouth, Rockingham County, New Hampshire, 03801,

with WARRANTY covenants,

Certain lots of land situate in Prospect Park, Annex #3, being numbered 198-199-200-201-202 in said Portsmouth in accord with Plan recorded in the Rockingham Registry of Deeds, Book 585, Page 500, together with the buildings thereon, more particularly described as follows:

Beginning at the corner of Middle Road and Sylvester Street, and running westerly by said Road forty feet to lot 197 on said plan; thence running southerly by said lot 197 eighty-one feet; thence running westerly by said lot 197 forty and nine-tenths feet to land of Chase Home for Children; thence running southerly by land of said Home one hundred sixty feet; thence running easterly eighty-two and one-tenth feet to said Sylvester Street; thence running northerly by said street two hundred forty feet to place of beginning. Together with two other lots situate in said Park and said Annex being numbered 203 and 204, in accord with said Plan more particularly described as follows: Northerly by land now or formerly of Thomas Fralick, Easterly by Sylvester Street, Southerly by land now or formerly of Elijah B. Woodworth and Westerly by land of Chase Home for Children.

BK 3299PG 1201

Being the same premises as conveyed to John E. Spinney and Arlene L. Spinney by deed of Mary J. Hood dated June 8, 1946 and recorded in Rockingham County Registry of Deeds in Book 1061, Page 83. The said Arlene L. Spinney having since been deceased. (Death Certificate recorded herewith)

The Grantor releases to said Grantees all rights and other interests.

Dated this 5th day of June, 1998.

John E. Spinney
JOHN E. SPINNEY

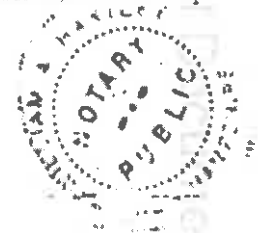
STATE OF NEW HAMPSHIRE)
COUNTY OF ROCKINGHAM)ss

On this 5th day of June, 1998, before me, the undersigned officer, personally appeared JOHN E. SPINNEY, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

William A. Hartley
Notary Public

WILLIAM A. HARTLEY, Notary Public
My Commission Expires September 29, 1996



STATE OF NEW HAMPSHIRE

DEPARTMENT OF REVENUE ADMINISTRATION

REAL ESTATE TRANSFER TAX

XX THOUSAND XX HUNDRED AND 40 DOLLARS

060998 296909 \$ 40.00

VOID IF ALTERED

CERTIFICATE OF TRUSTEE

The undersigned Trustees, as Trustees under the JOHN SPINNEY TRUST created under trust agreement dated June 5, 1998, and thereto has full and absolute power in said trust agreement to convey any interest in real estate and improvements thereon held in said trust and no purchaser or third party shall be bound to inquire whether the Trustee has said power or is properly exercising said power or to see to the application of any trust asset paid to the Trustee for a conveyance thereof.

John E. Spinney
JOHN E. SPINNEY, Trustee

Janice L. Karkos
JANICE L. KARKOS, Trustee

Owen B. Spinney
OWEN B. SPINNEY, Trustee

STATE OF NEW HAMPSHIRE)
COUNTY OF ROCKINGHAM)ss

On this 5th day of June, 1998, before me, the undersigned officer, personally appeared JOHN E. SPINNEY, JANICE L. KARKOS, and OWEN B. SPINNEY, Trustees under the JOHN SPINNEY TRUST, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

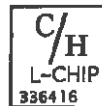
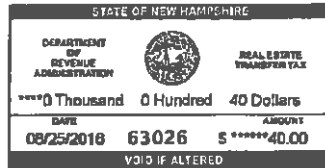
In witness whereof I hereunto set my hand and official seal.

William A. Hartley
Notary Public

WILLIAM A. HARTLEY, Notary Public
My Commission Expires September 29, 1998



RETURN TO
 Boynton, Waldron, Doleac,
 Woodman & Scott, P.A.
 82 Court Street
 Portsmouth, NH 03801



E 37408

ROCKINGHAM COUNTY
 REGISTRY OF DEEDS

2016 Aug 25 AM 08:05

QUITCLAIM DEED

KNOW ALL PERSONS BY THESE PRESENTS THAT, I OWEN B. SPINNEY, single, of 630 Middle Road, Portsmouth, County of Rockingham, State of New Hampshire

For minimal consideration paid grant to **OWEN B. SPINNEY, TRUSTEE OF THE OWEN SPINNEY REVOCABLE TRUST OF 2016 u/d/t August 22, 2016,** of 630 Middle Road, Portsmouth, County of Rockingham, State of New Hampshire, with **QUITCLAIM covenants**

Certain lots of land situate in Prospect Park, Annex #3, being numbered 198-199-200-201-202 in said Portsmouth, State of New Hampshire, in accord with Plan recorded in the Rockingham Registry of Deeds, Book 585, Page 500, together with the buildings thereon, more particularly described as follows:

Beginning at the corner of Middle Road and Sylvester Street, and running westerly by said Road forty feet to lot 197 on said plan; thence running southerly by said lot 197 eighty-one feet; thence running westerly by said lot 197 forty and nine-tenths feet to land of Chase Home for Children; thence running southerly by land of said Home one hundred sixty feet; thence running easterly eighty-two and one tenth feet to said Sylvester Street; thence running northerly by said street two hundred forty feet to place of beginning.

Together with two other lots situate in said Park and said Annex being numbered 203 and 204, in accord with said Plan more particularly described as follows: Northerly by land now or formerly of Thomas Fralick, Easterly by Sylvester Street, Southerly by land now or formerly of Elijah B. Woodworth and Westerly by land of Chase Home for Children.

Meaning and intending to describe and convey the same premises conveyed to Owen B. Spinney by deed of John E. Spinney dated May 31, 2000, recorded at Book 3477, Page 2726, Rockingham County Registry of Deeds.

The herein Grantor hereby releases all rights of homestead and any other interest therein.

This conveyance is made subject to all liens, easements, encumbrances and restrictions of record.

This Instrument was prepared without the benefit of a title examination.

Signed this 24th day of August, 2016.

Owen B. Spinney
OWEN B. SPINNEY

STATE OF NEW HAMPSHIRE
ROCKINGHAM COUNTY

Personally appeared this 24th day of August, 2016, **OWEN B. SPINNEY**, who acknowledged that he/she/they executed the foregoing instrument as his/her/their free act and deed for the purposes contained herein.

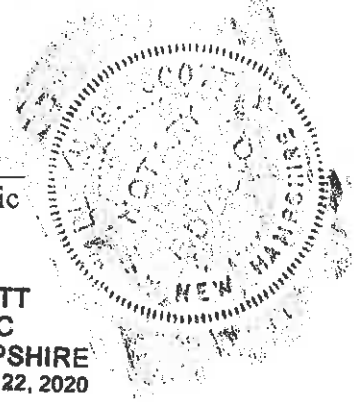
Before me,

William G. Scott

, Notary Public

My commission expires:

WILLIAM G. SCOTT
NOTARY PUBLIC
STATE OF NEW HAMPSHIRE
My commission expires July 22, 2020



E 37408

ROCKINGHAM COUNTY
REGISTRY OF DEEDS



Jan. 5, 2017

City of Portsmouth
1 Junkins Ave.
Portsmouth, NH 03801

Mayor Blalock and Councilors:

On behalf on PS21 (Portsmouth Smart Growth for the 21st Century), I am writing to ask that the monthly meetings of the Economic Development Commission be broadcast live and archived online,

Few committees are more influential on economic and smart growth issues affecting Portsmouth. The EDC has recommended actions, for example, on the Deer Street parking garage, redesign of Islington and Market streets, and affordable housing policy. Recently it has considered community broadband, downtown parking policy, and business retention strategies.

Issues like these are crucial to the City's future, and the public would benefit from being able to see and hear the EDC's deliberations.

Sincerely,

A handwritten signature in black ink that reads 'Doug Roberts'. The signature is stylized and cursive.

Doug Roberts

39 Richards Avenue
Portsmouth, NH 03801
January 16, 2017



Portsmouth City Council
City Hall
Portsmouth, NH

Re: Proposal for Housing at the Parrott Avenue Parking Lot

Honorable Mayor & Council:

I am writing in opposition to the proposal to erect housing at the Parrott Avenue parking lot. My reasons are twofold.

Firstly, the proposed site is in a floodplain, and may well be atop a filled-in tidal pond. Scientists advise us that filled land on tidal waterways will be the first to succumb to the adverse effects of sea level rise (SLR).

In regards to sea level rise, the city's approach has often been short-sighted. One need look no further than the new Middle School, to cite but one example. Were you to ask the JBC's civil engineer (as I did), he will readily acknowledge that the site design for the school assumed no rise in sea level, notwithstanding repeated warnings from the scientific community these past thirty years. Consequently, the design life of the public's \$43 million investment will be quite a bit less than the 75 years we were promised.

Attachment A herein helps to illustrate the problem. The concrete structure in the lower center of the photo is one of the city's new stormwater outfalls on the South Mill Pond. At high tide, the system barely functions. A few inches of sea level rise will cause it to fail completely. Recall that in 2011, Hurricane Irene was tracking right for Portsmouth before it veered westerly and dumped 11" of rainfall on Vermont. How would the South Mill Pond basin have fared had Irene not changed course?

A weak link in the city's coastal defenses is the tidal gate at Marcy Street, depicted in Attachment B. You may recall that in 2012 Hurricane Sandy was bearing down on Portsmouth, but then abruptly turned west and slammed into the Jersey shore. In the process, Sandy sent a storm surge across NY Harbor that inundated lower Manhattan. Try to visualize a Sandy-like event sending a storm surge up the Piscataqua during an incoming tide. It doesn't seem likely that the Marcy Street tide gate would be much of a match for an event of that magnitude. The South Mill Pond's water level would rise considerably.

Climate change will not only increase the frequency of extreme storms, but the rising sea will also make coastal communities such as Portsmouth more vulnerable to storms of lesser magnitude.

Prior to rendering a decision on whether to build on the Parrott Avenue lot, I would suggest that you evaluate SLR data. In particular, peruse the city's 2013 Coastal Resilience Initiative at <http://www.planportsmouth.com/cri/>, or the NH Coastal Viewer at nhcoastalviewer.unh.edu, or NOAA's SLR Viewer at <https://coast.noaa.gov/digitalcoast/tools/slr>. Bear in mind that this SLR data derives from conservative models, that is to say, it does not take into account the accelerating melt of Greenland's glaciers or of Antarctica.

Yet another sobering reference is the final report of NH's Coastal Risks & Hazards Commission, released on November 30, 2016, and available at www.nhcrhc.org.

A fix for the mill pond will be neither easy nor inexpensive. The construction of a dike or levee near the river would trap stormwater on the landward side. The South Mill Pond basin would then fill like a bathtub. Furthermore, scientists are discovering that a rising sea will wreak havoc with groundwater well inland from tidal waters. Until such time as you come up with viable solutions to these challenges, it would be irresponsible to engage in more building projects on the tidal floodplain.

My second reason for opposing the Parrott Avenue proposal derives from media reports that the Portsmouth Housing Authority (PHA) may be slated to build or manage the proposed housing complex. As an abutter to the PHA's Margeson Apartments for 32 years, I can attest that heroin trafficking at the Margeson has been out of control for the past two years. Until such time as the PHA puts its house in order, that agency would be a poor choice to serve as a partner in a workforce housing venture.

Thank you for your consideration.

Yours truly,

A handwritten signature in black ink, appearing to read "Tom Morgan". The signature is fluid and cursive, with a large initial "T" and "M".

Tom Morgan

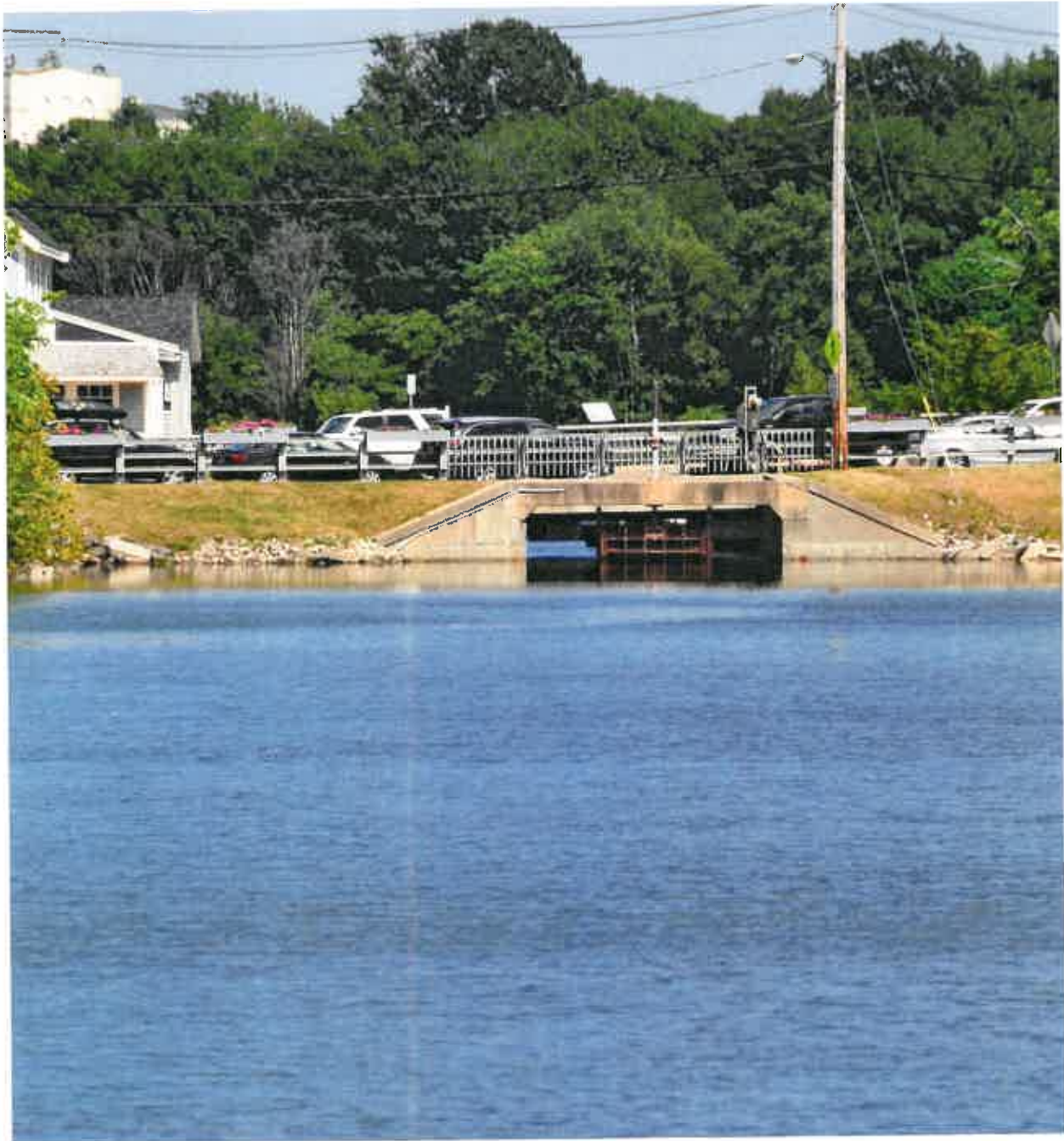
Attachment A

The concrete structure in the lower center of the photo below (mostly submerged, just in front of the tree) is one of the city's new stormwater outfalls on the South Mill Pond. At high tide, the system barely functions. A few inches of sea level rise will cause it to fail completely.



Attachment B

Marcy Street Tidal Gate



**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: January 19, 2017
To: Honorable Mayor Jack Blalock and City Council Members
From: Nancy Colbert Puff, Acting City Manager *NCP*
Re: Acting City Manager's Comments on January 23, 2017 City Council Agenda

Presentations:

1. **Update Re: Parrott Avenue Housing.** On Monday evening, City staff will give an update to the City Council regarding Parrott Avenue housing. See attached PowerPoint.
2. **Presentation Re: Coakley Landfill.** City Attorney Robert Sullivan, City Environmental Planner Peter Britz and Michael Deyling, Engineer will make a presentation to the City Council regarding the Coakley Landfill.

Acceptance of Grants and Donations:

1. **Acceptance of Wellness Reward.** On January 9, 2017, Kelly Harper, Benefits Administrator; Eric Benson of the Police Department, Brian Wade II of the Fire Department and James Murray of the Department of Public Works, attended a Wellness Coordinator training at HealthTrust in Concord, NH. As a reward for becoming Wellness Coordinators with HealthTrust, they each received \$500 for their departments to use towards wellness initiatives in 2017. The total amount received was \$2,000.

The goal of the HealthTrust Wellness Program, Slice of Life, is to reduce health risk factors and create healthier lifestyles for our employees. To realize this goal, the City, through its Wellness Programs, will provide health and safety initiatives, as well as education to its employees in an effort to improve the quality of their lives.

I recommend the City Council move to accept the Wellness Reward in the amount of \$2,000 from the HealthTrust Wellness Program. Action on this item should take place under Section VIII of the Agenda.

2. **Acceptance of Donation to the Coalition Legal Fund.** The City of Portsmouth has received the following donation to the Coalition Legal Fund, which will be utilized to continue our fight to eliminate the statewide property tax:

➤ Town of Moultonborough \$5,000.00

I would recommend the City Council move to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund. Action on this matter should take place under Section VIII of the Agenda.

Items Which Require Action Under Other Sections of the Agenda:

1. **First Reading of Proposed Ordinance Amendments.**

- 1.1 **First Reading of Proposed Ordinances to Amend Chapter 7, Article I, Sections 7.101 Parking Meters and 7.102 Parking Meter Zones, 7.105 Parking; Article III, Sections – Limited Parking One Hour, Section 7.325 – Limited Parking Thirty Minutes, Section 7.326 – Limited Parking Fifteen Minutes, Section 7.327 – Limited Parking Two Hours, Section 7.328 – Limited Parking Three Hours and Section 7.329 – Limited Parking Four Hours; Article IV, Section 7.406 Parking and Meter Spaces.** Per Council Vote, attached are five draft ordinances intended to implement the amendments to the Parking Ordinance regarding parking rates and hours of operation requested by the City Council at its January 9, 2017 meeting. In addition to these proposed ordinance changes, Parking and Transportation Division Staff is working with our parking consultant to develop alternative variable rate structures based on real-time parking utilization.

Currently parking utilization data is collected three times per year during the spring and fall seasons and once during peak summer use and extrapolated to reflect annual utilization. The alternative approach being reviewed will be based on data collected from on-street meters, pay and display meters as well as by the Garage pay kiosks. Staff will present the finding of this alternative rate approach upon completion which is anticipated late spring of 2017.

The proposed ordinance changes presented here are consistent with the City Council's Adopted 2012 Parking Guiding Principles to improve parking utilization and will raise necessary revenues to support operation of the City's Parking and Transportation Division. The extension of parking enforcement hours from 7 PM to 9 PM ensures parking space turn-over through peak demand for restaurants.

Also, some general housekeeping measures have been addressed in the amended ordinances.

We have labeled the ordinances A-E for organizational purposes. A synopsis of what each of the ordinances seeks to accomplish is as follows:

- A. Article I, Section 7.101 – PARKING METERS - DEFINITIONS
If adopted this ordinance would include mobile phone applications in the definition of “meter”.
- B. Article I, Section 7.102 PARKING METER ZONES
If adopted, this ordinance would increase the parking rate for all Downtown High Occupancy Zones to \$2.00 per hour, increase the parking rate for all other Occupancy Zones to \$1.50 per hour and create an EasyPark residency discount.
- C. Article I, Section 7.105 PARKING
If adopted, this ordinance would extend parking meter fees until 9:00 p.m.
- D. Article III, Section 7.324 – Limited Parking One Hour, Section 7.325 – Limited Parking Thirty Minutes, Section 7.326 – Limited Parking Fifteen Minutes, Section 7.327 – Limited Parking Two Hours, Section 7.328 – Limited Parking Three Hours and Section 7.329 – Limited Parking Four Hours.
If adopted, this ordinance would extend parking meter fees until 9:00 p.m.
- E. Article IV, Section 7.406 PARKING IN METER SPACES
If adopted, this section would be deleted in its entirety as duplicative.

I recommend the City Council move the following motions:

- A. *Move to pass first reading and schedule a public hearing and second reading of the proposed Ordinance amendment to Chapter 7, Article I, Section 7.101- PARKING METERS - DEFINITIONS at the February 6, 2017 City Council meeting.*
- B. *Move to pass first reading and schedule a public hearing and second reading of the proposed Ordinance amendment to Chapter 7, Article I, Section 7.102 PARKING METER ZONES at the February 6, 2017 City Council meeting.*
- C. *Move to pass first reading and schedule a public hearing and second reading of the proposed Ordinance amendment to Chapter 7, Article I Section 7.105 PARKING at the February 6, 2017 City Council meeting.*
- D. *Move to pass first reading and schedule a public hearing and second reading of the proposed Ordinance amendment to Chapter 7, Article III, Section 7.324 – Limited Parking One Hour, Section 7.325 – Limited Parking Thirty Minutes, Section 7.326 – Limited Parking Fifteen Minutes, Section 7.327 – Limited Parking Two Hours, Section 7.328 – Limited Parking Three Hours and Section*

7.329 – Limited Parking Four Hours at the February 6, 2017 City Council meeting.

E. Move to pass first reading and schedule a public hearing and second reading of the proposed Ordinance amendment to Chapter 7, Article IV, Section 7.406 PARKING IN METER SPACES at the February 6, 2017 City Council meeting.

Action on this item should take place under Section IX of the Agenda.

2. **Public Hearing/Adoption of Proposed Resolutions.**

2.1 **Public Hearing/Adoption of Proposed Resolution Authorizing a Supplemental Appropriation from Unassigned Fund Balance for Necessary Expenditures Related to Contractual Obligations in an amount of Sixty Four Thousand Eight Hundred (\$64,800.00) Dollars.** As you are aware, the Board of Police Commissioners and Portsmouth Police Civilian Employees Association has reached a Tentative Agreement for a proposed contract to expire on June 30, 2018. In addition, the City of Portsmouth has reached a Tentative Agreement with the Portsmouth City Employees Local #1386 of the American Federation of State, County and Municipal Employees (AFSCME) Local #1386 for a contract to expire June 30, 2019.

In order to fund the aforementioned contracts, it will be necessary to hold a public hearing in order to approve a supplemental appropriation. Attached under Section VII of the Agenda is a proposed Resolution authorizing a Supplemental Appropriation from Unassigned Fund Balance for Necessary Expenditures Related to Contractual Obligations in an amount of Sixty Four Thousand Eight Hundred (\$64,800.00) Dollars.

Subsequent to this vote by City Council, under Acting City Manager's Action Items, I am requesting action by Council on both proposed contracts.

I recommend the City Council move to adopt the Resolution authorizing a Supplemental Appropriation in the amount of Sixty Four Thousand Eight Hundred (\$64,800.00) Dollars from Unassigned Fund Balance for Necessary Expenditures Related to Contractual Obligations, as presented. Action on this item should take place under Section IX of the Agenda.

2.2 **Public Hearing/Adoption of Proposed Resolutions Pursuant to RSA 72:39-b Amendment of Elderly Exemption and RSA 72:37-b Amendment of Disabled Exemption.** As you will recall at the December 19, 2016 City Council meeting, the Council voted to authorize the City Manager to bring back for public hearing and adoption, under Section VII of the Agenda, the attached proposed Resolutions Pursuant to RSA 72:39-b amendment of Elderly Exemption and RSA 72:37-b amendment of Disabled Exemption.

Annually, the City of Portsmouth reviews income and asset levels for both the Elderly and Disabled Exemptions pursuant to RSA 72:39-b and RSA 72:37-b and makes recommendations as to these levels.

Last year, the City Council adopted Resolutions #1-2016 and #2-2016 which increased the income and asset levels for both the elderly and disabled exemptions and decreased the exemption amount for the elderly exemption. The current elderly and disabled exemption income levels are \$40,000 for a single taxpayer, \$55,000 for married taxpayers, and an asset limit of \$175,000.

If qualified, for elderly taxpayers, the exemption off the assessed value of the property is as follows:

- Age 65 to 74 \$120,000
- Age 75-79 \$160,000
- Age 80 + \$200,000

If qualified, for disabled taxpayers the exemption off the assessed value of the property is \$100,000.

This year the November to November CPI of the Boston-Brockton-Nashua November consumer price index (CPI) is 1.26%.

If the City Council wishes to adjust the income level for both the elderly and disabled taxpayers by the November to November CPI this would increase the limits as follows:

- Single \$ 40,504 increase of \$504
- Married \$ 55,693 increase of \$693

Any adjustment if approved would be for assessments as of April 1, 2017 for the 2017 tax year or FY18.

The Assessor's office mails a notification annually to all elderly and disabled persons who currently receive this exemption to update their applications. All new applicants must submit an application and required documentation by April 15th of each year.

I have attached for your information the tax impact of the elderly and disabled exemptions for FY18 and a Town/City comparison indicating what other City and neighboring communities' income and assets limits are for the elderly exemption.

I recommend the City Council move the following two separate motions:

A) Move to adopt the Resolution for Elderly Exemptions, as submitted.

B) Move to adopt the Resolution for Disabled Exemptions, as submitted.

Resolutions require a majority vote of the City Council.

Action on this item should take place under Section IX of the Agenda.

- 2.3 **Public Hearing of Proposed Resolution Pursuant to RSA 72:28-b, The City Adopts The All Veterans' Tax Credit from Property Tax for Qualified Taxpayers. A Person Shall Qualify for the All Veterans' Tax Credit if the Person is a Resident of this State who served not less than 90 Days on Active Service in the Armed Forces of the United States and was honorably discharged or an officer honorably separated from service; or the spouse or surviving spouse of such resident, provided that title 10 training for active duty by a member of a National Guard or Reserve shall be included as service under this paragraph; provided however that the person is not eligible for and is not receiving a credit under RSA 72:28 or RSA 72:35.** Councilor Josh Denton requested that the City Council conduct a public hearing regarding the adoptions of the All Veterans' Tax Credit in accordance with RSA 72:28-b. This law HB430 relative to the "All Veterans' Tax Credit" was approved and signed by the Governor. This Bill expanded RSA 72:28 and added RSA 72:28-b enabling municipalities to change the eligibility requirements for persons receiving the veterans' property tax credit to include all veterans who have been honorably discharged or officers honorably separated from service. If adopted, this statute removes all gaps in the eligibility periods described in RSA 72:28.

Last year, the City had 789 individuals receiving a veterans' tax credit of \$500.00 each at a tax loss of \$394,500 under RSA 72:28. In addition, there were 43 qualified service related disabled veterans who received a tax credit of \$2,000 each or tax loss of \$86,000 under RSA 72:35. The total tax loss for Fiscal 2016 is \$480,500.

The Assessor estimates that if the City Council were to adopt this new law there could be in excess of an additional 900 veterans eligible. At \$500.00 each, this would be an estimated additional tax loss of \$455,500 and a 10¢ increase on the tax rate. Therefore, a total tax loss for existing and newly qualified veterans could reach approximately \$936,000 or approximately 20¢ on the tax rate.

The City could adopt a new tax credit of \$250.00 per qualified veteran which would make this change approximately revenue neutral. Going forward, we could adjust the credit amount once we know how many additional veterans would qualify.

The City Council could consider the following options:

Provide tax credit of:

<u>Tax Credit</u>	<u>Tax Loss</u>	<u>Estimated Tax Rate Impact</u>
\$250.00	\$425,000	9¢
\$300.00	\$510,000	10.7¢
\$400.00	\$680,000	14.3¢
\$500.00	\$850,000	18¢

If the City Council does not vote to adopt the All Veterans' Credit (RSA 72:28-b) in the same amount as the existing Optional Veterans' Tax Credit (RSA:72:28), the Council must modify the Optional Veterans Credit (RSA 72:28) so that both credits are at the same amount. The minimum tax credit by state law is \$50.

Proposed Legislation

To address concerns on the All Veteran's Tax Credit which was adopted last year, LSR 837 relative to the implementation of the All Veterans' Tax Credit allows/enables a community to adopt an All Veterans' Credit (RSA 72:28-b), at a different amount than the Optional Veterans' Credit (RSA 72:28) that already exists in their community.

As the law is written today, if a community does adopt the All Veterans' Credit it is required that it be at the same level as the existing veterans' credit amount in place in that community.

The rational basis for this request is that communities may be/are cautious to adopt the All Veterans' Credit as they:

A. Do not know how many more veterans' credits will be issued and what the resulting tax rate impact will be; and

B. Most of the communities concerned are at the \$500 mark for the existing credit, so the veterans' credit allocation to the tax rate could have some real and relatively immediate FY 2018 tax rate impact.

City Assessor Rosann Maurice-Lentz will give a presentation prior to the public hearing.

The City Council may move one of the following motions:

1. *Take no action at this time pending resolution of the above referenced legislative effort;*
2. *Adopt the All Veterans' Tax Credit in another amount less than \$500.00 stipulating that the Resolution shall take effect upon modification of the Optional Veterans' Tax Credit to the same amount less than \$500.00; or*
3. *Adopt the All Veterans' Tax Credit in the amount of \$500.00*

Action on this matter should take place under Section IX of the Agenda.

3. **Third and Final Reading of Proposed Ordinance Amendments.**

- 3.1 **Third and Final Reading of Proposed Ordinance amending Chapter 7, Article II – Taxis, Section 7.201 – 7.217.** As a result of the January 9th City Council meeting, under Section IX of the Agenda, I am bringing back for third and final reading the attached proposed Taxi Ordinance incorporating all changes from that meeting.

The City Clerk identified one additional amendment that should be made to the proposed ordinance to have it conform to the amendments already made by the City Council relative to deleting the reference to vehicle inspections through a manufacturer dealership. Section 7.214(A) currently reads as follows:

If the Taxi Coordinator reasonably believes that a Taxi may no longer be safe during the term of the Medallion period, the Taxi Coordinator may order the Owner to have the Taxi re-inspected, at Owner's cost, **at a manufacturer's dealership as required under section 7.207(B)(3).**

(Language inconsistent with recent amendments highlighted)

The Legal Department suggests placing a period after the word "cost" and deleting the remainder of the sentence.

In order to accomplish this amendment the following motions are proposed:

1. *Move to suspend the rules to allow an amendment at third reading;*
2. *Move to amend Section 7.214(A) by placing a period after the word "cost" and striking the remainder of the sentence; and*
3. *Move to pass third and final reading.*

Action on this matter should take place under Section IX of the Agenda

City Manager's Items Which Require Action:

1. **Request for Approval of a Proposed Agreement between the Board of Police Commissioners and Portsmouth Police Civilian Employees Association.** Pending approval of the Supplemental Appropriation, I am requesting the City Council approve the contract between the Board of Police Commissioners and the Portsmouth Police Civilian Employees Association to expire on June 30, 2018.

For your information and to facilitate discussion regarding this matter, attached please find the following documents:

- A letter from Tom Closson, City Negotiator outlining the major changes to the Portsmouth Police Civilian Employees Association contract.
- The PPCEA Contract showing the insertions and deletions to implement the Tentative Agreement if approved.
- Cost Analysis of the Agreement.

Also, this proposed Agreement is posted on the City's Website at:

<http://www.cityofportsmouth.com/hr/contracts/Police/PolCiv08-14draft.pdf>

I recommend the City Council move to approve the contract between the Board of Police Commissioners and the Portsmouth Police Civilian Employees Association to expire on June 30, 2018.

2. **Request for Approval of a Proposed Agreement between the City of Portsmouth and Portsmouth City Employees Local #1386 of the American Federation of State, County and Municipal Employees (AFSCME).** Pending the approval of the Supplemental Appropriation, under Section IX of the Agenda, I am requesting the City Council approve the contract between the City of Portsmouth and the Portsmouth City Employees Local #1386 of the American Federation of State, County and Municipal Employees (AFSCME) Local #1386 to expire June 30, 2019.

For your information and to facilitate discussion regarding this matter, attached please find the following documents:

- A letter from Thomas Closson, City Negotiator outlining the principal elements of the Tentative Agreement.
- The AFSCME Local #1386 Contract showing the insertions and deletions to implement the Tentative Agreement, if approved.
- Cost Analysis of the Agreement.

Also, this proposed Agreement is posted on the City's Website at:

<http://www.cityofportsmouth.com/hr/contracts/Municipal/Redlined%20Portsmouth%20DPW-A%20Tentative%20Agreement.pdf>

I recommend the City Council move to approve the contract between the City of Portsmouth and Portsmouth City Employees Local #1386 of the American Federation of State, County and Municipal Employees (AFSCME) to expire on June 30, 2019.

3. **Request to Renew Seacoast Growers' Association (Farmers' Market) Proposed 2017 License Agreement.** The Seacoast Growers' Association has requested renewal of their License Agreement (see attached e-mail). Attached is a draft of the proposed 2017 License Agreement with the Seacoast Growers' Association to allow a Farmers' Market at the municipal complex. Also, attached are copies of the Seacoast Growers' Bylaws and the parking map.

The Seacoast Growers' Association has been conducting their Farmers' Market at the municipal complex for over ten years. If this draft agreement meets with the approval of City Council, I would ask that you authorize the Acting City Manager to enter into the proposed Agreement between the Seacoast Growers' Association and the City of Portsmouth for a License Agreement to conduct their Farmers' Market for 2017.

I recommend the City Council move to authorize the Acting City Manager to enter into a License Agreement with the Seacoast Growers' Association for 2017, as presented.

4. **Report Back Re: Public Parking on Private Lots.** The City has become aware of a new business venture in which private companies are arranging to make parking spaces on private properties (owned by others) available for public parking. We have a concern that such parking arrangements may be confused by the public with City parking lots. Among other problems which this would create may be the appearance in the eyes of the public that any management problems or fee issues on the private lots were actually caused by the City. In order to avoid that problem and for other public policy purposes, we feel it is necessary and appropriate for the City to adopt an ordinance which will regulate the conduct of these new businesses. Among other things, the ordinance would require clear signage to delineate between parking areas controlled by the City and parking areas which are private operations. Authority is requested to draft such an ordinance and bring it in for first reading on the next available City Council agenda.

I recommend the City Council move to authorize the Acting City Manager to draft a proposed Ordinance, and further, to bring back for first reading the proposed Ordinance at the February 6, 2017 City Council meeting.

5. **Request to Establish Two Public Hearings Re: Proposed Bonding Resolutions for the Acquisition of One Fire Apparatus; Improvements to Fire Station 3.** Attached is a letter from Fire Chief Steve Achilles and two corresponding CIP element sheets, requesting the City Council establish public hearings for February 6, 2017 regarding the authorization for the following Bonding Resolutions:

- A) One Fire Apparatus in the amount of Four Hundred Thousand (\$400,000) Dollars. This item has been identified in the FY 17-22 Capital Improvement Plan. The Fire Chief would like to receive authorization to start the process to acquire a new commercial chassis rescue /support vehicle. Complete set-up of the vehicle would be included in the funding to include radio, letting, striping and equipment.
- B) Improvements to Fire Station 3 in the amount of Six Hundred Ten Thousand (\$610,000) Dollars. This item has been identified in the FY 17-22 Capital Improvement Plan. The Fire Chief met with Public Works staff regarding a design-build approach to the renovations. The project will improve the facility, work environment, and regulatory deficiencies.

I recommend the City Council move the following separate motions:

- 1) *Move to authorize the Acting City Manager to bring back for a public hearing and adoption the proposed Bonding Resolution for One Fire Apparatus in the amount of Four Hundred Thousand (\$400,000) Dollars at the February 6, 2017 City Council meeting, as presented.*
 - 2) *Move to authorize the Acting City Manager to bring back for a public hearing and adoption the proposed Bonding Resolution for Improvements to Fire Station 3 in the amount of Six Hundred Ten Thousand (\$610,000) Dollars at the February 6, 2017 City Council meeting.*
6. **Report Back Re: Schiller Station Resolution.** As you will recall at the January 9, 2017 City Council meeting, several concerned citizens brought to the City Council's attention a resolution relative to Schiller Station (*see attached*). The City Council was asked by the citizens to adopt the resolution. The City Council voted to refer this matter to the Acting City Manager for report back to the City Council. Staff recommends a different course of action after the bidding process is complete rather than adoption of the proposed resolution.

The auction of Schiller Station is part of a highly regulated public auction process involving energy generating assets across the State of New Hampshire. This process is being overseen by the Public Utilities Commission (PUC) which has the principal goal in this proceeding of protecting the economic interests of Eversource's (PSNH's) electricity customers by maximizing the return on the investments. The Office of the Consumer Advocate, the Conservation Law Foundation and other parties have participated for years in the regulatory proceedings leading up to and including this current auction effort. The City has never been a party to this specialized, regulatory docket and becoming a party or

otherwise weighing in at this late date could have unintended negative or harmful consequences for the bidding process and future sale.

The most recent PUC order on the complex, multi-phased bidding process can be found here:

https://www.puc.nh.gov/Regulatory/Docketbk/2016/16-817/ORDERS/16-817_2016-11-10_ORDER_25967.PDF

Within this Order, the PUC grants authority for the removal of Schiller Station's mercury boilers to facilitate the sale of the property. The selection criteria for Round 1 of the bidding is described in that Order as follows: "Criteria include: bid price relative to other bidders, assets included in the bid, ability to finance, commitment to the transaction, reputation in the market, and ability to support Round 2 due diligence." Such criteria reflect the intention to obtain qualified buyers for the property to protect the interests of ratepayers.

Although the City staff does not recommend adopting the resolution, staff points out that any new use/redevelopment of the Schiller Station property will require local land use approvals. In addition, once the auction is complete, staff can reach out to the successful bidder and share its concerns and preferences relative to the reuse.

I recommend the City Council move to instruct the City Manager to reach out to the successful bidder regarding reuse of the Schiller Station and environmental concerns expressed in the citizens' submitted resolution.

Informational Items:

1. **Events Listing.** For your information, attached is a copy of the Events Listing updated after the last City Council meeting on January 9, 2017. In addition, this can be found on the City's website.
2. **Report Back Re: Text Services for Snow Ban Notification.** As requested at the January 9, 2017 City Council meeting, attached is a memorandum from Public Works Director Peter Rice regarding text services for snow ban notification.



Attorneys at Law

Jackson Lewis P.C.
100 International Drive
Suite 363
Portsmouth, NH 03801
Tel 603 559-2700
Fax 603 559-2701
www.JacksonLewis.com

Table listing office locations across various states including Albany, NY; Albuquerque, NM; Atlanta, GA; Austin, TX; Baltimore, MD; Birmingham, AL; Boston, MA; Chicago, IL; Cincinnati, OH; Cleveland, OH; Dallas, TX; Dayton, OH; Denver, CO; Detroit, MI; Grand Rapids, MI; Greenville, SC; Hartford, CT; Honolulu, HI; Houston, TX; Indianapolis, IN; Jacksonville, FL; Las Vegas, NV; Long Island, NY; Los Angeles, CA; Memphis, TN; Miami, FL; Milwaukee, WI; Minneapolis, MN; Morristown, NJ; New Orleans, LA; New York, NY; Norfolk, VA; Omaha, NE; Orange County, CA; Orlando, FL; Overland Park, KS; Philadelphia, PA; Phoenix, AZ; Pittsburgh, PA; Portland, OR; Portsmouth, NH; Providence, RI; Raleigh-Durham, NC; Rapid City, SD; Richmond, VA; Sacramento, CA; Saint Louis, MO; Salt Lake City, UT; San Diego, CA; San Francisco, CA; Seattle, WA; Stamford, CT; Tampa, FL; Washington DC Region; White Plains, NY.

THOMAS M. CLOSSON
DIRECT DIAL: 603.559.2729
THOMAS.CLOSSON@JACKSONLEWIS.COM

CONFIDENTIAL
ATTORNEY-CLIENT COMMUNICATION

TO: Mayor Blalock, Manager Bohenko and Members of the Portsmouth City Council
CC: Portsmouth Police Commission and Chief Mara
FROM: Thomas M. Closson
DATE: December 13, 2016
RE: Tentative Agreement – Portsmouth Police Civilian Employees Association

I am pleased to report that the Portsmouth Police Commission has reached a tentative labor agreement with the Portsmouth Police Civilian Employees Association (“the Union”). The provisions of this tentative agreement are as follows:

- Duration - July 1, 2014 through June 30, 2018. Only changes specifically identified as having retroactive effect will be given retroactive effect.
- COLAs - Three COLAs based on the rolling 10-year average CPI-U of between 2% and 5%. COLA’s effective on City Council approval, July 1, 2016, and July 1, 2017.
- Article 11 (overtime):
Modify section D as follows: “Hours taken as Sick Leave and hours taken as Personal Leave will not be counted as hours worked for purposes of calculating overtime.”
- Article 16 (personal days):
Allow Personal Days to be taken in hourly increments.
- Article 27 (health insurance):
Modify Section A to provide that: “The parties’ current health insurance arrangement will remain in place until July 1, 2016. For health insurance coverage effective July 1, 2016 or as soon as practicable thereafter for the City, in addition to the BlueCoice20 10/20/45 plan, employees will be offered the MTB20 (AB20) 10/20/45 plan with the City paying 90% of the premium cost and the employee paying 10% of the premium cost. If

an employee chooses to remain on the existing BlueChoice20 10/20/45 plan, the City's contribution toward the cost of health insurance will be capped at 90% of the premium cost of the MTB20 (AB20) 10/20/45 plan. If the cost paid by the City exceeds any of the threshold levels for the assessment of the Cadillac Tax, the City may elect to reopen the agreement for the sole purpose of negotiating a new health insurance plan that does not exceed any of the threshold levels for assessment of the Cadillac Tax. If the parties are not able to agree on a plan that does not exceed any of the threshold levels for assessment of the Cadillac tax, the parties will each select a plan that does not exceed any of the threshold levels for the assessment of the Cadillac Tax and submit them to a mutually agreeable arbitrator who will select between the two plans offered by the parties."

- Article 27 (health and dental insurance):
Modify Section C to provide that: "The City will pay a stipend of \$500.00 per quarter to any employee who is eligible for health insurance coverage under this Agreement and who instead obtains employer-sponsored health insurance coverage from a source other than the City, provided such alternative health insurance coverage does not subject the City to any additional assessment or penalty under the Affordable Care Act. Payment of this stipend will be conditioned upon the employee's submission of written proof of alternative employer-sponsored health insurance coverage. An employee whose spouse is employed by the City and receives health insurance coverage from the City under the spouse's plan will not be eligible for this buyout."
- Shift differential:
Modify language to provide that: "Effective on the date of City Council approval, dispatchers will receive a shift differential of \$1.00 per hour for hours actually worked during the evening shift and \$2.00 per hour for hours actually worked during the midnight shift, and thereafter increase shift differential by COLA."
- Article 38 (Grievance Procedure):
Add the following language to Section B, Step 1: "...within (5) business days of either the occurrence of the event, which gives rise to the grievance, or the Union's discovery of the event, which gives rise to the grievance, whichever is later."
- Article 44 (Performance Appraisal System):
The parties will adopt performance evaluation procedures.

I am recommending this tentative agreement. Although it includes a modest amount of retroactive compensation, the COLA methodology remains consistent with the City's goals. It also meets the City's goals regarding health insurance. Additionally, it includes the implementation of a performance evaluation system (which is necessary for the Police Department's ongoing accreditation efforts) and it makes a modest improvement to the City's position on overtime.

PORTSMOUTH POLICE CIVILIANS- 12/2016 v2 - INCLUDES A PROJECTION OUTSIDE CONTRACT TIME FRAME FOR FY19

Retirement Rate	10.77%	10.77%	11.17%	11.17%	11.38%	11.38%
COLA			2% 7/1 & 2%-12/19		2.00%	2.00%

CURRENT CONTRACT-PPCEA GROSS BUDGET

Wages	FY14 Base Year	FY15	FY16	FY17*	Projected-FY18*	Projected-FY19	Projected 5-Yr Total
Salary (FT/PT)	871,340	831,048	828,416	883,880	887,568	900,836	4,331,747
Longevity	5,500	6,275	6,556	7,428	8,194	9,100	37,553
Shift Differential	13,140	13,140	13,140	13,140	13,140	13,140	65,700
Health Stipend	888	888	888	888	888	888	4,442
Training Stipend	875	1,125	1,125	1,125	1,125	1,125	5,625
Social Security	55,742	53,307	53,161	56,695	56,971	57,850	277,985
Retirement	88,933	84,107	87,506	96,100	98,393	99,997	466,103
Medicare	12,930	12,361	12,327	13,144	13,208	13,414	64,453
Clothing	7,314	7,314	7,314	7,979	7,979	7,979	38,567
	1,056,663	1,009,566	1,010,434	1,080,379	1,087,467	1,104,329	5,292,175

Contract End NOT PART OF TA

Year-to-Year **CURRENT** Gross Budget Change
% Change

(47,097)	869	69,945	7,087	16,863	47,666	Total Yr-to-Yr Increase *
-4.46%	0.09%	6.92%	0.66%	1.55%	4.51%	Change FY15 to FY19
					1.13%	Avg % Change

*Includes 11th Disp & Adm FT hrs partial Jan-Jun
*Adm FT hrs full yr

PROPOSED TENTATIVE AGREEMENT-PPCEA GROSS BUDGET

Wages	FY14 Base Year	FY15	FY16	FY17*	Projected-FY18*	Projected-FY19	Projected 5-Yr Total
Salary (FT/PT)	871,340	831,048	828,416	900,797	949,854	973,353	4,483,468
Longevity	5,500	6,275	6,556	7,428	8,194	9,100	37,553
Shift Differential	13,140	13,140	13,140	19,980	26,683	27,217	100,160
Health Stipend	888	888	888	3,222	4,000	4,000	12,999
Training Stipend	875	1,125	1,125	1,125	1,125	1,125	5,625
Social Security	55,742	53,307	53,161	58,323	61,876	63,422	290,089
Retirement	88,933	84,107	87,506	98,808	107,059	109,778	487,258
Medicare	12,930	12,361	12,327	13,522	14,353	14,715	67,277
Clothing	7,314	7,314	7,314	8,139	8,302	8,302	39,371
	1,056,663	1,009,566	1,010,434	1,111,343	1,181,445	1,211,011	5,523,800

Year-to-Year **PROPOSED** Gross Budget Change

(47,097)	869	100,909	70,102	29,566	154,348	Total Yr-to-Yr Increase *
-4.46%	0.09%	9.99%	6.31%	2.50%	14.61%	Change FY15 to FY18
					3.65%	Avg % Change per yr

*Includes 11th Disp & Adm FT hrs partial Jan-Jun
*Adm FT hrs full yr

BREAKDOWN OF TENTATIVE AGREEMENT COSTS OVER "CURRENT" GROSS BUDGET

YEAR-TO-YEAR Change Over Prior Year Base

Wages	FY14 Base Year	FY15	FY16	FY17	Projected-FY18	Projected-FY19	Projected 5-Yr Total
Salary (FT/PT)	-	-	-	16,917	45,369	10,231	72,517
Longevity	-	-	-	-	-	-	-
Shift Differential	-	-	-	6,840	6,703	534	14,077
Health Stipend	-	-	-	2,334	778	-	3,112
Training Stipend	-	-	-	-	-	-	-
Social Security	-	-	-	1,628	3,277	667	5,572
Retirement	-	-	-	2,708	5,958	1,115	9,781
Medicare	-	-	-	378	767	156	1,301
Clothing	-	-	-	160	163	-	322

TOTAL COST OF TENTATIVE AGREEMENT

-	-	-	30,964	63,014	12,703	106,681	Total Yr-to-Yr Increase
			3.06%	5.83%	1.17%	10.10%	Change FY15 to FY18
						2.52%	Avg % Change

CUMMULATIVE TENTATIVE AGREEMENT COST

Difference Between "CURRENT" Gross Budget and "PROPOSED" Gross Budget

Wages	FY14 Base Year	FY15	FY16	FY17	Projected-FY18	Projected-FY19	Projected 5-Yr Total
Salary (FT/PT)	-	-	-	16,917	62,286	72,517	151,721
Longevity	-	-	-	-	-	-	-
Shift Differential	-	-	-	6,840	13,543	14,077	34,460
Health Stipend	-	-	-	2,334	3,112	3,112	8,557
Training Stipend	-	-	-	-	-	-	-
Social Security	-	-	-	1,628	4,904	5,572	12,103
Retirement	-	-	-	2,708	8,666	9,781	21,155
Medicare	-	-	-	378	1,145	1,301	2,824
Clothing	-	-	-	160	322	322	804

TOTAL COST OF TENTATIVE AGREEMENT

-	-	-	30,964	93,978	106,681	231,624	Net Cost FY15-FY18
						21.92%	Total Cumulative FY15-FY18
						5.48%	Avg % Change per yr

City Manager Item #1

Request for Approval of a Proposed Agreement between the Board of Police Commissioners and Portsmouth Police Civilian Employees Association

Please click link below for Contract contents:

<http://www.cityofportsmouth.com/hr/contracts/Police/PolCiv08-14draft.pdf>



Attorneys at Law

Jackson Lewis P.C.
100 International Drive
Suite 363
Portsmouth, NH 03801
Tel 603 559-2700
Fax 603 559-2701
www.jacksonlewis.com

Table listing office locations across various states including Albany, NY; Albuquerque, NM; Atlanta, GA; Austin, TX; Baltimore, MD; Birmingham, AL; Boston, MA; Chicago, IL; Cincinnati, OH; Cleveland, OH; Dallas, TX; Dayton, OH; Denver, CO; Detroit, MI; Grand Rapids, MI; Greenville, SC; Hartford, CT; Honolulu, HI; Houston, TX; Indianapolis, IN; Jacksonville, FL; Las Vegas, NV; Long Island, NY; Los Angeles, CA; Memphis, TN; Miami, FL; Milwaukee, WI; Minneapolis, MN; Morristown, NJ; New Orleans, LA; New York, NY; Norfolk, VA; Omaha, NE; Orange County, CA; Orlando, FL; Overland Park, KS; Philadelphia, PA; Phoenix, AZ; Pittsburgh, PA; Portland, OR; Portsmouth, NH; Providence, RI; Raleigh-Durham, NC; Rapid City, SD; Richmond, VA; Sacramento, CA; Saint Louis, MO; Salt Lake City, UT; San Diego, CA; San Francisco, CA; Seattle, WA; Stamford, CT; Tampa, FL; Washington DC Region; White Plains, NY.

THOMAS M. CLOSSON
DIRECT DIAL: 603.559.2729
THOMAS.CLOSSON@JACKSONLEWIS.COM

CONFIDENTIAL
ATTORNEY-CLIENT COMMUNICATION
EXEMPT FROM PUBLIC DISCLOSURE UNDER
NH RSA 91-A:2(I)(b) AND NH RSA 91-A:2(I)(c)

To: Members of the Portsmouth City Council and City Manager John Bohenko
From: Tom Closson
Re: Tentative Agreement with the Portsmouth City Employees - AFSCME Local 1386(A)
Date: January 3, 2017

I am pleased to report that the City’s negotiating team has reached a tentative agreement on a new collective bargaining agreement with the Portsmouth City Employees – AFSCME Local 1386(A) (“the Union”). The following is a summary of the cost items and other material provisions included in this tentative agreement.¹

- Duration – July 1, 2014 through June 30, 2019.
- No retroactivity.
- Increase probationary period to 12 months.
- COLA – 2.5% upon City Council approval; additional COLAs calculated based on rolling average CPI-U on July 1, 2017 and July 1, 2018.

¹ Note, not all language changes are included in this summary. For example, due to the separation of the prior AFSCME Local 1386, into 2 bargaining units, a number of minor language changes were required. The enclosed “red-lined” agreement shows all changes.

- Effective upon City Council approval, classification upgrades to the Custodial Lead, Electrician and Water Sewer Camera Operator positions.
- Increase longevity benefit by \$50.00 per step.
- Health Insurance – City will provide coverage under either the AB20 10/20/45 plan or the BlueChoice plan, with the amount of City’s contribution capped at 90% of the premium cost for the AB20 plan. Also include “Cadillac Tax” protection provision.
- Decrease minimum employee notice for leave for medical appointments to 48 hours.
- Increase military leave benefit to 20 days per year.
- City will provide a uniform for the Dispatch position.
- Increase period of time for a suspension to remain in an employee’s personnel file to 3 years.
- Increase work boot allowance to \$125/2 times per year.
- Add military leave and bereavement leave to the calculation of hours worked for purposes of determining overtime.
- Effective upon City Council approval, increase stand-by pay to \$2.50 per hour.

I am pleased to recommend this tentative agreement for your approval. It complies with the City Council’s guidance on health insurance and wages. It also provides the City with valuable labor stability with a bargaining unit that has been “out of contract” for an extended period of time.

1386A

COLA		0.00%	0.00%	2.50%	2.00%	2.00%		0.00%
Retirement	8.80%	10.77%	10.77%	11.17%	11.17%	11.38%		11.38%

Note: Health Insurance savings- not included

	FY14 Base year	FY15	FY16	FY17	FY18	FY19	Total for 5 year	FY20
<i>Current Agreement</i>								
Salaries	2,077,746.00	2,047,469.00	1,890,544.00	1,881,152.17	1,891,434.75	1,898,434.00	9,609,033.92	1,902,855.00
Longevity	14,250.00	13,500.00	13,652.30	12,382.50	12,983.00	13,883.00	66,400.80	15,878.00
Boot Allowance	4,900.00	4,900.00	4,900.00	4,900.00	4,900.00	4,900.00	24,500.00	4,900.00
Sub Total	2,086,896.00	2,065,869.00	1,909,096.30	1,898,434.67	1,909,317.75	1,917,217.00	9,699,934.72	1,923,633.00
FICA	129,703.75	127,780.08	118,060.17	117,399.15	118,073.90	118,563.65	599,876.95	118,961.45
Medicare	30,333.94	29,884.05	27,610.85	27,456.25	27,614.06	27,728.60	140,293.80	27,821.63
Retirement	184,095.65	221,966.36	205,081.94	211,507.82	212,723.46	217,621.67	1,068,901.26	218,351.82
Sub Total	344,133.34	379,630.49	350,752.96	356,363.22	358,411.42	363,913.93	1,809,072.02	365,134.89
Cost of Current Contract	2,441,029.34	2,445,499.49	2,259,849.26	2,254,797.89	2,267,729.17	2,281,130.93	11,509,006.73	2,288,767.89
		4,470.15	(185,650.23)	(5,051.37)	12,931.28	13,401.75	(159,898.42)	7,636.96
		0.18%	-7.59%	-0.22%	0.57%	0.59%		0.33%
						-6.55%	From FY14-FY19	
						-1.31%	Avg % Change	

Additional Cost Proposed from TA

COLA on base salaries				20,801.20	86,060.28	126,075.00	232,936.48	126,368.60
Longevity				-	1,507.00	1,652.00	3,159.00	1,817.00
Reclasses				2,239.20	4,285.49	4,928.00	11,452.69	4,928.00
Boot Allowance				6,125.00	7,350.00	7,350.00	20,825.00	7,350.00
Total Cost				29,165.40	99,202.77	140,005.00	268,373.17	140,463.60
Medicare				334.09	1,331.87	1,923.50	3,589.45	1,930.15
FICA				1,428.50	5,694.87	8,224.61	15,347.99	8,253.04
Retirement				2,573.61	10,259.95	15,096.14	27,929.71	15,148.33
Total FICA, Medicare & Retirement				4,336.20	17,286.69	25,244.25	46,867.14	25,331.52
Total Cost Rollout of Tentative Agreement over FY14				33,501.60	116,489.46	165,249.25	315,240.31	165,795.12
						6.77%	From FY14-FY19	
						1.35%	Avg % Change	
Budget to Budget Change per Tentative Agreement Only				33,501.60	82,987.86	48,759.79	165,249.25	545.87
		0.00%		1.49%	3.61%	3.48%		
						6.77%	From FY14-FY19	
						1.35%	Avg % Change	
Proposed Current Annual Budget & Tentative Agreement	2,445,499.49	2,259,849.26	2,288,298.49	2,384,218.63	2,446,380.17		11,824,247.05	2,454,563.01
Combined Annual Change	4,470.15	(185,650.23)	28,450.23	95,919.14	62,161.54		5,350.83	8,182.83
	0.18%	-7.59%	1.26%	4.19%	2.61%			0.33%
						0.22%	From FY08-FY19	
						0.04%	Avg % Change	

City Manager Item #2

Request for Approval of a Proposed Agreement between the City of Portsmouth City Employees Local #1386 of the American Federation of State, County and Municipal Employees (AFSCME)

Please click link below for Contract contents:

<http://www.cityofportsmouth.com/hr/contracts/Municipal/Redlined%20Portsmouth%20D PW-A%20Tentative%20Agreement.pdf>

From: Coppal House Farm [mailto:coppalhouse@comcast.net]
Sent: Tuesday, January 10, 2017 11:46 AM
To: Ann Sharpe <amsharpe@cityofportsmouth.com>
Subject: Seacoast Growers Contract Renewal

Mr. Bohenko,

I am writing to request the renewal of the Seacoast Growers contract, and/or any conversations that need to take place. Thank you.

John Hutton
SGA President
Coppal House Farm
118 North River Rd
Lee, NH 03861
603-659-3572

LICENSE AGREEMENT

The City of Portsmouth, a municipal corporation with a principal place of business at 1 Junkins Avenue, Portsmouth, New Hampshire 03801 (hereinafter "City") and the Seacoast Growers' Association, a non-profit association of individual vendors (hereinafter "Vendors" or "Association") with a principal place of business at Portsmouth, New Hampshire and a mailing address at PO Box 4401, Portsmouth New Hampshire 03802-4401 agree as follows:

1) The Seacoast Growers' Association is licensed by the Portsmouth City Council to operate a Farmers' Market on Saturday mornings between May 6, 2017 through November 4, 2017 pursuant to the conditions enumerated below.

2) Each individual member Vendor of the Seacoast Growers' Association, as well as the Association itself, jointly and severally agree to the following conditions relative to permission to use the Upper Municipal Lot by the Seacoast Growers' Association granted by the City.

A. SITE CONDITIONS:

- The City Hall Municipal Lot will be reserved for use by the Association as defined in the attached Appendix I. The Association is authorized to cover the existing handicap parking signs in the municipal parking lot and to utilize the spaces as otherwise designated as handicap spaces during the hours in which the Farmer's Market is authorized. The Association shall immediately remove the coverings from the handicap parking space signs at the end of the authorized period. There shall be no use by the Association of Lot B as shown on the attached Appendix I.
- Parking on grassy areas prohibited.
- Market area to be left in broom-clean condition one hour after closing.
- All trash generated by the market shall be removed by the Association upon closing of the Farmers' Market and shall be maintained in a clean, neat condition during the market operation.
- The Vendors shall implement any temporary marking of Vendor spaces which may be directed by the City.
- The Seacoast Growers' Association shall provide police coverage from 8:00 a.m. to 12:00 p.m. unless otherwise determinate by the Police Chief, at its own expense, to control traffic and monitor parking during the hours when the Farmers' Market is in operation.
- A centrally located hand washing booth shall be available at all times.

- The Seacoast Growers' Association agrees to operate the Farmer's Market during the 2015 season on a "CARRY IN – CARRY OUT" basis.

B. HOURS AND TIME OF MARKET:

- Hours of operation will be 8:00 a.m. until 1:00 p.m.
- Set up and breakdown time will be two hours before and one hour after operation hours.

C. SALE OF ITEMS:

- Products which may be sold at the Seacoast Growers' Association market shall follow the guidelines and definitions outlined within the Association's Bylaws and Rules and Regulations (a copy of which is attached hereto as Appendix II).
- No more than forty percent (40%) of the vendors at any Market may engage in any activity which requires a food permit.
- New food vendor permit applications will be processed within thirty (30) days.
- After the commencement of the season new food vendors may only be added to the Farmer's Market on two dates to be predetermined by the Health Officer.

D. HEALTH REQUIREMENTS:

The Health Officer will have the authority to shut down the entire market if any single Vendor fails to comply with any Health Officer's directive to cure any situation creating a public health concern. The Health Officer shall make reasonable efforts to notify the President of the Seacoast Growers' Association or his/her assignee(s) at the time a warning is issued. Specific health requirements include, but are not limited to the following:

- Vendors shall be excepted from the general City requirement of obtaining a Hawkers & Peddlers License (\$250.00). The following license fee schedule shall apply to Farmer's Market Vendors:
 1. Fruit and vegetable vendors at the Farmer's Market pay no fee.
 2. Non-produce/Non-food vendors at the Farmer's Market pay no fee.

3. Prepared food vendors (anything other than non-prepared fruits and vegetables) and sellers of potentially hazardous agricultural products pay a seasonal fee of \$140.00 per season.
- Non-recycled farm fresh eggs may be sold provided that they are stored at proper temperature (at or below forty-one (41) degrees Fahrenheit) during transport to and while displayed at the Farmers' Market.
 - Baked goods sold at the Farmers' Market must be individually or collectively wrapped while displayed and sold and baked in a licensed facility.
 - Any Vendor who sells potentially hazardous foods (which includes any perishable food or food product which consists in whole or in part of milk or any other ingredient capable of supporting rapid and progressive growth of infectious and toxigenic micro-organisms including, but not limited to, cream fillings and pies, cakes and pastries, custard products, meringue-topped baked goods or butter-cream type fillings in bakery products), shall take appropriate measures to ensure that such products are transported, stored, and displayed in refrigerated or ice-cooled containers to maintain temperature of such products at 41 degrees Fahrenheit or below at all times so to prevent spoilage or contamination.
 - All animals are prohibited within the Farmers' Market with the exception of hearing ear dogs, guide dogs and service dogs as they are defined in RSA 167-D:1.
 - The above items do not eliminate or supersede other areas of compliance set by ordinance or regulations or within the grant of authority by the Portsmouth City Council.
 - In addition to the foregoing, each Vendor member of the Seacoast Growers' Association shall comply with all applicable Federal, State and Municipal laws, regulations and ordinances.
 - No vendor shall provide fruit or vegetables to be sampled onsite unless a three bay sink is provided in which all such fruits, vegetables and the utensils provided to cut or serve them shall be washed on site (fruits and vegetables in a collander). No spillage onto the ground shall be permitted from the three bay sink.

E. OTHER CONDITIONS:

- The Seacoast Growers' Association shall provide the City with a current list of board members with appropriate contact information.

- The Seacoast Growers' Association agrees to indemnify and hold the City of Portsmouth harmless for any and all claims of liability, (including bodily injury or property damage) of any type or kind arising out of the Association's operation or use of this license agreement. This provision shall survive termination of this agreement.
- Additionally, the Seacoast Growers' Association shall maintain general liability insurance in the amount of Two Million Dollars (\$2,000,000.00) naming the City of Portsmouth as an additional insured. A certificate demonstrating this insurance shall be kept on file with the City Clerk of the City at all times relevant to the operation of the Association under this agreement.
- The City hereby approves the sale of the following alcohol products at the Farmer's Market by Association members:
 1. Wine by Jeweltown Vineyards
 2. Hard Cider products by Nottingham Orchards; and
 3. Beer by Throwback Brewery.

No other alcohol sales or possession is approved.

There shall be no open containers or consumption of alcoholic beverage on municipal premises. All alcoholic beverage sales must be conducted in strict accordance with state law and any rules adopted pursuant thereto by the State of New Hampshire Liquor Commission. This provision of the license agreement with the Association may be revoked immediately and without cause if that action is determined to be appropriate by the City.

- Should Seacoast Growers' Association provide patrons access to the restroom facilities located in City Hall, an individual will be designated for each date of operation to escort patrons to the restroom and out of the building. A list of responsible persons and the dates they are assigned this responsibility shall be submitted to the Health Department with the application packet. The Health Department must approve in advance of any modification.
- For the purpose of operating the Farmer's Market on the property of the City of Portsmouth it is understood that neither a Homestead License issued by the State of New Hampshire nor a Home Food Processors License issued by the State of Maine is recognized or confers any benefit to the vendor.
- This agreement may be terminated at the sole discretion of the City of Portsmouth in the event that:

1. The Seacoast Growers' Association fails to abide by the terms of this agreement.
 2. It is determined that the City of Portsmouth has a paramount need for the area which would otherwise be utilized by the Seacoast Growers' Association.
- The City reserves the right to modify any provision in this agreement in the event that such modification is made necessary by any change in state or federal law.

CITY OF PORTSMOUTH

Dated: _____

By: _____
John P. Bohenko, City Manager
Pursuant to vote of the City Council on
_____, 2017

SEACOAST GROWERS' ASSOCIATION

Dated: _____

By: _____
John Hutton, President
Pursuant to vote by the Seacoast Growers'
Association on _____.

SEACOAST GROWERS ASSOCIATION BYLAWS

ARTICLE I

Section 1. Name:

The name of this organization shall be: "The Seacoast Growers Association."

Section 2. Seal:

The seal of this organization shall consist of a flat-faced circular die, with the words and figures cut or engraved thereon.

ARTICLE II

The association has been organized on a non-profit basis for the following:

Section 1. To provide markets for seacoast area growers to sell their products directly to the consumer, thereby strengthening the local farm economy and the viability of small scale family farms. Seacoast growers are defined as those in York County, Maine and Rockingham and Strafford Counties, New Hampshire;

Section 2. To establish and maintain operating standards that will inspire public confidence in the farmer's market concept;

Section 3. To provide the organization with publicity and by other techniques to assist in promoting the sale, at the market, of Seacoast Growers Association members' products;

Section 4. To engage in such other mutually beneficial activities as the membership may desire;

Section 5. To carry out educational and promotional activities among seacoast area citizens for the support of local agriculture.

Section 6. To do all that is legal in obtaining its objectives that the Board of Directors in its discretion deems appropriate or consistent with the above stated purposes.

ARTICLE III

Definitions

Farmer: is an individual or production unit who operates a farm.

Farm: is an agricultural enterprise that produces farm products.

Farm Products: are defined as vegetables, fruits, herbs, berries, and other items grown for human food; natural fibers such as wool and linen; seedlings, plants, greenhouse or nursery stock, houseplants, perennials and ornamentals; livestock and their products; products from the woodlot, poultry and bees.

Production unit: is a family or other group of two or more people who operate the same farm.

Craft vendor: is a member, who offers for sale, their own locally made crafts.

Prepared food: baked goods, jams, jellies, and similar prepared foods made by the vendor.

Concessionaries: Seafood vendors, meat or fiber co-ops. Vendors in these categories will be considered on a case-by-case basis.

ARTICLE IV

Membership

Section 1.

A. Active Membership: Active members shall consist of farmers, prepared foods, and craft vendors who have been granted acceptance by the Board of Directors, have passed any necessary jurying, who pay the membership fee established and shall abide by these bylaws, rules and regulations. One vote per entry is allowed. Active membership shall expire on January 15th of each year if no application for renewal has been received. (The intent of expiration in no way constitutes automatic approval if application has been received by January 15th)

B. Patron: A patron shall consist of person(s) who would like to contribute to the Association in a monetary or volunteer form and wish to support the purposes and goals of the Seacoast Growers Association. There shall be no voting privileges extended. Patrons shall fill out a "Patron Form", pay the patron fee established, agrees to abide by the bylaws, rules and regulations of the Association.

Section 2. Annual Meeting: The annual meeting of the members shall be held within the month of March at such location as specified in the notice as provided in "Section 5" hereof. In the event that such annual meeting is omitted by oversight or otherwise on the date herein provided for, a substitute annual meeting maybe held in place thereof and any business transacted or elections held at such meeting shall be as valid as if transacted or held at the annual meeting. Such substitute meeting shall be called in the same manner and as prescribed for special member's meetings. Except when otherwise required by law or by these Bylaws any business may be transacted at the annual meeting irrespective of whether or not the notice of the meeting shall have contained a reference thereto.

Section 3. Special Meetings: Special meetings of the members shall be held whenever called by the President. The president must call a general meeting of all members when presented with a petition signed by not fewer than one-quarter (1/4) of the members of the association.

Section 4. Place of Meeting: The annual meeting and any special meeting of the members shall be held at such place within or without the State of New Hampshire as shall be designated in the notice of such meeting.

Section 5. Notice: Notice of all members' meetings, stating the day, hour and place and the agenda and purpose for which such meetings are called, shall be given by the clerk in writing to each member or record entitled to vote, at his or her registered address at least thirty (30) days and not more than fifty (50) days prior to the date of the meeting. Any notice of meeting may be waived by a member by submitting, before and after the meeting a waiver, signed either in person or by proxy or by attendance at the meeting, either in person or by proxy.

Section 6. Quorum and Required Vote: At any meeting of the members, a majority of the members entitled to vote shall constitute a quorum, but a lesser number may adjourn any meeting to a future date at which a quorum shall be present or represented. No notice of the adjourned meeting need be given if the time and place are announced at the meeting at which the adjournment is taken and the adjournment is less than thirty (30) days. When a quorum is present at any meeting, a majority of votes cast by these entitled to vote on the subject matter shall decide any questions unless some greater vote is required by law, the Articles of Incorporation, or these Bylaws. In elections of the directors, those receiving the greatest number of votes, even though not receiving a majority, shall be deemed elected.

Section 7. Consents: Any action required or permitted to be taken at a meeting of the members may be taken without a meeting if written consent, setting forth the action so taken is signed by all the members entitled to vote on such action and are filed with the clerk of the corporation as part of the corporate records. Such written consent shall have the same effect as a unanimous vote of the members and may be stated as such in any certificate or document required or permitted to be filed with the Secretary of State, and in any certificate or document prepared or certified by any officer of the corporation for any purpose.

Section 8. Conduct of Meetings: All meetings of this organization shall be conducted in an orderly fashion and in substantial conformity with Roberts Rules of Order. All matters shall be decided by a simple majority of members present unless stipulated elsewhere in the Bylaws.

ARTICLE V

Board of Directors

Section 1. Board of Directors: The business of the Association shall be managed by a Board of Directors which shall consist of not less than five active members and one alternate to be elected by vote of the active membership each year at the annual meeting. Tenure of the office is three and one half years. From the directors, a President, a Vice President, Secretary and Treasurer shall be chosen. Each of these offices shall be for a

one-year term. The officers shall be subject to the general direction and control of the Board of Directors. A vote may be passed by the support of three Directors.

Section 2. Vacancies in the Board of Directors: Any vacancy on the Board of Directors shall be filled as follows: The remaining Board members shall name a person to fill the vacancy until the next annual meeting.

Section 3. Composition of the Board of Directors: At least three of the five members should be actively engaged in farming.

Section 4. Board members shall receive a \$200.00 voucher each year that they serve. The Treasurer shall receive an additional voucher for up to \$300.00. This voucher may only be used toward the membership fee and stall fees.

Section 5. The Association shall indemnify any Director, Officer, or former Director or Officer of the Association against expenses actually and necessarily incurred by him/her in connection with the defense of any action, suit or proceedings in which he/she is made a party by reason of being or having been such Director or Officer, except in relation to matters as to which he/she shall be adjudged in such action, suit or proceeding to be liable for negligence or misconduct in the performance of a duty. The indemnification provided by this Article V shall not be deemed exclusive of any other rights to which such Director or Officer may be entitled under any Bylaw, agreement, vote of the Board of Directors or otherwise.

Section 6. At any meeting of the Board of Directors, a majority of the Directors as fixed by the Bylaws shall constitute a quorum. Provided a quorum is present, the votes of a majority of the Directors attending a meeting shall be sufficient for the conduct of business.

ARTICLE VI

Disciplinary Procedures

Section 1. Violations of any Bylaws or Rules and Regulations will be dealt with by a Market Manager or Board Member. The Manager or Board Member may give a verbal warning notice to a producer for an infraction of the Bylaws or Rules and Regulations. If a producer receives two verbal warning notices, the President shall call a meeting of the Board. The Board will then take a formal vote giving the Manager or President the power to take appropriate action if a third violation of the Bylaws or Rules and Regulations occurs. Actions may include fines, site inspection, suspension or expulsion.

Section 2. Upon the Board members' determination, the President shall give written notice to the violating member of the dates, the nature(s) of the violation(s), and any corrective action to be taken should a third violation occur.

Section 3. Any member receiving such verbal and/or written notice of a violation must correct the violation immediately, or at the latest, by the next market day after such notice is received.

Section 4. Any member may bring forward a product challenge when they believe that another vendor is misrepresenting his/her product. Product challenges must be signed by the person bringing the challenge and preferably be supported by physical evidence of the offense. Product challenges shall not be anonymous. The product challenge must be made on the day of, or within the week the violation is observed.

Section 5. The vendor receiving the product challenge must respond to the challenge in writing. Failure to admit or deny a challenge may result in a determination that the challenge is valid.

Section 6. The Board shall determine if a site visit is necessary, and if so, shall conduct the visit in a timely manner to make a determination on the product challenge. If the vendor is found in violation, the Board will then take a formal vote giving the Manager or President the power to take appropriate action. Actions may include fines, site inspection, suspension or expulsion.

Section 7. A member may appeal any disciplinary action taken against them by providing to the Board a petition of support signed by at least two-thirds of the voting membership.

ARTICLE VII

Section I. These Bylaws shall be amended by a two-thirds vote of those members in good standing in attendance at the annual meeting. Proposed changes of the Bylaws shall be in writing and provided to all members at least twenty-one days prior to the annual meeting.

ADOPTED: January 6, 1994

SIGNED: January 20, 1994

AMENDED: March 24, 1995

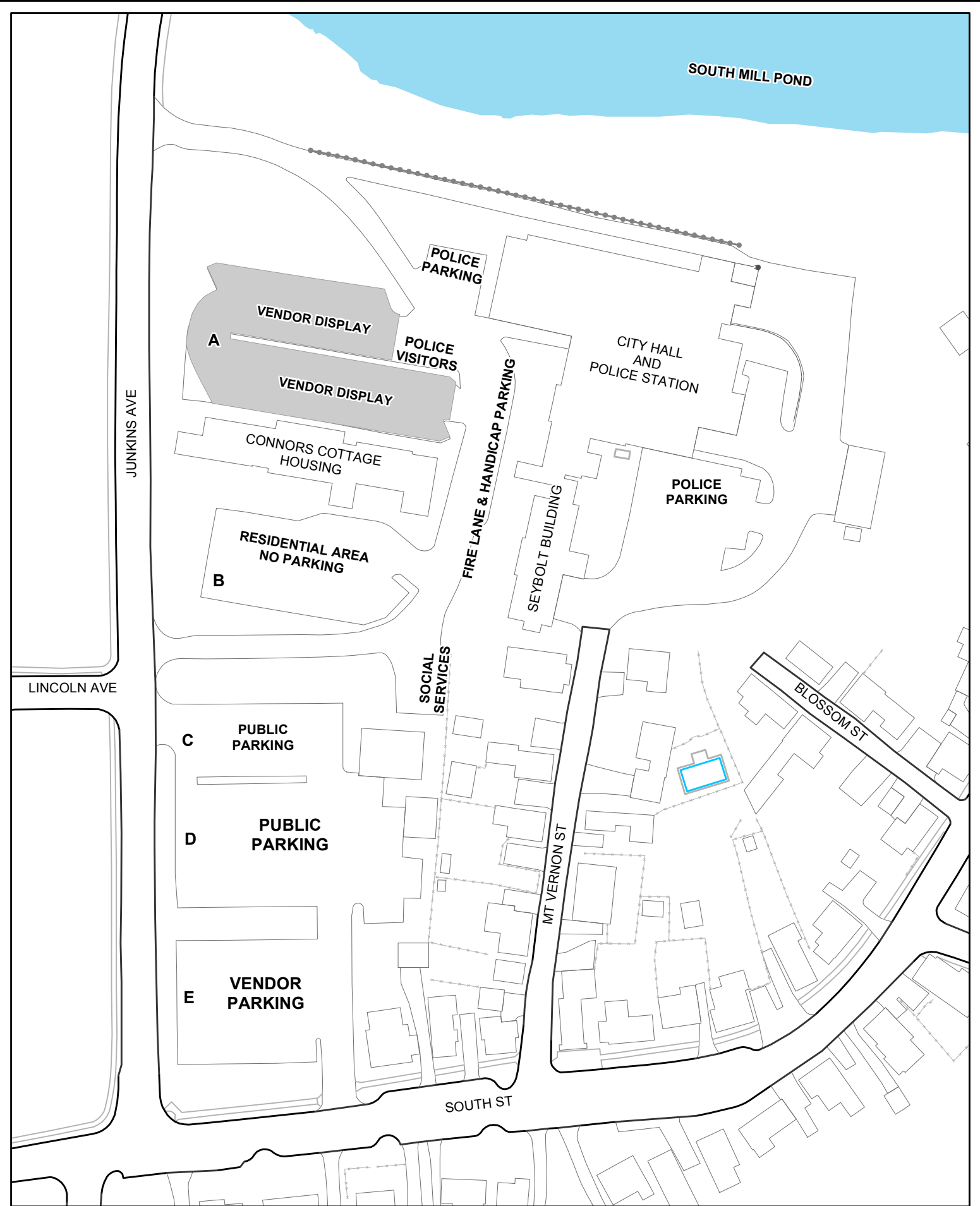
SIGNED March 31, 1995

AMENDED:

SIGNED: February 27, 1997

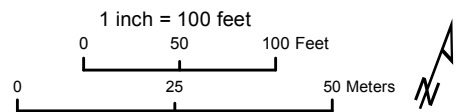
AMENDED: March 14, 2013

SIGNED March 14, 2013



**Appendix 1: Farmer's Market
Seacoast Growers Association 2017 Season**

Map prepared by Portsmouth Department of Public Works, 18 February 2017
Map document: U:\Projects\0042 Farmers Market\Farmers Market Parking2017.mxd





Portsmouth Fire Department

Administration

To: Deputy City Manager Nancy Colbert-Puff

From: Fire Chief Steven Achilles

Date: 1/12/2017

Re: Bonding Resolution Considerations

The following is a description of a proposed resolution for both the renovations to Fire Station 3 and the purchase of a Rescue / Support Vehicle

*Resolution for a bond authorization of no more than \$1,010,000.00:
\$610,000.00 for the renovations of Fire Station 3 and no more than
\$400,000.00 for the purchase of a Rescue / Support Vehicle.*

These projects are identified in the FY17 Capital Improvement Program.

I have met with both Peter Rice and Dan Hartrey regarding a design-build approach to the renovations of Fire Station 3. They have reviewed the scope and cost of the project. There is consensus this is a cost-appropriate and timely project which will improve facility, work environment, and regulatory deficiencies.

The purchase of a Rescue / Support Vehicle is a scaled-back version of a FY 16 proposal to replace the department's 1987 rescue / support vehicle. We anticipate purchasing a unit that is capable of carrying rescue equipment and supplies already owned by the department. Future equipment needs will be planned and purchased accordingly.

We look for your support and guidance regarding this request.

Department Memorandum

VE-FD-03: VEHICLE REPLACEMENT – RESCUE 3

Department	Fire Department
Project Location	Station 3
Project Type	Replacement or Purchase of a Vehicle
Commence FY	2017
Ward	ALL
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Negligible

Evaluation Criteria	Satisfy
Identified in Planning Document or Study	
Improves Quality of Existing Services	Y
Provides Added Capacity to Existing Services	
Addresses Public Health or Safety Need	Y
Reduces Long-Term Operating Costs	Y
Alleviates Substandard Conditions or Deficiencies	
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	



Description: This project continues the CIP Rolling Stock replacement program for large apparatus. This allocation will purchase a new commercial chassis rescue body/ support vehicle to replace the 1987 Chevrolet rescue/ support vehicle. Funds include complete set-up including radio, lettering, striping and equipment.

		FY17	FY18	FY19	FY20	FY21	FY22	Totals 17-22	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	100%	\$400,000						\$400,000	\$0	\$400,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
Totals		\$400,000	\$0	\$0	\$0	\$0	\$0	\$400,000	\$0	\$400,000

BI-FD-01: FIRE STATION THREE RENOVATION

Department	Fire Department
Project Location	Fire District 3
Project Type	Improvements to Existing Facility
Commence FY	2017
Ward	ALL
Priority	A (need within 0 to 3 years)
Impact on Operating Budget	Minimal

Evaluation Criteria	Satisfy
Identified in Planning Document or Study	
Improves Quality of Existing Services	Y
Provides Added Capacity to Existing Services	
Addresses Public Health or Safety Need	
Reduces Long-Term Operating Costs	Y
Alleviates Substandard Conditions or Deficiencies	Y
Provides Incentive to Economic Development	
Responds to Federal or State Requirement	
Eligible for Matching Funds with Limited Availability	



Description: This project will replace the 1950's-era fire station to address and improve the following:

- Mechanical/ electrical/ plumbing systems
- Physical building deficiencies including apparatus/ equipment storage
- Regulatory agency deficiencies (ADA, NFPA, FEMA, Local Codes)
- Work environment, including gender separation

		FY17	FY18	FY19	FY20	FY21	FY22	Totals 17-22	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	100%	\$610,000						\$610,000	\$0	\$610,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$610,000	\$0	\$0	\$0	\$0	\$0	\$610,000	\$0	\$610,000

Proposed Resolution:

A Resolution by the Portsmouth City Council regarding Schiller Station

HEREAS, the operation of coal fired power plants has an ongoing negative impact on air quality; Schiller Station emits mercury, particulate matter (soot), sulfur dioxide and nitrogen oxide; and¹²

WHEREAS, mercury is toxic to the central and peripheral nervous systems, particulate matter can impact the heart and lungs, sulfur dioxide and nitrogen oxide can impact the lungs. NOx gases react to form smog and acid rain as well as being central to the formation of fine particles (PM) and ground level ozone, both of which are associated with adverse health effects; and

WHEREAS, when possible we desire to protect our residents, families and elders from asthma triggers, toxins and cancer risks; and

WHEREAS, we decided as a community with the completion of the 2005 Master Plan to become more sustainable and ecologically friendly in order to safeguard its future. The City Council voted unanimously to declare Portsmouth an Eco-Municipality in 2007 and signed a resolution which fully acknowledges Portsmouth's commitment and desire to become more sustainable; and

WHEREAS, the draft Master Plan "Portsmouth 2015" states our city has embraced tourism, the arts, and technology and that due to density future growth in Portsmouth will need to come from redevelopment of existing commercial and industrial areas that public or private developers can repurpose and rebuild with more density; and³

WHEREAS, Schiller Station's coal fired units are old; they were installed between 1947 and 1957 and

WHEREAS, older as well as newer coal-fired power plants, like Schiller Station, have been losing market share and revenue in the New England electricity market to the point that many plant owners have suffered large financial losses, written off billions in value and/or have retired coal-fired power plants; and

HEREAS, Schiller Station is up for auction and potential bidders will look to our city leaders for guidance.

Now therefore, be it hereby RESOLVED BY THE PORTSMOUTH CITY COUNCIL:

1. The City calls upon potential bidders to phase out the coal-fired electricity generation at Schiller Station at the earliest possible date;
2. The City calls upon potential bidders to not repower Schiller Station with a carbon, methane or trash based fuel.
3. The City Encourages potential bidders who will consider repowering the site with renewable energy and/or mixed use that will bring jobs and economic development.
4. The City Clerk Is Authorized And Directed To Provide Copies Of This Resolution To Our City's State And Federal Elected Officials , The Public Utilities Commission, and PSNH.

1

https://oaspub.epa.gov/enviro/P2_EF_Query.p2_report?FacilityId=03801PBLCSGOSLI&ChemicalId=N458&ReportingYear=2014&CtrlNum=&Opt=0

⁴ <https://ghqdata.epa.gov/ghqp/service/facilityDetail/2015?id=1000730&ds=E&et=&popup=true>

³ http://planportsmouth.com/masterplan/160526_Draft%20Master%20Plan.pdf

Event Listing by Date

Starting Date: 1/ 9/2017

Ending Date: 12/31/2017

Start End	Type Description	Location	Requestor	Vote Date
3/18/2017 3/18/2017	ROAD RACE	Starting at Peirce Island	St. Patrick School - Clover R	11/21/2016
3/26/2017 3/26/2017	ROAD RACE	Starts at Traip Academy in Kittery, ME thru town Donald Allison is the contact for this event.	Eastern States 20 Mile	12/ 5/2016
4/ 8/2017 4/ 8/2017	WALK	Little Harbour School This event begins and ends at Little Harbour School. Begins at 10:00 a.m.	National Multiple Sclerosis So	11/21/2016
5/ 6/2017 5/ 6/2017	WALK	Little Harbour Elementary School Jenelle Dolan, Development Specialist is the contact for this event. Tel. 978-729-5849	March of Dimes	7/11/2016
5/ 7/2017 5/ 7/2017	EVENTS	Pleasant Street - State Street - Market Square Barbara Massar is the contact for this event. This event begins at Noon to 4:00 p.m.	Children's Day - Pro Portsmouth	9/ 6/2016
5/ 7/2017 5/ 7/2017	RIDE	Start at Redhook Brewery Melissa Walden, Associate of Development is the contact. This event begins at 7:00 a.m. at Redhook Brewery.	American Lung Association	10/ 3/2016
5/13/2017 5/13/2017	RACE	Strawbery Banke Contact: Carolyn Ostrom, NH Community Relations, Specialist - 617-501-2728 costrom@vtnhkomen.org Ed Harvey, Race Director 603-862-1246 Edmund.Harvey@unh.edu	Susan G. Komen Foundation	8/15/2016
5/28/2017 5/28/2017	FUND	Portsmouth High School Lilia-Potter-Schwartz is the contact for this event. This is a triathlon at begins at Portsmouth High School	Education to All Children	12/ 5/2016
5/28/2017 5/28/2017	ROAD RACE	Redhook Brewery - Pease Tradeport	Runner's Alley	12/19/2016
6/10/2017 6/10/2017	FESTIVAL	Market Square Barbara Massar is the contact for this event. This event begins at 9:00 a.m. to 4:00 p.m.	Market Square Day - Pro Portsm	9/ 6/2016
6/10/2017 6/10/2017	ROAD RACE	Starts in Market Square Barbara Massar is the contact for this event. The road race starts at 9:00 a.m. in Market Square	Market Square Road Race - Pro	9/ 6/2016
6/17/2017 6/17/2017	RACE	Pleasant Street Rain Date of June 18, 2017	Big Brothers Big Sisters of Ne	9/19/2016

Event Listing by Date

Starting Date: 1/ 9/2017

Ending Date: 12/31/2017

Start End	Type Description	Location	Requestor	Vote Date
6/24/2017 6/24/2017	MUSIC Barbara Massar is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Market Square - Pleasant Street	Summer in the Street Music Ser	9/ 6/2016
7/ 1/2017 7/ 1/2017	MUSIC Barbara Massar is the contact for this event. This is part of the Summer in the Streets series begins at 5:00 p.m. and ends at 9:30 p.m.	Pleasant Street	Pro Portsmouth - Summer in the	9/ 6/2016
7/ 8/2017 7/ 8/2017	FESTIVAL Barbara Massar is the contact for this event. This event is part of the Summer in Street Series. It begins at 5:00 to 9:30 p.m.	Downtown - Pleasant Street	Pro Portsmouth - Summer in the	9/ 6/2016
7/15/2017 7/15/2017	BIKE TOUR Contact: Chris Vlangas 1-800-757-0203 Event begins at 7:30 a.m. from Shapleigh Middle School in Kittery.	From Kittery, ME to Route 1B to Rye back to Kitter	Cystic Fibrosis Foundation	11/21/2016
7/15/2017 7/15/2017	FESTIVAL Barbara Massar is the contact for this event. This event is part of the Summer in the Streets begins at 5:00 p.m. to 9:30 p.m.	Downtown - Pleasant Street - between State Street	Pro Portsmouth - Summer in the	9/ 6/2016
7/22/2017 7/22/2017	MUSIC Barbara Massar is the contact for this event. This is part of the Summer in the Streets series which begins at 5:00 p.m. and ends at 9:30 p.m.	Pleasant Street	Pro Portsmouth - Summer in the	9/ 6/2017
7/29/2017 7/29/2017	MUSIC Barbara Massar is the contact for this event. This event is part of the Summer in the Streets series which begins at 5:00 p.m. and ends at 9:30 p.m.	Pleasant Street	Pro Portsmouth - Summer in the	9/ 6/2016
9/17/2017 9/17/2017	RACE Jennie Halstead, Executive Director if the contact. This race begins at 7:30 a.m. with registration Start of the race: 9:00 a.m.	Portsmouth Middle School	My Brest Cancer Support	12/ 5/2016
9/24/2017 9/25/2017	RIDE	Along Route 1A	Granite State Wheelmen, Inc.	11/21/2016

City of Portsmouth

Department of Public Works



MEMORANDUM

TO: Nancy Colbert-Puff, Deputy City Manager

FROM: Peter Rice, Director of Public Works

DATE: January 18, 2017

SUBJECT: Text Services for Snow Ban Notification

At its January 9, 2017 meeting, City Council requested a report back from Staff on the ability to provide a Winter Parking Ban text message to residents who would like one. Working with the IT Staff we have reviewed two systems that are used for bulk texting. One is CodeRed and another is Nixle. CodeRed is currently being used by our Police and Fire and may have the ability to add additional notifications. We are meeting with Police to discuss the possibility of using the CodeRed system in conjunction with Police and Fire. Nixle is being used in Londonderry, Merrimack, Milford and Bedford, New Hampshire.

Both systems provide similar functions allowing residents to sign up for text messages about specific alerts. Residents could opt in for a specific type of message or all messages created by the participating City Departments. The sign up would be accessed via the City's web site.

We anticipate completing our review and making a decision by the end of January with implementation completed by mid-February.

ACTION ITEMS

PARKING and TRAFFIC SAFETY COMMITTEE MEETING

8:00 A.M. – January 5, 2017
City Hall – Eileen Dondero Foley Council Chambers

MEMBERS PRESENT: Brad Lown, Chairman; Nancy Colbert Puff, Deputy City Manager; Peter Rice, Public Works Director; James Heinz, Deputy Fire Chief; Frank Warchol, Police Captain Members; Ted Gray, Ronald Cypher, Harold Whitehouse, Shari Donnermeyer; Mary Lou McElwain, Alternate Member

ALSO PRESENT: Eric Eby, Parking and Transportation Engineer
Joey Giordano, Parking Manager
Juliet Walker, Assistant Planning Director

Action Items requiring an immediate ordinance during the next Council meeting:
None

Temporary Action Items requiring an ordinance during the annual omnibus:

Action Item: VIII.D – To restrict truck traffic on Greenleaf Avenue between Lafayette Road and Route 1 Bypass.

1. Brad Lown voted Chairman for the calendar year 2017.
2. Ted Gray voted Vice-Chairman for the calendar year 2017.
3. Accepted and placed on file the December 1, 2016 meeting minutes.
4. Accepted and placed on file the financial report dated January 2017.
5. Public Comment: Five Speakers: Wes Tator, Rick Becksted, Ramona Charland, Roland Cote, Paula Anne Chalfin
6. (VII.A.) **Action Item:** Request for two 15-minute parking spaces near Optima Bank & Trust at 143 Daniel Street, and removal of 15 minute space on Bow Street. – **VOTED to direct staff to conduct a comprehensive review of the 15-minute parking spaces in the downtown and report back at the February meeting.**

7. (VII.B.) **Action Item:** Request for one 15-minute parking space near Profile Coffee Bar at 15 Portwalk Place. – **VOTED to direct staff to report back at the February meeting.**
8. (VIII.A.) **Action Item:** Report back on request for traffic signal at intersection of Middle Street and Union – **VOTED staff to research interim measures regarding parking and sight line issues prior to the implementation of the bicycle lane project.**
9. (VIII.B.) **Action Item:** Report back on request for 4-way STOP sign control at Thornton Street and Burkitt Street. – **VOTED to approve an All-Way STOP at the intersection of Thornton Street and Burkitt Street.**
10. (VIII.C.) **Action Item:** Report back on request for one-way flow on Meeting House Hill Road. – **VOTED to maintain the current two-way traffic flow pattern on Meeting House Hill Road.**
11. (VIII.D.) **Action Item:** Report back on request for truck restriction on Greenleaf Avenue between Lafayette Road and Route 1 Bypass. – **VOTED to restrict truck traffic on Greenleaf Avenue between Lafayette Road and Route 1 Bypass.**
12. Public Comment: Three Speakers: Rick Becksted and Wes Tator.
Rick Chellman made a presentation. **VOTED staff to report back on recommendations presented by Mr. Chellman at a later date.**
13. Miscellaneous: Quarterly Accident Report for 09/28/2016 to 12/28/2016
14. Adjournment – At 9:15 a.m., **VOTED** to adjourn.

Respectfully submitted by:

Amy Chastain
Secretary to the Committee

MEETING MINUTES

PARKING and TRAFFIC SAFETY COMMITTEE MEETING

8:00 A.M. – January 5, 2017
City Hall – Eileen Dondero Foley Council Chambers

I. CALL TO ORDER:

Chairman Lown called the meeting to order at 8:00 a.m.

II. ROLL CALL:

Members Present:

Chairman, Brad Lown
Deputy City Manager, Nancy Colbert Puff
Public Works Director, Peter Rice
Deputy Fire Chief, James Heinz
Police Captain, Frank Warchol
Member, Ted Gray
Member, Ronald Cypher
Member, Harold Whitehouse
Member, Shari Donnermeyer
Alternate Member, Mary Lou McElwain

Staff Advisors Present:

Parking and Transportation Engineer, Eric Eby
Parking Manager, Joey Giordano
Assistant Planning Director, Juliet Walker

III. SELECTION OF COMMITTEE CHAIRMAN:

Ronald Cypher motioned to nominate Brad Lown as Chairman for the calendar year 2017. Deputy City Manager Nancy Colbert Puff seconded. **Motion passed 9-0.**

Harold Whitehouse motioned to nominate Ted Gray as Vice-Chairman for the calendar year 2017. Public Works Director Rice seconded. **Motion passed 9-0.**

IV. ACCEPTANCE OF THE MINUTES:

Harold Whitehouse motioned to accept the December 1, 2016 meeting minutes. Public Works Director Rice seconded. **Motion passed 9-0.**

V. FINANCIAL REPORT:

Harold Whitehouse motioned to accept the financial report dated January 2017.
Ronald Cypher seconded. **Motion passed 9-0.**

VI. PUBLIC COMMENT:

Wes Tator supported the 15-minute parking space on Portwalk Place. He said after talking to residents on Middle Street, many were not aware of the Middle Street / Lafayette Road Bicycle Lane project. He expressed support for the project, but does not believe the general public is aware of the project scope.

Rick Becksted attended the Tuesday site visits with the Committee. He supported the 15-minute parking spaces being proposed (agenda items VII.A. and VII.B.). He complimented Eric Eby for purchasing the four radar speed feedback signs and requested more signs be purchased. He also noted specific locations for installation.

Ramona Charland spoke about the need for a traffic signal at the intersection of Middle Street and Union Street. She recounted historical accidents and expressed concern for homeowner and pedestrian safety.

Roland Cote requested the No Parking Here to Corner signs on the southbound side of Middle Street be moved several car lengths down the street to improve visibility at the intersection of Union Street.

Paula Anne Chalfin spoke regarding the request for a traffic signal at the intersection of Middle Street and Union Street (agenda item VIII.A.). She addressed the staff memorandum in the packet and disagreed with the findings and recommendations. She stated opposition to the Middle Street / Lafayette Road Bicycle Lane project due to safety concerns.

VII. NEW BUSINESS:

A. Request for two 15-minute parking spaces near Optima Bank & Trust at 143 Daniel Street, and removal of 15-minute space on Bow Street. Pamela Morrison, Director at Optima Bank & Trust, stated patrons visit the bank for short durations and the two 15-minute parking spaces would meet the need for short-term parking. Eric Eby stated he would like the opportunity to do a comprehensive review of all 15-minute parking spaces in the downtown and report back next month.

Harold Whitehouse motioned to direct staff to conduct a comprehensive review of the 15-minute parking spaces in the downtown and report back at the February meeting. Deputy City Manager, Nancy Colbert Puff, seconded. **Vote 9-0, to direct staff to conduct a comprehensive review of the 15-minute parking spaces in the downtown and report back at the February meeting.**

B. Request for one 15-minute parking space near Profile Coffee Bar at 15 Portwalk Place.

Eric Eby stated the Committee conducted a site visit on Tuesday, January 3, 2017. He stated he would like additional time to review this request in conjunction with Action Item VII.A regarding 15-minute parking spaces.

Public Works Director Rice motioned to direct staff to report back at the February meeting. Ronald Cypher seconded. **Vote 9-0, to direct staff to report back at the February meeting.**

Public Works Director Rice informed the Committee that Parking Manager Giordano has been working on replacing existing meters with new technology. It allows the time on the meters to be altered based upon demand or time of day. Public Works Director Rice thanked Parking Manager Giordano for his work on this project, and Mr. Becksted for his comment regarding the appropriateness of 15-minute parking meters.

VIII. OLD BUSINESS:

A. Report back on request for traffic signal at intersection of Middle Street and Union Street.

Eric Eby informed the Committee that a traffic study was conducted last month. The traffic counters were collecting data for over a week in order to get accurate counts on traffic volumes. He stated the volume of traffic on the side streets was too low to meet the minimum volume thresholds for a traffic signal at Middle Street and Union Street. He addressed the question posed during public comment regarding how a traffic signal can increase the number of accidents when it is not warranted at an intersection.

Eric Eby stated the average speed of traffic on Middle Street was recorded at 25 mph. This is below the posted speed limit of 30 mph. A review of the traffic volume data indicated that while Middle Street carries over 10,000 vehicles per day and 3.5 million vehicles per year, the number of crashes was below the minimum number to warrant a traffic signal. Five crashes per year would be required to warrant a traffic signal based on crash history.

Mr. Eby stated that sight lines at the intersection are problematic. However, the proposed bicycle lane project would eliminate parking on the inbound side of Middle Street. This improvement would provide sight lines for the east leg of Union Street that exceed the minimum requirements. He stated based on an analysis of the data, a traffic signal is not warranted or recommended at the intersection. However, he recommended the implementation of the bicycle lane project, which would improve the intersection.

Harold Whitehouse asked about the bike lane location. Eric Eby confirmed that a designated marked bike lane would extend from Highland Street to Portsmouth High School on Middle Street. Mr. Whitehouse requested the action item be studied again and requested a report back at the next meeting. He stated he would like the parking restriction distance to be greater than the current City Ordinance definition.

Mary Lou McElwain stated that sight lines from many side streets along Middle Street are limited due to vehicles parked on Middle Street, sometimes less than 20 feet from the intersection, and that enforcement should focus on this issue. Eric Eby stated that as part of the bicycle lane project, many of the parking issues would be addressed and project implementation would be in 2017.

Harold Whitehouse motioned to direct staff to report back. Public Works Director Rice seconded and amended the motion to direct staff to research interim measures regarding parking and sight line issues prior to the implementation of the bicycle lane project. **Vote 9-0, staff to research interim measures regarding parking and sight line issues prior to the implementation of the bicycle lane project.**

B. Report back on request for 4-way STOP sign control at Thornton Street and Burkitt Street. Harold Whitehouse stated the Committee conducted a site visit on Tuesday, January 3, 2017. He informed the public that site visits are conducted in order to preview the action item presented at the meeting. He stated all final decisions are made at the Parking and Traffic Safety Committee meetings and not at site visits.

Harold Whitehouse motioned to approve an All-Way STOP at Thornton Street and Burkitt Street intersection. Ted Gray seconded.

Eric Eby informed the Committee of the warrants that justified the All-Way STOP at the intersection. He conducted traffic counts, collected vehicle speed data and measured sight lines at the intersection. The warrants applicable to this intersection are: the volumes were approximately equal on all four legs; both streets have the same characteristics, and sight lines are limited at the intersection. He stated the average speed of traffic on Thornton Street was recorded at 20 mph, but sight lines are inadequate due to the on-street parking.

Vote 9-0, to approve an All-Way STOP at the intersection of Thornton Street and Burkitt Street.

C. Report back on request for one-way flow on Meeting House Hill Road. Eric Eby reported that traffic counts were conducted on the street and there were approximately 60 vehicles per day, which is a very low volume of traffic. He stated a majority of the traffic was coming and going to Portsmouth Public Media, which is located in the old South End Meeting House. He stated a majority of the vehicles used the angled parking spaces over the course of a day. Only four of them backed in to the spaces. He recommended that the current two-way traffic flow pattern remain in place due to the low traffic volume and narrow width of the roadway.

Harold Whitehouse motioned that the current two-way traffic flow pattern on Meeting House Hill Road remain in place. Ron Cypher seconded. **Vote 9-0, to maintain the current two-way traffic flow pattern on Meeting House Hill Road.**

D. Report back on request for truck restriction on Greenleaf Avenue between Lafayette Road and Route 1 Bypass. Eric Eby stated the action item was presented by a citizen living on Greenleaf Avenue near Lafayette Road. He conducted traffic counts, collected vehicle speed and classification data. Data revealed that truck traffic volume was about 2 percent of the total traffic. Although it does not represent an unusually high volume, it is significant. He stated with the improved and signalized intersection of Lafayette Road and Route 1 Bypass, all trucks can make all turns at that location, so a truck restriction on Greenleaf Avenue is feasible and recommended.

Eric Eby informed the Committee that the City is also planning to improve and signalize the intersection of Lafayette Road and Andrew Jarvis Drive at the High School entrance. He stated these roadway and intersection improvements would allow traffic to travel to and from Lafayette Road and the High School safely and efficiently without the use of Greenleaf Avenue. Mr. Eby also stated that the Committee should give future consideration to the long-term configuration of Greenleaf Avenue, especially where it intersects with Lafayette Road. He stated with the current and future improvements at nearby intersections, real opportunities exist for making Greenleaf Avenue a much less traveled roadway, more in keeping with its residential character.

Harold Whitehouse asked when the Lafayette Road and Andrew Jarvis Drive project would be constructed. Public Works Director Rice stated easements were being obtained from abutters, and the project design is almost complete. He stated the project is part of the Capital Improvement Plan. Once funding is allocated by the City Council, construction could possibly begin in the summer of 2018.

Mary Lou McElwain stated the intersection of Greenleaf Avenue and Lafayette Road was probably the most dangerous in the City due to trucks turning at the intersection. She asked what truck size would be restricted. Eric Eby stated the City Ordinance prohibits any truck with a box, body, or platform of over 12 feet in length from using the street, if the restriction was approved.

Ted Gray expressed support for the newly improved and signalized intersection of Lafayette Road and Route 1 Bypass.

Ted Gray motioned to restrict truck traffic on Greenleaf Avenue between Lafayette Road and Route 1 Bypass. Deputy City Manager, Nancy Colbert Puff, seconded.

Deputy Fire Chief Heinz commented that the Fire Department uses Greenleaf Avenue regularly and requested to be involved in all future discussions regarding the roadway.

Vote 9-0, to restrict truck traffic on Greenleaf Avenue between Lafayette Road and Route 1 Bypass.

IX. PUBLIC COMMENT:

Rick Becksted asked if there would be a time limit on the use of bike lanes on Middle Street. He expressed concern for residential parking and would like the bike lanes to have designated hours of use.

Rick Chellman, resident, licensed traffic engineer and author, presented to the Committee on new parking patterns, urban street design, and traffic calming elements in the downtown. He provided specific examples where pavement restriping could create additional parking. He stated if travel space was changed to parking space, the effect would have a traffic calming measure.

Deputy Fire Chief Heinz thanked Mr. Chellman for the presentation and mentioned the items they have been able to agree upon regarding this topic. He specifically asked if it is unreasonable to expect fire trucks to be able to travel on all city streets all the time. Mr. Chellman stated that it is not necessarily appropriate for fire trucks to be able to gain access to all roadways all the time. Deputy Fire Chief Heinz and Mr. Chellman discussed State Street. Fire trucks cannot gain access to an event due to traffic congestion caused by the vertical lift on the Memorial Bridge.

Mary Lou McElwain asked about the process when a presentation is made during public comment. Chairman Lown stated he asked Mr. Chellman to present during public comment and asked if a member would like to make a motion for staff to report back on Mr. Chellman's ideas and recommendations.

Shari Donnermeyer motioned to have staff report back on recommendations presented by Mr. Chellman. Ted Gray seconded.

Harold Whitehouse expressed concern for safety and supported Deputy Fire Chief Heinz comments. Public Works Director Rice stated that several of the proposals presented were previously discussed. They were determined to be not viable. However, he stated some do have merit and would be revisited when staff time allows. He complimented Eric Eby, Parking and Transportation Engineer, for his excellent work on meeting Committee deadlines. He reminded the Committee that Mr. Eby has additional responsibilities beyond supporting PTS and that it may take longer than a month to complete the evaluations.

Voted 9-0, staff to report back on recommendations presented by Mr. Chellman at a later date.

Wes Tator asked Eric Eby the cost of a traffic signal. Eric Eby stated it would cost approximately \$250,000. Mr. Tator asked why PTS meetings are held in the early morning. Chairman Lown stated it has historically been held at 8:00 AM. Mr. Tator suggested staff meet with residents regarding issue items before distributing a recommendation. He requested a plan be developed regarding Mr. Chellman's ideas and allow public comment.

X. MISCELLANEOUS:

Quarterly Accident Report for 09/28/2016 to 12/28/2016.

Police Captain Warchol provided an overview of the report and reported that the number of accidents was relatively low based on the volume of vehicle traffic in the downtown.

Public Works Director Rice addressed Mr. Tator's comment about providing public comment opportunities, addressing Mr. Chellman's recommendations. Mr. Rice stated meetings and forums were held regarding Mr. Chellman's recommendations. Committee votes are made not to pursue some of them because of concerns relative to the Fire Department.

Harold Whitehouse requested Chairman Lown, in his report to the City Council, discuss a policy regarding reflective gear for pedestrians. Mr. Whitehouse recommended the policy include a requirement that reflective gear be worn by runners or pedestrians outside the Central Business District after sunset.

XI. ADJOURNMENT – At 9:15 a.m., **voted** to adjourn.

Respectfully submitted by:

Amy Chastain
Secretary of the Committee