

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: TUESDAY, SEPTEMBER 5, 2017 TIME: 5:30 PM

AGENDA

- 5:30pm – Work Session Re: Review of Parking Principles and Initiatives

I. CALL TO ORDER

II. ROLL CALL

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

V. ACCEPTANCE OF MINUTES – AUGUST 21, 2017

VI. PUBLIC COMMENT SESSION

VII. PUBLIC HEARING AND VOTES ON ORDINANCES AND/OR RESOLUTIONS

- A. PUBLIC HEARING/SECOND READING OF ORDINANCE AMENDMENTS TO CHAPTER 4 PERTAINING TO THE CITY'S FOOD LICENSING AND REGULATIONS BY STRIKING ARTICLES I-V IN ITS ENTIRETY AND REPLACE WITH NEW LANGUAGE

- PRESENTATION
- CITY COUNCIL QUESTIONS
- PUBLIC HEARING SPEAKERS
- ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS

(Sample motion – move accept all the amendments to the Food Licensing and Regulations Ordinance as set forth in the Memorandum from the Legal Department to the Acting City Manager dated August 30, 2017 and to pass second reading and schedule third and final reading of the proposed ordinance at the September 18, 2017 City Council meeting)

- B. WHETHER TO ALLOW KENO ON THE BALLOT – SENATE BILL 191

- PRESENTATION
- CITY COUNCIL QUESTIONS
- PUBLIC HEARING SPEAKERS
- ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS

(Sample motion – move to place the following question on the November 7, 2017 Municipal Election Ballot “Shall we allow the operation of keno games within the city”)

VIII. APPROVAL OF GRANTS/DONATIONS

(There are no items under this section of the Agenda)

IX. CONSENT AGENDA

(ANTICIPATED ACTION - MOVE TO ADOPT CONSENT AGENDA)

(There are no items under this section of the Agenda)

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Diana Nyad requesting permission to pass through Portsmouth for the EverWalk on Wednesday, September 14, 2017 and set up a few tables at Prescott Park to hand out snack food and water for the walkers ***(Sample motion – move to refer to the Acting City Manager with power)***
- B. Flyer for the Electric Vehicle Show on Saturday, September 16, 2017, 2pm-5pm at Red Hook Brewery Parking Lot ***(Sample motion – move to accept and place on file)***
- C. Letter from Amber Day, New Hampshire Film Festival, requesting permission to close Vaughn Mall on Saturday, October 14, 2017 for the NH Film Festival Hospitality Day Party from 11:00 a.m. – 2:00 p.m. ***(Sample motion – move to refer to the Acting City Manager with power)***

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. ACTING CITY MANAGER

Acting City Manager's Items Which Require Action:

- 1. Request to Schedule a Public Hearing Re: Elderly Exemptions
- 2. City Cemeteries and RSA 289:3
- 3. 2018 Schedule of City Council Meetings and Work Sessions

Acting City Manager's Informational Items:

- 1. Events Listing
- 2. Schedule for Work Session on September 9th Re: McIntyre Property
- 3. Household Hazardous Waste Day
- 4. Peirce Island Wastewater Treatment Facility Upgrade Quarterly Report
- 5. Coakley Landfill Update
- 6. FY 2017 Inspections Department Annual Report (Period July 1, 2016 to June 30, 2017)

B. MAYOR BLALOCK

1. Appointments to be Considered:
 - Appointment of Richard Katz to the Library Board of Trustees
 - Reappointment of Stephanie Hausman to the Library Board of Trustees
 - Reappointment of Donald Margeson to the Library Board of Trustees
 - Reappointment of Sarah Lachance to the Economic Development Commission
2. Appointments to be Voted:
 - Appointment of Alan Gold to the Economic Development Commission
 - Appointment of Lindsay Gallant to the Sustainable Practices Blue Ribbon Committee
 - Appointment of Maria Stowell as the PDA Representative to the Renewable Energy Committee
3. Resignation – Amy Burns from the Cable Television and Communications Commission

C. ASSISTANT MAYOR SPLAINE

1. Toxic-Free Weed Program (***Proposed motion - That the city immediately stop using toxic chemicals in public places, that it encourage toxin-free property maintenance for all new developments, and to provide an educational program for all property-owners on safe, proven organic property maintenance. We aspire to lead the way to make Portsmouth the first non-toxic community in New Hampshire***)

D. COUNCILOR PEARSON

1. The Arts Reinvestment Agreement

E. COUNCILOR DENTON

1. *Maple Haven Crosswalk

XII. MISCELLANEOUS/UNFINISHED BUSINESS

XIII. ADJOURNMENT

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

**Indicates Verbal Report*

INFORMATIONAL ITEMS

1. Notification that the minutes of the August 1, 2017 meeting of the Site Review Technical Advisory Committee are now available on the City's website
2. Notification that the minutes of the July 20, 2017 and July 27, 2017 meetings of the Planning Board are now available on the City's website

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| <p><i>NOTICE TO THE PUBLIC WHO ARE HEARING IMPAIRED: Please contact Dianna Fogarty at 603-610-7270 one-week prior to the meeting for assistance.</i></p> |
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CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, AUGUST 21, 2017

PORTSMOUTH, NH
TIME: 6:30PM

At 6:30 p.m., a Work Session was held regarding Senate Bill 191 relative to Keno.

I. CALL TO ORDER

Mayor Blalock called the meeting to order at 7:15 p.m.

II. ROLL CALL

Present: Mayor Blalock, Assistant Mayor Splaine, Councilors Dwyer, Lown
(Via Conference Call), Pearson, Spear, Cyr and Denton

Absent: Councilor Perkins

III. INVOCATION

Mayor Blalock asked everyone to join in a moment of silent prayer.

IV. PLEDGE OF ALLEGIANCE

Ned Raynolds led in the Pledge of Allegiance to the Flag.

PRESENTATION

1. Statistical Revaluation Update, Rosann Maurice Lentz, Assessor;
Representative from Vision & Property Valuation Advisors

Assessor Maurice Lentz introduced Michael Tarello of Vision Government Solutions and Steve Traub of Property Valuation Advisors that would be providing the presentation on the Statistical Revaluation with her. Assessor Maurice Lentz explained the statutory requirements and stated the revaluation encompasses the sale date range of April 1, 2016 through March 31, 2017. She indicated the purpose of update is to maintain assessment equity and measurements of equity. She provided the definition of median ratio which is the middle ratio in a sorted (low to high) array of sales ratios; 50% of the ratios lie above the median and 50% fall below it. The median ratio is the most commonly used measurement because it is less influenced by outliers.

Mr. Tarello, with the use of charts, explained the median percent change in Market value by sale price. He reviewed the 2016 prior assessment ratio versus 2017 current assessment ratios residential properties.

Mr. Traub spoke to the 4 residential groups that were established for this statistical revaluation. He outlined the groups as follows:

Group I: East of Downtown, South End, Sagamore Creek, Little Harbor

Group II: Portsmouth Traffic Circle North, I-95 Corridor, Route 1 Bypass

Group III: South Portsmouth Area (Middle Road South)

Group IV: West of Downtown, North Mill Pond

He reported that residential is up 19% with commercial up 3%.

Assessor Maurice Lentz reviewed remaining tasks and dates that remain with informal hearings on August 24th and September 5th with residential hearings on August 29th and commercial hearings on September 11th. She reported that property owners may file an abatement application by March 1, 2018 and the Assessor's office reviews abatement applications and notifies property owners by July 1, 2018.

Councilor Spear asked when the new values go into effect. Assessor Maurice Lentz said the rates will be effective with December's bill. She also reported that the estimated tax rate will be put out on the website.

Councilor Dwyer said the last time we went through this the Assessor had detailed factors for the four groups. Assessor Maurice Lentz said she has the break out for each neighborhood. Councilor Dwyer indicated that she would like to see a presentation on some of the factors and scenarios as it would be useful to the public. Assessor Maurice Lentz said she could provide such a presentation. Councilor Dwyer said it is going to be difficult for people to understand the difference in commercial and residential shifts.

Councilor Cyr requested to explain commercial values.

Councilor Dwyer asked her if there is a minimum number in a cluster of sales. Assessor Maurice Lentz said Vision looked at 2 years' worth of sales for the revaluation.

V. ACCEPTANCE OF MINUTES – AUGUST 7, 2017

Councilor Pearson moved to approve and accept the minutes of the August 7, 2017 City Council meeting. Seconded by Councilor Spear.

Councilor Denton moved to amend the minutes on page six, paragraph four, first sentence to strike 'that' and replace it with 'electric value charging stations'. Further to amend second sentence strike 'that' and replace it with 'electric vehicle charging stations'. *The sentences would now read Councilor Denton said he wanted to see roof top solar and is electric vehicle charging stations something that could be programmed in. Dave Allen said we hope to come in under the \$3,000,000.00 to add the electric vehicle charging stations or add it later to the project. Seconded by Councilor Spear and voted.*

Voted to pass main motion as amended.

VI. PUBLIC COMMENT SESSION

Beth Margeson said the meetings could be more efficient and more dialogue is needed to speak to each other than at each other. She said she agrees with the changes to the public hearing. She stated that the public comment session should remain and everyone should have the right to stand up and speak. She indicated that this is free speech and the public comment session serves as a civics lesson.

Jerry Zelin said there is no criteria to the zoning ordinance that passed on June 19th. He also addressed the matter of conditional use permits as allowed under the ordinance and that he would like to see changes to the ordinance.

David Noard said he would like to have debate on how to build a monument to secrecy. He said we need to document what is important.

Roger Pittroff spoke against changing the public comment session and feels there is too much change being proposed.

Bert Cohen spoke to the Carbon Free and Dividend Resolution that the Council will be voting on at the end of the agenda. He said the Sustainability Committee supports the Resolution. He said this Resolution is what we are looking for in the system and for a big network. He stated we need a leverage point to change carbon production as outlined in the Resolution.

Merle White said taxis are not being enforced and drivers from Massachusetts are coming to Portsmouth.

Wes Tator said he supports the Resolution on Carbon Free and Dividend Resolution. He said that climate change is not being talked about enough and the City Council will make a difference. He stated that this would put a fee on carbon.

Jim Hewitt spoke in support of public comment session and said you should honor and respect Assistant Mayor Splaine for his work on the public comment session.

Kelly Shaw thanked those speaking on behalf of residents. She said that speaking at a City Council meeting is very intimidating and expressed concern about the public comment session being eliminated.

Ralph DiBernardo spoke in support of the changes to the public comment session. He said everyone can make feelings known through email. He stated that the public dialogue is a good idea.

Esther Kennedy said we do need to educate the public and you have to be careful what you wish for. She said people are spending hours and days researching what they are speaking to and to make sure the City Council learns from the public.

Erik Anderson said he supports the concept of public dialogue but is confused with the language under Rule 43. He said he doesn't feel the language is clear and that the public comment session is valuable and should remain.

Mimi Clark spoke in support of maintaining the public comment session as it is pure democracy.

Rick Becksted said he does not want to see the public comment session end. He said all of our time is valuable and the Council was elected to represent the public and to listen to their comments.

Rick Horowitz said he likes the idea for public dialogue but not at the expense of losing the public comment session. He said this has been with us for a long time and people come to speak their minds. He urged the City Council to add to public comment session and add a once a month dialogue session that should be broadcasted and made available.

Michael Dater said there is an ongoing erosion of participation in government and feels that the public comment session is under attack. He said the people in the room and City put you in office and not to get you to forget about the people. He stated the public comment session is vital to all the people and does not understand the public dialogue.

Lee Roberts said public comment session is important and said she is an educated voter and everyone should be able to come here and speak on matters that are important to them. She stated that public dialogue will not bring anything to the City Council meetings.

Jackie Cali-Pitts said public comment session should not be taken away. She said you should be adding to the session as we are the City of the "Open Door." She indicated there are other ways to condense our meetings and don't take away the public comment session.

Paige Trace said don't take away the public comment session. She said freedom of speech is our right. She indicated if there is an issue with long meetings maybe there are other things that need to have the time tracked.

Zelita Morgan spoke in support to keep public comment session and stated that the public comment session was one of the most important times when she served as a City Councilor. She said public comment session is democracy and maybe the Council needs to create different ways for the public to be part of the meetings.

Assistant Mayor Splaine moved to suspend the rules to take up Item XII. D.1. – Rule 42 – PUBLIC’S RIGHT TO KNOW GUARANTEED, Rule 43 – COUNCIL – PUBLIC DIALOGUE and Rule 45 – PUBLIC HEARINGS. Seconded by Councilor Denton.

Councilor Cyr requested a brief recess. Mayor Blalock declared a brief recess at 8:20 p.m. At 8:25 p.m., Mayor Blalock called the meeting back to order.

On a unanimous roll call 8-0, voted to pass the main motion as amended.

Councilor Spear said he listened to what was said this evening and people are in favor of both the public comment session and public dialogue. He said we have two City Council meetings and we could have the public comment session at one meeting and the public dialogue at the next meeting.

Councilor Spear moved that City Council Rule 43 PUBLIC COMMENT SESSION be rewritten by the City Clerk and the City Attorney to Rule 43a. and Rule 43b. Under Council Rule 43a. Public Comment Sessions will continue to be held in the current manner at every other Council meeting. Under Council Rule 43b., the City Council shall hold a Council – Public Dialogue Session during the period which is forty-five minutes (45) before any otherwise scheduled City Council business, on the night of every other regularly scheduled Council meeting. At such Council – Public Dialogue Sessions the Council, the City Manager and any appropriate staff as determined by the City Manager shall welcome all interested individuals for an informal dialogue session. The purpose of this session is to provide an opportunity for members of the public to directly interact with members of the Council, the City Manager and any appropriate staff as determined by the City Manager from time to time. By vote of the Council, such Council – Public Dialogue Session may be scheduled to be held at other times and in other locations in the City beyond City Hall. All Council – Public Dialogue Sessions shall be held in accordance with RSA 91-A, the Right-to-Know Law by notice being made and minutes being taken. Seconded by Councilor Pearson.

Councilor Dwyer said this has nothing to do with public comment we have at public hearings or public informational input sessions.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said he is not clear what public dialogue would look like on the night of the dialogue. He said this is to enhance public comment session.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

Councilor Dwyer said if it was a small group of people it would be about people sitting in chairs around a table and people self-facilitate the group. The notes for these sessions would be just as they are now. She said the dialogue could be televised. She indicated we could have some staff recording the notes from each table much like the City Clerk does. She stated that people use dialogue a great deal in their comments and this would allow both.

Councilor Cyr asked City Attorney Sullivan if Public Dialogue Session were conducted into 3 out groups it would be a challenge to comply with the right to know law. He further stated that everything must be conducted with the right to know law and minutes kept. City Attorney Sullivan said perhaps a City Councilor could keep minutes or additional staff support would be needed.

Assistant Mayor Splaine stated he supported a Public Dialogue Session in 2012 in addition to the Public Comment Session. He said lets meet once a month and have the dialogue "a talk with your Councilor" in a round table discussion exchanging and having a dialogue and televised but do not take away the Public Comment Session at every meeting. He read the following into the record *"Congress shall make no law respecting an establishment of religion or prohibiting the free exercise of thereof or ad verging the freedom of speech or of the press or of the right of the people to peacefully assemble and to petition the government for a redress of grievances"*. He spoke to servant of leadership and we should listen to the people and always allow them to be heard. He is glad to see that with the pressure of the people that there is a compromise in the works. He is afraid to see pure democracy eroded in any way, we need not do that.

On a roll call vote 7-1, motion passed. Councilors Dwyer, Lown, Pearson, Spear, Cyr, Denton and Mayor Blalock voted in favor. Assistant Mayor Splaine voted opposed.

Councilor Cyr said he feels the issue of time would be to start earlier. He said much has been said about democracy and City Council meetings being intimidating. He indicated public comment is to put more effort to get more people in the seats and become more participating in meetings. He is concerned about Public Dialogue Session and feels it is vague. He said that this will not change the length of time of the meetings and perhaps we need to look at that in some way.

Councilor Denton said there are only 7 meetings left in the term and would provide for 3 to 4 meetings of a Public Dialogue Session. He said the rules could be changed back to where they were and this will not change the time length of meetings.

Councilor Denton moved to amend Councilor Rules 43a. and 43b. to hold sessions on alternate Saturday and Sunday mornings and evenings on weekends before meetings. Seconded by Assistant Mayor Splaine. On a roll call voted, 1-7 motion failed to pass. Councilor Denton voted in favor. Assistant Mayor Splaine, Councilors Dwyer, Lown, Pearson, Spear, Cyr and Mayor Blalock voted opposed.

Councilor Dwyer said democracy could be more than 1 kind of involvement. She said people want to participate to have conversations with people. She said civic participation is about variety. She said some people want to have a conversation with the Council and ask questions. She said government can be good for people.

Councilor Pearson said there was nothing that any one said this evening not one word that this forum could not be said in the exact same way at a table with a City Councilor. She said there is not one thing that could not be said at that podium that could not be said at a table with the City Council.

Councilor Spear said he is for 100% democracy. He said we would not be saving any time. He said the issue is to improve dialogue with the City Council. He said that this is a new process and we will work our way through it.

Councilor Lown said everything said at Public Comment Session was that we were trying to eliminate the Public Comment Session which we are not. He said this would improve participation.

Assistant Mayor Splaine moved to have in addition to the current Public Comment Session for each City Council meeting that the City Council once a month hold a work session and dialogue session of 30 minutes. Seconded by Councilor Denton. On roll call vote 2-6, motion failed to pass. Assistant Mayor Splaine and Councilor Denton voted in favor. Councilors Dwyer, Lown, Pearson, Spear, Cyr and Mayor Blalock voted opposed.

Assistant Mayor Splaine moved to table this matter until the September 5, 2017 City Council to be presented with the final version of language. No second received.

Assistant Mayor Splaine said we are now voting on something that we have not seen. He said we are trusting our government blindly.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said adding a Public Dialogue Session to the Public Comment Session is worth pursuing. He said government is not perfect and nothing is perfect. He would not vote for something that he is not clear about. He said we will still have Public Comment Session and now a Public Dialogue which will enhance the Public Comment Session. He would insist that the Public Dialogue have some formal nature to it. Mayor Blalock said that this is not a time saving measure.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

On a roll call 7-1, voted to pass main motion as amended. Councilors Dwyer, Lown, Pearson, Spear, Cyr, Denton and Mayor Blalock voted in favor. Assistant Mayor Splaine voted opposed.

Councilor Spear moved the City Council Rule 42 – PUBLIC’S RIGHT TO KNOW GUARANTEED is hereby amended by the addition of the following paragraph:

In addition to the foregoing, any e-mails which are received by the City on behalf of the entire City Council shall be entered into the public record by the City Clerk. Any person addressing an e-mail to the entire City Council shall be provided with the option to have such person’s e-mail entered into the City Council packet and public comment record for the meeting. Only e-mails which include the name and address of the sender shall be provided to the City Council and thus be subject to this rule. Any public comment received by e-mail subject to this rule shall be updated after the Council agenda packet is released and prior to noontime on the day of the Council meeting to which the packet is addressed. Any public comments received after such noontime deadline shall be distributed to the individual Councilors, but shall not become part of the public record of the meeting. Seconded by Councilor Pearson.

Councilor Spear feels that this addition speaks to the challenge to get a diversity to allow e-mails to be part of the public record.

Councilor Cyr said it is a fine idea. He said this is about e-mails that are going to a form on a website and then the software on the server sends an e-mail.

Councilor Dwyer said it would require some adjustments, people could send an e-mail through the forum and would be given the choice online that allows the City Council to get it and have a printed packet for the public to view.

Assistant Mayor Splaine said that this is a good idea and allowing people to make comments through the e-mail.

Acting City Manager Colbert Puff said that we interpret it to electronic format.

Councilor Spear said the purpose of the rule is to include any electronic communication. He said people can choose to e-mail.

On a unanimous roll call vote 8-0, motion passed.

Councilor Spear moved that City Council Rule 45, PUBLIC HEARINGS, be amended by the addition of the following:

- C. The order of presentation of all public hearing offered by the City administration**
- 1. Any presentation related to the public hearing offered by the City administration**
 - 2. City Council questions and deliberation regarding the subject matter of the public hearing**
 - 3. Public hearing speakers**
 - 4. Additional Council questions and deliberations**

Seconded by Councilor Cyr.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said that this is a great idea and everyone will benefit from it and you should make the decision right after the conversation.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

Councilor Dwyer said we don't want to do a "reach all your conclusions" and the idea is to move to the public hearing as soon as possible.

Councilor Dwyer said we are not deliberating, we will be having comments before hearing from the public.

On a unanimous roll call vote 8-0, motion passed.

VII. PUBLIC HEARING

- A. PURSUANT TO RSA 31:95-B, II (a) WHERE THE CITY COUNCIL WILL ACCEPT AN ADDITIONAL APPROPRIATION OF HIGHWAY BLOCK GRANT FUNDS IN THE AMOUNT OF \$369,065.05 IN ACCORDANCE WITH SENATE BILL 38 ADOPTED BY THE LEGISLATURE**

Mayor Blalock read the legal notice, declared the public hearing open and called for speakers.

Acting City Manager Colbert Puff said that this means more money to the City of \$369,065.05 and the funds would be towards paving projects.

With no speakers, Mayor Blalock declared the public hearing closed.

Councilor Spear moved to accept and expend the funds. Seconded by Councilor Dwyer. On a unanimous roll call vote 8-0, motion passed.

Councilor Spear moved to suspend the rules in order to take up Item XII. E.1. – Keno. Seconded by Councilor Cyr. On a unanimous roll call vote 8-0, motion passed.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Councilor Lown moved to place on the ballot at the November 7, 2017, Election whether to allow Keno on the ballot. Seconded by Mayor Blalock.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

Councilor Lown said there are pros and cons to this but to have it on the ballot would allow the people to vote on the matter and it would generate a conversation. He said this vote is to let the taxpayers make the decision.

Assistant Mayor Splaine said he would oppose the motion because he hears issues regarding spending and this is a way to bring about gambling. He said Keno will be on the ballot because there is so much money to be made on this. He said there will be plenty of lobbying on this and he would rather see the issue placed on the ballot by petition.

Councilor Dwyer said she has mixed feelings on this matter. She said we are a representative form of government and not a referendum form of government. She stated the way the question is worded on the ballot does not give a clear picture of the question. She indicated we would have no way to regulate Keno. Councilor Dwyer said there should be a public hearing on this at the September 5, 2017, City Council meeting.

Councilor Cyr said he would not vote on this. He said it is not the same thing as the lottery. He stated this is a game that runs every 5 minutes and many people have gambling problems and there needs to be an end put to the gambling as this would be easy money for businesses.

Councilor Denton said he plays some games but he does not want to feed into the behavior.

Councilor Spear would like to postpone the vote until after the public hearing.

Councilor Lown withdrew his motion and Mayor Blalock the second to the motion.

Councilor Dwyer moved to establish a public hearing at the September 5, 2017, City Council meeting on whether to allow Keno on the ballot. Seconded by Councilor Cyr.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said he seconded the motion because he feels the voters should decide on this matter.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

Councilor Pearson asked if more information could come forward on this matter.

Mayor Blalock said we would have a presentation before the public hearing.

On a unanimous roll call vote 8-0, motion passed.

VIII. APPROVAL OF GRANTS/DONATIONS

(There are no items under this section of the Agenda)

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First Reading of Proposed Ordinance Amendments to Chapter 4, Pertaining to the City's Food Licensing and Regulations by striking Articles I-V in its entirety and replaced with new language

Acting City Manager Colbert Puff requested to pass first reading and have a public hearing on this Ordinance at the next City Council meeting. She said that this was discussed at the Council Retreat in July. She said that there would be a presentation at the September 5, 2017 City Council meeting.

Councilor Spear moved to pass first reading and hold a public hearing and second reading at the September 5, 2017 City Council meeting. Seconded by Councilor Cyr.

Assistant Mayor Splaine said he does not see an appeal process as part of the ordinance. Acting City Manager Colbert Puff indicated that there is an appeal process currently and there is an appeal process in this ordinance as well.

Councilor Dwyer said she would like to see what is being deleted and what the new subsection is and what is being modified.

Assistant Mayor Splaine said he would like the analysis to be part of the Council packet.

On a unanimous roll call vote 8-0, motion passed.

Assistant Mayor Splaine indicated due to the late hour he will have his item regarding Toxic-Free Natural Alternatives for Weed and Pest Control on under his name for the September 5, 2017, City Council meeting and have additional information to provide to the City Council.

X. CONSENT AGENDA

Councilor Denton requested to remove Letter from Barbara Massar, Pro Portsmouth, requesting to produce the following from the Consent Agenda.

- First Night Portsmouth 2018, Sunday, December 31, 2017
- Children's Day, Sunday, May 6, 2018; Noon to 4:00 p.m.
- 41st Annual Market Square Day Festival & 10K Road Race, Saturday, June 9, 2018; 9:00 a.m. – 4:00 p.m.
- 16th Annual Summer in the Street, Saturday evenings 5:00 p.m. – 9:30 p.m. – June 30, July 7, 14, 21 and 28, 2018

(Anticipated action – move to refer to the Acting City Manager with power)

Councilor Denton requested to refer to the City Manager with power and further that Market Square Day local organizations which make the deadlines be given priority over non local organizations.

Councilor Spear moved to refer to the City Manager with power. Seconded by Councilor Dwyer.

On a roll call vote 8-0, motion passed.

- Letter from Matt Junkin, Seacoast Rotary, requesting permission to hold the 9th Annual Turkey Trot 5K on Thanksgiving November 23, 2017 at 8:30 a.m.
(Anticipated action – move to refer to the Acting City Manager with power)
- Letter from Melissa Walden, American Lung Association, requesting permission to hold the Cycle the Seacoast Ride on Sunday, May 6, 2018
(Sample motion – move to refer to the Acting City Manager with power)

Councilor Spear moved to adopt the Consent Agenda. Seconded by Councilor Dwyer. On a unanimous roll call 8-0, voted to adopt the Consent Agenda.

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Joanne Ravgiala regarding Prescott Park, High-Hanover Garage and State Street Saloon Fire

Councilor Spear moved to accept and place the letter on file. Seconded by Councilor Cyr.

Councilor Spear said he would answer Ms. Ravgiala question regarding the repairs of the parking garage and the time it will take. He explained the new garage has the capacity of 600 spaces and High Hanover Parking Garage has 1,000 spaces and if we were to close all of them at one time it would create a large deficit so we are spreading out the deficit by closing 300 at a time over the next 3 years. He stated that this is a compromise we made and it is not going to cost more money.

On a unanimous roll call vote 8-0, motion passed.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. ACTING CITY MANAGER

Mayor Blalock explained that due to the hour being after 10:00 p.m. all items under the Acting City Manager's name become Consent Agenda. He asked if there are any items that the City Council wish to remove at this time from the Consent Agenda.

Councilor Dwyer requested to remove Item 1 – Request for Approval of Tentative Agreement between the Portsmouth School Board and the American Federation of State, County and Municipal (AFSCME) Council 93, AFL-CIO School Custodial from the Consent Agenda for a separate vote.

Consent Agenda – City Manager's Items

- Release of Request for Proposals for McIntyre Building (***Anticipated action – move to approve release of the RFP and schedule two special meetings for November 13 and November 27***)
- Approval of License Request Re: 177 State Street (***Anticipated action – move to authorize the Acting City Manager to negotiate and enter into a license with Jeffrey Bryan Remodeling Inc. to facilitate completion of construction activities at 177 State Street***)
- Approval of License Request Re: 175 Market Street (***Anticipated action – move to authorize the Acting City Manager to negotiate and enter into a license with Hutter Construction to facilitate construction activities at 175 Market Street***)

Councilor Dwyer moved to adopt the Consent Agenda. Seconded by Councilor Pearson. On a unanimous roll call 8-0, voted to adopt the Consent Agenda.

- Request for Approval of Tentative Agreement between the Portsmouth School Board and the American Federation of State, County and Municipal (AFSCME) Council 93, AFL-CIO School Custodial

Councilor Dwyer moved to accept the proposed contract with the City of Portsmouth and AFSCME School Custodial from July 1, 2017 to expire on June 3, 2020. Seconded by Councilor Pearson.

Councilor Dwyer said she likes the conversion of the annual and sick leave to an earned leave system.

Councilor Spear said annual leave is paid out and asked how the earned time is paid out. Human Resources Director Fogarty stated that earned time is cashed out like vacation time is.

On a unanimous roll call 8-0 vote, motion passed.

Acting City Manager's Informational Items

2. Water Street Parking Memorandum

Councilor Denton thanked Parking Director Fletcher for the memorandum. He said the memorandum speaks to an alternative to the gated system, the staff is piloting a simpler system of rearview mirror handtags and enhanced Parking Enforcement Officer enforcement. He indicated along with a modified lot barrier, signage, and enforcement will result in improved safety in the lot.

5. News Release Re: Pre-Construction Meeting – Chestnut Street Streetscape Improvements

Councilor Spear asked if there are trees on Chestnut Street.

Assistant City Manager Moore said the planting plan for the site include trees. He said the pedestrian connector funds have been appropriated through the Capital Improvement Plan and there will be a meeting with abutters. Assistant City Manager Moore announced the project construction is scheduled to begin early September and proceed through early November. He indicated the project will resume in the spring and be completed in June 2018.

B. MAYOR BLALOCK

1. Appointments to be Considered:
 - Alan Gold to the Economic Development Commission
 - Lindsay Gallant to the Sustainable Practices Blue Ribbon Committee

The City Council considered the appointments to be voted on at the next City Council meeting.

2. Appointments to be Voted:
 - Reappointment of MaryLou McElwain to the Parking & Traffic Safety Committee

Assistant Mayor Splaine moved the reappointment of MaryLou McElwain to the Parking & Traffic Safety Committee until August 4, 2020. Seconded by Councilor Cyr. On a unanimous roll call 8-0 vote, motion passed.

3. Resignation of John Bosen from the Economic Development Commission

Councilor Cyr moved to accept with regret the resignation of John Bosen from the Economic Development Commission. Seconded by Assistant Mayor Splaine. On a roll call 7-0 vote, motion passed. Councilor Lown was not on the conference call for this vote.

F. COUNCILOR DENTON

1. Carbon Free and Dividend Resolution

Councilor Lown returned to the conference call.

Councilor Denton said that this was discussed a year ago at our Council Retreat and was the last remaining action from the Sustainability Committee from that meeting. He requested to have the word draft stricken from the 6th Whereas in the Resolution.

Councilor Dwyer said the value of this should be to educate the public. She said the Resolution doesn't feel like they educated the public and this is an awkward way to do something that is important. She said she is not against the concept and we need to go through the background.

Councilor Denton said that this is on a national level and the goal is to get other communities to support such a Resolution. He said that this is to help to achieve this on a national level.

Councilor Dwyer said she would like to urge our Congressional Delegation be sent a copy of the Resolution.

Councilor Denton said he could keep this for an item under his name for the next Council meeting.

Mayor Blalock passed the gavel to Assistant Mayor Splaine.

Mayor Blalock said we could pass the Resolution and urge the Congressional Delegation to support it.

Assistant Mayor Splaine returned the gavel to Mayor Blalock.

Councilor Denton moved to adopt the Resolution and send a copy to our Congressional Delegation. Seconded by Assistant Mayor Splaine. On a unanimous roll call 8-0 vote, motion passed.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Cyr requested to add numbers to each line of a document to allow for easier corrections and reference items.

XIV. ADJOURNMENT

At 10:30 p.m., Councilor Pearson moved to adjourn. Seconded by Assistant Mayor Splaine. On a unanimous voice vote 8-0, motion passed.

A handwritten signature in black ink, reading "Kelli L. Barnaby". The signature is written in a cursive, flowing style.

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 Tuesday, September 5, 2017 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Ordinance amendments to Chapter 4 Pertaining to the City's Food Licensing and Regulations by striking Articles I-V in its entirety and replaced with new language. The complete Ordinance 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 Tuesday, September 5, 2017 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Ordinance amendments to Chapter 4 Pertaining to the City's Food Licensing and Regulations by striking Articles I-V in its entirety and replaced with new language. The complete Ordinance 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

PH00305608


CITY OF PORTSMOUTH

LEGAL DEPARTMENT

MEMORANDUM

DATE: August 31, 2017

TO: NANCY COLBERT PUFF, ACTING CITY MANAGER

FROM: ROBERT P. SULLIVAN, CITY ATTORNEY AND JANE FERRINI, ASSISTANT CITY ATTORNEY 

RE: AMENDMENTS TO FOOD LICENSING AND REGULATIONS ORDINANCE

In the event the City Council wishes to proceed with the Food Licensing and Regulations Ordinance which has passed first reading, we recommend the following amendments to the ordinance be made at second reading to eliminate duplication of definitions that are already included in the FDA Food Code.

The following definitions are deleted from the adoption of He-P 2301: (l) "Critical control point"; (m) "Critical limit"; (q) "Food Code"; (r) "Food Establishment"; (s) "Food processing plant"; (u) "Disease outbreak"; (x) "Immediately endangers public health or safety"; (y) "Imminent health hazard"; (ac) "Major food allergen"; (af) "Package"; (as) "Sanitation".

In the event the Council proceeds with the Food Licensing and Regulations Ordinance at second reading, we recommend the following Motion be adopted:

Proposed Motion: Move to accept all the amendments to the Food Licensing and Regulations Ordinance as set forth in the Memorandum from the Legal Department to the Acting City Manager dated August 30, 2017 and to proceed with third and final reading at the City Council meeting of September 18, 2017.

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS:

That Chapter 4, Articles I-V of the ordinances of the City of Portsmouth be stricken in its entirety and replaced with the following:

CHAPTER 4

ARTICLE I FOOD LICENSING AND REGULATIONS

Section 4.101 Adoption of the FDA 2009 Food Code

That a certain document, three copies of which are on file in the office of the City Clerk of the City of Portsmouth, New Hampshire being marked and designated as the Food Code, 2009 Recommendations of the United States Public Health Service/Food and Drug Administration and Annexes "FDA Food Code" as published by the U.S. Department of Health and Human Services, Public Health Services, Food and Drug Administration be, and is hereby adopted, subject to the following amendments, additions and deletions.¹

If specific provisions of the FDA Food Code are not referenced below, the text remains as written.

Section 4.102: Amendments, Additions and Deletions to Food Code

Change subsection to read as follows:

1-201.10 Statement of Application and Listing of Terms.

"Temporary food establishment" means a food establishment that operates for a period of no more than 3 consecutive days in conjunction with a single event or celebration.

Add sentence at the end of paragraph to read as follows:

1-201.10 Food Establishment.

(2) (B) These facilities must be in compliance with Portsmouth Health Department's Rules and Regulations.

¹ For a copy of the FDA Food Code, 2009 go to
<https://www.fda.gov/food/guidanceregulation/retailfoodprotection/foodcode/ucm2019396.htm.foodcode2009>

Delete following subsections:

1-201.10 Food Establishment.

(3) (e) – (g) *Delete*

Change subsection to read as follows:

3-301.11 Preventing Contamination from Hands.

(B) Except when washing fruits and vegetables as specified under 3-302.15 Food Employees may not contact exposed, READY-TO-EAT FOOD with their bare hands and shall use suitable UTENSILS such as deli tissue, spatulas, tongs, single-use gloves, or dispensing EQUIPMENT.

(D) *Delete*

Delete following subsection in its entirety:

3-305.13 Vended Potentially Hazardous Food (Time/Temperature Control for Safety Food), Original Container.

Delete following subsection:

3-306.12 Condiments Protection.

(B) *Delete*

Delete following subsection:

3-801.11 Pasteurized Foods, Prohibited Re-Service, and Prohibited Food.

(D) *Delete*

Delete following subsection:

4.204.14 (A) (B) Vending Machines, Vending Stage Closure.

Delete following subsection:

4-204.19 Can Openers on Vending Machines.

Delete following subsection:

4-204.111 Vending Machines, Automatic Shutoff.

89
90
91 *Add new subsection to read as follows:*

92 **4-301.16 Food Prep Sink.**

93
94 A Food Prep sink that meets the requirements specified in 4-205.10, 5-202.13
95 and 5-402.11 shall be provided for washing/thawing of foods, and drawing of
96 potable water, to be used for no other purposes.
97

98
99 *Delete following subsections:*

100 **4-301.12 Manual Warewashing, Sink Compartment Requirements.**

101
102 (C)(5) *Delete*

103 (C)(6) *Delete*

104 (D) *Delete*
105
106

107 *Add new subsection to read as follows:*

108 **4-302.12 Food Temperature Measuring Devices.**

109
110 (A) Digital food temperature measuring devices shall be provided and readily
111 accessible for use in ensuring attainment in maintenance of food
112 temperatures as specified under Chapter 3.
113
114

115 *Add new subsection to read as follows:*

116 **4-302.13 Temperature Measuring Devices, Manual Warewashing.**

117
118 (B) In hot water mechanical WAREWASHING operations, an irreversible
119 registering temperature indicator shall be provided and readily accessible
120 for measuring the UTENSIL surface temperature.
121
122

123 *Change subsection to read as follows:*

124 **4-501.16 Warewashing Sinks, Use Limitation.**

125
126 (A) A warewashing sink may not be used for handwashing as specified under
127 §2-301.15, and drawing potable water, wash produce, or thaw foods.
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134 *Delete following subsections:*

135 **4-603.16 Rinsing Procedures.**

136
137 (C) *Delete*

138 (D) *Delete*

139 (E) *Delete*

140
141
142 *Change subsection to read as follows:*

143 **5-104.12 Alternative Water Supply.**

144
145 Water meeting the requirements specified under Subparts 5-101, 5-102, and 5-
146 103 shall be made available for a mobile facility, for a temporary food
147 establishment without a permanent water supply, and for a food establishment
148 with a two hour interruption of its water supply through:
149

150
151 *Change subsections to read as follows:*

152 **5-203.11 Handwashing Sinks.**

153 A handwashing sink shall be located within 20 unobstructed feet:

154 (A) To allow convenient use by employees in food preparation, food
155 dispensing, and warewashing areas; and

156 (B) In toilet rooms.
157

158
159 *Change subsection to read as follows:*

160 **5-501.12 Outdoor Enclosure.**

161
162 (A) If used, an outdoor enclosure for refuse, recyclables, and returnables shall
163 be constructed of durable, and cleanable materials with tight-fitting lids,
164 and in a clean and cleanable manner, that does not attract pests.
165

166
167 *Add new subsection to read as follows:*

168 **6-202.15 Outer Openings; Protected.**

169
170 (F) Permanently located outdoor beverage bars shall be fully enclosed during
171 non-operating hours with a sturdy, permanent structure capable of
172 withstanding wind, weather, be rodent, bird, insect-proof, and seal out any
173 and all intentional and unintentional sources of contamination and
174 adulteration.
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Change subsection to read as follows:

6-303.11 Intensity.

The light intensity shall be:

- (A) At least 216 lux (20 foot candles) at a distance of 75 cm (30 inches) above the floor, in walk-in refrigeration units and dry food storage areas and in other areas and rooms during periods of cleaning;

Change subsection to read as follows:

6-501.115 Prohibiting Animals.

- (A) Except as specified in (B) and (C) of this section, live animals may not be allowed on the premises of a food establishment, unless allowed by variance pursuant to 8-103.10 through 8-103.12 for outdoor decks.

Delete following subsection:

7-202.12 Conditions of Use.

- (A) (2) *Delete*

Change subsections to read as follows:

8-101.10 Public Health Protection.

- (B) (1) Whether the facilities or equipment are in good repair and capable of being maintained in a sanitary condition and used as intended by the manufacturer;

Change subsection to read as follows:

8-103.11 Documentation of Proposed Variance and Justification.

- (C) A HACCP plan if required as specified under 8-201.13(A) that includes the information specified under 8-201.14 as it is relevant to the variance requested, and reviewed by a 3rd party acceptable to the Health Department or Special Process Review if requested.

Add new subsection to read as follows:

8-201.11 When Plans Are Required.

- (D) Change of owner or ownership interest.

Delete following subsections:

8-201.12 Contents of Plans and Specifications.

(B) *Delete*

(D) *Delete*

(E) *Delete*

Add new subsection to read as follows:

8-201.14 Contents of a HACCP Plan.

(F) Verified by a qualified 3rd party reviewer acceptable to the Health Department if requested.

Delete following subsection:

8-404.11 Ceasing Operations and Reporting.

(B) *Delete*

Add the following as first paragraph of subsection:

Annex 2009, Annex 7, Model forms Guides and Other Aids.

Model forms are adopted as amended by the Portsmouth Health Department.

Section 4.103 Adoption of Specific Parts He-P 2300, as amended:

Specific parts of the N.H. Code of Administrative Rules, Part He-P 2300, Sanitary Production and Distribution of Food ("He-P 2300") published as of the date this Chapter is adopted, are hereby adopted subject to the following amendments, additions and deletions. Any section not referenced is not adopted.

Adopt the following definitions:

He-P 2301 DEFINITIONS

(a) "Acid foods"

(b) "Acidified foods"

(c) "Applicant"

(d) "Bed and breakfast"

(f) "Bulk food"

(g) "Caterer"

(h) "Change of ownership"

- (i) "Continental breakfast"
- (k) "Corrective Action Plan (CAP)"
- ~~(l) "Critical control point"~~
- ~~(m) "Critical limit"~~
- ~~(q) "Food Code"~~
- ~~(r) "Food establishment"~~
- ~~(s) "Food processing plant"~~
- ~~(u) "Disease outbreak"~~
- ~~(x) "Immediately endangers public health or safety"~~
- ~~(y) "Imminent health hazard"~~
- (ab) "Low acid foods"
- ~~(ac) "Major food allergen"~~
- ~~(af) "Package"~~
- ~~(as) "Sanitization"~~
- (av) "Soup kitchen"
- (aw) "Time/Temperature Control for Safety (TCS) food"

Adopt and amend the following definitions to read as follows:

- (n) "Department" means the Portsmouth Health Department.
- (ad) "Mobile food unit" means a food service establishment mounted on wheels or otherwise designed to be immediately moveable.

Adopt the following subsection in its entirety and add new subsection to read as follows:

He-P 2302.02 Soup Kitchens Exempt from Licensure.

- (5) Person-in-charge must attend food safety training to be provided by the Department.

Adopt the following subsection:

He-P 2304.13 (a) Hazard Analysis and Critical Control Point (HACCP) Plan Requirements.

316 *Adopt the following subsection in its entirety and amend subsections (a), (c)(6), (g) and*
317 *(i) as follows:*

318 **He-P 2305.01 Inspections.**

319
320 (a) For the purpose of determining compliance with this Chapter, the
321 Department or its inspectors, or special agents designated for that purpose,
322 shall have full power and authority at all times to enter and inspect every
323 building, room or other place occupied or used for the production, storage,
324 sale or distribution of food, and all utensils and appurtenances and records
325 relating thereto, including shellfish tags, or other records pertaining to food
326 supplies purchased and distributed by the food establishment. The
327 applicant or licensee shall admit and allow any department representative
328 at any time to enter and inspect the following:

329
330 (c) (1) *Delete*

331
332 (c) (4) *Delete*

333 (c)(6) Occupation of space after construction, renovations or structural alterations
334 or a period of closure that exceeds 90 days; or

335
336 (g) Upon completion of the inspection, the Department shall provide a written
337 or electronic copy of the inspection report. The inspection report shall
338 contain:

339
340 (i) Except for Food Processing Plants, numerical scoring shall be on a 100
341 point scale, with:

342
343 (1) A+ with a score of 95-100 with no critical item violations

344 (2) A with a score of 90-100 and one or more critical item violations

345 (3) B+ with a score of 85-89

346 (4) B with a score of 80-84

347 (5) C+ with a score of 75-79

348 (6) C with a score of 70-74

349 (7) F score below 70 is a failing score.

350 (8) Scoring shall be assigned as Priority Items are valued at 5 points,
351 Priority Foundation items are valued at 3 points and Core items
352 shall be valued as 1 point. The value of the inspection categories
353 shall be that of the highest point item in that category.
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357 *Adopt and amend subsection to read as follows:*

358 **He-P 2308.02 Basic Requirements.**

- 359
360 b (2) A residential model sanitizing dish machine and a one compartment sink:

361
362
363 *Adopting subsection in its entirety and amend to read as follows:*

364 **He-P 2309.01 Application Requirements.**

- 365
366 (a) Apply as "Processors," Class E on the food service permit
367 application and comply with the License, Application and Terms of
368 License requirements;

369
370
371 **Section 4.104 Temporary Events.**

372
373 Food preparation and handling practices for food establishments are to be in
374 compliance with this Chapter. Event Coordinators must submit completed application to
375 the Department for approval no later than one month prior to the date of the event.

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377
378 **Section 4.105 License.**

379
380 It shall be unlawful for any person or entity to operate a Food Service
381 Establishment within the City of Portsmouth without obtaining a valid food service
382 license issued by the Department. Only a person or entity who complies with the
383 requirements of this Chapter shall be entitled to receive and retain such a license. A
384 food service license shall be posted in public view. Licenses are not transferable
385 between entities or locations. Any change in ownership or ownership interest shall
386 require a new food service license subject to the provisions of this Chapter.

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389 **Section 4.106 Application.**

390
391 The Health Department may issue a food service license to any Food Service
392 Establishment upon receipt of a written or electronic application. A food service license
393 shall be granted upon the express condition that the Food Service Establishment
394 complies with all the requirements of this Chapter, and the applicant agrees at all times
395 to conduct his operation and maintain his facilities in accordance with the requirements
396 of this Chapter and those regulations promulgated hereunder. The application
397 procedure and issuance shall be in keeping with the policies and procedures of the
398 Department, with the fees approved by City Council through its budgetary processes.

Section 4.107 Term of License.

Food service licenses shall be issued upon compliance with all of the provisions of this Chapter: All annual licenses expire September 30th. Seasonal licenses are valid from April 15 through October 15 of the calendar year. Temporary licenses are valid for the length of the event.

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

This ordinance shall take effect upon passage.

APPROVED:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS:

That Chapter 4, Articles I-V of the ordinances of the City of Portsmouth be stricken in its entirety and replaced with the following:

CHAPTER 4

ARTICLE I FOOD LICENSING AND REGULATIONS

Section 4.101 Adoption of the FDA 2009 Food Code

That a certain document, three copies of which are on file in the office of the City Clerk of the City of Portsmouth, New Hampshire being marked and designated as the Food Code, 2009 Recommendations of the United States Public Health Service/Food and Drug Administration and Annexes "FDA Food Code" as published by the U.S. Department of Health and Human Services, Public Health Services, Food and Drug Administration be, and is hereby adopted, subject to the following amendments, additions and deletions.¹

If specific provisions of the FDA Food Code are not referenced below, the text remains as written.

Section 4.102: Amendments, Additions and Deletions to Food Code

Change subsection to read as follows:

1-201.10 Statement of Application and Listing of Terms.

"Temporary food establishment" means a food establishment that operates for a period of no more than 3 consecutive days in conjunction with a single event or celebration.

Commented [KIM1]: Changed 14 to 3 to reflect current Portsmouth Temporary Event definition

Add sentence at the end of paragraph to read as follows:

1-201.10 Food Establishment.

(2) (B) These facilities must be in compliance with Portsmouth Health Department's Rules and Regulations.

Commented [KIM2]: Addresses use of Mobile Units and Temporary Events

¹ For a copy of the FDA Food Code, 2009 go to <https://www.fda.gov/food/guidanceregulation/retailfoodprotection/foodcode/ucm2019396.htm>. foodcode2009

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Delete following subsections:

1-201.10 Food Establishment.

(3) (e) – (g) Delete

Commented [KIM3]: Not applicable because we do not regulate bake sales, private home daycare kitchens or private homes receiving food deliveries

Change subsection to read as follows:

3-301.11 Preventing Contamination from Hands.

(B) Except when washing fruits and vegetables as specified under 3-302.15 Food Employees may not contact exposed, READY-TO-EAT FOOD with their bare hands and shall use suitable UTENSILS such as deli tissue, spatulas, tongs, single-use gloves, or dispensing EQUIPMENT.

Commented [KIM4]: Removed “or as specified in D” because D is deleted

(D) Delete

Commented [KIM5]: Requires conditions incompatible with NH practices

Delete following subsection in its entirety:

3-305.13 Vended Potentially Hazardous Food (Time/Temperature Control for Safety Food), Original Container.

Delete following subsection:

3-306.12 Condiments Protection.

(B) Delete

Commented [KIM6]: Subsections in Lines 62-70 and 79-88 deleted because we do not license or inspect vending machines

Delete following subsection:

3-801.11 Pasteurized Foods, Prohibited Re-Service, and Prohibited Food.

(D) Delete

Commented [KIM7]: Refers to deleted Section line 59

Delete following subsection:

4.204.14 (A) (B) Vending Machines, Vending Stage Closure.

Delete following subsection:

4-204.19 Can Openers on Vending Machines.

Delete following subsection:

4-204.111 Vending Machines, Automatic Shutoff.

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Add new subsection to read as follows:

4-301.16 Food Prep Sink.

A Food Prep sink that meets the requirements specified in 4-205.10, 5-202.13 and 5-402.11 shall be provided for washing/thawing of foods, and drawing of potable water, to be used for no other purposes.

Commented [KIM8]: Consolidated food preparation sink requirements from plan review with the Equipment section of the Code so all information is in one place

Delete following subsections:

4-301.12 Manual Warewashing, Sink Compartment Requirements.

(C)(5) Delete

(C)(6) Delete

(D) Delete

Commented [KIM9]: Unnecessary as no facilities in Portsmouth have two bay sinks

Add new subsection to read as follows:

4-302.12 Food Temperature Measuring Devices.

(A) Digital food temperature measuring devices shall be provided and readily accessible for use in ensuring attainment in maintenance of food temperatures as specified under Chapter 3.

Commented [KIM10]: New item that allows for quick and accurate food temperature checks

Add new subsection to read as follows:

4-302.13 Temperature Measuring Devices, Manual Warewashing.

(B) In hot water mechanical WAREWASHING operations, an irreversible registering temperature indicator shall be provided and readily accessible for measuring the UTENSIL surface temperature.

Commented [KIM11]: New item from 2013 FDA Food Code – A facility that has a dishwasher that uses hot water for sanitizing will have the heat tapes available to verify that it is reaching proper temperatures to kill bacteria and parasites, and denature viruses

Change subsection to read as follows:

4-501.16 Warewashing Sinks, Use Limitation.

(A) A warewashing sink may not be used for handwashing as specified under §2-301.15, and drawing potable water, wash produce, or thaw foods.

Commented [KIM12]: Consolidated limitations on the use of three bay sinks for simplicity

134 Delete following subsections:
135 **4-603.16 Rinsing Procedures.**

- 136
- 137 (C) Delete
- 138 (D) Delete
- 139 (E) Delete
- 140
- 141

Commented [KIM13]: Delete subsections because it requires evaluating plumbing connections and equipment design which is unnecessary

142 Change subsection to read as follows:
143 **5-104.12 Alternative Water Supply.**

144
145 Water meeting the requirements specified under Subparts 5-101, 5-102, and 5-
146 103 shall be made available for a mobile facility, for a temporary food
147 establishment without a permanent water supply, and for a food establishment
148 with a two hour interruption of its water supply through:

Commented [KIM14]: Clarifies temporary interruption is two hours

151 Change subsections to read as follows:
152 **5-203.11 Handwashing Sinks.**

153 A handwashing sink shall be located within 20 unobstructed feet:

Commented [KIM15]: Clarification of distance of 20 feet to hand sinks for design purposes

- 154 (A) To allow convenient use by employees in food preparation, food
- 155 dispensing, and warewashing areas; and
- 156 (B) In toilet rooms.
- 157
- 158

159 Change subsection to read as follows:
160 **5-501.12 Outdoor Enclosure.**

- 161
- 162 (A) If used, an outdoor enclosure for refuse, recyclables, and returnables shall
- 163 be constructed of durable, and cleanable materials with tight-fitting lids,
- 164 and in a clean and cleanable manner, that does not attract pests.
- 165
- 166

Commented [KIM16]: To reduce the attraction of insects, rodents and other pests

167 Add new subsection to read as follows:
168 **6-202.15 Outer Openings; Protected.**

- 169
- 170 (F) Permanently located outdoor beverage bars shall be fully enclosed during
- 171 non-operating hours with a sturdy, permanent structure capable of
- 172 withstanding wind, weather, be rodent, bird, insect-proof, and seal out any
- 173 and all intentional and unintentional sources of contamination and
- 174 adulteration.
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Commented [KIM17]: Clarification on food equipment protection during periods of non-use

180 *Change subsection to read as follows:*

181 **6-303.11 Intensity.**

182 The light intensity shall be:

- 183
184 (A) At least 216 lux (20 foot candles) at a distance of 75 cm (30 inches) above
185 the floor, in walk-in refrigeration units and dry food storage areas and in
186 other areas and rooms during periods of cleaning;

Commented [KIM18]: Increases lighting from 10 foot candles to 20 in hard to clean areas

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188
189 *Change subsection to read as follows:*

190 **6-501.115 Prohibiting Animals.**

- 191
192 (A) Except as specified in (B) and (C) of this section, live animals may not be
193 allowed on the premises of a food establishment, unless allowed by
194 variance pursuant to 8-103.10 through 8-103.12 for outdoor decks.

Commented [KIM19]: Allows for Variance for dogs on outdoor patios

195
196
197 *Delete following subsection:*

198 **7-202.12 Conditions of Use.**

- 199
200 (A) (2) *Delete*

Commented [KIM20]: NH State law controls pesticide use

201
202
203
204 *Change subsections to read as follows:*

205 **8-101.10 Public Health Protection.**

- 206
207 (B) (1) Whether the facilities or equipment are in good repair and capable
208 of being maintained in a sanitary condition and used as intended by the
209 manufacturer;

210
211
212 *Change subsection to read as follows:*

213 **8-103.11 Documentation of Proposed Variance and Justification.**

- 214
215 (C) A HACCP plan if required as specified under 8-201.13(A) that includes the
216 information specified under 8-201.14 as it is relevant to the variance
217 requested, and reviewed by a 3rd party acceptable to the Health
218 Department or Special Process Review if requested.

219
220
221 *Add new subsection to read as follows:*

222 **8-201.11 When Plans Are Required.**

- 223 (D) Change of owner or ownership interest.

Commented [KIM21]: Clarification of current practices

224
225
226 *Delete following subsections:*
227 **8-201.12 Contents of Plans and Specifications.**
228

- 229 (B) *Delete*
230 (D) *Delete*
231 (E) *Delete*

Commented [KIM22]: Subsections in lines 226-231 deleted because we don't need this much information for floor plan or operations review

232
233
234 *Add new subsection to read as follows:*
235 **8-201.14 Contents of a HACCP Plan.**

- 236
237 (F) Verified by a qualified 3rd party reviewer acceptable to the Health
238 Department if requested.

Commented [KIM23]: 3rd party review creates a mechanism to permit new food items or processes not covered by the Food Code

239
240
241 *Delete following subsection:*
242 **8-404.11 Ceasing Operations and Reporting.**

- 243 (B) *Delete*

Commented [KIM24]: Clarifies that entire facility must cease operations when an imminent health hazard exists

244
245
246 *Add the following as first paragraph of subsection:*
247 **Annex 2009, Annex 7, Model forms Guides and Other Aids.**

248
249 Model forms are adopted as amended by the Portsmouth Health Department.

250
251
252 **Section 4.103 Adoption of Specific Parts He-P 2300, as amended:**

253
254 Specific parts of the N.H. Code of Administrative Rules, Part He-P 2300, Sanitary
255 Production and Distribution of Food ("He-P 2300") published as of the date this Chapter
256 is adopted, are hereby adopted subject to the following amendments, additions and
257 deletions. Any section not referenced is not adopted.

258
259
260 *Adopt the following definitions:*

261 **He-P 2301 DEFINITIONS**

- 262
263 (a) "Acid foods"
264 (b) "Acidified foods"
265 (c) "Applicant"
266 (d) "Bed and breakfast"
267 (f) "Bulk food"
268 (g) "Caterer"
269 (h) "Change of ownership"

- (i) "Continental breakfast"
(k) "Corrective Action Plan (CAP)"
~~(l) "Critical control point"~~
~~(m) "Critical limit"~~
~~(q) "Food Code"~~
~~(r) "Food establishment"~~
~~(s) "Food processing plant"~~
~~(u) "Disease outbreak"~~
~~(x) "Immediately endangers public health or safety"~~
~~(y) "Imminent health hazard"~~
(ab) "Low acid foods"
~~(ac) "Major food allergen"~~
~~(af) "Package"~~
~~(as) "Sanitization"~~
(av) "Soup kitchen"
(aw) "Time/Temperature Control for Safety (TCS) food"

Adopt and amend the following definitions to read as follows:

- (n) "Department" means the Portsmouth Health Department.
(ad) "Mobile food unit" means a food service establishment mounted on wheels or otherwise designed to be immediately moveable.

Adopt the following subsection in its entirety and add new subsection to read as follows:

He-P 2302.02 Soup Kitchens Exempt from Licensure.

- (5) Person-in-charge must attend food safety training to be provided by the Department.

Adopt the following subsection:

He-P 2304.13 (a) Hazard Analysis and Critical Control Point (HACCP) Plan Requirements.

Commented [KIM25]: Maintained definitions from He-P 2300 because they are not found in the 2009 FDA Food Code and delete duplicate definitions that are found in the Food Code

Commented [KIM26]: Allows soup kitchens to remain exempt from Food Code requirements

Commented [KIM27]: Allows for a mechanism to permit potentially hazardous foods that may be prepared in a manner not fully covered by the Food Code such as sous-vide packaging or fermented/infused foods

316 Adopt the following subsection in its entirety and amend subsections (a), (c)(6), (g) and
317 (i) as follows:

318 **He-P 2305.01 Inspections.**

319
320 (a) For the purpose of determining compliance with this Chapter, the
321 Department or its inspectors, or special agents designated for that purpose,
322 shall have full power and authority at all times to enter and inspect every
323 building, room or other place occupied or used for the production, storage,
324 sale or distribution of food, and all utensils and appurtenances and records
325 relating thereto, including shellfish tags, or other records pertaining to food
326 supplies purchased and distributed by the food establishment. The
327 applicant or licensee shall admit and allow any department representative
328 at any time to enter and inspect the following:

Commented [KIM28]: Added shellfish tags as we do the trace back of shellfish-related food borne illness and closed shellfish bed recalls in Portsmouth

329
330 (c) (1) *Delete*

331
332 (c) (4) *Delete*

Commented [KIM29]: Changes of location of an establishment goes through local permitting process

333 (c)(6) Occupation of space after construction, renovations or structural alterations
334 or a period of closure that exceeds 90 days; or

335
336 (g) Upon completion of the inspection, the Department shall provide a written
337 or electronic copy of the inspection report. The inspection report shall
338 contain:

Commented [KIM30]: We do not have provisional licenses

339
340 (i) Except for Food Processing Plants, numerical scoring shall be on a 100
341 point scale, with:

Commented [KIM31]: We now use electronic inspection software

342
343 (1) A+ with a score of 95-100 with no critical item violations

344 (2) A with a score of 90-100 and one or more critical item violations

345 (3) B+ with a score of 85-89

346 (4) B with a score of 80-84

347 (5) C+ with a score of 75-79

348 (6) C with a score of 70-74

349 (7) F score below 70 is a failing score.

350 (8) Scoring shall be assigned as Priority Items are valued at 5 points,
351 Priority Foundation items are valued at 3 points and Core items
352 shall be valued as 1 point. The value of the inspection categories
353 shall be that of the highest point item in that category.

Commented [KIM32]: Lines 340-356 We use a point system based on the FDA Food Code rather than the color system the State uses

354
355
356

357 *Adopt and amend subsection to read as follows:*

358 **He-P 2308.02 Basic Requirements.**

359
360 b (2) A residential model sanitizing dish machine and a one compartment sink;

Commented [KIM33]: Allows Bed and Breakfasts to remain exempt from commercial kitchen requirements

362
363 *Adopting subsection in its entirety and amend to read as follows:*

364 **He-P 2309.01 Application Requirements.**

365
366 (a) Apply as "Processors," Class E on the food service permit
367 application and comply with the License, Application and Terms of
368 License requirements;

Commented [KIM34]: Food Processors are exempt from the Food Code; retaining this section from He-P 2300 allows us to continue to license them to operate

371 **Section 4.104 Temporary Events.**

372
373 Food preparation and handling practices for food establishments are to be in
374 compliance with this Chapter. Event Coordinators must submit completed application to
375 the Department for approval no later than one month prior to the date of the event.

376
377
378 **Section 4.105 License.**

379
380 It shall be unlawful for any person or entity to operate a Food Service
381 Establishment within the City of Portsmouth without obtaining a valid food service
382 license issued by the Department. Only a person or entity who complies with the
383 requirements of this Chapter shall be entitled to receive and retain such a license. A
384 food service license shall be posted in public view. Licenses are not transferable
385 between entities or locations. Any change in ownership or ownership interest shall
386 require a new food service license subject to the provisions of this Chapter.

387
388
389 **Section 4.106 Application.**

390
391 The Health Department may issue a food service license to any Food Service
392 Establishment upon receipt of a written or electronic application. A food service license
393 shall be granted upon the express condition that the Food Service Establishment
394 complies with all the requirements of this Chapter, and the applicant agrees at all times
395 to conduct his operation and maintain his facilities in accordance with the requirements
396 of this Chapter and those regulations promulgated hereunder. The application
397 procedure and issuance shall be in keeping with the policies and procedures of the
398 Department, with the fees approved by City Council through its budgetary processes.

399
400
401
402

|

Section 4.107 Term of License.

Food service licenses shall be issued upon compliance with all of the provisions of this Chapter: All annual licenses expire September 30th. Seasonal licenses are valid from April 15 through October 15 of the calendar year. Temporary licenses are valid for the length of the event.

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

This ordinance shall take effect upon passage.

APPROVED:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Tuesday, September 5, 2017 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on whether to allow Keno on the ballot.

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

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NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Tuesday, September 5, 2017 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on whether to allow Keno on the ballot.

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City Clerk

PM-00305606

CHAPTER 229
SB 191-FN - FINAL VERSION

03/30/2017 1190s
4May2017... 1516h
1Jun2017... 2022h
06/22/2017 2369CofC

2017 SESSION

17-0138
04/06

SENATE BILL ***191-FN***

AN ACT establishing keno and relative to funding for kindergarten.

SPONSORS: Sen. Watters, Dist 4; Sen. D'Allesandro, Dist 20; Sen. Feltes, Dist 15; Sen. Hennessey, Dist 5; Sen. Kahn, Dist 10; Sen. Lasky, Dist 13; Sen. McGilvray, Dist 16; Sen. Reagan, Dist 17; Sen. Soucy, Dist 18; Sen. Ward, Dist 8; Sen. Woodburn, Dist 1; Rep. Gile, Merr. 27; Rep. Grenier, Sull. 7; Rep. Bates, Rock. 7

COMMITTEE: Education

AMENDED ANALYSIS

This bill establishes keno in New Hampshire and establishes a program to provide grants to kindergarten students.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struck through.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 229
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03/30/2017 1190s
4May2017... 1516h
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17-0138
04/06

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Seventeen

AN ACT establishing keno and relative to funding for kindergarten.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 229:1 New Subdivision; Keno. Amend RSA 284 by inserting after section 40 the following new
2 subdivision:

Keno

3
4 284:41 Definition. In this subdivision, "keno" means any game where a player purchases a
5 ticket from a field of 80 numbers and selects a specific amount of numbers. A random number
6 generator employed by the lottery commission chooses 20 numbers at random and the player is paid
7 out against his or her original wager.

8 284:42 Administration and Enforcement. The lottery commission shall administer and enforce
9 this subdivision in any town or city that has voted to allow such gaming.

10 284:43 Rulemaking. The lottery commission shall adopt rules, pursuant to RSA 541-A, relative
11 to:

12 I. The application procedure for keno licenses.

13 II. Information to be required on license applications.

14 III. Procedures for a hearing following the revocation of a license.

15 IV. The operation of keno games, including types and amounts of wagers.

16 V. Information required and forms for submission of financial reports.

17 VI. Guidelines for licensees under this subdivision to set transaction limits for daily,
18 weekly, and monthly play of keno for individual keno players.

19 284:44 License Fees.

20 I. The license fee for a commercial premises keno license issued under RSA 284:46 shall be
21 \$500 per year. Such fee shall be submitted to the lottery commission at the time the application is
22 made and shall be refunded if the application is denied.

23 II. All net proceeds collected by the lottery commission under this section shall be deposited
24 in the education trust fund established in RSA 198:39.

25 284:45 License Applications.

26 I. Applications shall be submitted to the lottery commission by the licensee. Proof of
27 authority to submit the application on behalf of the licensee may be required.

28 II. Applications shall be made only on the forms supplied to the licensee by the lottery

CHAPTER 229
SB 191-FN - FINAL VERSION
- Page 2 -

1 commission.

2 III. The application form shall be fully completed by the licensee.

3 IV. Applicants for commercial premises keno licenses shall be submitted at least 30 days
4 before the first game date.

5 V. The applicant shall certify under oath that:

6 (a) The information provided on the application is accurate.

7 (b) Neither the applicant nor any employee will operate keno games if such person has
8 been convicted of a felony within the previous 10 years which has not been annulled by a court, or a
9 misdemeanor involving falsehood or dishonesty within the previous 5 years which has not been
10 annulled by a court, or has violated the statutes or rules governing charitable gaming in this or any
11 state.

12 (c) The applicant and any employee who will be participating in the operation of the
13 keno games is aware of all statutes and rules applicable to the operation of keno games.

14 VI. To be eligible for licensure under this subdivision an applicant shall:

15 (a) Document that it is one of the following:

16 (1) A restaurant or hotel holding a valid liquor license under RSA 178:20, II,
17 RSA 178:21, II(a) or (b), or RSA 178:22, V(q).

18 (2) A brew pub holding a valid liquor license under RSA 178:13.

19 (3) A ballroom holding a valid liquor license under RSA 178:22, V(c).

20 (4) A veterans' club, private club, or social club holding a valid liquor license under
21 RSA 178:22, V(h).

22 (5) A convention center holding a valid liquor license under RSA 178:22, V(i).

23 (6) A hotel holding a valid liquor license under RSA 178:22, V(k).

24 (7) A racetrack holding a valid liquor license under RSA 178:22, V(n).

25 (8) A sports recreation facility holding a valid liquor license under RSA 178:22, V(v).

26 (b) Document that the keno games will only be operated in towns and cities that have
27 voted to allow the operation of keno games pursuant to RSA 284:51.

28 (c) Maintain a current list of employees.

29 (d) Document that no minor under the age of 18 shall be allowed to purchase or redeem
30 a keno ticket.

31 VII. A suspension or revocation of a liquor license shall result in the immediate suspension
32 of the keno license issued under this chapter.

33 284:46 License; Issuance.

34 I. Upon receipt of an application under RSA 284:45 the lottery commission shall review the
35 application and shall, in writing, grant or deny the application within 45 days of receipt.

36 II. The lottery commission shall deny a license application for any one of the following
37 reasons:

CHAPTER 229
SB 191-FN - FINAL VERSION
- Page 3 -

1 (a) The license of the applicant has been previously revoked by the commission.

2 (b) The applicant has been convicted of a crime provided for in this chapter or in any
3 other chapter for any gaming offense.

4 (c) The applicant loses his or her liquor license after submitting the application.

5 III. No person who has been convicted of a felony or class A misdemeanor within the
6 previous 10 years which has not been annulled by a court, or a class B misdemeanor within the past
7 5 years which has not been annulled by a court, or who has violated any of the statutes or rules
8 governing charitable gambling in the past in this or in any other state shall be licensed under this
9 subdivision, or rent, lease, sublease, or otherwise provide any hall or keno paraphernalia for the
10 conduct of keno licensed under this subdivision.

11 IV. The lottery commission shall only issue a license for an eligible location where keno
12 tickets shall be sold and the game played within the area apportioned to distribute beverages
13 pursuant to RSA 284:45. The lottery commission shall control the installation of the keno ticket
14 terminals and ensure that the sale of the tickets is limited to the area apportioned to distribute
15 beverages pursuant to RSA 284:45.

16 284:47 Operation of Keno Games.

17 I. A licensee may operate keno games at its business between the hours of 11 a.m. and 11
18 p.m.

19 II. A licensee may retain 8 percent of the proceeds from keno games. Of the remaining 92
20 percent:

21 (a) One percent shall be paid to the department of health and human services to
22 support research, prevention, intervention, and treatment services for problem gamblers.

23 (b) The remainder, less the administrative costs of the lottery commission and prize
24 payouts, shall be deposited in the education trust fund established in RSA 198:39.

25 III. No person who has been convicted of a felony or class A misdemeanor within the
26 previous 10 years which has not been annulled by a court, or a class B misdemeanor within the past
27 5 years which has not been annulled by a court, or who has violated any of the statutes or rules
28 governing charitable gambling in the past in this or any other state shall operate a keno game
29 licensed under this subdivision, or rent, lease, sublease, or otherwise provide any hall or keno
30 paraphernalia for the conduct of keno licensed under this subdivision.

31 IV. No one under the age of 18 years shall be allowed to purchase or redeem a keno ticket.

32 284:48 Financial Reports and Inspection Required.

33 I. Any person which has been licensed to conduct keno games shall submit a complete
34 financial report to the lottery commission for each license issued under RSA 284:46 within 15 days
35 after the expiration of each license, provided, however, a complete monthly financial report shall be
36 submitted in a timely fashion to the commission for each month covered by a license issued under
37 RSA 284:46 on a form to be approved by the lottery commission.

CHAPTER 229
SB 191-FN - FINAL VERSION
- Page 4 -

1 II. All licensees shall maintain a separate checking account for the deposit and
2 disbursement of all income relating to keno, except cash prizes awarded at the games. All expenses
3 shall be paid by check, and all prizes of \$500 or more shall be paid by check. No keno funds shall be
4 commingled with other funds of the licensee. The licensee shall retain all canceled checks for the
5 payment of expenses and prizes for at least 2 years from the date of the check. The licensee shall
6 not cash checks which it issues.

7 III. All financial reports filed by the licensee shall be maintained by the lottery commission
8 for a period of one year from the date of filing and shall be open to public inspection.

9 IV. All financial records pertaining to the operation of keno games shall be maintained by
10 the licensee and shall be made available to representatives of the lottery commission or of the
11 commissioner of the department of safety upon request.

12 V. A licensee which has been licensed to conduct keno games shall maintain complete and
13 accurate documentation of all revenues and expenses contained in the financial reports for at least 2
14 years from the date the financial report is filed.

15 284:49 Suspension; Revocation. The commission may suspend or revoke the license of any
16 licensee who violates any provision of this subdivision. Any licensee whose license is revoked shall
17 not be eligible for licensure for a period of up to one year from the date of revocation.

18 284:50 Rehearing and Appeal. Any person aggrieved by a decision of the commission to deny or
19 revoke a keno license may apply to the commission for a rehearing within 15 business days of the
20 decision. Rehearings and appeals shall be governed by RSA 541.

21 **284:51 Local Option.**

22 **I. Any town or city may allow the operation of keno games according to the provisions of**
23 **this subdivision, in the following manner:**

24 (a) In a town, the question shall be placed on the warrant of an annual town meeting
25 under the procedures set out in RSA 39:3, and shall be voted on a ballot. **In a city, the legislative**
26 **body may vote to place the question on the official ballot for any regular municipal election, or, in**
27 **the alternative, shall place the question on the official ballot for any regular municipal election**
28 **upon submission to the legislative body of a petition signed by 5 percent of the registered voters.**

29 (b) **The selectmen, aldermen, or city council shall hold a public hearing on the question**
30 **at least 15 days but not more than 30 days before the question is to be voted on. Notice of the**
31 **hearing shall be posted in at least 2 public places in the municipality and published in a newspaper**
32 **of general circulation at least 7 days before the hearing.**

33 (c) **The wording of the question shall be substantially as follows: "Shall we allow the**
34 **operation of keno games within the town or city?"**

35 **II. If a majority of those voting on the question vote "Yes," keno games may be operated**
36 **within the town or city.**

37 **III. If the question is not approved, the question may later be voted upon according to the**

CHAPTER 229
SB 191-FN - FINAL VERSION
- Page 5 -

1 provisions of paragraph I at the next annual town meeting or regular municipal election.

2 IV. A municipality that has voted to allow the operation of keno games may consider
3 rescinding its action in the manner described in paragraph I of this section.

4 V. The lottery commission shall maintain a list of municipalities where keno is available.

5 229:2 Application of Receipts; Education Trust Fund. Amend RSA 6:12, I(b)(65) to read as
6 follows:

7 (65) Money received under RSA 77-A, RSA 77-E, RSA 78, RSA 78-A, RSA 78-B,
8 RSA 83-F, ~~RSA 284:44~~ and RSA 284:47, and from the sweepstakes fund, which shall be credited to
9 the education trust fund under RSA 198:39.

10 229:3 Education Trust Fund; Keno Profits Added. Amend RSA 198:39, I(k) to read as follows:

11 (k) *Funds collected and paid over to the state treasurer by the lottery*
12 *commission pursuant to RSA 284:44 and RSA 284:47.*

13 (l) Any other moneys appropriated from the general fund.

14 229:4 New Section; School Money; Kindergarten Grants. Amend RSA 198 by inserting after
15 section 48-b the following new section:

16 198:48-c Kindergarten Grants.

17 I.(a) For fiscal year 2019, in addition to any funds received pursuant to RSA 198:40-a, in
18 the first year that a school district or chartered public school that operates an approved full-day
19 kindergarten program, the commissioner of the department of education shall calculate and
20 distribute a grant of \$1,100 per kindergarten pupil based on the enrollment number of eligible full-
21 day kindergarten pupils on the first day of the school year. The superintendent, or designee, shall
22 certify the enrollment number of kindergarten pupils to the commissioner.

23 (b) For fiscal year 2019, once pupils enrolled in an approved full-day kindergarten
24 program have been counted in the school district's average daily membership in attendance as
25 defined in RSA 198:38, I, a school district, or a chartered public school based on its kindergarten
26 average daily membership enrollment number, shall receive, in addition to any funds received
27 pursuant to RSA 198:40-a, an additional grant of \$1,100 per kindergarten pupil attending a full-day
28 kindergarten program. The commissioner shall certify the amount of the grant to the state
29 treasurer and direct the payment thereof from the education trust fund established in RSA 198:39
30 to the school district or chartered public school.

31 (c) Grants shall be disbursed to a school district pursuant to the distribution schedule in
32 RSA 198:42 and to a chartered public school pursuant to the distribution schedule in RSA 194-B:11,
33 I(c).

34 (d) The amount necessary to fund the grants under this section is hereby appropriated
35 to the department from the education trust fund. The governor is authorized to draw a warrant
36 from the education trust fund to satisfy the state's obligation under this section.

37 II. A school district or chartered public school that operates an approved full-day

CHAPTER 229
SB 191-FN - FINAL VERSION
- Page 6 -

1 kindergarten program for which it receives funding under this section shall permit a pupil to attend
2 kindergarten for a half-day.

3 III.(a) For fiscal year 2020 and each fiscal year thereafter, in addition to any funds received
4 pursuant to RSA 198:40-a, the department of education shall distribute a total kindergarten grant,
5 pursuant to RSA 198:40-a, for the remaining 1/2 of each average daily membership not counted
6 under RSA 198:40-a to each school district or chartered public school that operates an approved full-
7 day kindergarten program. If the amount of revenue raised through keno is insufficient to fully
8 fund the distribution of grants under this section, the revenue shall be prorated proportionally
9 based on entitlement among the districts entitled to a grant. The prorated portion of this grant
10 shall not be less than the per pupil amount disbursed under paragraph I(b).

11 (b) Grants shall be disbursed to a school district pursuant to the distribution schedule
12 in RSA 198:42 and to a chartered public school pursuant to the distribution schedule in RSA 194-
13 B:11, I(c).

14 (c) The amount necessary to fund the grants under this paragraph is hereby
15 appropriated to the department from the education trust fund. The governor is authorized to draw
16 a warrant from the education trust fund to satisfy the state's obligation under this section.

17 229:5 Applicability. Kindergarten grants pursuant to RSA 198:48-c as inserted by section 4 of
18 this act shall not be disbursed before July 1, 2018.

19 229:6 Effective Date. This act shall take effect July 1, 2017.

Approved: July 12, 2017
Effective Date: July 01, 2017

CITY OF PORTSMOUTH, NH
Ms. Nancy Colbert Puff
Acting City Manager

As a quick introduction, and you perhaps already know a bit of my history, I am the person who became the first to swim the 111 miles from Cuba to Florida.
That was back in 2013 and now my new venture is a national walking initiative, EverWalk.

My Cuba Swim expedition leader, Bonnie Stoll, and I are launching all kinds of walks, the focus being epic 7-day, 150-mile experiences through the beautiful outdoor corridors of America.
Our first Epic EverWalk was last October; Los Angeles to San Diego, and our second comes this fall (Sept 10-16) from Boston to Cape Elizabeth. We call this EverWalk New England and are very excited to walk the stunning New England coast, one of our country's jewels.

We are very much hoping to finish our Day four (Wednesday, September 14) at your Prescott Park . We are lucky to have another legend, Dave McGillivray, and his DMSE organization as our logistics team.

The schedule would be that our walkers, coming up some 20 miles that day from Hampton Beach, wouldn't arrive until mid to late afternoon. We would have an advance set-up team arriving before the walkers for a brief greeting, that would include a few tables to hand out snack food and water.

Thanks very much, for your consideration of what we hope to be the culmination of our fourth day of this Epic Walk.

Respectfully,
Diana Nyad

Diana Nyad
Founder, EverWalk

p.s. Should you want to know more about us, we are live at
EverWalk.com



DAY 4- Wednesday 9/13
18.9 MILES
HAMPTON BEACH to PORTSMOUTH, NH

- **START RTE 1-A & D ST, HAMPTON BEACH**
- **Continue RTE 1-A, Ocean Ave**
- **5M at Ocean Ave & Central Rd. Rye Beach**
- **Walk along the cliff path**
- **Jenness State Beach: 6.5 Miles**
- **Rye Harbor State Park-8.5 miles**
- **9.5 miles: Scenic View of Isle of Shoals**
- **11M: Lunch Stop: Wallis Sands State Park**
- **After Rock Sculpture PT enter path**
- **Odione State Park**
- **Walk Odione State Path to**
- **Exit path and bear right to continue RT 1A- Pioneer Rd.**
- **Bear right at rotary to continue RT 1A, Sagamore Ave**
- **Right Wentworth Rd. RT 1B**
- **Left Main St.**
- **Becomes Portsmouth Ave, then New Castle Ave, then Marcy St**
- **Continue Marcy St to**
- **Prescott Park**
- **END OF DAY! 18.9 Miles**

EVENT FACTS:

- We are a charity event with donations made to the Miami Project for Spinal Cord Injuries.
- Our participants will number 100-120.
- We will be on sidewalks where they exist, and on exiting road shoulders, then walking against traffic to maintain safety.
- Due to the varied paces of the participants, our arrival to Prescott Park will be spread out, approximately between 2:30-4:30 PM.
- We request use of the parking lot adjacent to State St, for our 4 vans that will arrive at 2:30, and 3 First Student school buses, that will arrive shortly thereafter.
- Our equipment set-up will be a few tables, snack food and water coolers, feather flags, and a pop-up tent.
- Please advise if this request is limited to the parking lot, or if we may use an adjacent area for participant sit down rest before boarding the buses.
- I will be the event day contact, and know that we very much appreciate your consideration.
- **RON KRAMER**
- **561-252-5159 ronkramer@dmsesports.com**

Seacoast Electric Vehicle Show



Saturday September 16th, 2-5pm,

Red Hook Brewery Parking Lot, Pease Tradeport, Portsmouth, NH

Electric vehicles will be widely available within the next 5 years!

Have you been curious about the new electric vehicles? How do you get them charged? How far do they go? What will they cost to buy and run? Wondering about all the questions surrounding this future change in transportation? If these are questions on your mind, The Seacoast Electric Vehicle Show may have your answers. Come and see the latest electric vehicles (EVs), take some test rides and talk to owners about their experiences buying and owning EVs.



Dealers will be in attendance to offer test rides!

This is a volunteer event with Electric vehicle owners in attendance to answer all your questions about what it's like to own an EV including tips and advice in a "no pressure setting".

FREE AND OPEN TO THE PUBLIC

All plug in EV drivers are welcome and encouraged to display their cars. Please RSVP if you plan to bring an EV!

For more information please email James Penfold james@ibexsports.com www.driveelectric.org



Aug. 30, 2017

City of Portsmouth
City Manager
1 Junkins Avenue
Portsmouth, NH 03801

Dear Nancy Colbert Puff and City Council Members,

On behalf of the NH Film Festival we would like to ask the City's permission to close Vaughn Mall on Saturday, October 14, 2017 for the NHFF Hospitality Day Party from 11:00a.m.-2:00p.m.. The area would include the length of Vaughn Mall from Congress Street to Hanover Street. (We are open for discussion to close down only part if it's easier. Closer to Cabot House.)

We would stanchion off our area from the public while leaving a walking lane to the left of the trees for customers to still be able to get into stores. If only allowed partial closure (near Cabot) we would block off that area from the public. While we have many volunteers to keep the alcohol in the permitted area, do we need a police detail?

We will not be asking permission for a tent, as we've decided if it rains we will be moving the party into Latch Key or District.

Due to the recent closing of Block Six this is our reasoning for moving the party. We are sorry for the lack of appropriate time for this letter to get to you.

We are in the process of getting a one day liquor license for the event as well as insurance for the event.

If there are any additional actions or permits that are required, please let us know.

Thanks again for your support. We look forward to another successful film festival season in downtown Portsmouth.

Please feel free to contact me with any questions.

Sincerely,
Amber Day
NHFF Events Coordinator

From: [Michelle Anderson](#)
To: [City Council](#); [Jack Blalock](#); [Jim Splaine](#); [Rebecca Perkins](#); [Chris Dwyer](#); [Brad Lown](#); [Nancy Pearson](#); [Eric Spear](#); [Joshua Cyr](#); [Joshua Denton](#); [CityCouncil Clerk](#)
Subject: School Bus Schedules
Date: Wednesday, August 30, 2017 3:49:02 PM

Below is the result of your feedback form. It was submitted by
Michelle Anderson (anderson.michl@gmail.com) on Wednesday, August 30, 2017 at 14:49:00

address: 236 Cate St

comments: Dear Councilors,

With the change in school start times, it appears that there has been inadequate funding allotted for busing. In reviewing the bus routes, I discovered that only 2 morning buses are scheduled to arrive at the elementary schools at 8am, all the other buses (12) are scheduled to arrive before 8am with at least 2 arriving at 7:45. School starts at 8:20.

I have a child at PMS and we live 1.2 miles from the school. She spends over an hour each day on the bus going to and from school. In a recent post on FaceBook, other parents commented that they earlier start times are being negated by longer bus routes. I urge the council to approve additional funding for buses, if not this school year, then next school year.

I applaud the decision to have a later start time and fully support it. However, if we as a community are going to fully embrace this idea, we as a community need to fund the busing so that all students benefit from the later start and not just those who are able to walk to school or get dropped off.


includeInRecords: on

Engage: Submit

REMOTE_ADDR: 71.235.15.10

CITY OF PORTSMOUTH PORTSMOUTH, NH 03801

Office of the City Manager

Date: August 31, 2017
To: Honorable Mayor Jack Blalock and City Council Members
From: Nancy Colbert Puff, Acting City Manager 
Re: Acting City Manager's Comments on September 5, 2017 City Council Agenda

5:30 p.m.

1. **Work Session Re: Review of Parking Principles and Initiatives.** As requested by the City Council, on Tuesday evening at 5:30 p.m., Parking Director Ben Fletcher will be present at the Work Session to answer any questions the City Council may have regarding this matter.

Items Which Require Action Under Other Sections of the Agenda:

1. **Public Hearing and Second Reading of Proposed Resolutions and Ordinances.**

- 1.1 **Public Hearing and Second Reading of Proposed Ordinance Amendments to Chapter 4 Pertaining to the City's Food Licensing and Regulations by striking Articles I-V in its entirety and replaced with new language.** As a result of the August 21, 2017 City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and second reading the [attached proposed Ordinance](#) amending Chapter 4 Pertaining to the City's Food Licensing and Regulations by striking Articles I-V in its entirety and replaced with new language.

As a result of the July 2017 City Council Retreat, presentations were made by City staff regarding the need to update our local Fire, Building and Health Codes in order to reference current state statutes and to ensure that our local ordinances reflect best practices to guide public safety and public health. Chapter 4, Food Licensing and Regulations, needs to be completely revised in order to remove obsolete sections (e.g. Articles I- Milk; Articles II-Meat Inspections; Article III-Slaughter Houses;

Article IV- Butchers) that are now regulated by state or federal regulations. The revised ordinance deletes and replaces Article V, Common Victuallers, by adopting the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration, Food Code, 2009 edition (“2009 FDA Food Code”) (which is also adopted in state regulation) and parts of NH Code of Administrative Rules, Part He-P 2300, Sanitary Production and Distribution of Foods (“He-P 2300”). Local Amendments to these rules will be proposed for the following sections: Outdoor Bars; Animals Prohibited; Mobile Food Units; Special Process Review; Food Processing Plants; Special Requirements for Bed and Breakfast Facilities and Soup Kitchens and Churches.

The revised ordinance will also set forth our current rules and procedures regarding Temporary Events, Licensing, Applications and Enforcement. It is important to note these changes will have little substantive effect on our long standing practices and procedures.

Upon further review of the proposed ordinances by the Legal Department following first reading, definitions pursuant to He-P 2301 were duplicative ([see attached memo](#)). As a result, we recommend the amended ordinance reflecting these deletions be considered at this second reading.

In addition, [attached is an annotated version of the ordinance](#) to assist in understanding why certain provisions have been included, amended, or deleted (note: the reference documents, He-P 2300 and Food Code 2009 are so lengthy as to prohibit a “track changes” view). Health Officer Kim McNamara will make a brief presentation at the start of the public hearing and will use this document as a reference.

I am recommending the City Council move to accept all the amendments to the Food Licensing and Regulations Ordinance as set forth in the Memorandum from the Legal Department to the Acting City Manager dated August 30, 2017 and to pass second reading and schedule third and final reading of the proposed ordinance at the September 18, 2017 City Council meeting. Action on this matter should take place under Section VII of the Agenda.

2. Public Hearing.

- 2.1 **Public Hearing Re: Whether to allow Keno on the Ballot.** As voted on by the City Council at the August 21, 2017 City Council meeting, the Council will hold a public hearing on whether to allow Keno on the November 7, 2017 ballot.

Action is required regarding this matter under Section VII of the Agenda.

Acting City Manager's Items Which Require Action:

1. **Request to Schedule a Public Hearing Re: Elderly Exemptions.** The results of the 2017 Statistical Revaluation indicate based on the estimated tax rate of \$15.53 a median increase of \$544 in taxes for the 107 taxpayers who are currently receiving the Elderly Exemption at the existing exemption levels of:

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

On February 16, 2016, the City Council adopted resolution #1-2016 for the fiscal year 2017 / tax year 2016 which decreased these exemption amounts as follows:

- Age 65 to 74 From \$125,000 to \$120,000
- Age 75-79 From \$175,000 to \$160,000
- Age 80 + From \$225,000 to \$200,000

In order to reduce this impact to those who are currently qualified to receive the Elderly Exemption, I propose that the City Council consider adopting a resolution to adjust the exemption levels back to the levels prior to tax year 2016.

Rosann Lentz, the City Assessor, will present the impact to these taxpayers using both the current and the recommended exemption levels.

On Tuesday evening, I am requesting that the City Council move to authorize the Acting City Manager to bring back a Resolution for public hearing and adoption at the September 18, 2017 City Council meeting.

2. **City Cemeteries and RSA 289:3.** As you know, the City has performed a number of improvements to its City-owned historic cemeteries in recent years through the Capital Improvement Program. This work has included restoration of grave stones and improvements to hill and ledger tombs as well as various walls, enclosures and other structures in the City's historic cemeteries.

The most recent improvement was in North Cemetery, which is located along Maplewood Avenue and listed on the National Register of Historic Places. The project included the restoration and repair of the 200-foot long North Cemetery front enclosure wall likely constructed in the middle 1800s, approximately 170 years ago. The project was carried out in order to address the wall's deteriorated condition that posed a threat to public safety. Over the course of addressing one 25' section of wall, it was discovered that this portion of wall was originally constructed immediately on top of the ends of several burials.

This discovery set into motion several protocols established in state law, which the City is in the process of completing in close coordination with the Division of Historical Resources

(DHR). This includes the creation of an archaeological report that will document the discovery, and identify the burials if possible. Meanwhile, in accordance with the state law (RSA 289:3) and guidance from the Attorney General's Office and the Division of Historical Resources, the City Council is required to make a determination about the future of the wall.

In coordination with the State Archaeologist and the consulting archaeologist, the decision was made to stabilize the archaeological site by replacing the stones in the original location as a temporary measure, while a long-term solution was devised. Going forward, there are two options for a long-term solution for the wall, which include A) leaving it in place (with no further disturbance required), or B) potential relocation of the wall. These options will be presented in more detail at the meeting by Assistant City Manager David Moore. For a variety of reasons to be presented, we recommend option "A" as the preferred approach.

I recommend City Council move to determine that the reconstruction of the North Cemetery wall in its current location constitutes construction of an essential service pursuant to RSA 289.3, and appropriate markers/recognition of the unmarked burials be developed and installed.

Finally: to respond to additional guidance received from the State related to the performance of municipal public works projects located within 25' of cemeteries, we further recommend the City Council pro-actively move to determine that emergency repairs or replacement of existing infrastructure be considered as "construction of an essential service."

I recommend City Council move to determine that emergency repairs or replacement of existing infrastructure, pursuant to RSA 289.3, be considered as "construction of an essential service."

3. **2018 Schedule of City Council Meetings and Work Sessions.** [Attached for your review and adoption is a proposed schedule](#) for City Council Meetings and Work Sessions for calendar year 2018.

May I have your approval on this 2018 Schedule.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on August 21, 2017. In addition, this can be found on the City's website.
2. **Schedule for City Council Work Session on Saturday, September 9, 2017 Re: McIntyre Property.** As you know, the City Council Work Session regarding the McIntyre property is scheduled for Saturday, September 9, 2017. [See attached schedule.](#)

3. **Household Hazardous Waste Day.** [Attached is a memorandum from Jacob Levenson, Solid Waste Sustainability Coordinator](#) regarding Household Hazardous Waste Day, which will take place from 8:00 a.m. to Noon on, Saturday, October 28, 2017 at the Public Work's Vehicle Maintenance Facility on 680 Peverly Hill Road. In addition, a spring event will be scheduled in May 2018.
4. **Peirce Island Wastewater Treatment Facility Upgrade Quarterly Report.** For your information, I have [attached the Peirce Island Wastewater Treatment Facility Quarterly Report from April to June 2017.](#)
5. **Coakley Landfill Update.** [Attached is a memorandum](#) from City Attorney Robert Sullivan and Environmental Planner Peter Britz updating the City Council regarding the Coakley Landfill.
6. **FY 2017 Inspection Department Annual Report (Period July 1, 2016 to June 30, 2017).** I am providing the City Council with the [attached FY 2017 Inspection Department Annual Report for the period July 1, 2016 to June 30, 2017](#) submitted by the City's Chief Building Inspector Robert Marsilia.

2018 SCHEDULE OF CITY COUNCIL MEETINGS AND WORK SESSIONS

Regular Meetings - 7:00 p.m.

January **2 (Tuesday) & *16 (Tuesday)
**(Inauguration)

February 5 and 20* (Tuesday)
*Public Hearing on CIP

March 5*, and 19
*(Adoption of CIP)

April 2 and April 16

May *2, 7, and 21
*Public Hearing on FY19 Budget - 6:30 p.m.

June *4 and 18
*Adoption of Budget

July 9 (One meeting in July)

August 6 and 20

September 4 (Tuesday) and 17

October 1 and 15

November 19 (One meeting in November due to Election)

December 3 and 17

Work Sessions - 6:30 p.m.

January 29th (CIP Work Session)

April 28th (Saturday – 8am-2:30pm)
Levenson Room at Library (Gen. Gov.,
Police, Fire & School Presentations)

May 9th (Water & Sewer Prop FY19 Budget)
(Wednesday @ 6:30 p.m.)

May 14th (Budget Review on FY19 Budget)
(Monday @ 6:30 p.m.)

May 23rd (Budget Review of FY19 Budget)
(Wednesday @ 6:30 p.m.) (If Necessary)

Run: 8/31/17
9:25AM

Event Listing by Date

Page: 1

Starting Date: 8/14/2017

Ending Date: 12/31/2017

| Start End | Type Description | Location | Requestor | Vote Date |
|------------------------|--|--------------------------------|--------------------------------|------------|
| 8/19/2017 8/19/2017 | BOAT This s the 7th annual Round Island Regatta | Peirce Island Boat Launch | Gundalow Company - Round Islan | 3/ 6/2017 |
| 8/19/2017 8/19/2017 | FUND Allan Scholtz, Secretary is the contact for this event. 8:00 a.m. to 4:00 p.m. is the time of this event. | Market Square | Portsmouth Professional Fire F | 4/ 3/2017 |
| 8/19/2017 8/19/2017 | MUSIC 4:00 p.m. - Jim Danger acoustic rock'n roll 6:00 p.m. - Sam Robbins, acoustic Americana, country folk and pop | Vaughan | PS21 | / / |
| 8/26/2017 8/26/2017 | BIKE TOUR Contact: Emily Christian, Logistics Manager - 781-693-5154 | Along the Seacoast | National Multiple Sclerosis So | 2/ 6/2017 |
| 8/26/2017 8/26/2017 | MUSIC 4:00 p.m. to 6:00 p.m. - Mitch Shuldman & Linda Bieber, classical guitar and flute | Vaughan Mall | PS21 | / / |
| 9/ 2/2017 9/ 2/2017 | CONCERT Music 3:00 p.m. to 5:00 p.m. Performance by Jim Riox | Vaughan Mall | PS21 | 7/10/2017 |
| 9/ 4/2017 9/ 4/2017 | RACE Sister Mary Agnes is the contact for this event. This event begins at 9:00 a.m. | Pease International Tradeport | St. Charles Children's Home | 4/ 3/2017 |
| 9/15/2017 9/17/2017 | FILM EXPO Chris Curtis is the contact for this event. This is the Telluride by the Sea Film Festival. Dated: September 15-17, 2017 | Closure of Chestnut Street | Music Hall | 6/19/2017 |
| 9/16/2017 9/16/2017 | RACE Holly Tennent and Melissa Mikulski are the contacts for this event. mmikulski@bottomline.com 501-5335 htennent@bottomline.com 501-6653 This event begins at 9:00 a.m. | Pease Tradeport | Bottomline Technologies | 6/19/2017 |
| 9/16/2017 9/16/2017 | WALK Ken La Valley, Chair is the contact for this event. This evening begins at 10:00 a.m. to Noon at Little Harbour School. Registration begins at 8:30 a.m. | Little Harbour School | American Foundation for Suicid | 3/ 6/2017 |
| 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 |
| 9/23/2017 9/24/2017 | FESTIVAL Contact: Bruce MacIntyre This is a two day event - Saturday events starting at 10:00 a.m. and ending at 10:00 p.m. Sunday events starting at 1:00 p.m. and ending at 5:00 p.m. | Congress Street, Market Square | Portsmouth Maritime Folk Festi | 2/ 6/2017 |

Run: 8/31/17
9:25AM

Event Listing by Date

Page: 2

Starting Date: 8/14/2017

Ending Date: 12/31/2017

| Start End | Type Description | Location | Requestor | Vote Date |
|--------------------------|---|--|--------------------------------|------------|
| 9/23/2017 9/24/2017 | FUND Caroline Amport Piper is the contact person for this event. This event is the Fairy House Tours that runs on Saturday, September 23rd and September 24, 2017. 11:00 a.m. to 3:00 p.m. | South End | Friends of the South End | 4/ 3/2017 |
| 9/23/2017 9/24/2017 | RIDE | Along Route 1A | Granite State Wheelmen, Inc. | 11/21/2016 |
| 9/24/2017 9/24/2017 | WALK Kelly Bosco is the contact for this event. Tel. (603) 606-6590 ext. 2151 kbosco@alz.org | Little Harbour School | Alzheimer's Association | 1/23/2017 |
| 10/13/2017 10/15/2017 | FILM EXPO Amber Day is the contact for this event. (603) 534-0905 | Chestnut Street | New Hampshire Film Festival | 6/ 5/2017 |
| 10/31/2017 10/31/2017 | PARADE Abigail Wiggin is the contact for this event. | Starting at Peirce Island - thru downtown - Ending | Portsmouth Halloween Committee | 6/ 5/2017 |
| 11/12/2017 11/12/2017 | RACE Jay Diener is the contact for this event. This event begins at 8:30 a.m. | Portsmouth High School - Start and Finish | Seacoast Half Marathon | 3/20/2017 |
| 12/10/2017 12/10/2017 | RACE Thomas M. Bringle, Director of Development is the contact for this event. Tel. (603) 724-6080 or tbringle@arthritis.org | Little Harbour School | Arthritis Foundation | 1/23/2017 |
| 12/31/2017 12/31/2017 | CELEBRATIC Barbara Massar is the contact for this event. | Market Square | Pro Portsmouth - First Night | 8/21/2017 |



CITY COUNCIL WORK SESSION:

MCINTYRE PROJECT – MEET THE TEAMS

Saturday, September 9, 2017
9:00 a.m. – 1:00 p.m.
Portsmouth Library Levenson Room

WORK SESSION AGENDA

- | | |
|-------------------------|---|
| 9:00 a.m. – 9:30 a.m. | Coffee and Welcome; Project Update Jack Blalock, Mayor; Nancy Colbert Puff, Acting City Manager |
| 9:30 a.m. – 10:00 a.m. | WinnDevelopment – Boston, MA Lawrence Curtis, President |
| 10:00 a.m. – 10:30 a.m. | Ocean Properties and Two International Group - Portsmouth, NH Richard C. Ade, Executive Vice President, Ocean Properties Daniel L. Plummer, President, Two International Group |
| 10:30 a.m. – 11:00 a.m. | 100 Market, LLC – Portsmouth, NH Jaime Simchik |
| 11:00 a.m. – 11:15 a.m. | BREAK |
| 11:15 a.m. – 11:45 a.m. | Chinburg Properties – Newmarket, NH Eric Chinburg, President Matt Assia, Vice President of Asset Management |
| 11:45 a.m. – 12:15 p.m. | Leggat McCall Properties – Boston, MA Bill Gause, Partner, Executive Vice President Eric Sheffels, Partner, Co-President |
| 12:15 p.m. – 12:45 p.m. | Redgate and The Kane Company – Boston, MA and Portsmouth, NH Ralph Cox, Principal, Redgate Michael Kane, President & CEO, The Kane Company |
| 12:45 p.m. – 1:00 p.m. | Wrap Up/Next Steps |

City of Portsmouth

Department of Public Works



MEMORANDUM

TO: Nancy Colbert Puff
Acting City Manager

FROM: Jacob Levenson
Solid Waste Sustainability Coordinator

DATE: 8/23/17

SUBJECT: Household Hazardous Waste Day

This year will mark the 21st year in which Portsmouth has conducted household hazardous waste collection event. We continue to provide this biannual collection service with the aid of grant money from the NH Department of Environmental Services Household Hazardous Waste Program. Our fall event will take place from 8 am to noon on October 28th 2017 and a spring event will be scheduled in May 2018. Nearby communities of Greenland and Newington will also participate in our spring collection event at no cost to the City. The collection location is at the Public Work's Vehicle Maintenance Facility on 680 Peverly Hill Road.

According to the NH Department of Environmental Services the average household throws 15.5 lbs. of hazardous material into the trash each year. Household hazardous materials are disposed of in other ways too. Certain products, such as used oil, are frequently poured down storm drains and many products end up going down the sink drain to septic systems or sewers. The City sees the household hazardous waste collection events as an outreach/education opportunity to help protect our environment.

The City has contracted with Clean Ventures LLC to collect the hazardous waste material. Clean Ventures will be responsible for supplying appropriate hazardous waste containers, collecting the waste from participating community residents, supplying qualified personnel, personal protective equipment, setting up and sorting hazardous materials within an area that is adequately controlled with spill contaminant provisions, and to provide documented transportation and disposal of hazardous waste.

CITY OF PORTSMOUTH

PEIRCE ISLAND WASTEWATER TREATMENT FACILITY UPGRADE



QUARTERLY REPORT

APRIL - JUNE 2017



INTRODUCTION

The City of Portsmouth awarded the construction contract for the Peirce Island Wastewater Treatment Facility (WWTF) Upgrade to Methuen Construction of Salem, NH, in August 2016. Construction began September 1st, and kicked off the largest construction project in the City's history. This four year construction project, when completed, will improve the quality of the effluent from the Peirce Island WWTF that is discharged into the Piscataqua River.

In this second quarterly update for 2017, a summary of construction progress is covered through pictures of installed and ongoing work. Other relevant aspects of the project are also presented. Construction work during this quarter included installation of: slope stabilization revetments at specific points at the site, temporary electrical facilities, new underground water, sewer, electrical and communication conduits, initial construction of Sludge Thickener No. 2 and the Headworks Building, and demolition of the original Filter Building, in preparation for excavation for the new secondary treatment system (Biological Aerated Filter (BAF) system). Construction on the project achieved a notable milestone during this quarter, with the completion of the demolition of the existing Filter Building. This was a key step in the complex project construction sequencing, since the construction of the new BAF Building could not commence until the existing Filter Building was demolished and removed.

The City remains committed to making this a successful project and mitigating construction impacts. Questions and comments are always welcome. They may be directed to City staff by phone, email, or through the City's project web page at <http://www.portsmouthwastewater.com/piupgrade-form.html>.

TABLE OF CONTENTS

| | |
|--|----------|
| CONSTRUCTION SUMMARY | 3 |
| FINANCES & PROJECT COST SUMMARY | 4 |
| PARKING MITIGATION | 5 |
| PUBLIC CONSTRUCTION TOUR | 6 |
| PUBLIC MEETINGS & COMMENTS | 7 |
| LEGAL UPDATE | 7 |
| PROJECT SCHEDULE | 8 |
| UPCOMING WORK | 8 |



BRICK FACADE ON HEADWORKS BLDG
BRICK WAS SELECTED FOR THE NEW BUILDING TO MATCH THE EXISTING FACILITIES THAT WILL REMAIN ON THE SITE. THIS FACILITY WILL BE THE MOST VISIBLE AT THE COMPLETION OF THE PROJECT AND WILL BE LOCATED JUST INSIDE THE ENTRANCE GATE.



SANITARY PUMP STATION NO. 2
THE PUMP STATION COLLECTS WASTEWATER AND PROCESS FLOWS GENERATED WITHIN THE WWTF AND PUMPS THEM TO THE WWTF INFLUENT FOR TREATMENT.



SANITARY PUMP STATION NO. 2



EXCAVATED STONE CRUSHED
OVER 8,000 CUBIC YARDS (ABOUT TWO OLYMPIC SIZE POOLS) OF ROCK WAS REMOVED FOR EXCAVATION OF THE BIOLOGICAL AERATED FILTER (BAF). MOST OF THIS MATERIAL WAS CRUSHED AND WILL BE RE-USED ON SITE, REDUCING TRUCK TRAFFIC.



CONCRETE WORK ON BAF BLDG
CONCRETE HAS TO BE PUMPED OVER AND DOWN TO THE BAF STRUCTURE WHERE THE BOTTOM IS APPROXIMATELY 25-FEET BELOW GRADE. THE CONCRETE DELIVERIES HAVE A SPECIFIC TIME FRAME THEY NEED TO MEET FROM THE TIME THEY LEAVE THE CONCRETE PLANT TO PLACEMENT IN THE CONCRETE FORMS.



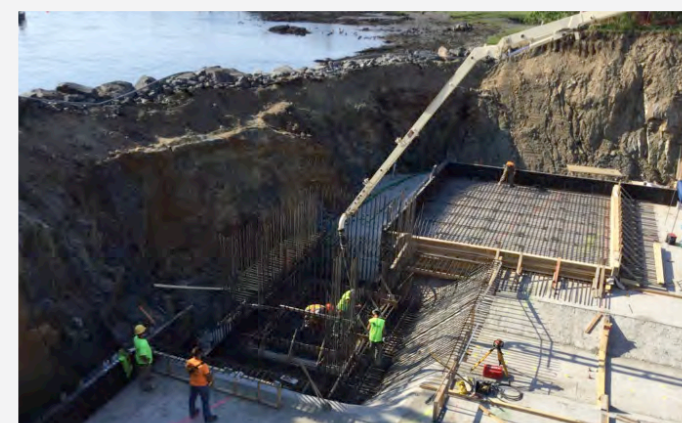
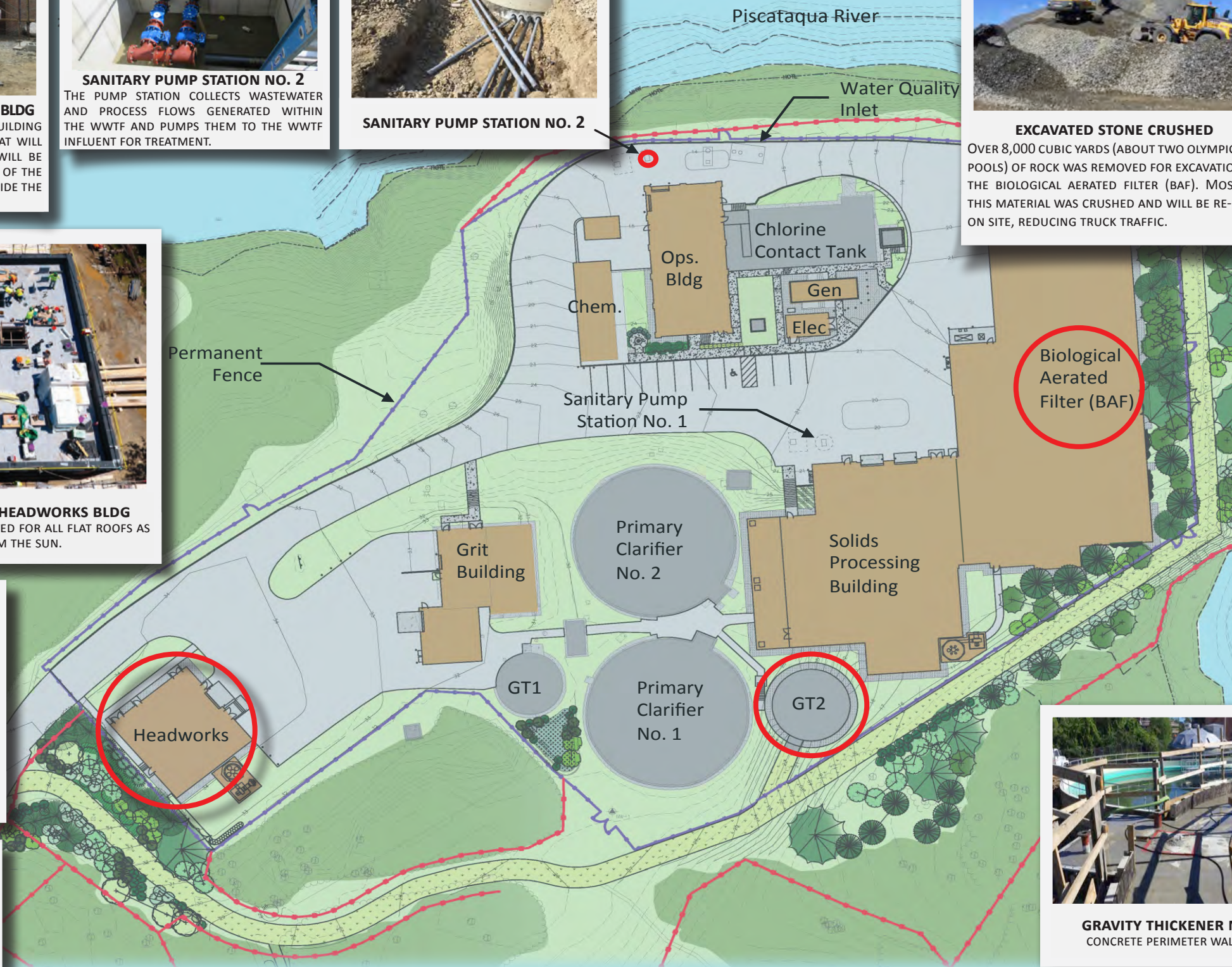
ROOFING INSTALLATION ON HEADWORKS BLDG
WHITE COLORED ROOFING WAS SELECTED FOR ALL FLAT ROOFS AS A MEANS TO MINIMIZE HEAT GAIN FROM THE SUN.



HEADWORKS BLDG
INTERIOR MECHANICAL, ELECTRICAL & PLUMBING WORK



PAVED ACCESS ROAD TO PLANT
NEW WATER MAIN, PRIMARY ELECTRICAL SERVICE, AND COMMUNICATION DUCT BANKS WERE INSTALLED BENEATH THE ROAD.



CONCRETE & REINFORCING STEEL FOR BAF BLDG
APPROXIMATELY 1,200 CUBIC YARDS OF CONCRETE HAVE BEEN PLACED FOR THE BAF THROUGH JUNE 2017.



GRAVITY THICKENER NO. 2
CONCRETE PERIMETER WALKWAY



GRAVITY THICKENER NO. 2
GT2 WILL BE USED TEMPORARILY TO HOUSE SLUDGE PUMPS SO THE EXISTING ADMINISTRATION BUILDING, WHERE THESE PUMPS ARE CURRENTLY LOCATED, CAN BE DEMOLISHED. THIS WAS ONE OF THE MANY PROVISIONS PUT IN PLACE TO ALLOW THE CITY TO OPERATE THE TREATMENT FACILITY DURING CONSTRUCTION.

CONSTRUCTION SUMMARY

APRIL - JUNE 2017

FINANCES

& PROJECT COST SUMMARY

Page 4

During the second quarter, work on the WWTF upgrade was completed that reached a value of approximately \$19.6 million. This represents about 26% of the current construction contract value. Change Order No. 2 was executed, which addressed a number of items, including the addition of the Four Tree Island parking lot expansion to the construction contract. The City continues to utilize the NH Department of Environmental Services (DES) State Revolving Loan Fund (SRF) funding, consisting of a grant of \$3.75 million. The balance is funded through a low interest rate loan. Disbursement payments from the DES are being processed monthly.

On Monday, July 10, 2017, the City Council voted to adopt a Resolution Authorizing a Bond Issue and/or Notes of the City, under the Municipal Finance Act and/or Participation, in the State Revolving fund (SRF) Loan of up to Six Million Nine Hundred Thousand Dollars (\$6,900,000.00). It is anticipated that the SRF loan will be amended in FY18, FY19 and FY20. The City Council previously authorized \$85 million in borrowing for this project, \$10 million on August 5, 2013 (municipal bond), and \$75 million on March 14, 2016 (SRF Loan). At the time of the construction contract award, it was acknowledged additional funding would be needed to cover contingency and engineering costs beyond the first year of construction. Future CIP funding would reflect that need.

The borrowing authorization to increase the SRF loan covers costs for construction contingencies and construction engineering to complete the project. Previously, these funds were anticipated and presented as part of the FY18 Capital Improvement Plan (CIP). With City Council approval of the borrowing authorization, the total sewer funding for the project will be \$91.9 million, as shown on the adjacent table.

| PROJECT CONSTRUCTION COSTS | |
|-------------------------------|-----------------|
| Original Contract Value | \$72,785,545.00 |
| Change Order 1 – January 2017 | \$367,290.42 |
| Change Order 2 – May 2017 | \$546,722.46 |
| Revised Contract Value | \$73,699,557.88 |

| | |
|--|-----------------|
| Construction costs through June 30, 2017 | \$19,630,457.12 |
| % Spent through June 30, 2017 (based on Revised Contract Value) | 26.64% |

| OVERALL PROJECT CAPITAL BUDGET SUMMARY | |
|--|-------------------|
| Item | Cost (\$Millions) |
| Primary Clarifier Replacement | \$1.6 |
| Peirce Island Bridge Improvements | \$0.6 |
| WWTF Design Engineering | \$5.2 |
| WWTF Construction Engineering | \$7.4 |
| WWTF Construction (Current through CO2 – Sewer Funds)* | \$73.3 |
| WWTF Construction Contingencies | \$3.5 |
| WWTF Construction Mitigation & Public Art | \$0.3 |
| Total | \$91.9 |
| * \$0.4 million for water main improvements, included in the contract, but not paid from sewer funds – total contract dollar value to date is \$73.7 million as shown in the Project Construction Costs table above. | |



PARKING MITIGATION

FOUR TREE ISLAND PARKING LOT

The expansion of the Four Tree Island parking lot was constructed to mitigate the impacts from construction of the Peirce Island WWTF. The facility upgrade required using the existing Peirce Island public pool parking lot and the City's snow dump area for construction staging. This significantly reduced the parking area available for patrons and staff at the public pool.

A joint work session between the City Council, Peirce Island Committee, and the Recreation Department/Board agreed that the Four Tree Island parking lot should be expanded.

The existing Four Tree Island parking lot was not provided with facilities to collect and treat stormwater runoff from the paved surface. Even though the parking lot expansion was planned to be temporary, the proximity of the parking lot to water, and the duration of its use (approximately four years), triggered specific regulatory requirements for stormwater treatment. To address these requirements, the City decided to use pervious pavement, which allows water to flow through the pavement into three feet of porous material underneath. This material provides stormwater treatment by allowing the stormwater to infiltrate into the ground. Pervious pavement is a best management practice, having minimal impact and taking a "green" approach to stormwater treatment.

The cost for constructing pervious pavement is more than conventional pavement replacement because none of the original material is re-used as a base for new pavement. There are also costs for deeper excavation, material removal, and the materials underneath the permeable pavement.

As a result of this project, the larger parking area has improved the quality of stormwater runoff released to the surrounding environment.

Improved drainage facilities were also installed in the grass overflow parking area adjacent to the City's boat ramp. This area is also being used for temporary parking for patrons of the public pool. The parking lot paving and landscaping improvements will last beyond the time frame of this construction project, and can stay in place if the City Council wants to make it permanent. Construction began the week of May 8th and was completed on June 16th.

In an effort to help visitors and citizens with parking needs and questions while visiting the public pool, playground and Four Tree Island, the City has employed three staff members to serve as "Ambassadors." John, Deb and Dwayne, pictured below, are providing outstanding service. They will be on-site during the summer pool schedule. So far, the pool has operated successfully, with no problems reported.



PUBLIC CONSTRUCTION TOUR

JUNE 20, 2017

Page 6

A public tour of the Peirce Island WWTF construction site was held on Tuesday, June 20, 2017, starting at 6:00 p.m. Approximately 35 people participated in the tour. Facilities and areas highlighted on the tour are shown below. Architectural renderings of the buildings viewed on the tour are available on the City's project web page. <http://www.portsmouthwastewater.com/resources.html>. The City anticipates holding similar tours every year in June as the project progresses.

PUBLIC CONSTRUCTION TOUR STOPS:

Tour Stop No. 1 Headworks Building

Tour Stop No. 2 Grit Chambers, Primary Clarifiers, Gravity Thickeners and Solids Building

Tour Stop No. 3 Sanitary Pump Station, Revetments and Outfall

Tour Stop No. 4 Electrical Building, Generator, Chlorine Contact Tank and Operations / Lab Building

Tour Stop No. 5 Biological Aerated Filter (BAF)



Headworks Building Perspective



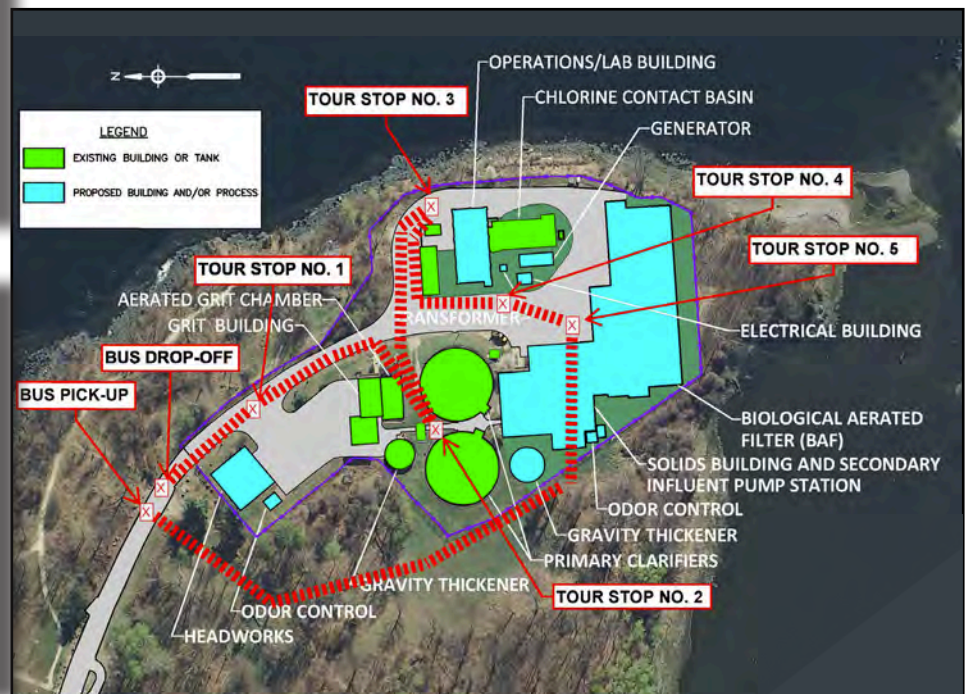
Solids Building Perspective



BAF Building Perspective



Operations / Lab Building Perspective



PUBLIC MEETINGS & COMMENTS

To foster communication with the public and business owners during the four year construction period, monthly public meetings have been held since starting the project. Meetings with City staff, the Contractor, and other officials involved in the project, have been moved to Conference Room A at City Hall. Meetings are held on the third Wednesday of each month at 11:00 a.m. A recorded broadcast of each meeting will still be available on the City's YouTube channel, with presentations and notes available on the Wastewater web page under Public Meetings.

As the construction season remains at peak level, City staff continue to address citizen concerns. Topics addressed during the second quarter included: the intersection configuration at Mechanic Street and Marcy Street, construction traffic traveling in the wrong direction on Court Street, and general construction traffic on designated routes.

To file a complaint, or log an issue related to the WWTF upgrade, please complete a Report Form online at the City's project web page, <http://www.portsmouthwastewater.com/piupgrade-form.html>. There have been 24 reports through the website since construction began in September 2016.

LEGAL UPDATE

Page 7

Late last year, a small number of Portsmouth residents opposed to the Peirce Wastewater Treatment Facility (WWTF) Upgrade brought a Clean Water Act claim against the Environmental Protection Agency, the State of New Hampshire and the City of Portsmouth (the defendants). This action is pending in the United States District Court for the District of New Hampshire.

Each defendant has filed a motion to dismiss the action. A hearing on these motions was held May 15, 2017. No order from the Court has been issued and there is no other activity in the case at this time.

Outside counsel fees to defend the action total over \$117,000. Outside counsel was engaged given both the nature of the federal claim and the potential damages from wrongfully stopping the project, which could result in the loss of millions of dollars.

CONSENT DECREE (CD) MITIGATION UPDATE:

The City continues to meet its obligations and deadlines outlined in the Consent Decree, Second Modification. Provided in the table below are mitigation initiatives outlined in the CD and a brief update on each.

CONSENT DECREE MITIGATION INITIATIVES

Consent Decree, Second Modification, No. 09-cv-283-PB, Paragraph 8

<http://www.portsmouthwastewater.com/September2016ConsentDecreeSecondModification.pdf>

- a) Interim Enhanced Primary Treatment: The Chemically Enhanced Primary Treatment (CEPT) Optimization Study Work Plan was submitted to EPA on March 13, 2017, and approved on March 30, 2017. The field data collection work is nearly complete.
- b) Nitrogen Removal: Beginning June 1, 2020, the EPA mandated specific seasonal average total nitrogen effluent concentrations and monthly average total nitrogen effluent concentrations for the Peirce Island WWTF.
- c) Stormwater Project: The City will implement a green infrastructure project(s) using innovative low-impact development approaches to significantly reduce stormwater pollution from one or more existing sites. The City is proposing improvements at the recently purchased property behind the Department of Public Works. The specific improvements are still in development and will be detailed in later reports. Work in this area will help to improve runoff water quality and will benefit Sagamore Creek.
- d) Sagamore Avenue Sewer Extension Project: Implement a sewer extension project to provide public sewer service to approximately 83 existing parcels adjacent to or near Sagamore Avenue. Construction shall begin no later than June 30, 2020, and shall be substantially completed on or before June 30, 2022. The preliminary design phase of the project will begin in the fall of 2019.
- e) Water Quality and Ecosystem Health Project: The City will provide funding to support activities that advance water quality in the Great Bay Estuary. Deputy City Attorney Suzanne Woodland and City Engineer Terry Desmarais submitted a memorandum on Consent Decree Mitigation Funding dated July 5, 2017. The memorandum was previously provided to City Council in the July 10, 2017 packet.
<http://www.cityofportsmouth.com/agendas/2017/citycouncil/cc071017cp.pdf>

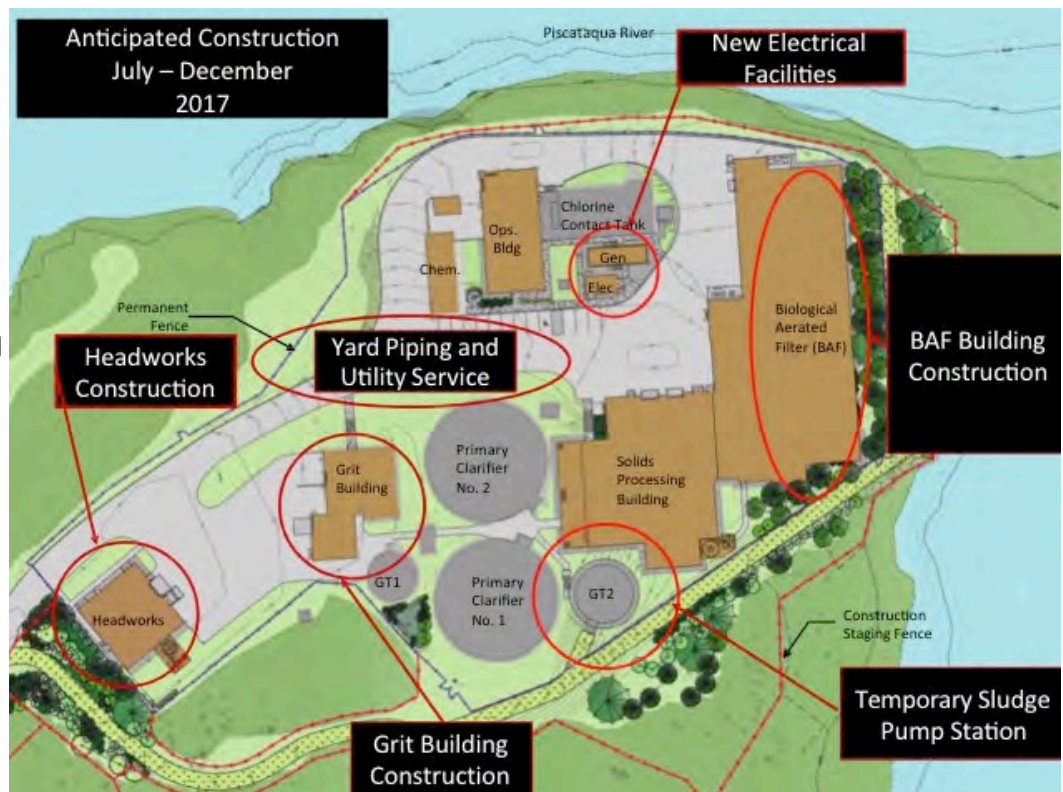


PROJECT SCHEDULE & UPCOMING WORK

| CONSTRUCTION PROJECT SCHEDULE MILESTONES | | |
|--|------------|-------------|
| Milestone | Date | Status |
| Execute Contract to Construct Upgrades | 09/01/2016 | Complete |
| Submit Two Additional Milestones for EPA Review and Approval | 12/01/2016 | Complete |
| Additional Milestone 1: Transfer of the existing SCADA system to the new Headworks Building | 11/21/2017 | On Schedule |
| Additional Milestone 2: Start-up and testing of the Secondary Influent Pump Station in the new Solids Building | 05/09/2019 | On Schedule |
| BAF Substantial Completion | 12/01/2019 | On Schedule |
| Achieve Compliance with NPDES Permit Limits | 04/01/2020 | On Schedule |
| Substantial Completion | 05/31/2020 | On Schedule |
| Final Completion | 08/30/2020 | On Schedule |

CONSTRUCTION FOR THE NEXT SIX MONTHS WILL BE FOCUSED ON THE FOLLOWING FACILITIES AND BUILDINGS:

- Headworks Building: including Milestone No.1 to transfer existing SCADA system to new Headworks Building
- Grit Building modifications
- BAF Building construction
- Set up temporary trailers and utilities for staff at pool parking lot
- Demolition of existing Administration Building
- Solids Processing Building: begin excavation and yard piping
- Yard piping and utility service
- Stormwater treatment infrastructure
- Limited site paving
- New electrical facilities: Electrical Building, Generator and Transformer
- Temporary Sludge Pump Station at Gravity Thickener No. 2



QUARTERLY REPORTS ARE PREPARED BY
THE DEPARTMENT OF PUBLIC WORKS



**CITY OF PORTSMOUTH
LEGAL DEPARTMENT
MEMORANDUM**

DATE: AUGUST 29, 2017

TO: NANCY COLBERT PUFF, ACTING CITY MANAGER

FROM: ROBERT P. SULLIVAN, CITY ATTORNEY
PETER BRITZ, ENVIRONMENTAL PLANNER

RE: COAKLEY LANDFILL GROUP

In response to your request for an update concerning matters involving the Coakley Landfill Group please be advised that the Group has operated over the past several months in its normal fashion holding Executive Committee teleconferences on June 20 and August 17. At these meetings routine actions were taken, including payment of bills, communications with federal and state agencies and other compliance activities under the Federal Consent Decrees.

An item worthy of note is that on August 17, 2017 the Coakley Landfill Group held its meeting at the Town Hall in North Hampton in response to a request from the Selectboard of that Town. This was the first time a Coakley meeting had been held outside of Portsmouth.

In terms of field activities, in May 2017 the Group completed Ground Water, Surface Water and Sediment Sampling for Contaminates of Concern in addition to specific emerging contaminants requested by the agencies. The testing continues to show that no one is drinking water at any unsafe level of contaminants produced by the Coakley Landfill. The next sampling round will be conducted in September 2017.

On September 21, 2017 the full Executive Committee of the Coakley Landfill Group will be meeting with EPA and NHDES at the EPA's Laboratory in Chelmsford, MA. At that time, it is expected that the Group will hold substantive discussions with the Agencies concerning an expansion of Group responsibilities related to emerging contaminants such as PFCs. Subsequent to that meeting we would propose that we provide an update of Coakley activities to the City Council in public session.

cc: Coakley Landfill Group



City of Portsmouth

Inspection Department
(603) 610-7243

Robert T. Marsilia, Chief Building Inspector
Paul J. Garand, Assistant Building Inspector
Brian P. Kiely, Plumbing/Mechanical Inspector
John Plourde, Electrical Inspector

Annual Report for FY 2017 (Period July 1, 2016 to June 30, 2017) **(With Comparison to Previous FY)**

| 2017 Permit Data: | | 2016 Permit Data: | |
|------------------------------|---------------|-------------------------------|----------------|
| Residential | 2,013 | Residential | 1,929 |
| Commercial | 1,246 | Commercial | 1,157 |
| Total Permits Issued: | 3,259 | Total Permits Issued: | 3,086 |
| Total Fees Collected: | \$1,014,996 | Total Fees Collected: | \$ 1,020,583 |
| Total Construction Value: | \$134,395,844 | Total Construction Value: | \$ 126,249,200 |
| Inspections Performed (est): | *4,930 | Inspections Performed (est.): | *4,408 |

Narrative: Year-end figures confirmed the continuation of a trend of ever increasing construction activity as compared to the previous year with the total number of permits issued up by 6% and construction value also up by 6%. Permit fees collected remained level at over one million dollars collected for the year (second year in a row of one million +). Additionally, the total number of inspections performed was also up significantly from the previous year (up 12%). *It is important to note that the total number of inspections represents inspections related to issued permits only. In addition to those, inspection staff regularly conducts complaint related inspections, pre-permit and informational inspections as well as proactive inspections which are conducted as part of the Special Projects initiative.

The much anticipated new permitting software was introduced starting in March. The new system (View Point) is a cloud based, on line system which allows an applicant to apply for and once approved by planning and inspection staff, pay for and print out the permit from anywhere, thus eliminating the need to come to City Hall for these functions. Early feedback from users as well as city staff has been largely positive and its implementation has greatly improved the efficiency and timeliness of the application, review and issuance process.

A significant increase in the number of new residential units took place this year with a total of 190 new units permitted as compared to 45 for the previous year (data based on calendar year and includes units in multi-family, mixed use and new single family buildings). Some of the larger projects which contributed to this record breaking increase included; 2454 Lafayette Road, *new construction of 95 unit apartment building*, 55 Jewel Court/Brewery Lane, *complete rehab of the former Frank Jones complex which includes a total of 68 new residential units*, 150 Route 1 Bypass, *new construction of 30 residential condos*.

Continuing Education/Staff Training: Last December, chief inspector Marsilia attended a week long code update training based on the 2015 ICC Code Editions. All inspectors took part in various training and informational seminars as part of maintaining current certifications and licenses.

Special Projects: Inspection staff continued working with Fire Prevention in conducting proactive inspections of commercial properties (office parks, multi-unit apartment buildings, retail malls) to insure compliance with all applicable codes. Many were found to have outdated or non-existent life safety systems. In those cases, third party reports are required dealing with suggested updates which are then implemented according to an agreed upon schedule. Current examples of this include; The Button Factory (ongoing), The Portsmouth Athenaeum (ongoing), Orchard Park Office Park (ongoing), Lafayette Professional Park (ongoing), Malthouse Exchange Retail Mall (ongoing), and Water Country Amusement Park (ongoing).

The State of NH has not yet adopted the 2015 edition of the ICC Model Codes. It is not known when this will occur consequently, the City Council will be asked to formally adopt the 2009 edition of the ICC codes which were ratified by the State in 2012. Additionally, the Chief Building Inspector will be preparing a list of requested changes to the current City Building Code amendments to reflect current requirements and to be consistent with the State with regard to current code editions.

Respectfully Submitted,



Robert Marsilia, CBO

Chief Building Inspector
City of Portsmouth, NH
1 Junkins Ave, 03801
rtmarsilia@cityofportsmouth.com
603-610-7261



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information.
Please submit resume' along with this application.



Committee: Library Board of Trustees

Name: Richard Katz Telephone: 603 436 1525

Could you be contacted at work? YES ☒ NO ☐ If so, telephone# Retired

Street address: 59 Kensington Rd., Portsmouth NH.

Mailing address (if different): _____

Email address (for clerk's office communication): CT 4270@comcast.net

How long have you been a resident of Portsmouth? 33 years

Occupational background:

construction supervisor
construction contractor

Please list experience you have in respect to this Board/Commission:



Have you contacted the chair of the Board/Commission to determine the time commitment involved? ☒ YES ☐ NO

Would you be able to commit to attending all meetings? ☒ YES ☐ NO

Reasons for wishing to serve: contributor to library building fund
long term user of library facilities

Please list any organizations, groups, or other committees you are involved in:

Delegate at large - Portsmouth Democratic Party

Please list two character references not related to you or city staff members:
(Portsmouth references preferred)

1) Robert Thoresen 100 Kensington Rd Portsmouth NH
Name, address, telephone number 436-6721

2) Jerry Zelner 70 Kensington Rd. Portsmouth NH
Name, address, telephone number 436-1074

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

1. This application is for consideration and does not mean you will necessarily be appointed to this Board/Commission; and
2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature: Richard Katz Date: August 14, 2017

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes ☐ No ☐

Please submit application to the City Clerks Office, 1 Jenkins Avenue, Portsmouth, NH 03801

6/27/2012

Richard Katz
59 Kensington Road
Portsmouth, NH 03801
603-436-1525
Email: ct4270@comcast.net

CIVIC EXPERIENCE:

- 2014
2007-~~Present~~ **Portsmouth Historic District Commission** Portsmouth, NH
Vice-Chairman
- Review, discuss, and vote on applications for new construction, additions, and alterations to structures located within the Portsmouth Historic District
 - Conduct and manage meetings in the absence of the chairman
- 2006-2007 **Mayor's Blue Ribbon Committee on Board and Commission Appointment Process** Portsmouth, NH
Member
- Considered the application of term limits to appointed members of city land use boards and commissions
 - Provided recommendations to city council
- 2014
1998-2007 **Portsmouth Historic District Commission** Portsmouth, NH
Member
- Reviewed, discussed, and voted on applications for new construction, additions, and alterations to structures located within the Portsmouth Historic District
- 1998 **Dog Owners Group of Portsmouth** Portsmouth, NH
Co-Founder
- Chaired initial organizational meetings
 - Selected delegates and officers
 - Determined policy
- 1997-1998 **Citywide Neighborhood Groups Steering Committee** Portsmouth, NH
Member
- Planned, organized, and scheduled activities and functions common to various neighborhood groups
- 1996-1998 **Lafayette Park Neighborhood Association** Portsmouth, NH
President
- Participated in the establishment of a neighborhood group to oppose the sale of the Lafayette School for private development
 - Conducted and managed weekly meetings
 - Interfaced and communicated with city officials on a regular basis
 - Published monthly newsletter
-

EDUCATION:

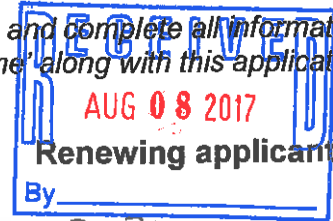
- 1966 **Kent State University, Bachelor of Arts (Political Science)** Kent, OH



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information
Please submit resume' along with this application



Committee: Library Board of Trustees

Name: Stephanie Hausman Telephone: 603.531.3609

Could you be contacted at work? YES/NO - If so, telephone# 603.224.1236

Street address: 86 Morning St.

Mailing address (if different): _____

Email address (for clerk's office communication): stephtam@hotmail.com

How long have you been a resident of Portsmouth? 13 years

Occupational background:

lawyer

Would you be able to commit to attending all meetings? YES/NO

Reasons for wishing to continue serving: _____

I appreciate our library, it's resources, & programs so much, I want to continue supporting its important work.



Please list any organizations, groups, or other committees you are involved in:

Professional Conduct Committee, Attorney Discipline Office
NH Bar Association Committee on Cooperation w/ the Courts
New Franklin School Parent-Teacher Organization

Please list two character references not related to you or city staff members:
(Portsmouth references preferred)

1) Tanna Clows, 79 Haven Rd., 603.303.8547
Name, address, telephone number

2) Kelly Cioe, 44 Melbourne St., 603.436.2347
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

1. This reappointment application is for consideration and does not mean you will necessarily be reappointed to this Board/Commission; and
2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature:  Date: 8/6/17

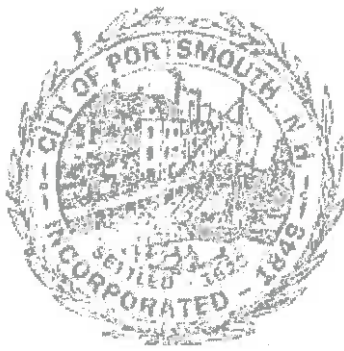
CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 10-1-2020

Annual Number of Meetings: 8 (2016) Number of Meetings Absent: 1

Date of Original Appointment: 10/6/2017

Please submit application to: City Clerk's Office, 1 Junkins Avenue, Portsmouth, NH 03801



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information
Please submit resume along with this application



Committee: BOARD OF LIBRARY TRUSTEES

Name: DONALD S. MARGESON Telephone: (603) 436-6140

Could you be contacted at work? YES/NO - If so, telephone # N/A (RETIRED)

Street address: 24 MARCY STREET / PORTSMOUTH NH 03801-4651

Mailing address (if different): _____

Email address (for clerk's office communication): donaldsmargeson@gmail.com

How long have you been a resident of Portsmouth? 5 years (also resident from birth through PHS graduation, - 17 1/2 years)

Occupational background:

Member of the nonpartisan professional staff to the New Jersey Legislature in Trenton, 1977 - 2012. Served as committee aide (23 years) and section supervisor (7 years).

Would you be able to commit to attending all meetings? YES NO

Reasons for wishing to continue serving: The Portsmouth Public Library contains resources for research and pleasure reading, offers staff-led computer education classes, hosts lectures by experts on wide range of subjects, provides meeting space for community groups, and in so many ways acts with the school system as the civic heart of Portsmouth. Service as a trustee has been a gratifying way to support the Library. And because the PPL is blessed with excellent management and staff, it's been a pleasure as well.

6/27/2012



Please list any organizations, groups, or other committees you are involved in:

- Portsmouth Athenaeum, Proprietor (since 1994) and volunteer (member of Publications Committee)
- Portsmouth Democrats Executive Committee (as ward chair)
- Ward 5 Clerk (for conduct of elections)

Please list two character references not related to you or city staff members:
(Portsmouth references preferred)

- 1) Louise McCray / 15 Haven Road / Portsmouth NH 03801 / (603) 433-5594
Name, address, telephone number
- 2) Stephen Erickson / 257 Austin Street / Portsmouth NH 03801 / (603) 427-5027
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

1. This reappointment application is for consideration and does not mean you will necessarily be reappointed to this Board/Commission; and
2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature: Arnold P. Mangione Date: August 16, 2017

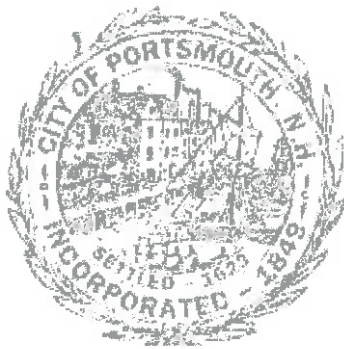
CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 10/1/2020

Annual Number of Meetings: 8 ₂₀₁₆ Number of Meetings Absent: 0

Date of Original Appointment: 10/6/2014

Please submit application to: City Clerk's Office, 1 Junkins Avenue, Portsmouth, NH 03801

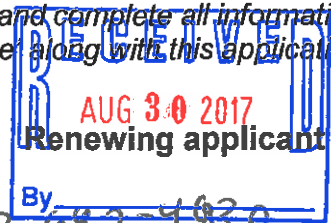


CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information
Please submit resume along with this application

Committee: Economic Development Commission



Name: Sarah Lachance Telephone: 603-682-4830

Could you be contacted at work? YES/NO ☒ If so, telephone # _____

Street address: 316 COOLIDGE DRIVE

Mailing address (if different): —

Email address (for clerk's office communication): SLACHANCE@GMAIL.COM

How long have you been a resident of Portsmouth? 18 years

Occupational background:

17 years - IBM Software Development
21 year - Liberty Mutual Insurance, Development Security
Product Owner

Would you be able to commit to attending all meetings? YES/NO ☒

Reasons for wishing to continue serving: I have enjoyed my brief tenure
on the EDC and would like to continue to serve my
community in this capacity. I fulfilled the remainder of an
existing term and would like a longer tenure to grow
my participation, experience and influence

Please list any organizations, groups, or other committees you are involved in:

Portsmouth Halloween Parade, ward 4 ntg clerk

Please list two character references not related to you or city staff members:

(Portsmouth references preferred)

1) Joshua Cyr, 990 Maplewood Ave, 602-222-0667
Name, address, telephone number

2) Kathleen Soldati, 10 Middle Street, 603-767-3210
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

1. This reappointment application is for consideration and does not mean you will necessarily be reappointed to this Board/Commission; and
2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature: Sen Leun Date: Aug 18, 2017

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 10/1/2020

Annual Number of Meetings: 2017 Number of Meetings Absent: 1

Date of Original Appointment: 01/09/2017

Please submit application to: City Clerk's Office, 1 Junkins Avenue, Portsmouth, NH 03801

Resignation

August 23, 2017

City of Portsmouth
Mayor's Office, 1 Junkins Ave,
Portsmouth, NH 03801

Dear Mayor Blalock,

I am regretfully tendering my resignation from the City of Portsmouth's Cable and Communications Commission effective September 1, 2017. This is due to my relocation outside of the geographic area in the very near future.

It has been a pleasure to work on this Commission.

Thank you,



Amy E. Burns

57B Albacore Way
Portsmouth, NH 03801
burnswoods@gmail.com
617.694.8624

cc:

Richard Winstanley, Commissioner,

Suzanne Woodland, Legal Department

Wednesday, August 30, 2017

To: Portsmouth City Council
From: Jim Splaine, Citizen Activist

On the City Council Agenda for our Tuesday, September 5th meeting, I will offer the following motion:

"That the city immediately stop using toxic chemicals in public places, that it encourage toxin-free property maintenance for all new developments, and to provide an educational program for all property-owners on safe, proven organic property maintenance. We aspire to lead the way to make Portsmouth the first non-toxic community in New Hampshire."

We need not continue to use ANY toxins in weed control programs. We have to avoid any potential public risks with their use. There are natural alternatives, and we must commit to use alternative methods.

Three months ago when I brought this issue up, I asked that the Portsmouth Conservation Commission give us their recommendation.

In their July 5, 2017 report back on herbicide use, the Conservation Committee wrote:

"The long-term cost of pesticide use can harm the soil ecosystem, they kill non-target species, they move up the food chain harming many non-targeted species, and ultimately can harm humans. The Commission encourages the City to aggressively pursue the use of natural alternatives and approaches such as integrated pest management."

"While the City's approach is important and should stand as a model it is also important for residents and businesses in the City to understand these tradeoffs when managing their property. An outreach campaign to educate Portsmouth citizens on the use of pesticides and the alternatives available to property owners would be equally important given the ready access to pesticides at yard and garden centers."

The Portsmouth Conservation Commission is offering leadership on this important issue. As a City Council, we must commit our staff to implement non-toxic natural strategies for weed and pest control, immediately. We cannot continue to poison our soils and our air, nor continue to spend taxpayer funds on unnecessary toxic products.

Memo

TO: Mayor Blalock and Portsmouth City Council
FROM: Steve Miller, Conservation Commission Chair and members
CC: John P. Bohenko, City Manager
Peter Rice, Director of Public Works
DATE: July 5, 2017
SUBJ: Request for Report Back on Herbicide Use



At the June 14, 2017 Meeting of the Conservation Commission the Commission reviewed the City's Weed Control program as outlined in the memo from Peter Rice dated April 12, 2017. The Conservation Commission understands the need for weed control and supports the City's efforts to find non-toxic alternatives.

Pest management based solely on the use of synthetic chemicals is not a good long-term strategy. The long-term cost of pesticide use can harm the soil ecosystem, they kill non-target species, they move up the food chain harming many non-targeted species, and ultimately can harm humans. The Commission encourages the City to aggressively pursue the use of natural alternatives and approaches such as integrated pest management.

While the City's approach is important and should stand as a model it is also important for residents and businesses in the City to understand these tradeoffs when managing their property. An outreach campaign to educate Portsmouth citizens on the use of pesticides and the alternatives available to property owners would be equally important given the ready access to pesticides at yard and garden centers.

The Conservation Commission applauds the efforts of the DPW for testing and utilizing alternatives and supports this approach going forward.

The Arts Reinvestment Agreement

The City of Portsmouth (City), a municipal corporation with a principal place of business at 1 Junkins Avenue, Portsmouth, County of Rockingham and State of New Hampshire, and Art-Speak, a charitable nonprofit with a principal place of business at 1 Junkins Ave., Portsmouth, County of Rockingham and State of New Hampshire, enter into this agreement for the purposes contained herein:

WHEREAS Art-Speak is a private organization which was created by its members to act on behalf of the City of Portsmouth on cultural matters;

WHEREAS Art-Speak was charged by the City of Portsmouth with implementing the cultural plan developed by the Mayor's Blue Ribbon Commission on Arts and Culture adopted by the City Council and incorporated into the City's Master Plan;

WHEREAS Art-Speak has quantified the economic impact (and specifically expenditures on parking for cultural events) from the City's non-profit arts and cultural institutions through participation in the Americans for the Arts Economic Prosperity Study;

WHEREAS Art-Speak seeks financial support with administrative functions necessary to support, advocate for and market the City of Portsmouth as a cultural destination; and,

WHEREAS the City desires the services of Art-Speak to act as liaison between the City and the Community on arts and cultural matters;

Now therefore, the City and Artspeak agree as follows:

Subject to the terms of this Agreement, the municipal chapter and state law the City of Portsmouth will reinvest funds generated by cultural event parking back into programs that will protect and nurture the cultural community in the City. Investing resources into this \$58 million¹ economic driver will ensure that Portsmouth continues to be the cultural hub of northern New England, and support the individuals and organizations that make the area an attractive location to visit, live, and work. This agreement outlines how the City will empower its Cultural Commission (Art-Speak) through an ongoing financial commitment.

Funding Amount:

The City agrees to pay to Art-Speak an amount to be determined on an annual basis through the municipal budget process by reference to parking revenues generated by cultural venues each fiscal year. In determining the amount to be paid to Art-Speak, the City may reference the 2016 data from the Americans for Arts Economic Impact Study as well as any other source of information deemed relevant to the City. It is anticipated that the annual funding amount will be approximately 1% of the amount determined by the City to represent Cultural Event Parking revenues².

¹ 2016 American for the Arts Economic Prosperity Study

² NOTE: State law prohibits the direct allocation of on street parking revenue for any private purpose.

Use of Funds:

Art-Speak will use the funds on programs that primarily serve the cultural community and continue its mission (last outlined in the 2002 City Cultural Plan). The primary areas of focus will be marketing the City as a cultural destination, promoting and managing the public arts fund, advocating for the cultural community, and consulting with the city on cultural matters. (See attached Scope of Services for FY 18).

Payment of Funds:

An invoice for half of the annual amount determined by the municipal budget process shall be submitted on July 1 and January 1 of each year. A proposed budget and use of funds shall be included with the July 1 invoice.

Record Keeping:

Art-Speak will record and report all financial transactions and provide the same to the City annually on April 15 along with a copy of its IRS 990 form and a copy of any financial audit which exists.

All books and records of Art-Speak shall be available for review by the City at any time by request.

Term and Renewal Option:

The term of this agreement is July 1, 2017 to June 30, 2020 at which time the City and Art-Speak will discuss renewal of the agreement.

Miscellaneous:

1. This Agreement may be amended, waived, or discharged only by an instrument in writing signed by the parties hereto.
2. This Agreement shall be deemed to have been entered into in the State of New Hampshire and shall be construed in accordance with the laws of the State of New Hampshire.
3. Either party may terminate this Agreement without cause upon six (6) months written notice to the other party.
4. This Agreement, which may be executed in a number of counterparts, each of which shall be deemed an original, constitutes the entire Agreement and understanding between the parties and supersedes all prior agreements and understandings relating hereto.
5. Any notice by a party hereto to the other party to this Agreement shall be provided as follows:

To City of Portsmouth
Attn: City Manager
City of Portsmouth
1 Junkins Ave.
Portsmouth, NH 03801

To Artspeak
Attn: Executive Director
Art-Speak
1 Junkins Ave.
Portsmouth, NH 03801

Executed this _____ day of _____, 2017.

The City of Portsmouth, New Hampshire

Art-Speak

John Bohenko, City Manager
Per vote of the City Council on
_____, 2017

Mike Teixeira, Board President

DRAFT



- **Increased Marketing** Through ATBH (addresses the #1 need of community)
 - Content production - \$20k per year (roughly \$1600 per month)
- **StreetCanvas Liaison** (To research, approach property owners and nurture the project)
 - \$15k per year for freelance salary
 - \$5k operating budget
- **Educational Blog Writer** (Primary goal is to write educational art posts on art-speak.org)
 - \$21.6k per year
- **AFTA & Administrative Asst.** (Someone spread AFTA info, handle correspondence, follow-up, book appointments etc)
 - \$15k per year - 20 hours a week @ \$15 per hour
- **2017-2018 Innovation Project** (a line item each year to try a new initiative)
 - Year One: \$20k - Ticket Kiosk

Yearly Total: \$97k